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FROM: Rio de Janeiro

TO: Secretary of State

NO: 1185, December 5, 8 p.m.

PRIORITY

ACTION PRIORITY DEPARTMENT 1185, POLAD/CINCSO 119, INFORMATION
SAO PAULO 66, BRASILIA 156.

Afonso Dellelis and Jose Da Araujo Placido. President and First Secretary respectively of Sao Paulo Metallurgical Union (arrested November 29 by Second Army authorities on charges that they had been involved in plan to extend September 12 Brasilia revolt to Sao Paulo area. Twelve Sergeants involved in plot were also arrested. Second Military Tribunal unanimously decided on November 30 to uphold "preventive imprisonment" of two leaders. In report court included following points; (1) it "proved that (defendants) carried out acts profoundly injurious to discipline and order hiatus" (2) defendants are "recognized card-carrying Communists who cooperated in above crime" (September 12 revolt) (3) "according to their testimony it inferred that they awaited orders from highest authority in country, President of Republic, to unleash movement of armed rebellion by inciting troops to disobedience and indiscipline". (4) "Acts committed by defendants constitute military crime by simple fact that objective manifestations are subversive and affect or have capacity to affect military discipline:" (5) Defendants "also participated in inciting troops through manifesto endorsed in meetings which they promoted, awaiting hiatus orders from President of Republic, OGT, or CNTI for a subversive act in wider support of Brasilia uprising"; (6) defendants "participated actively in incitation, transporting instigators in car

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-2- 1185, December 5, 8 p.m., from: Rio de Janeiro

belonging to Sao Paulo Metallurgical Union even within military reservation" (7) "within this car were found typically subversive manifestos" (8) "foul animals" (i.e. defendants) (come from Communist armies of CGT and CNTI--'illegal adjuncts' hiatus as well categorized by Second Army Commander" (Peri Bevilaqua) (9) defendants "arrested when they transported (within military area) hiatus Sergeants indicted in this military tribunal and who are strongly implicated as provocative agents" (10) defendants "declared that Brasilia movement of interest to Sao Paulo working classes and thus initially sought to hear President and later CGT and CNTI in order to take decision concerning directions to be followed" (11) defendants "had knowledge of what would happen in Brasilia and thus sought to start similar uprising within Second Army."

December 3 editorial, ESTADO DE SAO PAULO (which published full text of courts finding) stated that "in face of proof hiatus that Chief Executive found at vortex of conspiracy which had as objective destruction of regime by violence through armed insurrection, imperative and immediate duty of Congress would be to decree impeachment without further delay."

GOB initial reaction in form of note from Justice Minister Jurema to Ministry official encharged with military matters. Note (published in press) cited points (3) and (5) above, plus ESTADO editorial and said "considering gravity of rebuke, government cannot stand by idly hiatus bringing fact to your attention, we solicit suitable measures to ensure that distinguished superior military court carry out provisions of constitution and military justice hiatus".

Some newspaper speculation that CGT, CNTI, PUA and CPOS will strike if leaders not released.

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-3- 1185, December 5, 8 p.m., from: Rio de Janeiro

Comment: Political potential of charges against Goulart are self evident. Fact that military court unanimously approved Demning report may cause some doubt among GOB circles about reliability of military, especially within Second Army. Justice Minister in effect directed case be reviewed by superior military court. It predictable that considerable pressure will be brought to bear on that body in attempt to get reversal of lower military court decision. Superior military court made up of semi-retired officers who serve terms of five years. ARMA considers that there is better than 50-50 chance that court will resist pressures to change ruling.

Asked about CNTI reaction to arrests, confederation President Clodsmidt Riani told Labor Attache that he feels matter should be presently handled at Sao Paulo Union level. CNTI contracted services one military and five civilian lawyers to defend jailed union leaders. CNTI also sent telegraphic protests to Justice and Labor Ministers against court report implicating organization. Such telegrams constitute support for government position. Embassy feels strike speculation involving CNTI is premature pending reaction of GOB Ministers and ruling of higher court.

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