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Propagandistic Use of "Legalism" in Brazil

Since its inception as a result of the "legalist" campaign of 1961, the Goulart regime has shown itself to be disposed to use "legalism" and related terms to describe forces which are tied to the democratic process. Undoubtedly the correct original use and intent of the terms were to describe the process whereby Goulart "legally" assumed office as president. There is reason to believe, however, that in the propagandistic use of these terms the meanings have changed somewhat.

It will be recalled that character descriptions of War Minister Jair Dantas Ribeiro have repeatedly alluded to his strong "legalistic" predisposition. The common interpretation and quite possibly the one which Jair himself would give, is that Jair will do everything in his power to carry out existing rules and regulations and preserve constitutional order. "Legalist" terms were also used frequently by sources friendly to the Goulart administration in describing the recent army general promotions (Subtel 267). However, in this respect it is possible to detect a slight modification in the apparent meaning of the terms. These "legalists" -- especially those generals who are identified with the Cavaco current in the army -- are "legalists" because of their commitment to oppose any conceivable move aimed at the removal of Goulart.

In civilian areas, the use of such terms has also moved apace. Goulart, in his Recife statements (Subtel 278) and GROUP 3 - Downgraded at 12-yr intervals, not automatically declassified.

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subsequent public announcements, has repeatedly used these terms. Other GOB officials also echo the theme. It is interesting to note that "legalism" seems to be almost the exclusive domain of Goulart supporters. Furthermore, the left-leaning factions within the governmental structure are more frequently referred to as "legalists" and in turn more frequently use the terms.

Perhaps a key to the use of such terms can be found in an "exclusive interview" with Miguel Arrais which was published in the August 12 Jornal do Brasil. Arrais stated that "Brazilian democracy has shown itself incapable of providing social justice in the exact sense of the term, but at any rate it is still better than a discretionary regime in which people are discriminated against...The people are in the stockade to defend democracy against those who wish to destroy it...legality is the instrument of the people as much as golfism is the weapon of the nonconformists..." These initial statements play the usual dichotomous line. However, Arrais continued with the following revealing statements: "...In a changing society (e.g. the Brazil of today) facts rebel against the codes...The facts in the Brazil of today are divorced from the codes including the...Constitution of the country. Thus the clamor for reforms. For true reforms...authentically revolutionary in nature...Revolution implies structural change...The existing structures are obsolete, outdated, archaic. Either we change them pacifically or they will collapse of their own weight." These are hardly the statements of a constitutional "legalist."

"Legalism" was the subject of an editorial in the same issue of Jornal do Brasil. Goulart's recent statements that a "democratic regime can only meet the interests of people through "radical reform in its legal, juridical and economic structures" served as the basis of the editorial. Pointing out that the "interests of the people" are always subject to debate in a democratic society, the editorial paraphrased Goulart's appeal for radical reforms: "I do not believe or accept democratic legality without reforms, or, in other words, without reforms there will be no legality." While the author admitted that this may not have been the intent of the Goulart statement, the editorial concluded with the following observation: "Radical reforms of the legal structure may signify the desire to break with democratic legality in the name of reforms. We do not want to believe such a hypothesis, but we take note of the thesis in order to verify it."

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Viewing the use of these terms as a propaganda campaign, it should be noted that the obverse tactic has been to identify other forces -- that is members of the oppositionist elements both in the armed forces and civilian sectors -- as "golpistas" or those who constitute a threat to constitutional democratic order. The effectiveness of this psychological orientation campaign is difficult to judge. Unfortunately there seems to be little public questioning of the goals of "legalists" or of the oversimplified categorization of leaders as either "legalist" and "golpista" equated in the public mind with "good" and "bad" forces. In reality, the equation is more nearly with "supporting" and "opposing" forces -- with no admission for anything approximating a "loyal opposition."

The Embassy concludes that at least in civilian sectors, those persons who are involved in the "legality" campaign are the same persons who are interested in changing the existing social and political order through radical means rather than preserving it.

Another aspect which merits restatement is the apparent shift in the meaning of various terms connected with "legalism". There is reason to believe that the original value (i.e. defense of constitutional order) has been replaced by a new meaning (i.e. defense of the existing regime). To what extent this defense would be carried is open to some question. War Minister Jaír's recent statements indicate that his brand of "legalism" implies maintenance of the Goulart regime in office until the normal turnover of power on January 31, 1966. Jornal do Brasil political columnist Castello Branco states (August 20) that Jaír's stance "...expressly foresees the sustaining of the three powers and public order...and does not imply the maintenance of the government at any price..." There is some reason to believe that an end goal of the GOB use of these terms might be to create a climate in which the regime would be protected even if it should "legally" take steps to restrict liberties or perhaps attempt "legally" to perpetuate itself in power through some form of constitutional revision.

For the Ambassador:

John Keppel
Counselor for Political Affairs

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