

N.Y. TIMES
MARCH 2d, 1980
MONDAY

The Least That Chile Can Do

A Federal court ruling that Chile can be sued in American courts for the 1976 murders in Washington of Orlando Letelier and Ronni Moffitt is the best news in some time about that terrible affair. A civil judgment against Chile may be all that can now be salvaged from what was evidently an act of Government-sponsored terrorism. The remedy is worth pursuing.

Mr. Letelier, a former Chilean foreign minister and ambassador to the United States, was an outspoken critic-in-exile of the Pinochet dictatorship. He and Mrs. Moffitt, an American colleague, were killed when a bomb exploded under his car on Washington's embassy row. The crime was so bizarre that only DINA, Chile's secret police, seemed capable of it.

American investigators traced the crime to Chile's highest officials. Michael Townley, an American working for DINA, confessed to planting the bomb. He testified against five Cuban exiles, who were low-level accomplices, and identified DINA's chief and two military associates as the masterminds. Chile waved aside the evidence; it refused to extradite the suspects for trial in the United States or even to investigate them under Chilean law.

President Carter protested, temporarily withdrew his ambassador to Santiago and cut off the trickle of assistance still going to Chile. He refused, however, to move against the heavy American investments on which Chile depends.

Chile's irresponsible conduct persisted when the victims' families filed civil suit in Washington. It sent notes through the State Department to Judge Joyce Hens Green, contending that sovereign immunity barred the suit. Last week, Judge Green rejected the argument, holding that assassination on foreign soil was not the kind of crime that nations intended to shield from court judgment under the sovereignty doctrine.

It may have been unrealistic to ask President Pinochet to extradite officials who could incriminate him or other high authorities in Santiago. Perhaps it is unrealistic now to expect that Chile can be made to answer the complaint of the Letelier and Moffitt families. But that nation is so isolated in the international community that only a supremely humane act can bring it back any time soon. Responding to this damage suit would be an excellent start.