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(03/04/1987-10/09/1987) [Action Items]

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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** LATIN AMERICAN AFFAIRS DIRECTORATE, NSC:  
RECORDS

**Withdrawer**

DLB 1/31/2005

**File Folder** CHILE - 1987 (03/04/1987-10/09/1987) [ACTION ITEMS]

**FOIA**

F95-028/5

**Box Number** ACT 3

KOMISAR

41

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
3628	MEMO	RICHARD SCHIFTER TO AMBASSADOR KEYES, RE: UNHRC CHILE RESOLUTION <b>R 10/21/2010 F1995-028/5</b>	1	3/4/1987	B1
3629	MEMO	JACKIE TILLMAN TO JOSE SORZANO, RE: CHILE AND FREE ELECTIONS POLICY	3	ND	B1
3630	MEMO	GRANT GREEN TO NANCY RISQUE, RE: TALKING POINTS ON CHILE	1	5/14/1987	B1
3631	TALKING POINTS	RE: CHILE <b>R 5/9/2023 NLSF95-028/1 #28, SMF, 5/4/1999</b>	1	ND	B1
3632	MEMO	JOSE SORZANO TO WAYNE ARNY, RE: KENNEDY AMENDMENT/CHILE	1	7/8/1987	B1
3633	LETTER	PINOCHET TO REAGAN, RE: BICENTENNIAL OF CONSTITUTION, NON-OFFICIAL TRANSLATION <b>R 5/9/2023 NSC/DEPT. OF STATE WAIVERS</b>	2	9/8/1987	B1
3634	LETTER	SAME AS DOCUMENT #3633, IN SPANISH <b>R 5/9/2023 NSC/DEPT. OF STATE WAIVERS</b>	2	9/8/1987	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.



United States Department of State

Washington, D.C. 20520

3628

8

CONFIDENTIAL  
MEMORANDUM

March 4, 1987

TO: IO - Ambassador Keyes  
FROM: HA - Richard Schifter *RS*  
SUBJECT: UNHRC Chile Resolution

I have heard the statement made yesterday that our difficulty in fighting against the Mexican 1987 UNHRC Chile Resolution is that it is like the 1986 U.S. UNHRC Chile Resolution. Before that allegation is accepted as revealed truth, it is vital to set the record straight.

I urge you most strongly to compare the two texts. You will find that Mexico has indeed used the U.S. 1986 text as its point of departure. However, throughout the Resolution you will find time again changes in wording, sometimes merely slight twists, and sometimes major changes, which have significantly altered the tone and basic thrust of the text, so as to make it unacceptable to us. This, of course, compounds the problem presented by the fact that the Mexican text fails to deal appropriately with the events which transpired during the last year.

I would be grateful if you could see to it that your bureau and the U.S. Delegation to the UNHRC stress the foregoing points in any discussions with delegations from other member states of the UNHRC.

cc: ARA - Mr. Abrams  
✓ NSC - Ambassador Sorzano  
UNHRC - Ambassador Wallach  
AmEmbassy Chile - Ambassador Barnes  
ARA - Mr. Gelbard  
IO - Ms. Genero  
ARA/SC - Mr. Swigert  
IO/HW - Mr. Jacobs  
USUN - Mr. Anselem

CONFIDENTIAL  
DECL: OADR

DECLASSIFIED  
NLRR F95-028/5 #3628  
BY RW NARA DATE 10/21/10

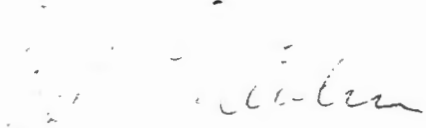
THE WHITE HOUSE  
WASHINGTON

March 24, 1987

Dear Ambassador Errazuriz:

Thank you for sending a copy of your government's recently promulgated political parties law to me. We hope it will make a positive contribution to a transition to democracy in Chile.

Sincerely,

  
Frank C. Carlucci


The Honorable  
Hernan Felipe Errazuriz  
Ambassador of Chile  
Embassy of Chile  
1732 Massachusetts Avenue, N.W.  
Washington, D. C. 20036

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

ACTION

March 23, 1987

MEMORANDUM FOR FRANK C. CARLUCCI

FROM: JOSE S. SORZANO 

SUBJECT: Letter from Chilean Ambassador

The Chilean Ambassador to the U.S. has sent you a copy of the political parties law that the Government of Chile has recently issued. We have drafted a short reply.

RECOMMENDATION

That you sign your letter to the Chilean Ambassador.


Approve         

Disapprove         

Attachments

Tab I Letter to Chilean Ambassador

Tab II Letter from Chilean Ambassador

Prepared by:  
Jacqueline Tillman 

EMBASSY OF CHILE

1732 MASSACHUSETTS AVENUE N.W.

1858

WASHINGTON, D.C. 20036

OFFICE OF THE AMBASSADOR

March 12, 1987

The Honorable  
Frank Carlucci  
National Security Adviser  
The White House - Room G/WW  
1600 Pennsylvania Ave. N.W.  
Washington, D.C., 20500

Dear Mr. Carlucci:

The Chilean Government has fulfilled its constitutional commitment and enacted the nation's first Political Parties Law.

The law was drafted after three years of study and discussion by constitutional and legal experts, political leaders and government officials. Suggestions from the general public also were encouraged and incorporated into the final text.

The result is a law that is remarkable for its thoroughness and modernity. Clear, concise rules are provided for the establishment and functioning of political parties and, most importantly, democracy within the parties is strengthened by making full participation of the membership mandatory in major decisions.

The law marks an important new stage in the Chilean process of transition to democracy. In conjunction with previous steps, such as the enactment of the Election Registration Law and the law setting up the Election Qualifying Tribunal, the Political Parties Law will provide a solid foundation for a new, stronger Chilean democracy.

Anticipating less than complete coverage of this event by the international media, we would like to make this unofficial translation of the law available to you so that you can make up your own mind about its significance in the history of our country.

Sincerely,

  
Hernan Felipe Errazuriz  
Ambassador

REPUBLICA DE CHILE  
MINISTERIO DE RR.EE.  
EMBAJADA DE CHILE  
WASHINGTON, D. C. 20036

Republic of Chile

(NON-OFFICIAL TRANSLATION)

CONSTITUTIONAL ORGANIZATION LAW  
ON POLITICAL PARTIES



TITLE I

On political parties, activities appropriate to them, and their scope of action.

Article 1 Political parties are voluntary, legally incorporated associations of citizens who share a political doctrine, the goal of which is to contribute to the functioning of a constitutional, democratic regime and to exercise legitimate influence in the conduct of the Government, so as to attain the common good and serve the national interest.

Article 2 Activities appropriate to political parties are only those which lead to obtaining constitutional access for their candidates to popularly elected public offices. To that end, and with the objective of placing the principles and postulates of their programs in practice, they may participate in elections and plebiscites in the manner determined by the applicable Constitutional Organizational Law. They may also, through a duly accredited representative with the right to voice alone, attend the activities of the Election Registration Committees established by Law 18,556, in the manner determined by the Director of Electoral Services.

Political parties may also:

- a) present to the nation's citizens declarations of their principles and policies and proposals for conducting the Government; and to the citizens and authorities established by the Constitution and Law, their initiatives and criteria for action in matters of public interest;
- b) cooperate, at the request of Senators and Congressmen, with tasks undertaken by the latter;
- c) assist in the preparation of citizens capable of assuming public responsibilities;
- d) carry out other activities complementary to the above and not expressly prohibited by the Constitution or the Law.

The provisions of the preceding paragraphs shall not impede natural persons from presenting independent candidacies for popular elective office. Neither shall it impede natural or corporate persons from making their opinions on the conduct of the government and other matters of public interest known to the citizens and authorities established by the Constitution and Law or from undertaking activities mentioned in letters b) and c) of the second paragraph, so long as the scope and habituality of such activities do not imply the de facto functioning of organizations with the characteristics of political parties.



Parties must always attempt to defend the sovereignty, independence and unity of the Nation and contribute to the preservation of national security, the essential values of Chilean tradition and social peace. They may not subordinate their actions to foreign or international political organizations, governments or foreign interests.

Political parties may not intervene in the exclusive attributions of authorities established by the Constitution and Law, in the functioning of labor organizations or other intermediate groups or in the selection of their leaders.

Article 3 Political parties shall exist as such when they have been legally established in at least eight of the political Regions into which the country has been divided, or in a minimum of three Regions which are geographically contiguous.

In reference to the activities ennumerated in paragraph one of Article 2, the scope of political party actions shall be limited to those Regions where they are legally established.

## TITLE II

### Establishment of political parties

Article 4 Political parties shall be legally established by virtue of their registration in the Registry of Political Parties and shall enjoy legal status from that date.

Article 5 In order to establish a political party, its organizers, who must include at least one hundred citizens whose names appear in the Election Registries and who are not members of any other political party, either in existence or in formation, shall prepare a notarized public document containing the following information:

- a) complete identification of the organizers;
- b) declaration of the intent to establish a political party;
- c) name of the party and, if applicable, its seal, slogan and literal description of the symbol;
- d) declaration of the principles of the party;
- e) bylaws of the party;
- f) full names of members of the party's provisional Central Directorate and provisional Supreme Tribunal in accordance with the provisions of Articles 24 and 28, respectively; establishment of a common domicile for all these persons and provisions for their temporary or permanent replacement in the case of death, resignation, or temporary or permanent disability occurring before registration of the party. Members of the party's provisional Central Directorate and Supreme Tribunal must concur in the preparation of the notarized public document referred to in this paragraph.

Simultaneously with the preparation of the notarized public document, formal steps shall be taken to register the facsimile of the symbol, the seal and the slogan which

distinguish the party, if applicable.

Within three working days of the date of notarizing said public document, an authorized copy of that document, and of the act of registration mentioned in the preceding paragraph, if applicable, and a draft abstract of the information cited in this paragraph, shall be delivered by the party's provisional Central Directorate to the Director of Election Services. If the document contains all the information alluded to in the first paragraph of this Article, the Director shall order an abstract containing the information required by letters c) and f), a summary of the party's declaration of principles, and the place and date of notarization of the full document published in the Official Record (Diario Oficial) within fifteen working days of having received the petition. If not, he shall require the document to be amended as necessary. Publication shall be at the expense of the provisional Central Directorate.

From the date of publication, the party shall be understood to be in a state of formation, empowered to broadcast its doctrine and programming ideas through the media and call upon the citizens to affiliate themselves with it, publicizing the manner and deadline for joining.

The administration, and possible liquidation, of a political party in a formative stage shall be ruled by its bylaws.

Article 6 The political party in a formative stage may proceed to enroll members. It shall be allowed a period of two hundred ten days for that purpose. In each of the Regions in which the party is establishing itself the party must enroll a number of registered citizens equivalent to at least 0.5 percent of the electorate which voted in the last regular election of Members of Congress as certified by the Election Qualification Tribunal.

Enrolment in a political party in a formative stage is effected through a declaration made in writing before any notary of the Region by any citizen registered in the Election Registries, or before an official of the Civil Registry, if there is no notary in the town where the person is domiciled.

Declarations may be individual or collective; they shall contain, with respect to each member, his complete name, domicile, date of birth and national identity number. Each member must personally attest before the civil officer as to his citizenship and his registration in the Election Registry of the respective Region, declaring under oath that he is not affiliated with any other political party registered or in a formative stage and that he is not and has not been participating in the formation of any other political party during the last two hundred forty days.

The provisional Central Directorate may exclude, without giving cause, any prospective member who may have signed the declaration referred to in this Article. The citizen thus excluded shall not be considered affiliated with the party in any way.

Article 7 Once the requirements referred to in Articles 5 and 6 have been fulfilled, and the number of members alluded to in this Article enrolled in at least eight of the political Regions into which the nation is divided, or in a minimum of three

such Regions, should they be contiguous, the Director of Election Services shall be requested to register the Party in the Registry of Political Parties. Such petition shall be signed by the President and the Secretary of the political party in a formative stage.

Three calendar days after the expiration of the time period referred to in the first paragraph of the preceding Article, if the provisions of the preceding paragraph have not been complied with, the right to registration shall expire. The notary shall note that circumstance on the margin of the appropriate document upon instructions from the Director of Election Services.

The request for registration must be accompanied by the original or a photocopy authorized by a notary of the declarations called for in Article 6, in the form and manner determined for that purpose by the Director of Election Services. With these declarations a list of members shall be constructed.

Article 8 The complete name, the seal, the symbol and the slogan of one party may not be identical in appearance or show graphic or phonetic similarities with those of political parties already registered or in a formative stage; nor may they carry the name of or refer to persons living or dead.

The following shall not be accepted as names, seals, symbols or slogans:

- a) The national coat of arms, slogan or flag;
- b) Photographs or reproductions of a human face or which permit the identification of persons living or dead;
- c) Images contrary to morality, good customs or public order;
- d) Flags, uniforms, images, words or expressions, of national or foreign origin, recognizeably representative of parties, groups, movements or ideologies contrary to the Constitution or the Law.

Article 9 The Director of Election Services, within the five working days succeeding the presentation of the petition for registration and the supporting information referred to in Article 7, shall provide for the publication of the petition in the Official Record (Diario Oficial), at the cost of the party, mentioning the name, seal, symbol and slogan, if any, of the political party in a formative stage and of the notary and date where the document establishing the party was signed.

Any citizen, registered party or party whose petition is under consideration may require the Director of Election Services to furnish, at the cost of the petitioner, within three working days, an authorized photocopy of the list indicated in paragraph 3 of Article 7.

Article 10 Any registered party or political party in a formative stage may oppose the formation of another without thereby suspending the processing of its legal establishment. Such opposition must be in accordance with the provisions of Articles 254 and 255 of the Code of Civil Procedures; it must be written, carry the signature of the chairman of the party which formulates it and be presented to the Director of

Election Services within a period on one month counted from the date of the publication indicated in paragraph three of Article 5. The opposing party shall be considered as party to the suit.

The Director of Election Services shall notify the chairman of the political party in a formative state by certified letter of the fact that opposition to the establishment of his party has been formulated, including a copy of the presentation alluded to in the preceding paragraph and making note of it in the file he shall have established for that purpose. The affected party shall have ten working days in which to respond, without prejudice to the provisions of Articles 258, paragraph two, and 259 of the Code of Civil Procedures. Response shall be in accordance with Article 309 of the same Code.

If the Director of Election Services believes it necessary to initiate a probationary period in accordance with the provisions of Article 318 of the Code of Civil Procedures he shall declare it for a period of no more than fifteen working days.

Within the fifteen working days following the expiration of the time period specified in the second paragraph, or at the end of the probationary period, if applicable, the Director of Election Services shall pronounce on the opposition, accepting it or rejecting it in a justified resolution to be published within the following three working days in the Official Record (Diario Oficial). Such decision shall be subordinated to the provisions of Article 170 of the Code of Civil Procedures.

Article 11 In the same manner, any registered party or political party in a formative stage may oppose the petition referred to in Article 7, based on non-compliance with the provisions of Article 3, first paragraph, or with the requirements related to the number of members needed to establish a party. The opposition must comply with the same formalities specified in the preceding Article and must be presented to the Director of Election Services within a period on one month counted from the date of the publication indicated in paragraph one of Article 9.

Article 12 If there is opposition or not, within the fifteen working days following the expiration of the time period specified in the preceding Article, the Director of Election Services shall pronounce on the petition referred to in Article 7, accepting it or rejecting it in a justified resolution to be published within the following three working days in the Official Record (Diario Oficial).

In the case of opposition, he must resolve the issue of that opposition in the same resolution alluded to in the preceding paragraph.

Article 13 Acceptance of the opposition, or rejection of the petition, may be based only on non-compliance with any of the provisions of Articles 3, 5, 6, 7, 8, 18 or those of Title IV, as appropriate.

Resolutions accepting or rejecting the petition or the opposition may be appealed to the Election Qualification Tribunal, by the petitioners and any party registered or in the process of formation which has formulated its opposition in a valid manner. The appeal must be in writing and filed

with the Director of Election Services within five days of the publication of the resolution appealed; such appeals must be forwarded to the Election Qualification Tribunal by the third day.

Article 14 If the petition is accepted, if there has been no opposition, or if such opposition has been rejected by the Election Qualification Tribunal, the Director of Election Services shall proceed immediately and without further delay to register the party in the Registry of Political Parties, indicating the Regions in which it has been legally established.

If the Director of Election Services does not effect the registration provided for in the preceding paragraph within a period of three working days the chairman of the party may request that the Election Qualification Tribunal order him to do so, without prejudice to the responsibilities of the Director of Election Services.

If the Director of Election Services has not heeded the request and there is no appeal against it, or such appeal has been rejected by the Election Qualification Tribunal, the Director of Election Services shall proceed without further delay to put the information in the file.

Article 15 The party in a formative stage whose request for registration has been opposed or rejected by firm resolution may remedy the deficiencies upon which such resolution was founded and formulate a new petition based on the previous presentation plus information which it believes remedies the deficiencies. Such petition must be presented within two months after notification of the aforementioned firm resolution and the provisions of Articles 9 through 14 shall apply. If this petition is rejected definitively, the rights conferred by this paragraph may not be exercised again.

In order to remedy such deficiencies, the provisional Central Directorate of the party shall be allowed to introduce modifications into the name, seal, symbol, slogan or bylaws of the party; and to increase the number of members per Region as required by law, so long as the deficiency in numbers is no more than ten percent of the minimums required by the first paragraph of Article 6.

Article 16 The rights of political parties in matters of elections and plebiscites may be exercised only by those parties which have been registered in the Registry of Political Parties no less than four months before the election or plebiscite in question.

Article 17 Political parties may carry out activities mentioned in paragraph 1, Article 2, in Regions other than those in which they have previously been legally established, when they can prove to the Director of Election Services that, in each of such Regions, they have met the membership requirements of paragraph 1, Article 6. For that purpose they shall submit membership declarations in the manner provided for in Articles 6 and 7. The Director of Election Services shall provide for the publishing of an extract of such a petition in the Official Record (Diario Oficial) within five working days at the cost of the party.

Opposition to such petition may be formulated in accordance with the provisions of Article 11.

Once the petition has been definitively accepted, the Director of Election Services shall publish a justified resolution indicating the new Region or Regions in which the party is legally established. Such resolution shall be published in the Official Record (Diario Oficial) within three working days and noted in the margin of the party's registration in the Registry of Political Parties.

### TITLE III

#### Membership in political parties

Article 18 Only citizens registered in the Election Registry may join political parties. Active duty members of the Armed Forces, police, personnel of the various branches of the judicial services, the Election Qualifying Court, the Election Services and officers of labor unions may not become members of a political party.

Political party members entering institutions mentioned in the preceding paragraph or labor union members becoming officers no longer enjoy the rights they held as members of a political party.

In such cases, and before assuming their post such persons must present a sworn statement as to their affiliation or non-affiliation with a political party.

On the basis of said sworn statement, the aforementioned institutions and agencies must, when appropriate, inform the Director of Election Services, who must in turn so inform the political party, which must cancel the membership affected.

False declarations shall be subject to the sanction provided in Article 210 of the Penal Code.

Conscripted citizens fulfilling their military obligation may not be members of any political party. Rights and obligations contracted as party members before entering military service shall be suspended during the period of military conscription.

Article 19 No citizen may be affiliated with more than one party. To become a party member, one must expressly resign from previous party affiliations, otherwise the new membership shall be null.

Any party member may resign his party affiliation at any time without giving cause. His resignation shall result in his disaffiliation by the simple fact of having been presented to the party or to the Director of Election Services. In the latter case, the Director shall notify the chairman of the party by certified mail.

Once a party has been registered in the Registry of Political Parties and without prejudice to the provisions of Articles 6; 15, paragraph 2; and 17, party membership shall be governed by the procedures established in its bylaws.

Article 20 Political parties are required to maintain a general register of all members, organized by Regions. They must also provide a duplicate of said registers to the Director of Election Services for publication and inform him of changes in membership for any cause whatsoever.



Article 21 Political parties may not give orders to, nor require compliance with membership requirements of, the President of the Republic, Cabinet Members, Undersecretaries, Ambassadors, Intendants, Governors, Mayors, Members of Regional and Community Development Councils and public servants serving at the pleasure of the President of the Republic. This limitation, which shall become operative and cease to be operative in accordance with the law, shall pertain during the time that such persons occupy their respective posts.

#### TITLE IV

##### Internal organization of political parties

Article 22 The organization and functioning of each political party shall be ruled by its own bylaws but such bylaws must necessarily conform to the provisions of this title.

Article 23 The internal organs of each political party must include a Central Directorate, a General Council, Regional Councils and a Supreme Tribunal.

Renewal of the elective members of the aforementioned organs, except for the Supreme Tribunal, shall be effected at least every three years.

Article 24 Each Central Directorate shall include, at least, a chairman, secretary and treasurer, who shall also serve as chairman, secretary and treasurer, respectively, of the party. The chairman of the party shall be responsible for the political direction of the party in accordance with its bylaws. He shall represent the party formally and informally.

The Central Directorate shall be elected by party members or by the General Council, as provided in the party bylaws. In the case of a resignation or legal or statutory inability to serve, replacement shall be in accordance with the party's bylaws.

Article 25 The Central Directorate shall have at least the following powers and obligations: a) to manage the party in accordance with its bylaws, program and orientation from the General Council; b) to administer the party's assets, rendering annual accounting to the General Council and c) to submit for the approval of the General Council the program and internal regulations of the party.

Article 26 Each political party shall have a General Council composed of its Senators and Representatives plus a number of councillors elected by each of the Regional Councils from among its the members. The General Council shall meet at least once each year.

Among others, the General Council shall have the following powers: a) to designate the members of the party's Supreme Tribunal; b) to orient the party chairman and to approve of any aspect of party management; c) to approve or reject the annual accounting; d) to propose to the membership any modifications of the party's declaration of principles, amendments to the party's bylaws, dissolution of the party, merging with another party, adherence to an individual



candidate for the post of President of the Republic, proclaiming it as such at an appropriate time; e) approve or reject propositions in accordance with Article 31 and f) require the party chairman to convoke the party membership for consultation in accordance with Article 29.

Article 27 Political parties must create Regional Councils in each Region in which they are legally constituted in accordance with this law. Members of each Regional Council must include at least a chairman, a secretary and a treasurer. Its members shall be elected by members of the Regional Councils.

Election as members of Regional Councils requires voting registration in the appropriate Region.

Article 28 Political Parties shall have a Supreme Tribunal elected by the General Council. The Supreme Tribunal shall designate from among its members a chairman and a vice chairman. It shall also name a secretary to witness its acts.

In addition to the other powers assigned to it by this law or granted it by the bylaws of the party, the Supreme Tribunal shall: a) interpret the party's bylaws and regulations, b) pronounce upon questions of jurisdiction arising between authorities or agencies of the party, c) pronounce upon grievances filed against the acts of party authorities or agencies which may be thought to be in violation of the party's declaration of principles or of its bylaws, and adopt the necessary measures to correct such acts and amend their results, d) pronounce upon complaints concerning party members, be they authorities or not, for undisciplined acts or acts in violation of the party's declaration of principles or of its bylaws or for unseemly conduct which compromises the interests or prestige of the party and apply the necessary disciplinary measures provided for in the party bylaws, taking into account the provisions as to due process and, e) control the holding of elections and party votes, issuing general and specific instructions to that effect.

Article 29 Proposals of the General Council related to the modification of the party's declaration of principles, amendments to the party's bylaws, dissolution of the party, merging with another party, as well as the proposal to name a candidate for the post of President of the Republic, must be ratified by the membership.

Modifications of the name of the party, of the party's declaration of principles and other amendments to the party's bylaws are subject to the same steps required by this law for the organization of a political party, except for the provisions of Article 6. The public document issued must be signed by the chairman of the party and by the party secretary.

Article 30 General Council accords indicated in letters a) and d) of Article 26, and all voting and elections referred to in this law and in which the members of the party participate, shall be adopted or carried through egalitarian, secret, personal suffrage witnessed by an official designated by the Director of Election Services. Such designee must be a notary public or, in the absence of a notary public, an officer of the Civil Registry.

Standards specifying the convocation and holding of elections, and election supervision, must be part of the party's bylaws.

Article 31 Political party bylaws must contain standards so that candidates to the two houses of Congress are designated or supported by the General Council upon being proposed by Regional Councils. The organization of such elections shall be the responsibility of the respective Regional Councils.

Article 32 In no case may political parties issue voting orders to their Senators and Congressmen or make recommendations in those cases in which the Senate is called to act as a jury.

#### TITLE V

##### Financing of political parties

Article 33 Political party funds shall derive from membership quotas, donations, assigned inheritances and from the earnings and productivity of its assets.

Whether registered or in the process of formation, political parties may accept income only from Chilean sources.

Article 34 For the purposes of this law, political parties must maintain a ledger of income and expenditures, a property list and a balance sheet, along with vouchers to support entries.

The Director of Election Services, in consultation with the Election Qualification Tribunal, shall dictate general and uniform instructions for the maintenance of such records and for the preparation of the balance sheet.

The Director of Election Services shall require the submission of records and supporting documentation for review and inspection at least once each calendar year and maintain copies of such information, making it available for public inspection in conformity with rules and regulations he shall devise.

Article 35 Political parties shall prepare a balance sheet for each calendar year, submitting a copy to the Director of Election Services. Should the Director find additional information necessary for clarification, he shall require it of the Parties, which must submit such supporting information within a reasonable time limit set by the Director.

The Director of Election Services may reject the balance sheet if it does not conform to annotations in the books or if it contains demonstrable errors or omissions. If the Director of Election Services has no objections, or when any such objections are satisfied, the Director shall order the balance sheet published at the Party's expense in the Official Record (Diario Oficial).

A decision by the Director of Election Services that the balance sheet must be reformulated may be appealed to the Election Qualification Tribunal within five working days of the notification to the Party.

Article 36 Documents and acts undertaken to satisfy the requirements of this law for the establishment or merging of political parties, including the documents referred to in Articles 5, 6 and 7 and those related to the modification of party names, its declaration of principles and its bylaws, are exempt from taxation.

Donations up to an amount equivalent to thirty monthly tax units may be made in accordance with this law free of mandatory explanation.

Membership quotas, donations and inheritances in favor of political parties, up to the amount indicated in the previous paragraph, shall be tax exempt.

#### TITLE VI

##### Merging of political parties

Article 37 Any political party may merge with any other political party or parties in conformity with the standards established in the following Articles, without the necessity of again complying with the requirements of Paragraph 1 of Article 6.

Article 38 Such proposal or initiative for merger will require the previous approval of the General Council of each party. If the General Council grants said approval, the chairman shall convoke the membership to vote on the proposal in accordance with the procedures provided for in Articles 29 and 30.

If the voting of the membership on the merger and on the new declaration of principles is affirmative, the Central Directorate of each party shall be empowered to come to an agreement with the other party or parties on the terms of the merger, including the bylaws of the resulting party. Such agreement shall not be effective until ratified by the General Council of each party.

If the proposed merger involves more than two parties but not all of them definitively approve it, the merger may take place between the reduced number approving the merger if their respective General Councils accept the merger under those circumstances.

Article 39 Once the merger has been agreed upon the chairmen of the parties agreeing to the merger shall request the Director of Election Services in writing, in a joint presentation, to register the resulting party and cancel the individual registrations of the previous parties.

To that end, a notarized public merger document shall have been prepared previously by the chairmen of the political parties involved. That merger document shall contain the information mentioned in Article 5, letters b) through f), in which are inserted the documents necessary to comply with the requirements of Article 38. Simultaneously, the chairmen shall proceed to register the facsimile of the symbol, seal and slogan which distinguish the new party, if applicable.

Within the third working day after the notarization of that document by the party chairmen, an authorized copy of the document, and of the registration of the new party symbol, seal and slogan, if applicable, and a draft extract of the document containing the Article 5, letters c) and f),

information shall be delivered to the Director of Election Services. If this documentation contains the information previously mentioned the Director shall have the extract of the merger document and a summary of the party's Declaration of Principles published in the Official Record (Diario Oficial) within five days after having received the information, applying in such case the provisions of Articles 10, 12, 13 and 14 to the extent that they are applicable.

Article 40 The Director of Election Services may only reject a merger on the grounds of non-compliance with the provisions of Articles 38 and 39.

Article 41 The political party resulting from the merger process shall be incorporated as of the time of its registration in the Registry of Political parties and shall, for all legal effects, be the successor to the merging parties merged in terms of property rights and obligations. All citizens registered with any of the merged parties shall be considered members of the new party.

#### TITLE VII

##### Dissolution of political parties

Article 42 Political parties shall be dissolved:

1. By agreement of the members, upon the proposal of the General Council, in conformity with Article 29;
2. When unable to attain five percent of the valid votes cast in a regular scheduled congressional election either in each of at least eight Regions or in each of at least three contiguous Regions, as applicable.
3. Upon merger with another party;
4. When membership has diminished to a figure less than 50 percent of the number required by law in either each of at least eight Regions or in each of at least three contiguous Regions, as applicable, for the organization of a political party. Membership must be updated after each regular scheduled congressional election;
5. When the internal organizations required by Articles 24, 26, 27 and 28 are not brought into being within a period of six months after party registration;
6. In those cases provided for in Articles 47 and 50, second paragraph, of this law; and
7. When the Constitutional Tribunal decides that the party is unconstitutional under the provisions of Constitution Articles 8 and 82, Number 7.

However, should the provisions of Numbers 2 and 4 become applicable to a political party in one or more Regions while it still meets requirements in the minimum number of Regions required by law, it shall continue to be a political party, but it cannot carry out Article 2 paragraph 1 activities in those Regions where it has not obtained the required electoral percentages or its membership has declined by more than 50 percent. The Director of Election Services shall make a notation to that effect in margin of such party's

registration in the Registry of Political Parties.

Article 43 The dissolution of political parties, for all legal effects, shall be formalized by the cancellation of its inscription in the Political Party Registry, which shall be effected by the Director of Election Services in the course of his duties or at the petition of any citizen.

In the case of Number 2 of the preceding Article the cancellation shall be effected 90 days after the decision and proclamation of the Election Qualification Tribunal, and the results of the general scrutiny that the Election Qualification Tribunal has undertaken, have been officially communicated to the Director of Election Services. During that period of time political parties may merge, communicating that circumstance to the Director of Election Services.

Similarly, in the case of Number 4 of the preceding Article, the Director of Election Services shall routinely proceed to cancel the party's registration after 180 days have transpired after the Service shall have informed the Chairman of the decreased membership in terms of the effect of Number 4 of the preceding Article, assuming that during that lapse of time sufficient new members have not enrolled to attain the minimum number of affiliates to constitute a party.

The decision of the Director of Election Services to cancel the registration of a political party may be appealed to the Election Qualification Tribunal except in cases based on Numbers 6 and 7 of the preceding Article.

Article 44 Once the Election Qualification Tribunal has resolved that a particular political party is unconstitutional and a summary of the decision has been published, the Director of Election Services shall immediately proceed to cancel its registration.

Article 45 When a political party has been dissolved, its properties shall be disposed of in accordance with its bylaws and if there are no provisions for such disposal, its properties shall become State property. However, in the case of Article 42, Number 7, such properties shall necessarily become State property.

#### TITLE VIII

##### Sanctions

Article 46 Sanctions which may be imposed in accordance with this law are:

- 1) Written admonishment;
- 2) Fine payable to the State;
- 3) Confiscation;
- 4) Inability to occupy political party management posts;
- 5) Suspension, for a period of from six months to two years, of all rights having to do with elections and plebiscites, including those related to propaganda and publicity, as well as those granted under Article 36; and

6) Dissolution of the party.

Additionally, party members may be suspended from the exercise of their rights as such in order to apply pressure in cases determined by this law.

Without prejudice to the provisions of Article 50, fines shall have the following degrees:

- a) Minimal, from 10 to 100 monthly tax units;
- b) Medium, from more than 100 to 200 monthly tax units; and
- c) Maximum, from more than 200 to 300 monthly tax units.

In cases of reincidence, the amount of the fine shall be doubled.

The inability to occupy political party management posts shall be understood to apply to those posts enumerated in Articles 24, 26, 27 and 28 and to those other posts established by the party's bylaws.

Article 47 Political parties the activities of which exceed functions proper to them or violate the provisions of the second part of paragraph 4 and paragraph 5 of Article 2 shall be admonished in writing and given a short period of time to rectify the situation. If the party continues or renews such activities after such time period passes, it shall be sanctioned by fines in the medium to maximum range. Should the fine be imposed and the party continue the same conduct, the sanction of suspension or dissolution shall be imposed.

If the activities referred to in the preceding paragraph were undertaken by one or more of the leaders or members of the party, without the agreement, participation or tolerance of the party's authorities, as established in the bylaws, the fine shall be in the minimum degree and levied upon the individuals involved, who shall be obliged to pay it as a group, if applicable.

Article 48 Infractions of the obligations established in Article 20 shall be sanctioned by fines in the maximum degree in the first case, in the medium to maximum degree for the second, and in the minimum to medium degree for the third case. Such fines shall be the responsibility of the political party incurring them.

Without prejudice to the levying of fines on the political party, the chairman and the secretary of the party shall be deprived of the right to hold directive offices in political parties for a period of three to five years if the Election Qualification Tribunal should determine that such infractions have been committed with their fraudulent participation. The same penalties shall apply to the chairmen and secretaries of Regional Councils who indulge in the same conduct.

Article 49 Political party leaders who indulge in the conduct covered in the second paragraph of Article 23 of the Constitution shall be sanctioned by fine in the minimum to medium degree and deprived of the right to serve in directive offices in political parties for a period of five years.

Authorities of a political party which issue any order or recommendation prohibited under the terms of Articles 21 and



32 shall be deprived of the right to serve in directive offices in political parties for a period of one to three years. Should the act sanctioned by this Article have been committed by any collegiate authority, sanctions shall not be applied to any member proven not to have knowledge of the infraction, or to have been opposed to it.

Article 50 Violations of the provisions of Article 33 shall be sanctioned by confiscation of the illegal income and a fine levied upon the party of up to 20 percent of the value of the tangible and intangible properties involved.

In cases of reincidence, the sanction applied would be the suspension or dissolution of the party. Further, authorities of the Central Directorate shall be deprived of the right to serve in directive offices in political parties for a period of eight years except that such sanction shall not be applied to any member proven not to have knowledge of the infraction, to have been opposed to it or not to have participated in the first infraction.

Article 51 Violations of the provisions of Article 34, consisting of the party not maintaining records of income and expenses, lists of property and a balance sheet, shall be sanctioned by fine in the maximum degree. If the infraction consists of not maintaining the supporting documents for entries in such ledgers, in maintaining such ledgers or making entries in them in an incorrect manner, or of not furnishing the Director of Election Services with a copy of the balance sheet, the sanction shall be fine in medium to maximum degree. In all such cases such fine shall be borne by the offending political party.

Political parties which do not conform to the general and uniform instructions for maintaining records issued by the Director of Election Services shall be sanctioned by fine in the minimum to medium degree.

Without prejudice to the applicability of the fine to the party, if the court declares that such infractions have been committed by inexcusable negligence or with the fraudulent participation of the chairman or treasurer, those officials shall be deprived of the right to serve in directive offices in political parties for a period of three years in the case of inexcusable negligence or five years in the case of fraudulent participation. The same sanction shall be applicable to chairmen and treasurers of Regional Councils who indulge in the same conduct. All of the preceding is understood to be without prejudice to any criminal responsibilities that might be involved.

In cases of reincidence in the conduct sanctioned in the first paragraph, without prejudice to the applicable fine the sanction applied would include the deprivation of the right to serve in directive offices in political parties contemplated in the preceding paragraph.

Article 52 Associations, movements, organizations or groups of persons who pursue or carry out activities appropriate to political parties outside the provisions of this law shall be sanctioned by fine in any degree, applied to each of the organizers and directors of the association, movement, organization or group involved, as well as to those persons who, with their economic cooperation, favor such functions. The organizers of a party which carries out the publicity and



propaganda activities referred to in Article 5 paragraph 4 before the passage of the period of time established in that paragraph shall be deemed to have violated the provisions of this law. If the entity should be incorporated, the court may further decide for the administrative authority incorporating or registering it to revoke that incorporation.

Article 53 Should any political party designate for a directive post a person prohibited from assuming it the Director of Election Services shall set a period of time for the party to fill the post with a qualified person. Should that time pass without such post being filled in conformity with the law, and during the time that such a situation persists, the penalty of suspension shall be applied to the party.

Article 54 After the passage of five years after the commission of an act sanctioned by the provisions of this title repetition of the same conduct shall not be considered reincidence.

Article 55 In the application of fines, the court may use any means that the law allows to impose them, considering, especially, the means or the powers of the offender.

The offender, until he pays the fine, shall be suspended from the exercise of all rights as a party member.

If the offender is a political party, the penalty of suspension shall be applied to it until the fine is paid.

#### TITLE IX

##### The courts and procedural standards

Article 56 The first court to hear the cases of infractions treated in the preceding Article shall be a member of the Election Qualification Tribunal designated in each case by lot.

The procedure shall be that established in Articles 89, 90 and 91 of the Code of Civil Procedures. Time periods shall be increased, if the case be, in accordance with Articles 258 and 259. Appeals to the rulings of the court shall be heard by the rest of the Tribunal, excluding the member who held the original hearing.

Actions to make the responsibilities for infractions treated in the preceding Article effective may be carried out by the Director of Election Services, the Minister of the Interior, the Regional Intendant or any Senator, Congressman or registered political party or party in formation.

Article 57 Complaints related to the defective generation of a political party's Supreme Tribunal and which are formulated within 90 days of an election or change in the make-up of that Tribunal shall be resolved in one hearing and without appeal by the Election Qualification Tribunal in conformity with the procedures mentioned in the preceding Article.

Such a complaint may be brought before the court by no less than one quarter of the members of the party's General Council or its parliamentary representation.

Article 58 Notifications that must be effected to conform with this law shall be carried out by certified letter, except when some

other manner of notification is fixed. Political parties, registered or in formation, shall be notified by certified letter addressed to their respective chairmen. Notification shall be understood to have been accomplished by the third working day after the letter is sent by the Election Services.

Article 59 Appeals derived from the application of this law and heard by the Election Qualification Tribunal shall be brought before the Tribunal by the fifth working day and shall be substantiated in accordance with the provisions of Articles 200 to 230 of Book I, Title XVIII of the Code of Civil Procedures, inasmuch as that is applicable, but the expression of grievances procedure shall not apply. The writ of appeal shall be founded summarily.

Article 60 In the case of abuses or failures of the Director of Election Services in the application of this law, the complaint shall only be to the Election Qualification Tribunal. Such recourse must be brought before the Tribunal within the deadline period of five working days.

The Election Qualification Tribunal may impose upon the Director of Election Services the sanctions provided in Article 537 of the Code of Court Organization.

Article 61 The Election Qualification Tribunal may complement the standards established in this law for recourse to the Director of Election Services and to the Election Qualification Tribunal by decisions issued to that effect.

Article 62 Execution of a sentence which involves the payment of a fine or provides for the seizure of property under the provisions of the preceding Title shall be carried out in accordance with the procedures provided in paragraph 1 of Title XIX of Book I of the Code of Civil Procedures. It shall be the responsibility of the Director of Election Services to carry out the execution before the appropriate civil judge in accordance with general standards of law.

Article 63 The Director of Election Services shall have recourse to the regular courts for compliance with judgments when the employment of judicial proceedings or other compelling measures is required or when it affects third parties who were not part of the process.

Final Article This law shall become effective ten days after its publication in the Official Record (Diario Oficial).

#### Transitory Articles

Article 1 For the effects of Article 6 paragraph 1 and until the first congressional election has been qualified, the minimum number of citizens registered in the Election Registries in each Region who must affiliate with a political party for it to be registered as a political party shall be as follows:

Region I:	800 citizens;
Region II:	1,000 citizens;
Region III:	550 citizens;
Region IV:	1,200 citizens;
Region V:	3,700 citizens;
Region VI:	1,700 citizens;

Region VI:	1,700 citizens;
Region VII:	2,100 citizens;
Region VIII:	4,400 citizens;
Region IX:	2,000 citizens;
Region X:	2,500 citizens;
Region XI:	200 citizens;
Region XII:	400 citizens;
Metropolitan Region of Santiago:	13,000 citizens.

Article 2 Until December 31, 1987 citizens may participate in the formation of a political party even when they are not yet registered in the Election Registries. However, political parties in formation must guarantee the satisfaction of that legal requirement at the moment that they request their inscription in the Registry of Political Parties.

Article 3 Under no circumstances shall political parties be considered the successors of political parties, groups, entities or factions or movements existing prior to the publication of this law, nor shall they maintain continuing juridical, property or other rights of any kind originating in such political parties, groups, entities or factions or movements.

Without prejudice to the foregoing and notwithstanding the provisions of Article 10, if two or more parties in formation wish to utilize the name of some party that had parliamentary representation during the period beginning May 21, 1973, preference shall be given to the party in formation which, within 60 days after having filed the extract of documentation referred to in Article 5, can prove that its membership includes the greater number of the parliamentarians who, on that date, belonged to the collective organization which carried the disputed name.

If the dispute between two or more parties in formation occurs with respect to the name of some current of opinion which had acted after May 21, 1973, preference shall be given to the party in formation which, within 60 days after having filed the extract of documentation referred to in Article 5, can prove to the Director of Election Services that it has the better right to the name. Proofs presented by the parties to the dispute shall be evaluated in conscience. The resolution of the Director shall be appealable to the Election Qualification Tribunal.

RECEIVED 24 APR 87 13

TO CARLUCCI FROM WHALEN, RICHARD J

DOCDATE 23 APR 87

KEYWORDS: CHILE

ECONOMIC ASSISTANCE

SUBJECT: LTR TO FCC FM WORLDWIDE INFO RESOURCES (WIRES)

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ACTION: PREPARE MEMO FOR CARLUCCI DUE: 04 MAY 87 STATUS S FILES WH

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FOR ACTION

FOR CONCURRENCE

FOR INFO

TILLMAN

SORZANO

DANZANSKY

FARRAR

COMMENTS

REF# LOG NSCIFID ( LB )

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ACTION OFFICER (S)	ASSIGNED	ACTION REQUIRED	DUE	COPIES TO
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DISPATCH \_\_\_\_\_ W/ATTCH FILE \_\_\_\_\_ (C)

[REDACTED]

Jose,

4/23

Re your  
Conversation w/  
ICC this morning.

Karen

NSC/S -

Please staff  
to ISS.

Om

WIRES

Worldwide Information  
Resources, Ltd.

1717 K Street, N.W.  
at Connecticut Avenue  
Suite 706  
Washington, D.C. 20006  
U.S.A.

(202) 293-5540  
Telex: 89-2610

To: The Honorable  
Frank Carlucci

April 23, 1987

From: Richard J. Whalen *Wick*

Subject: Foreign aid restrictions affecting Chile



*As we discussed on the telephone today, the foreign aid bill being marked up by the Senate Foreign Relations Committee contains extremely restrictive provisions aimed specifically at Chile but generally at the powers of the President and the Executive branch. These bad precedents must be stripped from the bill.*

*For example:*

- Sec. 618. Chile. (a) For fiscal year 1988, no funds authorized to carry out Chapter 5 of Part II of the Foreign Assistance Act of 1961 (relating to international military education and training) may be made available to provide such assistance to the government of Chile, unless the President provides in advance the certification required by Section 726 (b) of the International Security and Development Cooperation Act of 1981 with respect to Chile.

- (b) Housing Investment Guarantee Program for Chile. (1) It is the sense of the Congress that private sector cooperatives in Chile play an important role in keeping alive the spirit and practice of democracy there. (2) In order to demonstrate United States support for such important democratic initiatives, the President may provide up to \$5 million in guarantees available pursuant to Chapter 1, Title III of Part I of the Foreign Assistance Act of 1961 (relating to housing investment guarantees), provided that such guarantees are issued only for programs involving low income housing activities undertaken by private, democratic cooperatives in Chile.

- (c) Section 726 (b) of the International Security and Development Cooperation Act of 1981 is amended by adding at the end of subsection (4) the following new subsections:

"(5) The Congress hereby determines that the government of Chile has not taken steps to adopt and implement laws that extend internationally recognized workers rights (as defined in Section 502 (a) (4) of the Trade Act of 1974) to workers in Chile; and therefore pursuant to Section 231 (a) (1) of the Foreign Assistance Act of 1961, the Overseas Private Investment Corporation may not insure, reinsure, guarantee or finance any project to be undertaken in Chile during fiscal year 1988; and

"(6) The United States executive director of each relevant multilateral development bank shall vote no on any loan or other financial or technical assistance for Chile which is not directed specifically to programs which serve the basic human needs of the citizens of that country and shall use best efforts to persuade other directors of each bank to vote no on such loans or assistance to Chile during fiscal year 1988;"

\* \* \*

*The White House must lead the State Department in opposing these provisions. It would be tragic if liberal bureaucrats winked at these provisions in their desire to apply dubious pressure on President Pinochet — and actually tied the hands of the President and the entire U.S. government in dealing with a fast-changing situation in Chile.*

#



## EMBASSY OF CHILE

1732 MASSACHUSETTS AVENUE N.W.

WASHINGTON, D.C. 20036

April 23, 1987

Dear Senator:

It is my understanding that in the Foreign Aid Bill of 1988 language imposing new restrictions on Chile is being offered.

May I be allowed, Mr. Senator, to remind you the facts I brought to your attention in my letter of April 7, 1987, which clearly belie allegations made in some quarters concerning the real situation in Chile.

Legislation such as that now being discussed, if approved, would undoubtedly send a wrong message to the Chilean government which is steadily but firmly advancing in a transition to democracy to be achieved in 1989. Such legislation would also encourage Communists and other extreme left-wingers to continue to use indiscriminate violence, the most recent example of which was their attempt to turn a Papal mass in Santiago into a bloody battlefield.

Even more important, any new sanctions would unjustly punish the Chilean people and especially the poor, which are now starting to profit from a economic recovery that also allows us to keep our foreign debt commitments and is laying the foundations for a stable, lasting democracy.

It is also difficult to understand the rationality of the proposals now being discussed in the Senate. On the one hand a five-million dollar credit for housing projects would be granted at a time of budgetary restrictions in this country, and on the other hand Chilean access to multilateral financial organizations would be denied, an access to which Chile has every right as a member and contributor to those organizations. In this regard I would like to mention that Chile has always been given high marks for the utilization of credits granted it by multilateral financial entities. The latest example is a World Bank report which praises the Chilean social programs and rates them as the best in Latin America.

EMBAJADA DE CHILE  
1732 MASSACHUSETTS AVENUE N. W.  
WASHINGTON, D.C. 20036


2.

One also fails to understand why American investors are penalized by the proposed legislation by denying them access to OPIC guarantees. This is utterly uncomprehensible, moreover, if you take into account that OPIC does provide such guarantees in the case of many communist and other countries which deny every right to their peoples.

Mr. Senator, the proposals now before the Senate would deal a severe blow to a country which has reshaped its economy on a basis more similar to the American than any other in Latin America, and which also shares with the United States identical goals of freedom, democracy, and peace.

To try and disrupt the process in which Chile has embarked, as does this legislation, would be inimical to the interests of both my country and yours.

Truly yours,

  
HERNAN FELIPEC ERRAXURIZ  
Ambassadorsor

# WITHDRAWAL SHEET

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3629	MEMO  JACKIE TILLMAN TO JOSE SORZANO, RE: CHILE AND FREE ELECTIONS POLICY	3	ND	B1

### Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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ID	Document Type	No of pages	Doc Date	Restrictions
	Document Description			

3630 MEMO

1 5/14/1987 B1

GRANT GREEN TO NANCY RISQUE, RE:  
TALKING POINTS ON CHILE

### Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

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B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

~~SECRET~~

~~SECRET~~

3631

TALKING POINTS

- The Reagan Administration understands and values the significance of Chile's defeat of communism in 1973.
- We admire Chile's historic democratic tradition.
- U.S. believes that ultimately only free, democratic government can keep the threat of communism permanently at bay.
- As a national preference, based upon the success of our own traditions, the U.S. believes in free, competitive elections as the best means of achieving elected, representative government.
- Therefore, U.S. strongly supports a transition to democratic government in Chile as soon as that is practically possible.
- The exact details of Chile's democratic arrangement and the timetable for its coming into existence are matters for the Chilean people to decide fairly among themselves.
- U.S. is aware that economic freedom is as important as political freedom and in this regard, we greatly admire the progress Chile has made in institutionalizing a free-market economy based on individual initiative and consumer choice.
- We also admire Chile's deliberate policy to diminish the role of government as an intrusive factor in the lives of Chilean citizens, while at the same time focusing the government's attention on helping the poor to help themselves.
- Chile's effective domestic economic policies, together with its responsible positions on foreign debt and trade, make Chile an economic model for developing countries to emulate.
- U.S. would like to see the emergence of political freedoms in Chile that match and reinforce the very noteworthy and laudable economic progress of recent years.
- The U.S. is aware that there have been a number of significant developments in regards to human rights abuse in Chile. We applaud this progress and encourage the Government to continue to move in this positive direction.

~~SECRET~~

Declassify on: OADR

DECLASSIFIED

Authority NLSF 95-025/1 #28 5/4/1977  
BY dm NARA DATE 5/7/2023 SMF

~~SECRET~~

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

ACTION

May 14, 1987

MEMORANDUM FOR GRANT S. GREEN, JR.

FROM: JOSE S. SORZANO *JS*  
SUBJECT: Briefing Memo and Talking Points for  
Chilean Dinner

Per your tasking, attached is a briefing memo with talking points for Nancy Risque in regard to her dinner invitation to the Chilean Embassy.

RECOMMENDATION

That you forward the attached memo to Ms. Risque.

Approve *LRF* Disapprove \_\_\_\_\_

Attachments

Tab I Memo to Nancy Risque  
Tab A Talking Points

*7*  
Prepared by:  
Kim Flower

*Tillman*

4906

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

ACTION

July 7, 1987

**SIGNED**

MEMORANDUM FOR GRANT S. GREEN, JR.

FROM: JOSE S. SORZANO

SUBJECT: H.R. 1561 on Chile

OMB has requested NSC views on a draft letter from State to be sent to Congressman Fascell regarding legislation which would impose economic sanctions against Chile. We concur with the draft letter.

Fortier, Bemis concur.

RECOMMENDATION

That you forward your memorandum to Ronald Peterson of OMB at Tab I.

Approve WJK

Disapprove \_\_\_\_\_

Attachments

Tab I Memo to Ronald Peterson  
Tab II OMB Incoming

Prepared by:  
Jacqueline Tillman

*JT*



NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

July 9, 1987

MEMORANDUM FOR RONALD K. PETERSON

FROM: GRANT S. GREEN, JR *WTK*

SUBJECT: H.R. 1561 on Economic Sanctions Against Chile

The NSC concurs with State's draft response as written.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

4906  
**SPECIAL**

June 30, 1987

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-

Department of the Treasury - Carro - 566-8523 (28)  
Office of the U.S. Trade Representative - Parlin - X3432 (23)  
Overseas Private Investment Corporation - Hatton - 457-7012 (21)  
National Security Council - Pearson - Room 381  
Department of Commerce - Levitt - 377-3151 (04)  
Department of Justice - Perkins - 633-2113 (17)

SUBJECT: State draft report on H.R. 1561, "Democracy in Chile Act of 1987."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than JULY 24, 1987.

Questions should be referred to Rooney/Thau (395-7300), the legislative analyst in this office.

*Ronald K. Peterson*

RONALD K. PETERSON FOR  
Assistant Director for  
Legislative Reference

Enclosures

cc: Lisa Kaplan  
Lori Smith

**SPECIAL**



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

We have received your letter of April 22, 1987 requesting the Administration's views on H.R. 1561, "To impose additional sanctions against Chile unless certain conditions are met." H.R. 1561 would, if passed, mandate "no" votes on Chile loans in multilateral developments banks (MDBs), end GSP and OPIC benefits for Chile, end Lan Chile landing rights, and ban US importation of Chilean copper based on the human rights situation in that country. The Administration opposes these restrictions as counterproductive to our shared goal of encouraging a democratic transition in Chile and improved respect for human rights.

The Administration has a vigorous and vocal policy toward Chile to promote human rights improvements and a peaceful transition to full democracy. This policy is understood by both the Chilean Government and the democratic opposition. Adopting punitive economic sanctions will not cause the Pinochet government to be replaced with a democracy; we do not have that kind of leverage. Nor will it encourage increased respect for human rights. Contrary to the goals of the legislation, such measures would very likely actually lead to a nationalistic backlash in Chile against the US and reduce US influence to promote constructive change. Sanctions would also unjustly penalize the Chilean people and undercut that country's excellent economic program, which promotes free market policies and responsible management of debt.

Existing US legislation already requires that the status of human rights be taken into account when dealing with multilateral development bank loans that do not involve basic human needs (Sec. 701 of the International Financial Institutions Act of 1981) and OPIC. Since last fall, the US has opposed three MDB loans to Chile on human rights grounds by abstaining. The proposed legislation would remove the flexibility that present legislation provides to encourage constructive change in Chile by mandating negative US votes. In addition, US legislation requires that countries must take steps to meet internationally recognized standards on workers rights to be eligible for OPIC and GSP. The President decided in January to monitor closely Chile's worker rights practices for another year; we are keeping Chile's actions under close review.

The Honorable  
Dante Fascell,  
Chairman, Committee on Foreign Affairs,  
House of Representatives.

The restriction on landing rights and banning the importation of copper are restraints on commerce that could also lead to retaliatory moves against US products and firms (US exports to Chile in 1986 totaled \$823 million). The move against copper would be understood in Chile and elsewhere as a protectionist measure.

US sanctions are particularly inappropriate at a time when the Chilean Government has taken some positive actions, such as reducing the number of political exiles, allowing International Red Cross doctors access to most prisoners, authorizing publication of an opposition newspaper (there are now two opposition dailies), enacting a law providing for legalization of political parties, and reestablishing electoral registries. The next two years in Chile are critical ones. A plebiscite is scheduled to take place by 1989 to accept or reject a candidate for president selected by the commanders of Chile's armed forces. The issue of substituting free elections for the plebiscite is under active discussion in Chile. We need to continue to use the limited influence we have to encourage constructive change in Chile and avoid counterproductive economic sanctions that will only strengthen the extremes in Chile, and in the long run, undermine the foundation of the democracy we are trying to promote.

If we can be of any further assistance to you in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox  
Assistant Secretary  
Legislative and Intergovernmental Affairs

# WITHDRAWAL SHEET

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### Collection Name

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### Withdrawer

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### File Folder

CHILE - 1987 (03/04/1987-10/09/1987) [ACTION ITEMS]

### FOIA

F95-028

KOMISAR

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92386

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<i>ID</i>	<i>Document Type</i>	<i>No of</i>	<i>Doc Date</i>	<i>Restric-</i>
	<i>Document Description</i>	<i>pages</i>		<i>tions</i>

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3632 MEMO 1 7/8/1987 B1

JOSE SORZANO TO WAYNE ARNY, RE:  
KENNEDY AMENDMENT/CHILE

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### Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

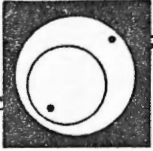
B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

*Ralph Stone*



# DELPHI INTERNATIONAL EDUCATION AND TRAINING

1750 K Street, N.W. Suite 1110 Washington, D.C. 20006 Tel: (202) 466-7951 TLX: 989989

September 9, 1987

Kim Flower  
Deputy Director  
National Security Council  
Latin America Affairs  
Old Executive Office Building  
Room 392  
17th Street and Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. Flower:

Delphi has been selected by the U.S. Information Agency to administer a study program entitled "U.S. Foreign Policy Process and Democratic Institutions" for four senior-level Chilean Army officers. During their twenty-one day program (September 22 - October 9) the participants will meet with high-level administration officials, congressional leaders, and public interest representatives to study the process of foreign policy formulation, and to gain an understanding of how democratic institutions work in the United States.

I enclose copies of their bios and of the project proposal as approved by USIA.

Delphi is delighted that you will give an overview of U.S. policy toward Latin America, with particular emphasis on the last ten years.

As previously agreed, your presentation will be on Wednesday, September 23 at 9:30a.m. in your offices. The visitors will be accompanied by two State Department escort/interpreters.

I would like to thank you in advance for cooperating in this important international exchange program.

Sincerely,

Henry R. Quintero  
Project Coordinator

/1047L



U.S. FOREIGN POLICY PROCESS AND  
DEMOCRATIC INSTITUTIONS: CHILEAN MILITARY OFFICERS

September 22 - October 9, 1987

**PROGRAM OBJECTIVE:** The objective of the two-and-one-half week civilian position of this project is to familiarize Chilean military leaders with U.S. government and society, to suggest how policy making and decision making are accomplished at national, state and local levels, and to show civilian-military relationships in a democracy.

Participant Biographical Information

**CHILE**

Brigadier Guido Hermes RIQUELME Andaur  
Chief of Staff of Military Institutes Command

Born: June 25, 1938; Valparaiso, Chile

Education:

Previous Positions: Professor of the Army War College,  
1980; Assistant Director of the Army War College,  
1981-82; Commander of the Independent Unity;  
Observer to the United Nations in the Middle East;  
Military Governor of the Seventh Region of Maule;  
Army attache to the Chilean Embassy in Brazil;  
Chief, Planning Division D.P.E.

Travel Abroad: U.S., Middle East, Europe, and Brazil

Languages: Spanish and some English

Mailing Address: Vital Apoquindo 259  
Los Dominicos, Las Condes  
Santiago, Chile

**CHILE**

Colonel Cesar Hugo STREITT Gonzalez  
Commander of the Armored Cavalry  
Regiment Number 10 "Libertadores"

Born: November 15, 1943; Angol, Chile

Education:

Previous Positions: Secretary to the Chilean Military  
Mission in Spain; Chief, Public Relations of the  
Army; Chief, Department of General Affairs of the  
Office of the Commander-in-Chief of the Army

Travel Abroad: U.S. and Spain

Languages: Spanish and some English

Mailing Address Las Hualtatas 8336  
Las Condes  
Santiago, Chile



CHILE

Colonel Ricardo GAETE Villaseñor  
Chief of Staff  
Austral Military Region

Born: September 18, 1940; Santiago, Chile

Education:

Previous Positions: Commander, Traiguén Artillery  
Regiment; Professor, Army War College; Director,  
Artillery School; Army Attaché in South Africa

Travel Abroad: U.S., Spain, South Africa

Languages: Spanish, English

Mailing Address: 21 de Mayo  
Punta Arenas  
Chile

CHILE

Lt. Colonel Mario GONZALEZ Ollig  
Chief of Staff  
Seventh Army Brigade

Born: August 21, 1949; Santiago, Chile

Education:

Previous Position: Deputy Commander, Regiment of  
Engineers in Puente Alto, Chile

Travel Abroad: Panama, several European countries

Languages: Spanish, English

Mailing Address: Ejército Int. Casa 2  
Coinaique  
Chile

State Escorts: Martin Ansell

Theodore Herrera

NSC/S PROFILE

UNCLASSIFIED

ID 8706753

RECEIVED 15 SEP 87 18

TO GREEN

FROM PINOCHET, AUGUSTO

DOC DATE 08 SEP 87

JACKSON, C

15 SEP 87

KEYWORDS: CHILE

HS

*See Chile  
action file*

SUBJECT: LTR FM URGARTE RE CONGRATULATIONS ON BICENTENNIAL OF CONSTITUTION

ACTION: PENDING STATE RECOMS

DUE: 18 SEP 87 STATUS S FILES WH

FOR ACTION

FOR CONCURRENCE

FOR INFO

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TILLMAN

SORZANO

COURTNEY

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ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO

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United States Department of State

Washington, D.C. 20520

September 15, 1987

MEMORANDUM FOR: Mr. Grant S. Green  
National Security Council Staff

SUBJECT : Alerting NSCS on Presidential  
Correspondence

Enclosed is the original of a letter to President Reagan from President Augusto Pinochet Ugarte of the Republic of Chile which is transmitted for your information.

This correspondence was received in the Information Management Section of the Executive Secretariat on September 15, 1987. A copy has been assigned to the appropriate bureau for action.

*Charles H. Jackson Jr.*

Director, S/S-V  
Information Management Section  
Executive Secretariat  
647-3836

## NON-OFFICIAL TRANSLATION

Republic of Chile  
President

DECLASSIFIED

Authority NSC/State WaiversBY dh NARA DATE 5/9/2023

AUGUSTO PINOCHET UGARTE

Captain General  
President of the Republic of Chile

Santiago

September 8, 1987

His Excellency  
Ronald Reagan  
President of the United States of America  
Washington, D.C.

Dear Mr. President:

Two hundred years ago this September 17 the representatives of the thirteen original States met in Philadelphia and signed the Constitution of the United States of America. I should like to congratulate you, Mr. President, on the occasion of that bicentennial. The noble human ideals set forth in that document still serve to inspire the liberty-loving peoples of the world.

Coincidentally, the Republic of Chile celebrates two anniversaries this month. On September 18 we celebrate the 177th anniversary of our Independence. On that date in 1810 the first Junta of Government was elected in Santiago, the new nation's first step toward independent government.

The other historic date we celebrate this month is September 11, the fourteenth anniversary of the overthrow by the people and the Armed Forces of a Marxist-Leninist government that had attempted to deprive us of our liberties and impose a system of totalitarian government on Chile.

This year's anniversary is particularly noteworthy for Chile as the final phase of our transition toward full democracy approaches.

NON-OFFICIAL TRANSLATION

Republic of Chile  
President

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We Chileans pride ourselves as well on the peace and prosperity we now enjoy. Ours is a nation which enjoys progress. In the opinion of authoritative economists, Chile is close to becoming the first Latin American country to enter the world of the developed nations. We have reduced the economic importance of the State to afford greater opportunities for private initiative and individual freedom. Extreme poverty has been substantially reduced and we are devoting a large part of our resources to assure that each Chilean has, as a minimum, equality of opportunities.

Mr. President, the extraordinary achievements Chile has attained in political and economic spheres, after the grave crisis the Marxist government conducted us into, are regularly and deliberately ignored by foreign governments and the majority of the media. This causes frequent erroneous conceptions with respect to what is occurring in Chile. Western nations' rapid acceptance of disinformation against a long-time ally is extremely unjust.

In the case of the United States, I believe that there are some sectors outside your Administration, but unfortunately also within it, who do not appreciate the concordance on the most basic topics and interests which exists between our countries and governments. Instead, those sectors have unbalanced our relations, concentrating attention only on certain, precise topics in an attempt to pressure my Government into acting in accordance with their desires.

Mr. President, during these September days in which we remember the great deeds of our nations, we must make an effort to strengthen the traditional friendship between Chile and the United States and our common view of the future of our peoples.

With special sentiments of appreciation toward you,

//signed//

A. Pinochet

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DECLASSIFIED  
Authority N2/State Waivers  
BY ch NARA DATE 5/9/2023



*Augusto Pinochet Ugarte*  
*Capitán General*  
*Presidente de la República de Chile*

Santiago, Septiembre 08 de 1987.

Señor  
RONALD REAGAN  
Presidente de los Estados Unidos de América  
Washington D.C.

Señor Presidente :

Hace 200 años este 17 de Septiembre, los representantes de los 13 Estados originales se reunieron en Filadelfia y firmaron la Constitución de los Estados Unidos de América. Deseo congratularlo, Señor Presidente, con ocasión de este bicentenario. Los nobles ideales humanos consignados en ese documento aún sirven de inspiración para los pueblos del mundo que aman la libertad.

Coincidentemente, la República de Chile celebra dos aniversarios este mes. El 18 de Septiembre celebraremos el 177º Aniversario de nuestra Independencia. En esa fecha, en 1810 se eligió en Santiago la Primera Junta de Gobierno, el primer paso de la nueva nación hacia el gobierno independiente.

La otra fecha histórica que celebramos este mes, es el 11 de Septiembre, el 14º Aniversario de la derrota por el pueblo y las Fuerzas Armadas de un gobierno marxista-leninista que trataba de despojarnos de nuestras libertades e imponer un sistema de gobierno totalitario en Chile.

El aniversario de este año es particularmente digno de nota para Chile, ya que se aproxima la fase final de nuestra transición hacia una plena democracia.

Los chilenos estamos, por otra parte, orgullosos de la paz y prosperidad de que ahora disfrutamos. El nuestro, es un país que progresa. En opinión de autorizados economistas, está próximo a convertirse en el primer país latinoamericano que ingrese al mundo de las naciones desarrolladas. Hemos reducido el tamaño económico del Estado para dar mayores espacios a la iniciativa privada y a la libertad individual. La extrema pobreza ha sido sustancialmente disminuida y estamos destinando gran cantidad de nuestros recursos, para que cada chileno tenga, como mínimo, igualdad de oportunidades.

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Señor Presidente, la extraordinaria superación alcanzada por Chile en lo político y económico, después de la grave crisis a que nos condujo el gobierno marxista es a menudo deliberadamente ignorada por gobiernos extranjeros y por la mayor parte de los medios de comunicación. Esto lleva a frecuentes percepciones equivocadas, respecto de lo que ocurre en Chile. Cuán injusta resulta la rápida aceptación de desinformación en contra de un aliado de largo tiempo por parte de las naciones occidentales.

En el caso de Estados Unidos, creo que hay algunos sectores fuera de vuestra Administración, pero por desgracia también dentro de ella, que no aprecian la concordancia que en los temas e intereses más fundamentales existe entre nuestros países y gobiernos. En cambio, esos sectores han desequilibrado nuestras relaciones concentrando la atención en sólo algunos tópicos puntuales, a través de los cuales han tratado de presionar a mi Gobierno para que actúe según sus deseos.

Señor Presidente, en estos días de Septiembre en que rememoramos grandes hechos de nuestras naciones, debemos esforzarnos en fortalecer la tradicional amistad entre Chile y Estados Unidos y nuestra común visión del futuro de nuestros pueblos.

Con sentimientos de especial aprecio hacia Ud.,



DOUG BEREUTER  
1ST DISTRICT, NEBRASKA

WASHINGTON OFFICE  
2446 RAYBURN HOUSE OFFICE BUILD  
WASHINGTON, DC 20515  
(202) 225-4806

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House of Representatives  
Washington, DC 20515

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LINCOLN, NE 68501  
(402) 471-5400

EXPORT TASK FORCE  
VICE CHAIRMAN  
RURAL CAUCUS  
ENVIRONMENTAL AND ENERGY  
STUDY CONFERENCE

October 9, 1987

RESPONDING TO THE CHILEAN AMBASSADOR

Dear Colleague:

Recently, many of my colleagues in the House have received correspondence from the Chilean Ambassador to the U.S., Hernan Felipe Errazuriz, denouncing H.J.Res. 349, which I introduced with the original cosponsorship of Foreign Affairs Committee Chairman Dante Fascell and Sam Gejdenson. That was predictable. In addition to challenging the bipartisan character of the resolution, the Ambassador criticizes its alleged "notoriously negative" character which "avoids even a single sentence of recognition of Chile's undeniable political, economic, and social progress." In case you may have received such a letter, I would like to set the record straight. Then you can decide whether you believe General Pinochet's spokesman or your colleague in the House.

The present cosponsorship of this Resolution consists of 36 Republicans and 61 Democrats; that conflicts with the Ambassador's assertion that the resolution is not sufficiently bipartisan in spirit. I introduced this very strongly worded measure with the purpose of sending a message to the Chilean junta --namely, that they could not count on Republican acquiescence to the continuation of dictatorship. Evidently, the message is beginning to get through, but the Pinochet regime naturally doesn't like it.

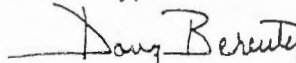
Concerning the second point, I think you should know that my attempt to be fair and balanced with respect to the junta was not, in fact, an unqualified success. Human rights groups and several important Democratic colleagues have not fully endorsed the Resolution because it contains language vaguely supportive of the junta's planned plebiscite and thus, they feel, obscures the clear call for a transition to democracy in Chile through free and fair elections. I disagree, nonetheless, they don't believe the resolution is strong enough; I was looking for an approach that would secure the broad Congressional support it is obviously receiving.

The Ambassador goes on to suggest that the Resolution contains many distortions of fact; I steadfastly reject the assertion. I requested that key officials in the State Department verify the accuracy of the language before I introduced it. With the exception of a difference of opinion concerning desirability of a clause on the status of labor rights in Chile, they concurred with the language. With the presentation of sufficient evidence that the labor situation in Chile has improved, I may waive my objection to its removal.

Finally, the Ambassador contends that this Resolution will provoke a wave of anti-Americanism in Chile. On the contrary, H.J.Res. 349 puts the United States firmly on record in support of democracy and against tyranny in Chile. It is not surprising that anti-democrats, of both the left and the right, should also be anti-American. To dilute this Resolution to the point that it would be acceptable to a regime that governs at gunpoint would be to render it totally counterproductive in affirming U.S. support for democracy in that country.

I invite you to read H.J.Res. 349 for yourself and to add your name as a cosponsor. You may contact Walter at 5-4806 for cosponsorship. Thank you for your time and attention to this matter.

Sincerely,



DOUG BEREUTER  
Member of Congress