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To: RS/AN-C:
Original (with courtesy
copy of the correspondence
was signed, dated & dispatched
direct from "H".

May 21, 1970
May 21, 1970

Honorable J. W. Fulbright
Chairman, Committee on
Foreign Relations
Washington, D.C. 20510

~~Original (with courtesy
copy of the correspondence)~~

Dear Mr. Chairman:

The Secretary has asked me to reply to your letter of May 7 requesting on behalf of Mrs. Robert H. Mattoon that the State Department make an inquiry with the Brazilian Government into the circumstances surrounding the imprisonment of Dr. Caio Prado.

Caio da Silva Prado, Jr., one of Brazil's most noted academicians, was convicted by a Sao 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.

Caio Prado, 63 years old, was, until his conviction, an assistant Professor in the Law School of the University of Sao 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.

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

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Of Brazil's "serious" authors, Prado is one of the two or three most widely read. Even in those works written while a Communist Party 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 Revisao, the Faculty of Philosophy journal of the University of Sao 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 No. 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.

Clearances:

NSA/ER - Mr. Tamm

ARA - Mr. Crippins

ARA - Miss Brocius

H - Mr. Galt

We are informed that the conviction has been appealed to a higher court, that the case will be heard next month, and that the chances are good that the conviction will be reversed.

We do not believe it would be helpful to our relations with the Brazilian Government, or to the outcome of Dr. Prado's appeal, to approach the Brazilian Government officially on behalf of one of its citizens. Such an inquiry clearly would be an intervention in Brazil's internal affairs, as well as an intrusion into the incompleting legal proceeding. However, a copy of your letter and this reply has been sent to Ambassador Elbrick in Rio de Janeiro with a note requesting that the Embassy keep us informed of developments in this case so that we, in turn, can keep you informed.

You have also requested the Department's comments on the general political scene in Brazil. As this is a complex situation, I believe it would be more useful to you to be briefed orally by the Director of the Office of Brazilian Affairs, Mr. Robert W. Dean, who would be happy to call on you for this purpose at your convenience. Please let me know your wishes in this regard.

I hope the foregoing information will be helpful to you in replying to Mrs. Mattoon.

Sincerely yours,

signed

David M. Abshire
Assistant Secretary for
Congressional Relations

Enclosure:
Correspondence returned

ARA/BR:EWSavage:FRavndal:me:5/14/70
ext. 20655 #6851
(page 3 retyped: 5/15/70:5/20/70)

Clearances: ARA/BR - Mr. Dean
H - Mr. Gawf

ARA - Mr. Crimmins
ARA - Miss Brosius