

## Inching toward Democracy

### President Lagos and the Chilean Armed Forces

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President Ricardo Lagos assumed office at a key moment in post-authoritarian civil-military relations in Chile. General Augusto Pinochet's apparent invincibility had evaporated; through a series of round table meetings (the Mesa de Diálogo, which is discussed at length in chapter 1, both military and civilian representatives were seeking to establish greater dialogue about the past, and Chilean judges were becoming ever bolder in asserting their legal right to force military officers to appear before them. It seemed a potentially propitious time for scaling back the political power and influence of the armed forces. The purpose of this chapter is to assess President Lagos' success in doing so.

In order to evaluate the administration of President Lagos in the area of civil-military relations, we must first outline the standard to which he will be held. In this chapter I will use a commonly accepted definition of civilian supremacy as a way to gauge Lagos' efforts to democratize civil-military relations. I will argue that although Lagos has only partially effected the structural reforms necessary to advance civilian supremacy over the military, and in some areas has not attempted to do so at all, he has made significant strides, certainly more than his predecessors. Much of that success, in fact, was compressed into several months in the latter half of 2004. Slowly (but thus far surely), Chile is inching toward democracy.

Although disagreement certainly exists about the definition of civilian supremacy over the armed forces, considerable consensus has emerged regarding its central elements, which incorporate several themes. The government must be able to formulate and conduct general policy without interference from the armed forces. It must also be able to define national defense in all respects, including having the final word on what issues merit the most attention, what the country's goals should be, what strategies are most appropriate, and what the military's proper role within that framework should be. In addition, the consti-

tution, national law, and military codes must codify the subordinate position of the armed forces to the civilian government.<sup>1</sup>

I consider the success of the Lagos administration in enacting democratic reforms and facilitating smoother daily interactions between government institutions and the military leadership, while also analyzing the functioning of the most important formal civil-military contact points, namely the executive branch (especially the Ministry of Defense), Congress, and the judiciary.

However, we must also place Lagos in the context of his predecessors. Ricardo Lagos inherited a difficult situation, since former Presidents Patricio Aylwin and Eduardo Frei had left "loose ends" in many areas of civil-military relations. Nearly a decade of civilian rule and democratic elections had not sufficed to solve many pending issues. In addition, Lagos was the first member of the political left to serve as president since Salvador Allende, which made the military leadership even more skeptical of reform efforts. Finally, the resurgent conservative right, led by Joaquín Lavín of the far-right Unión Demócrata Independiente (UDI), was eyeing the presidency and was often vocal about blocking presidential initiatives that aimed to reduce the power and influence of the Chilean armed forces.

When President Aylwin took office in 1990, scholars and policy makers alike discussed the primary reforms that required attention and, in fact, Aylwin and the coalition that supported him had made most of them part of his platform. The most prominent included reform of the copper law that guarantees part of the military budget (Article 96 of the Organic Laws of the Armed Forces), elimination of the military-designated senators (Constitutional Article 45), granting the president latitude in firing commanders in chief (Constitutional Article 93), reducing the power and scope of military courts (outlined in the Military Code of Justice), eliminating the military's ability to force a meeting of the National Security Council (Constitutional Article 95), shifting the Carabineros (national police) from the Ministry of Defense to the Interior Ministry (Constitutional Article 90), and increasing civilian oversight of military intelligence (Organic Laws of the Armed Forces).

Space precludes a detailed description and analysis of all these reform goals and failed efforts to enact them, and indeed that has been done elsewhere.<sup>2</sup> Taken together, however, the laws they sought to replace represent a complex and solid foundation of formal military constraints on civilian authority. Some of these reforms were passed in 2005: specifically, eliminating the designated senators, gaining authority to fire commanders in chief, and preventing the military from convoking the National Security Council. Going the opposite direction was intelligence, as the creation of a new National Intelligence Agency included

almost complete autonomy for the military to conduct its own intelligence operations, with minimal civilian oversight.

Furthermore, in other areas the Lagos administration has made significant strides toward, at the very least, normalization of civil-military relations. In particular, it has been successful in improving civil-military trust. Although these improvements do not have an immediate impact on long-term civil-military stability, they may lay the groundwork for it.

Fundamental structural changes, of course, require congressional action. Wendy Hunter has argued that in Latin America the electoral incentives of politicians can trump military desires, so that military influence declines even in the face of resistance.<sup>3</sup> In Chile that outcome has only recently—and only partially—occurred. Even the copper law that allocates a share of copper revenue to the armed forces, the proceeds of which can reasonably be considered tempting for politicians, has yet to be put on the table. The Aylwin and Frei administrations found Congress, the press, and the military focused squarely on conflictive attempts at reform, which in turn not only distracted attention from attempts to roll back the military regime's policies in other areas, but also made the UDI and parts of the center-right Renovación Nacional (RN) less willing to compromise on those other issues. By the time Lagos took office, Congress had proved unable to fundamentally change the constitutional foundations of civil-military relations.

President Lagos also took office as the remarkable transformation of General Augusto Pinochet's image was already underway. The self-proclaimed "Cincinnatus"—who harkened back to ancient Rome to explain how he would return if his country needed him, and who over time had been compared to Hitler, Caligula, and myriad other of the most hated personages in history—was gradually being reduced in the public eye to a stooped and decrepit old man facing a number of legal challenges. As such, even his supporters—both military and civilian—coaxed him out of the political world and the limelight.

### The Executive Branch and Limits of Power

In Chile, executive authority over the military is embodied primarily in constitutionally granted presidential powers and in the Ministry of Defense, which is the formally established link between the military leadership and the president. However, limitations on executive power have remained a bone of contention for Chilean presidents, who before 1973 had enjoyed much wider latitude.

One incident exemplifies not only the lack of presidential authority, but also the persistent issue of dealing with the past. The air force has widely been considered the least politicized branch of the armed forces. Its commanders in chief had been the most assertive in countering the power and influence of Pinochet,

and commander in chief General Fernando Matthei had in fact proclaimed the victory of the "no" vote in the 1988 plebiscite, thus breaking the military regime's silence about the vote's outcome. In the post-authoritarian period, relations between the air force leadership and civilian governments were smooth. Therefore, when reports surfaced about the reemergence of a dictatorship-era organization within the air force, it was clear that civil-military relations were still highly problematic. The case demonstrates that the institutional barriers that existed (at least, perhaps, until 2005), as well as the ways in which civil-military communication has improved since 1990.

The so-called Comando Conjunto (Joint Command) was created in 1975 by air force officers in combination with civilians from Patria y Libertad, an extremist group of the right. Its purpose then was to coordinate repression, and its purpose, beginning in the late 1990s, was to ensure that the Mesa de Diálogo did not receive information relating to the air force's role in detaining, torturing, and killing political enemies.<sup>4</sup> In fact, air force General Patricio Campos, who was allegedly put in charge of collecting information for the round table, had ties to the Comando Conjunto in the 1970s. Air Force Commander in Chief Patricio Ríos officially denied that any such organization continued to exist.

Lagos could do very little as he watched the episode unfold. Publicly, he voiced frustration that as president he could not force the resignation of the air force commander in chief. If the commanders in chief required the president's confidence, he averred, they would act very differently.<sup>5</sup> The problem, of course, is that his reasoning was precisely why the military government specifically forbade such a firing. As Jaime Guzmán—the most influential intellectual force behind the 1980 constitution—argued during meetings of the Constitutional Commission, the idea of *inamovilidad* was insurance against "commotion" or "alteration" as governments changed.<sup>6</sup> The military, with its stated ethos of remaining above politics and politicians, did not wish to be "corrupted" by the whims of presidents. Instead, initially Lagos had to seek satisfaction in firing the civilian subsecretaries of aviation and of the navy as a sign of his displeasure.<sup>7</sup> Ríos resigned on October 13, 2002, after realizing that General Campos had been lying to him, that both a lawsuit and a constitutional accusation were underway against him, and that his support within the ranks was shaky.<sup>8</sup> Two months later he was forced to testify in court, accused of obstruction of justice in a suit brought by the Communist and Socialist Parties, along with the Group of Families of the Detained-Disappeared.

A similar situation had occurred in 1994, when President Frei informed Carabinero Commander in Chief Rodolfo Stange that he expected his resignation, accusing Stange of being derelict because of his failure to properly investigate a particularly egregious case of human rights abuse.<sup>9</sup> Stange refused to resign and

remained without government confidence for a year and a half, finally leaving only after Frei informed him that he would not approve any of the promotions Stange recommended for the year. Thus, an administrative sledgehammer finally resolved the issue, but the lack of presidential authority persisted.

Of course, neither Lagos nor Frei can be blamed for such episodes since Chile's constitutional-legal structure effectively hamstrung them. Yet they demonstrate the dilemma for increasing civilian supremacy over the military. The armed forces enjoy considerable autonomy, a situation that can be changed only with significant congressional majorities. These majorities, meanwhile, never materialized because of resistance from the UDI and some sectors of the RN (depending on the issue), the binomial electoral system, and the presence of military-designated senators. Despite near constant rumors that constitutional reform might have a chance of passing (for example, even Joaquín Lavín suggested he might support allowing the president to remove commanders in chief), Concertación presidents and legislators have usually opted to avoid forcing votes on controversial issues when defeat seems assured. Public opinion reflects the same conundrum. According to a 2002 poll, although 74 percent of Chileans support reforming the constitution to allow the president to remove commanders in chief and 82 percent support eliminating designated senators, only 22 percent believe that political parties can reach consensus to achieve these reforms.<sup>10</sup> The 2004 reforms, therefore, constituted a remarkable breakthrough.

Lagos also cannot be blamed for being unable to change the military's views about the past. The air force incident underlines the fact that when faced with challenges to their interpretations of the military regime, the Chilean armed forces are as close to monolithic as large organizations can be.<sup>11</sup> When representatives from each branch came to the Mesa de Diálogo in 1999, they presented monologues that were carefully scripted and almost identical.<sup>12</sup> If civilians on the other side of the mesa were hoping to find some inter-service differences, they were to find the military representatives scrupulous in maintaining solidarity.

The only exception, when the army took a different public stance than the other branches, came in the wake of the release of the report of the National Commission on Political Imprisonment and Torture (known as the "Valech" report for the commission's president, Sergio Valech Aldunate). The report, based on more than 28,000 interviews, revealed in excruciating detail the horrors of the dictatorship's prisons.<sup>13</sup>

Commander in Chief Juan Emilio Cheyre gave a speech and then wrote a newspaper article in which the army took responsibility "for all the punishable and morally unacceptable actions of the past."<sup>14</sup> Although Cheyre fell short of

admitting that the report was detailing state policy, he did advance from past assertions that all abuses were aberrations committed by rogue individuals. The air force chose not to assume responsibility, but rather to assign blame to those individuals who gave the orders (*los mandos*).<sup>15</sup> The commander in chief of the navy, Miguel Ángel Vergara, declared that the navy would analyze the possibility of someday taking institutional responsibility, but since the navy had cooperated with the Valech Commission, "we have a clear conscience."<sup>16</sup> Retired officers, meanwhile, were simply indignant. The Circle of Retired Generals and Admirals issued a statement that the Valech Commission did not employ rigorous standards and that supposed victims were hoping to receive money.<sup>17</sup> The organization would only admit that it was "possible" that some victims did in fact disappear.

The divide over the past, exemplified by the obstructionism within the air force, also found voice in retired General Manuel Contreras, the former head of the Dirección de Inteligencia Nacional (DINA), the notoriously brutal intelligence service under the control of General Pinochet during the first years after the coup. Contreras had written a book entitled *La verdad histórica: el ejército guerrillero*, published in 2000, which purported to prove the existence of a massive rebel army that threatened Chile's existence before the coup and therefore required a vigorous response by the state. In 2001, he went a step further and published *La verdad histórica II: ¿desaparecidos?*. As the title suggests, Contreras argues that the Rettig Commission (created in 1990 to investigate human rights abuses) accepted Marxist lies regarding the supposed disappearances of political prisoners. Many if not most of those labeled as "disappeared" in fact not only were released without any mistreatment and after due process had taken its course, he claims, but also are currently alive and well. For these Marxists (who, according to Contreras, still comprise a large percentage of Chileans) "the truth never interests them, and they only live by lies, calumny, and hatred."<sup>18</sup> To provide "historical accuracy," Contreras examines numerous cases from the Rettig Commission and human rights organizations, using documents that he claims are accurate. (Contreras claims that, unlike the Rettig Commission, he has only impartiality as a goal.) Contreras' primary conclusion is that, given the opposition's fervent desire to discredit the armed forces, it should come as no surprise that hundreds of people prefer to be considered "disappeared" than to admit that they have been free for decades.

For obvious reasons, it is very difficult to assess the degree to which such ideas permeate the ranks, but there is no doubt that Contreras is not the only one who believes them. After General Ríos retired, the so-called Plan Babilonia was made public. A product of retired intelligence officials from the military government, the plan's intent was to control the information being provided

to the government about the past actions of military officers.<sup>19</sup> This included attempting to ruin the career of anyone providing too much information, counseling anyone who was called to testify, and seeking to ensure that investigations could not be completed.

Very likely, the passage of time is the primary means by which these examples of persistent obstructionism will fade away. Most current generals (of all branches) served in the military government in some capacity or even were involved in fighting in the coup's aftermath. Although there are numerous senior officers viewed as less political and more willing to work closely with civilians (Army Commander in Chief Cheyre being one), only gradually will their number increase as hard-line officers retire.

#### Civil-Military Relations at Ground Level: The Defense Ministry

President Lagos has been active in attempting to increase the level of civil-military trust at "ground level," meaning the specific contact points where the majority of routine interaction takes place. Most notably, the Ministry of Defense is where strategies, budget needs, and planning are discussed and debated in detail. Before 1973, it was largely ignored by politicians, who felt there were more important issues to deal with and therefore were content to allow the armed forces to make such decisions themselves. After 1990, civilian policy makers realized that the ministry was critical not only in influencing defense policy, but also simply in establishing positive relationships with military officers.

In 1990, President Patricio Aylwin had to reconstruct the Ministry of Defense, which historically had been peripheral to decision making and had been generally ignored during the military government. With regard to naming the defense minister, President Lagos has been shrewder than his predecessors. Aylwin and Frei had shifted between combative personalities who were consequently ignored by the military (such as Patricio Rojas, the first post-authoritarian minister) and ministers whose desire for stability meant granting the military leadership much of what it requested (such as Edmundo Pérez Yoma, who served under Frei). Lagos chose Mario Fernández, a Christian Democrat who had served both as secretary of war and also of aviation, and who had never been viewed as caving in to military pressures. The military considered Fernández a moderate who was also experienced in defense matters.

When Fernández left for another cabinet post in early 2002, Lagos named former Minister of Health Michelle Bachelet as his replacement. She was the first female minister of defense in Latin America, was the first defense minister from the Socialist Party in Chile since the Allende administration (she spent parts of the 1973-1990 period in Australia and East Germany), and was the daughter of an air force general assassinated as a result of his opposition

to the military government. However, she was also committed to cultivating and maintaining a professional relationship with the armed forces, as well as to avoiding the public rancor that had plagued previous ministers. Although her background is in medicine and health, in the 1990s she had taken courses at the Academia Nacional de Estudios Políticos y Estratégicos, a Defense Ministry-funded think tank at the Inter-American Defense College in the United States, and had obtained a master's degree from the civil-military program at the army war academy. Her success in the position has made her one of the fastest rising stars within the Concertación. She stepped down from her post in 2004 to pursue the Concertación's nomination for president. Her replacement, Jaime Ravinet, has no defense experience, but as a generally noncontroversial career politician he is also unlikely to make waves.

The Lagos administration has also been working to make the ministry itself a more rational and effective institution. It has few full-time employees, and the offices of the subsecretaries (there are a total of five—army, navy, air force, national police, and civilian intelligence) duplicate a number of duties, thus stretching already scarce resources. Lagos therefore initiated a restructuring effort to ensure that the separate offices did not perform the same tasks. Under the auspices of the ministry, the administration also organized meetings to produce a second defense "white book" (the *Libro de Defensa Nacional de Chile*). Like the first, completed in 1998, it resulted from meetings among government officials, officers, and civilian experts to outline the country's strategic situation and needs, especially in light of technological advances and globalization. Although the results have lacked specificity and precision, the meetings have been useful in terms of fostering greater civil-military communication.

Finally, within the executive branch President Lagos has been compelled to listen to the armed forces through the National Security Council (COSENA). Originally intended by the military government to act as a military watchdog over civilian authorities, through the constitutional reform negotiated in 1989 it was reconstituted with an equal balance of commanders in chief and civilians, thus negating the military advantage. In addition, even when a vote takes place, the president is not required to follow its dictates. Any two members can force convocation, but there has been a tacit agreement that even when at least two commanders in chief desire to meet, they will inform the president and allow him to convoke the meeting.<sup>20</sup> Nonetheless, press leaks make clear that the president is doing so only because of military pressure. Lagos found himself in that situation in late 2000, when Pinochet was facing possible arrest. Although he did not want to meet, he had no choice and so scheduled a meeting in January 2001.<sup>21</sup>

It is noteworthy that by early 2003 Lagos had met with COSENA only that

single time, since Aylwin was obliged to convoke COSENA five times during his administration and Frei eight times (during the fifteen months Pinochet was in London, the armed forces forced four meetings). In general, Lagos has followed the pattern established by his predecessors, which is to avoid meeting unless the commanders in chief demand it. This, along with the inability of the military to force any action, has meant that COSENA has not been the authoritarian enclave many believed it might be. Nonetheless, it still allows the military leadership to force the president to deal with any issue it believes is important. The 2005 reforms mark an important advance.

### The Military and Congress

Other political institutions, however, have yet to evolve significantly in terms of asserting civilian influence. Both the Chamber of Deputies and the Senate have committees for national defense, but they are neither well staffed nor particularly influential. There is no permanent staff anywhere within the congressional structure with expertise on defense issues. Any member of Congress without prior knowledge of such issues must find his or her own resources, and in practice relatively few members do so. Like the Ministry of Defense, Congress could not build on a past history of effective oversight and activism. Prior to 1973, the military had operated not only with little congressional intervention, but also with little interest from a legislature more focused on the many socioeconomic challenges facing the country.

The composition of the Committee on National Defense in the Senate in 2004 demonstrates some of the limitations to expanding democratic oversight. Of its five members, one (Julio Canessa Robert) was a designated senator who was vice commander in chief of the army during the dictatorship and a close friend of Pinochet. Another, Sergio Fernández Fernández (UDI) was, among other things, minister of the interior in the military government. Baldo Prokurica, a conservative member of RN, was a local government official during the dictatorship. The committee was rounded out by Sergio Paez Verdugo, one of the founders of the Christian Democratic Party, who had no previous experience in defense matters (he took the committee position in March 2002) and Fernando Flores Labra from PPD, who had been in several ministerial positions in the Allende government (and was a political prisoner for three years), but whose main interests have been economic and business-related. Given that the majority have close ties to the military government (and the military itself) and the minority have considerably less experience, it is not altogether surprising that the committee is not a vehicle for reform. In fact, it rarely even meets.

The committee convened only eight times in 2000, five times in 2001, and

eight times in 2002.<sup>22</sup> Almost all Senate committees meet more often (there are exceptions, such as Public Works, which met only three times in 2001). In comparison, Mining and Energy or Legislation and Justice often meet more than sixty times a year, and even Foreign Relations (which, given its attention to external threats, also relates to the military) usually meets at least twenty times a year.

Notwithstanding the presence of retired commanders in chief in the Senate (and a scattering of elected retired officers) there is relatively little routine interaction between members of Congress and the military. There are several reasons for this. First and most important, Congress has very little influence over military budgets, which are set by the president and the details of which cannot be modified. Congress can reduce the military budget, but by law not below the 1989 level (the last budget under the military government), adjusted for inflation.<sup>23</sup> Without significant power of the purse, Congress is peripheral to defense decision making. Second, it is generally frowned upon for officers and politicians to interact, which means they do not develop relationships.<sup>24</sup> Officers who do so are viewed as becoming politicized, while politicians are seen to be pandering. Third, there is no recent precedent for congressional activism with regard to defense issues in Chile. Since the establishment of a strong executive in the 1925 constitution, presidential power has consistently trumped congressional influence in the area of defense, a situation that was solidly reinforced by the military regime and the 1980 constitution. Last, Congress is located in Valparaíso, and since the executive branch, the army, and the air force are all in Santiago (a ninety-minute drive away), defense decision making has tended to remain concentrated in the capital.

There is another obstacle to structural reform: The structure of the Chilean Congress, with designated senators and the binomial electoral system, has consistently overrepresented the right, which already has a solid one-third (and at times more) of the popular vote. Therefore, for the Concertación to attain even simple majorities often requires wooing members of the RN or to a lesser extent the UDI. Changing organic constitutional laws (such as those governing the military's share of copper revenue) requires a four-sevenths majority in both houses of Congress, which thus far has not been attained.<sup>25</sup> The 2005 constitutional reforms, however, did demonstrate that reform is not impossible.

### The Judiciary and the Military

Despite the problems faced by the executive branch, the courts have continued their work of pursuing specific cases of disappearances, using the legal reinterpretation of the 1978 amnesty to continue an investigation until the individual in

question was officially declared deceased. The courts, and especially Judge Juan Guzmán, Tapia, became more active in 1999 while Pinochet was still detained in Great Britain, and weathered numerous calls by the military to protect what the latter saw as the all-encompassing original intent of the amnesty (including specific mentions of that fact in the Mesa de Diálogo position papers of each service branch). Furthermore, in 2000, the Supreme Court ruled that amnesty could be granted only to specific individuals (as opposed to automatically applying to everyone) after an investigation had been carried out and a judicial decision reached. Such investigations could not be shut down simply because the crime had been committed between 1973 and 1978. This decision led the way for hundreds of officers to be charged with crimes.

The courts in Chile also began proceedings against Pinochet himself. The Supreme Court ruling had stripped him of immunity, and he faced charges related to the Caravan of Death case. In March 2001, the appellate court ruled that the only charges applicable to Pinochet were knowing about the crimes after the fact and not ordering an investigation or sanctioning those responsible.<sup>26</sup> The crimes of murder and kidnapping therefore did not apply. This was obviously a victory for the retired general; although he remained potentially responsible for the crime of covering up the murders (essentially obstruction of justice), he had avoided standing trial for the more serious crimes. Finally, on July 9, 2001, the court closed the case “temporarily” because Pinochet was suffering from dementia and therefore could not be forced to stand trial. Only if he was ruled to have recovered from that dementia could the case be reopened, and on July 1, 2002, the Supreme Court appeared to eliminate that possibility, ruling that Pinochet’s physical condition was irreversible.<sup>27</sup> But Pinochet himself changed that by giving a television interview in late 2003 in which he was lucid and defiant, thereby opening up yet another new avenue for Judge Guzmán to prosecute him. As of late 2005, he has yet to stand trial, but the case remains open.

The courts were clearly far more active than ever before in trying human rights cases against officers, and Pinochet’s arrest opened the door for *any* officer to be charged or called to testify, regardless of rank. As a result of the *mesa*’s work, and specifically its revelations of continued frustration in locating the remains of those killed during the dictatorship, in 2001 the Supreme Court appointed special judges whose mandate was to focus on investigating the fates of the disappeared.

Although it is difficult to ascribe credit to the Lagos administration for these developments, they represent an important step forward in civilian supremacy over the armed forces, and certainly the president was responsible for the release of the Valech report, which will likely spur on the courts even more. Even

though Pinochet has been released, he is no longer untouchable and, in fact, has found it advisable simply to resign from the Senate and from the public eye. It is obviously impossible to claim dementia while retaining an important political post.

The negotiations of the past, whereby the army would extract concessions in return for allowing a limited number of officers to testify, have not been repeated. In Chile respect for the sanctity of the judicial system overrides military concerns, even for the far right. When navy commander in chief Admiral Miguel Angel Vergara called in November 2002 for a two-year limit on human rights investigations and for the courts to interpret the 1978 amnesty in its “original form,” whereby investigations would not take place, he received no public support.<sup>28</sup> However, Lagos did hope to conclude human rights cases as quickly as possible (as did, unsuccessfully, both Aylwin and Frei).<sup>29</sup>

### What of Pinochet?

A notable difference between President Lagos and his predecessors revolves around the role of Pinochet himself. Pinochet was a constant thorn in the sides of Aylwin and Frei, as he had a tremendous knack for using public statements, appearances, and symbolic gestures to keep the government off balance and on the defensive before the military. He could not be ignored and was usually able either to block unwanted executive or legislative initiatives or at least to extract major concessions on those he could not prevent. He spoke on behalf of the military as a whole and was never contradicted. But by the time of Lagos’ election, that situation had begun to change.

After his return to Chile, General Pinochet’s public appearances and statements gradually declined, which can only be deemed as positive for civil-military tranquility. The military—but obviously the army in particular—feels compelled to support him. He commands tremendous respect within the ranks, and at least publicly there does not appear to be any dissent. Nonetheless, the army leadership recognizes that the honorary lifetime commander in chief (*benemérito*, the unofficial title granted him by the army upon retirement) rocks the political boat to such a degree that easing him out of public life is a necessity. Even before he became commander in chief in 2002, General Juan Emilio Cheyre was instrumental in convincing Pinochet to stop going to Senate sessions and then, in July 2002, to resign his seat, arguing that it would be the best thing for the army as a whole.<sup>30</sup>

At that time, Senator (and former Navy Commander in Chief) Jorge Martínez Busch called for a general amnesty, which prompted Senate President Andrés Zaldívar to call a press conference in which he flatly rejected the idea:

"It will be a long time before we can have a single vision of our history."<sup>31</sup> The notion of a new amnesty is not new, both active and retired officers have floated it routinely (and unsuccessfully).

In his resignation letter, Pinochet did not launch his customary criticisms of politicians and the left. Instead, he reiterated that the actions initiated on September 11, 1973, were "in defense of the sovereignty, national security, and peace of our country" and that he hoped his "sacrifice as a soldier" would be recognized by future generations.<sup>32</sup> What followed in the congressional debate reflected an exchange that had become very familiar since the return of civilian rule in 1990, though the catcalls, yelling, and commotion had not been seen since Pinochet first entered the Senate in 1998.<sup>33</sup> Senators of the Concertación deplored the fact that Pinochet could never be judged by a court of law, and that human rights abuses remained an open wound for Chileans. They also wondered how, if Pinochet were legally demented, could he write a letter of resignation? On the right, meanwhile, senators lambasted the left for seeking to question the honor and integrity of such a patriotic man, thereby, in the words of one UDI senator, "trying with their words to return to the sowing of hatred and division among Chileans" while a senator from the RN lamented that the resignation would not serve to "satisfy the appetite for vengeance on the part of a minority sector."<sup>34</sup>

Pinochet's image received serious damage in 2004, when investigations revealed that he had upwards of US\$8 million in a U.S. bank (Riggs Bank). His supporters found it difficult to account for such a sum, since the presidential salary was scarcely more than US\$40,000 a year. Even former DINA chief Manuel Contreras could only note dryly, "The problem with Pinochet is that he got quite a lot."<sup>35</sup> This disclosure punctured a long-held image of probity, and Chile's tradition of avoiding the corruption so ingrained in many Latin American countries will also serve to detract from the heroic Cincinnatus image. Fewer and fewer politicians wish to associate publicly with him.

## Conclusion

Democratizing civil-military relations in Chile is a massive undertaking, requiring transformations not only in the country's constitutional and legal framework, but also in the attitudes of military officers, politicians, and civil society. Progress has thus been slow in terms of long-term structural change, but at the same time the Lagos administration has advanced in several important areas. With regard to civilian supremacy, the government clearly does not have the last word on many important issues, since numerous constitutional articles, laws, and military codes serve to limit civilian authority, but some reforms are

indeed underway. Those reforms are critical for civilian supremacy over the armed forces in Chile.

Under Aylwin, the courts made their first unsteady steps in the direction of putting officers on trial, culminating in the imprisonment of General Manuel Contreras in 1995 (though only after protracted negotiations that resulted in concessions to the army) and continued more vigorously after Pinochet's arrest in London. The Frei administration (under the initiative of Defense Minister Edmundo Pérez Yoma) also set up the Mesa de Diálogo that, although deemed highly imperfect by all concerned, became a mechanism for civil-military dialogue about the most sensitive topics of the dictatorship, namely the arrest, detention, torture, and deaths of thousands of people.

Lagos has been much more successful than previous presidents in fostering greater civil-military trust, despite his background in the Socialist Party and as a former Allende administration cabinet member. Although still weak, the Ministry of Defense is more relevant and involved than during the 1990s. Lagos' choices to fill ministerial positions have also reassured the military leadership that his administration is both serious about dialogue and technically competent. If this pattern continues, the level of civil-military trust will gradually rise, which in turn can provide the atmosphere necessary for discussions of civilian supremacy to continue advancing.

In sum, it may be said that Lagos is making the best of a difficult situation. Substantial reforms have been made, but much has yet to be accomplished. A combination of constraints, whether constitutional, legal, partisan, or ideological, has yet to be fully overcome. In spite of those obstacles, he has made important strides. By negotiating reform and increasing military confidence in civilian defense institutions, Lagos is setting the stage for a decrease in military resistance to change. Civil-military relations are therefore inching toward democracy.

## Notes

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1. For an excellent discussion of the concept, see Felipe Agüero, *Soldiers, Civilians, and Democracy: Post-Franco Spain in Comparative Perspective* (Baltimore: Johns Hopkins University Press, 1995).
2. For example, see Claudio Fuentes, "After Pinochet: Civilian Policies toward the Military in the 1990s Chilean Democracy," *Journal of Interamerican Studies and World Affairs* 42, no. 3 (Fall 2000): 11-42; Brian Loveman, "Misión Cumplida? Civil-Military Relations and the Chilean Political Transition," *Journal of Interamerican Studies and World Affairs* 33, no. 3 (Fall 1991): 35-74; Patricio Silva, "Searching for Civilian Supremacy

acy: The Concertación Governments and the Military in Chile," *Bulletin of Latin American Research* 21, no. 3 (July 2002): 375–95; Gregory Weeks, *The Military and Politics in Postauthoritarian Chile* (Tuscaloosa: University of Alabama Press, 2003).

3. Wendy Hunter, *Eroding Military Influence in Brazil: Politicians against Soldiers* (Chapel Hill: University of North Carolina Press, 1997).

4. "Los fantasmas que acosan a la FACH," *Qué Pasa*, September 20, 2002.

5. "Lagos: Es hora de que el presidente pueda remover a los comandantes en jefe," *La Tercera*, September 25, 2002.

6. *Actas oficiales de la comisión de estudio de la nueva constitución política de la República*, Sesión 392, June 29, 1978, p. 2994.

7. Nonetheless, one positive aspect of the incident was that, unlike many situations in the 1990s, government-military discussions were held under the auspices of formal institutions (in this case, the Ministry of Defense).

8. "Las 120 horas más intensas de Ríos," *Qué Pasa*, October 18, 2002.

9. See Weeks, *Military and Politics in Postauthoritarian Chile*, chap. 5.

10. The poll was carried out by the think tank Fundación Chile 21 and reported in "74% de chilenos apoya que presidente remueva a jefes castrenses," *La Tercera*, October 1, 2002.

11. These interpretations filter even into language. Should the Pinochet years be referred to as a *dictadura* or simply the *gobierno militar*? When Allende was overthrown, was there a *golpe de estado* or a *pronunciamiento*? In books, articles, interviews, or any other forum, officers of all branches are careful to use what they believe is the proper terminology to describe past events.

12. For a discussion on the military's view of the past, see Felipe Agüero, *Democracy and the Future of Civil-Military Relations in Chile: An Exercise in Historical Comparison*, Dante B. Fascell North-South Center Working Paper No. 6 (Miami: Dante B. Fascell Center, May 2002); Gregory Weeks, "The Lessons of Dictatorship: Political Learning and the Military in Chile," *Bulletin of Latin American Research* 21, no. 3 (July 2002): 396–412.

13. It also recommended providing compensation to victims, and a law to do so sped quickly and successfully through Congress. For the text of the Valech report, see <http://www.presidencia.gob.cl/view/viewInformeTortura.htm>.

14. Ejército de Chile, "Ejército de Chile: el fin de una visión," November 5, 2004, <http://www.ejercito.cl/html-generado/2010.html>.

15. "Fach condena tortura y asigna la responsabilidad a los mandos superiores," *La Tercera*, December 2, 2004.

16. Miguel Angel Vergara, "Armada analizará en su mérito reconocimiento institucional," *El Mostrador*, November 10, 2004.

17. "Ex militares deslegitiman testimonios de informe Valech," *El Mostrador*, December 2, 2004.

18. Manuel Contreras Sepúlveda, *La verdad histórica II ¿desparacidos?* (Santiago: Ediciones Encina, 2001), 3.

19. "El misterioso Plan Palolonia," *Primer Plano Línea*, November 11, 2002.

20. An exception occurred in December 1992, when Pinochet, Navy Commander in Chief Jorge Martínez Busch, and Supreme Court Justice Marcos Aburto voted to convene in response to a constitutional accusation against ministers of the Supreme Court and the auditor general of the army.

21. "FFAA piden aplicar amnistia sin investigar," *La Tercera*, January 3, 2001.

22. Senado de Chile, *Boletín Estadístico No. 32, Labor Desarrollada por el Senado, Año 2000*; *Boletín Estadístico No. 35, Labor Desarrollada por el Senado, Año 2001*; and *Boletín Estadístico No. 38, Labor Desarrollada por el Senado, Año 2002*.

23. A clear analysis of the highly complicated process of military budgeting can be found in Guillermo Patillo, "El presupuesto de defensa en Chile: procesos decisionales y propuesta de indicadores de evolución," *Security and Defense Studies Review* 1 (Winter 2001): 125–46.

24. For a military view of this issue (by a retired air force colonel), see Carlos Castro Sauritain, "Asesoría parlamentaria del Ministerio de Defensa," *Política y Estrategia* 80 (January 2000): 137–45. He advocates a special advisory body composed of active-duty officers, retired officers, and qualified civilians, similar to the Brazilian model.

25. Those laws were passed in the last days of the military government and are part of the so-called *leyes de amarré* (literally "mooring laws") that were intended to tie up indefinitely any attempt at legal restructuring.

26. "Fallo rebaja los cargos graves contra Pinochet," *La Tercera*, March 9, 2001.

27. "Definitivo: sobreseen a Pinochet," *La Tercera*, July 1, 2002.

28. "Gobierno rechaza propuesta de DDHH del almirante Vergara," *La Tercera*, November 7, 2002.

29. "Luna de mel entre gobierno y Suprema tendrá prueba de fuego en DD.HH.," *La Tercera*, February 6, 2004.

30. "El último acto de Pinochet en el Senado," *Qué Pasa*, July 5, 2002.

31. Senado de Chile, "Presidente del Senado sostuvo que es evidente que falta tiempo para tener una visión única de la historia," press release, July 9, 2002.

32. His letter was published in the Chilean Senate; Senado de Chile, *Legislature 347, Sesión 12 Ordinaria*, July 9, 2002.

33. In 1998, for example, Senator Jorge Lavandero and others wore paper vests with the words "¿Dónde están?," referring to the detained-disappeared. In 2002, a member of the Chamber of Deputies attended and held up a sign referring to his father, who had died during the dictatorship. Communist Secretary General Gladys Marín also attended, which prompted yelling (and throwing of coins) by supporters of the right, to the point that the session had to be suspended and the spectators removed by Carabineros.

34. Senado de Chile, *Legislature 347*, July 9, 2002.

35. Timothy O'Brien and Larry Rohter, "The Pinochet Money Trail," *New York Times*, December 12, 2004.