

Bomb Blast Victims' Kin Awarded \$4 Million

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A federal judge here yesterday awarded a total of \$4.9 million in damages to the families of former Chilean ambassador Orlando Letelier and a co-worker, Ronni Karpen Moffitt, both of whom were killed in a car bomb blast on Embassy Row in September 1976.

Judge Joyce Hens Green said in a 15-page ruling that the Chilean government should pay \$2.9 million of the damage award because the assassination was carried out by agents of the Chilean secret police in direct connection with the military junta of the country's dictator, Augusto Pinochet.

The judge's decision is expected to set off a series of legal maneuvers by the families to collect the damage awards. But their effort is certain to be complicated by the intricacies of international law, the diplomatic protection enjoyed by foreign governments here and the fact that the Chilean government has never admitted any responsibility for the assassination of Letelier, an arch critic of the Pinochet regime.

Green said the remaining \$2 million in damages should be paid by Juan Manuel Contreras, the former head of the Chilean secret police, known as DINA; two of its agents; two Cuban exiles and an American citizen, Michael Vernon Townley, who planted the assassination bomb in Letelier's car and was the government's key witness in the murder case against the Cuban exiles.

The judge also held the six DINA operatives responsible with the Chilean government for the \$2.9 million in damages, but efforts to collect that portion of the damage award is expected to focus on the Chilean government.

"We intend to leave the Chileans no place to hide," said attorney Michael F. Tigar, who represented the families in their civil law suit in U.S. District Court.

Jaime Valdez, head of foreign information for the Chilean Foreign Ministry in Santiago, said his government had not yet been informed officially of the ruling, and until it is, would have no comment.

The Chilean government responded to the lawsuit only through a series of diplomatic notes, funneled through the State Department, in which it contested



ORLANDO LETELIER
... former Chilean ambassador



RONNI K. MOFFITT
... colleague killed in car

Green's authority to decide the case in a United States court.

Earlier this year, however, in what is believed to be the first decision of its kind, Green ruled that Chile could be sued for damages for deliberate wrongful acts committed in the United States.

At that time she rejected Chile's argument that it is protected from such actions by federal law that generally gives foreign officials and their employees here immunity from being sued.

Once the judge decided that she had jurisdiction over the case, attorneys for the Letelier, Moffitt and Karpen families had to prove their case that the Chilean government and its agents were responsible for the deaths of Letelier and Moffitt. Hearings on that question were held last summer, and again, Chile did not respond.

As a result, Green yesterday issued a "default judgment" against the South American nation for its failure to appear in court, ruled that the families had proven their case and set the damage awards.

"Even though nothing can bring them back, it feels good that one can achieve some measure of justice in this case," said Michael Moffitt, whose wife of four months was killed in the blast.

Isabel Morel de Letelier, the widow of the former ambassador, could not be reached for comment. Michael Maggio, an attorney who represents Letelier's estate, said, "The award of damages just further shows the government of Chile committed an act of political terrorism here in the United States.

"A U.S. court has reiterated what has been known in the international community for some time -- that Augusto Pinochet is responsible for the murders of Orlando Letelier and Ronni Moffitt."

Tigar said yesterday that the next step in the case is for the State Department to transmit Green's decision to the Chilean foreign ministry in Santiago and the Chilean government can then decide whether to voluntarily pay the judgment. If the Chileans make no effort to pay the judgment, Tigar said representatives of the family will then ask the State Department and Congress to impose diplomatic sanctions against Chile and, if necessary, go back to court for authorization to seize Chilean assets in the United States. For example, Tigar said he believes that assets of LAN Chile, the country's government-owned airline, could be seized by the court to satisfy payment of the judgment against the Chilean government.

Tigar said that his clients could seek the full \$2.9 million from the Chilean government alone, even though that portion of the damage award was also imposed against the secret police agents, the Cuban exiles and Townley. Tigar said that under the terms of Green's order, the full \$2.9 million in government assets could be seized to pay the damages and then the Chilean government would have to seek contributions from the other defendants for their share of the damage award.

Green awarded a total of \$2.5 million to Letelier's widow and his four sons and a total of \$2.4 million to Michael Moffitt and his wife's parents, Hilda and Murray Karpen. The total award to both families included \$2 million in punitive damages, which are intended by the court to penalize a defendant for wrongful acts, and \$2.9 million in damages for the wrongful deaths of Letelier and Moffitt, the loss of their income to their families and the pain and suffering endured as a result of their murders. In addition, Green awarded \$110,000 in attorneys' fees and damages to the law firm of Tigar and Buffone, which represented the families.

Tigar said that the money awarded to his firm will be donated to a human rights fund established in memory of Letelier and Moffitt.

Washington Post staff writers Marsha Taylor and Donnel Nunes contributed to this story.