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NO. CONFIDENTIAL
TO : Department of State 1963 JUL 29 AM 11 00

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ANALYSIS & DISTRIBUTION
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JUL 27 1963

FROM : AmEmbassy RIO DE JANEIRO DATE: July 24, 1963

SUBJECT: August: A Critical Month for Goulart?

REF :

Summary and Introduction

Over the past two months there have been repeated press rumors concerning various attempts to remove President Goulart from office through impeachment, voluntary retirement, coup, etc. The talk of such moves reached a high point with the July 7 publication of a "Letter to the People" written by Guanabara Governor Carlos Lacerda in which he warned that "August is coming." The significance of the references being made to August is that after the first of the month, the Goulart Administration will enter the second half of its mandate. Should a presidential vacancy occur for any reason, a successor (under the terms of the constitution) would be chosen by the basically conservative congress (rather than through popular election.)

At present the Embassy discounts rumors of removal attempts. It is more likely that opposition elements will continue to use the threat of such removal as a political weapon against Goulart (EmbTel 66 of July 9, 1963).

There have been repeated references in the press and elsewhere referring to the month of August as being a critical one politically for President Goulart. The significance of such

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references is that on August 1, the Goulart Administration will enter the second half of its mandate. Should a presidential vacancy occur after that time for any reason, the congress, acting under paragraph 2, Article 79, would select a successor to complete the term of office. Such a selection would be made within thirty days after the vacancy occurred. (During the first half of the presidential mandate under conditions in which there is no Vice President, a national election would be held within a period of seventy days to choose a successor.)

The talk of August in this relation reached a high point with the July 7 publication of a "Letter to the People" written by Guanabara Governor Carlos Lacerda (Embassy's A-52 of July 9, 1963). The storm which was stirred up over this document pointed out the various possibilities which could hypothetically occur in relation to a presidential vacancy. The Embassy's exploration of each possibility is outlined below.

1. The President could be legally removed from office.

a. A part of the oppositionist rumors concerning August refers to the possibility of an attempt to impeach Goulart. In this regard, Articles 59 and 88 of the constitution are pertinent. These articles provide that an absolute majority of the members of the Chamber of Deputies can decide on the justification of charges brought against the President either on grounds of committing common crimes (in which case the President is tried by the Supreme Court) or on grounds of "crimes of accountability" (in which case the President is tried by the Senate.)

Upon examination, the Embassy believes that there is no real threat of impeachment action being taken against President Goulart. Ruling out the "common crime" theme, the only motive for impeachment would have to come on the grounds of "crime of accountability". By definition of Article 89 of the Constitution, such "crimes" are defined as "acts which threaten the Federal Constitution", more particularly moves against: 1) the existence of the Union; 2) the free exercise of legislative, judicial, and state constitutional powers; 3) exercise of individual and societal political rights; 4) internal security of the country, etc. President Goulart, in spite of what faults and weaknesses he may have, has thus far been very astute in his political maneuverings in this regard. It is not foreseen at the present time that he would take any action which could be openly identified as a "crime of accountability."

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