

TELEGRAM

Foreign Service of the
United States of America

INCOMING

AMEMBASSY OFFICE BRASILIA

UNCLASSIFIED

Classification

Control:

Recd: OCT 27 1965
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FM AMEMBASSY RIODEJANEIRO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 909
ZEN/AMEMBASSY BRASILIA IMMEDIATE 81
STATE GRNC
BT
UNCLAS OCTOBER 27

1. IN ANNOUNCING INSTITUTIONAL ACT NO. TWO, PRESIDENT CASTELLO BRANCO SAID GOVERNMENT HAS OBLIGATION TO GUARANTEE OBJECTIVES OF REVOLUTION. PRESIDENT SAID REVOLUTION OF 1964 CARRIED OUT AS EXPRESSION OF POPULAR WILL TO SAVE COUNTRY FROM FORCES OF CORRUPTION AND SUBVERSION. HE SAID NATION SUBJECTED TO WAVE OF REVANCHISM, REACTION, AND COUNTER-REVOLUTION AND POINTED OUT THAT ELEMENTS BANISHED BY REVOLUTION NOW HIDING BEHIND CONSTITUTIONAL GUARANTEES. HE STRESSED THAT REVOLUTION HAS INHERENT CONSTITUENT POWER THAT HAS NEVER BEEN RELINQUISHED QUOTING EXTENSIVELY FROM PREAMBLE TO FIRST INSTITUTIONAL ACT. TO BRING ABOUT CLIMATE OF TRANQUILITY WHICH NECESSARY IN ORDER THAT AIMS OF REVOLUTION AND WELL-BEING OF PEOPLE MAY BE SERVED PRESIDENT SAID REVOLUTIONARY ACTION NECESSARY. THUS, AS PRESIDENT OF GOVERNMENT OF REVOLUTION AND COMMANDER IN CHIEF OF ARMED FORCES HE ISSUED INSTITUTIONAL ACT NO. TWO.

2. ACT IS THIRTY THREE ARTICLE DOCUMENT WHOSE PRINCIPAL MEASURES ACTION
INCLUDE: TAKEN

A) INDIRECT ELECTION OF NEXT PRESIDENT BY ABSOLUTE MAJORITY OF CONGRESS, BUT WITH CASTELLO BRANCO NOT REPEAT NOT ELIGIBLE TO PARTICIPATE IN ELECTIONS WHICH SHALL TAKE PLACE NO LATER THAN OCTOBER 3, 1966; B) REVIVED PRESIDENTIAL POWER OF CASSATION TO CANCEL POLITICAL MANDATES AND SUSPEND POLITICAL RIGHTS FOR TEN YEARS AND TO REGULATE ACTIVITIES OF THOSE WHO HAVE LOST POLITICAL RIGHTS, INCLUDING POWER TO RESTRICT LIBERTY AND IMPOSE PHYSICAL CONFINEMENT IN DETERMINED PARTS OF COUNTRY, LOSS OF PRIVILEGED FORUM FOR FORMER PRESIDENTS AND GOVERNORS, ETC.; C) INCREASED GOVERNMENT'S POWERS OF INTERVENTION IN STATES; D) INCREASED PRESIDENT'S POWER TO DECLARE STATE OF SIEGE; E) EXTENSIVE JUDICIAL REFORM INCLUDING EXPANSION OF NUMBER OF SUPREME COURT JUSTICES FROM ELEVEN TO SIXTEEN AND EXPANSION OF JURISDICTION OF MILITARY COURTS; F) INCREASED PRESIDENT'S
27-1650-RGD

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AUTHORITY TO LEGISLATE BY DECREE; G) CONTINUATION OF EXECUTIVE RIGHT TO INITIATE CONSTITUTIONAL AMENDMENTS AND TIME LIMITS FOR CONGRESSIONAL CONSIDERATION OF LEGISLATION INITIATED BY PRESIDENT. ACT ALSO EXTINGUISHES PRESENT POLITICAL PARTIES WITH PROVISION FOR RECONSTITUTION UNDER JULY 1965 POLITICAL PARTY STATUTE. NO ACTION TAKEN UNDER AUTHORITY THIS OR PREVIOUS INSTITUTIONAL ACT SUBJECT JUDICIAL REVIEW. EXCEPT AS AMENDED, CONSTITUTION OF 1946 REMAINS VALID. ACT TO REMAIN IN FORCE UNTIL MARCH, 1967.

3. FULL TRANSLATION OF INSTITUTIONAL ACT AND COMMENTS FOLLOW.

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