

# TELEGRAM

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United States of America

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Date: October 13, 1965  
1:24 p.m.

ACTION: Secstate WASHDC PRIORITY 34

INFO: Amembassy RIO DE JANEIRO PRIORITY 45  
Amconsul SAO PAULO PRIORITY 8

REF: Brastel 32

1. President Castello Branco yesterday (Oct. 12) handed government leaders in Congress three draft constitutional amendments and one ordinary draft law. As of now, this represents sum of promised emergency legislation designed to mollify military elements angered over October 3 election results. After discussion with party leadership, ~~they~~ <sup>legislation</sup> will probably be sent to Congress formally toward end this week and come to vote next week under "urgency" rule.

2. First proposed amendment would add to Article 7 of Constitution, two following additional reasons for Federal intervention in any state: (a) "to assure execution of federal laws" and (b) "to prevent or supress a serious domestic commotion."

COMMENT: Implementation of intervention based on these two provisions is hedged about with certain legal restrictions (of not very limiting nature) and reiteration is made of necessity submit to congressional approval any presidential decree of federal intervention. Notwithstanding, these provisions considerably enlarge powers of federal government

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to intervene in state.

3. Second proposed amendment would provide for military court jurisdiction over civilians for certain crimes (specified in law) against "national security" or "military institutions" (read armed forces.)

COMMENT: Purpose this provision is to provide for military jurisdiction over certain persons deprived of political rights by Institutional Act, who would be denied right of "special forum" by proposed law summarized in paragraph five below.

4. Third constitutional change would "exclude from judicial review" cases of persons removed from their employment under terms of Article 7 of Institutional Act.

COMMENT: Heretofore cases this category had been subject to appeal through legal system, though only technical due process and not merits of case could be judged.

5. Proposed ordinary law would tightly control political activities, residence, and movement of persons deprived of political rights and provide specific punishments and fines for both offending party and anyone who assisted him. Law would ~~not~~ abolish "special forum" for persons this category, regardless of past positions held. It provides for enforced residence,

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closing of certain areas to persons involved, surveillance over their movements, and summary court procedures for handling cases encompassed by law. Special control is established over TV and radio appearances of persons in this category.

COMMENT: In present form, this draft law impressed Emboff who saw it as fairly harsh and possibly difficult to implement. It obviously designed cover cases of Kubitschek, Quadros, former Goias governor Mauro Borges, and other well known politicians.

6. COMMENT: Taken as package these measures should go far to assuage military ire. In view of general view prevailing in Chamber that deputies must now help government out or expect some further move from offended military circles, it looks as though foregoing amendments and law might well be approved substantially in form presented. Seems particularly important that most proposed legislation appears acceptable to UDN, which would thus be able stay more or less united with administration. Legislation was probalby drawn up with this factor in mind.

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Cleared in draft with Mr. Okun  
POL: LWBowden:jpc 10/13/65

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