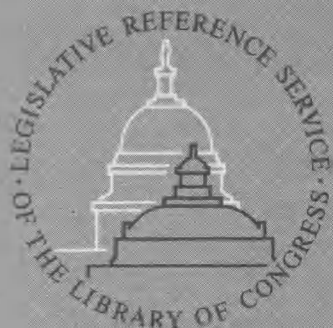


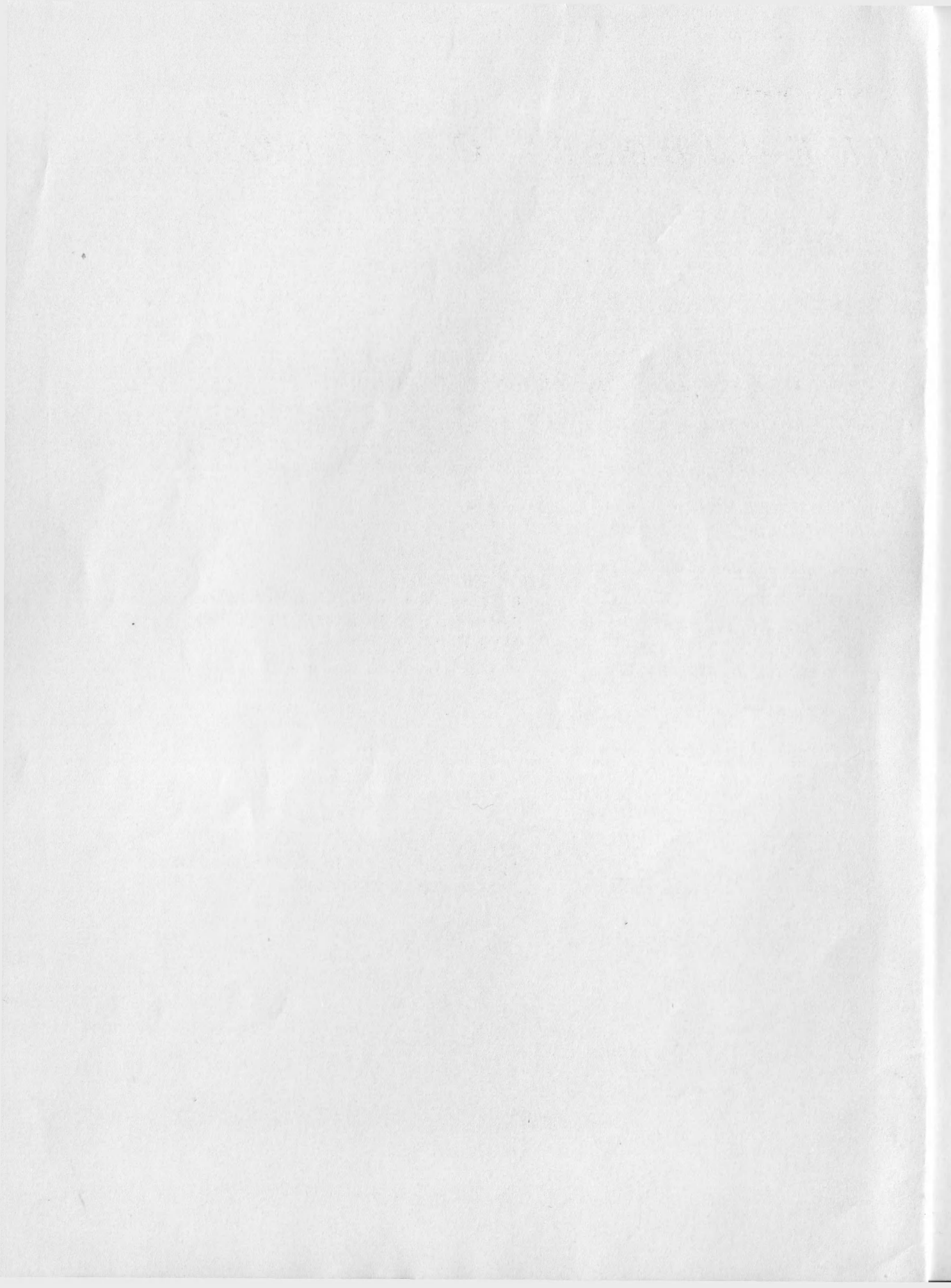
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REPRESSION OF CIVIL LIBERTIES AND  
HUMAN RIGHTS IN BRAZIL SINCE THE  
REVOLUTION OF 1964

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### Background

In April 1964 the Brazilian armed forces ousted the government of President Joao Goulart, whose fiscal irresponsibility and appeals to class hatred were plunging Brazil toward economic, political, and social chaos.

The revolt had support among large segments of Brazilian society, particularly the country's growing middle class, business and industry, and sizable groups of political leaders spearheaded by many influential State governors. In fact, civilian leaders planned the coup, and it took them several months to persuade the military to act. Some of the state governors even discussed using the paramilitary forces they controlled to depose the Goulart government if the armed forces would not act.

The coup was generally accepted in Brazil as a licit exercise of power by the armed forces. Public acquiescence to military intervention in the nation's political processes is rooted in Brazilian tradition. Under the 1824 constitution of the Brazilian empire, the government was a limited monarchy in which the three separate powers-- executive, legislative, and judicial-- were recognized; but in addition, the emperor held a fourth power, that of the Poder Moderador, or moderating power. Largely through his power to dissolve parliament and replace ministers at his own discretion, the emperor implemented his constitutional duty to "incessantly watch over the maintenance of the independence, equilibrium,

and harmony of the rest of the political powers."<sup>1/</sup> After the establishment of a republican form of government in 1889, the armed forces assumed the moderating power once exercised by the emperors. While subsequent Brazilian constitutions have been silent on the matter, there has been tacit public acceptance of the right-- even duty-- of the military to intervene in times of political crisis.

The behavior of the armed forces in past interventions has enhanced Brazilian tolerance of the military's extralegal caretaker role. On the occasions in the past when the military intervened, it withdrew immediately from actual political participation. Of the military's role, James W. Rowe has noted: "The net effect of military intromission has been enforcement of the rules of the game, restoration of equilibrium, and reinforcement of the politics of conciliation."<sup>2/</sup>

The principal instigators of the 1964 revolt-- military as well as civilian-- appear to have regarded the coup as a necessary but brief break in normal constitutional processes. They were agreed, too, as to the broad aims of the revolution: a cleanup of communism and corruption, and the economic and political rehabilitation of Brazil.

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<sup>1/</sup> Constitution of 1824, Article 98.

<sup>2/</sup> The "Revolution" and the "System": Notes on Brazilian Politics.  
Part I: Seeds of the "System". American University Field Services  
Reports, East Coast South American Series, Vol. XII, No. 3  
(Brazil), 1966, p. 13.



But many of the military and state governors supporting the revolt had little faith in the ability of the existing political system to attain the desired results. Indeed, a plethora of political parties and an unusual form of proportional representation had led to strange and shifting electoral alliances, which in turn created an extraordinary degree of legislative irresponsibility. Brazilian deputies have been described by a Brazilian analyst as "four hundred Sputniks, each in individual orbit; neither parties nor voters can control them."<sup>1/</sup> As a result, Brazilian presidents encountered "smiling and patient non-cooperation, crippling amendments, bills without budgets, administrative slowdowns, exhaustion of funds in the distribution of patronage and pork, and the like."<sup>2/</sup> Consequently, a major reform also contemplated by the revolutionary leaders was the creation of viable representative system.

The military-dominated governments which have ruled Brazil since 1964 have brought considerable economic order and growth to the country. Austere anti-inflationary measures reduced the nation's rampant inflation, running at an annual rate of 140 percent in the last three months of the Goulart regime, to 41 percent in 1966 and to 24 or 25 percent in each year since. Investments and industrial production have boomed. The country's gross national product has

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<sup>1/</sup> James W. Rowe. The "Revolution" and the "System": Notes on Brazilian Politics. Part II: The "System"-- Full Flower and Crisis. Ibid., No. 4, p. 7.

<sup>2/</sup> Ibid.

registered a respectable six or seven percent growth rate in the last several years. Exports have expanded substantially and a favorable balance of trade has been achieved. Critics, however, have contended that the government's economic policies, while pleasing to investors, businessmen and international financial agencies, have not benefitted Brazil's impoverished millions who, they aver, have borne the brunt of the austerity program.

As opposition to military rule became more audible, so-called "hardline" elements in the armed forces exerted pressure to silence the critics and delay return to civilian government. The military hardliners found support for their view among a sizable group of business and banking leaders who feared a return to the economic uncertainties prevalent under former civilian governments.

"Temporary" military rule has now stretched over six years, far longer than any previous intervention. In that time, three army generals have served as president, each promising to restore political freedom. Yet each, under pressure from the hardliners in the armed forces, has introduced successively more repressive measures. Meanwhile, refusal of some Brazilians to accept military dictates docilely has set in motion an ever more virulent cycle of repression and retaliation.

Mounting reports of tortures of political prisoners have engendered a number of inquiries regarding civil liberties and human rights in Brazil. The following summarizes developments since the 1964 revolution.

Phase I: Benign Authoritarianism

In the first week after the 1964 revolt, zealous military officers arrested over 7,000 people. Meanwhile, in accord with constitutional provisions for succession, the presiding officer of the Chamber of Deputies was installed as provisional president of Brazil when President Goulart fled the country on April 4.

On April 7, the ministers of navy, war, and air -- calling themselves the Supreme Command of the Revolution -- asked the Congress to give the president sweeping powers to oust members of Congress, government officials, and others found guilty of seditious acts or corruption. When Congress balked, key civilians and military who supported the revolt, agreeing that strong leadership was imperative, decided that General Humberto Castelo Branco should serve ex-President Goulart's unexpired term (ending January 31, 1966).

Institutional Act No. 1.

On April 9, 1964, the Supreme Command promulgated an "institutional act." The act (now designated Institutional Act No. 1 to distinguish it from subsequent similar decrees) is a curious document through which the military contrived to legitimize their actions by amending the Brazilian Constitution by fiat. The procedure is a representative example of a culturally sanctioned Brazilian practice called jeito, for which there is no equivalent expression in English. Roughly translated, jeito means: If there is an obstacle to overcome, it can be arranged somehow -- by influence,

winking at the law, or by some other pragmatic means -- in order to achieve the objective with a maximum of compromise and harmony, and a minimum of hardship, for all concerned.

Accordingly, the Supreme Command decreed that the Constitution of 1946 was to remain in effect except for those provisions temporarily superseded by stipulations of the Institutional Act. The act provided for the election by Congress of a president and vice-president within two days (by absolute majority, in public session, and by roll call) and set aside constitutional requirements regarding the eligibility of members of the military.

The act also conferred great powers upon the president. He was empowered to decree a state of siege for a maximum of 30 days and was granted sole authority to introduce bills for public expenditures. Congress was prohibited from increasing expenditures requested by the president; required to act within 30 days on any bills submitted by the executive or they would be considered to have been approved; and required to act upon presidential proposals for constitutional amendments within 30 days, approval to be by absolute majority instead of by two-thirds.

The act also provided that all guarantees of tenure for government positions would be suspended for six months, during which time government employees could be dismissed, suspended, or retired by decrees. Moreover, the Supreme Command was authorized for a period of 60 days to suspend the political rights of any citizen for ten years and to cancel mandates of elected federal, state, and local officials without judicial review; after 60 days the power would pass to the president, who would act on the recommendation of the National Security Council.



Public Acceptance of Castelo Branco Regime

As prearranged, on April 11, 1964, Congress elected General Humberto Castelo Branco as president and Congressman José Maria Alkmim, a civilian and former Minister of Finance, as vice-president. Initially, the public demonstrated great sympathy and enthusiasm for the new government, which began by setting up a coalition cabinet including members of the Social Democratic Party (of popular former-President Juscelino Kubitschek, 1956-1961), the National Democratic Union, the Christian Democratic Party, independents, and a few military officers.

In his first address to the nation, President Castelo Branco pledged a cleanup of communist infiltration in the armed forces, civil service, labor unions, and other sectors; a "breakthrough towards economic development and moral, educational, material, and political improvement"; and a free and democratic presidential election in 1966.

By the time the provision of the Institutional Act authorizing the dismissal of government employees expired in October 1964, almost 9,000 persons had been removed from their jobs, among them some 4,500 federal workers. In addition, several hundred military officers had been retired or dismissed. The government also canceled the mandates of 112 holders of elective office, among them the governors of a half-dozen states, 46 federal deputies, and Senator (and former President) Kubitschek. Moreover, 378 people were stripped of their political rights for ten years, including most of those removed from elective office and such notables as former Presidents Kubitschek and Janio Quadros, Planning Minister Celso Furtado, and Josué de Castro, who formerly represented Brazil on the U.N. Food and Agriculture

Organization and later headed the Brazilian delegation to the Geneva Disarmament Conference.

Nevertheless, at this stage most observers viewed the Castelo Branco regime as relatively benign. Dominant cabinet posts were held by capable civilians. Congress was open and functioning, albeit with limited powers. Most of those arrested in the first wave following the coup had been released in compliance with court orders. Opposition figures and the press freely criticized the government. Almost all observers were impressed with the seriousness, honesty, and ability of the technicians and administrators brought into government agencies to straighten up the mess left by the previous administration. Above all, most Brazil-watchers and politically-conscious Brazilians regarded the extraordinary measures as temporary expedients, and a return to democratic processes as imminent.

#### Power Struggle in the Armed Forces

Within the military, however, there developed a power struggle between officers who believed that the armed forces should withdraw on schedule and the linha dura, or hardline officers, who thought that the period of tutelage should be extended, perhaps indefinitely. The latter regarded the opportunistic and corrupt politicians of the pre-revolutionary period as a major obstacle to reform. Some of the group were contemptuous of the democratic system, believing that Brazilian progress could be achieved only by means of a strong executive who represented the entire nation and was above the fray of contending regional and economic interests.

Gubernatorial elections in October 1965 brought the conflict to a head. Despite pressure from the linha dura to postpone the regular elections in 11 states, President Castelo Branco decided to go ahead with them. The government, however, did make plain its determination that the candidates be free of any taint of communism or corruption by pushing through Congress in July 1965 a law banning candidates who had held Cabinet posts in the Goulart regime as well as state secretaries in those states whose governors had been dismissed under the Institutional Act.

Attention focused on the races in the important states of Guanabara and Minas Gerais where ex-President Kubitschek's Social Democratic Party and deposed President Goulart's Brazilian Labor Party presented joint candidates in opposition to those sponsored by the regime. The opposition won in both states. The following day Kubitschek received a tumultuous welcome in Rio de Janeiro when he returned from 16 months' voluntary exile in Europe. The military hardliners were furious and demanded annulment of the election results.

To placate the linha dura, President Castelo Branco moved in Congress to amend the Constitution to obtain increased authority to intervene in the states and greater control over those whose political rights had been suspended. When Congress balked, Castelo Branco promulgated a second institutional act on October 27, 1965.

#### Institutional Act No. 2.

Institutional Act No. 2 granted the president power to suspend Congress, state legislatures, and municipal councils and to govern by decree;

to decree federal intervention in a state for a specified period to prevent or suppress subversion and to ensure the execution of federal laws; and to decree a state of siege for a maximum of 180 days. The act also reinstated the provisions of the original Institutional Act allowing the president to dismiss any government employee, suspend the political rights of citizens for ten years, and annul the mandates of elected officials at federal, state, and municipal levels. Moreover, individuals whose political rights were suspended were prohibited from any political activity, and restrictions could be placed upon their movement and domicile.

The new Act also increased membership of the Supreme Court from 11 to 16, the additional judges to be appointed by the president. This would enable Castelo Branco to appoint enough new judges to offset the existing majority who had been appointed by Kubitschek and Goulart. Even so, the judiciary was prohibited from taking jurisdiction over any actions carried out by the Supreme Command of the Revolution and the Federal Government under Institutional Act No. 1; the present act and its complementary measures; and resolutions of state legislatures and municipal councils annulling electoral mandates or declaring state governors, deputies, mayors and councillors unfit for their duties, from March 31, 1964 (the outbreak of the revolt) to the promulgation of Institutional Act No. 2.

The act also created a Superior Military Court, to consist of 15 members appointed for life by the president, of which ten would be chosen from the armed forces and five would be civilians. The Court was declared competent to judge civilians for crimes against national security and its authority defined as prevailing over that established in other legislation.



Institutional Act No. 2 also provided for the indirect election of the president and vice-president by an absolute majority of the members of Congress (instead of by popular election), and set the date for the presidential election at not later than October 3, 1966. Moreover, all existing political parties were dissolved.

Many observers concluded that the get-tough provisions of Institutional Act No. 2 represented only a partial capitulation to the hardliners. They reasoned that the President acted to avert a possible coup by the rightwing, in case of which effort to create a viable democratic system in Brazil would have come to a halt. Indeed, Castelo Branco confounded critics by insisting that the opposition governors elected in Guanabara and Minas Gerais be allowed to take office. Further, he used his increased power under the act to dissolve "Lider," a right-wing military and civil group which had demanded that the two governors not be permitted to take office and that Kubitschek be jailed.

#### Attempts to Reorganize Party System

Castelo Branco's intentions with respect to the political parties were clarified by Complementary Act No. 4 of November 20, 1965. That decree required the 475 members of Congress (409 deputies and 66 senators) to constitute themselves into groups containing at least 120 deputies and 20 senators each. These groups were to be the nuclei of no more than three new provisional political parties which could seek registration with the Electoral Court but were not permitted to form alliances, the idea being to create a more operative and responsible party system. Since nearly 250 deputies and more than 40 senators joined the government-sponsored National

Renovating Alliance (ARENA), opposition elements had no alternative but to join together in a single organization, called the Brazilian Democratic Movement (MDB).

Phase II: Institutionalizing the Revolution; Growing OppositionSteps Toward "Guided" Democracy

On February 5, 1966, President Castelo Branco issued Institutional Act Number 3, which set forth the following electoral timetable and procedures: September 3, 1966-- election of the governors and deputy governors of 11 states, by indirect vote of the state legislatures instead of direct popular vote; October 3-- election of the president and vice-president, by indirect vote of Congress; November 15-- elections by popular vote for state legislatures, the Chamber of Deputies, and one-third of the Senate.

The Castelo Branco regime then promulgated a spate of complementary acts and decrees to ensure the election of "revolutionary" candidates for president and governors. The case of Rio Grande do Sul illustrates the heavy-handed partisan tactics used. In Rio Grande do Sul significant elements of ARENA, unwilling to support the government's candidate for governor, joined with the opposition MDB in backing the candidacy of a respected jurist whom the regime itself was considering for appointment to the Supreme Court-- hence, obviously pure of suspicions of "communism or corruption." To quell this challenge to its will, on July 14 the Government deprived four Rio Grande do Sul deputies (along with 23 from other states) of their mandates and their political rights for ten years. Justice Minister Men de Sa<sup>1</sup>, a native of Rio Grande do Sul, resigned over the incident. Then on July 19, the regime promulgated Complementary Act No. 20 which made it impossible for ARENA legislators to vote for an MDB candidate in the presidential or gubernatorial elections.

These tactics, along with the annulment of the mandates of four more Rio Grande do Sul legislators, led the MDB to decide to boycott the indirect elections. The MDB also considered collective resignation as a protest against the regime's arbitrary actions. That threat was countered by a complementary act on July 22 which provided for the automatic suspension of political rights for ten years of any legislator who resigned for such motives.

Besides undermining opposition MDB candidates, in most of the states Castelo Branco imposed the candidates of his choice upon ARENA. Since the elections were to be indirect and the opposition's chances were eliminated, Castelo Branco could afford to ignore political figures with popular appeal.

#### Military Dissidents

Meanwhile, the regime's increasingly arbitrary acts led to rising hostility to the government among politically active segments of the population. During 1966 many of the key military men in the 1964 revolt broke with the regime. For example, in May 1966 General Olympio Mourao, who as commander of the army in Minas Gerais had been one of the leaders of the revolution and who was later appointed to the Army High Command, issued a statement accusing the President of establishing a right-wing dictatorship.

Later that month General Alves Bastos, commander of the Army of the South and another leader of the revolt, stated that the "Revolution



was not made to guarantee personal power" and that "Brazil must not fall into the hands of a dictator."<sup>1/</sup>

On August 8, one of Brazil's highest military leaders, Marshal Amaury Kruel, whose support of the revolution had been crucial, publicly accused Castelo Branco of establishing a dictatorship. The disaffection of some of the principal military leaders has been attributed to their thwarted political ambitions. But whatever the motivations, their charges that the regime had betrayed the revolution contributed to heightening tensions.

#### Student Protest

During the same year large-scale student protests-- a comparative rarity in Brazil-- occurred. On March 12, 1966, about 2,000 demonstrating students in Belo Horizonte were dispersed with tear gas. The wounding of several in the melee brought out 5,000 students the following day in response to the Student Council's call to protest police brutality. The protest spread to Rio de Janeiro, where 3,000 students paraded on March 26 carrying signs saying, "Down with dictatorship" and "To prison with Castelo."

Serious student outbreaks occurred again in September, beginning in <sup>~</sup>Sao Paulo and spreading to Rio, Brasilia, Belo Horizonte, and Porto Alegre. The demonstrations, called to protest new regulations requiring payment of annual tuition in universities, quickly took on anti-Government overtones. Police measures were particularly severe in Rio, where more than 100 seriously injured students were

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<sup>1/</sup> Keesing's Contemporary Archives, March 25-April 1, 1967, p. 21937.

hospitalized. The government blamed the student strikes and demonstrations on "Communist agitators directed from abroad" and declared that they would be suppressed.

#### Opposition From Segments of the Catholic Church

Meanwhile, the liberal wing of the Catholic Church in Brazil also had come into open conflict with the military regime. At the end of July 1966, 15 bishops of the poverty-stricken Northeast, led by the Archbishop of Olinda and Recife, Msgr. Helder Cãmara, issued a manifesto accusing the government of making the poor bear the brunt of the anti-inflationary policies and of forcing the people to submit to misery and injustice. The military commandant of the region called the document subversive and Msgr. Helder Cãmara a "tool of international Communism." In response, about 60 priests strongly declared their support for the Archbishop's position and stated that the Church could not remain silent before certain acts of the regime.

To the chagrin of the hardline military, who wanted Mgr. Helder Cãmara silenced, Castelo Branco tried to be conciliatory, and in August the new military commander of the northeast region publicly stated that the bishops' manifesto was "a spiritual and social document of great value."

#### Political Manipulations

Amid growing opposition to the regime, on October 3 the Brazilian Congress elected Marshal Costa e Silva president, to take

office on March 15, 1967. Costa e Silva's election was never in doubt. About a fifth of the Congress had had their mandates cancelled, the badly outnumbered opposition MDB had decided to boycott the election, and there was no opposition candidate. Nevertheless, important elements of the MDB found hope in the fact that Costa e Silva had stressed "redemocratization" and "humanization" of economic policies during his campaign swing through the country.

As the direct elections for legislative offices got underway, President Castelo Branco issued a decree on October 12 depriving six more federal deputies of their mandates (five from MDB and one from ARENA, including the MDB vice-leader). The presidents of the Chamber of Deputies and Senate, both members of the government "party" ARENA, argued that Castelo Branco could not take such action without the consent of Congress. The president of the Chamber of Deputies summoned members, most of whom were home campaigning, to Brasilia to discuss the decree. President Castelo Branco responded on October 20 by issuing Complementary Act. No. 23, ordering Congress into recess until after the elections. To effect the order, troops surrounded the Congress building, cut off power and telephones, entered the building, and ordered all civilians out.

Arbitrary acts by the government continued throughout the campaign. Just five days before the November 15 elections, 18 opposition candidates had their political rights suspended.

Results of Direct Congressional Elections

Although ARENA handily won 277 seats out of 409 in the Chamber of Deputies and 18 of the 23 contests for the Senate, public discontent was reflected throughout the campaign and in the balloting. Many ARENA candidates, sensitive to public opinion, sought to disassociate themselves from Castelo Branco, stressing the future under Costa e Silva rather than the incumbent regime's record, and some came out for direct elections. Moreover, although voting was compulsory for literates, a quarter of the 22,000,000 electorate abstained or returned blank ballots. Further, between 25 and 30 percent of the ballots cast were found to be invalid, many of them inscribed with the names of those who had been deprived of their political rights or defaced by anti-government slogans.

Providing Legal Bases for Authoritarian Government: Constitution of 1967, Press Law, National Security Act

With elections out of the way, the military regime set its attention to providing a constitutional base for Costa e Silva to continue in possession of Castelo Branco's extraordinary powers. On December 6, 1966, the President summoned Congress to meet in extraordinary session from December 12 to January 24, 1967, to examine and approve the text of a new constitution intended to become operative on March 15, 1967, when the new president would take office.

The proposed constitution was frankly authoritarian, reflecting the military hardliners' suspicion of power politics. The draft incorporated most of the features of the Institutional Acts and decrees

promulgated by the military regime, and provided for a strong central government and executive at the expense of the countervailing powers of the states and the legislature.

The presidents of the Senate and Chamber of Deputies told Castelo Branco that if he wished Congress to approve the proposed charter, the rights respecting the inviolability of members of Congress would have to be restored. When the administration made clear that it would brook no major changes in the provisions of the proposed constitution, the president of the Chamber of Deputies resigned. After prolonged debate and fruitless attempts to affect changes, Congress voted approval of the new constitution on January 22, 1967.

The main provisions of the Constitution of 1967 were the following:

The president and vice-president are elected indirectly by an electoral college composed of the members of Congress and state legislatures; state governors and mayors are chosen in direct elections, except mayors of state capitals, who are appointed by the governors with the approval of the legislatures.

The president is granted the power to issue decree laws on subjects of importance to national security and the economy, for subsequent approval by the Congress.

The president is empowered to declare a state of siege, without prior approval of Congress, "to preserve the integrity and independence of the country, the free operation of authority, and the working of



governmental institutions when seriously threatened by subversion or corruption."

The president may intervene in the states when political and economic affairs are conducted in a manner contrary to the federal government's policy.

Only the president can initiate legislation on financial matters.

Senators and deputies are banned from proposing legislation on a subject unless they are members of the relevant committee in Congress.

All taxes, except real estate taxes, will be collected by the Federal Government and then distributed to the states and local governments.

The time limit for congressional consideration of government bills is set at 30 days for each house, with the bill automatically passed if not specifically rejected.

Presidential proposals for constitutional amendments, if rejected by Congress, may be submitted to a public referendum.

Strikes in the public services and other essential activities are prohibited.

Civilians may be tried by military courts for certain offenses, such as those against national security.

The political rights of members of Congress can be suspended under certain conditions, on application by the president to the Supreme Court.

All measures of the preceding regime are confirmed. (Such confirmation ensures that sanctions taken since the Revolution of 1964 cannot be questioned before or revised by a court of law.)

The Castelo Branco regime further strengthened the power of the incoming regime by ramming through Congress on the eve of Costa e Silva's inauguration a highly restrictive press law. The new press law banned foreign ownership of Brazilian communications media, prohibited anonymous journalism, and required that principal editorial and administrative posts must be held by Brazilian-born nationals. Defamatory statements made against the president, vice-president, presidents of the Senate and the Chamber of Deputies, members of the Supreme Court, and foreign heads of state or their representatives were made an offense punishable by up to four years' imprisonment, the truth of the statements notwithstanding. Heavy prison penalties were provided for the publication or broadcast of reports capable of disturbing public order or arousing "social alarm," and of rumors or reports which could cause loss of confidence in the banking system or in the financial standing of Brazil, its states, or municipalities. Regulations regarding libel, slander, and defamation were strengthened, and persons criticized in the media were given the right to reply.

As a final measure bequeathed to Marshall Costa e Silva, on March 14 President Castelo Branco issued by decree a National Security Act empowering the Government to take strong measures against agitation, subversion, or propaganda. The law defined a "crime against national security" as any act which "tends directly or indirectly to obstruct the national objectives." The law evoked strong criticism in the Brazilian press, one editorial denouncing it as "the gallows for civic liberties." <sup>1/</sup>

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1/ Ibid., p. 21941.

### Phase III: Drift Under Costa e Silva

Marshal Arthur Costa e Silva was inaugurated in March 1967. Despite the dictatorial powers he inherited, there was high hope among politically active segments of the Brazilian population that the new President would be less authoritarian than his predecessor. Even the military cast to the cabinet he appointed (with officers in the formerly civilian posts of transport, industry and commerce, and mining and power) did not dim expectations of a revival of normal political activities and personal freedoms.

President Costa e Silva took a conciliatory attitude, announcing to the nation that the time had come to "humanize" the Revolution. But Costa e Silva, an affable man personally, lacked political experience. Militarily trained, he relied exclusively on his ministers and military counsellors, while ignoring supporters in Congress whose political skills could have been deployed to explain and defend the regime's policies. Meanwhile, although the President refrained from using the almost unlimited powers at his disposal, he made no move to restore democratic processes.

### The Frente Ampla

The political hiatus led to the creation of a strange alliance. In August 1967, ex-Governor Carlos Lacerda and ex-President Juscelino Kubitschek, formerly bitter opponents, formed a coalition called Frente Ampla (Broad Front), the declared purpose of which was to "mobilize all democrats" as a civilian retort to military dominance in politics. The

following month Lacerda (who as Governor of Guanabara had been instrumental in the 1964 Revolution to depose President Goulart) met with Goulart in Uruguay and secured his adherence to the Front. The Frente Ampla was permitted to operate, probably because it was not considered a serious threat to the government in view of its incompatible leadership and the fact that Kubitschek and Goulart had lost their political rights for ten years and could not actively participate.

But in Brazil's political vacuum the Frente had an unsettling effect. Other political figures, either stripped of their political rights or intimidated by the harsh measures held in reserve by President Costa e Silva, perceived that Lacerda's activities could enhance his already considerable popular appeal for the presidential elections of 1971. These men became increasingly restive and frustrated as Costa e Silva allowed the political situation to drift.

On December 26, 1967, Lacerda sharply attacked the Costa e Silva administration. In a speech at graduation ceremonies at the Rio de Janeiro University School of Economics, Lacerda stated that a "half-dozen opportunists" are leading the nation to economic stagnation and political bankruptcy, and he affirmed his intention to "replace this provisional and artificial regime which degrades Brazil and impedes its progress, by the only one that suits us, namely a democratic government." <sup>1/</sup>

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<sup>1/</sup> Deadline Data on World Affairs. Greenwich, Connecticut, McGraw-Hill Publications, 1969. Brazil Domestic, p. 66.

President Costa e Silva ended his first year in office with certain positive accomplishments in the nation's economy. The rate of inflation had dropped from 41.1 percent to 24.5 percent, and the gross national product had risen by five percent. But the President appeared oblivious to the need to gain popular understanding and support for his program.

#### Growing Opposition and Reaction

Student demonstrations in 1968 revealed the growing public dissatisfaction. On March 29, 1968, an estimated 40,000 persons attended the funeral in Rio de Janeiro of a student killed by military police in an incident the day before. One speaker after another called for armed revolution. Within days, student clashes with federal troops spread from Rio to 15 of Brazil's 22 states and to the federal district of Brasilia.

The Brazilian government alleged that Communists and other subversive elements were exploiting the students. Carlos Lacerda, after conferring with his Frente Ampla partners, issued a statement on April 2 declaring that the government had embraced "violence as the sole affirmation of authority. Violence has become institutionalized, and the army has been converted into a police force against the people." <sup>1/</sup>

On April 4, 1968, mounted police charged students as they descended the steps of a Rio de Janeiro church after a memorial mass for the student killed earlier in the week. Fifteen priests, led by Bishop José Castro Pinto, sought to protect the students. Several days later 48 priests, num

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<sup>1/</sup> Ibid., p. 67.



and monks in Rio signed a resolution condemning the unprovoked and brutal attack.

On April 5 the Minister of Justice issued an order declaring the Frente Ampla illegal and making anyone taking part in its activities liable to the penalties set out in the Institutional Acts, including newspapers reporting news of the Frente or its adherents.

In the aftermath of the student disturbances, President Costa e Silva met with Bishop José Castro Pinto in what was called an effort to open a "dialogue" with discontented students. Officials promised to consider measures to improve university facilities, a major target of the demonstrators and a national disgrace. <sup>1/</sup> Also, a number of police officials, including the state security director for Rio de Janeiro and the head of the federal police, were dismissed.

On May 23, 1968, President Costa e Silva closed off another possible avenue of dissent by pushing through Congress a law designating 681 towns in Brazil as "areas of national security." As such, they were denied the right to hold municipal elections (scheduled for November 15, 1968).

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1/ Brazil, a country of 90,000,000 people, has only 280,000 university students, the vast majority from affluent, influential families. Thousands of qualified applicants are turned down each year, yet the Government allocates less than one percent of the nation's gross domestic product for higher education.

Instead, their mayors and other officials would be appointed by the Government. Local elections were not banned in some 1,500 municipalities. The law obviously was aimed at opposition strongholds.

The regime's political manipulations were repugnant not only to the opposition. Symptomatic of dissatisfaction within the government party, ARENA, was the resignation of Daniel Krieger, president of ARENA and its leader in the Senate, from the party leadership.

With the Frente Ampla outlawed, congressional opposition tamed, and normal political dissent stifled at even the local level, the only licit channel for dissent of consequence became the Catholic Church, whose respected position in Brazilian society made it injudicious for the government to tangle with it. Outside of the Church, anyone who wished to oppose the regime had to be prepared to do so illegally, hence probably violently. Since few breadwinners in Brazil could afford to take the risk, the field was left to university students or trained subversives.

University students soon assumed the role into which circumstances thrust them. In June 1968 serious student disturbances again erupted, beginning with a strike by students at the Federal University of Rio de Janeiro demanding more funds for higher education. In mid-June repeated clashes between students and police trying to disperse them reportedly resulted in five deaths and about 200 injuries. The demonstrations rapidly spread to other cities and acquired anti-government and anti-United States overtones.

A student call for a demonstration on June 26 to "protest against the dictatorship" brought a massive turnout of an estimated 100,000 people, including teachers, priests, nuns, parents, and a few Congressmen, who marched peacefully through the streets of Rio chanting "Down with the dictatorship." The Costa e Silva Government, despite reported pressures from the hardline military for a crackdown on student leaders, issued a statement saying that "university reform and the revision of education at all levels is a matter of urgency" which would be attended to promptly.

Conciliatory gestures to meet student demands for university reforms, even if implemented, probably would not have sufficed to quiet student protests. By this time, student activists--the democratically-oriented as well as the true subversives--saw themselves as spokesmen for the voiceless public.

At this juncture, the Roman Catholic Church in Brazil assumed a position with respect to developments in the country. In July 1968, after a week-long meeting, the Brazilian National Conference of Catholic Bishops issued a statement warning that violence was unavoidable unless urgent and courageous structural reforms were undertaken rapidly to assure all Brazilians free participation in the nation's development. During the meeting, the leader of the liberal wing of the Brazilian Church, Archbishop Helder Câmara, joined by 33 other bishops, announced the creation of a movement to build "a new society."

Activities of the progressive clergy brought them into conflict with the military government. Two priests were arrested in July 1968 for supporting a strike by 5,000 metal workers in São Paulo. In November, four members of the French Assumptionist Fathers in Belo Horizonte were arrested on charges of aiding a Communist conspiracy there. The arrests prompted protest masses throughout the state of Minas Gerais, where a special message from the Archbishop of Belo Horizonte was read in which he defended the priests and stated that the Church was being persecuted.

Right-wing groups responded by forming their own organizations. One, calling itself the Society for the Defense of Tradition, Family and Property, claimed to have secured over one million signatures for a petition to be sent to Pope Paul VI warning of leftist infiltration among Brazilian priests. A rightist terrorist group called the Anti-Communist Hunt Commandos threatened, in an open letter to the Governor of São Paulo, to organize a national insurrection "if the Communists... are not expelled from Brazil!"<sup>1/</sup> That organization is thought to be responsible for various acts of violence against liberal priests, including the machinegunning of Archbishop Helder Câmara's residence by four men in October 1968.<sup>2/</sup>

In the midst of the mounting violence by right- and left-wing elements, self-styled "death squads" in Rio de Janeiro and São Paulo, composed of off-duty policemen, took it upon themselves to assassinate

<sup>1/</sup> Deadline Data, *op. cit.*, p. 71.

<sup>2/</sup> Richard M. M. McConnell. USCC group hits Brazil "campaign of terror" against Church. National Catholic News Service (Domestic), May 28, 1968.

alleged criminals without benefit of arrest and trial. Rio's "death squad" is reported to have killed 200 people during 1968.

President Costa e Silva's comrades-in-arms watched in dismay as Brazil's stability deteriorated. Proud of having saved the country from disaster in 1964, fearful that their revolution was coming to naught, offended by waning public popularity, and disappointed in their chief executive, military officers began to clamor for action.

But the officers themselves disagreed vehemently about what to do. Some believed that the armed forces should rapidly restore the government to civilian hands and withdraw from the political arena before the military institution was irreparably damaged. Militant hardliners, on the other hand, were convinced that the road to progress lay in stern discipline imposed on the country by the armed forces.

As the debate raged within military circles, Congress became engaged in a struggle to assert its independence from military domination. The confrontation began with a relatively insignificant incident. In August 1968 the military commander in Brasilia ordered troops to enter the University of Brasilia to arrest five students. The troops clashed with students, reportedly wounding two. In a speech in Congress, a young opposition deputy, Marcio Moreira Alves, denounced the military's behavior and urged the public to boycott the traditional Independence Day military parades on September 7 and Brazilian women not to socialize with men in uniform. This led the armed services ministers to demand



that Moreira Alves be deprived of his Congressional immunity so that he could be tried for libeling the armed forces.

In a sudden show of independence, the Judicial Committee of Congress advised that the demand should be refused as contrary to Constitutional provisions. To placate the military while preserving the facade of legal procedures, nine deputies on the Judicial Committee were replaced on November 28, 1968, by others more amenable to the regime's wishes, a typical jeito maneuver. Congress responded with some jeito of its own. Fearful of establishing a precedent with respect to Congressional immunity, Congress adjourned without taking action on the case, apparently hopeful that the whole thing would blow over by the time the next session convened.

However, under pressure from the military, President Costa e Silva called a special session of Congress for December 9. Thereupon, the newly constituted Judicial Committee dutifully voted to recommend to Congress the lifting of Moreira Alves' immunity. But on December 12 the usually cowed Chamber of Deputies, perhaps accustomed to Costa e Silva's inaction, rejected the Committee's recommendation by 216 to 41 votes, with 12 abstentions. At least 100 ARENA deputies joined the opposition in voting against the government.

On the same day, the Supreme Court ordered the release on writs of habeas corpus of 46 student leaders arrested by military authorities in São Paulo in October for trying to hold a national convention of the outlawed National Student Union.

Exasperated junior officers refused to stand by any longer. They forced their commanding officers to carry an ultimatum to Costa e Silva: either assume dictatorial power or face the possibility of being replaced.

Phase IV: Unmitigated DictatorshipInstitutional Act No. 5

The result was Institutional Act No. 5, signed by President Costa e Silva and his cabinet on December 13, 1968. The new act gave the president absolute power and abandoned all pretense of maintaining democratic institutions.

The act empowered the president to: suspend Congress, state, and municipal assemblies for an indefinite period and legislate by decree; intervene in the states and municipalities and appoint officials for those removed; declare a state of siege and determine its duration, without congressional ratification; deprive any citizen of his political rights for ten years and revoke the mandates of elected officials at all levels of government; seize the property of persons who "enriched themselves illicitly in public office"; and remove or retire persons from government employment and the armed forces.

The act also provided that anyone deprived of his political rights simultaneously ceases to be covered by the immunity of his office, cannot vote or be voted for in union elections, is subject to having his freedom of movement limited and his place of residence determined by the authorities, and may also suffer restrictions on the exercise "of any other public or private rights."

The act also suspended the right of habeas corpus for anyone charged with crimes against "national security, economic and social order, or the economy"; and all actions taken under Institutional Act No. 5 or its complementary acts were excluded from judicial review.

Actions Under Institutional Act No. 5

The President immediately suspended the Congress for an indefinite period.

Next came a flurry of arrests (estimates range from 200 to 2,000) of people the military considered "subversives," including writers, editors, publishers, students, a few priests, and opposition politicians -- among the latter Carlos Lacerda and three state governors. Most were released within periods ranging from a few days to a month, but many continued to be harassed by calls from various security agencies to return for questioning.

In the crackdown from December 1968 to October 1969, 521 persons lost their political rights, many of whom were deprived of their elective mandates as well. The latter included 88 federal deputies (61 of the opposition MDB and 27 ARENA members who had defied the regime by voting against it on the Moreira Alves issue), five MDB senators, and numerous state legislators.

In February 1969, the state legislatures of Rio de Janeiro, Guanabara, São Paulo, Pernambuco, and Sergipe were suspended, followed by those of Pará and Goiás in early March.

Not even the Supreme Court, with which no Brazilian president had interfered directly in the past, escaped the purge. On January 16, 1969, three justices were removed. The Chief Justice resigned in protest.

Numerous civil servants also were ousted from their jobs, some for budgetary reasons, but many because of their political associations. Even the foreign ministry, long proudly sacrosanct from Brazil's domestic politics, had 44 employees dismissed, including several professional diplomats.

The academic community constituted another target of the regime. On February 25, 1969, the Government issued a decree prohibiting any kind of

student or faculty protests. Student violators were to be suspended for three years, professors for five. Then in April, the Government ordered retired 68 university professors, many with international reputations. Among those dismissed were such notables as Helio Lourenço, rector of the University of São Paulo; José Leite Lopes, a physicist; Florestan Fernandes, a sociologist; Isias Raw, a biochemist; Jaime Tiomno, director of the Nuclear Emulsions Laboratory at the University of São Paulo; and Abelardo Zaluvar, an artist and professor at the School of Fine Arts at the University of Rio de Janeiro.

The professors were not political activists. Some were known conservative and only perhaps 20 could be considered even mildly leftist. <sup>1/</sup> It is speculated that the only thing the academics had in common was interest in reforming Brazilian university structures along the lines of American institutions of higher learning; <sup>2/</sup> if so, their ouster represented a victory for the ultranationalists in the armed forces.

The arbitrary dismissals, in a country which sorely lacks professional talent in higher education, sent a shock wave of disapproval through intellectual circles abroad. Over 280 scholars from 23 U.S. universities signed a cable of protest drafted by a committee including Professors Alex Inkeles of Harvard and Myron J. Weiner of the Massachusetts Institute of

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<sup>1/</sup> James Nelson Goodsell. Ouster of professors saps Brazilian talent. Christian Science Monitor, May 9, 1969.

<sup>2/</sup> Ex-U.S. aide joins protest to Brazil. New York Times, June 1, 1969, p. 24.



Technology. Another protest, drafted by a committee of the 700-member Latin American Studies Association, was especially significant because it bore the signature of Dr. Lincoln Gordon. Dr. Gordon, then President of Johns Hopkins University, had served as Ambassador to Brazil from 1961 to 1966 and until early 1967 as Assistant Secretary of State for Inter-American Affairs. Throughout, he had urged sympathetic understanding for Brazil's revolution. In an interview regarding his first public protest of developments in Brazil, Dr. Gordon said: "My objection to the removal of the professors is part of my general feeling of grave concern over the arbitrary use of power in Brazil since December." <sup>1/</sup>

#### Tightening the Screws on Political Dissent

Despite the vast powers already at its disposal, the military regime issued a series of decrees designed to tighten its control. Ominously, Decree-Law No. 459 of February 10, 1969, created a General Policy-Military Investigation Commission (IPM), to be headed by an army general and composed of a navy captain, an air force colonel, and an army colonel, and empowered to investigate subversive activities, including "psychological warfare," anywhere in Brazil.

Decree-Law No. 510 of March 20, 1969, amended the seemingly foolproof National Security Law. Among its provisions were the following:

- Whereas anyone who formed any type of group or association linked to a foreign government or international organization was previously subject to one to five years imprisonment, anyone who now even "affiliates" with such a group faces two to five years imprisonment;

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<sup>1/</sup> Ibid.

- Bank robbers become national security violators;
- To reactivate a suspended political party or association, or to reorganize or attempt to reorganize one under a different name or in dissembled form, or one which conducts activities "prejudicial or dangerous to national security," is punishable by two to five years imprisonment;
- The use of "any means of social communication" as "vehicles of propaganda for adverse psychological warfare or revolutionary warfare" nets one to four years;
- Any attempted violation of the security law, "including preparatory acts," brings two-thirds of the punishment authorized when a specific violation is carried out;
- A person arrested under the law can be held incommunicado for ten days;
- During investigation, the suspect can be put under preventive arrest for 30 days, with one 30-day extension permitted.

Persons accused under the new law are to be tried by military courts and cannot receive suspended sentences or be freed on bail until trial.

Decree-Law No. 510 bore down on the news media. Article 30 provides one to three years imprisonment for "offending the honor or the dignity" of various government officials from the president of the Republic to the mayor of the federal district. Article 33 provides a penalty of from one to three years imprisonment for inciting:

- "I - to war or subversion of the political-social order;
- II - to collective disobedience to the laws;
- III - to animosity among the Armed Forces or between them and social classes or civic institutions;
- IV - to struggle by violence between social classes;
- V - to the paralysis of public services or other essential activities;

VI = to hatred or racial discrimination.

If the crime is practiced by newspapers, pamphlets, radio or television, the penalty will be increased by half."

The tendency of the military regime to equate criticism of the government with subversion has destroyed Brazil's once lively press freedom. After Institutional Act No. 5 was decreed in December 1968, the government installed military censors for a time in the offices of newspapers, radio and television stations, and foreign news agencies. When prior censorship of the media proved unfeasible, the government imposed "self-censorship." But the loosely-worded prohibitions in the national security and press laws, along with the lack of uniform criteria among agencies of the government for their interpretation, left everyone in doubt as to what could be safely published. Editions of some newspapers were seized, to the detriment of their publishers, when someone in the government decided that a story was not favorable to the regime.

In June 1969, prior to the visit of Governor Nelson Rockefeller to Brazil, the Brazilian ministry of justice issued a set of "recommendations" to the media to serve as guidelines. The "recommendations" prohibited publication of: criticisms of the institutional acts and decrees since 1964; comments of a political nature by religious leaders; news of workers' movements, strikes, student movements, and headlines relating to subversive movements in foreign countries, or any other act capable of provoking a disruption of public order; news or commentaries which may provoke disharmony among the armed forces or between them and public opinion; news, commentary, interviews, or statements that may endanger the country's economy; news or interviews about persons who have been deprived of their civil rights, even

in reports of personal or social events; and false, supposititious, doubtful or vague news. It was also prohibited to report prominently bank robberies or other assaults against commercial enterprises.

The menacing, but ill-defined, national security and press laws and guidelines put newsmen in a position of permanent insecurity. A cautious person is reduced to reiterating official government handouts.

Nevertheless, many Brazilian newsmen have not been completely intimidated. Some of these have been brought to trial, not charged with an offense under the press law, but as offenders against national security. For example, journalist Mury Jorge Lydia of Tribuna da Imprensa, charged with creating animosity toward government authorities by calling into question the calculation of the cost-of-living indexes on which pay raises are pegged, was sentenced by a military court in May 1970 to three months' imprisonment.<sup>1/</sup> Nor is suppression confined to federal matters. A Maranhão court recently fined and sentenced to a year's imprisonment Ribamar Boguea, publisher of Jornal Pequeno of São Luiz, for publishing a signed article by Federal Deputy Freitas Diniz attacking the governor of Maranhão.<sup>2/</sup>

There have been acquittals of newsmen in some cases. While this fact may be a credit to particular military tribunals, in the absence of normal elementary justice the prospect of acquittal does little to relieve the constraints upon freedom of the press in Brazil.

Moreover, the authorities have not depended solely upon the onerous restraints on freedom of expression embedded in the laws. There have been attempts to intimidate journalists by investigations of their income tax returns.

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<sup>1/</sup> Brazil Herald, May 15, 1970.

<sup>2/</sup> Ibid.

The hardening of the military regime's attitude toward its presumed enemies was further demonstrated by Institutional Act No. 10 of May 6, 1969. That decree made persons deprived of elective office or of their political rights for ten years ineligible, for a maximum period of ten years, for employment in state-owned agencies, public-service concessionary companies, state-financed institutions of higher education or research, or any other institutions of importance from the security point of view (which include, as previously defined, news media and banks). Thus, many Brazilians who commit no crimes, but merely displease the authorities, stand in peril of losing their livelihood by the whim of an unpredictable and arbitrary government.



Reaction

In general, public reaction to the Government's get-tough policies appeared apathetic. Rio's beaches were as crowded as ever with bikinied girls, comfortable matrons, joyful children, and bronzed men expertly playing their Sunday volleyball matches. Brazil's millions of poor -- illiterate, voteless, leaderless, and long accustomed not to expect a hearing anyway -- remained largely indifferent to the political situation.

Nevertheless, the military government's repressive measures did not impose stability on the country. Instead, repression bred reaction among the politically-conscious segment of the Brazilian people. With normal peaceful channels of disagreement closed off, clandestine opposition gained respectability and, being dangerous, even acquired an aura of heroism. Increasingly, disillusioned middle and upper class students were attracted to urban guerrilla activities. Not a few military officers, as well as businessmen content with the flourishing economy and indifferent to politics, were shocked to discover that their children had affiliated with underground movements. Terrorist acts, sporadic in 1968, became so frequent by mid-1969 that hardly a week passed without raids on army and police barracks, bombings, and bank robberies.

Meanwhile, the emergence of the military as arbiter of what was good for Brazil alienated many moderates who had supported the revolution in 1964. Even some who had believed that military-imposed tranquility was preferable to the uncertainties of civilian politics came to resent the regime when a friend or relative was victimized. As rumors circulated of harsh, even brutal, treatment of persons brought in for questioning by authorities

in their effort to stamp out terrorism, support for the regime continued to dwindle.

The situation provoked a continuing struggle at the Cabinet level between the linha dura and those officers who believed that the military should withdraw from running the country before the estrangement between the people and the armed forces deepened.

#### Preparations for Reinstating Democratic Processes

The controversy between hard and softliners led to what one commentary has aptly described as a Jekyll-and-Hyde performance by President Costa e Silva. <sup>1/</sup> On the one hand, the President seemed determined to build a genuine political party structure preparatory to reinstating democratic processes. The idea was to create permanent organizations with grass-roots membership, unlike Brazil's former parties, which had virtually no ordinary members and only functioned at election time. The MDB and ARENA were given until July 10, 1969, to enroll members to fill their electoral quotas in each municipality; municipal directors were to be elected on August 10, state directors on September 14, and federal directors on October 12.

But at the same time, hardliners in the regime continued to press for the removal of opposition politicians from public life. On July 1, in the midst of the drive to enlist party members, 75 more people were deprived of their political rights, including 32 who held elective office. These punitive practices deterred people from registering as members of the opposition MDB,

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<sup>1/</sup> The Economist Intelligence Unit. Quarterly Economic Reviews, Brazil, No. 3, 1969, p. 1.

an act which could make them vulnerable to future sanctions. In short, the President failed to realize that "it is not really possible to run a re-democratisation process and a de-democratisation process at one and the same time." <sup>1</sup>/

The hardline-softline controversy was also at the root of another step President Costa e Silva planned toward the resumption of civilian rule. In May 1969 the President appointed his civilian vice-president, Pedro Aleixo, to undertake a review of the authoritarian Constitution of 1967. The purpose was not to liberalize the constitution, but to amend it in such a way as to minimize hardline misgivings about congressional obstructionism.

Ever since the military had resumed dictatorial powers in December 1968, Mr. Aleixo, a former professor of law and eminent parliamentarian, had maintained that the Congress must be reconvened, even if in emasculated form, to keep alive the institutions or representative democracy. Hence, he was prepared to accept severe restrictions on the powers of the Congress if such concessions would persuade the hardliners that it would be safe for the military to return to their barracks.

Foreign sources may have exercised some influence in favor of resuming democratic procedures in Brazil. Governor Rockefeller, on his fact-finding visit to Brazil in June 1969, expressed American concern with developments in Brazil and was assured by President Costa e Silva that Congress would be convened shortly. Dramatizing U.S. interest in Brazil's democratic institutions, Governor Rockefeller asked to visit the Brazilian Congress in Brasilia, and the leadership of that moribund body was assembled to comply

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<sup>1</sup> / Ibid.

with his request. Moreover, an unusual meeting in July between President Costa e Silva and five Brazilian cardinals was widely interpreted as an effort on the part of the Vatican to mitigate the regime's arbitrariness and violations of fundamental rights. These overtures, along with harsh rebukes of the Brazilian military regime in the foreign press, appear to have strengthened the hand of those who desired to restore a democratic system.

In any case, during August Brazilian political circles strongly believed that the constitutional amendments -- which by that time had been drafted and redrafted various times by a commission of jurists, Cabinet ministers, and the armed forces -- had been approved by the hardliners, and that President Costa e Silva intended to announce the reconvening of Congress on September 7, Brazil's Independence Day.

#### Political Crisis and Democratic Setback

On August 31, however, the political scene altered swiftly and unexpectedly. President Costa e Silva suffered a stroke which left him partially paralyzed and his speech impaired. The following day, by-passing Vice President Aleixo, the ministers of the three armed services decreed Institutional Act No. 12 by which they constituted themselves into a "triumvirate" to take over the Government for a maximum of 60 days while the President's condition could be determined.

During the period of confusion and uncertainty following the President's incapacitation, U.S. Ambassador Charles Elbrick was kidnapped on September 4 on a street in Rio de Janeiro as he returned to his office from lunch at the Embassy residence. The abductors threatened to kill the Ambassador unless

15 specified imprisoned leftists were allowed to leave the country within 48 hours and unless a revolutionary manifesto was broadcast and published in the newspapers. The Brazilian government complied with the terrorists' demands.

The manifesto was signed by two left-wing terrorist organizations -- the MR-8 (for Revolutionary Movement of October 8, the date of Che Guevara's death) and the National Liberation Alliance. It declared that they would no longer tolerate tortures, beatings and killings of their members at the hands of the authorities and violently condemned Brazil's military regime.

The prisoners flown to Mexico were a varied group -- representatives of student organizations, unions, and peasant groups, and members of the orthodox Brazilian Communist Party as well as of the more radical Castroite, Trotskyite, and Maoist groups. In Mexico one of the released prisoners, a 22-year old former medical student, claimed to have organized eight bank robberies to raise funds for the revolutionary movement. Two others said they had taken part in organizing the assassination of U.S. Captain Charles Chandler in São Paulo in October 1968. On September 7 Ambassador Elbrick was released by his captors, whom he described as "young, very determined, intelligent fanatics."

The Brazilian military government was deeply humiliated and angered by the incident. The regime's state of mind was demonstrated on September 9 when the triumvirate issued an institutional act providing for the death penalty for psychological, subversive, or revolutionary warfare. Previously, Brazilians took pride in their rejection of capital punishment in peacetime, and the Constitution permitted the death penalty only in cases of treason or espionage during war.



It soon became apparent that the regime was in no mood to pursue Costa e Silva's efforts to resume constitutional government. On September 10 the triumvirate cancelled the municipal elections scheduled in nine states. Elections for the directorates of the reorganized political parties were postponed until March 1970. Moreover, in settling the problem of succession when doctors confirmed that President Costa e Silva was permanently incapacitated, the military shoved ahead the date for presidential elections by three years. Brazil's nine active four-star generals took it upon themselves to choose one of their own number to be the President's successor -- not for the rest of his term, which would have ended in March 1971, but to serve a full term until March 1974.

The choice of the ranking generals, General Emilio Garrastazu Médi<sup>1</sup>ci, was duly nominated by the High Command of the three armed services on October 7. In a nationwide broadcast that day, General Médi<sup>1</sup>ci told the Brazilian people: "I hope to restore democracy to our country before the end of my administration...obviously, this undertaking requires free universities, free parties, free unions, free press and a free church." <sup>1</sup>/ Cynics noted, however, that he added that these institutions had to be free of subversive minorities. Thus, the old problem remained: What constituted "subversion"? If the hardline definition prevailed -- that is, anyone who disagrees with military-dictated policy is subversive -- then Brazilians have a long wait for the promised restoration of democracy.

On October 15 the triumvirate issued Institutional Act No. 16, which declared that Congress would be recalled on October 24 to elect, on

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<sup>1</sup> / Deadline Data on World Affairs, op. cit., p. 77.

October 25, General Medici as President and Admiral Augusto Rademaker, Minister of the Navy, as vice-president, to take office on October 30, 1969. In designating two military officers for the top offices, the armed forces command seemed to advertise that they were no longer concerned about civilian participation in the government.

On October 17 the triumvirate promulgated a new constitution. The new document maintained most of the authoritarian provisions of the Constitution of 1967 and codified virtually all the sweeping executive powers that the military regime had assumed since December 1968. In addition, the powers of the Congress were severely restricted. Under Article 32, members of Congress are no longer immune from criminal prosecution "for their opinions, comments, and votes" in cases of libel, defamation, or "those foreseen in the National Security Law." The new Constitution also specifies, for the first time in the history of the Brazilian Republic, certain restrictions on Congress' freedom to organize itself. Article 30 stipulates that congressional investigating committees must function within the confines of the National Congress, and bans the Congress from financing trips by members of such committees. Article 30 also prohibits the Congress from financing the travel of its members abroad, except when they are appointed by the Executive for a cultural or diplomatic mission.

Another stipulation goes to the heart of political power in a congressional system. While deputies are elected for four-year terms and Senators for eight years, members may serve for only two years on the critical Steering Committees in the Chamber of Deputies and the Senate. This enforced rotation effectively controls the emergence of strong party leadership in the Congress.

Congress is also prohibited (Article 30) from publishing remarks by members which convey offenses to national institutions, subversive propaganda, or anything that "incites to crimes of any kind." This language would appear to preclude just about any meaningful political issue. In this respect, it has been reported that the Steering Committee in the Chamber of Deputies censored a speech by opposition leader Deputy Humberto Lucena by publishing it in the official Brazilian Congressional Record with the passages he quoted from a speech by Senator Edward Kennedy deleted. <sup>1/</sup> The Steering Committee also is reported to have vetoed publication in the Congressional Record of the inaugural speech of the president of the Institute of Lawyers of Brazil. <sup>2/</sup>

On October 25, the reassembled Congress elected General Médici and Admiral Rademaker as president and vice-president. The 62 deputies and 14 senators of the opposition Brazilian Democratic Union abstained from voting. Opposition Senator Oscar Passos appears to have expressed the general sentiments when he criticized the new constitution but stated that his party was prepared to give the new government the benefit of doubt in the hope that it would lead Brazil to a normal democratic situation. Since that time, the Congress has remained functioning, but impotent.

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<sup>1/</sup> Brazil Herald, May 15, 1970.

<sup>2/</sup> Ibid.

Reports of Tortures; Catholic Church Condemnation.

Following Ambassador Elbrick's kidnapping, the triumvirate mounted a vigorous campaign to stamp out terrorism, and General Médici continued the effort. As more and more people were detained for questioning, reports began to circulate by word of mouth that authorities were using brutal torture on anyone suspected of knowledge of guerrilla activities.

In September 1969, the Central Commission of the National Conference of Bishops of Brazil expressed concern over the "ideological conflict spreading through the entire Brazilian society," and condemned terrorism of the right and left as well as "jailing and prison tortures" by the regime.<sup>1/</sup> The 25 bishops and 2 cardinals also declared: "We consider it indispensable that Brazil return to juridical normality."<sup>2/</sup>

On November 4, 1969, the police announced that revolutionary leader Carlos Marighela had been killed in a gun battle with police in São Paulo. At the same time, authorities revealed that they had learned of the elusive Marighela's whereabouts from a Dominican friar who had been picked up for questioning. Subsequent arrests of other members of the Dominican order led to speculation that the regime was trying to discredit the Dominican order, which had been the most vociferous of the church groups opposing the policies of Brazil's military governments.

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<sup>1/</sup> National Catholic News Service. Brazilian Bishops Support Torture Investigations, 3/12/70.

<sup>2/</sup> Deadline Data, op. cit., p. 77.



Marighela's capture was welcomed by all but the most radicalized Brazilians, who are a very small minority. Nevertheless, the event did not ease public disquiet. Instead, reports

that the Dominican friar had been tortured to secure information about Marighela intensified antagonism between the Catholic Church and the Brazilian Government. On November 14, the Archbishop of Ribeirão, Msgr. Felicio Vasconcelos, excommunicated the local chief of police and his assistant on the grounds that they had used torture to obtain information from political prisoners, including the Mother Superior of a local convent and a dozen priests. On December 13, 1969, a military tribunal in São Paulo sentenced 21 persons, 11 of them priests, to preventive detention for allegedly aiding Carlos Marighela and his subversive group.

In December 1969 the Pontifical Commission on Justice and Peace at the Vatican was presented a lengthy dossier, endorsed by 61 prominent European Roman Catholics with the urgent request that it be transmitted to Pope Paul VI, containing broad charges of murder and torture by Brazilian authorities and some documented allegations. A similar document was sent to the Pontiff from the Papal Nuncio in Brazil. The reports alleged that suspected terrorists and political prisoners have been subjected to electric shocks, beaten, and hung by their knees, and that woman prisoners have been raped while their husbands or boyfriends were compelled to watch.



Pope Paul VI deplored reports of tortures in a public audience during Easter Week in March 1970. Although he did not single out Brazil, and mentioned other evils such as drug trafficking and racism, his statement on torture was widely assumed to refer to Brazil, the largest Catholic nation in the world.

The mounting outcries led the Brazilian government to issue a statement on May 8, 1970, categorically denying the charges of torture. The frequent reports, the Brazilian government contended, are "prompted by international agents of subversion and harbored by a morbid and sensationalist sector of the foreign press." According to the government: "There is no torture in our prisons, nor do we have people confined merely because of their political beliefs. In Brazil, no one is deprived of liberty simply for diverging from the democratic orientation defended by the Government." Those in prison, the statement continues, are "terrorists, detained while undergoing regular trial for crimes they committed assaulting defenseless persons, holding up banks and individuals and kidnapping diplomats to negotiate their exchange for prisoners."<sup>1/</sup> As proof that torture is not practiced, the statement points out that "following the exchange of the diplomats for the delinquents, none of the latter, who had been expressly indicated by the terrorists, were found to bear any signs of violence or torture whatsoever."

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<sup>1/</sup> Brazilian Embassy, Washington. News From Brazil.

Despite the Brazilian government's denial, on May 27, 1970, the Brazilian Bishops' Conference issued the firmest official condemnation yet to emerge from the Catholic Church. While denouncing the "attacks, kidnappings, killings and other means of spreading terror," the Bishops' statement continued:<sup>1/</sup>

It would be an evasion of our duty... if we failed to voice our views regarding certain basic aspects of our present situation as they affect the human person.

We mention first of all the administration of justice, which is indeed regulated and protected by our laws, but which we sincerely feel is frequently ignored. It is ignored in the case of trials conducted in an illegal and dangerous manner, of arrests based only on suspicion or baseless accusations, of investigations which drag on for months, of jailing men incommunicado, and of the total lack, in many instances, of the basic right of defense.

Again it is a well known fact, in spite of all denials, that there exists among our own people, as well as among other peoples throughout the world, the firm conviction that there are repeated cases of torture in Brazil.

It is beyond our competence to check legally the truth of the charges in such cases, which are publicized here and abroad, and which of course come to our attention. It is the duty of the government itself to make a serious investigation of this problem for the sake of Brazil's good name, so that it may do away with the shadow the charges cast on the nation in the eyes of the world, and so that it may bring peace to the Brazilian family. We are sure that should these accusations be found true, they would run counter to the official position of the government, which we feel is strong enough to put an end to torture and, in the name of the national conscience, firmly punish those guilty of it.

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<sup>1/</sup> U.S. Catholic Conference, Documentary Service. Brazil Bishops on Torture, June 12, 1970.

It is certainly the obligation of the public authorities to promote and protect the common good and the social order. Outbursts of violence by persons seeking to subvert that order can never be approved or tolerated. It is necessary at the same time not to allow violence to be met by violence, for when this happens there is an escalation of domestic conflict, whose main victim is the people. The people are then caught in a web of insecurity, distrust and confusion.

The bishops' declaration goes on to credit the government for its "outstanding effort of development with tangible results, particularly in the financial and economic fields, in administration, transportation, electric power, communications and housing," then makes the following appeal to the regime to distinguish between democratic dissent and subversion:

One of the basic tasks, which calls for a common effort by everyone in building this nation, is to contribute constructively to the social, civic and moral growth of our people, so that more and more Brazilians can participate maturely and practically in the country's political, economic and social life, thus giving to private initiative its proper role.

Such an effort presupposes a constructive and truthful expression of opinion, including the opinion of those who disagree with present official policies so that they can achieve the status of a serious opposition, as befits a nation which claims it has reached maturity.

It is of capital importance for us to make a distinction between the kind of opposition that aims at undermining peace and social life through the systematic use of violence, and the kind of opposition that is based on differing viewpoints and principles. The latter is an indispensable factor of the criticism all human institutions need in order to strive for perfection.

The first kind of opposition can be called subversion. But the second kind, precisely for reasons of the common good and the social order, must be given a free means of expression so that it can freely voice its positions and its reasons for them.

In this latter sense, the Church in Brazil acknowledges on the one hand the undeniable and worthwhile achievements of the government. But on the other hand it asserts with dignity and loyalty its right to dissent in regard to some policies of that same government.

We are fully aware that certain individuals and groups, whose intentions we are not bound to judge, have made choices that have thwarted the position of the Church. There are those who reject, implicitly or overtly, important and weighty documents issued with responsibility and serious intentions by the Church, such as the decrees of the Second Vatican Council or the directives of the second general assembly of the Latin American bishops at Medellin.

In rejecting these documents dissenters seek to force the Church to retreat from positions of renewal and thus widen the gap between itself and the world in which it lives.

There are also those who radically seek to carry out the principles of these documents in an extreme way. They base their efforts on their own interpretation of the position of the Church and they too thwart its legitimate concern for human rights, for the social function of private property and for the need to revise labor-management relations. They try to make it appear that the Church agrees with their own ideological positions, even with positions that are in obvious contrast to the basic inspiration and continuing orientation of the Church.

We utterly reject, firmly and clearly, the general accusation that the Church in Brazil is the bulwark of those who have an insensitive attitude toward the world's problems. We also reject the accusation that the Church is inciting people to subversion.

We want to give a word of encouragement to all those who by their sacrifices, in spite of misunderstanding inside or outside the Church, resist pressures from both of these extremes and sincerely try to serve God and country in accordance with the basic aspirations of the average Brazilian and the teachings of the Church.



In this regard, the Church in Israel acknowledges the one fact: the undeniable and worshipping responsibility of the government. But on the other hand it asserts with equal vigor its right to insist in regard to some matters of that same government, which are of a moral and spiritual nature. We are fully aware that certain individuals and groups, who insist that we are not bound to judge, have made choices that have thwarted the mission of the Church. There are those who regard implicitly or overtly, important and weighty documents issued with responsibility and serious intention by the Church, as the business of the Second Vatican Council or the directives of the Second General Assembly of the Latin American Bishops' Conference in Medellin.

And yet, and even in the midst of our own internal disagreements, in regarding these documents dissenters seek to force the Church to retreat from positions of tenacity and thus withdraw from the world in which it lives.

There are also those who radically seek to carry out the principles of these documents in an extreme way. They have their efforts to their own interpretation of the position of the Church and they too insist on legitimate concerns for human rights, for the social function of private property and for the need to revise labor-management relations. They are not aware that the Church agrees with their own ideological positions, even when positions that are in obvious contrast to the basic Christian and Christian orientation of the Church.

We utterly reject, firstly and obviously, the general suggestion that the Church in Israel is the victim of those who have an ideological attitude toward the world's problems. We also reject the suggestion that the Church is lacking because of its inaction.

We want to give a word of encouragement to all those who by their work, in spite of circumstances, continue to witness the Church's presence in the heart of those communities, and to urge them to persevere and courageously to continue their basic orientations of the average Christian and his feelings for the Church.

Moreover, we call on all who are not bound by this text to continue to be aware and vigilant, both before and after, and to have a saving of time, energy and resources, and to be faithful to their own conscience and to their own mission.