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INFO SSO 00, NSCE 00, USIE 00, CCO 00, CIAE 00, DODE 00, GPM 04, H 02, INR 07,
L 03, NSAE 00, NSC 10, P 04, RSC 01, SP 02, SS 25, AID 28, PC 04, IO 13,

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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 964
INFO AMCONSUL RECIFE
AMEMBASSY RIO DE JANIRO IMMEDIATE
AMCONSUL SAO PAULO

C O N F I D E N T I A L BRASILIA 3245

RIO POUCH BELO HORIZONTE AND PORTO ALEGRE

SUBJ: CONGRESS REFUSES TO LIFT IMMUNITY MOREIRA ALVES

REF: BRASILIA 3241

1. IN SURPRISE MOVE DEC 12, CHAMBER OF DEPUTIES TURNED DOWN REQUEST TO LIFT IMMUNITY MARCIO MOREIRA ALVES BY VOTE OF 216 TO 141. VOTE INDICATES ALMOST 100 ARENA DEPUTIES WENT AGAINST GOVERNMENT DESPITE HEAVY PRESSURE. RESULT AND ESPECIALLY LARGE MARGIN UNEXPECTED. AS LATE AS MORNING DEC 12, CONGRESSIONAL SOURCES AND MILITARY OBSERVERS VIRTUALLY UNANIMOUS IN EXPECTING GOVERNMENT VICTORY IN CLOSE VOTE.

2. COMMENT: GOVERNMENT DEFEAT ASCRIBABLE TO NUMBER OF FACTORS AMONG WHICH ARE: (A) EFFECTIVENESS OF MDB LEADERS MARTINS RODRIGUES AND MARIO COVAS AND TOTAL COHESIVENESS PARTY GROUP IN CONGRESS. MDB MANAGED TO GUIDE DEBATE TOWARD CONSTITUTIONAL ISSUES AND AWAY FROM SUBSTANCE OF MOREIRA ALVES CRITICISM OF MILITARY. ITS LEADERSHIP AVOIDED PARTISAN POSITION, ENCOURAGED INDEPENDENT MINDED ARENA MEMBERS, AND EFFECTIVELY MUZZLED RADICAL OR ABRASIVE STATEMENTS FROM ITS MEMBERS; (B) DEFECTION OF RESPECTED ARENA LEADERS INCLUDING PARTY PRESIDENT KRIEGER AND JUSTICE COMMITTEE CHAIRMAN MARINHO WHICH INCREASED RESPECTABILITY WITHIN

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ARENA OF OPPOSITION TO GOVERNMENT; (C) INEPTNESS OF GOVERNMENT MANAGEMENT OF CASE PARTICULARLY IN FINAL STAGES. CRUDENESS JUSTICE MINISTER GAMA E SILVA'S INTERVENTIONS, HOT AND COLD STATEMENTS BY GOVERNMENT AND ARMY SPOKESMAN, DECISION TO PACK CONSTITUTION AND JUSTICE COMMITTEE, EXAMPLES OF TACTICS WHICH ANGERED MANY ARENA DEPUTIES. UNCONVINCED FROM THE BEGINNING OF THE NEED OR WISDOM FOR PROSECUTION MOREIRA ALVES AND THUS DIGNIFYING HIS INAPPROPRIATE REMARKS, THEY WERE STIMULATED TO OPPOSITION BY SERIES OF CLUMSY GOVERNMENT MOVES REPORTED EARLIER IN EMBASSY TELEGRAMS; (D) CONSTITUTIONAL FRAMEWORK UNDER WHICH GOVERNMENTAL SYSTEM PRESENTLY OPERATING THOUGH FAVORING EXECUTIVE STILL PROVIDE SIGNIFICANT PROTECTION FOR CONGRESSIONAL INDEPENDENCE. THUS TRADITIONAL RELUCTANCE OF PARLIMENT TO LIMIT ITS IMMUNITY FOR OPINIONS EXPRESSED IN CHAMBER COULD BE EXPRESSED WITH RELATIVE SAFETY IN SECRET VOTE.

3. REFUSAL BY CONGRESS TO GRANT PERMISSION CLOTHES IT WITH NEW RESPECTABILITY IN EYES OF INFLUENTIAL OPPOSITION GROUPS INCLUDING ELEMENTS OF CHURCH, STUDENTS, LABOR, ETC. IN PARTICULAR MDB ASSUMES MANTLE OF EFFECTIVE INSTRUMENT WITH WHICH TO OPPOSE

GOVERNMENT AND PROVIDES MEANS BY WHICH SUCH OPPOSITION GROUPS MIGHT IN FUTURE WISH TO WORK MORE CLOSELY THAN THEY HAVE TO DATE.

4. CHAMBER ACTION IS SEVERE POLITICAL DEFEAT FOR COSTA E SILVA GOVERNMENT AND MILITARY CHIEFS WHICH HAD RAISED MATTER OF LITTLE INTRINSIC SIGNIFICANCE INTO MAJOR ISSUE WITH THEIR PRESTIGE COMMITTED. VOTE MOVES SITUATION INTO CRISES CATEGORY FOR FIRST TIME AND RAISES MAJOR QUESTION WHETHER GOVERNMENT UNDER PRESSURE FROM MILITARY AND CIVIL HARDLINERS WILL NOW RESORT TO EXTRA-CONSTITUTIONAL MEASURES TO ATTAIN WHAT CHAMBER HAS DENIED IT. ALSO POSSIBILITY RIGHTWING EXTREMISTS, EITHER MILITARY OR CIVIL, WILL ATTEMPT ASSAULT ON MOREIRA ALVES. IF COSTA E SILVA CAN WITHSTAND IMMEDIATE PRESSURES FOR INSTITUTIONAL ACT OR OTHER EXCEPTIONAL MEASURE HE MUST THEN DECIDE WHETHER ACCEPTING

INHERENT IN DEFEAT THAT BEFORE TAKING ACTION HE SHOULD CONSULT AND COOPERATE WITH POLITICAL LEADERSHIP OF CONGRESS REPRESENTED BY KREIGER, BONAFACIO, ETC OR CONTINUE WITH UNILATERAL AND SOMETIMES ILLADVISED INITIATIVES BASED LARGELY ON MILITARY AND

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HARDLINE CIVILIAN ADVICE • POSSIBLE THAT COOPERATION WITH CONGRESSIONAL LEADERSHIP COULD STILL RESULT IN SOME COMPROMISE RESOLUTION SUCH AS MOTION OF CENSURE OF MOREIRA ALVES, STRIKING HIS SPEECH FROM RECORD OR NEW REQUEST FOR PERMISSION TO TRY ALVES UNDER ANOTHER PROVISION OF LAW • RESORT TO IMPULSIVE EXTRA CONSTITUTIONAL SOGY COULD SET IN MOTION SERIES OF EVENTS WHICH WOULD INEVITABLY POSTPONE RETURN TO CIVILIAN RULE AND CREATE DEEP DIVISION BETWEEN PRESENT GOVT AND COUNTRY'S MAJOR CIVILIAN POLITICAL LEADERS.

GP-3. BELTON

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