

DEPT. DISTRIBUTION  
ORIGIN ACTION

DEPARTMENT OF STATE

# AIRGRAM

*Pol 29 BRAZ*

| RS/R | REP  | AF     | ARA    |
|------|------|--------|--------|
| 1    |      |        |        |
| EUR  | FE   | NEA    | CU     |
|      |      |        |        |
| INR  | E    | P      | IO     |
| 5    |      | 2      | 5      |
| L    | FBO  | AID    |        |
| 3    |      | 15     |        |
|      | PM 2 | 5/5 10 | 5/PS 1 |
| AGR  | COM  | FRB    | INT    |
|      |      |        |        |
| LAB  | TAR  | TR     | XMB    |
|      |      |        |        |
| AIR  | ARMY | NAVY   | OSD    |
| 5    | 3    | 5      | 34     |
| USIA | NSA  | CIA    | NSC    |
| 10   | 3    | 16     | NSC 6  |

Original to be Filed in \_\_\_\_\_ Decentralized Files.

FILE DESIGNATION

HANDLING INDICATOR

TO : Department of State

RECEIVED  
LIMITED OFFICIAL USE  
MAY 13 8 25 AM 1970  
ASIAN  
ANALYSIS BRANCH

A - 221  
DEPARTMENT OF STATE  
BUREAU OF  
INTER-AMERICAN AFFAIRS  
MAY 13 1970  
*Bn*

FROM : Amembassy RIO DE JANEIRO

DATE: May 5, 1970

SUBJECT : Conviction and Imprisonment of Noted Brazilian Academician

REF :

Caio da Silva Prado Junior, one of Brazil's most noted academicians, was convicted by a São Paulo military tribunal on March 25, 1970, for the crime of "publicly preaching subversion of the political and social order." He was immediately sentenced to 4 1/2 years and is currently serving that term, pending appeal.

Prado's trial and conviction, particularly the severity of the sentence, sent a shock through the Brazilian intellectual community. There is fear that more might follow. (Prado's lawyer says he now has a second, similar case with Antonio Carlos Callado, a journalist) The Embassy understands the New York Times has printed a letter from several American latinamericanists protesting Prado's conviction. We are also informed a move possibly is afoot to escalate the international campaign, using this incident to embarrass the Brazilian Government, by buying full page advertisements in the New York Times, and possibly other American and European newspapers, for protest petitions signed by members of the academic world.

Caio Prado Jr., 63 years old, was, until his conviction, an assistant Professor in the Law School of the University of São Paulo. Originally graduated in Law, Prado later branched out and now enjoys an international reputation in Economics, Sociology, and History, as these disciplines apply to Brazil. Several of his books have been translated into English. Many in the academic world consider Prado among Brazil's finest intellectuals. Even such extreme conservatives as Miguel Reale (thought by most in the profession as Brazil's finest philosopher), while acknowledging Prado's orthodox Marxist bias, acknowledge that he is also a first class philosopher.

SUGGESTED DISTRIBUTION

POST ROUTING

| TO:    | Action | Info. | Initials |
|--------|--------|-------|----------|
| AMB/PO |        |       |          |
| DCM    |        |       |          |
| POL    |        |       |          |
| ECON   |        |       |          |
| CONS   |        |       |          |
| ADM    |        |       |          |
| AID    |        |       |          |
| USIS   |        |       |          |
| FILE   |        |       |          |

Action Taken:

Date:

Initials:

LIMITED OFFICIAL USE

FORM 10-64 DS-323

For Department Use Only

☒ In ☐ Out

Drafted by:

POL: WGWalker: NM

Drafting Date:

5/5/1970

Phone No.:

Contents and Classification Approved by:

POL: RHShields

Clearances:

1970 MAY 13 AM 11 22



LIMITED OFFICIAL USE

Rio de Janeiro, A - 221 <sup>2</sup>

At one time, Caio Prado was a member of the Communist Party. He served in the São Paulo State Legislature as a representative of the PCB but later broke with the Party, and on taking his departure, vigorously denounced it.

Of Brazil's "serious" authors, Prado is one of the two or three most widely read. Even in those works written while a PCB member, Prado seldom adhered to the "Party Line", insisting that traditional Marxist dogma was inapplicable to the situation in Brazil. His most recent work, "The Brazilian Revolution", is basically an attack on the Brazilian Communist Party - its opportunism, and inconsequence given the realities of Brazil. This book, and most of Prado's works, are still on public sale in Brazil despite his conviction.

Caio Prado was convicted of preaching and inciting subversion, a crime under the National Security Law. The circumstances are that in 1967, two student reporters for Revisão, the Faculty of Philosophy journal of the University of São Paulo, interviewed Prado. It was not until late 1969, two years after publication of the interview, that Prado and the two student reporters were arrested under charges of having violated the security provisions of Institutional Act N°5, issued in December 1968. They were convicted on the basis of the contents of the interview, which the Government prosecutor claimed was "dedicated to the goal of subverting the existing political and social order of the country."

Caio Prado's lawyer, Heleno Fragoso, raised two major points in defense:

1) It would be ludicrous to claim that Prado's intent, in permitting himself to be interviewed, was to "incite" anyone to armed combat or subversion. The magazine interview, particularly when it is known that one's words are subject to change and molding by a journal's editors, is hardly the vehicle for "inciting" revolution in the manner envisioned by the National Security Law. Prado was doing nothing more than expressing himself in a legitimate university forum, the student review, in a manner consistent with his role as a professor. To claim otherwise, that he was issuing instead a cry for armed revolution, is negated by the very contents of the article, which actually demonstrated "the impossibility of violently assuming power in Brazil."

2) The Government was attempting to convict Prado under the provisions of a 1968 Decree Law that was not on the books at the time the alleged crime was committed in 1967.

LIMITED OFFICIAL USE



LIMITED OFFICIAL USE

Rio de Janeiro, A - 221<sup>3</sup>

Comment: In a discussion with Prado's lawyer, it appears he, at least, is confident the conviction will be reversed on appeal. (See Rio's MemCon APRIL 30, reporting conversation with Fragoso) He said that the primary factor leading to Prado's conviction was the São Paulo site of the trial. Outside of the "revolutionary war is upon us" atmosphere prevalent in São Paulo military courts, Fragoso claims the case would have been thrown out. That, he predicts, is what will happen on appeal next month.

ELBRICK

*RETS*

LIMITED OFFICIAL USE

1070 MAY 13 AM 11 22