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ADJUTANT

INFO:

RM/R FILES

FROM: Rio de Janeiro

TO: Secretary of State

NO: 237, August 1, 8 p.m.

PRIORITY

ACTION DEPARTMENT 237; INFORMATION PRIORITY BRASILIA 23,
CINCSO POLAD 18.

Reference: Embassy's telegram 211.

Supreme Court granted Helio Fernandes habeas corpus petition vote 5-4 July 31. Press and UDN greeted decision with uniform satisfaction but seemed to ignore four opposition votes which appear to have been case along political rather than juridical lines, celebrating, instead, court's "defense of democracy".

On being freed Fernandes returned to TRIBUNA DA IMPRENSA which stated afternoon August 1 it "would continue to publish all information, whether or not military, that is of interest to public opinion and that does not endanger national security." Lacerda greeted court's action by saying justice has "broken teeth of provocation." Queried about Fernandes' statement that Crisanto Figueiredo tried to implicate him during investigation, Lacerda stated, "this type of legal action has been well-known ever since feeble-minded person tried to burn Parliament in Germany."

President Goulart reported to have greeted decision with "smile" while War Minister Jair Dantas Ribeiro said he would accept "with respect" court's decision but reportedly attacked photographer who tried to take picture. Head Civil Household Darci Ribeiro said divided decision meant nothing

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and said "in the case of any other attempt against national security law is clear and will be applied." Solicitor General Pires stated vote and opinion of judge who voted against petition "will define in future the competency of Supreme Court in similar cases," thus implying government may take further action of kind. Minister of Justice Jurema made excuse Helio detained to keep him from contact with others, denied any thought on part government to apply to Lacerda provision of national security law, saying "there are remedies for those who try to disrespect laws of the land".

Castello Branco reports in his August 1 JORNAL DO BRASIL column that it is expected Fernandes will be imprisoned again and "that the President is not sure what may happen".

Embassy considers split along political lines in Supreme Court important, especially in view possibility Evandro Lins may take seat on that body soon. We are renewing our analysis of court and will review views expressed in A-128.

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