

# AIRGRAM

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TO : Department of State

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DEPARTMENT OF STATE  
BUREAU OF  
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January 21, 1972  
JAN 31 1972

FROM : Amembassy Brasilia

RS/AN  
ANALYSIS BRANCH

SUBJECT : Council for the Defense of Human Rights

REF : Brasilia 1821, Brasilia's Airgram A-26, March 1, 1971

### Summary

*NAN 2-1-72*

DECLASSIFIED  
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On December 16, 1971, President Medici signed into law a new statute modifying the Council for the Defense of Human Rights. The law increases the membership of the Council from 9 to 13, reduces its annual meetings to 6, and requires that most meetings be secret. The MDB strongly opposed the measure and attempted to sabotage it through parliamentary delaying tactics, threats to withdraw from the Council and an appeal for a Presidential veto.

### End of Summary

### Law Favors Government

The new law adds four new members to the Council, bringing its membership up to 13. The new members are:  
1) a representative of the Ministry of Foreign Relations;  
2) a representative of the Federal Council of Culture;  
3) a representative of the Federal Attorney General's office and 4) a professor of Penal Law at a Federal University. The nine other members are the Justice Minister who serves as President; the majority and minority leaders of the Senate and the Chamber of Deputies;

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Drafted by: POL:LPfeifle:ma

Contents and Classification Approved by: POL:PJde Vos

Clearances:

The Minister *[Signature]*

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the respective Presidents of the Brazilian Bar, Journalist and Education Associations; and a professor of Constitutional Law. The law reduces the number of ordinary meetings a year from the customary 20 to 6. However, the Council President, on his own initiative, or at the request of two-thirds of the members of the Council, may convoke a special session. The new law also provides that all sessions of the Council be secret unless a majority of the members request that a session be made public. The previous law had not touched on the issue of secrecy, but the Council had conducted its meeting in private.

#### MDB Maneuvers Unsuccessfully Against Enactment

It was precisely the question of the secrecy of the Council meetings which precipitated the new law. In order to make the Council a forum whereby the MDB could publicly air embarrassing issues, Senate minority leader and Council member, Nelson Carneiro (MDB-GB) introduced a proposal to make the sessions open. Government vice leader Senator Rui Santos (ARENA-BA) countered with his own proposal which has become law.

The MDB immediately began its doomed effort to block the measure. It employed a number of parliamentary tactics which served only to delay the inevitable passage. An informal poll of MDB Senators and Deputies indicated that a majority favored a boycott of the Council by the party's two representatives if and when the proposal became law. The press and the Brazilian Bar Association joined the MDB in publicly opposing the bill. The latter also threatened to boycott the Council if the measure passed.

The Justice Minister, who serves as President of the Council, quickly let his support for the measure be known. Although he had nothing to do with its inception, he saw the proposal to enlarge the membership of the

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Council as a means of ensuring a majority amenable to the Government's wishes thus delivering complete control to the Government. At times in the past the Justice Minister had been forced to cast tie-breaking votes in the evenly split Council. An interesting contrast was the position taken by Foreign Minister Gibson Barboza who expressed privately to some Congressmen his concern with the possible adverse effects on foreign public opinion the proposal would generate.

Although the proposal was not popular with a number of ARENA Congressmen, many of whom would have voted against the bill if left to their own devices, the ARENA leadership called for and received full support. The bill passed in both houses of Congress with the voting strictly following party lines.

After Congress sent the bill to the President for signature, the MDB took the unusual move of formally requesting President Medici to veto it. The President, about to embark for his trip to the U. S. and fearing adverse publicity, waited until after his return and affixed his signature only on the last day allotted him by the Constitution. At the same time, he vetoed the article increasing the remuneration paid Council members on the grounds that it was unconstitutional.

Since the law has been approved, the Bar Association has decided to maintain its representation in the Council. The MDB has not yet taken a final decision on whether or not its leaders will remain in the Council.

Comment: The modification of the Council for the Defense of Human Rights insures the Government complete domination of the Council. Instead of facing a possible tie vote from the previous line up in the Council's membership, the Government now is guaranteed eight or nine of the thirteen votes. The imposition of the rule of secrecy further strengthens the Government's ability to prevent the public disclosure of embarrassing facts or allegations. In sum, the Council

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which was at best an ineffective organ is more subservient than ever.

The new law represents one of the few issues in which the political parties have taken an initiative and then fought a partisan battle. Although its efforts were doomed from the start, the battle provided the MDB the opportunity to unite around an issue and to portray itself as a real opposition party.

ROUNTREE



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