

The Chile Disconnection

Barely one week after the toppling of Salvador Allende's regime last year, Chilean authorities set about arresting drug smugglers. During the Allende years, according to Interpol, Chile had played host to the world's largest cocaine-trafficking operation, and the U.S., which was at the receiving end of

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the line, was not at all happy. The new junta and American narcs quickly worked out a cozy arrangement. Five federal drug agents flew to Chile to finger smugglers. Chilean police arrested and eventually expelled the suspects on a nonstop flight to the U.S.—often after days of torture to check on any possible antijunta activities. The arrangement is still in effect, to the dismay of at least 16 Chileans who are currently being tried, one by one, in federal courts.

Picked up in Chile during the past year, the suspects were shipped out via chartered planes. Many slept peacefully through the flight, thanks to tranquilizers administered by U.S. drug officers, and awoke in New York City, where indictments awaited them. Though few had ever been in the U.S. before, they were subject to federal law because each was said to be part of a smuggling conspiracy that extended into the U.S. In most of the cases, there was little question that the men involved had dealt in cocaine and sometimes heroin. The question was whether they had been abducted, in effect, with the connivance of U.S. authorities.

Trial Power. American courts have traditionally held that the manner in which a defendant is brought to the U.S. does not affect the court's power to try him. In the leading case on the subject, the Supreme Court in 1886 upheld the conviction of an Illinois embezzler who was grabbed and brought back from South America by a Pinkerton detective. There has been a recent dent in that precedent, however. The U.S. Second Circuit Court of Appeals, which has a jurisdiction that includes New York, ruled last May that due process now requires "a court to divest itself of jurisdiction over ... a defendant, where it has been acquired as the result of the Government's deliberate, unnecessary and unreasonable invasion of the accused's constitutional rights."

Naturally the Chileans are demand-

ing hearings to see if their arrest-expulsions pass the new test. Some also claim that their government tortured them with the knowledge and agreement of U.S. agents and that information gained by torture is being used as evidence against them. The agents deny any such thing, and so far, in every case, they have been upheld. To date, eight Chileans have been convicted or have pleaded guilty, and two were acquitted or cleared of the original charges. The other six wait in the

federal jail, convinced that whether or not they were drug smugglers, they have been railroaded by Uncle Sam, who first helped overthrow the regime that tolerated them and then hijacked them out of their homeland. One federal agent concedes the difficulties involved. "There's so much money in narcotics that local law-enforcement people are corrupted very easily," he says. "People get away. Agents have to take care of things in their own way."

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