



PBS Distorts History in “The Judge and the General”

Alas, there, as I remembered it, was the all-too-pervasive dark side of public television, which was plainly evident to me but cleverly hidden in plain sight to the uninformed, a side which features the likes of Elizabeth Farnsworth. In the relaxed vernacular of Public Television, Farnsworth is a “journalist,” attached to nothing less than PBS’ premier news program, NewsHour. In my view of things, Farnsworth is as well-suited for that role as Jack the Ripper to the role of a stellar detective on Law and Order.



Recently, Farnsworth displayed her real talents as an attack dog for the causes of the hard left when she teamed up with an anonymous Chilean television tinkerer named Patricio Lanfranco to make a so-called “documentary” entitled [The Judge and the General](#). It premiered on August 19, but has been rebroadcast many times over the various PBS network stations.

The judge is Juan Guzman Tapia, and the general is Augusto Pinochet Ugarte. As a judge, Guzman is out of an historic mold personified by Roy Bean, the roughneck who dispensed his version of justice from saloons and bordellos in West Texas at the end of the 19th century, and who styled himself as “The Law West of the Pecos.” As for Guzman’s villain, Augusto Pinochet, though you would not gather it from this vendetta masquerading as journalism, Pinochet was never convicted of anything, by anyone, and that despite an unrelenting legal blitz from leftists around the world.

Farnsworth has been deeply involved in causes of the far left — mainly in Latin America — since her college days. In 1970, the year Marxist-Leninist Salvador Allende came to power in Chile in an ecstasy of revolutionary euphoria which drew thousands of leftist gunslingers, bomb-throwers, and simple acolytes from all round the world, Farnsworth traveled to Chile to worship at the new shrine. She has described Allende’s ruinous, nation-wrecking policies as “an experiment which tried to end poverty through socialism.” She didn’t notice — as did, for example, the immediate former president, Eduardo Frei Montalva — that under Allende “there [was] anguish in Chile.” But she did say that ever since then, “what has been going on in Chile has been a matter of tremendous importance in my life.” In a PBS interview about her new film, “journalist” Farnsworth even admitted that Chile and the Allende-Pinochet conflict had remained an “obsession” with her over the past four decades.

Patricio Lanfranco is an utterly obscure Chilean filmmaker (and lifelong leftist) whose previous epic, named *The Living City (Ciudad Viva)*, was devoted to battling against superhighways on the grounds that “they favor inequality.” To read an interview with Lanfranco is to enter a Disneyland of phantasmagoric hallucinations. He seems to have glimpsed that the Chile created by the military



Written by [Gary Benoit](#) on September 26, 2008

government is an oasis of prosperity — indeed, unmatched in all of Latin America — but according to him, the sinister nature of the government as created by Pinochet is a fearful one. "It's not bad," he allows. "I mean, our country now is really relieved. Young people are having a great time in the streets. You can see cafes full of young people having beers and whatever." Ah, but it is a country where darkness descends early — at noon, say. "People like me," he admonishes, "still get nervous if a car follows you for more than ten seconds ... because that's the way that the people were kidnapped" under Pinochet. Obviously, Lanfranco hasn't noticed that the military turned over power to civilian socialist governments 18 years ago (And no, that was not the way more than a tiny handful of "people" were kidnapped, and they were hard-core terrorists.)

So, what sort of "documentary" might we expect from the likes of these two? Answer: one with a storyline from an interested observer and participant like Juan Guzman Tapia.

Guzman's family connections greased his way to a Court of Appeals appointment as a clerk in the 1970s. Craven social climber that he has always been, no sooner was he on the bench than he began pestering Pinochet's eldest daughter, Lucia, for an autographed photograph of her father. (To the best of my knowledge, he never got it.) Like leftist ideologues the world over, Farnsworth went ga-ga over Guzman when, on January 29, 2001, he began prosecuting Pinochet for the murder or "permanent kidnapping" of 56 persons back in 1973. (Permanent kidnapping is a judicial farce invented by Guzman, but it is a "principle" which he applies when it suits his purposes and ignores when it does not.)

According to this "principle," a person remains "kidnapped" until such time as the body is found. That, in any civilized county, is of course legal balderdash.

Guzman followed the course of Spanish judge Baltazar Garzon, who skyrocketed to international fame — and fortune — after ordering (the illegal) arrest of Pinochet in London in October 1998. In January of that year, Gladys Marin, the president of Chile's Communist Party, filed the first of dozens of lawsuits against Pinochet for alleged human rights violations. Quite apart from the insanity of one of the country's leading terrorist sponsors posing as a paladin of human rights, the cases went nowhere because they were so legally flawed. (The country's 1978 amnesty law — which benefited far more leftists than rightists — was the principal obstacle, but so, too, were long-honored judicial principles such as double jeopardy, statute of limitations, etc.)

Judge Guzman is a *really* bad judge. His rulings have been struck down repeatedly by Chile's Supreme Court, and he has repeatedly been admonished by that court for injudicious behavior. He is a liar — demonstrably so, frequently so — and notoriously superficial. Indeed, even though he was performing a valuable punitive service for the far left government in power, even they could not bring themselves to appoint him to any one of several Supreme Court vacancies in recent years.

Instead, in 2005, he retired, and has spent most of his time since bad-mouthing his former colleagues, mainly in interviews with fawning "journalists." In one such, done in Jerusalem on February 10, 2007 with one Reina Fresco of Radio Netherland — we told you he was an international celebrity — he told the obsequious interviewer, "they [other judges] were hounding, persecuting me. So, I decided to march out by the main door, which is exactly what I did, with my head up, proud of the work I had done. I am saddened to see that so many judges in Chile continue following in the footsteps of the dictatorship."

Neither of the producers ought be accused of being serious journalists. If they were, they would have found a rich catalogue of the judge's errors, botches, blunders, and poltrooneries in a book which is as serious as their research was not: *La Verdad del Juicio a Pinochet (The Truth of the Pinochet Trial)*, by Hermógenes Perez de Arce. Hermógenes not only is Chile's most widely read newspaper columnist, but



Written by [Gary Benoit](#) on September 26, 2008

he has a well-earned reputation as a meticulous, punctilious, highly scrupulous checker of his facts. In the 25 years he has been writing his weekly column in the leading newspaper, *El Mercurio*, his feligreses — the "faithful," as he likes to call his readers — regularly try to upend him, disputing one fact or another. In all of these years, I know of only one — and decidedly minor — time they have succeeded.

La Verdad del Juicio a Pinochet demolished altogether the foppery of Guzman's judicial aberrations. Yet there is not even a hint that the book was consulted.

I observe at the outset of this article that Judge Juan Guzman Tapia had a precursor in American history, the notorious Judge Roy Bean. Because, like Bean, Guzman in his career rode roughshod over the law and the hapless defendants who fell before his gavel. As the incomparable Baron de Tocqueville warned us, there is but one tyranny from which there is no escape — the dictatorship of judges.

Guzman is symbolic of the tyranny of the judiciary in present-day Chile, where there is no crime too heinous for the left, no forgiveness of any kind for the military who saved the country from the dungeon of communist enslavement.

Augusto Pinochet was for Guzman the lottery ticket which raised him out of the drudgery and anonymity he had known until Jan. 29, 2001 when — with world-wide fanfare — he announced that he was putting Pinochet on trial for the murder or kidnaping of 75 persons back in October of 1973.

But, in order to get at Pinochet, Guzman first had to maul the good name, reputation — and legal rights — of another general, Sergio Arellano Stark. On the day of the revolution, Sept. 11, 1973, General Arellano was the overall commander of the combat troops of the Army, and one of the most respected general officers.

September 11 was far more improvised than precision-planned. As a result, there was even more chaos and "Dirty Harry" style law of the six-shooter that is the inevitable fall-out of all revolutions. The very day of the revolution, the four commanders-in-chief, governing as a Junta, delegated judicial powers to the commanders of garrisons around the country. That meant that neither Pinochet, nor any of the other commanders-in-chief, could judge anyone, nor authorize anyone else to pronounce judgment. But, a few weeks later, deluged with reports of irregularities, Pinochet did designate Arellano to tour the country to set standards for the handling of prisoners, and specifically, to make certain that the accused had the right to a proper defense. As the mis-named Commission on Truth and Reconciliation also observed in their 1991 report, there was nowhere in their orders even mention of executions. Nothing of this made its way into the PBS abomination.

Arellano and his four-man team traveled, in two stages, September 30-October 4 to several southern cities, and October 16-22, to several northern cities. They traveled in an Army Puma helicopter.

Sixteen years after that mission, a conspicuously-leftist journalist named Patricia Verdugo, published a sensational book which was a runaway best-seller, "The Flights of the Puma" (*Los Zarpazos del Puma*.) The book is shot-through with sloppy and superficial reporting. Made to order, in a word, as a



Written by [Gary Benoit](#) on September 26, 2008

guidebook for Guzman's "investigation."

Augusto Pinochet went to his grave in December of 2003. For the last 23 years of his life, he was under unrelenting judicial bombardment, yet - as remarked - never convicted of anything. Now, of course, he is an easier target, and especially for inquisitors masquerading as journalists.

James R. Whelan has had a distinguished career in journalism spanning more than five decades, much of it covering — and living in — Latin America (particularly Chile, Venezuela, and Mexico). He began reporting for UPI in 1952 and has served as managing editor of The Miami News, vice president and editor of The Sacramento Union, founding editor, publisher and CEO of The Washington Times, and associate editor of the Latin American News Service. He has been a professor or associate professor at universities in the United States and Chile and is a frequent contributor to scores of newspapers and magazines throughout the hemisphere. He has recently returned to reside in Florida, after several years in Chile.



Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.

Subscribe