

AIRGRAM

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A-1389

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NO.

HANDLING INDICATOR

TO : Department of State

INFO : POLAD/USCINCSO

FROM : AmEmbassy RIO DE JANEIRO

DATE: May 22, 1964

SUBJECT : President Castello Branco Faced with Dilemma
Concerning Elections

REF : Embassy's A-1351, May 14, 1964; Weeka 21

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Several plans are currently being proposed concerning the presidential elections currently scheduled to take place in October of 1965. These proposals have been circulating since shortly after the revolution under the general discussion of electoral reform. The topic has been officially discussed by the Cabinet, indicating that serious consideration is being given to the problem at the highest levels.

The proposal which is currently receiving the most attention (and which may well be the most likely solution--see referenced airgram) is the extension of the presidential mandate for one year. Such an arrangement would have the dual advantages of (1) giving the Castello Branco administration more time in which to accomplish the necessary and critical task of making progress toward reform and stabilization and (2) fitting in with a sensible reform to make the electoral mandates of the executive and the legislative officeholders coincide, thus reducing the number of elections which have to be held. In connection with the first of these points it is also relevant to note that a year's postponement of the presidential elections would substantially increase Castello's authority by making his less of a lame-duck term and by postponing the opening of the confusing phase of active political campaigning.

An additional aspect of the problem is whether future presidential elections should be held by direct or indirect vote. However, this is an issue which can be resolved independently from the question of postponement.

GROUP 3: Downgrade at 12-yr intervals,
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FORM DS-323

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President Castello Branco is understandably in something of a quandary concerning this particular post-revolutionary development. For obvious political reasons, as well as from personal conviction, Castello Branco has publicly committed himself to turning over the reigns of government to his legally-elected successor on January 31, 1966. Indeed, there is now reason to question whether--as one of the officers of the War Minister's Cabinet stated (see Brasilia's A-156, May 14)--such definite pronouncements were not "hasty, ill-advised and unrealistic." The strongest argument in this respect is the fact that both political and military leaders--backed up by significant elements of the national press and, by extension, of general public opinion--are firmly opposed to any "betrayal" of the revolution which might result from a precipitate return to previous norms of political activity.

From a personal viewpoint, Castello Branco's dilemma is complicated by the fact that prolongation of his present mandate would require constitutional amendment. The President might well be reluctant to resort to the provisions of the Ato Institucional in submitting a constitutional amendment from which he would be the primary political benefactor.⁽¹⁾ On the other hand, if the President

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(1) Article 3 of the Ato Institucional provides that the President can send constitutional amendments to Congress. When sent, the Congress must consider the amendment within 30 days; the amendment is approved under this Ato procedure when it obtains an absolute majority vote of both houses. The Ato's extraordinary procedures thus (1) confine such proposals for constitutional amendment specifically to the President and (2) are supplementary extraordinary paths to be used. Thus, by implication, the normal patterns for constitutional amendment may still be used during the period in which the Ato is in effect.

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does not resort to this special machinery, such a constitutional amendment could only be passed following the standard procedures--ie.e passage by two-thirds of the Congress in one session or passage by a simple majority in two consecutive sessions. Since the time factor involved would make passage by a simple majority in two sessions extremely problematic (although possible), it is now generally conceded that the amendment would, of necessity, have to be passed by the two-thirds vote of the present session.

Jornal do Brasil's columnist Castello Branco reported on May 22 that some congressional leaders are confident that a two-thirds vote passage of a constitutional amendment on this subject is not out of the question. In spite of the fact that through public and private sources the Embassy has obtained information that all prominent current presidential candidates other than Lacerda might be amenable to the extension of Castello Branco's mandate, we feel that it is too early to determine what action Congress might take on its own initiative.

Comment: President Castello Branco remarked to ARMA on May 14 that he is under heavy pressure to reconsider his decision to leave office on January 31, 1966. He stated that while he would not close the door to the possibility of changing his mind in this respect, he was not yet convinced that he should do so. We believe that Castello Branco's sincerity in making his commitment to leave office is beyond question. However, we acknowledge that his personal desires might be overcome through the pressures of others and the logic of the situation--as they were undoubtedly overcome when he initially decided to cast his lot with revolutionaries.

For the Ambassador:

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