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ACTION ARA 16

INFO GPM 03, SC 01, RSC 01, USIA 12, H 02, NSC 10, L 03, INR 07, P 04, CIAE 08
DODE 00, SP 02, SS 20, NSAE 00, AID 28, RSR 01, MM 01, /111 W

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FM AMEMBASSY RIO DE JANEIRO
TO SECSTATE WASHDC PRIORITY 9451
INFO AMEMBASSY BRASILIA 1313

C O N F I D E N T I A L RIO DE JANEIRO 4613

C O R R E C T E D C O P Y

SUBJECT: GOVERNMENT SEVERELY CRITICIZED FOR SECURITY COUNCIL
DECREE LAW.

REF: RIO 4548

FOLLOWING IS BRASILIA'S 1721, JAN 11 WITH RIO INPUT.

10 PRESIDENT'S DECREE-LAW ENLARGING RESPONSIBILITIES
OF NATIONAL SECURITY COUNCIL (CSN) PUBLISHED IN JAN 8
DIARIO OFICIAL HAS BROUGHT GOVERNMENT UNDER HARSH CRITICISM
FROM PRESS AND OPPOSITION PARTY. MODERATE JORNAL DO BRASIL
BITTERLY CENSURED PRESIDENT IN VIOLENT EDITORIAL UNUSUAL
FOR PAPER. SAID MUST RAISE VOICE AGAINST "UNCONSTITUTIONAL

RECORDED IN 151

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AND ABSURD DECREE LAW" WHICH "CHANGES THE VERY ESSENCE OF
THE REGIME." CLAIMED THAT DECREE-LAW GAVE CHIEF OF MILITARY
HOUSE HOLD "WITH HIS COLONELS AND MAJORS" REAL TUTELAGE
OF THE GOVERNMENT AND NATION. EDITORIAL IN OPPOSITION

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CORREIO DA MANHA MAINTAINED DECREE TRANSFORMED CSN INTO "INDIGENOUS PENTAGON" AND THAT NEVER IN NATION'S HISTORY HAD THERE BEEN SUCH DRASTIC SUBVERSION OF INSTITUTIONS. CONSERVATIVE ESTADO DE SAO PAULO CHARACTERIZED DECREE-LAW AS ONE MORE INFILTRATION OF MILITARY NATURE IN BRAZILIAN STATE. SAID IT WOULD GRADUALLY TURN NATION INTO "BARRACKS OF IMMENSE PROPORTIONS." DECREE-LAW BLASTED BY SEVERAL OPPOSITION MDB CONGRESSMEN INCLUDING PARTY SECGEN MARTINS RODRIGUES, WHO SAW MEASURE AS FURTHER EVIDENCE OF NATION'S "MARCH TOWARD DICTATORSHIP."

2: SPECIFIC POINTS OF DECREE RECEIVING HARSHTEST CRITICISM ARE: (A) ALLEGED LOSS OF AUTHORITY AND RESPONSIBILITY BY CABINET MINISTER--ESPECIALLY FONMIN AND MIN OF PLANNING TO CSN; (B) INCREASED POWERS AND PRESTIGE OF CHIEF OF MILITARY HOUSEHOLD--WHO SERVES AS SECGEN FOR CSN--AND

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OFFICERS OF HIS STAFF; AND (C) REQUIREMENT THAT HEADS OF DIVISIONS OF SECURITY AND INTELLIGENCE OF CIVILIAN MINISTRIES EITHER BE CIVILIAN GRADUATES OF NATIONAL WAR COLLEGE OR OFFICERS OF ARMED FORCES.

3: SECGEN OF CSN DISTRIBUTED NOTE TO PRESS JAN 10 MAINTAINING DECREE-LAW CREATED NOTHING NEW AND ATTEMPTIN REFUTE CRITICISMS. AMONG OTHER ITEMS, NOTE MAINTAINED CSN NOT INHERENTLY A MILITARY BODY SINCE ONLY 5 TO 25 MEMBERS ARE MANDATORILY ARMED FORCES OFFICERS. NOTE CORRECTLY POINTED OUT THAT NEW DECREE-LAW DID NOT EMPOWER CSN TO NEGOTIATE AND SIGN AGREEMENTS AS SOME PRESS COMMENTARIES HAD MAINTAINED (RIO'S 4521, PARA 4). CONCERNING SPECIFIC CRITICISMS OF PARA 2 ABOVE, NOTE (A) DENIED CSN AUTHORITY INCREASED AT SPENSE OF PRESIDENT OR CABINET MEMBERS; (B) DENIED INCREASED AUTHORITY FOR SECGEN STAFF--WHICH HAS CIVILIAN AS WELL AS MILITARY MEMBERS--OR FOR SECGEN HIMSELF; (C) ASSERTED REQUIREMENT FOR CIVILIAN CHIEFS OF DIVISIONS OF SECURITY AND INTELLIGENCE T BE WAR COLLEGE GRADUATES NOTHING NEW SINCE CONTAINED IN DECREE PUBLISHED

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JULY 1967. NOTE ALSO DECLARED THAT RESPONSIBILITIES OF
CSN COMPLETELY IN LINE WITH PREVAILING NATIONAL SECURITY
CONCEPT WHICH IS OF "MOST TRANSCENDENTAL IMPORTANCE" IN
PROBLEMS OF DEVELOPMENT AND SECURITY.

4. COMMENT: STILL REMAINS TO BE SEEN HOW CSN WILL
ACTUALLY FUNCTION UNDER TERMS NEW DECREE-LAW, AND DIRE
CONCERN NOW BEING EXPRESSED IN PRESS MAY BE PREMATURE.
PRESIDENT PROBABLY FELT NEED FOR SOME MECHANISM TO
COORDINATE AND MOLD CABINET INTO EFFECTIVE WORKING TEAM.
EXPANDED ROLE CSN MAY SERVE THIS PURPOSE. NEVERTHELESS,
ISSUANCE OF DECREE-LAW LEAVES INELUCTABLE IMPRESSION THAT
PRESIDENT INTENDS BROADEN ROLE OF ARMED FORCES IN
DEVELOPING POLICY AND IN GUIDING GOVERNMENT OPERATIONS.
INSPIRE SECGEN NOTE'S STATEMENTS RE CIVILIAN PARTICIPATION
IN CSN, COUNCIL TRADITIONALLY DOMINATED BY ITS MILITARY
MEMBERS AND--PERHAPS EVEN MORE IMPORTANT--BY ITS PERMANENT
STAFF WHICH MAINLY MILITARY. PRESIDENT HAS THUS REAFFIRMED
ROLE OF MILITARY, UNDOUBTEDLY AS CONCESSION TO CRITICS
IN UNIFORM AS WELLAS ADDITIONAL WARNING TO OPPOSITION

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ELEMENTS.

5. STATEMENT BY SECGEN OF CSN THAT DECREE-LAW IN LINE
WITH NATIONAL SECURITY CONCEPT CORRECT AND IS THE NUB OF
ENTIRE PROBLEM. IT IS PRECISELY THIS CONCEPT--WHICH
LOGICALLY MANIFESTS ITSELF IN SUCH MEASURES AS NATIONAL
SECURITY LAW AND CSN DECREE-LAW --THAT PRESS, OPPOSITION,
AND OTHERS FINDS SO OBJECTIONABLE. THE FEAR EXISTS, NOT
WITHOUT REASON, THAT THIS DOCTRINE WILL INEXORABLY
BRING ARMED FORCES INTO INTERNAL AFFAIRS THAT WERE
FORMERLY PRESERVE OF CIVILIAN AUTHORITY, SINCE DOCTRINE
POSTULATES THAT MAIN THREAT TO NATION'S SECURITY IN
TODAY'S WORLD COMES FROM INTERNAL COVERT ATTACKS ON
NATIONAL INSTITUTIONS RATHER THAN EXTERNAL OVERT.

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AGRESSIONS.

6. DECREE-LAW WILL UNDOUBTEDLY CONTINUE PROVIDE
OPPOSITION WITH FUEL FOR ITS ATTACKS ON ADMINISTRATION.
CONGRESS--DISAFFECTED FROM ADMINISTRATION WHEN LAST
SESSION ENDED--WILL SURELY BE IN MORE SURLY MOOD WHEN

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SPECIAL SESSION CONVENES NEXT WEEK IN VIEW CSN MEASURE
COMBINED WITH PRESIDENT'S DECIMATION BY ITEM VETO OF
MULTI-ANNUAL BUDGET BILL PREPARED BY ARENA LEADERS.
DESPITE THIS PRESENT INDICATIONS ARE MEASURE WILL BE
APPROVED.

7. AIRGRAM FOLLOWS. TUTHILL

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