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DEPARTMENT OF STATE

AIRGRAM

POL 15-4 BRAZ

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AIR POUCH

HANDLING INDICATOR

TO : Department of State

INFO : BELEM, MONTEVIDEO, PORTO ALEGRE, RECIFE, RIO DE JANEIRO, SAO PAULO

FROM : AmEmbassy Office BRASILIA

SUBJECT : Lacerda and the Ban on the Frente Ampla

REF : (A) Brasilia 2044, 2106, 2131; São Paulo 1360; (B) Rio 6830; (C) Brasilia 2206; (D) Brasilia 2215, 2217, 2226; (E) Brasilia 2268

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APR 25 8 24 AM 1968
DEPARTMENT OF STATE
BUREAU OF INTER-AMERICAN AFFAIRS
APR 29 1968

RS/AN
ANALYSIS BRANCH
DATE: April 19, 1968

SUMMARY

Carlos LACERDA's attacks on the administration became more violent and more frequent in the month of March. In the tense political situation resulting from student-police clashes, the administration, which was already considering action against Lacerda, issued an Edict which banned Lacerda's Frente Ampla opposition movement. The Edict has thrown Lacerda and his supporters into a state of disarray, and Lacerda is currently mulling over possible courses of action open to him. Among his most likely options are the founding of a new movement, a temporary retreat from the political scene, challenging the Edict in the courts, or some combination of these. The Embassy has reliable reports that Lacerda is planning a long European trip. The administration has made it clear that its attitude toward Lacerda and his Frente supporters has hardened considerably, and any attempt at defying the Edict's provisions will probably be put down. If the Edict is somehow bypassed by Lacerda or found unconstitutional in the courts, the administration will be faced with the decision of whether to take further repressive, and possibly extra-legal, steps against Lacerda and those associated with him.

- Enclosures: 1. Portuguese Text of Edict Banning Frente Ampla
2. Portuguese Text of Lacerda's Statement of
3. Memorandum from Belo Horizonte * /April 6, 1968

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FORM 4-62 DS-323

Drafted by: P/E:MLevitsky:drw:4/16/68 Contents and Classification Approved by: POL: Herbert S. Okun

Clearances:

Action: ARA/BR - NAN - File

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1. Background: Lacerda's Escalation and Pressure on Administration. Since late last year, Carlos Lacerda's attacks on the administration and his general agitation on the political scene have followed a pattern of ups and downs, but also one of escalation. Not only did Lacerda increase the vehemence of his political pronouncements, but he also increased their frequency, particularly during the month of March. After about a three week layoff following his January 27 address in São Paulo, which helped touch off a series of military alerts, Lacerda spoke in Minas Gerais and later began a speaking tour of São Paulo State and Paraná (Ref A). The high point of this activity was his participation in a public, open-air, meeting in São Caetano do Sul, São Paulo, which was later billed as the prelude to the union of his Frente Ampla movement with the opposition MDB party, and as the first step toward "taking the Frente into the streets." His supporters also announced that he would soon tour the volatile Northeast. At the height of the tension resulting from student-police clashes throughout Brazil, Lacerda issued an inflammatory manifesto (Ref B) which absolved the students of all blame for the incidents, and spoke of "officialized violence," "bloody reprisals" and brutality on the administration's part.

2. Within roughly the same period of time, there were several reports that President COSTA E SILVA was under heavy pressure, mainly, but not solely from the Armed Forces, to take some repressive action against Lacerda. The outbreak of student demonstrations throughout Brazil in late March, although by no stretch of the imagination could they be blamed directly on Lacerda, probably convinced the administration that it had to act in some way to remove a major source of agitation, which contributed to growing political tensions. It is significant, however, that the administration, when it acted--through the Edict banning all Frente activities and warning proscribed politicians that they would no longer be allowed to engage in politics--did so by administrative order rather than by executive decree or extra-legal measures, and at least nominally upheld the oft-repeated promise of the President that he would not step outside the limits of the new Constitution.

3. The Edict. Edict Nº 177 (Ref C for English text; Official Portuguese text attached) has at least four basic aims--to reiterate and consolidate existing law prohibiting the political activities of those deprived of their political rights under the Institutional Acts; to equate participation in the Frente with such "political activities;" to ban all activities of the Frente whether taken by proscribed politicians or those still in possession of their political rights; and to prohibit all media disclosure of Frente Ampla activities.

4. With respect to the proscribed politicians, the Edict can be considered as a warning that the administration will no longer tolerate their disregard of the restrictions placed on their activities by the Institutional Acts. The administration was in effect giving notice that, contrary to its past behavior, it would now enforce the laws on the books and use the repressive devices already at hand. This hardening of attitude toward the proscribed politicians was most likely the result of a generalized feeling in the upper ranks of the administration, both military and civilian, that politics had "loosened up" too much: that those opposed to the system instituted in Brazil after March 1964 were beginning to doubt the administration's determination to pursue the "aims of the Revolution," particularly in the political sector; and that the limits of the administration's tolerance had to be made clear once and for all.

5. The effect of the Edict's provisions relating directly to the Frente Ampla are less clear. First, the Edict bans an organization which it said did not legally exist. Since the Frente has never published a membership list, it would seem that the Edict merely abolishes the name "Frente Ampla," and, except for the proscribed politicians, those identified with the movement apparently can continue their anti-administration activities, either independently, within the opposition MDB, or under a new name. It appeared to some that Lacerda was suggesting a change in name when he spoke of "Popular Union" in his April 5 statement (Portuguese text attached), but he has not yet elaborated on this. A second point of confusion centers on the Edict's prohibition of publicizing Frente activities (Article 2, section b). It is not clear if this prohibition relates strictly to the proscribed politicians or also to those having their full political rights. Thirdly, the Edict appears to have judged and sentenced the Frente under the National Security Law (i.e. the phrase "thus practicing acts classified as crimes by the National Security Law."), without the benefit of the legal processes contained in Chapter III of that law.

6. Lacerda's and the Opposition's Reactions. (See Ref D for general reaction.) Nevertheless, the Edict seems to have brought about the results it aimed for, at least initially. Its issuance has thrown Lacerda and his Frente supporters into a state of disarray and wonderment over what to do next. Lacerda's April 5 statement as much as accepted the demise of the Frente. He has also reportedly cancelled his much publicized trip to the Northeast originally scheduled to begin in Recife during the week of April 22-26 and has told his supporters he intends to submerge

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for a while. Two leading Frente advocates, MDB Deputy MARTINS RODRIGUES and ARENA Deputy Jose Carlos GUERRA, told the reporting officer on April 17 that the Edict was a great blow to the movement and confirmed reports that Lacerda planned a long European trip in order to allow the political climate to cool down (Ref E).

7. Many of Lacerda's supporters in the MDB are quite disturbed by these indications that he does not plan to combat the Edict vigorously, however, and this may cause a loss of support for Lacerda among disaffected and radical MDB members. As of now, most opposition congressmen seem to be concerned more about the Edict's implicit threat to Congressional immunities than about the ban on the Frente itself. While MDB congressmen have attacked the Edict in speeches on the floor of Congress, their confusion as to what the Edict really means and how to combat it has thus far hindered combined action against it.

8. Lacerda's Options. The issuance of the Edict has put the ball in Lacerda's court, and he is currently mulling over the possible plays available to him. Among his possible future options are (a) entering the MDB; (b) ignoring the Edict and continuing his opposition as before; (c) continuing his anti-administration activities on an independent, personal basis; (d) founding a new movement; (e) departing from the political scene until a more opportune time; (f) challenging the Edict in the courts. The first three possibilities are less likely. First of all, he has consistently condemned the MDB, as well as ARENA, as artificial creations, and in any case he would not want to be bound to a party in which he would not be the leader. Secondly, a direct challenge to the administration through ignoring the Edict would be to court political martyrdom, and there is no indication that Lacerda is ready as yet to make this extreme gesture. An independent stance is also unlikely because Lacerda clearly needs some sort of movement to create the image of broad popular support for his positions.

9. Some combination of the last three options will probably be selected by Lacerda. Thus, he may decide to take the Edict to the courts and either remain silent or leave the country until a legal decision is made. Lacerda's son told an Embassy Officer on April 15, that his father would "fight the Edict in the courts if he could" and that Lacerda might submerge for a while. Should a court decision be favorable to him, Lacerda would then be able to return to politics in a much strengthened position. If an adverse decision were rendered, he might decide to found a new movement, or more exactly, a similar movement with a different name. It is clear, however, that in the future Lacerda will not be able to openly associate the Frente

or such a new organization with the proscribed politicians, in view of the administration's clear warning to them. The next week or so should give a better reading on Lacerda's immediate plans, particularly if, as it appears, he does not go to Recife and does travel to Europe.

10. The Administration's Position. The issuance of the Edict has quieted down Lacerda and his Frente supporters for the time being, but few political observers believe it has solved the Lacerda problem. The administration currently seems content to allow the Edict to work its effect in dampening down the opposition camp. Further action by the administration depends on what moves Lacerda decides to take. Any attempt by Lacerda at defying the Edict's provisions--by open association with the proscribed politicians, calling of Frente meetings, etc.--would probably be put down forcefully. On the other hand, should Lacerda resort to, and win in, the courts, or should he be able to bypass the Edict somehow, the administration will be faced with a major decision. If the Edict proves worthless in stemming Lacerda's attacks on the administration, the military, and the "revolutionary regime," the pressures to take further repressive action will undoubtedly increase.

TUTHILL



* Enclosed memorandum from Belo Horizonte was received after the preparation of this airgram.

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Edict Banning Frente AmplaSource: Diario Oficial, April 5, 1968PORTARIA Nº 177-GB, DE 5 DE
ABRIL DE 1968

O Ministro de Estado da Justiça:

Considerando que a Revolução Democrática de 31 de março de 1964, no interesse da paz e da honra nacional, assim como para preservá-la e consolidá-la, suspendeu os direitos políticos de determinados cidadãos, com fundamento no Art. 10, do Ato Institucional nº 1, de 9 de abril de 1964, ou no Art. 15, do Ato Institucional nº 2, de 27 de outubro de 1965, decisões aquelas aprovadas pelo Artigo 173, da Constituição de 24 de janeiro de 1967,

Considerando que essa suspensão de direitos políticos acarreta, entre outras restrições, a proibição de atividade ou manifestação sobre assunto de natureza política (Ato Institucional nº 2, Art. 16, III), além de subordinar o indivíduo às exigências do Art. 337, do Código Eleitoral e Artigo 6 da Lei Orgânica dos partidos políticos,

Considerando que a infração àquela proibição (item III, do Art. 16, do Ato Institucional nº 2) constitui crime definido no Art. 1, do Ato Complementar nº 1, de 27 de outubro de 1965, cuja pena é a de detenção de 3 (três) meses a 1 (um) ano,

Considerando que, nos termos dos §§ 1º e 2º do Art. 1º, do referido Ato Complementar nº 1, aquele que, de qualquer modo, concorre para o crime, incide na mesma pena e se o crime for praticado por meio de imprensa, rádio ou televisão, o responsável pelo órgão de divulgação será também processado e julgado e a pena acrescida de multa de NCr\$ 100,00 (cem cruzeiros novos) a NCr\$ 1.000,00 (mil cruzeiros novos),

Considerando que o Poder Revolucionário, detido pelo Presidente da República, ao convocar o Congresso Nacional para o discutir, votar e promulgar a nova Constituição, estabeleceu que esta, além de representar a institucionalização dos ideais e princípios da Revolução, deveria assegurar a continuidade da obra revolucionária (Ato Institucional nº 4, de 7 de dezembro de 1966),

Considerando, assim, que o Governo da República, responsável pela execução dos propósitos e fins da Revolução Democrática Brasileira e

pela ordem e segurança internas, não só não pode permitir que pessoas ou grupos contra ela trabalhem, tramem ou ajam, sob pena de estar faltando aos compromissos que têm para com o povo brasileiro, como porque o Poder Revolucionário, ao editar o Ato Institucional nº 2, afirmou, categoricamente que NÃO SE DISSE QUE A REVOLUÇÃO FOI MAS QUE É E CONTINUARA", e, portanto, o processo revolucionário em desenvolvimento não pode ser detido,

Considerando que o movimento de ação política que se intitulou de "Frente Ampla", oriundo dos chamados pactos de Lisboa e de Montevideu, congrega, pública e notoriamente, pessoas que tiveram suspensos os seus direitos políticos,

Considerando que o referido Movimento vem pregando, em linguagem inequívoca de agressão e provocação a autoridade legitimamente constituída, a subversão da ordem do Estado, precipuamente, a mudança do regime, a desagregação das Forças Armadas, o antagonismo entre as classes armadas e os civis, a desmoralização das autoridades, quer na pessoa do Senhor Presidente da República, quer nas de seus Ministros de Estado, quer, ainda, de pessoas investidas de autoridade, praticando atos qualificados como crime pela Lei de Segurança Nacional (Decreto-lei nº 314, de 13 de março de 1967),

Considerando que a denominada "Frente Ampla" não atende, em sua organização, às exigências da Lei para funcionar como partido político, nem mesmo possui personalidade jurídica, tratando-se, ao revés, de uma agremiação de fins espúrios, com o único objetivo de pretender obstar a continuidade da obra revolucionária, destruindo o que a Revolução já construiu e continuará a construir, assim como de reinstalar na vida pública elementos banidos pela Revolução, resolve:

I — Proibir, em todo o território nacional, manifestações, reuniões, comícios, desfiles, passeatas ou exercício de quaisquer atividades de natureza política pela chamada "Frente Ampla";

II — Determinar às autoridades do Departamento de Polícia Federal, em estreita colaboração com as autoridades estaduais, que:

A) Efetuem a prisão em flagrante delito de todos quantos sejam encontrados violando a proibição inserta no Art. 16, item III, do Ato Institucional nº 2, de 27 de outubro de 1965, combinado com o disposto no Ato Complementar nº 1, da mesma data;

B) Procedam a apreensão de livros, jornais, periódicos ou quaisquer publicações, que divulguem manifestações sobre assunto de natureza política por todos quantos estejam legalmente impedidos de fazê-lo, inclusive da denominada "Frente Ampla";

C) Promovam a imediata instauração de inquéritos policiais contra os que estiverem praticando esses atos, bem como dos responsáveis pelos órgãos de divulgação, tendo em vista, especialmente, o disposto no Art. 33 do Decreto-lei nº 314, de 13 de março de 1967, e demais preceitos dessa Lei.

— Luis Antônio da Gama e Silva.

Lacerda's Statement of April 6, 1968

Source: Jornal do Brasil, April 7, 1968

Íntegra

É a seguinte, na íntegra, a entrevista do Sr. Carlos Lacerda:

"Esse ato é uma confissão e um erro trágico. Uma "revolução" de mentira mostra, afinal, sua verdadeira cara: uma ditadurazinha militar dentro da pior tradição latino-americana, que começa sorrindo e prometendo e acaba na estupidez e no sangue".

O regime, pela boca do seu beneficiário, se confessa "de transição" — mas proíbe todo movimento destinado a preparar o País para depois da transição. Não existem instruções do Governo para orientar quemira formar Partido político. Um movimento cívico é proibido — mas nada impede que surjam outros.

A insurreição dos estudantes é apresentada como simples conspiração de agitadores. Se estes, sozinho, fossem capazes de tanto, seria a confissão de que a "revolução", após 4 anos (QUATRO ANOS) de "regeneração" e "transição", fracassou.

Mas, só um cretino não vê que o que houve com os estudantes é muito mais profundo e grave. Procuramos dar a este desgraçado País uma saída pacífica para a democracia. A co-

vardia de uns e a estupidez de outros, a serviço da cobiça e da inconsciência de um grupo de aproveitadores, tenta impedir a única saída democrática que até agora se pôde formular.

A questão, agora, é esperar o resultado de tamanha obstinação no erro, de tão grave incompreensão histórica, de tão ridículo despreparo para governar e dar rumos a uma Nação desta importância — tratada como uma republique-ta. O nosso dever, nós cumpriremos enquanto for possível — e além do possível. É só o que devo dizer, por enquanto.

Peço ao povo que não desespere. Nós não lhe faltaremos — ainda que demore mais, com esse ato da ditadura, o dia da retomada do processo democrático no Brasil. A frente ampla morreu? Viva a União Popular. CL".

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Enclosure No. 3

APR 10 8 11 AM '68

BHZ: 11
AMERICAN EMBASSY
BRASILIA, BRAZIL

TO : Amembassy, Brasilia (POL)

FROM : Amconsul, BELO HORIZONTE

SUBJECT : Minas Gerais Reacts to Government Moves Against the Frente Ampla With Aplomb

1. Reactions among politicians and other political observers in Minas Gerais to the federal government's action in forbidding further activities by the Frente Ampla ranged from satisfaction that Carlos Lacerda had finally been put down to satisfaction that the Government had thrown all it had against the Frente Ampla and failed to defeat it.
2. Lacerda's supporters in this state feel that the government did not accomplish its purpose and that the only change will be that the Frente will continue under another name. An editorial in the anti-government Diario de Minas, for example, mused that "it is difficult to know how much an entity which does not exist can be closed." This editorial advanced the idea that new frentes will always arise to reconcile party irregularities in the country until such time as the government facilitates party organizations which "adjust themselves to the service of the people, serving the country."
3. The Estado de Minas, on the other hand, supported the government and condemned in no uncertain terms Lacerda's "manifesto" on student demonstrations. The Frente's big error, one editorial declared, was to "think that the Revolution had ended. It is still here and very much alive, ready to strike new blows against those that try to ignore it, by deceit or by tactic." On another day the Estado de Minas attacked politicians who tried to use student demonstrations to "their own advantage....as was the case of Carlos Lacerda whose political passions ended in him going to the extreme of a manifesto in which it is not known which is the most deplorable: the virulence of the language or the injustice of the approving of facts which were bringing alarm to the whole country."
4. The Frente's opponents were as outspoken. Federal Deputy Ultimo de Carvalho (ARENA) is quoted as saying that the order was "already late in coming." Deputy João Herculino (MDB) speaking of Lacerda said "he should be in jail because he brought into the streets a movement inspired by citizens whose political rights have been suspended."

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Drafted by: CASemones:t

4/10/68

Copies: Amembassy Rio, INR/RAR

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Belo Horizonte

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5. Lacerda's supporters, including federal deputies Edgar Godoi da Mata Machada, Renato Azeredo, and José Maria Magalhães, and state deputies Raul Belem and Anibel Teixeira have generally guarded their comments on the situation well.
6. Belo Horizonte students, although they had indicated some support of the Frente Ampla movement during the recent demonstrations apparently have reverted to their erstwhile hostility to Lacerda and rejected his "manifesto." Despite the fact that the Frente's problem stemmed from Lacerda's support of the students, the students at present seem little disposed to object to the government's moves against the Frente Ampla.
7. It is generally believed here that Lacerda's set-back, if it can be called that, is only temporary. Some persons even consider it as a partial victory for Lacerda since it revealed the Government's nervousness and its inclinations to deal with political opponents through means which even some opponents of Lacerda and the Frente consider illegal and ill-advised. Most Mineiros, however, politics-minded to the grave, see the whole episode as one more blow in the current round of political maneuverings which will end only when a new phase of political activities, which may be more important or perhaps only more interesting, arises to supplant it.

SEMONES



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