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ACTION ARA 20

INFO OCT 01, PM 05, CIAE 00, DODE 00, INR 07, NSAE 00, P 03, RSC 01, USIA 02,
PRS 01, H 02, CU 04, HEW 08, SCI 05, AID 28, NSC 10, PC 04, 01, 112 W
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P R 241900Z OCT 69
FM AMEMBASSY RIO DE JANEIRO
TO SECSTATE WASHDC PRIORITY 1828
INFO AMEMBASSY BRASILIA
AMCONSUL RECIFE
AMCONSUL SAO PAULO

C O N F I D E N T I A L RIO DE JANEIRO 8871

C O R R E C T E D C O P Y (TO TEXT PARA NBRD TWO)

SUBJECT: COMPLEMENTARY ACT 77: FURTHER RESTRICTIONS
ON FORCIBLY RETIRED PROFESSORS

1. COMPLEMENTARY ACT 77, SIGNED BY MILITARY MINISTERS
OCT 22, PROHIBITS PROFESSORS, TEACHERS AND EMPLOYEES OF
PUBLIC EDUCATIONAL INSTITUTIONS WHO HAVE BEEN OR WHO MAY
BE PUNISHED UNDER INSTITUTIONAL ACTS FROM EXERCISING
IN ANY WAY POSITIONS, FUNCTIONS, EMPLOYMENT OR ACTIVITIES
IN EDUCATIONAL INSTITUTIONS OR FOUNDATIONS CREATED OR
SUBSIDIZED BY PUBLIC FUNDS, AS WELL AS IN TEACHING OR
RESEARCH INSTITUTIONS AND ORGANIZATIONS "OF INTEREST TO
NATIONAL SECURITY." IT FURTHER PROVIDES THAT ALL ACTIONS
CARRIED OUT IN DISAGREEMENT WITH THIS ACT ARE LEGALLY NULL.

2. ACT IS PARTLY BASED ON IA-10. EMBASSY BELIEVES THIS
FIRST APPLICATION OF HYPER-PUNITIVE POWER IS CONTAINED IN IA-10.
IT IS UNCLEAR WHETHER THE PHRASE "OF INTEREST TO
NATIONAL SECURITY" MODIFIES "RESEARCH INSTITUTIONS," AND IN
ANY CASE NO GUIDANCE IS GIVEN AS TO WHAT IS "OF INTEREST
TO NATIONAL SECURITY". VAGUENESS IS OF SUCH MAGNITUDE
THAT INDIVIDUAL PROVIDED WITH NO WAY OF DETERMINING
WHETHER HIS PROFESSIONAL ACTIVITIES ARE PROHIBITED. IT
UNCLEAR HOW VIOLATION OF CA 77 PROHIBITION IS TO BE
PUNISHED ANEFANY RELATION TO NATIONAL SECURITY LAW THAT

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MAY BE CONTEMPLATED HAS NOT BEEN SPELLED OUT.

3. COMMENT: SMHIS ACT CAN BE EXPECTED TO SIGNIFICANTLY RAISE LEVEL OF TENSION IN ACADEMIC AND SCIENTIFIC COMMUNITIES, ESPECUALLY IN LIGHT OF CONTINUING RETIREMENTS AND WIDELY KNOWN FACT THAT PURGE GROUP WITHIN MINISTRY OF EDUCATED HAS READY SEVERAL HUNDRAE MORE RECOMMENDATIONS FOR FORCED RETIREMENT. IT REPRESENTS BLOW TO NATIONAL RESEARCH COUNCIL PRESIDENT COUCEIRO WHO HAS SOUGHT WAYS TO UTILIZE TALENTS OF FORCIBLY RETIRED SCCLNTISTS BY INFORMAL FUNDING ARRANGEMENTS. COUCEIRO RECENTLY EXPRESSED HOPES TO EMBOFF THAT PRESIDENT WOULD AUTHORIZE SUCH FUNDING BY CNPQ.

4. COMMENT: VAGUENESS OF WORDING RAISES POSSIBILITY THAT GOB INTENDS IT TO B BROAD-GUAGED INSTRUMENT TO DRIVE COMPLETELY OUT OF ANY TEACHING OR RESERACH ALL FORCIBLY RETIRED PROFESSORS. HOPEFULLY FUTURE REGULATIONS WILL CLARIFY SUCH DOUBTS. ONE INTERESTING CASE OF DOUBT RELATES TO RECENTLY-FORMED ECONOMICS RESEARCH INSTITUTE WHICH SAO PAULO PROFESSOR PAULO SINGER AND A FEW OF HIS FORCIBLY RETIRED COLLEAGUES HAVE BEGUN UNDER FORD FOUNDATION GRANT. AMCONSULATE SAO PAULO MAY WISH TO VERIFY WHETHER SINGER GROUP CONSIDERS ITSELF AFFECTED BY CA-77.

5. EVEN IF ACT IS GIVEN A NARROW LIMITED INTERPRETATION, IT CONSTITUTES POWERFUL REASON FOR NEARLY 100 UNIVERSITY PROFESSORS WHO HAVE NOW BEEN RETIRED TO EMIGRATE. BECAUSE OF WHAT IT SEEMS TO INDICATE ABOUT GOB INTENTIONS TO DEAL HARSHLY WITH ACADEMICS WHO RUN AFOUL OF OFFICIAL ORTHODOXY, CA-77 ALSO COULD AGGRAVATE BRAIN DRAIN PROBLEM AMONG MANY WHO HAVE NOT YET BEEN AFFECTED BY REPRESSIVE ACTIONS. ON POSITIVE SIDE, JARBAS PASSARINHO AS EDUCATION MINISTER (THIS IS NOW A SURE THING) MAY BE ABLE TO AMELIORATE WORST EFFECTS, PARTICULARLY IF CLARIFYING REGULATIONS ARE NOT ISSUED IN REMAINING SIX DAYS BEFORE HE TAKES OFFICE. LERICK

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