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INCOMING TELEGRAM Department of State

Pof 23-5 Braz

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Action 00 RUEHC RUESUZ
DE RUESUA 380 3001745

ARA ZNR UUUUU
0 271729Z

Info FM AMEMBASSY RIO DE JANEIRO

21962

1965 OCT 27 PM 5 01

SS TO RUEHC/SECSTATE WASHDC IMMEDIATE (909)

G ZEN/AMEMBASSY BRASILIA IMMEDIATE 81

G STATE GRNC

SP BT
P UNCLAS OCTOBER 27

USIA 1. IN ANNOUNCING INSTITUTIONAL ACT NO. TWO, PRESIDENT CASTELLO
NSC BRANCO SAID GOVERNMENT HAS OBLIGATION TO GUARANTEE OBJECTIVES
INR OF REVOLUTION. PRESIDENT SAID REVOLUTION OF 1964 CARRIED OUT
NSA AS EXPRESSION OF POPULAR WILL TO SAVE COUNTRY FROM FORCES OF
AID CORRUPTION AND SUBVERSION. HE SAID NATION SUBJECTED TO WAVE
PC 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
RSR QUOTING EXTENSIVELY FROM PREAMBLE TO FIRST INSTITUTIONAL ACT.
TO BRING ABOUT CLIMATE OF TRANQUILITY WHICH NECESSARY IN ORDER

PAGE TWO RUESUA 380 UNCLAS
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
INCLUDE:

- 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

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-2- 909, OCTOBER 27, FROM: RIO DE JANEIRO

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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.
GORDON
BT

ADVANCE COPY TO S/S-O 5:10 PM, 10/27/65.

PASSED WHITE HOUSE, DOD, CIA 5:30 PM, 10/27/65.

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