

# DEPARTMENT OF STATE AIRGRAM

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TO: SECSTATE WASH D C

Info: Amembassy BRASILIA, Amcongen RIO DE JANEIRO, Amconsuls BELEM, RECIFE, PORTO ALEGRE, SALVADOR

FROM: Amcongen SAO PAULO

DATE: July 5, 1977

E.O. 11652: EX GDS

TAGS: SHUM, PINS, BR

SUBJECT: São Paulo Human Rights Leader Comments On Internal Situation, Human Rights Organizations and Role of U.S. in Human Rights

REF:

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This message transmits a memorandum of conversation with Professor Dalmo Dallari, São Paulo's outstanding human rights leader and one of the most important persons in this field in Brazil. Dallari is Professor of the Theory of the State at the University of São Paulo Law School. He is a frequent columnist for Folha de São Paulo and Jornal do Brasil, where he writes about the Brazilian Federal System, the judiciary, students and politics. Dallari is the founder and President of the Commission on Justice and Peace, the only specific human rights organization in Sao Paulo, organized under the auspices of Cardinal Arns. Justice and Peace is a relatively new organization. It was founded early in 1976 in the aftermath of the deaths of Vladimir Herzog and Manoel Fiel Filho while they were being interrogated by the Army.

Dallari's method of operation is to work carefully through the legal system to hold the government to the letter of the law in its treatment of political prisoners. The Commission on Justice and Peace, mostly by working quietly and competently, has obtained considerable moral standing with local authorities and with public opinion. It has obtained results.

In the enclosed conversation, Dallari states that the importance of the student protests, which will continue, is in the formation of public opinion about how the regime should be changed. He was

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hopeful about current conversations underway between government politicians and moderate MDB leaders, but wondered whether Geisel retained enough support to pull off a national bargain to "institutionalize the revolution."

On human rights, the reporting officer told Dallari of our concern about dealing with people who walk into the Consulate General with human rights problems. Mostly these people needed competent legal assistance. The reporting officer asked whether they should be referred to the Commission on Justice and Peace. Dallari preferred that we refer only those cases to Justice and Peace that fit the Commission's criteria of those persons against whom there would likely be abuses or cases where human rights abuses had already occurred. He cautioned the reporting officer to beware of persons planted by the security services to test the Consulate's treatment of these cases.

Comment: Dallari, working with, and under the protection of, Cardinal Arns, is the most effective human rights activist in São Paulo. Lawyers who work on human rights cases often look to him for advice on how to act in a given case and almost all of them keep Justice and Peace informed on what is happening in their human right cases. By working gradually and without publicity, he has been able to make incremental gains in human rights practices in São Paulo.

The Consulate General has been careful in its dealings with walk-in human rights cases.

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etc

Enclosure: As stated

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MEMORANDUM OF CONVERSATION

SUBJECT: Student Protests; Standing of the Regime; Human Rights

PARTICIPANTS: Prof. Dalmo Dallari, Professor of the Theory of the State, University of São Paulo Law School, Columnist for Folha de São Paulo and Jornal do Brasil, President of the Archdiocesan Commission on Justice and Peace  
 Robert B. Bentley, Political Officer

DATE: June 28, 1977

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Students: Dallari said he thought student protests would continue. Students planned to use the July vacation to improve their organization. The most important aspect of the student protests was that they were helping to form public opinion about the regime and about how Brazil should be governed. "We can say that now public opinion is beginning to exist in Brazil in the sense that it is becoming specific about some changes that should be made." The students were very important as a vanguard of other sectors of the society. "Obtaining a consensus among the parents of the students and among the people who read about the protests in newspapers is a slower process, but it is underway."

Dallari cited the case of a friend of his, Colonel of the Air Force Julio Valente, whom he had been with. Valente was very worried about a possible division in the armed forces over the presidential succession. But at the same time, he went in civilian clothes to the Largo de São Francisco in front of the Law Faculty to watch what happened while his daughter participated in the June 15 protest. Valente said that he became very worried when he was hassled by a policeman because he might have had to identify himself as an Air Force officer--then explain to his superiors why he had been there. Moreover, said Dallari with glee, Valente was worried because he was carrying a violently anti-government poem he had written. Dallari observed, "And this is a man who says he does not want a division of the Armed Forces. There are grave doubts among the military about the regime."

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Dallari shed new light on the June 15 protest. He said that the small Trotskyite faction of the students was behind demonstrations at the Dom Pedro Park. The moderate students had opted for a protest at the Medical Faculty, which was publicly approved by the government. But the moderates, who mostly did not attend the assembly where the locale of the protest was decided because they thought it would naturally be at the Medical Faculty, were defeated by about 40 votes in the rump meeting. Moderate students then decided to support the majority vote, but without enthusiasm. So, explained Dallari, the 3,000 students who protested June 15 did not represent the full organization of the students, who mostly want to avoid conflict with the authorities.

Dallari said that students have requested him and other professors to participate in the protests. He--and others--have taken the position that they will not go into the streets with the students. That would be asking for trouble. But they would make separate, parallel protests. Dallari has made his position known through his newspaper columns.

Opposition-Government Dialogue: Dallari stated that he had had an opportunity to meet with a large number of politicians while he was in Brasilia to participate in the MDB seminar on redemocratization. He said that the current dialogue initiated between the moderate leaders of the MDB and government politicians was important and could point the way toward a national political bargain. The essential element of the bargain would be that the government would give up its exceptional powers under the Fifth Institutional Act. These powers would be regulated and incorporated into the Constitution. Geisel would receive in exchange political support to enable him to choose his successor. In Dallari's view, statements by various deputies to radicalize the national situation (by starting a McCarthy-like witch hunt), were an attempt to disrupt this proposed bargain.

Dallari said that he was encouraged by Geisel's statements during his visit to Rio Claro, São Paulo on June 24. "Geisel showed that he was sensitive to his political isolation and desired to break out of it." Dallari stated that the struggle between Geisel and the hardline was more out in the open now than it had been for many months. Geisel's principal enemy, according to Dallari, was Army Minister Frola, "The most dangerous of the hardline candidates."

There was a danger now, stated Dallari, that the President's public and military prestige had fallen so low that he would not be strong enough to make a deal to "institutionalize the revolution." "Geisel has always played for time. And he has lost more than he has gained. Many people no longer trust Geisel--but there is no other alternative."

Human Rights: I told Dallari that the Consulate General had had an increase in the number of people who walked in to seek either asylum or help due to problems with the police. We had received two in the past two weeks. I asked Dallari whether I should refer these people to the Commission on Justice and Peace, since these people needed legal assistance. Dallari said that he preferred that I would not. Justice and Peace could not get involved in every case. Many people became worried simply because they were ordered to testify. They should get a lawyer. He said Justice and Peace would rather save its resources to move in on cases where the possibility of abuse was great -- such in the arrest of the Chinese Line Communist Party Central Committee members last December--or when it received word that human rights abuses were actually occurring. However, if a person sought help from the Consulate who fit into the criteria of the Commission on Justice and Peace, he would be happy to help.

Dallari also cautioned that we be aware of the possibility of plants from the security services, coming into the Consulate to test just how the US Government responds to human rights pleas. I thanked Dallari and told him that we were proceeding very cautiously. We were sympathetically hearing people out, explaining the US position on asylum, and recommending that they seek competent legal assistance, without making specific recommendations on lawyers.

Dallari stated that in addition to Justice and Peace and the Bar Association, the Archbishop's Committee on Non-Violent Action, established earlier this year, was also becoming active in human rights. He did not always agree with their direct-action methods, but recognized that Non-Violent Action was having a great influence with workers on the periphery of São Paulo. The two people behind the organization were Mario Carvalho de Jesus, a lawyer, and Cardinal Arns. I asked whether Non-Violent Action was working with the students, who have emphasized these tactics in their protests. Dallari confirmed that the group was working with the students, but still was a predominantly worker-oriented organization. He stated that Non-Violent Action and the Commission on Justice and Peace had thought about creating a joint organization but had decided to keep completely separate "so that if the government closes one, the other will still be active." Dallari noted, however, that "all roads lead to Cardinal Arns, who has the undisputed political leadership in São Paulo." He stated that the Cardinal's activities covered social and economic areas as well. In Dallari's view, the Cardinal was the foremost Catholic leader in Brazil.

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Dallari stated that the U.S. position on human rights was of fundamental importance to Brazilians working in this area. For example, having Cardinal Arns receive an honorary doctorate for his work in human rights alongside President Carter was just like taking out a political insurance policy. "We used to be accused of being Communists because we support the basic human rights of all people, including Communists. It is harder for government officials to do that now." Nevertheless, Dallari said that there are strong political interests on the part of some people interested in creating a more authoritarian government in Brazil. Now was time for caution. "For this reason, I returned the Inter-American Foundation grant. Under our law, IAF is a government organization. The Commission on Justice and Peace could be threatened with closure on the pretext that it received funds from a foreign government."

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