

INCOMING TELEGRAM *Department of State*

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CASTELLO BRANCO PROPOSED SIX CONSTITUTIONAL AMENDMENTS TO CONGRESS JUNE 24, INCLUDING REQUIRING ELECTION OF PRESIDENT BY ABSOLUTE MAJORITY WITH VICE PRESIDENT RUNNING ON SAME TICKET, PERMITTING ILLITERATES TO VOTE IN MUNICIPAL ELECTIONS, AND GIVING SOME SOLDIERS THE RIGHT TO VOTE. TRANSLATION OF PROPOSED AMENDMENTS FOLLOWS:

1. ELECTION OF PRESIDENT BY ABSOLUTE MAJORITY AND ELECTION OF VICE PRESIDENT.

ARTICLE 81 -- THE PRESIDENT AND VICE PRESIDENT OF THE REPUBLIC WILL BE ELECTED THROUGHOUT THE COUNTRY WITHIN THE TIME PERIOD OF ONE HUNDRED AND TWENTY AND NINETY DAYS BEFORE THE END OF THE MANDATE IN EXERCISE, THROUGH UNIVERSAL, DIRECT SUFFRAGE AND BY ABSOLUTE MAJORITY, THE LATTER CALCULATED ON THE TOTAL OF VALID VOTES CAST.

PARAGRAPH 1 -- IF NONE OF THE CANDIDATES SHOULD ATTAIN AN ABSOLUTE MAJORITY, THE PRESIDENT OF THE SUPREME ELECTORAL COURT WILL SERVE BY DEFAULT AND, SIMULTANEOUSLY, WILL CONVOKE THE NATIONAL CONGRESS TO MEET IN A JOINT SESSION WITHIN 15 DAYS, UNDER THE PRESIDENCY OF THE EXECUTIVE BOARD OF THE SENATE, TO ELECT THE PRESIDENT OF THE REPUBLIC.

PARAGRAPH 2 -- ONLY THE CANDIDATE MOST VOTED IN THE DIRECT ELECTION WILL HAVE THE RIGHT TO COMPETE WITH NEW CANDIDATES IN THE ELECTION FORESEEN IN THE PREVIOUS PARAGRAPH, THE CITIZEN

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ELECTED BY AN ABSOLUTE MAJORITY OF THE MEMBERS OF THE NATIONAL CONGRESS IN PUBLIC, NOMINAL VOTING WILL BE CONSIDERED ELECTED.

PARAGRAPH 3 -- IF AN ABSOLUTE MAJORITY IS NOT REACHED ON THE FIRST BALLOT, OTHERS WILL BE HELD IN WHICH ONLY THOSE CANDIDATES VOTED ON IN THE PREVIOUS BALLOT WILL BE CONSIDERED, EXCLUDING THE ONE WHO OBTAINED THE LEAST NUMBER OF VOTES. A NEW NAME CAN ONLY BE VOTED ON IF, AFTER THE PREVIOUS BALLOTING, ONE OF THE CANDIDATES SHOULD BE ELIMINATED BY DEATH, IMPEDIMENT OR RENUNCIATION, IN WHICH CASE THE SUBSTITUTION OF ONE CANDIDATE BY ANOTHER IS PERMITTED IF A MINIMUM OF ONE THIRD OF THE MEMBERS OF THE NATIONAL CONGRESS NOMINATES HIM.

PARAGRAPH 4 -- THE VICE PRESIDENT WILL BE CONSIDERED ELECTED IN VIRTUE OF THE ELECTION OF THE PRESIDENT, WITH WHOM HE SHALL BE A CANDIDATE. EACH PRESIDENTIAL CANDIDATE WILL THUS BE REQUIRED TO REGISTER HIMSELF WITH A CANDIDATE FOR VICE PRESIDENT.

2. REMOVES TAX EXEMPTIONS FOR JUDGES BY ALTERING PROVISIONS OF ARTICLE 95, ITEM III TO READ ---- IRREDUCIBILITY OF EARNINGS, WHICH, HOWEVER, WILL REMAIN SUBJECT TO GENERAL TAXES, SUCH AS ON INCOME AND ON PENSION PAYMENTS OF ANY TYPE (ARTICLE 15-NUMBER IV).

3. REMOVES TAX EXEMPTIONS FOR AUTHORS, PROFESSORS AND JOURNALISTS, BY ALTERING PROVISIONS OF ARTICLE 203 TO READ ---- NO TAX WILL DIRECTLY BURDEN THE RIGHTS OF AUTHORS OR THE REMUNERATION OF PROFESSORS AND JOURNALISTS, WITH THE EXCEPTION OF THE EXEMPTION FROM GENERAL TAXES, SUCH AS ON INCOME AND ON PENSION PAYMENTS OF ANY TYPE.

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4. RESTRICTS CONGRESSIONAL IMMUNITY IN CASES OF COMMON CRIME, BY ALTERING PROVISIONS OF ARTICLE 45 TO READ-- IN DEALING WITH A COMMON CRIME, PERMISSION TO PROCESS THE CRIMINAL SHOULD BE RESOLVED IN SIX MONTHS, COUNTING FROM THE PRESENTATION OF THE REQUEST, TAKING IT AS CONCEDED IF AT THE END OF THIS PERIOD THERE HAS BEEN NO DELIBERATION ABOUT IT.

5. PERMITS ILLITERATES TO VOTE IN MUNICIPAL ELECTIONS AND EXTENDS VOTING RIGHTS TO SOME SOLDIERS BY ALTERING PROVISIONS OF ARTICLE 132 TO READ--THOSE WHO ARE TEMPORARILY OR
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DEFINITELY DEPRIVED OF THEIR POLITICAL RIGHTS CANNOT REGISTER TO VOTE.

PARAGRAPH 1--THE REGISTRATION OF ILLITERATES IS PERMITTED FOR MUNICIPAL ELECTIONS THROUGH A SUITABLE PROCESS TO BE DETERMINED BY LAW, HOWEVER, THE EXERCISE OF THE VOTE IS NOT OBLIGATORY.

PARAGRAPH 2--MILITARY PERSONNEL MAY REGISTER TO VOTE, IF THEY ARE OFFICERS, OFFICER-CANDIDATES, MIDSHIPMEN, WARRANT OFFICERS, OR SERGEANT PETTY OFFICERS, AND STUDENTS OF THE MILITARY SCHOOLS OF THE SUPERIOR INSTRUCTION FOR THE FORMATION OF OFFICERS.

6. PROVIDES CONDITIONS FOR ELECTION OF MILITARY PERSONNEL TO PUBLIC OFFICE, BY ALTERING PROVISIONS OF ARTICLE 138 TO READ-- THOSE WHO CAN NOT REGISTER TO VOTE AND THOSE MENTIONED IN PARAGRAPH 1 OF ARTICLE 132 ARE INELIGIBLE FOR OFFICE.

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SINGLE PARAGRAPH: THOSE SOLDIERS WHO CAN REGISTER VOTE ARE ELIGIBLE TO RUN FOR OFFICE, HEEDING THE FOLLOWING CONDITIONS:

A)--THE SOLDIER ON ACTIVE DUTY WHO BECOMES A CANDIDATE FOR AN ELECTIVE OFFICE WILL BE TEMPORARILY REMOVED FROM ACTIVE CFN 1 2 6 138 1 132

PAGE THREE SETWO OF TWO RUESUZ 66B UNCLAS SERVICE, WITHOUT ASSIGNMENT, TO TAKE CARE OF PRIVATE INTERESTS:

B)--THOSE WHO HAVE LESS THAN FIVE YEARS OF SERVICE WILL BE, WHEN THEY BECOME CANDIDATES, EXCLUDED FROM ACTIVE SERVICE:

C)--THE SOLDIER WHO HAS NOT BEEN EXCLUDED AND WHO IS ELECTED WILL BE TRANSFERRED TO THE RESERVE OR RETIRED ACCORDING TO THE LAW, ON THE ACT OF RECEIVING HIS MANDATE.

COMMENT: UNDER THE ATO INSTITUCIONAL, CONSTITUTIONAL AMENDMENTS NEED ONLY PASS CONGRESS BY AN ABSOLUTE MAJORITY IN TWO SESSIONS. ATTITUDES TOWARD ABOVE PROPOSALS VARY WIDELY IN CONGRESS. UDN AND PSD LEADERS HAVE PRONOUNCED IN FAVOR OF PRINCIPLE OF ELECTING PRESIDENT BY ABSOLUTE MAJORITY, BUT BOTH PTB AND PART OF PSD HAVE ANNOUNCED DISSATISFACTION WITH INSERTION IN ELECTION BY CONGRESS OF CANDIDATE WHO HAD NOT TAKEN PART IN PUBLIC ELECTION. VOTE FOR ILLITERATES HAS RUN INTO UDN AND CONSERVATIVE OPPOSITION, WHILE RECEIVING SUPPORT FROM SOME PARTS PSD AND PTB. MAJORITY AGREEMENT PROBABLY EXISTS ON ELECTION OF VICE PRESIDENT ON SAME TICKET AS PRESIDENT, REMOVAL OF TAX EXEMPTIONS, AND PERMITTING SOME MILITARY TO VOTE AND HOLD OFFICE. DEAN
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