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AMERICAN EMBASSY  
BRASILIA, BRAZIL  
Department of State

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Amembassy RIO DE JANEIRO

July 21, 1970

Attorney General Rejects the MDB's Request on Censorship Law

Brasilia's A-29 and Rio's A-178

As several Brazilian political observers had anticipated, the Attorney General of the Republic, Dr. Xavier de Albuquerque, in a decision published July 15 rejected the MDB's petition that the pre-censorship Decree Law be sent to the Supreme Court for constitutional review.

The Attorney General based his decision on arguments similar to those presented by the Government to justify the issuance of the Decree Law, i.e., that the publication of pornographic literature is part of a Marxist-Leninist revolutionary plan against democracy and is, therefore, a matter of national security interest, and that the Decree Law is constitutional because the Federal Constitution provides that "publications contrary to morality and good taste will not be tolerated". Concerning the numerous criticisms that this provision does not authorize a preventive treatment, the Attorney General added that he understands that this provision "has a broad scope which comprises both the repressive and the preventive functions".

As was pointed out in Brasilia's A-29, however, the matter is not necessarily closed. The Attorney General only uses his legal authority to shelve a case, if he so decides, and his action does not foreclose further recourse. Anyone who feels that his rights have been violated by the Decree Law may now take the case to the Federal Tribunal of Appeals through a writ of injunction and subsequently, to the Supreme Court through an appeal. In fact, some 80 persons, among publishers and writers, reportedly are planning to take action in this regard next month.

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