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United States Department of State

Washington, D.C. 20520

July 21, 1987

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Mr. Daniel R. Lopez  
Regional Commissioner  
United States Parole Commission  
North-East Regional Office  
U.S. Customs House, 7th Floor  
Second and Chestnut Streets  
Philadelphia, Pennsylvania 19106  
Attn: General Counsel, Hank Sandowski

Chile Project (#S199900030)  
U.S. Department of State  
Release ☒ Excise ☒ Deny ☒  
Declassify: In Part ☒ In Full ☒  
Exemption(s) ☒

Re: Armando Fernandez Larios  
Reg. No. 02809-030

Dear Mr. Lopez:

On behalf of the Department of State, I am writing to you regarding Mr. Armando Fernandez Larios. I understand that Mr. Fernandez Larios' request for parole is now pending before the Commission.

Obtaining cooperation in investigating acts of international terrorism is as difficult as it is essential to our efforts to fight terrorism through law. Terrorists maintain the ability to intimidate those who would bear witness against them. Potential witnesses must face threats not only to their own safety, but to the well-being of those close to them as well. An individual who is willing to come forward to publicly bear witness against terrorists is therefore all too rare in today's world. An individual who is willing voluntarily to give up family, friends and country and to accept his own incarceration in order to do so is unique in my experience. Armando Fernandez Larios is such an individual.

The circumstances, nature, extent and value to U.S. foreign policy objectives of Mr. Fernandez Larios' cooperation with the United States are set forth in detail in a classified declaration of Under Secretary of State for Political Affairs Michael H. Armacost and in a supplementary classified declaration of the undersigned, both of which have been made available to the Commission. (Earlier today, the classified declarations were provided to the Security Section of the Department of Justice. The three declarations were hand carried to Ms. Janice Haith, Security Specialist, Security Staff, Department of Justice, marked for your attention.)

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As these materials indicate, Mr. Fernandez Larios' cooperation with the United States government in our continuing efforts to bring to justice the individuals responsible for the 1976 terrorist car bombing murder of former Ambassador Orlando Letelier and his assistant Ronni Moffitt led directly to the first progress in this unresolved case since the USG extradition request to Chile for several individuals, including Mr. Fernandez Larios, was denied in 1979. His testimony, statements, and other evidence about the murders and subsequent cover-up by Chilean official investigators have enhanced the possibility of bringing other culpable parties in the Letelier/Moffitt murders to justice. Mr. Fernandez Larios' public statements have helped to focus public attention in Chile on the very serious law enforcement and anti-terrorism efforts of the United States in this matter.

In my judgment, Mr. Fernandez Larios has cooperated fully with the United States Government for reasons of great remorse over the Letelier/Moffitt murders and a desire to restore his name and family honor. I consider significant the fact that he provided a full account of his knowledge of and participation in the underlying crime and subsequent cover-up prior to entering into any arrangement with the United States concerning the disposition of the charges against him and at a time when he was not in custody or otherwise subject to U.S. jurisdiction. He left his native land voluntarily without any inducement other than the opportunity to cleanse his conscience and family name. He has continued to cooperate fully, including in a number of areas going well beyond the cooperation required by the terms of the plea agreement, without any incentive or inducement on the part of the United States.

The Department of State is not in a position to determine the term of incarceration appropriate to the very serious misconduct in which Mr. Fernandez Larios engaged and to which he has freely admitted. However, the Department of State wishes respectfully to submit to the Commission certain views and conclusions from the standpoint of the conduct of U.S. foreign policy. In essence, given the interests of the United States in encouraging cooperation by others in this and similar cases, the Department believes that the Commission, in determining the possibility of early parole for Mr. Fernandez Larios, should take into account the extensive cooperation which Mr. Fernandez Larios has provided before and after his decision to enter U.S. jurisdiction voluntarily, and give this cooperation considerable weight in favor of leniency. I note for the Commission's consideration that a comparison will be drawn in Chile and elsewhere between the terms actually served by those directly involved in the underlying crimes who have

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been apprehended to date and the treatment afforded the one individual who has been willing voluntarily to admit to his role in the cover-up and to place himself in the hands of United States justice. This factor also weighs in favor of leniency in our judgment.

The Department of State believes that fair treatment of Mr. Fernandez Larios will further United States anti-terrorism foreign policy objectives by encouraging other foreign nationals who may be able to provide substantial assistance in this or other terrorist cases of importance to the USG to come forward voluntarily and cooperate with United States law enforcement officials.

I personally have come to know Mr. Fernandez Larios and his character well. I can attest that when he is released from prison, he will nonetheless continue to be punished every day. He has given up a great deal because of his willingness to come forward and pay his debt to the United States and society at large. He is unable to use his own name, and cannot return to his native land, family, friends or business. Indeed, although Mr. Fernandez Larios resigned from the Chilean military before leaving Chile, last week the military judge for Santiago, Brigadier General Jaime Gonzalez Vereara, announced that his court had issued a warrant for the arrest of Major Fernandez Larios for alleged violations of the Chilean Code of Military Justice for desertion of duty when Mr. Fernandez Larios left Chile. The Chilean public has not failed to note that the one arrest order issued by its government in this case is directed at the one individual who has been willing to bear witness concerning this act of terrorism. The response of the United States criminal justice system to the courageous acts of Mr. Fernandez in coming forward will hopefully stand in marked contrast.

In my judgment, Mr. Fernandez Larios is a remarkably stable and responsible individual who poses no danger to society. I have every reason to believe that, once released from prison, he will demonstrate the same determination in becoming a responsible and self-sufficient resident of our society that he has manifested in sacrificing his place in his own society to serve the ends of justice. Moreover, I am confident that Mr. Fernandez Larios will continue to cooperate to the best of his ability with the United States government on law enforcement and anti-terrorism matters even after being released. Accordingly, further incarceration would not appear warranted from the standpoint of rehabilitation or continued cooperation.

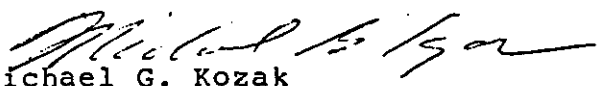
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As the United States Attorney for the District of Columbia has noted, Mr. Fernandez "has come a long way both literally and figuratively in dealing with this matter." He set out armed only with the truth to restore his honor and family name by challenging the system that had abused his loyalty as a military officer. He has succeeded.

One anecdote is instructive. The plea agreement negotiated with Mr. Fernandez and his counsel included a "cap" on the sentence he might receive. The Court rejected this aspect of the agreement for institutional reasons immediately prior to his first appearance before the court. Mr. Fernandez Larios nevertheless proceeded to plead guilty to the offense of accessory after the fact and to testify in open court concerning his knowledge of the underlying crime and subsequent cover-up. That evening he explained to me that far from being disappointed or deterred by the Court's ruling, he was pleased by the events of the day. Mr. Fernandez Larios felt that the action of the Court would make clear to those in Chile that his willingness to come forward was not premised on a "deal" with the United States. Rather, he appreciated that he had been afforded the opportunity to do what he had set out to do -- to place the facts and himself in the hands of United States justice. What remains is for the United States to demonstrate how such trust in the truth and in our system is repaid.

Sincerely,

  
Michael G. Kozak  
Principal Deputy Legal Adviser

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