

Authority 969000
By 303 NARA Date 6/27/02

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Department of State *Edu 9 Bray*
YR pol 13-2 Bray
TELEGRAM

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ACTION ARA 16

INFO AID 28, CU 04, CIAE 00, DODE 00, JPM 04, H 02, INR 07, L 03, NSAE 00,

NSC 10, P 04, RSC 01, SP 02, SS 20, USIA 12, RSR 01, 114 W
----- 071777

R 262200Z FEB 69
FM AMEMBASSY RIO DE JANEIRO
TO SECSTATE WASHDC 7085
INFO AMEMBASSY BRASILIA
AMCONSUL RECIFE
AMCONSUL SAO PAULO
AMCONSUL BELO HORIZONTE UNN
USCINCSO

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SUBJECT: GOB PREPARES FOR SCHOOL REOPENING

1. COSTA E SILVA FEB 25 SIGNED DECREE WHICH IMPOSES ADMINISTRATIVE SANCTIONS FOR PROFESSORS AND STUDENTS ENGAGING IN DEMONSTRATIONS OR OTHER FORMS OF POLITICAL AGITATION. DECREE, BASED ON ARTICLE 2 OF IAS, PROVIDES THAT TEACHERS OR ADMINISTRATORS VIOLATING ITS PROVISIONS WILL BE DISMISSED AND PROHIBITED FROM ENGAGING IN TEACHING IN ANY OTHER INSTITUTION OF LEARNING FOR FIVE YEARS.

REQUIRES THAT STUDENTS IN VIOLATION BE EXPELLED AND PROHIBITED FROM MATRICULATING IN ANY OTHER SCHOOL FOR THREE YEARS.

2. OTHER PUNITIVE PROVISION PROVIDES THAT ANY SCHOLARSHIP OR FELLOWSHIP WILL BE SUSPENDED AND HOLDER UNABLE TO SECURE ANOTHER DURING FIVE-YEAR PERIOD. IN CASE OF FOREIGN STUDENTS, "HIS IMMEDIATE WITHDRAWAL WILL BE SOLICITED," PRESUMABLY UNDER RECENT EXPULSION DECREE. IN APPROPRIATE CASES CRIMINAL ACTION IS CONCURRENT WITH PUNISHMENT PROVIDED BY DECREE.

3. DECREE DEFINES AS INFRACTIONS A WIDE VARIETY OF

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ACTIONS, INCLUDING SOME NOT COVERED BY CRIMINAL PROVISIONS. THESE INCLUDE:

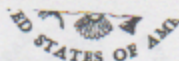
- A. INCITING OR PARTICIPATING IN STRIKE OR ATTEMPTED STRIKE.
- B. ASSAULT AGAINST PERSONS OR PROPERTY OF ANY NATURE WITHIN OR OUTSIDE OF SCHOOLS.
- C. ACTS DIRECTED TOWARD ORGANIZATION OF SUBVERSIVE MOVEMENTS, PROTEST PARADES, UNAUTHORIZED PARADES OR MEETINGS, OR PARTICIPATION IN SUCH ACTIVITIES.
- D. PREPARATION, POSSESSION OR DISTRIBUTION SUBVERSIVE MATERIAL OF ANY NATURE.
- E. KIDNAPPING OR IMPRISONMENT OF ANY TEACHER, ADMINISTRATIVE EMPLOYEE, STUDENT OR POLICE AGENT. (COMMENT: REMINISCENT OF THE "GOLDEN APPLE" IN SAO PAULO).
- F. USE ANY AREA OF A SCHOOL FOR SUBVERSIVE PURPOSES OR FOR ACT "CONTRARY TO MORALS OR PUBLIC ORDER."

4. DECREE PLACES BURDEN OF ENFORCEMENT ON DIRECTOR OF SCHOOL WHO RESPONSIBLE FOR INITIATING SUMMARY INVESTIGATION PROCEDURE AND FOR SEEKING POLICE INVESTIGATION IN CASES WHERE SUSPICION OF CRIMINAL ACT INVOLVED. SUMMARY PROCESS TO BE CONCLUDED WITHIN 20 DAYS AFTER WHICH ACCUSED WILL HAVE TWO TO FOUR DAYS TO PRESENT DEFENSE. AFTER PRESENTATION OF DEFENSE, TEACHER OR ADMINISTRATOR DESIGNATED TO CONDUCT INVESTIGATION MUST PREPARE REPORT WITHIN 48 HOURS. DIRECTOR OF SCHOOL THEN HAS ADDITIONAL 48 HOURS TO ENTER "WELL-FOUNDED" JUDGMENT UNDER PENALTY OF CRIMINAL PUNISHMENT AND OF APPLICATION OF ABOVE PROVISIONS REGARDING DISMISSAL OF ADMINISTRATORS. THIS LANGUAGE WOULD INDICATE THAT DIRECTOR MAY ENTER FINDING OF INNOCENCE ONLY AT HIS OWN PERIL. APPARENTLY, SANCTIONS PROVIDED ARE NON-DISCRETIONARY. PERHAPS INSTRUCTIONS TO BE PROMULGATED BY MINISTRY OF EDUCATION WITHIN 30 DAYS WILL CLARIFY THIS POINT AS WELL AS PROCEDURES TO BE FOLLOWED IN "SUMMARY" INVESTIGATIONS.



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4. COMMENT: EXTREMELY BROAD SWEEP OF DECREE IS OBVIOUS GOB EFFORT TO MAINTAIN COMPLETE CALM ON ALWAYS VOLATILE STUDENT FRONT AS SCHOOLS REOPEN NEXT WEEK. ACTIONS PROHIBITED COVER ALMOST ANY STUDENT OR TEACHER AGAINST WHOM AUTHORITIES MIGHT WANT TO MOVE. IF GOB WISHES TO EFFECT WHOLESAL "CLEANING" OF EDUCATIONAL SYSTEM, IT NOW HAS AN ADDITIONAL VEHICLE.

6. DESIGNATION OF RECTORS AND OTHER DIRECTORS AS OBLIGATORY ENFORCES OF DECREE MAY PROVKE INTERNAL DISSENSION IN SCHOOLS AND COULD HAVE DEMORALIZING EFFECT ON ADMINISTRATORS AND FACULTY MEMBERS. THIS OBVIOUSLY WILL CREATE MORE DIFFICULT ATMOSPHERE IN WHICH TO CONDUCT REFORM PROGRAM, OR EDUCATE MODERN PROFESSIONALS. IF DECREE REALLY ENFORCED, THIS COULD DRIVE SOME OF BETTER PROFESSORS AND STUDENTS TO SEEK EMPLOYMENT OR STUDY OUTSIDE COUNTRY. DECREE SEEMS TO REFLECT CONTINUING PREOCCUPATION WITH "SUBVERSIVE" ASPECT OF UNIVERSITIES, PERHAPS TO DETRIMENT OF OTHER MORE PRESSING NEEDS.

BELTON

SUBJECT: GOB PREPARES FOR SCHOOL REOPENING

1. CRISTIA E SILVA FEB 25 SIGNED DECREE WHICH IMPOSES ADMINISTRATIVE SANCTIONS FOR PROFESSORS AND STUDENTS WHO ENGAGE IN DEMONSTRATIONS OR OTHER FORMS OF POLITICAL ACTIVITIES. DECREE, BASED ON ARTICLE 2 OF IAS, PROVIDES THAT TEACHERS OR ADMINISTRATORS VIOLATING ITS PROVISIONS WILL BE DISMISSED AND PROHIBITED FROM ENGAGING IN TEACHING IN ANY OTHER INSTITUTION OF LEARNING FOR FIVE YEARS.

2. DECREE THAT STUDENTS IN VIOLATION BE EXPELLED AND PROHIBITED FROM PARTICIPATING IN ANY OTHER SCHOOL FOR THREE YEARS.

3. OTHER PUNITIVE PROVISION PROVIDES THAT ANY SCHOLARSHIP OR FELLOWSHIP WILL BE SUSPENDED AND HOLDER UNABLE TO SECURE ANOTHER DURING FIVE YEAR PERIOD. IN CASE OF FOREIGN STUDENTS, THIS IMMEDIATE WITHDRAWAL WILL BE SOLICITED PRESUMABLY UNDER RECENT EXPULSION DECREE. IN APPROPRIATE CASES CRIMINAL ACTION IS CONCURRENT WITH PUNISHMENT PROVIDED BY DECREE.

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