

Family of Slain Chilean Sues Kissinger, Helms

**Military Leader Was Killed in Kidnap Attempt
Linked to Nixon Administration**

By Bill Miller

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The family of Chilean military commander Rene Schneider, who was killed 31 years ago during a botched kidnapping, filed a federal lawsuit in Washington yesterday accusing Henry A. Kissinger, Richard M. Helms and other officials in the Nixon administration of orchestrating a series of covert activities that led to his assassination.

The lawsuit, which attorneys said is based heavily upon recently declassified CIA documents, seeks more than \$3 million in damages from Kissinger, Helms and the U.S. government for "summary execution," assault and other civil rights violations. It alleges that Schneider was targeted because he stood in the way of a military coup designed to keep leftist Salvador Allende from taking power as Chile's president. At the time, Kissinger was Nixon's national security adviser, and Helms headed the CIA.

The suit revisits one of Chile's most notorious crimes and marks the first time that high-level U.S. officials have been sued in connection with the shooting. Schneider was the left-leaning head of the Chilean Armed Forces, and his murder was long considered to have been carried out by right-wing extremists within the military. The suit focuses on U.S. government ties to the assailants that were described in the declassified papers.

"The United States did not want Allende to assume the presidency, and my father was the only political obstacle for a military coup," said Schneider's eldest son, also named Rene Schneider, who resides in Chile. He and his brother, Raul, an artist living in Paris, are the named plaintiffs. "Obviously, he had to be taken out of the way."

The family chose to sue after carefully reviewing the materials that became public in the past two years, Schneider said. The documents, he said, "made me realize that my father's death is perhaps the one crime perpetrated outside the U.S. that most clearly links back to the U.S. government, the CIA, and Kissinger in particular.

"I don't want revenge," he said. "I want the truth to be established."

Kissinger did not return a telephone message left at his New York office. Helms denied wrongdoing but would not discuss details, saying that he hadn't seen the suit and that "it's a long and complicated case."

In his 1979 autobiography, Kissinger denied involvement in Schneider's death. He wrote that the group that tried to kidnap Schneider "proceeded on its own in defiance of CIA instructions and without our knowledge."

The role of the United States in Schneider's death has been studied for years. A Senate committee in 1975 found evidence that U.S. officials hoped to instigate a coup to stop Allende and provided arms and encouragement to those plotting the general's kidnapping. But the committee said its evidence showed the CIA had withdrawn support of the kidnapping before it was carried out and never envisioned that he would be killed.

Thousands of additional documents were declassified in recent years and provided a more comprehensive account of what happened. In addition, the CIA provided a report to Congress last year that detailed the agency's activities in Chile in the early 1970s.

According to the Schneider family, the materials showed that the CIA continued to encourage a coup in the days leading to the kidnapping. The CIA also provided \$35,000 to some of those jailed for Schneider's death, the suit said.

"Every single factual assertion in this complaint is based on a document that has been furnished by the U.S. government," said Michael E. Tigar, the family's attorney.

The chain of events began Sept. 15, 1970, when Nixon met with Kissinger and Helms and ordered that action be taken to prevent Allende from assuming office after an election in which he had won the most votes. According to the lawsuit, Nixon said he was not concerned about risks and authorized \$10 million to be spent on a military coup.

But military officials in Chile made clear that Chile's commander in chief, Schneider, would not go along with a coup, the suit said. The lawsuit said Kissinger and the CIA supported a secret plan to kidnap Schneider so that the military could take over before Allende's election could be approved by Chile's Congress.

On the morning of Oct. 22, 1972, after two aborted kidnapping attempts, Schneider was ambushed en route to work. The general's car was surrounded by about six cars, and struck from behind by one of them. The kidnappers smashed the back-seat windows on both sides. As Schneider was getting out his gun to defend himself, the assailants shot him. He died three days later at a military hospital, one day after Allende's victory was ratified.

Allende remained in power until a 1973 military coup that was indirectly supported by the CIA; he killed himself while under siege. Gen. Augusto Pinochet then began a 17-year reign in which thousands of people were killed or tortured. Pinochet was arrested in London in 1998 and indicted in Chile last year. But an appellate court recently suspended the legal proceedings because of concerns about his mental fitness for trial.

Military courts in Chile found that Schneider's death was caused by two military groups, one led by Roberto Viaux and the other by Camilo Valenzuela. Viaux and Valenzuela, both generals, were convicted of charges of conspiring to cause a coup, and Viaux also was convicted of kidnapping. The CIA aided both groups, the lawsuit said.

In a section of his autobiography entitled "The Coup That Never Was," Kissinger recounted the September 1970 meeting with Nixon and the plans to move forward with a secret coup agenda. He said there was less to the plan "than met the eye" because Nixon had a history of

backing off plans as their implications became clearer.

Kissinger wrote that he ended the plan Oct. 15 and that Viaux's group acted on its own. He also wrote that no one, not even Viaux, ever intended to assassinate Schneider.

Peter Kornbluh, a Chile expert at the nonprofit National Security Archive, who lobbied for full declassification of Chile documents, said the lawsuit could force Kissinger, Helms and others to provide more information about what took place.

"This crime was Chile's equivalent of the Kennedy assassination at the time," Kornbluh said. "It was an unparalleled, unprecedented act of political terrorism."

Kissinger has faced other recent scrutiny. In May, he declined to appear before a French judge who wanted to question him about allegations of human rights violations in Latin America during the 1970s. He referred the request to the State Department.

Staff writer Anthony Faiola, staff researcher Robert Thomason and special correspondent Pascale Bonnefoy contributed to this report. Bonnefoy reported from Santiago, Chile.

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