

The Long Road to Civilian Supremacy over the Military: Chile 1990–1998

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This article analyzes civil-military relations in Chile, focusing on the period between 1990 and 1998. It analyzes military interests and civil-military channels. The four main cases examined in this article are situations when civilians sought to make decisions the military opposed that affected core military interests. They shed light on the degree to which formal institutions were able to function effectively in very tense situations. The cases are the military movements of 1990 and 1993, the 1995 imprisonment of Manuel Contreras, and the 1998 constitutional accusation against Augusto Pinochet. The ability of the Chilean military to pursue its interests successfully by circumventing formal channels in the face of opposition from civilian policymakers demonstrates that the road to civilian supremacy is long and the end is not clearly in sight.

Introduction

In fits and starts, with tension, confrontation, and negotiation, Chile's leaders (like others in Latin America) have faced the problem of establishing civilian authority over a military institution that ruled the country until fairly recently. A debate has emerged regarding the success of civilians in this endeavor, with a number of scholars downplaying the continued importance of the military in politics (e.g., Gold-Biss and Millet 1996; Hunter 1995, 1997a; Rabkin 1992–93; Sigmund 1993). Yet discussions with policy makers, defense experts, and military officers make clear that *no one* believes that the Chilean military is simply another actor in the perpetual scrabble for influence and resources. The armed forces never returned to the barracks. They remain a potent political actor, capable of exerting pressure that changes government policy.

This article focuses on the period between 1990 and 1998, beginning with the inauguration of President Patricio Aylwin and concluding with the retirement and

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passing into the senate of General Augusto Pinochet, Commander in Chief of the Army for nearly twenty-five years, former leader of the military junta, and President of the Republic. It analyzes military interests and civil-military channels, particularly when core interests are at stake. In such cases, the military circumvents formal institutional channels to defend itself against what it views as civilian encroachment.

Military interests are an important element in any analysis of civil-military relations. Professionalism military prerogatives and contestation, modernization, class identification, bargaining, and constitutions, are all essential aspects of the military's interests, and therefore crucial for any examination of democracy in Latin America (see Hunter 1997a; Johnson 1964; Loveman 1994; Norden 1996; Nun 1967; Nunn 1995; Stepan 1971, 1988). The armed forces' behavior is, of course, in part rooted in its interests. The challenge is to examine these interests in order to understand the army's influence.

These interests can be identified and analyzed in terms of how they influence civil-military relations. Most importantly, when civilian governments make policy decisions related to the military, the latter's response is conditioned by the perceived importance to the military. It is possible, moreover, to construct a hierarchy of issues within which we can understand why and how the military will react. Military interests, therefore, constitute the independent variable.

Paul Zagorski's analysis systematically outlines the different levels of military interests (Zagorski 1992). Building especially on Samuel Huntington and Alfred Stepan, he cites seven broad interests, divided into core and peripheral. Core interests include internal discipline, promotions and assignments, and military budget, while civic action and domestic surveillance are core only when instability is seen as a threat. Peripheral interests are salaries and perquisites (except when prestige is threatened) and military direction (except for selected sectors). This typology provides an extremely useful point of departure, as it highlights how the military will perceive civilian policies in differing ways. Nonetheless, other issues require more attention than previously given. Constitutions and their reform are important, since they delineate the military's role and indeed its very *raison d'être*. Institutional integrity is also core. Any perceived attempts by civilians to foster dissent within the ranks is anathema to officers. Of lesser importance yet still significant are defense policy and the purchase of equipment and armaments, which are, in the military's perspective, integral to carrying out the army's constitutional role. Soldiers are concerned about the weapons they will be using, but they do not react as strongly to that issue as, for example, when civilians attempt to change their institutional role. Similarly, foreign affairs and relations with foreign militaries are issues since training and joint maneuvers enhance military readiness and prestige. Therefore, the list of military interests must be expanded. It is also theoretically useful to go beyond the core/peripheral dichotomy in order to uncover more nuance between the issues. Table one outlines a more comprehensive breakdown, with the degree of salience the Chilean military attaches to each interest.

The dependent variable is civilian supremacy, which Felipe Agüero has defined as "the ability of a civilian, democratically elected government to conduct general policy without interference from the military, to define the goals and general organizations of national defense, to formulate and conduct defense policy, and to

Table 1**Institutional Role (CORE)**

- Institutional integrity
- Constitutional role

Defense and Security Policy (HIGHLY SALIENT)

- Formulation of military doctrine
- Strategic goals/threat scenarios
- Maintaining internal/social order
- Combating external invasion
- Combating internal subversion
- Equipment and armaments (SALIENT)
- Relations with foreign militaries (SALIENT)
- Foreign policy relating to military issues (SALIENT)

Internal Administration (SALIENT)

- Salaries
- Recruitment
- Discipline
- Education
- Promotions for junior officers
- Promotions for senior officers
- Duty Assignments

Domestic Policy (PERIPHERAL)

- Election monitoring
- Disaster Relief
- Building infrastructure (e.g. roads)
- Health and sanitation assistance
- Education assistance
- Immigration
- Technical innovation and research
- Armaments and related public enterprises

Sociopolitical Issues (PERIPHERAL)

- Racial/ethnic/tribal divisions
- Religious beliefs
- Political affiliation

monitor the implementation of military policy” (Agüero 1995: 19). To this we must also add rule of law. The constitution as well as the laws must enshrine full civilian control over the political system, even in times of crisis. If a civilian government successfully carries out policy without military interference, there is no assurance that such a situation will hold if the armed forces have the prerogative to assert their own power in times of emergency (Loveman 1993). Civilian supremacy has a specific end point, but it is a continuous variable since *some* policies, particularly those related to less salient interests, might be conducted without interference, while others will encounter resistance.

Civilians and officers have a variety of channels through which final decisions on military policy are made, and the nature of these contacts shapes policy outcome. When civilians attempt to formulate a policy with which the military disagrees, they will find it more difficult to do so without interference if it affects a more salient military interest, and use of less formal channels will result. Formal channels, conducted through formal institutions, are the most beneficial for civil supremacy and, consequently, for democracy and its consolidation. Above all, formal channels engender predictability and establish clear lines of authority. Civil supremacy only holds when the armed forces accept and follow all such institutional rules. Several recent studies have focused more exclusively on institutions that mediate civil-military relations, but it is not enough to analyze those institutions—we need to know how they are perceived by the military, when they are utilized effectively, when they are circumvented or ignored, and what other types of channels are present (e.g., Hunter 1997a; Pion-Berlin 1997).

Depending on salience, civil-military channels can change. These can be formal or semi-formal. *Formal* refers to institutions that have been constructed specifically to mediate civil-military relations and are codified as such by the constitution or by law. There are specific lines of communication and authority, and they are related directly to policy and/or conflict resolution. These institutions are the Ministry of Defense, Congress, the Judiciary, and executive organs created to provide the president with advice on military-related issues (such as a National Security Council). *Semi-formal* channels are not constitutionally sanctioned. Under this category fall elite interactions and negotiations outside formal institutions, use of the press, public displays intended to pressure one side or the other, and academic conferences or other programs involving both officers and civilians. Some semi-formal channels, especially conferences, are beneficial to civilian supremacy. They provide a more relaxed forum for people to meet and exchange ideas. Others, like informal negotiations, increase uncertainty and give the military leverage. At these times the government is often intimidated into solving disputes outside formal institutions.

Semi-formal channels, then, are not always detrimental to civilian supremacy. However, during periods of civil-military crises, use of these semi-formal channels increase the uncertainty of the government, which is forced to guess military intentions and scramble for ways to resolve the conflict. As a result, the government is kept off guard and often concedes to the armed forces' demands.

Outcomes of situations affecting core military interests will not be identical over time. The military's ability to successfully circumvent formal channels will be conditioned by the degree to which the military is considered a legitimate threat. This, in turn, depends on the mode of transition as well as the continued level of societal and political support enjoyed by the military. The mode of transition establishes the initial positions of civilian policy makers and armed forces, though is not necessarily a powerful explanatory variable as the transition fades further into the past (see Norden 1996; Stepan 1986; Karl and Schmitter 1991). Instead, it is necessary to examine other factors. Is the military viewed favorably by the public? How much political support can it garner, especially from the executive and from Congress? To what degree do civilians believe that pressure from the military should be taken seriously? If the transition was detrimental to the military and it failed to

regain support, its efforts to utilize semi-formal channels may be less successful. Nonetheless, particularly with regard to core issues, the armed forces will quite likely utilize such channels to some degree, thus making the outcome less predictable for and perhaps less beneficial to civilian policy makers.

The four main cases examined in this article highlight times civilians sought to make decisions that affected core military interests, bringing them into opposition with the military. These cases shed light on the efficacy of formal institutions during crises. Examined here are the military movements of 1990 (the “ejercicio de enlace”) and 1993 (the “Boinazo”), the 1995 imprisonment of Manuel Contreras, and the 1998 constitutional accusation against Pinochet.

In addition, the government makes many decisions affecting less salient interests. Most often, there is little disagreement between the government and military, and the military functions within formal channels. Yet in some instances the military opposes the government’s decision. It is useful to examine such cases to demonstrate the ways in which formal channels function as intended. The first example is President Aylwin’s refusal to allow the military to become involved in disaster relief in 1993 and the second is President Eduardo Frei’s decision to postpone the air force’s purchase of new planes.

Accepting the Government’s Decisions: Less Salient Interests

Not all decisions affect core interests. On a daily basis, the military utilizes formal channels to make its concerns known, even in some cases when it disagrees with a government decision. For example, in 1993 over one hundred people died in one of the worst earthquake disasters in Santiago’s history, yet the president did not immediately appear to survey the damage and comfort the survivors. Had he done so, there would have been considerable public pressure on him to proclaim a “state of catastrophe” for the area, according to Article 41 of the constitution.¹

Under the 1980 constitution, control over the affected area is delegated to the commander of the nearest army garrison. Aylwin resisted granting such authority to an army general and sent the Interior Minister instead. Because the constitution allows only the president to proclaim a “state of catastrophe,” the minister easily avoided the question of why no such declaration had been issued. The president’s refusal stirred up resentment within all three branches of the military, who channeled their concerns through the Defense Ministry.

Responding to natural disasters has historically been a low priority issue for the Chilean armed forces. As such, Aylwin’s decision did not cause a significant military reaction. Nonetheless, it raised hackles in military circles, who regarded the president’s decision as a symbolic denigration of the armed forces’ power.²

A second example in 1998 concerns the air force, which was seeking to purchase new planes as part of its modernization process. Maintenance and upgrades of equipment and armaments represent a salient military interest (but not highly salient), and therefore more adherence to formal channels would be expected. In this case, the government informed the air force commander in chief that, given the country’s economic difficulties, the purchase would be postponed (*La Tercera* 1998).

The commander was displeased both because he and the officer corps believed the air force’s planes were antiquated and because the modernization would secure

his legacy after retirement. Yet after discussing the issue with the Defense Minister he accepted the decision. In addition, he refrained from making inflammatory comments to the press, which he was known to do. Because the government's policy did not affect highly salient interests, the military followed formal channels.

Contesting the Government: The "Ejercicio de Enlace"

In October 1988, Pinochet lost a plebiscite he had believed would keep him in office for eight more years. The transition was underway, and during the next seventeen months intense negotiations were held, including discussion of constitutional reform (Ensalaco 1995).³ As part of the "Concertación" coalition, Christian Democrat Patricio Aylwin won the presidential election of September 1989, and Pinochet returned to his position as commander in chief of the Army. General Pinochet resisted all civilian efforts to either reform or judge the military. He also maintained considerable support in Congress. In the first elections, as well as in subsequent years, the right won roughly one-third of congressional seats, an outcome made easier by the binomial electoral system, which made it virtually impossible for any one party to dominate the political system. Furthermore, when the military left power it had considerable public and political support which it continued to maintain.⁴

The first crisis faced by the Aylwin government was sparked by a congressional investigation into a check fraud scheme involving General Pinochet's son, Augusto Pinochet Hiriart. Since before the inauguration, Pinochet knew that the government wanted to force him out as commander in chief. The so-called "pinocheques" (as the check case was dubbed) appeared to offer the perfect mechanism for achieving this end, since proof of impropriety would seem to leave Pinochet no choice but to resign. These efforts caused concern within the army, since political attacks against Pinochet were perceived as assaults on the army's institutional integrity, a core interest (Loveman 1991: 42-43).

The checks had been written over a period of ten years. Pinochet Hiriart had become a partner in a company that was ultimately sold to the army for several million dollars. In October 1990, the House of Deputies took up the issue, assigning a special commission to investigate why Pinochet Hiriart had been paid by the army. The case left the clear impression that General Pinochet was using his position to line the pockets of his family. By merely participating, Pinochet Hiriart had engaged in illegal activities since public officials cannot conduct business with relatives of the president.

Concurrently, Pinochet had been contemplating the possibility of negotiating a retirement, whereby he would continue to exert influence in the army and would also be able to better influence political matters. He was committed to remaining in his post only until after the release of the Rettig Commission's report on human rights violations (which was expected to be released in early 1991) in order to act as official spokesman for the army.

Pinochet sent General Jorge Ballerino, the head of his Advisory Committee, to speak personally with Defense Minister Patricio Rojas on December 19, since Aylwin insisted that Rojas be Pinochet's spokesman to the army. Rojas ordered Pinochet's immediate resignation. Ballerino refused, and the army was left con-

vinced that Rojas' primary goal was to bring Pinochet's head on a platter to the president.⁵ Formal channels had failed to help alleviate the tension caused by what the army felt was a concerted effort to fire Pinochet and to discredit the army. In response, that evening Pinochet called every soldier in the country to barracks, a measure traditionally associated with battle preparations, but also often a precursor to military rebellion.

The government was taken completely by surprise. The two established institutions intended to mediate and resolve conflict were the Defense Ministry and the National Security Council, but the army had circumvented both. Aylwin conceded to Pinochet's insistence that Rojas be left out, and could not convoke the National Security Council because the balance of civilians and officers might lead to a tied vote and a stalemate, which would reflect badly on the government's effectiveness. Without established channels, the army's intentions were not clear, and Aylwin faced the problem of trying to sustain formal institutions (i.e., utilizing Rojas as intermediary) while facing an intransigent commander in chief.

Later that day, Vice Commander in Chief General Jorge Lúcar called Rojas to explain that the army's actions constituted an "exercise of security, readiness and coordination," ("ejercicio de seguridad, alistamiento y enlace"). Technically, it was less serious than a confinement to barracks, though it had the same effect. Soldiers were ready to move and the government could do little but wait.

Both houses of Congress passed declarations to show support for democracy, but worded the declarations carefully to avoid specifically mentioning the army and to ensure the support of the right.⁶ After the fact, everyone involved denied that they were worried about the possibility of a coup, but, at the same time, no one knew what might happen. The government took seriously the threat of military rebellion. The so-called "carapintada" revolts had plagued Argentina since 1987, and the fourth and final rebellion took place on December 3, 1990, a mere sixteen days prior to the "ejercicio de enlace."⁷

Resolution of the conflict was reached in an ad hoc manner, outside the auspices of the Defense Ministry, excluding Rojas altogether. The two protagonists were Ballerino and Enrique Correa, the General Secretary of the Government and a member of the Socialist Party who believed that reconciliation and a positive civil-military relationship was critical to political stability.⁸ At the same time, they made the important decisions regarding the congressional commission investigating the general's son. A prominent socialist senator agreed to help the commission formulate its final report in order to prevent another crisis. This meant confirming that Pinochet had no knowledge of or involvement in any illegal activities and not requiring that he testify. The case was sent to the Council on State Defense, which would decide the appropriate charges, then to the state Comptroller, which would examine those charges to ensure their legality. It was assumed that the entire process would take years, and that the government would be able to control the relevant state agencies to keep the matter out of the public eye.

As these negotiations developed, the army wished to make its opinion even more clear and public. On January 8, the day when the commission was expected to make its report known, the director of the War Academy made a public declaration, stating that the army "categorically rejects all of the attempts that—based upon maliciously employed pretexts—seek to create divisions between the institu-

tions of national defense as well as within them, particularly within the Chilean Army" (APSI 1991). In addition, he reaffirmed the army's "indestructible institutional cohesion regarding Captain General Augusto Pinochet Ugarte and the unyielding loyalty to his management of his command" and expressed the army's confidence that "this irresponsible and systematic form of aggression will be put to an end, since not only do they affect the institution but they also entails a grave threat to national security" (APSI 1991). Once again, the army asserted that attacks on Pinochet were the same as assaults on the institution itself. This identification provided Pinochet with tremendous protection, since national security was perceived to be at stake when the general was threatened.

The events culminating in the "ejercicio de enlace" had taught the military—most prominently the army—that formal channels could be circumvented fruitfully. The government could not force the military to utilize those contacts. Eschewing relations with a Defense Ministry it considered hostile and a National Security Council that might prove too unpredictable, it resorted to ad hoc means to make its concerns and complaints known. Retired officers continually criticized the government through the press, and the army movement in December was entirely successful. Ultimately, the government acceded to all demands.

The "Boinazo"

The second major political-military crisis of the decade began on May 28, 1993. Like the "ejercicio de enlace" its immediate cause was the investigation into the checks received by General Pinochet's son. In late May and early June, Aylwin was traveling through northern Europe, touting the consolidation of Chilean democracy and reminding the Europeans that Chile's stable and prosperous economic conditions offered ideal conditions for investment.

Another long term factor underlying this crisis was the failure of the Defense Ministry to process a number of army documents, including payments for promoted officers, signatures of authorization for the promotions themselves, requests of authorization to leave the country (from officers designated to foreign embassies), and sales of armaments. The army claimed these documents were languishing in the office of the Subsecretary of War, Marcos Sánchez (see Otano 1995: 306–320)⁹ and perceived the delays as an attempt to create discontent within the ranks and ultimately put pressure on Pinochet to resign. The army distrusted both Defense Minister Rojas and Sánchez.

The army's corps of generals arrived at the Armed Forces building across from La Moneda for a meeting called by Pinochet to discuss the possibility of officers being called to testify about the check scandal. However, Pinochet had seen a headline in *La Nación*, the newspaper tied to the Concertación, stating that the case of the checks was being reopened and that active generals would be called to testify. This in Pinochet's opinion, suggested he had knowledge of the illegal proceedings. On April 24, the Council on State Defense had decided that the evidence was sufficient to initiate judicial proceedings and therefore presented accusations to the Fifth Criminal Court. Three other papers had reported on the same issue in previous days, but *La Nación*'s explicit ties to the government signified to Pinochet that there was a renewed effort to oust him. Pinochet believed that a bargain had

been struck in the aftermath of the “ejercicio de enlace” to bury the issue permanently and that the deal had been broken.

The meeting became even more significant because a company of soldiers (approximately forty commandos) were deployed in front of the building, carrying automatic rifles and bazookas. Because they were dressed in camouflage fatigues and wore black berets (“boinas negras”) the affair became known as the “Boinazo.” The communications department of the army issued a statement to the effect that “the meeting of the body of generals of the Army today...was carried out in conformance with the period of military planning” (*El Mercurio* 1993). The government also denied that any crisis existed. The intention of both the army and the government was to downplay the incident publicly while seeking channels to solve it.

Simultaneously making contact with government officials and making statements to the press (through the communications department of the army), the army held a tight grip on the flow of information. Timing also worked to the army’s advantage. Not only was Aylwin in Europe, but Enrique Correa was in Antofagasta. Minister of the Interior, Enrique Krauss, designated as Vice President, was in charge of overseeing the functioning of the government during Aylwin’s absence, and from the Interior Ministry he was receiving very little political intelligence regarding the armed forces.

The government’s reaction followed a familiar pattern. Given the army’s distrust of the Defense Ministry, both Rojas and Sánchez were excluded from the process of conflict resolution in favor of negotiations by other government officials. On May 30, Pinochet and Ballerino met with Krauss and Correa so that the government could finally learn the army’s precise complaints. After hearing the army’s concerns, Krauss agreed in principle to forge a compromise solution that would end the tension.

Once again, a private meeting between Correa and Ballerino would be the key to resolving the conflict. Although Ballerino had left the Advisory Committee to re-enter the chain of command (and promotion) as Inspector General, his familiarity with Correa meant he was included once again. Most notable is the absence of any direct references to the Defense Ministry. Ballerino and Correa agreed to create a “working group” with Interior Ministry official Jorge Burgos, representing the government, and officers from the General Auditor’s office in the army. This group would have the task of organizing private testimony for officers in human rights cases and determining how to expedite processing of all pending cases.

The proposed working group would meet periodically in the following months and would culminate in Burgos replacing Sánchez as Subsecretary of War. The decision to establish such a group under the auspices of the Interior Ministry was a major victory for the army, an admission on the part of the government that the Defense Ministry was not an effective civil-military channel. The army was therefore able to go around formal institutions and work only with specific individuals within the government, regardless of their position (e.g., the Interior Ministry has no formal link to the military).¹⁰ Enrique Krauss noted that “[t]his type of informal relation, this thing of let’s sit around a table and talk, let’s have a drink...it seems that it has been tremendously detrimental” (*Hoy* 1993).

Public declarations, interviews, and calls to members of Congress and the executive branch clarified the army’s key concerns. First, it believed the check scan-

dal was a threat to institutional unity and wanted the government to destroy the threat. Judge Alejandro Solís was visited by several members of the government and within days declared the case to be outside his jurisdiction. Second, as already noted, the army wanted the departure of Rojas and Sánchez. The government refused to fire Rojas since that would be a very public and prominent concession, but Sánchez would leave his post the following month.

Unlike the "ejercicio de enlace," there was public discussion about whether the National Security Council (CSN) should be called. From a juridical standpoint, it was not clear whether "national security" or the "bases of institutionality" had been at stake. Arguments could easily be made either way, since the CSN's charter is vague. More important were the political ramifications of convoking the CSN. The army did not wish it to meet, because from the beginning of the "boinazo" assurances had been made that the troop movement was entirely normal. The army's goal had been to pressure the government while claiming that nothing was out of the ordinary. Convoking the CSN would therefore be counter productive. The executive branch did not want the CSN to meet, either. Calling its members together would represent an admission that national security had been at risk as a result of military disobedience, an admission the administration refused to make.

Despite being an important formal channel, the CSN did not convene since neither civilians nor the military believed it would prove beneficial. Once again, the military took advantage of semi-formal channels, successfully asserting its independent political influence. As his term came to an end, President Aylwin was unable to assert civilian supremacy when making decisions affecting core military interests.

Human Rights: The Case Against Manuel Contreras

In November 1993, Supreme Court Justice Alfredo Bañados officially opened the case against retired General Manuel Contreras, who headed the DINA during its entire existence (1974–1979), for the murder of Orlando Letelier, a former ambassador to the U.S. in the Allende government, in Washington D.C. in 1976. In early 1995, there were signals that by March the Supreme Court would issue a formal judgment for both General Contreras and Brigadier Pedro Espinoza. Separating the two officers from the institution as a whole was the principal priority of the government. Public discourse centered on assigning responsibility to two individuals who broke the law rather than on judging the military, the army, the DINA, or the military regime.

Prosecution of officers for human rights abuses always represents a core interest to the military. It affects both institutional integrity and internal discipline. By relinquishing control over them, the military fears further disintegration, revolts from junior officers, and general damage to its ability to carry out its constitutional prerogatives. However, the government had three factors in its favor. First, President Eduardo Frei's Defense Minister, Edmundo Pérez Yoma, enjoyed excellent relations with all three branches as well as with Pinochet personally. Therefore it was likely that at least to some degree the armed forces would be willing to channel their complaints through the Defense Ministry. Second, the United States government was eyeing the case with much interest. Years before, in recognition of

international pressure, Pinochet had excluded the Letelier case from the general amnesty. Relations between the U.S. government and the Chilean military were antagonistic, but all three branches were in the middle of modernization programs that involved purchasing new equipment and the United States blocked all but limited arms transfers as long as Contreras remained free. Third, because of the high profile nature of the case, it had obtained symbolic status. Even the son of Orlando Letelier, who had been elected to Congress, said that a sentence would contribute "to closing the transition in a good manner" (Hoy 1995a). This symbolism contributed to the idea that once a conviction was reached, popular opinion would be satisfied and no more cases would achieve the same status.

On May 30 the Court issued its decision. Contreras was guilty of being the "intellectual author" of the homicide of Letelier and received a sentence of seven years in jail. Espinoza was sentenced to six years for the same crime. In a public statement, President Frei reiterated yet again that no matter the decision, it did not represent a judgment against the armed forces (*El Mercurio* 1995). The order from the Court was for the two officers to begin their sentences within 48 hours, but the army resisted.

They were to be incarcerated in a new prison in Punta Peuco, which would not be run by the military but would hold officers only. Because the army claimed the prison lacked necessary security, neither officer went into custody. The government did not immediately force the issue. Within two weeks of sentencing, with the assistance of a large army contingent that included several generals, airplanes, and helicopters, Contreras went to Talcahuano, where there was a naval hospital, complaining of a hernia problem. Espinoza, meanwhile, indicated that he accepted the outcome but went to the army's Telecommunications Headquarters.

Once again, the army ignored the appropriate formal channel, which was the judicial system. The constitutional route was unambiguous, since the Supreme Court's decision was binding. Instead, discussions were held exclusively with the Defense Ministry, which had no jurisdiction over the case. The Minister of Justice, Soledad Alvear, played a key role in cabinet meetings convened to discuss the problem, but did not engage in direct contacts with the army. Her position, like that of Patricio Rojas in the past, was decidedly in favor of forcing the military to accept the government's demands, and as a consequence the armed forces did not negotiate with her.

Finally, on June 19 Espinoza entered Punto Peuco. Giving up Espinoza suggested that the army had decided to accept the sentences, since the incarceration of one put an end to the notion that no officer would ever be judged by civilians.¹¹ However, Contreras remained in the naval hospital, with the army claiming that he was too ill to be released. The army argued to the Appellate Court of Concepción that Contreras should remain at the naval hospital until recovered from the hernia operation, which could require several months. With this argument, the army could claim that it was not violating the constitution.

The possibility that Contreras would avoid imprisonment for months after his sentencing posed a serious problem for Frei, as it could damage the government's credibility. Moderate Christian Democrats, who followed the more conciliatory attitude of Pérez, were at odds with the Socialist party and the PPD, which believed that justice was being subverted. In this context, Frei made a concession

intended to placate Pinochet. Citing the national interest, he ordered the Council of Defense of the State to cease any further investigation into the check scandal (*Hoy* 1995b). In this manner, he hoped to make a personal gesture that would be reciprocated. Already, on a Saturday in late July approximately one thousand military officers gathered outside the prison at Punta Peuco for a "picnic" as a sign of solidarity. Pinochet had the authority to end all such demonstrations, and therefore a gesture in his direction was expected to achieve results. For his part, Pinochet called a meeting of the entire Santiago Garrison (1,400 officers) to inform them that the crisis was abating.

In late July, the Concepción court ruled against Contreras, stating that Contreras' health was strong enough to allow his transfer to prison. The army, however, insisted that his hernia condition was so serious that any move would have consequences for his well being. It also decided to present the case to the Supreme Court. Over the objections of the Justice Minister, the government offered to allow "mixed" custody. Contreras would go to Punto Peuco but would be guarded by army officers, who would be given honorary contracts to act as prison guards (military personnel cannot legally assume such responsibilities). Pinochet insisted that the prison be transferred to the control of the Defense Ministry. In addition, he brought army salaries into the negotiations, arguing that they needed to be increased at least 14 percent, which, according to him, would bring army salaries more in line with other government employees.

September came and still no solution had been reached. Pérez held a press conference late in the month to accept responsibility for the impasse. He then met with the commanders in chief to announce that he was tendering his resignation in light of his inability to break the stalemate. In so doing Pérez in fact helped to put an end to that very stalemate. The military was alarmed at the news, since he had been the primary link to the government and was often sympathetic to military concerns. In particular, within the government he was the most vocal in advocating restraint on human rights prosecutions. The following day, Pinochet personally informed Pérez that the army accepted the offer of mixed custody and that Contreras would enter Punto Peuco within a week. The negotiations were further enhanced by the government's offer of an 8 percent salary raise for the army, less than requested but still significant. Contreras went without resisting. Not only were his legal avenues exhausted, but he had met several times with the head of Pinochet's Advisory Committee, who transmitted the Commander in Chief's thoughts on how his imprisonment was unfortunate but ultimately beneficial to the army (*Hoy* 1995c).

The government considered the result a success. Despite the delays, even the left felt victorious.¹² Aside from Pinochet himself, Contreras was the most notorious architect of repression during the military regime, and bringing him to justice was a victory. This achievement should not be dismissed, but in terms of civilian supremacy its cost was very high. A Supreme Court order was ignored for over four months, and since the army did not trust the Justice Minister, its chosen channel was the Defense Ministry. Although the Ministry of Defense's constitutional role is to mediate military-executive relations, it has no jurisdiction over the judicial system.

The army succeeded in demonstrating its continued ability to resist decisions made by civilian authorities. Its acquiescence came only after Frei ordered an end

to the check scandal, a pay raise was granted, mixed prison custody was offered, and the army was satisfied that handing over Contreras represented the final chapter in human rights prosecutions. The threat of Pérez resigning may have sped up negotiations, but they already had a firm base in government concession. The armed forces continued to use semi-formal channels to defend more salient interests. In such cases, the Frei government suffered similar limitations on civilian authority as its predecessor.

The Constitutional Accusation

In January 1998, five Christian Democrat deputies announced that they were planning to lodge a constitutional accusation—an impeachment hearing—against Pinochet when he assumed the post of lifetime senator. Article 45 of the 1980 constitution grants such a seat to any president who has served at least six years. The announcement caused consternation both within the army and the party. Meanwhile, the Christian Democrats began an intense debate over whether the accusation should be allowed to prosper. The military viewed the accusation as an assault on the core interest of institutional integrity and so utilized semi-formal channels extensively.

General (and Vice Commander in Chief) Rafael Villaroel became the *de facto* army spokesman against the accusation, making calls and public statements. The role of go-between was made more challenging by the fact that Pérez distanced himself and refused to act as mediator, stating that the accusation was a political, not military, matter and therefore was out of his sphere of authority. Villaroel worked instead with Interior Minister Carlos Figueroa. Consequently, such semi-formal channels had their roots in part in the refusal of the Defense Minister to become involved.

The constitution had been structured to prevent political judgment of officers, and offered only a narrow avenue through which politicians could exert authority. Article 48 outlines the functions of Congress, and part 2(d) grants its members the right to present an accusation against any general or admiral “for having gravely compromised the honor or security of the Nation.” The opposition was quick to point out that the constitutional accusation was a juridical tool being utilized for political reasons and, in fact, no one disputed that assertion.

Even supporters were forced to admit that the accusation had limits that made its passage more difficult. The most important was that Congress could not accuse Pinochet of any wrongdoing dating before March 11, 1990. The Constitutional Organic Law of Congress, enacted during the military regime, prohibited it. Therefore, admissible evidence was confined to those political-military crises in the post-authoritarian era when Pinochet’s actions were deemed to have damaged national honor. Even so, it was impossible to set aside completely the sixteen and a half years of Pinochet’s rule. His supporters noted that the accusation seemed to utilize post-1990 evidence to condemn Pinochet for pre-1990 deeds. The fusion of the juridical/political and the military regime/post-authoritarian era made the constitutional accusation a complex and highly controversial matter.

President Frei’s reaction was immediate and negative. He sent cabinet members in an effort to convince the deputies as well as their parties to desist in their efforts.

Interior Minister Figueroa gave a radio interview in which he stated that “the conviction of the government is that an accusation of this type is inconvenient in political terms” (*La Epoca* 1998a). The Frei administration’s public declarations on this matter often contained variations on the word “convenient” (e.g., *La Epoca* 1998b). From this perspective, the deputies were morally and constitutionally justified in launching the accusation, but the timing was unfortunate. Since Pinochet would soon step down, Frei wished to initiate positive relations with the new commander in chief. From that perspective, the accusation antagonized the army precisely when the government sought normal relations. As in the past, the army believed that an attack on Pinochet was the same as challenging the institution as a whole.

Shortly after the announcement, the commander in chief of the navy as well as the General Director of the National Police told Frei that politicizing Izurieta would be a major mistake (*El Mercurio* 1998). The Frei administration as well as members of Congress were also soon receiving numerous contacts from military officers, all of which were intended to prevent the accusation from occurring or at least to defeat it if it were introduced.¹³ Semi-formal channels were used extensively, and many civilians opposed the accusation precisely because it would possibly lead the army to use more extreme measures.

In the midst of the turmoil, Pérez resigned. Frei named Raúl Troncoso, a long-time friend and prominent Christian Democrat, as his replacement. Troncoso moved quickly to make himself known to the military and to re-establish the Defense Ministry as the nexus of the effort to defeat the accusation. He also sent his sub-secretaries to speak to members of Congress. Rumors would emerge that he met with the corps of generals and received veiled threats of army reactions if the accusation went forward.

The essence of the accusation was that Pinochet’s actions had gravely compromised the honor and security of the nation. “[configuring] a conduct of contempt for the values that give glory and reputation to our country in the concert of nations” (*La Hora* 1998). Three chapters detailed his infractions since 1990.

To demonstrate the army’s discontent, on March 6 the corps of generals announced that they had proclaimed Pinochet to be commander in chief “Benemérito” (*La Epoca* 1998c). The title had no legal significance, but its symbolic implications were obvious. Even though Pinochet was retiring from the army, it still supported him fully. The attempt to separate him from the institution was not succeeding. Although Pinochet would be a senator, in the eyes of the army he would always be seen as commander in chief.

The army continued to send unmistakable signals. On April 7, retired general and former Vice Commander in Chief Guillermo Garín granted an interview. Wearing his military uniform, unusual for a retired officer, and stating that he was a very close friend of Izurieta, he maintained that every general who had served under Pinochet—which included Izurieta—felt that the accusation was aimed at them as well (*Qué Pasa* 1998).

The vote was carried out two days later. Pinochet emerged victorious, with 62 votes against the accusation, 55 in favor, and one abstention. The accusation against Pinochet had sparked a number of different semi-formal channels, although Congress’ right to pursue the accusation was never challenged. Semi-formal channels were more often used as threats about military reaction to a positive vote on the

issue. This pressure, combined with the reactions of those deputies loyal to the commands of Presidents Aylwin and Frei, was critical in assuring the accusation's defeat. The military's proven ability to circumvent formal institutions had helped force the government into a conciliatory position. Even after Pinochet's retirement, the military remained a highly influential political actor.

Conclusion

The ability of the Chilean military to pursue its interests successfully in the face of opposition from civilian policy makers demonstrates that the road to civilian supremacy is long, and the end is not clearly in sight. Especially when core military interests were at stake, by utilizing semi-formal channels the armed forces were able to circumvent the formal channels established by the constitution. To be sure, the Aylwin and Frei administrations did achieve notable successes. In particular, the imprisonment of Manuel Contreras represented a triumph for civilian courts. In addition, the military followed formal channels in numerous instances when less salient interests were at stake, sometimes even when it opposed the government's decision.

Chile's road to civilian supremacy remains long. Even aside from the question of whether formal channels are followed, politics has also been structured by the binomial system and the institution of designated senators, both of which ensure the strong presence of the right in Congress.¹⁴ Under such electoral rules, it is virtually impossible for any party to dominate Congress, especially the senate. The result is a double-edged sword. The right is consistently over-represented in Congress and is able to block policy initiatives it believes detrimental to the military and its interests. Yet that same outcome placates both the conservative right and the armed forces, thus giving them confidence that civilian rule will not revert to what they view as the chaotic, extremist, and overly partisan politics of the 1960s and early 1970s.

Civilian rule appears to be the norm in Chile once again. Indeed, its history has been characterized by civilian governments, while other Latin American countries suffered repeated coups and instability. After a relatively brief period of political chaos following independence, civilians ruled Chile, except for a series of dictatorships between 1924 and 1932. Subsequently there were just over forty years of successive civilian presidencies until 1973. In short, there is a long tradition of civilian authority undergirding democratization, and, in the foreseeable future, there is no reason to believe that the military will attempt to take over the political system once again.

But to what degree does that history and current respect for civilian rule positively affect the future of civilian supremacy? To achieve that goal, the military must consistently utilize formal channels, even when its core interests are involved. Some types of semi-formal channels can be useful for establishing personal relationships that bridge the gap between officers and civilians. However, these personal relations are beneficial only when they engender greater military confidence in formal channels in general.

The evidence strongly suggests that when core interests are at stake, those formal channels are not utilized and the military uses other means to influence the

policy process and to pressure civilian decision makers to make changes. The army in particular has been very sensitive to policies affecting its interests. In response it has used public shows of strength, threats of force (which the government always took seriously, even in the late 1990s), personal contacts, announcements to the press, and other such means to ensure that its core interests remained protected. When the armed forces left power, they did not simply return to the barracks.¹⁵ Civilian governments have not been able to conduct policy without considerable interference. While that situation remains, civilian supremacy in Chile will remain incomplete.

Notes

1. Article 41, part 5 suspends individual rights in the declared area. This includes the rights of speech, work, property, and meeting. Citizens can have any of their possessions requisitioned, and any "extraordinary measures" (*medidas extraordinarias*) can be taken with regard to administering the area. Such orders are given by a military officer designated by the government to control the given area.
2. Retired air force general, interview with the author, Santiago, November 13, 1997. The fact that an air force officer would express such views gives it even more credence, since the air force has been by far the least critical in the post-authoritarian era.
3. With regard to the military, the most important reform was to add a civilian to the National Security Council, thus balancing the number of civilians and commanders in chief.
4. See Hunneus 1990 and Editores 1992 for public opinion polls during the first years of the Aylwin administration. Hunneus reports that 70.6 percent believed the military was very or quite important to national politics, a higher percentage than either political parties or unions. For a recent analysis that discusses the continued political support for the military, see Agüero 1998.
5. General Jorge Ballerino, interview with the author, Santiago, April 20, 1998.
6. The senate, for example, passed unanimously the following statement: "It [the senate] reaffirms its adhesion to the Political Constitution of the State, to the strict observance of the functions that it and the law establish for each organ and institution that comprise the State of Law. It reiterates its confidence that with patriotic spirit the process of democratic consolidation, which is the responsibility of all Chileans, will continue to advance." *Diario de Sesiones del Senado, Sesión 28, December 20, 1990.*
7. Despite the coincidence of military unrest in the same month, there are no indications that the Chilean army wished to use the Argentine example as a further threat, especially since the rebellion was put down effectively.
8. Enrique Correa, interview with the author, Santiago, March 25, 1998.
9. The War Subsecretary's role is to coordinate relations between the army and the Defense Ministry. Sánchez argued that much of the problem was that a small staff was attempting to make reality of a ministry that historically had existed only "on paper," while facing military intransigence. Marcos Sánchez, interview with the author, December 1, 1997.
10. The armed forces as well as the national police (*carabineros*) are linked to the Defense Ministry. Although it is commonly asserted that the *carabineros* have been transferred to the Interior Ministry, such a transfer has not occurred. The *carabineros* have high-level contacts with the Interior Ministry and coordinate some operations from there, but remain dependent upon the Defense Ministry and the Subsecretary of Carabineros works in Defense. See www.carabineros.cl for a description of these duties.
11. The army did, however, continue to insist that the government's ability to judge the military was limited. An article published about the same time in the army's journal asserted that the armed forces "are not the property of those governing and they are not subordinate to people or classes, but rather to the juridical order of the Nation-State." Harvey (1995: 94). For a similar view from the navy, see also Vergara Villalobos 1996.
12. Vicente Sota, former President of the Defense Commission of the House of Deputies, interview with the author, May 6, 1998.

13. Senator José Antonio Viera-Gallo, interview with the author, May 11, 1998.
14. Under the binomial system, parties put up multiple candidates for any given district, and two deputies are elected per district. If the winning party does not gain double the percentage of the second party, then the top candidates from each gets a seat. There are also nine designated senators, including one retired officer from each branch of the military and national police (usually a former commander in chief), as well as extra designated seats reserved for any former president who served at least six years.
15. The army made this explicit. Anyone who believed that the army would return to the barracks "absolutely ignored everything done in the last sixteen years." (Molina Johnson 1990: 22.) Or, as another officer put it, "Today the army represents one of the spiritual and moral reserves of the Fatherland (*Patria*)." (Muñoz Baeza 1994: 190.)

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