



LATIN AMERICAN STUDIES ASSOCIATION

**REPORT OF THE LASA FACT-FINDING DELEGATION ON THE
IMPEACHMENT OF BRAZILIAN PRESIDENT DILMA ROUSSEFF**

Sidney Chalhoub
Cath Collins
Mariana Llanos
Mónica Pachón
Keisha-Khan Y. Perry

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I. PREFACE

At its 34th Annual International Congress, held in New York City, May 27–30, 2016, the Executive Council of the Latin American Studies Association (LASA) unanimously voted to send a fact-finding delegation to Brazil to investigate the impeachment process against President Dilma Rousseff. The mandate of the LASA delegation was to “determine whether the charges against President Rousseff meet the constitutional standard for impeachment, whether they are credible, and generally whether the Brazilian Congress has followed appropriate standards of due process . . . also (to) examine and analyze the social, political, and economic contexts that have given rise to the impeachment proceedings.” The delegation was asked to “interview major actors, review pertinent documentation, and produce a report to be circulated internationally.”¹

The members of the delegation were the following: Sidney Chalhoub, Professor of History and of African and African American Studies, Harvard University, USA (Chair); Cath Collins, Professor of Transitional Justice, Universidad Diego Portales, Chile, and University of Ulster, Northern Ireland; Mariana Llanos, political scientist, Lead Research Fellow, Institute of Latin American Studies of the German Institute of Global and Area Studies, Hamburg, Germany; Mónica Pachón, Dean of the School of Political Science, Government and International Relations, Universidad del Rosario, Colombia; and Keisha-Khan Y. Perry, Associate Professor of Africana Studies, Brown University, and Visiting Fellow of African-American Studies, Princeton University, USA. For scheduling interviews and for assistance during the work in Brazil, the delegation depended on Ana Flávia Magalhães Pinto, a historian and postdoctoral fellow at the University of Campinas (UNICAMP), Campinas, Estado de São Paulo, Brazil.

The delegation convened in São Paulo, Brazil, on Sunday, July 17, 2016. It conducted interviews, studied documents, and had internal meetings in São Paulo from July 17 to July

21; Rio de Janeiro, July 21–24; and Brasília, July 24–28. It conducted 29 interviews with politicians, scholars, journalists, government officials and technical staff, and members of diverse social movements. See appendix 1 for a list of people interviewed by the delegation and appendix 3 for a list of people to whom we extended invitations for interviews but who did not accept our invitation for a variety of reasons. The appendix indicates the reason why, to the best of our knowledge, the interview did not materialize (scheduling problems [S], declined to be interviewed [D], and did not reply to our request [NA]). It should be noted that the majority, but not all, of the invitees who declined to be interviewed or did not reply to our invitation were known to be in favor of the impeachment process then underway.

The LASA Executive Council at its May 2016 meeting also approved a resolution on Brazil to be presented to the membership for a general vote by electronic voting. The resolution was presented to members on June 6, meaning that voting was ongoing when the delegation visit took place. It should be noted that at least in the delegation’s understanding, there was no expectation or aspiration that the vote should directly inform the delegation’s activities or vice versa.

The resolution read as follows:

“Whereas: the arbitrary and casuistic manner in which the impeachment process is being carried out against President Dilma Rousseff constitutes an attack against Brazilian democracy;

Whereas: democracy is an indispensable condition for attaining a dignified and socially just future for all of the region’s inhabitants; and

Whereas: the international community of Latin Americanists has long stood in solidarity with struggles in defense of democracy.

Be it resolved that:

LASA denounces the current impeachment process in Brazil as antidemocratic and encourages its members to call the world's attention to the dangerous precedents that this process establishes for the entire region.”

The results of the vote on the above resolution were made known on August 8, two days after voting closed (i.e., after the delegation had left Brazil, but well before the finalization of this report). LASA had 7457 individual members eligible to vote as of August 9, 2016. The total number of votes received was 2589, or 35% of the membership. According to information obtained from LASA, the turnout of the vote for the resolution was unusually high. This is the verbatim information we received by email: “Since we implemented the new resolution process which requires that at least 20% of the membership must vote, almost all resolutions did not pass because the 20% vote was not achieved.” Of those who voted, 2263 members, or 87%, were in favor of the resolution and 326, or 13%, were against it.

This report sets out, in necessarily condensed form, some of the main evidence, data, opinions, and expert views witnessed, heard, and collected by the delegation around the themes to which we were invited to particularly attend. In consideration of the timing of its submission and publication it also incorporates, where this seemed appropriate, some discussion of the implications and consequences that have followed the formal confirmation, on August 31, 2016, of the impeachment of President Rousseff.

A complex and controversial process such as this one does not lend itself to easy encapsulation or summary. While it is possible to state that the delegation shares deep concern about some extremely problematic aspects of the impeachment process, whether in regard to form, substance, or outcome, not all delegates interpreted all of its central events in the same way or in the same terms. While making every effort to carry out the mandate entrusted to us in good faith and a spirit of openness, we recognize of course that our own

several and collective views as delegates were and are inevitably informed by our specific knowledge, expertise, disciplinary backgrounds, and personal experiences.

Given that the real-world challenges presented by reconciling, or at least learning to live with, legitimate expressions of diverse opinion are eloquently evidenced by the events under scrutiny, we felt it particularly incumbent on us as a delegation not to gloss over or dismiss these differences. We therefore proceed by, first, underlining the deep shared sense of concern referred to above, which stands in lieu of a shared single conclusion to the report. Next we set out explorations and discussions of central issues and events. As we hope has been made abundantly clear, the absence of complete unanimity amongst the delegation's members should in no sense be interpreted as a lack of concern, care, or willingness to seek consensus; it rather reflects the nature of the issues and the task that we faced.

We also recognize that LASA is a forum for this same kind of diversity writ large, and has always encouraged committed but plural scholarship and action. We therefore hope that the text of this report, in tandem with the interviews and other archive material generated during the process, can contribute to informing the diverse, plural, vibrant and often difficult debates that are ongoing among LASA members and other scholars, practitioners, and concerned citizens about this issue. We would like to take the opportunity to thank the Association for its confidence in entrusting us with this task, and to express our appreciation to all those who assisted in the organization and realization of the visit or generously gave of their time to be interviewed.

Sidney Chalhoub, Chair
Cath Collins
Mariana Llanos
Mónica Pachón
Keisha-Khan Y. Perry

II. EVENTS

It is a challenge to offer a coherent narrative of key events surrounding the impeachment process that is sufficiently clear without being unduly synthetic or glossing over key points of contention. The task is made more difficult because not only the interpretation but also the terminology, chronology, and basic facts surrounding certain milestones are debated. What follows is, however, an effort to trace a trajectory of major issues and developments that were most often named by interviewees as key to understanding the ongoing impeachment process. The arc extends from 2013 to early 2017, with detailed coverage of major events running to end March 2017. This section is anchored where necessary in additional research, as interviewees were asked to share their interpretations or visions of events rather than provide us with the underlying factual narrative in detail. The aim is to make the basic outline coherent for the general reader, in part to contextualise the thematic analysis that follows in later sections. The presentation is basically chronological, with important issues such as Lava Jato or laws surrounding impeachment outlined at the point at which they become most significant to understanding what follows.

i. The Protest Movement of 2013

When asked to describe their views on the immediate causes or manifestations of the political crisis in Brazil, interviewees tended to start their account by referring to either the political demonstrations that took place in June 2013 or the contested 2014 electoral campaign and its immediate aftermath.

The popular demonstrations of June 2013 began in São Paulo as a protest against public transportation fare hikes, led by a social movement called Movimento Passe Livre (Free Fare Movement, MPL). This movement, which began in the mid-2000s, defends the idea that public transportation should be conceived of as means to guarantee urban mobility,

thus constituting a basic social right. After episodes of police repression (June 13, 2013, was a turning point), and through the systematic use of social media to mobilize protesters, the demonstrations grew in the following days and weeks, both in numbers and in the complexity of their constituencies and demands.² Extensive mainstream media coverage contributed to the growth of initially localized protests and the creation of a sense of generalized crisis.³

On the one hand, some demanded that the government expand and improve basic social services, such as health and education, in addition to addressing the issues pertaining to urban mobility. On the other hand, there emerged a strong challenge directed against President Rousseff's government specifically and the Workers' Party (PT) more generally. Both tendencies questioned government spending priorities for Brazil's hosting of the 2014 World Cup and the 2016 Olympic Games and denounced corruption linked to these endeavors. Public disquiet about costs was undoubtedly sharpened by a sense of looming economic crisis, which could not have been anticipated at the time the commitments to host the events were made.⁴ Nonetheless, the cumulative unrest soon shaded into anti-incumbent feelings toward President Rousseff's administration.

The meanings and the relevance of the protests of June 2013 to the subsequent political process in Brazil are contested, and these events need to be studied in much more detail to better understand them. However, for the purposes of this report, it is safe to say that they had two lasting consequences.

First, as the protests grew beyond the organization and agenda of the social movements (especially the MPL) that initiated them, they acquired a strong anticorruption stance. As is commonly the case, this stance tended to be hostile to the political class and mainstream political parties in general, including of course the ruling Workers' Party and its coalition partners. Mobilization rapidly broadened to include significant numbers of middle-class protesters, which went hand in hand with what has been termed "white participation and Black disidentification with the 2013 protests."⁵ Movements' demands grew unwieldy and

even contradictory, expressing malaise around public services, governance, and a host of fringe demands and issues. The latter included numerically small but visible manifestations of authoritarian nostalgia in the form of placards calling for military intervention. Interviewees specifically consulted about the military's stance through this period⁶ were unanimous in their sense that the armed forces had kept a distance from both the protest movement and the impeachment dynamic. Some, however, also pointed to the disproportionate psychological weight of those public calls for military intervention in evoking fears and memories, particularly on the Left, of the 1964 military takeover.

Second, President Rousseff's popularity began to fall away sharply in the following weeks.⁷ The government seemed at a loss to respond adequately to the demonstrators' grievances, apparently perplexed by the intensity of the protests and the diversity of demands and constituencies that took part in them. President Rousseff would never regain the level of popularity that she had enjoyed at the beginning of her first term (2011–2014), although her personal support remained at over 50% and proved robust enough to see her win reelection the following year.⁸ Issues such as expenditures for preparations for the World Cup and the corruption supposedly associated with them remained volatile, however, continuing to prompt demonstrations, hate-filled language in social media, and intense scrutiny by a largely hostile mainstream media.⁹

ii. The 2014 Election Campaign

The divisive and hotly contested presidential election of 2014 was seen by virtually all interviewees as another turning point, the beginning of the political crisis that continues as we write this report. The electoral campaign, especially its second round, acquired strong overtones of class and racial conflict. Some interviewees active in the black and feminist movements drew attention to the campaign rhetoric of the center-right electoral coalition led

by Aécio Neves (Brazilian Social Democracy Party, PSDB). While promising to preserve the main social programs put in place by successive Workers' Party governments, the PSDB seemed also to court support from those unenthusiastic about or openly hostile to such programs, seeing them as vehicles for capturing PT electoral support among poorer sectors. For example, interviewees felt that some PSDB sympathizers believed that the flagship Bolsa Família (Family Allowance) social welfare program, launched in 2003, undermined the work ethic, or that affirmative action for public university admission was antimeritocratic.¹⁰

iii. The Early Phase of Lava Jato

The 2014 election campaign was further polarized by ongoing revelations and developments in the Lava Jato case, a now-sprawling criminal investigation with an international reach. The case involves billion-dollar kickbacks, graft, and other corrupt practices centering on state oil company Petrobras and Brazilian-based construction empire Odebrecht. Hundreds of senior business leaders and politicians have been questioned, charged, or sentenced since the investigation began in March 2014, often on evidence given by existing indictees. Judge Sergio Moro, leading the case, is seen variously as a “new broom” cleaning out the Augean stables of Brazilian political and business life or as a zealot who models himself on Italy’s crusading “clean hands” magistrates, who are sometimes blamed for inadvertently paving the way for Berlusconi-era populism.

While the criminal practices exposed are real and serious, some critics fear that the overall effect of Lava Jato may be counterproductive. Moro’s style, as well as some of the substance of the investigation, has drawn criticism.¹¹ In particular, the timing of key developments and their announcement to the media, extensive use of sometimes lengthy preventive detention combined with *delação premiada* (plea bargaining)¹² and Moro’s appeals to public opinion to back him on the case contributed to concerns about due process

and the pitfalls of excessive judicial activism.¹³ Initially, including around the time of the 2014 election runoff, some critics also felt that the investigation had concentrated disproportionately on the PT and governing coalition parties.¹⁴ However, it has since grown to such proportions that members of all major parties, many large business concerns, and individuals, including some ex-presidents, in over a dozen countries have been implicated, questioned, or accused.¹⁵ This has led some to dub the investigation “political reform without anaesthetic.” Others fear that the investigation risks collapsing under the weight of its own ambition, leading to either a political vacuum or a general amnesty and a return to “business as usual.”¹⁶

The case’s connection with President Rousseff has so far been indirect, based on her having been a director at Petrobras between 2003 and 2010. Few people, even her enemies, question her longstanding reputation for personal probity, though one indictee alleged in early 2017 that she “must have” been aware that funds used for her 2014 campaign were of doubtful provenance.¹⁷ While Lava Jato did not form the substance of the impeachment process, its progress and related attempts to derail it are so central to the events and political climate surrounding the impeachment that they inevitably feature heavily in the narrative.

iv. The 2014 Electoral Outcome and Its Aftermath

However contested the campaign may have been, the 2014 elections culminated in victory for the sitting president, who ran with Michel Temer of the Brazilian Democratic Movement Party (PMDB) as her vice-presidential candidate. Coming from behind in early polling, Rousseff won the first, October 4, round by a 7% margin, but without the required overall majority. Official results show that in the October 26 runoff, Dilma Rousseff of the Workers’ Party received 54,501,118 votes (51.64%), and Aécio Neves of the more centrist/pro-business Brazilian Social Democracy Party (PSDB) received 51,041,155 votes

(48.36%).¹⁸ Rousseff accordingly received 3,459,963 more votes than her opponent, a 3.28% margin of victory.¹⁹ The PSDB nonetheless opted to challenge the results of the election on two fronts. First, four days after the runoff and three days after its results were announced, the defeated party filed a petition on October 30 before the Tribunal Superior Eleitoral (Higher Electoral Court, TSE) requesting that a PSDB legal team be allowed to audit the results. The petition cited allegations, inter alia in social media, about the accuracy of the results, plus concerns about the security of electronic voting. Although the petition was allowed, the rapid evolution of Lava Jato and other corruption allegations rendered it largely obsolete.²⁰ Just a few weeks later, however, the PSDB filed a second petition, Aije 194358. This time they asked the TSE to annul the candidacies of President Rousseff and Vice-President Michel Temer altogether, alleging “political and economic abuse” and fraud related to the origin of campaign finance. A final decision on the petition—which names Rousseff and Temer in person, the national executives of their parties (PT and PMDB), and their then-coalition—is still pending, with hearings initiated in early April 2017.²¹ In one of the many paradoxes and sudden reversals of fortune that mark this whole episode, the timing has now become a potential embarrassment or worse for the PSDB, now in a postimpeachment alliance with Temer’s PMDB.²²

Interviewees, including President Rousseff herself, also discussed the deepening political crisis around this time in terms of the deterioration of relations between the executive and legislative branches of the government and, relatedly, among members of the governing coalition. By way of example, only three months after winning reelection President Rousseff was unable to secure the victory of her preferred candidate for the post of president of the lower legislative chamber. Moreover, the winning candidate, Eduardo Cunha—later to emerge as a key instigator of the impeachment process—promptly made clear that he would act with “autonomy” despite the fact that the PMDB party over which he presided was officially part of the governing coalition. Nelson Jobim and other interviewees mentioned

significant difficulties in achieving concerted PMDB-PT positions even over previously agreed legislative agendas.

The factors that interviewees identified as root causes of this growing impasse fall essentially into two types. On the one hand, there was frequent mention of structural causes, related to a political system that demands broad coalitions to ensure governability. Forming a governing coalition in Brazil necessarily means having to deal with the sometimes narrow and potentially irreconcilable interests of an ideologically broad range of political parties, large and small, often ready to exchange votes for government posts, funding for special-interest projects, and the like.²³ Second, while presidential elections in Brazil are relatively idea driven, with competing policy platforms put forward and debated, parliamentary elections are often a different matter.²⁴ Voting preferences can be subject to a variety of more or less circumstantial influences, including local and regional loyalties, religious and other identity-based affinities, the inclination to cast a protest vote for nontraditional or antisystem candidates, and so forth. The 2014 general elections returned a parliament with, if anything, increased potential for coalition-related fragmentation (the total number of parties represented rose from 22 to 28). The governing coalition, moreover, lost nominal command of around 35 seats in the lower house, although holding its own in the Senate. At the party level, the PT and PMDB both lost ground while the PSDB made gains. Although the Socialist PSB also made slight gains, somewhat buffering an overall rightward trend, the PSB was a rival rather than an ally of the governing coalition going into the election, and in general a conservative turn was prevalent.²⁵

v. Eduardo Cunha and the Origins of Impeachment

According to our interviewees, the pitfalls of legislative branch structure and operation seemed to crystallize or be epitomized in the figure of PMDB party president and congressman Eduardo Cunha, who defeated Workers' Party candidate Arlindo Chinaglia and other candidates to be elected president of the Chamber of Deputies in early 2015. The position placed him third in the line of presidential succession, constitutionally mandated to step in during any simultaneous absence or incapacity of both the elected president and vice-president. It also conferred on him the constitutional faculty of receiving and deciding the initial admissibility of any formal allegation of certain types of wrongdoing, including impeachable offences against the president, vice-president, and other holders of senior state offices.²⁶

Cunha first became a deputy in 2003 and was reelected continually until stripped of his seat in September 2016. His conservative religious (evangelical Christian) views, to which he himself made frequent public reference, underpinned legislative proposals to restrict gay rights and abortion rights. These views were also often aired during the radio show that he hosted and that contributed to his rise to public attention and popularity in his home state of Rio. Cunha is widely considered to have also been a consummate collector of political secrets and leverage, which he allegedly had few scruples about wielding to personal and party advantage. This may help to explain how he managed to remain afloat until relatively late in the day, even as a tide of accusations and revelations brought down political and business allies, and despite having been among the first elected representatives to be formally placed under charges, in 2015, in connection with the Petrobras/Lava Jato scandals.²⁷ Indeed, it has been widely alleged, including by President Rousseff and her aides, that Cunha orchestrated the triggering of the impeachment process against her in retaliation for the administration's unwillingness to shield him from ethics committee questioning or criminal investigation.

On March 3, 2015, just one month after becoming president of the Chamber of Deputies, Cunha learned that his name was rumored to be on the so-called Janot list of politicians who attorney general (Procurador Geral da República, PGR) Rodrigo Janot planned to investigate in connection with Lava Jato.²⁸ On May 27, 2015, apparently in his capacity as Chamber president, Cunha received a delegation of organizers of the so-called Freedom March (Marcha pela Liberdade), a coalition of antigovernment protest groups that had made its way from São Paulo to Brasília over the preceding days. The protesters handed over a petition for the impeachment of President Rousseff, citing a range of possible grounds and grievances. The move found some support among backbench figures from opposition parties including the PSDB.²⁹ The party's senior figures were nonetheless reportedly hesitant to throw their weight behind impeachment calls at that time, since a report commissioned by the party from jurist Miguel Reale Jr. had apparently concluded that there was no viable basis for such an action.³⁰ The party nonetheless made clear its intention to continue looking for possible grounds on which to allege wrongdoing, this time using the language of possible criminality.³¹ As it turned out, the budget accounting practices that later became the substance of the (noncriminal) allegation began to move to center stage.³²

The Lava Jato investigations, meanwhile, proceeded apace, encompassing an increasing number of elected representatives. The federal police were ordered to search and seize personal documents belonging, *inter alia*, to various serving senators. In mid-July 2015, Cunha's name returned to the headlines when a deposition from one of the lobbyists involved in the Petrobrás corruption claimed that Cunha had aggressively demanded bribes of at least \$5 million.³³ The following day, on July 17, Cunha announced his definitive rupture with Dilma Rousseff's government (in which, of course, his PMDB party was still formally a partner).³⁴ He furthermore accused the executive of conspiring with the public prosecutor to plot false accusations against him in the Lava Jato case, an allegation to which no one seems to have given any credence.

At the same time as he announced his break with the government, Cunha issued a number of threats against it. These included the possible opening of Parliamentary Inquiry Commissions (Comissões Parlamentares de Inquérito, CPI) about subjects that he alleged would embarrass the executive. He also revived mention of the impeachment petition he had previously received from the hands of Freedom March organizers and their supporters,³⁵ and made mention of the Chamber's upcoming vote on government accounting reports for the previous (2014) fiscal year. These were awaiting a final verdict from the Federal Audit Court (Tribunal de Contas da União, TCU), apparently due in August 2015. Preliminary reports however suggested that the TCU's auditors had flagged so-called *pedaladas fiscais* as a possible area of concern.³⁶

vi. Pedaladas fiscais

Some interviewees strongly believed that since Brazil lacks a political mechanism—a no-confidence vote or similar—allowing revocation of a presidential mandate, impeachment was basically pressed into service as a functional substitute. For those who take this line, the end – the removal of the president and/or her administration – was more important than the means. The events of mid-2015 to mid-2016 can accordingly be interpreted as seeking to make it politically untenable for Rousseff to continue, using any formal-legal artifice necessary. Others are more convinced or concerned by the substance of the so-called *pedaladas fiscais* (fiscal pedaling) allegations that came to form the heart of the impeachment process, or by other impeachment requests submitted previously or subsequently.³⁷ Whatever conclusions may be reached about the substance, solidity, and sincerity of the accusations, it is useful to establish from the outset that despite the rather daunting language of “crime” (*crime de responsabilidade*) that surrounds the process, these are not allegations of personal criminal wrongdoing. Rather, the formal denunciation presented to Congress in September

2015, signed by three jurists (including a onetime founder of the PT), allege administrative or political-administrative infractions by the president related to the presentation of government accounts and budgeting practices.³⁸

The alleged infractions are analyzed in depth in section III, below. It is sufficient to note here that they include allegations that the Rousseff government's accounting practices violated Arts. 36 and 38 of the Law of Fiscal Responsibility, Law 10.028/00. This set of norms and rules, designed to set outer limits on the increase of public debt and control public spending, was promulgated in October 2000. Arts. 36 and 38 make reference to the *crimes de responsabilidade* that are set down in Art. 85 of the country's constitution. They also refer to Law 1.079 of 1950, which reproduces and expands on the constitution's listing of types of infraction for which presidents of the republic may be held to account. The venue for resolution of such infractions is the Senate,³⁹ presided over by the president of the Supreme Court. A two-thirds majority is needed for infractions to be declared proven. This set of provisions, together with Art. 86 of the constitution (which discusses the narrower set of circumstances under which such infractions can trigger impeachment), make up the basic legal scaffolding around which the case for impeachment was built.

The specific substance of what came to constitute the case is in effect the alleged use of government banks to finance budget gaps.⁴⁰ The use of direct loans from state banks can, for instance, allow spending to go ahead before its specific revenue has been collected or assigned, while circumventing or delaying the appearance of obvious holes in public finance. Some version of the practice has been, commentators agree, a fairly common practice in recent Brazilian administrations.⁴¹ It appears, however, to have become more frequent during Rousseff's first term. This provoked opponents to claim that not only did wrongdoing take place, it was deliberately timed to shore up electoral advantage or, at least, to lessen the perceived magnitude of economic difficulties or crisis. Again, it may be useful to underline the qualitative distinction between these allegations and those connected to the toxic climate

surrounding Petrobras/Lava Jato: there is no question of personal financial gain having been sought or having proceeded from the *pedaladas*. All involved concede that the programs involved were social spending and welfare projects, mainly targeted at assisting families and poor farmers.

The president's defenders, while generally conceding that the *pedaladas* did occur, maintain variously that there was no real case to answer, that the accusations were manufactured or artificially inflated in bad faith, or that they had in effect "timed out" since they took place under Rousseff's first term (2011–2014). This latter defense, hinging as it does on the contention that two consecutive presidential periods did not constitute a single continuous "mandate" under the terms of the relevant fiscal law, may seem casuistic, however technically correct or adept it may be. Fiscal law and its interpretation became, in any case, the terrain on which President Rousseff's supporters and opponents staked out political battle lines as the year 2015 wore on (see below, section III).

vii. Mounting Political Pressure and the Road to Impeachment

Concern over *pedaladas* and the approval (or not) of the 2014 annual spending audit, mounting popular pressure and dissatisfaction, and Cunha's now openly declared war of attrition against the administration came together in the latter half of 2015 to pave the way for the opening of a formal impeachment process.

Once Cunha had announced his acrimonious parting with the government, in mid-year, he accentuated already visible efforts to derail or preempt the administration's legislative agenda. He used his undoubtedly weighty influence as Chamber president to have the legislature propose its own rival agenda, in the form of what became known as *pauta-bomba*⁴² draft bills. As one example, at a time when austerity measures were being mooted or announced, he proposed spending increases in the form of large hikes in congressional

remuneration. Other provocative wrecking measures followed, including a proposed increase of up to 78% in some judicial employees' salaries, which was vetoed by the president. Some interviewees used the language of "blackmail," suggesting an implicit threat was made to pursue impeachment more, or less, actively depending on what the government was prepared to offer.⁴³ In her long interview with us, President Rousseff said that many of her main troubles stemmed from her refusal to negotiate with Cunha under the conditions that he sought to impose.⁴⁴

The government was increasingly immobilized by Cunha's leadership in the Chamber and popular (mostly white middle-class) pressure coming from the streets.⁴⁵ Some written sources adduce support from large media conglomerates or opposition parties.⁴⁶ Following renewed street protests in mid-August 2015, three lawyers, at least two of them closely associated with the PSDB,⁴⁷ filed the abovementioned impeachment petition with the Chamber of Deputies on September 16, 2015.⁴⁸ Other opposition parties and leaders lent their support. The petition received a major boost when the TCU's formal audit report was concluded in early October. It recommended that Congress not accept the 2014 accounts submitted to it by the government, an outcome that had been widely expected and rumored since at least mid-year. This constituted the first time since 1937 that the Federal Audit Court rejected a government accounting report, although the expression of reservations and recommendations was common.⁴⁹ The official text of the report, dated October 7, 2015, ratified, in section 1.1.5 (*Parecer Prévio*) that the accounts presented for 2014 were "correct and complete," but found that "irregularities related to the implementation of budgeted spending" constituted a lack of "full compliance" with the norms and principles that regulate federal public administration.⁵⁰ Critics suspicious of the timing or substance of the report called attention to the fact that four of the nine permanent TCU members responsible for the report were themselves at the time the object of a range of accusations or investigations for undue use of influence or crimes of corruption, a fact that was also highlighted by an

interviewee.⁵¹ The TCU's finding was undoubtedly a major tipping point that put wind into the sails of the impeachment cause, although, as we will see below, it was still insufficient to offer the legal grounds required for a petition with any realistic chance of success.

In the view of one interviewee,⁵² subsequent events unfolded at least partly under the concerted influence of the authors of the September impeachment petition, opposition members of congress, and Cunha, whose position as president of the Chamber gave him power to steer the admittance and future progress of the request. The picture is nonetheless complicated by the lack of broader or longer-term shared interests or even cordiality among all actors supportive of impeachment or hostile to the government.

One major weakness of the September petition had always been its focus on *pedalada* allegations concerning the 2014 period. Falling as they did in the first of President Rousseff's two consecutive presidential terms, it was argued that they did not constitute acts occurring during the president's current term of office. Cunha himself had consistently publicly rejected the notion that impeachment petitions based on allegations encapsulated in the first Rousseff term could stand up to scrutiny. Accordingly, shortly after the first TCU report came out, he announced the suspension of his consideration of the initial September petition (which was based, as we have seen, precisely on the 2014 period). The intention, however, far from deactivating the petition, was to give pro-impeachment actors a chance to modify the petition, adding fresh information that, they claimed, showed that irregularities had persisted into early 2015.⁵³ On October 15, the modified petition was received.

Meanwhile, separate twists and turns in the drama of corruption claims and counterclaims also playing out on the national stage continued to undermine Cunha's reliability as a conduit for the launching of the impeachment. A notoriously self-interested and conditional ally at the best of times, he became increasingly damaged goods as allegations about his own financial affairs and possible implication in Lava Jato made him increasingly unpopular in public opinion. His newfound usefulness to the political opposition

that he claimed to have joined did not necessarily make opposition parties keen to rush to publicly embrace him or defend him on such charges. Nor, apparently, did he have faith in their desire or ability to do so. Instead, he began to send out signals that could be read as overtures to the government. Over the course of October he intimated that the acceptance of *pedaladas* irregularities was not a foregone conclusion and that even if it were, the existence of *pedaladas* did not ipso facto present a motive for impeachment.⁵⁴

These statements become easier to understand when read against the background of revelations about the existence of Swiss bank accounts under Cunha's apparent effective control and a decision by Swiss authorities to freeze the accounts due to suspicion that they were being used to receive laundered money or money of unknown provenance.⁵⁵ In March Cunha had officially denied holding bank accounts outside Brazil. Proceedings were begun against him before the Ethics Committee of the Chamber of Deputies for "breaches of decorum" in relation to that denial. In order to escape censure by the committee, Cunha would need to secure support from its voting members, including three PT deputies. Almost as soon as it became apparent, on December 2, 2015, that the PT deputies would not be voting in Cunha's favor, he partially accepted the pending petition, thus triggering the first steps of impeachment proceedings (a hearing in the Chamber of Deputies).⁵⁶ The part of the petition that was accepted related to events taking place in 2015.

viii. The Impeachment Proceedings

While some key actors, including petition coauthor Hélio Bicudo, were noncommittal about Cunha's decision, simply observing that he had "done his job,"⁵⁷ the second petition author, PSDB lawyer Miguel Reale Jr., was rather less circumspect, claiming that Cunha had "written straight with crooked lines": "It was no coincidence that Cunha decided to accept the impeachment petition at the precise moment that the Workers' Party deputies decided to vote

in favor of the revocation of his mandate in the Ethics Committee. It was explicit blackmail.” He added that Cunha’s attitude “was a blessing in disguise.”⁵⁸

Various interviewees were not only critical but almost disbelieving that Cunha, given his own position, had been allowed to retain control over the admission and subsequent consideration of the petition throughout its entire progress through the Chamber of Deputies. In this regard it should be noted that the Public Prosecutor’s Office submitted a request to the Supreme Court on December 16, 2015, to have Cunha suspended from both the presidency of the Chamber and his seat in it (in relation to the Lava Jato investigations, not the impeachment process).⁵⁹ The request was not resolved by the Supreme Court until five months later, on May 5, 2016. Although the court did find in favor of suspension, the impeachment process was already out of the Chamber’s hands. Accepted with the requisite two-thirds majority on April 17, 2016, the petition went on to the Senate for further proceedings.⁶⁰ The long delay between submission and resolution of the petition to suspend Cunha was unfavorably contrasted, by some, with the court’s alacrity when acting a few weeks earlier to secure the arrest of a PT senator, Delcídio Amaral, also accused in connection with Lava Jato. (The inconsistency in timeliness, rather than the respective merits of each decision, is at issue).⁶¹

It is important to note that Cunha accepted the impeachment petition only insofar as it addressed supposed budget irregularities that had taken place in 2015, (and focused moreover on specific actions attributable to the president, on this and one other matter). In other words, any contention that President Rousseff’s ousting was motivated by government manipulation of information about the public deficit in order to seek electoral advantage for the 2014 campaign disappeared from the agenda and was never legally under consideration during the impeachment case.⁶² José Eduardo Cardozo, Rousseff’s lawyer, complained that during the later Senate hearings, accusers referred repeatedly to facts pertaining to 2014, speaking of a supposed “conjunto da obra,” an ensemble of alleged presidential acts, that would justify the

proceedings. Cardozo insisted that the actual legal case under examination was much narrower and did not allow for such elucubrations.

This is the sense in which many felt that the *pedaladas* issue and its narrow technicalities almost faded from view once the process was under way. Discussion of and voting on the impeachment petition, first in the Chamber of Deputies and subsequently in the Senate, and certainly public debate about it in the country, became much wider ranging and more amorphous. The issue became a barometer of people's feelings about the government in general, the PT's record on social change, President Rousseff personally (see later sections), the political class as a whole, the ongoing investigations of Lava Jato and other corruption scandals, and the climate of economic crisis that prevailed. Influential English language weekly *The Economist*, not known for its sympathy with leftist governments, claimed in a March 2016 leader that the impeachment process, in particular its grounding in the *pedaladas* allegation, "looks like a pretext for ousting an unpopular president." It was particularly critical of remarks by the head of the impeachment committee to the effect that deputies deciding which way to vote on the measure should "listen to 'the street,'" describing this as a "worrying precedent."⁶³ The paper was nonetheless critical of President Rousseff's economic management and did not see how she could survive the political impasse.

The government's economic record was certainly one of the major grievances on the street and a concern to markets and business leaders. Although some of the disastrous slowing in growth that became noticeable from 2011 was attributable to sluggish demand from China and falling commodity revenues, President Rousseff and other interviewees closely connected to her first-term government acknowledged that the short-term stimulus measures with which they first attempted to respond to the crisis had not worked. The GDP contraction in 2015 was the country's worst since 1990, and by some estimates up to 1.5 million jobs were lost.⁶⁴ Later adjustment came too late to reverse a growing deficit problem, and President Rousseff steadfastly refused to cut flagship social spending programs, including Bolsa Familia. Pro-

austerity finance minister Joaquim Levy resigned on December 16, 2015, with inflation climbing close to double digits and Brazil's sovereign credit rating downgraded to junk status. The ongoing uncertainty caused by the impeachment attempt played its own part in the worsening economic outlook, with markets and investors nervous that uncertainty or instability would further delay new fiscal measures.

The only bright news for the president's cause came when, almost simultaneously with Levy's resignation, the Supreme Court resolved that the Senate—where PT support was stronger—had the final say over whether to accept and activate the impeachment process and was not obliged to merely ratify any decision handed up to it from the Chamber of Deputies (which was still studying the petition). The court also ordered the annulment of a controversial secret vote via which the opposition had managed to “pack” the special commission that the Chamber had formed to conduct the process. The commission's composition was instead to be decided by party leaders in the chamber.

ix. Lula's Naming to the Cabinet

Until this time, the process had at least technically been kept free of any taint of association with the corruption investigations that were engulfing many other senior politicians. Indeed, many press sources and sources interviewed by the delegation echoed the view that “even the president’s enemies” acknowledged her high standards of probity and her distance from and distaste for corrupt practices. However, the two issues were to collide in a way that proved damaging to President Rousseff’s image in March 2016. Former president Lula, Rousseff’s longtime political mentor and one of those who had pressed for her to succeed him as PT presidential candidate, had come under investigation in relation to alleged corruption and bribery by executives of the state Petrobras oil company and firms connected to it.

On March 4, 2016, presiding judge Sergio Moro launched a spectacular—and many claimed unnecessarily showy—police raid on Lula’s home, and the offices of the Institute that bears his name. The police were instructed to bring Lula into testify as a potential suspect.⁶⁵ This was one of various moves for which Lula’s legal team would later lodge a complaint before the UN Human Rights Committee, alleging persecution and breach of basic civil and political rights. Eleven days later, on March 15, President Rousseff announced that she would be appointing Lula to her cabinet as chief of staff to assist her through the continuing political crisis. The appointment would have entitled Lula not to immunity from prosecution, but to have any further proceedings involving him heard by the Supreme Court rather than decided only by Judge Moro. This would at the very least probably have slowed the progress of any case against him, although not necessarily changing its material outcome.

In a widely criticized move whose legality was also questioned, on the evening before Lula’s swearing-in was due to take place, Moro released to the press audio recordings of intercepts of phone calls between Lula and President Rousseff. In one call, Lula railed against the excesses of the investigation team, although notably he also said that he would never enter

the government solely to protect himself from further investigation. In a call made on March 16, the day the appointment was announced, President Rousseff stated she would have the appointment papers sent over immediately “in case of necessity.”⁶⁶ The phrase was seized by her critics, who claimed it referred to a possible desire or need to shield the former president from arrest.

A multitudinous opposition rally, calling on the president to resign, was organized the same evening. Mainstream media coverage of the incident was unremittingly hostile, and Supreme Court justice Gilmar Mendes ratified lower court petitions to temporarily suspend Lula’s cabinet appointment. Some felt that Mendes, an outspoken opponent of the PT, should have recused himself from the decision, although the court also decided, on March 23, to take further investigation against Lula out of Moro’s hands temporarily. Supreme Court judge Teori Zavasacki later confirmed that Moro’s actions had exceeded his authority and that the recordings should not have been made public, forbidding any further use of many of them in the case.⁶⁷ Moro was forced to apologize to the Supreme Court, but was apparently not subjected to disciplinary action. However, the political damage had already been done, and the images of both Lula and President Rousseff were severely, perhaps irrevocably, damaged by what was at best a major political miscalculation. Some interviewees felt that this was the incident that may have sealed Rousseff’s fate.⁶⁸ Moro’s status as a crusading hero was confirmed for opposition movements and significant sectors of both mainstream and social media intensified their pro-impeachment campaign.

x. Impeachment Votes and Outcomes

The impeachment vote in the Chamber of Deputies took place on April 17, 2016. A two-thirds majority in favor would allow the impeachment proceedings to move to the next stage: hearings and a final decision in the Senate (where the government and the president could count on stronger support). The scheduling of the vote on a Sunday ensured major media exposure and public interest for the televised proceeding, which soon took on the air of a spectacle.⁶⁹ Outside, a temporary fence was erected to keep opposing street demonstrators apart. In the Chamber, deputies used their turn at the microphone to accompany their votes with speeches of little discernible relevance to the substance of the accusation. More references were made to God and the fatherland than to the *pedaladas fiscais* that were still, in theory, the matter at issue. Deputy Jair Bolsonaro dedicated his vote to the memory of Colonel Carlos Brilhante Ustra, a notorious torturer during the dictatorship era when Dilma Rousseff was a political prisoner. His son, also a deputy, mimicked the firing of a machine gun as he also voted for impeachment, and the deputy who cast the decisive vote giving the motion its two-thirds support (at 342 votes) was immediately hoisted shoulder high and feted by colleagues. Another congresswoman took the opportunity to praise her husband, a city mayor who was arrested a few hours later by police investigating health service corruption.⁷⁰ By some calculations, over 100 of the Chamber's 513 deputies were under formal accusation or investigation for some kind of criminal activity at the time of the vote,⁷¹ leading German weekly *Der Spiegel* to dub the session the "Aufstand der Scheinheiligen," the hypocrites' insurrection.⁷²

Regional and international governance institutions had already expressed deep concerns and reservations. Luis Almagro, secretary-general of the Organization of American States (OAS), released a statement two days before the vote taking the view that the process "does not fit within the rules [pertaining to impeachment]," and was "political in character."⁷³ Underlining that Latin America's predominantly presidential systems do not contain recall or

no-confidence measures such as are common in parliamentary arrangements, the OAS said that a presidential system “cannot operate out of the blue as if it were a parliamentary system . . . because of a shift in the political balance of a coalition” and the “equation of popular sovereignty cannot be changed for politically opportunistic reasons.” The statement also made reference to expressions of concern by the UN UNASUR (the Union of South American Nations regional bloc, to which Brazil belongs), which characterized the process as a “dangerous criminalization of governance.” Reference was made to a letter signed by 130 members of Brazil’s public prosecutor’s office refuting the existence of the elements of proof needed to sustain the accusation of a *crime de responsabilidade*.⁷⁴

Nonetheless, once the vote was approved, the proceedings moved to the 81-member Senate. A simple majority needed to admit the process was met and exceeded on May 12, when senators voted 55 to 22 to allow the process to go ahead. The mood was somber in comparison to the earlier lower house vote, which one foreign correspondent attributed partly to the recognition that the jubilant scenes surrounding the April proceedings had harmed Brazil’s international reputation.⁷⁵ This initial vote, overseen by Senate president Renan Calheiros of the PMDB, gave the go-ahead for a longer deliberative process that, like the lower house proceeding, would require a two-thirds majority to result in impeachment. The initial vote suspended President Rousseff from active duties for up to 180 days, during which time she would be replaced by vice-president Michel Temer as interim president.

Although Temer had been voted in as Rousseff’s running mate, his PMDB party had officially broken with the government coalition in late March and Temer now emerged from relative obscurity to replace the embattled Cunha as a prime mover in the impeachment dynamic. As discussed in more detail in section IV.ii, several interviewees called Vice-President Temer’s conduct a “coup within the coup”⁷⁶ in reference to his having promoted support for the impeachment vote in the lower chamber and then to the notably activist tenor of his supposedly interim administration.⁷⁷ This was exemplified when newly appointed

foreign minister José Serra, much more of a political heavyweight than Temer himself, took just under a week to announce what one commentator described as the “most significant change in Brazil’s international strategy in years.”⁷⁸ Prized PT-era engagements with African countries and with World Trade Organization negotiations would be rolled back and discussions with the EU about accepting refugees were suspended. Although global protagonism had been more associated with Lula than with the much less internationally minded Rousseff, the signs of change were clear and were echoed in many other areas of government activity. Interviewees pointed to extensive replacement and renewal in high-level public posts, from the cabinet down to state banks and companies, noting that such jobs are often used to create and trade political patronage and congressional support in Brazilian coalition politics. Arguing the exigencies of the economic crisis, the interim administration also began to sharply reverse the key social policy protections that were part of the joint 2014 campaign and that President Rousseff staunchly defended at the onset of the crisis.⁷⁹

The stage for change was set when Temer’s interim cabinet was unveiled: it was exclusively male and exclusively white.⁸⁰ It was also generously sprinkled with future indictees in corruption cases and within the first month lost three ministers to financial scandals. In the most prominent case, the *Folha de São Paulo* released transcripts of secret recordings in which the PMDB’s Romero Jucá—now one of Temer’s key ministers—had openly discussed, back in March, the need for an impeachment to “stop the bleeding” caused by the Lava Jato. A future Temer administration would, he said, need to construct a “grand pact,” inter alia with the Supreme Court, to prevent the case from reaching any farther.⁸¹ On June 2, Temer himself was banned from running for office for eight years by a São Paulo district electoral court for breaching electoral spending rules.⁸² This would severely hamper him in any attempt to seek direct legitimacy through fresh elections, but could also see him barred from any contest that might result if the TSE were to conclude in its 2017 deliberations that both Temer and Rousseff’s 2014 candidacies should be annulled (see above regarding the

PDSB's Aije 194358 petition, hearings which began in April 2017). A Temer candidacy for direct election may be improbable for other reasons: by June 2016, his personal unpopularity rating was reportedly hovering around 70% with almost 60% feeling that he, too, should be impeached.⁸³ He has denied any intention of running in the next scheduled elections, in 2018.

Also in June 2016, with the impeachment process in the Senate still ongoing, a technical report by auditors commissioned by the Senate confirmed that the executive had opened credit lines without seeking congressional authorization in 2015. However, the report dismissed as baseless the notion that there was a personal presidential case to answer over *pedaladas*, which had for so long been the stated basis of the proceedings. Notwithstanding, on August 9 (after the LASA delegation visit) senators voted 59 to 21 in favor of moving to hearings and a final vote. On August 31, the Senate voted 61 to 20 in favor of accepting the impeachment. Temer was sworn in as president a few hours later and was constitutionally mandated to serve out the remainder of President Rousseff's original term, until 2018. An unusual aspect of the outcome was that the Senate voted 42 to 36 against removing the impeached president's right to run for future office, in spite of the fact that the constitution appears to indicate that such suspension is an automatic corollary of impeachment (see section III for further detail). The caveat seemed to signal, at the very least, unease among some of Rousseff's former opponents about the solidity of the accusations that were used to remove her. In an emotional speech to supporters, President Rousseff described the process as the "second coup" she had had to face in her life.⁸⁴ Comments made by Temer some months later in a speech in New York were also interpreted by some as constituting an increasingly candid acknowledgment that the episode had been motivated by political rather than technical-legal considerations.⁸⁵ The Lava Jato investigation, ongoing at time of this writing, has continued to claim major scalps, with Eduardo Cunha sentenced on March 30, 2017, to 15 years' imprisonment, subject to appeal.

III. The Legal Basis for Impeachment

As seen above, one of the most controversial issues surrounding the impeachment—perhaps the most controversial—concerned the legal case that substantiated the process. The debate on this issue included its implications for the political regime. This subject provoked quite divergent views and interpretations, even within the LASA commission, as we explain later in this section.

As discussed above (section II.vi), according to the constitution of 1988, a presidential impeachment in Brazil requires the commission of a so-called *crime de responsabilidade* by the president. Article 85 of the constitution enumerates seven such crimes, namely, acts of the president that undermine the existence of the (Federal) Union; the independence of the legislative power, the judicial branch, and the public prosecutor; national security; probity in public administration; budgetary law; or the rule of law.⁸⁶ These concepts are further defined in Law 1.079 of 1950, where a more detailed but still quite general characterization of each is provided. In addition, Law 1.079 sets down procedures for adjudicating such infractions when committed or alleged to have been committed by the president, vice-president, or certain other high officers of state. In such cases, the Chamber of Deputies can ratify the admissibility of an impeachment petition by a two-thirds majority vote of its members. If the petition is declared admissible, the Senate will deliberate and adjudicate. The same qualified majority (two-thirds of all senators) is required to find that an allegation has been proven. Should this occur, the president is deposed, the line of succession established in the constitution is activated, and the vice-president becomes president. Despite the use of terms such as “crime” or “culpability,” the “crime of responsibility” is not consubstantial with ordinary criminal responsibility, as explained above - and in Article 86 of the constitution.⁸⁷ In relation to President Rousseff’s impeachment, an early decision of the Supreme Court on December 17, 2015, reaffirmed the

validity of the norms and the detailed procedures, which were the same ones that had been applied to the impeachment of then-president Collor de Mello in 1992.⁸⁸

Given that the whole impeachment process is carried out under the purview of the legislative branch, impeachment inevitably has a strongly political character. The Congress must also debate and decide on the terms of the crime of responsibility as defined in the impeachment request. It was precisely this substantive aspect that provoked most of the controversy. Our interviewees almost unanimously held the view that the legal case for impeachment was nonexistent or precarious at best.⁸⁹ Some called it “ridiculous” or “absurd.”⁹⁰ President Rousseff argued repeatedly that “an impeachment procedure without a crime of responsibility is a coup d’état, an institutional coup, or a *golpe branco*,” a coup disguised behind a façade of legality.⁹¹ Even some of those who voted to impeach her publicly voiced their misgivings about the legal basis. As he stepped out of the Chamber after the impeachment vote, senator Acir Gurgacz (PDT), from the state of Rondônia, stated, “We were convinced that there was no ‘crime of responsibility’ . . . but there was a lack of governability, and the return of the President at this time could cause greater trouble for the Brazilian economy.”⁹² Earlier, in June, senator Rose de Freitas (PMDB), leader of the interim government in the Senate, said in a radio interview, “There were no fiscal ‘pedaladas.’ The government fell for different reasons.” She added, “I belong to the Budget Commission. The problem we had was a country which was paralyzed, with no direction.”⁹³

Doubts regarding the existence or seriousness of the *crime de responsabilidade* were also evident in the Senate voting record. The August 31, 2016, session that confirmed the impeachment and President Rousseff’s removal from office did so by 61 votes to 20. However, the subsequent vote on whether to suspend Rousseff’s political rights (temporarily banning her from running for future office) failed to reach the requisite two-thirds majority, gaining only 42 “yes” votes. This outcome runs counter to constitutional provisions and other norms. This was an unprecedented and paradoxical outcome: a democratically elected

president apparently needed to be removed from office for wrongdoing, but the wrongdoing was not deemed serious enough for her to be deprived of her political rights over the subsequent eight-year period.⁹⁴ As discussed above, some pro-impeachment senators questioned the constitutionality of this second decision and presented an unsuccessful appeal to the STF.⁹⁵

Turning to the substance of the alleged *crimes de responsabilidade*, the budgetary technicalities alleged to justify the impeachment appear rather abstruse to the nonspecialist. Those in favor of the impeachment deemed two types of budget maneuver irregular.⁹⁶ First, there was the accusation that President Rousseff had enacted six decrees of supplemental credit, in July and August 2015, that were not in compliance with the Law of Fiscal Responsibility. According to the allegations, when the decrees were signed, the government was not meeting the fiscal target established in the budget approved for that year. Although the government had sent a bill to Congress in July 2015 to change the annual estimate of the federal deficit for the fiscal year, it was not approved until December that same year.⁹⁷ Thus, the president's accusers argued that those decrees violated the Budgetary Law, as their validity would have been conditional upon approval of the new fiscal target by Congress, which had not taken place by the time the decrees were signed. Second, the president was accused of so-called *pedaladas fiscais*, referring to the use of funds from state banks to cover temporary budget gaps. It was argued that this violated fiscal laws, motivated by a desire to make public accounts look healthier than they were (*maquiagem nas contas públicas*).

Regarding the first set of allegations, about decrees of credit, the LASA delegation was told in an interview with President Rousseff's legal team that the decrees served to allow sectors of the government to change the allocation of certain budgeted amounts. This would be done either because some previously anticipated needs had disappeared or there was a financial surplus in certain areas of a given branch of government. In other words, these were characterized as adaptations of the budget requested by particular sectors of the government

in order to make funds available to meet the actual needs of their routine activities. However, the actual spending made theoretically possible by these internal reallocations of resources had always remained contingent on the success of overall government measures intended to meet the annual fiscal target. In other words, the total budget of the executive branch of the government remained subordinated to and had to adapt to *decretos de contingenciamento*, which mandated budget reductions or restricted the release of funds where economic performance was below expectations. Therefore, President Rousseff's lawyers insisted, decrees facilitating supplemental credit did not mean actual spending.⁹⁸

Particularly during Senate hearings, there was a lot of debate concerning the chronology of legislative and budgetary events and their significance. The necessarily technical nature of the discussion often elicited, among the senators themselves, the comment that the public was no longer paying any attention to them. University of São Paulo economist Laura Carvalho, interviewed by the LASA delegation, deemed the initial annual budget estimate for 2015, proposed by the executive and approved by Parliament in December 2014 (as the *Lei de Diretrizes Orçamentárias*), to have been completely unrealistic. Accordingly, given the worsening economic situation, the government requested in July 2015 that the fiscal target be adjusted to take account of the deepening economic crisis. This is a regular procedure that has been used by previous governments and in previous years. In 2014, for example, a similar bill was submitted to Congress by the government. Its passage through the legislature was not subjected to major delays.⁹⁹ On this occasion, however, Congress did not examine and approve the government's request, submitted on July 22, 2015, until December 2, 2015. According to Diego Prandino Alves, a Senate adviser interviewed by the LASA delegation, although Congress is obliged to consider the draft budget bill within a certain period of time, the approval of amendments is not similarly subject to a fixed time limit. The prioritization of the legislative agenda therefore depends on various factors.¹⁰⁰ This particular budget amendment bill was introduced a week after Eduardo Cunha announced his parting of

the ways with the government. Its approval four months later came on the same day that Cunha initiated the impeachment process in the lower chamber. In the interim, the bill's four-month progress through the legislature coincided with the worst period of the government's coalition crisis. It was also during those same critical months that the supplementary decrees were enacted. It seems that the government kept to its schedule for their implementation as it felt confident that it would be able to meet spending targets, given the budgetary restrictions already put in place to deal with the economic crisis. Legislators opposed to President Rousseff argued during impeachment hearings that the enactment of supplemental credit decrees before the new fiscal target had been approved breached the Law of Fiscal Responsibility. However, since the bill was eventually approved (in early December), the government was able to finish the fiscal year meeting the new authorized target spending.¹⁰¹

The following year, Temer's interim administration had better luck with a similar proposal. A new, adjusted fiscal target was announced on May 20, 2016, presented to Congress the following week, and approved on May 25, even though Temer's government asked for authorization to increase the deficit to 170 billion reais (in contrast to the 96 billion reais deficit estimated a year before by Rousseff's government).¹⁰² Setting the fiscal target is a prerogative of the government. The level of any proposed deficit, as well as its successful approval in Congress, may be indicative of a range of things, including the severity of economic crises or the prevailing level of interbranch cooperation. Rousseff's legal team suggested to the LASA commission that Temer's government was seeking to avoid the risk that had caused Rousseff's impeachment, while economist Laura Carvalho indicated that the interim government had to "pay its dues," that is, to fulfill its promise to support spending for projects endorsed by many members of Congress who had voted for the impeachment.¹⁰³

Regarding the *pedaladas fiscais* as a legal basis for impeachment, the situation is at least as problematic as the supplemental credit decrees.¹⁰⁴ Although allegedly a common practice by previous governments (see section II), the unprecedented rejection of the

government's accounts by the Tribunal de Contas da União during two consecutive years (2014 and 2015) sent a signal of alert that their use was now seen as problematic.¹⁰⁵ As mentioned above, legal experts and members of Congress alike debated endlessly whether these transactions constituted a credit operation by the government with public banks, which is outlawed. A decision by the Public Prosecutor's Office (MPF) in July 2016 did not support the interpretation of *pedaladas* as criminal actions, treating them rather as acts of *contabilidade creativa* (administrative improbity). This can constitute one basis for a *crime de responsabilidade* under Article 85 of the constitution.¹⁰⁶ The case for *pedaladas* as a basis for impeachment nonetheless seemed compromised by the fact that Article 86 of the constitution further establishes that such crimes require the actual and direct participation of the president. The *pedaladas fiscais* under investigation specifically involved the administration of Plano Safra, a government program that subsidizes small agricultural producers. The program had been fully run by the Ministry of Finance, with no participation from the president, since its inception in 2002. The expert report prepared at the request of the Senate's impeachment commission found evidence of the infraction but was not able to identify any act of the president in it.¹⁰⁷ Several interviewees also claimed that the use of funds from state banks to cover temporary budget gaps was routinely practiced by previous state and federal governments. One example referred to in the media was the use of such funds in the state of Minas Gerais during the tenure as governor of (now) senator Antonio Anastasia (PSDB). Senator Anastasia served as rapporteur to the Senate's special commission on impeachment.¹⁰⁸

These facets of the legal case for impeachment left many unconvinced that President Rousseff had committed any *crimes de responsabilidade* or breaches of fiscal laws that would justify her ousting. The waters were muddied further when a significant number of deputies and senators working to impeach Rousseff began to appear frequently in the news as suspects in the several judicial corruption investigations under way. This cast doubt on their moral

standing to undertake any actions against Rousseff, who conspicuously did not come under suspicion at that time of any wrongdoing in those same investigations. Only much more recently (in March 2017) was her name included in a list released by Rodrigo Janot, the public prosecutor overseeing the Lava Jato investigations. This list, which included leaders of all major parties, was sent to the STF for further investigation, as mentioned in section II.¹⁰⁹ The reasons for President Rousseff's inclusion in Janot's list are as yet not fully clear: an initial press report in the *Folha de São Paulo* states only that defendants who made plea bargains "describe relationships with Lula and Dilma."¹¹⁰

This situation led naturally to questions about the legality of the whole impeachment process and its implications for the political regime. Strongly contrasting views were manifested in this respect, including among the members of this delegation, and it is not possible to set out a common position that would represent the views of all. Thus, in what remains of this section, a range of different positions are sketched out. Particular attention is paid to those that the delegation encountered most frequently during interviews and in related research.

Nelson Jobim, rapporteur to the Chamber of Deputy's special committee for the impeachment of President Collor in 1992, was interviewed on July 19, 2016. Without judging the merits of the allegations against President Rousseff, he emphasized his view that Collor's *crime de responsabilidade*—originating in a corruption scandal—was different because it overlapped with or resembled a common criminal act. Deputy Roberto Freire, on his part, emphasized that impeachment is not used to judge common crimes (*delitos comuns*) but actions of a political nature. However, he stated that he personally considered Rousseff's crime more serious than Collor's and he held President Rousseff responsible, in her capacity as head of the administration, pointing out that impeachment is the removal mechanism established in the constitution.¹¹¹

Views as to the validity of the legal aspects of the impeachment process varied. The facts that it followed the formal procedures established in legislation, that it considered precedent (ex-president Collor's impeachment), that the Supreme Court oversaw due legal formalities, and that the president's right to defend herself was fully respected were often referred to by those defending the constitutionality of the process. On the other hand, it was maintained, sometimes by the same sources, that this formal legality did not equate to legitimacy. Ex-minister of Foreign Relations Celso Amorim said, for instance, "Even if the form seems legal, the content is something else again."¹¹²

A more direct defense of the legitimacy of the impeachment process was made on solely political grounds by some, including Bruno Araújo, Minister of Cities in Temer's interim government.¹¹³ Araújo's contention was that many provisions of the 1988 constitution appeared to have been written to function ideally in a parliamentary regime. Other interviewees shed light on this argument when discussing the generic way in which the impeachment clause is written in the constitution. Some felt that it resembles a vote of censure, given the breadth of the topics it includes as a possible basis. For supporters of this view, the presidentialist constitution of 1988 should allow the ousting of weak presidents, that is, of presidents who can no longer secure conditions to guarantee governability. This latter category would include, it seems, those who lost a governing majority in Congress, were in open conflict with Congress, or had committed *crimes de responsabilidade*. This expansive interpretation implies a quite precarious status for the president vis à vis the constitution. Others would by contrast regard impeachment, in the words of former president Fernando Henrique Cardoso, as an "atomic bomb"—a mechanism meant to dissuade rather than to actually be used.¹¹⁴

A final and again contrasting view considers parliamentarian interpretations of the constitution of 1988 to be undemocratic because they contradict the express will of the people, as manifested in the plebiscite held on April 21, 1993. In this vote, of the 74.3% of

eligible voters who cast their ballots, 55.4% voted for presidentialism, 24.6% preferred a parliamentary system, and 19.9% chose neither.¹¹⁵ The argument therefore runs that the normalization of this essentially parliamentarian type of constitutional interpretation carries risks, despite the fact that in some instances it may have brought down corrupt and abusive elected governments. In this view, deposing a president should be seen as an extreme measure. The problematic legacy of a controversial impeachment such as the recently concluded one is certainly evident: as Janio de Freitas has argued repeatedly, the Brazilian crisis has evolved from a political one to an institutional one, with frequent clashes between the judiciary and the legislature added to continued corruption allegations against members of Congress.¹¹⁶ What has happened at this critical juncture could be read as following historical trends. Of eighteen presidents (from Getúlio Vargas to Temer), only five were both elected in democratic elections and concluded their terms: Gaspar Dutra, Juscelino Kubitschek, Fernando Henrique Cardoso (two consecutive periods), Lula da Silva (two consecutive periods), and Dilma Rousseff (one period).

Reflecting on long-term trends in Brazilian history, from the perspective of someone with a long career in foreign relations, minister Celso Amorim said “Progressive governments in Brazil do not end well: Getúlio Vargas, Jango, the Workers’ Party . . . The combination of progressive social policies with a multilateral, independent foreign policy provokes strong reactions in the country.”¹¹⁷ Historian Fernando Teixeira da Silva drew a parallel between the military coup d’état of 1964 and the ousting of President Rousseff.¹¹⁸ In both cases, he argued, a period of expansion of social rights was followed by an undemocratic power grab by rightist political forces supported by powerful business interests and the corporate media. The years preceding the coup of 1964 saw a notable strengthening of labor courts, with workers and unions becoming relatively more successful in judicially framed assertions of rights claims. More recently, almost fourteen years of Workers’ Party rule similarly saw significant expansion of rights, albeit of a more diversified nature than in the pre-1964 period.

Reading further back in Brazil's history, one might also highlight the fall of the monarchical regime in 1889. The perception that the crown was instrumental in bringing about the abolition of slavery solidified republican ranks and enabled the military coup d'état that established a new regime.

One legacy of the 2016 impeachment crisis seems to be a profoundly polarized country. Some see what is left as a democratic façade, while others feel that democratic institutional procedures provided the country with a way out of a serious political and economic crisis. A general sense of a deep institutional dysfunction and uncertainty nonetheless prevails. President Temer has moved the governmental agenda away from the presidential campaign promises of 2014, introducing legislation with a radically different tenor. More corruption scandals meanwhile come to light every day. It may be that no significant improvement in the situation will be seen before the next presidential elections, scheduled for 2018.

IV. VOICES FROM SOCIAL MOVEMENTS

i. Sangrar a Dilma (Making Dilma Bleed)

Interviews with social movement activists underscored how certain political institutions or members of them, in partnership with right-wing evangelical leaders, popular social movements, and the media, worked to put into motion or throw their weight behind the impeachment of President Rousseff. We saw in section II that widespread social discontent had been brewing prior to the general elections of 2014, an election that resulted in a narrow margin of victory—the slimmest in the electoral history of the country—for the Workers' Party. In her narration of the political events leading up to the impeachment, University of São Paulo philosopher Marilena Chauí¹¹⁹ reminded the delegation of senator Aloysio Nunes Ferreira's infamous quote in a March 2015 seminar at the Instituto Fernando Henrique

Cardoso (IFHC), “I don’t want impeachment, I want to see Dilma bleed.”¹²⁰ This quote sums up what some feel was a conscious agenda during the first year of Rousseff’s second presidential term: deliberate efforts to undermine her ability to govern the country, specifically her capacity to implement projects integral to fulfilling the PT’s social democratic agenda.

Lawyers, legal scholars, and former government officials interviewed by the delegation explained in great detail the legal case for impeachment as well as the distinct political characteristics of the 2016 political crisis, which many of them considered a coup d’état.¹²¹ Several of the interviewees, such as scholar-activists Sueli Carneiro, Jurema Werneck, and Marilena Chauí, lived through the 1964 coup. President Rousseff’s experience of violent torture during the repressive military regime that followed is well known and was unashamedly invoked by pro-impeachment parliamentarian Eduardo Bolsonaro. In his provoking speech, mentioned above (section II), Bolsonaro drew a direct historical parallel, declaiming, “They lost in 1964. They lost in 2016. Long live the Armed Forces. Long live the Brazilian people” before openly paying homage to the memory of Rousseff’s and Brazil’s most infamous torturer, Carlos Alberto Brilhante Ustra.¹²² Feminist activist Schuma Schumacher asserted that for her opponents, President Rousseff represented the disruption of a political order, and for her supporters, the “continuation of a political project” that began with Lula da Silva’s presidency.¹²³ Jurema Werneck¹²⁴ also made the provocative statement, “The military officials left their bases,” to suggest figuratively that history was repeating itself. Like Carneiro and Chauí, Werneck, who does not belong to any political party, offers an analysis that recognizes the historical continuity of the struggle for democracy and social justice in Brazil. This takes us beyond the focus on Dilma Rousseff. These interviewees reflected on what it felt like to have lived through the coup of 1964, fought in student and labor movements to usher in a democratic regime, and struggled to build new tools of

democracy to transform the lives of the black and brown masses, only to now live through yet another coup against the expansion of democratic rights.

It is in this vein that this section of the report gives voice to civil society actors who offer explanations of how Brazil reached this point. Although not all such interviewees considered themselves aligned with the Workers' Party, most were openly supportive of Rousseff's presidency while also being critical of the challenges the party faced in the struggle to consolidate and maintain power. This section outlines the extrajudicial challenges that a range of social movement actors, scholars, and journalists felt were the primary reasons why President Rousseff was ousted from the presidency. In essence, these commentators perceived that at the heart of the political battles lay an ideological war against a social democratic project that aims to eradicate or at least mitigate Brazil's widespread racial, gender, and class inequalities. The connection between the political and the sociocultural was made clear in these interviewees' accounts of the Brazilian crisis. They emphasized that there are social and cultural factors that must also be considered. They revealed a profound understanding of what is at stake for civil society organizations, specifically for black, indigenous, and feminist social movements as well as for the future development of a socially just Brazil.

ii. A Coup against Social Rights

The systematic dismantling of President Rousseff's government—"making her bleed" as the country's first woman president—symbolized a powerful rejection of social gains made in recent decades. Werneck affirmed that "we are the impeached," referring to Brazil's marginalized majority who stood to lose the most, to literally bleed, in this extreme process of political transformation.¹²⁵ Among interviewees linked to social movements, there was a general sentiment that the last thirteen years in Brazil represented the effervescence of social

democracy in the country's modern history. The Workers' Party's rise to power in the election of Lula and Rousseff was for these interviewees the culmination of decades of struggle for racial and gender equality. This encompassed the extension of rights to domestic workers and quilombola communities, affirmative action in higher education and the civil service, and institution of racial and gender equality policies in all spheres of government. These social actors conveyed the impossibility of dissociating these immense social gains from the everyday and institutional battles that brought Brazil to this breaking point. President Rousseff's impeachment represented a threat to those gains, especially for those who could remember living without them.¹²⁶ To understand the substantial consensus among these interviewees that this process represented a political coup,¹²⁷ it is necessary to understand their characterizations of the political project that was under attack.

First, the interviewees were emphatic about the importance of the racial composition of Brazil, which has the largest African-descendant population in the Americas, making up approximately 52% of the 200 million people in the country. Articulating and delivering a national project of social inclusion has necessarily meant prioritizing racial equality. With a focus on the eradication of "misery," President Rousseff and representatives at all levels of government recognized that poverty has a face in Brazil, and that face is black and female.¹²⁸ Major policy issues such as access to legal abortion and contraception had significant consequences for the black female population.¹²⁹ For that reason, a key dimension of the political work undertaken by many of our interviewees involved educating and mobilizing the black and brown masses as well as women to demand social rights.¹³⁰ To hear an impressive roster of scholars, politicians, former ministers, journalists, and leaders of major social justice organizations almost unanimously identify race and gender questions as being at the core of this current "war of position" in Brazil encouraged the delegation to recognize that this represents a discursive shift. This in turn is the result of the arduous work of feminist and black activists such as the late scholar-activist Luiza Bairros, who led the Secretariat of

Special Projects for the Promotion of Racial Equality¹³¹ (SEPPIR) during Rousseff's first term. It is the work of a generation of activists and scholars as well as black organizations¹³² that documented the intersection of racial, gender, and class inequality in the country. SEPPIR, an extension of this work, held ministerial status under presidents Lula and Rousseff. As journalist Juliana Nunes recounted, "To a certain extent, we were on a journey where we thought that we had established the terms of debate."¹³³ Despite challenges, antiracism activists were working within the government to push through particular public policies that would reach the masses of poor people, both black people and women. The emphasis on race and gender in the accompanying political analyses provides concrete evidence of the work done over decades to expand the debate on class inequality in Brazil. As the late Luiza Bairros emphasized in her list of priorities for the National System for the Promotion of Racial Equality, "People, public managers and authorities must abandon their racism," as "if they fail to do so, they will not be able to manage processes of social inclusion."¹³⁴

University of Campinas (UNICAMP) postdoctoral fellow and historian Ana Flavia Magalhães exclaimed, during the delegation's interview with Sueli Carneiro, that "the black population has faced coups almost every year."¹³⁵ This reference was to the real material connection some see between the political movement for impeachment and the antiracism agenda that had become central to the social democratic agenda of the PT. Carneiro argued that the nation-building project of the white elite had always been clear: blacks "only served to clean the bathrooms" and the state apparatus had conspired to exterminate and make anyone who subverted that racial social order disappear.¹³⁶ Building Brazil had historically been a project of a "nation without blacks," a nation with "uma pretalhada extingúível" (an 'extinguishable' or 'disposable bunch of blacks'.)¹³⁷ In essence, from the abolition of slavery to the present, Brazil's greatest problem, according to this racist view, has been its majority black population. The violence wielded to repress the collective social "problem" that the

black population represented for this viewpoint has long been routinized and institutionalized. However, stated Carneiro, a war had been taking place, precisely because blacks, women, and poor people resisted inadequate education and housing, documented forced sterilizations, and fought the impunity of the state-sanctioned death squads.¹³⁸ For many in the black population, the thirteen years of presidents Lula and Rousseff were the first real period since the abolition of slavery during which they experienced systemic social change that had lasting material impact.¹³⁹ Lula and Rousseff were referred to as the “presidents of the Northeasterners.”¹⁴⁰ This is a racially coded expression, since 85% of the northeastern Brazilian population is black and brown. For researchers who work in some of Brazil’s poorest communities, with people who occupy the socioeconomic margins of Brazilian society, the ousting of President Rousseff is also deeply personal. The Bolsa Família, Minha Casa, Minha Vida (My House, My Life), and affirmative action programs that are among those most immediately threatened are policies that have changed people’s everyday lives in profound ways. The past two decades, since the constitution of 1988 codified a social democratic agenda, have represented unprecedented moments in Brazilian history. Carneiro stated that the problem for the elite order started with Lula: “He was not black, but he was not white. He was from São Paulo, but he was not *paulistano*; he was *nordestino*.”¹⁴¹ This was a significant change in the representation of political leadership: Lula was a worker and an activist who became president of the republic.

It is in this context that Werneck’s claim that “the coup is against us, a coup against social rights,” makes sense. The ousting of President Rousseff is about “putting back order in the big house,” rescuing the old hegemonies, and “keeping the shanty-town dwellers in their rightful place.”¹⁴² These social movement activists were perhaps less interested in the legal technicalities that legitimated this war against social equality. For them, the impeachment was about disputing and reclaiming power and keeping racial and class privilege intact. The impeached were, they felt, the poor people, black people, and gays and lesbians who have

been at the center of the small victories gained in the last thirteen years. The “attack on democracy,”¹⁴³ as Werneck termed it, is therefore construable as an attack on a conscious and active civil society, the democratization of social rights, and the practice of citizenship for the majority black population. Carneiro added that Brazil has experienced radical changes to the statutes for the rights of women and LGBTQ people, largely due to the rise in the number of gay and lesbian organizations. The public policies of recent decades “transformed domestic and sexual violence into a question to be addressed by public policy.”¹⁴⁴ Gay marriage and abortion rights were being debated,¹⁴⁵ and increased attention paid to the scandal of forced sterilization of poor and black women.¹⁴⁶ Quilombola communities were recognized and received land rights.¹⁴⁷ Racism was criminalized by the introduction of Law No. 7.716 in 1989 and was termed a *crime inafiançável imprescritível*, (an inexcusable imprescriptible crime). Services such as SOS Racismo (emergency call centers) were provided to address systematic racism.¹⁴⁸ In 2003, Law 10.639 mandated teaching African history and Afro-Brazilian cultural history in schools.¹⁴⁹

Strikingly, several interviewees mentioned affirmative action in higher education as the most impactful social transformation in recent history.¹⁵⁰ Carneiro claimed that this law not only forced Brazilian whites to “manifest themselves as white,” but also revealed the insidious nature of racial hatred and the unwillingness of whites to concede privilege and power.¹⁵¹ She explained further:

For the first time, [quotas] threatened a project that to a certain extent had long guaranteed whites’ access to privilege. This was above all else a policy that was most certain to produce social mobility in Brazil. This access was the university. This forced whites to manifest as white, in defense of their interests. They promoted white activism like never before, a white militancy that didn’t exist before, in the way that they had to mobilize to combat this policy in an organized fashion and articulating powerful forces to this end.¹⁵²

The affirmative action debate exploded the racial democracy myth in that whites had to mobilize in defense of racial privileges. For example, the greatest irony is that scholars who

had long established their academic careers studying black life and culture were some of the main ones who argued that it was impossible to identify who is black for university entrance.¹⁵³

For several of the interviewees, although expressed particularly emphatically in Sueli Carneiro's statement, that conflict was the first hint of what was to come in the current crisis: that race was "structural and fundamental" in the configuration and maintenance of class inequality in Brazil. But according to Carneiro, many whites on the Left did not take notice: "The truth is that the reaction to affirmative action, the resistance, came from the presupposition that if you open these opportunities, you would have an increase in racism in the society, of racial conflicts. And the subtext, in fact at times an explicit text, is that it was because they [white elites] expected activism, violence from blacks in defense of quotas." Hence, now, Carneiro states, "it's the elites who are resisting, the whites are rebelling. They're the ones who are standing up to fight [against racial inclusion]." Despite these challenges, affirmative action was approved and a generation of black and brown students gained access to university education.¹⁵⁴

Hence poor people experienced unprecedented access to social mobility through the monitoring of education and healthcare at the core of programs like Bolsa Família alongside affirmative action and the construction of more universities and technical schools in the poorest parts of the country. However, sharing the public sphere with poor people, black people, and women made some people uncomfortable,¹⁵⁵ as former president Lula and other interviewees stated. Lula suggested that in a country used to seeing black women only as domestic workers, to see black women board an airplane or enter a public building still made some people feel like they were out of place. President Rousseff spoke emphatically about the children of domestic workers, or domestic workers themselves, who now sit in university classrooms and discover what they were missing in terms of knowledge and access to better living and working conditions.¹⁵⁶ President Rousseff also referred to healthcare system

improvements such as the Mais Médicos (More Doctors) program, which brought more than two thousand Cuban doctors into the health system. She reported that rural black residents felt particular affection for these doctors because they “touch them, come to their homes, and make them feel like human beings.”¹⁵⁷ According to Jurema Werneck, who is herself a physician, many Brazilian doctors did not want to work in these areas and some had even tried to block any investigation of racism in the public health system.¹⁵⁸ These social gains accomplished more than just the transformation of the material conditions of people’s lives. Formerly excluded people began to see themselves as social and political subjects. Space was made for social movement activism. Knowledge gained in universities and social movements led to consciousness, which in turn led to resistance and organized struggle. More importantly, these changes radically reshaped how the masses envisioned their access to the resources and governance of the society. President Lula offered an analogy to explain the real impact of the social transformation: “It’s like a poor man eating beef for the first time.”¹⁵⁹

The contrast was therefore particularly striking—and dispiriting—when the first photo to appear of Temer’s interim cabinet showed an all-male, all-white cabinet. This was the first government to feature no women in ministerial posts since the military dictatorship. (By contrast, the Lula administrations had featured eleven women ministers and the Rousseff administration a total of fifteen). There was no representation of Brazil’s racial diversity or of gender diversity in the highest political sphere. According to interviewee Sueli Carneiro, “That photo said exactly what was at stake: recovering power for the old hegemonic forces. It was affirming that ‘we are putting the house in order.’ The old guard was returning with a vengeance; patriarchy, whiteness expressing itself, affirming itself with all its might”.¹⁶⁰ The interim government indicated what the new “project of citizenship” looked like. There were also some immediate changes to the social programs established by the Lula and Rousseff governments. Sociologist Ricardo Antunes wrote, “If this [new line] goes into style, if we let it, Temer’s non-elected government may be capable of taking workers’ rights back to 1888, in

other words, the slavery era.”¹⁶¹ Antunes focused on the rolling back of worker’s rights,¹⁶² but there are numerous other examples of immediate reforms to social programs such as cuts to funding for the Bolsa Família, which currently serves 50 million people,¹⁶³ the Previdência Social (Social Security),¹⁶⁴ and Minha Casa, Minha Vida program (My Home, My Life).

V. IMPACT OF THE IMPEACHMENT ON THE HUMAN RIGHTS

SITUATION AND AGENDA

Brazil's regional and universal duties and obligations in the promotion and protection of human rights are responsibilities of the state, and are therefore both incumbent on all branches of state and continuous between administrations and presidencies. While Brazil has many ongoing challenges in guaranteeing the right to life and physical integrity, the specific mechanics and dynamics of the impeachment process and public manifestations immediately surrounding it did not unleash widespread or sustained coercive or reactive violence representing major challenges to public safety or the physical safety of the impeachment's central protagonists on any side.¹⁶⁵ However, Amnesty International's 2016–2017 country report did criticize “frequently violent” police responses to an elevated number of social protests of all political stripes over the course of the year. It was also critical of the free speech implications of a special law introduced (under the PT) to try to limit visible protests—at the time, mostly anti-Olympic spending rather than specifically anti-Rousseff—in the run-up to the Rio Olympic Games. It was noted, however, that the measure was limited in scope by a court ruling ahead of the inauguration of the Games.¹⁶⁶

The months leading up to and following the August 31 impeachment created uncertainties about the future of many social programs and social gains with significant human rights implications. Concern has centered principally on the impact of the impeachment and aftermath on the economic, social, and cultural rights agendas. According to the Protocol of San Salvador,¹⁶⁷ ratified by Brazil in 1996, “The State, in principle, is forbidden from adopting policies, measures, and laws that without proper justification worsen the situation of economic, social, and cultural rights enjoyed by the population. The undermining or worsening by the State of those factors without just cause would constitute an unauthorized regression under the Protocol.” There was a clear although not universal

perception among interviewees and sources consulted during the delegation's visit that the activist agenda of the interim Temer administration had sent early unfavorable signals regarding future advances in securing an active prioritization of Brazil's human rights responsibilities under the American Convention and other regional and universal obligations. As will be seen below, the subsequent period has seen these concerns largely borne out.

In May, the Inter-American Commission on Human Rights (IACHR) expressed "deep concern over the regression of human rights in Brazil,"¹⁶⁸ calling attention to the lack of gender and racial diversity in the interim cabinet, which featured no women or people of African descent during its first five months.¹⁶⁹ The organization also criticized the likely or actually sharply regressive effects of some of the interim administration's announced measures on the guaranteeing and progressive realization of economic, social, and cultural rights. As far as this delegation is aware, no justification related to the economic crisis was offered for the early (interim government) changes, which moreover did not all act to reduce overall public spending. Nor is reduced fiscal capacity in general accepted internationally as a legitimate reason for states' noncompliance with their internationally recognized human rights obligations. On September 2, shortly after the final impeachment was announced, the CIDH expressed concern over reports of "irregularities, arbitrariness and a lack of due process guarantees during the stages of the process," in reference to a petition for precautionary measures that it had received.¹⁷⁰

Signs were also visible before the impeachment was confirmed of the emboldening, at least, of a conservative moral agenda that, if successful, would have deleterious effects on reproductive rights, gender rights, and other rights-related principles. In one example, in July 2016, senator and evangelical pastor Magno Malta authored a bill titled "Escola Sem Partido" (School Without Parties), which would prohibit teachers from promoting "party-political" interests or "inciting" pupils to take part in protests. The project also established that gender ideology and sexuality "should not be part of the didactic materials and fall within the realm

of parental responsibility.”¹⁷¹ While the Escola Sem Partido movement is careful in official documentation to couch its goals in terms of protecting diversity of opinion, including religious freedom, its goals are widely seen as an assault on PT-era rights and diversity agendas, previously enshrined in instruments such as Law 10.639/03 of 2003¹⁷² requiring the teaching of Afro-Brazilian and African history and culture, including African religions. The campaign continues to encourage supporters to lobby for municipal and state-level versions of its preferred legislation and issued an end-of-year message, couched as an open letter to “militants disguised as teachers,” whose strikingly intemperate language included threats to encourage legal action against individual classroom teachers.¹⁷³

Regarding social spending, already in July, several interviewees expressed concern about announced or rumored impacts that they felt would have potential life-or-death repercussions, such as the loss of Cuban doctors, and severe reductions in the funding of the public healthcare system. The latter apprehensions, in particular, were borne out and perhaps even exceeded by PEC 241/55, a fiscal regime (austerity) bill, introduced and passed in the Senate in mid-December, that caps public spending to inflation for a full 20 years, until 2037, binding the measure to the constitution. This unprecedented measure drew equally unprecedented open criticism from UN Special Rapporteur on extreme poverty and human rights Philip Alston, who in early December denounced the bill, then still at the debate stage, as liable to “place Brazil in a socially regressive category all of its own.” He went on to call it a “radical measure, lacking in all nuance and compassion, that definitively signals that social rights are a very low priority for Brazil for the next 20 years” and “clearly violates Brazil’s obligations under the International Covenant on Economic, Social and Cultural Rights.”¹⁷⁴ His remarks were seconded by the Special Rapporteur on the right to education. According to at least one domestic economist, the measure is even more severe than it may initially appear, likely in effect to reduce both health and education spending in absolute and real terms, given

projected population growth and the way the inflation yardstick is calculated.¹⁷⁵ It will also restructure the country's pension system.

A specific bill to reform the pension system, introduced in late 2016, proposes a minimum retirement age of 65 for all workers, including agricultural laborers. Workers would require 49 years of contributions to achieve the highest pension rate, unrealistic for many given growing unemployment and a significant informal labor market. Pension death benefits to surviving dependants will also be reduced.¹⁷⁶ On March 22, 2017, Congress passed Law 4302/1998, reviving a proposal from the Cardoso era. If ratified, the law (whose constitutionality has been questioned) would allow unfettered labor outsourcing in all areas of business, which is generally acknowledged to reduce wages, job security, and secondary benefits for workers. Other proposed labor reform bills would restrict the right to strike, increase the use of temporary rather than permanent contracts, and otherwise modify social and labor rights provisions of the 1988 constitution.

The Amnesty International annual report already cited expressed specific concern about the dissolution of the Ministry of Women's Affairs, Racial Equality, and Human Rights and the downgrading of related functions, noting that Brazil remains "one of the worst Latin American countries in which to be a girl." The downgrading, which was reversed in early 2017,¹⁷⁷ was accompanied *inter alia* by a suspension of travel budgets for the (former) ministry's Human Rights Councils, in effect putting an end to their ability to travel throughout the country to carry out their functions.¹⁷⁸

With respect to Brazil's previously active transitional justice agenda (dealing with truth, justice, reparations, and memory in regard to the 1964-1985 military dictatorship), former Amnesty Commission president and key transitional justice protagonist Paulo Abrão resigned in mid-2016 to take up a post as executive secretary of the IACHR. Six more Amnesty commissioners, whose functions include acknowledgement of former political prisoners and torture survivors and consideration of their entitlement to economic reparations,

resigned in protest as the impeachment process continued. The day after the impeachment was confirmed, the services of seven of the remaining sixteen (unpaid) commissioners, including its vice-president, were dispensed with forthwith. Twenty new commissioners were named, most with no known background in human rights but closely associated with a conservative jurist known to have supported the military regime. The reconfigured commission did not meet at all for several months. When it did, new commissioners clashed with existing ones over the former's desire to alter operating procedures in ways that tended to reduce the number and amount of economic reparations awards that would be made. One new commissioner eventually resigned after stating his belief that the return to elected democracy had been "reparation enough" and no more was needed.¹⁷⁹ Work on the national Political Amnesty memorial, due to be built in Belo Horizonte, was already in abeyance and had not been restarted by the end of 2016.¹⁸⁰ Only a program offering psychosocial support to survivors, the Clínicas do Testemunho, continued intact since its funds were committed before the change of government (and are matched by the British Council). The Latin American Transitional Justice Network (www.rlajt.com), a key regional practitioner and scholarly hub for these issues, formerly supported by the United Nations Development Program and the Justice Ministry, is not expected to receive any future support.

VI. NOT LULA IN A SKIRT

Many of our interviewees put great emphasis on what the impeachment meant for women's political power and leadership in the executive branch of government in Brazil.¹⁸¹ They reported that many people (including some Workers' Party supporters) had expected President Rousseff to be like President Lula. Across the board, many wanted her to be "Lula in a skirt," as Schuma Schumacher put it.¹⁸² However, as Schumacher further explained, "Dilma Rousseff is not the same person as Lula. She does not do politics the same way." While

delegation interviewees largely agreed that Rousseff and Lula had widely contrasting styles, it became apparent that the contrast was perceived and characterized differently by different people. The question of unfulfilled expectations with the exercise of presidential leadership then comes to overlap in complex ways with having a woman occupying the role. This overlap led to different interpretations of the significance of misogyny in the critique of Rousseff's leadership, including among the members of the delegation.

The first evaluations of Rousseff at the beginning of her presidency often focused on her governing style in contrast to Lula's style. Dilma Rousseff, a woman who at the age of 20 had been imprisoned and tortured, learned politics through activism and was widely perceived as being more prepared academically for administrative duties than Lula.¹⁸³ Many, including Lula, thought that Rousseff would be treated better by parliamentarians because she was a woman, an intellectual, cultured, and politically capable.¹⁸⁴ However, she was generally described as lacking charisma, while former president Lula was perceived as a "political articulator" with charm and the "power of dialogue."¹⁸⁵ As feminist scholar Nilcea Freire indicated, Rousseff was perceived as "hard," and difficult to dialogue with¹⁸⁶—the very characteristics for which she had previously been celebrated, as a militant who fought against the military regime and worked to get the Workers' Party into government. Moreover, Rousseff was described as "wanting to get into everything," as if to say that she was "always meddling" in political decisions and offering suggestions and critiques.¹⁸⁷ This style of engaged governance—perhaps a legacy of her former activism—was accompanied by her supposedly displaying an "explosive personality that created political dysfunction."¹⁸⁸

Some interviewees, including Octavio Amorim Neto, believed that problems with Rousseff's leadership style were central to the political crisis.¹⁸⁹ Her abilities and strengths in other contexts and functions were regarded as out of step with the demands of holding a coalition together, a task at which her predecessor excelled. Amorim highlighted the challenges that a large and heterogeneous political and social coalition with sharp ideological

differences posed to the president, a coalition that leaned to the Right in Congress while relying outside the parliamentary sphere on the support of social movements. The complicated and sometimes contradictory nature of the government's support base demanded strong accommodation skills from the chief of the federal executive. This ability was recognized almost unanimously in President da Silva, but not in President Rousseff. Her strong ideological beliefs, proceeding from her past political militancy, were identified as underlying her lack of inclination to the political give-and-take (*toma-lá-dá-ca*) that is typical of political regimes where power is shared and fragmented. When asked during his interview with the LASA delegation about Rousseff's difficulties with Congress, Lula noted that "Dilma não gostava de políticos."¹⁹⁰ Several examples were mentioned in other interviews that illustrated Lula's remark. These examples suggest that while she was not willing to negotiate or make deals with politicians, she did not necessarily have a close relationship with her social base either. For instance, in April 2015 she delegated the key task of negotiating coalition support in Congress to Vice-President Temer. The stakes were high: key constitutional reforms were paralyzed, the government was undergoing political difficulties with its parliamentary base, and the president's popularity had dropped significantly.¹⁹¹ Under these circumstances, cultivating allies in Congress appeared crucial. Nonetheless, deals made by Temer, supposedly on the government's behalf, would later be disregarded by the presidential staff, which in turn discredited Temer as a negotiator and alienated the government's parliamentary base.¹⁹² On the other hand, social movement activists also raised critiques of President Rousseff's leadership. Schumacher stated that she would "take" power as a given, rather than "exercising" it, leading her to neglect dialogue or deal-making with others. It was suggested, for example, that she had put off receiving representatives of some social movements until the fourth year of her government. Similarly, journalist Luciana Barreto stated that while all could agree that President Rousseff's behavior was ethically correct, the problem was that the president understood that she had the authority and did not

need to craft alliances.¹⁹³ Barreto further stated that social movements “supported [Dilma] in spite of [Dilma].”

Commenting on the congressional crisis during her interview with the LASA delegation, President Rousseff herself expressed that she was not ready to accept certain terms of negotiation or to stoop to certain practices, even when such practices appeared essential to holding the coalition together.¹⁹⁴ While she may have been referring solely to her refusal to involve herself in corruption, she might also have been signaling a broader reluctance to engage in trafficking of influences and political capital. In either case, this is an interesting self-acknowledgement of a lack of fit between the apparent requirements of the political system over which the president presided and the way in which she interpreted and developed the presidential role.

At this point it is not difficult to see how unfulfilled expectations with the presidential role began to interact with questions of gender. When asked whether misogyny played a role in the impeachment of Dilma Rousseff, senator Gleisi Hoffmann affirmed that women are punished when they do politics exactly like their male counterparts and when they do not follow political norms. There is a tendency, explained Hoffman, for women not to do politics outside of the institutional space (for example, the politics of dinner parties, alcohol, and after-hours meetings). It was not unusual for female politicians like Rousseff to practice a logic of organizing the private sphere as separate from the public sphere. The conscious decision to maintain the national palace as a private space, as a family space, rather than as a space for doing politics, was one thing that separated her from her male counterparts. Jobim buttressed this viewpoint when he described what he believed to be a key difference between presidents Lula and Rousseff’s style of governance. Lula, he explained, would invite influential politicians and their spouses to dinner or to watch movies at the presidential palace. For Lula, opening up his home was part of the usual business of doing politics, whereas Rousseff kept her home life private. From this angle, the impeachment process

undeniably turned to personal questions and opened up avenues for attacks against Rousseff the president as well as against Rousseff the woman. “She has a problem of style and a problem of being a woman,” Schumacher stated.¹⁹⁵ When asked whether gender questions factored into the treatment of Rousseff and the impeachment process, Nilcea Freire responded,

I have no doubt that they were important. I want to cite an interview at the very beginning of the presidency, [in] . . . a magazine directed toward the female public. And, the journalist asks her, “But, Madame President, you are infamous for being really hard [*durona*], short-tempered.” And she said, “Ah, yes, I am really hard; in fact, I live surrounded by flowers. No, all of my male aides are so sweet. They are so delicate and I am the one who is hard.” So, the woman who assumes a position of power, either she is swallowed whole by the men, or she almost has to become a male transvestite, in her attire and in her actions, in order to be respected.”¹⁹⁶

Freire stated that the media commented on how infrequently Rousseff hugged people, but also liked to portray her as “hysterical” or “impatient,” someone who “doesn’t know how to negotiate; she’s a woman; she doesn’t really know anything.” Rousseff previously served successfully as a government minister for eight years, but now at the helm of the executive branch, her behavior was sexualized. Insinuations were made, said Freire, that “the president needs a boyfriend to calm her down.”¹⁹⁷ It would have been unheard of to suggest that a male president would need a girlfriend to calm him down. In fact, stereotypically male behaviors, such as talking loudly and slamming one’s fist on the table during heated political debate, would have been perceived as normal for a man in the same role, Freire said. During their interviews senator Gleisi Hoffmann and the president herself both confirmed that during the impeachment process it was not uncommon to hear people ask of Rousseff, “Why not be a ‘nice lady’ and resign?”¹⁹⁸ Thus, it is undeniable that misogyny also played a role in the impeachment process. Part of the expectation of Rousseff as a woman was that she was not going to fight and that she would give up the presidential seat. She was celebrated for being the country’s first female president, but also undermined because of her womanhood, which departed from feminine norms.¹⁹⁹

For some, then, the impeachment process made visible how sexism operates in the political sphere. Schumacher stated, “The disqualification of her government begins a lot more with her personal behavior than with her political actions, her political proposals.”²⁰⁰ For some of the interviewees,²⁰¹ the heart of the problem was that Rousseff’s very performing and embodying of the power invested in the president of the republic, as a woman, disrupted political hierarchies and norms. Rousseff, as the first woman president of Brazil, made some people extremely uncomfortable in ways analogous to Lula’s description of the overwhelming discomfort that black presence caused in particular social and political spaces. Others restrict themselves to the more general and less gendered observation that President Rousseff’s leadership skills and style did not match or actually hindered the demanding task of putting a heterogeneous government coalition together and maintaining it over time.

VII. CALLS FOR SELF-CRITIQUE: THE FUTURE OF THE SOCIAL JUSTICE PROJECT

Despite being in the overwhelming majority supportive of President Rousseff and the PT’s political project in government, our interviewees did not shy away from offering critiques.²⁰² Some expressed how important self-reflection and self-critique within the PT would be in rebuilding the confidence of the masses and mobilizing against the loss of political power. In her interview, Jurema Werneck called for a return to discussion of a more expansive definition of social justice—a vision of making Brazil more equal. Achieving social justice in the country would, she said, require a collective challenge to the existence of a white identity sedimented in power and privilege.²⁰³ However, she believed that few, even on the Left, can come to terms with that admission, in her view absolutely necessary in order to bring about permanent change.²⁰⁴ As Luiza Bairros asserted in an interview three years

prior to her death, “People, public managers and authorities must abandon racism.” She affirmed, “I cannot think of myself as a woman without thinking of me as a black woman,” as a reminder that even in a country led by a female president, deep racial divisions remained.²⁰⁵ Imagining another Brazil must involve imagining a nation devoid of racism and its intersections. Presidents Lula and Rousseff both spoke of the Brazilian elites’ unwillingness to relinquish power to black and indigenous people, women, poor people, and sexual minorities. In defending the social programs of the Workers’ Party to a group of workers in Pernambuco in June 2016, President Rousseff paraphrased black medical student Suzanne da Silva: “The big house goes crazy when the shanty becomes a doctor.” She was emphatic that the “coup has a motive and that motive is that Brazil in these 13 years changed. People have self-esteem and dignity.”²⁰⁶

Several of the black activists interviewed took this critique a little further and stated that the unwillingness to relinquish privilege extended to political allies on the Left.²⁰⁷ Journalist Eliane Brum also pointed to some of the repercussions of these contradictions that the country had to confront moving forward. She named the fact that in the last two decades, challenges to the genocide of black people had not advanced, whereas the militarization of the police had increased. Her views resonated with those of Juliana Nunes, Sueli Carneiro, and Jurema Werneck on this point. Brum expanded the argument with the example of the government-sanctioned violence of land evictions against indigenous peoples, for example in the case of construction of the Belo Monte Project and the mass displacement of indigenous peoples off the land.²⁰⁸ She conveyed her view that indigenous activists felt a profound sense of betrayal by Rousseff.²⁰⁹ Juliana Nunes also referred to a similar sentiment expressed by the Rio dos Macacos quilombo in Bahia, which faced serious violence and threats of evictions by the Brazilian Navy.²¹⁰ Economist Laura Carvalho suggested that there was a feeling that the wealth of the rich remained untouched and racial and class privilege remained largely intact, even with the increase in spending on social programs under Lula and Rousseff’s leadership.

There had been no real redistribution of wealth such as characterized other social revolutions around the world.²¹¹ Carvalho also offered an interesting analogy to the reaction of Temer's interim government to the economic crisis: "It's as if you were saying, in a house that is in crisis, to fix the situation, first you take the kids out of school, then you stop going to the doctor, and then you start to sell the furniture, the appliances, etc. And only later you say to your older son who makes money that is buying a car, that he shouldn't buy the car, that he should help with the household expenses, right? Because the rich in Brazil do not pay taxes . . . 66% of the richest 5% in Brazil are exempt from taxes."²¹² In this frame, Eliane Brum suggested that the central question for Brazilians should be, "What are we willing to lose in order to achieve full equality?"²¹³

Brum affirmed that Brazilians must also deal with an identity crisis, referring to sociocultural aspects of Brazilian identity that she believed to be very powerful and to be driving politics at all levels. She outlined the key myths and incapacities that she feels characterize this identity crisis:

- The myth of cordiality: that Brazilians are a happy people.
- The myth of nonviolence: Brazilians are a peaceful and generous people.
- The myth of racial democracy: Brazilians do not know racial, gender, or sexual prejudice.
- The myth that violence comes from criminality, and that those who produce violence and disorder are not Brazilian in their essence. At the core of this myth is the idea that "order and security" is the Brazilian essence and that if society is threatened, the threat always comes from the outside. Hence, a strong state is needed. This has an impact on the ability of the constitution to bring about "peace, order, and security."
- The inability to live with contradiction and opposition: danger and disorder thus need to be resolved with the force of the law.²¹⁴

Brum suggested that the affirmative action debates of the recent decade and the impeachment process showed Brazilians to be full of hate, especially racial and gender hatred. Furthermore, she pointed to a clear dynamic of genocide against black youth, saying it is easy to forget that Brazil is a country founded on the extermination of the other: “Brazil is a country of lynchings.”²¹⁵ Brum evoked the popular sayings, “Se a paz não for para todos, não serve para ninguém” (“If there is no peace for everyone, then there is no peace for anyone”) and “Se não houver segurança para todos, não haverá segurança para ninguém” (“If there is no security for everyone, then there is no security for anyone”).²¹⁶ Challenging the myths at the core of Brazilian identity would require serious attention to the widespread inequality and militarized violence that disproportionately impact poor black people as well as gays and lesbians. It has been claimed that Brazil is the country that kills the highest number of transvestites and transsexuals in the world, with many such murders carried out by the police force on the streets and in prisons.²¹⁷ The country also has a very high female murder rate: 4.8 female murders per 100,000 annually, the fifth highest rate worldwide.²¹⁸

In criticizing the expectation of mass protests against the impeachment of Rousseff on the part of the black population, journalist Juliana Nunes buttressed Brum’s claims about the state-sanctioned violence against black people:

You all from the black movement, you have to go to the streets, and we think like this, ‘Well, so you pass an antiterrorism law before we go out, and now you want us to go out into the streets, putting our black youth in the streets to defend what you all are not defending.’ Like that, it’s very difficult. . . . It’s very incomprehensible that sectors of social movements bring this critique to the black movement . . . that it hasn’t been articulating a strong stance against the impeachment with demonstrations, lectures, with leaders speaking out against the impeachment, that there is apathy.²¹⁹

In addition to the increase in militarized surveillance and violence against black youth in the country, especially in preparation for the World Cup and the Olympic Games, part of the apathy came from a general perception that the PT political leadership had not adequately

dealt with racial violence, much less racial justice. There were few blacks and black women in leadership positions, and few of the newly university-educated blacks who benefitted from affirmative action were able to find jobs in their fields after graduation. Greater access to education also did not make blacks immune to the violence experienced every day in their communities.

Schumacher asserted that Brazil was still a deeply depoliticized country and that recent social transformations should have been accompanied by the transformation of the consciousness of communities to strengthen the social movement base. The consciousness-raising work over decades that brought the Workers' Party to power would need to continue if that power were to resurge or be maintained. President Rousseff's relationship to feminist movements represented a "tragic lesson" for the Workers' Party, Schumacher asserted. On the other hand, she continued,

The Right had different tools and strategies for the occupation of spaces of power and more than enough money for the occupation of this power, that we don't have. . . . I think that this was a tragic lesson, because it's very sad. What lesson do we take from this? In other words, first, what I'm saying is that the lesson is that . . . we need to do this self-critique, that we should have invested more in this thing of politicization, to influence greatly the transformation in fact of the society. . . . As an activist, I think we should have attacked, dialogued more, reflected a lot on what's going on in social movements, social groups, communities, everyone, instead of just spending all these years in Brasília, in the Congress.²²⁰

While progressive social movements were placing the emphasis on public policy, right-wing evangelical leaders, politicians, businessmen, and media were doing the grassroots ideological work in poor communities, creating conditions and support for the political movement that the impeachment of President Rousseff represents.²²¹

Werneck also explained that a distinction should be drawn between small victories or "small concessions," such as Sistema Único de Saúde (SUS) and Bolsa Família, and a true social justice project.²²² With the main exception of affirmative action, which has been upheld in the Supreme Court, social policies of presidents Lula and Rousseff's administrations are

relatively unconsolidated legally,²²³ leaving them more exposed to reversal. Furthermore, the social programs did too little to eradicate the need for those programs in the first place. In other words, for Werneck, a genuine social justice project would mean dismantling the “need” at the core of social projects such as Bolsa Família and engaging in a redistribution of wealth and resources.²²⁴ Werneck maintained that part of what was being read as apathy on the part of the masses was precisely this critique of the lack of a radical social transformation project. She went on to state that the black and feminist movement had never stopped organizing in service to the broader social justice project, including during Lula and Rousseff’s administrations, but had suffered the general lack of visibility and empathy that black, indigenous, and feminist social movements have always experienced. Some PT officials suffered violence and incarceration at the hands of the military police during the impeachment process.²²⁵

The question of what a social justice project truly preoccupied with the well-being of Brazil would look like remains unanswered. Schumacher asserted that social movement activists should not have put all of their hopes in the leadership of the Workers’ Party or believed that feminist social and political goals would be achieved without constant pressure. Similarly, she felt that popular support for the social democratic project required a more concerted effort to maintain consistent relationships with communities and grassroots, who stand to lose the most. She reiterated that Rousseff barely won her second term as president, seeing this as an important moment that set in motion a chain of events that led up to the impeachment.²²⁶ A key dimension of the self-critique is to recognize that the struggle for social justice is continuous, whether or not a woman is president.

VIII. FINAL REMARKS

As discussed above (see Preface), the many complexities of this ongoing process and debate make it impossible, and we feel potentially counterproductive, to summarize or simplify it here. As regards our initial terms of reference as a delegation, this same complexity prevents us from offering a single interpretive line. For example, while some members of the delegation were in favor of having the report unequivocally ratify the sentiments and formulation of the August LASA members' resolution, others felt the need for more space to express reservations or explore nuance around key points of interpretive contention or divergence. We have attempted therefore to proceed by exploring the key political, constitutional, legal, social and economic issues that our research and interview experiences signaled as most important in driving or underpinning the events of 2016. As regards the aspect of the mandate that asked us to examine due process and credibility questions surrounding the impeachment, the content cited above underlines a sense that, while technical rule-following was a concern at certain key junctures, even supporters of the outcome would have difficulty today defending its substantive basis in the terms that were formally adduced. We therefore close by reiterating the shared deep concerns that we signal in the Preface, and underlining the importance of the wealth of archival material generated by the delegation's visit. This will, we hope and believe, prove a unique and valuable resource informing scholarly and other important engagements with this political moment well into the future. With the sole exceptions, duly noted above, of a small number of off the record interviews or sidebar meetings conducted by members of the delegation in an individual capacity, the transcriptions and audio and video recordings of the interviews will be made available at the Arquivo Edgard Leuenroth, University of Campinas (UNICAMP), Brazil, and, via LASA, to its membership. We trust that these resources can inform the same kind of engaged, respectful dialogue that we have attempted to create as delegation members in crafting this report, and

reiterate our grateful appreciation to all those who generously gave of their time, views and assistance to this end.

APPENDICES

Interview schedule

SÃO PAULO – JULY 18

Fernando Teixeira da Silva

Frederico Almeida

Marco Aurélio Garcia

Marilena Chauí

SÃO PAULO – JULY 19

Fernando Limongi

Beto Vasconcelos

Sueli Carneiro

Nelson Jobim

SÃO PAULO – JULY 20

Luiz Inácio Lula da Silva

Luiz Carlos Bresser-Pereira

Eliane Brum

RIO DE JANEIRO – JULY 21

Octavio Amorim

Fabiano Santos

RIO DE JANEIRO – JULY 22

Nilcea Freire

Schuma Schumacher

Jurema Werneck

Luciana Barreto

Laura Carvalho

BRASÍLIA – JULY 25

José Eduardo Cardoso

Esther Dweck

Tereza Cruvinel

Juliana Nunes

BRASÍLIA – JULY 26

Paulo Moreira Leite

Celso Amorim

Mário Theodoro

Bruno Araújo

BRASÍLIA – JULY 27

Diego Prandino Alves

Dilma Rousseff

Gleisi Hoffmann

Brief biographies of participants

Beto Vasconcelos – Advogado, foi Subchefe para Assuntos Jurídicos da Casa Civil da Presidência da República (2007-2010), Secretário-Executivo da Casa Civil da Presidência da República (2011-2013) e Chefe do Gabinete Pessoal da Presidenta da República (2014-2015), e secretário nacional de Justiça (2016)

Bruno Araújo–Ministro das Cidades do governo Temer, advogado e político filiado ao PSDB, eleito como deputado federal pelo estado de Pernambuco.

Celso Amorim – Diplomata, foi ministro das Relações Exteriores (2003-2011) e da Defesa (2011-2015).

Diego Prandino – Consultor Legislativo do Senado Federal

Dilma Rousseff–Ex-presidenta, eleita em 2011 e reeleita em 2014, foi ministra de Minas e Energia (2003-2005) e ministra chefe da Casa Civil (2005-2010).

Eliane Brum – Jornalista, escritora, atuou no jornal *Zero Hora*, na revista *Época*, e desde 2013 é colunista do jornal *El País*.

Esther Dweck – Professora da Universidade Federal do Rio de Janeiro (UFRJ), assessora econômica do Senado Federal e ex-secretária de Orçamento Federal do Ministério do Planejamento.

Fabiano Santos – Cientista político, é professor e pesquisador do Instituto de Estudos Sociais e Políticos da Universidade do Estado do Rio de Janeiro (UERJ), onde coordena o Núcleo de Estudos sobre o Congresso (NECON).

Fernando Limongi – Cientista Político, professor do departamento de Ciência Política da USP.

Fernando Teixeira da Silva – Historiador, professor do Departamento de História da Universidade Estadual de Campinas (UNICAMP), defendeu em 2013 a tese de Livre-

Docência Poder, normas e justiça: os trabalhadores e o Tribunal Regional do Trabalho de São Paulo (1963-1964).

Frederico de Almeida – Cientista Político, professor do Departamento de Ciência Política da Unicamp, tem experiência em pesquisa nas áreas de direito e política, sociologia da administração da justiça, sociologia política, sociologia das elites, teoria política e teoria do Estado.

Gleisi Hoffmann – Senadora pelo PT-PR, foi ministra chefe da Casa Civil do governo Dilma (2011-2014)

José Eduardo Cardozo – Advogado e político, foi deputado federal pelo PT-SP (2003-2011), ministro da Justiça (2011-2016) e advogado-geral da União do Brasil (2016). Atualmente, atuou como advogado particular da presidenta afastada Dilma Rousseff no processo de impeachment.

Juliana Nunes – Jornalista da EBC, ex-secretária executiva do Conselho Curador da EBC, e ativista dos movimentos de mulheres negras e de democratização da comunicação, integrante da Comissão de Jornalistas pela Igualdade Racial do DF (Cojira-DF) e do Coletivo Pretas Candangas.

Jurema Werneck – Diretora executiva da Anistia Internacional Brasil; médica e doutora em Comunicação e Cultura pela Escola de Comunicação da UFRJ, é fundadora da ONG Criola (1992), organização de referência do Movimento de Mulheres Negras, integrante da Articulação de Organizações de Mulheres Negras Brasileiras (AMNB), organização que também integrava o Conselho da Mulher.

Laura Carvalho – Economista, é professora do Departamento de Economia da FEA-USP. Sua pesquisa se concentra nas áreas de macroeconomia e desenvolvimento econômico, com ênfase na relação entre crescimento econômico e distribuição da renda.

Luciana Barreto – Jornalista, é âncora do *Repórter Brasil Tarde*, jornal da TV Brasil, rede de televisão pública brasileira pertencente à Empresa Brasil de Comunicação.

Luiz Carlos Bresser-Pereira—Economista, formado em Direito pela USP, foi um dos fundadores, em 1988, do Partido da Social Democracia Brasileira (PSDB); ministro da Fazenda (1987); da Administração e Reforma do Estado (1995-1998), da Ciência e Tecnologia (1999).

Luiz Inácio Lula da Silva – Ex-presidente do Brasil, um dos fundadores (1980) e presidente de honra do Partido dos Trabalhadores.

Marco Aurélio Garcia – professor aposentado do Departamento de História da Unicamp, atuou como assessor especial da Presidência da República para Assuntos Internacionais, entre 2003 e 2016.

Marilena Chauí – Filósofa, professora titular da Universidade de São Paulo (USP)

Mário Theodoro – Doutor em Economia pela Université Paris I – Sorbonne, é consultor Legislativo do Senado desde 2003, foi diretor de Estudos e Relações Econômicas e Políticas Internacionais do Ipea, e Secretário-Executivo da Secretaria de Políticas de Promoção da Igualdade Racial (Seppir) da Presidência da República.

Nelson Jobim— Jurista e político, exerceu os cargos de deputado federal (1987-1994), ministro da Justiça (1995-1997), ministro do Supremo Tribunal Federal (1997-2006), chefe da qual foi presidente (2004-2006), e ministro da Defesa (2007-2011).

Nilcéa Freire – Médica de formação, atuou como professora e reitora da UERJ (2000-2003), período em que se deu a implantação do Sistema de Cotas Sociais e Raciais na universidade, é ex-Secretária de Políticas para as Mulheres (SPM) (2004-2011); representante da Fundação Ford no Brasil (2011-2016).

Octavio Amorim – Cientista político, é professor da Escola de Administração Pública e de Empresas (EBAPE), da Fundação Getúlio Vargas, no Rio de Janeiro. Tem experiência na área de ciência política, com ênfase em instituições políticas comparadas, América Latina, política brasileira, política externa brasileira e relações civis-militares.

Paulo Moreira Leite— jornalista, diretor do site de notícias Brasil 247.

Schuma Schumaker – Coordenadora Executiva da Rede de Desenvolvimento Humano (REDEH); integrante da Articulação de Mulheres Brasileira (AMB); representou a entidade no Conselho Nacional de Direitos da Mulher até junho de 2016.

Sueli Carneiro – Filósofa, doutora em Educação pela USP, é fundadora e diretora do Geledés – Instituto da Mulher Negra (1998), organização de referência do Movimentos de Mulheres Negras e do Movimento Feminista.

Tereza Cruvinel – Jornalista, ex-presidente da Empresa Brasil de Comunicação (EBC), responsável pela implantação da TV Brasil.

Invited people who were not interviewed

NAME	FIELD	REASON*
Acir Marcos Gurgacz	Senator (PDT-RO)	NA
Aloysio Nunes Ferreira	Senator (PSDB-SP)	NA
Ana Amélia Lemos	Senator (PP-RS)	NA
André Singer	Political Scientist / USP	S
Antonio Anastasia	Senator (PSDB)	D
Argelina Cheibub Figueiredo	Political Scientist / UERJ	S
Bruno Speck	Political Scientist / USP	S
Carina Vitral	Social Movement – UNE	NA
Cassio Cunha Lima	Senator (PSDB-PB)	NA
Cristovam Buarque	Senator (PPS-DF)	D
Dalmo Dallari	Jurist	S
Debora Silva Maria	Social Movement – Mães de Maio	S
Elio Gaspari	Journalist	S
Fernando Collor de Mello	Senator (PTC) / Former president (PRN)	NA
Fernando Henrique Cardoso	Former president (PSDB)	D
Glenn Greenwald	Journalist	NA
Guilherme Boulos	Social Movement – MTST	S
Janaína Paschoal	Lawyer	S
Jean Wyllys	Deputy (PSOL-RJ)	S
José Múcio Monteiro	Minister of Court of Accounts – TCU	D
José Murilo de Carvalho	Political Scientist and Historian / UFRJ	D
José Serra	Politician (PSDB) / Minister of Foreign Affairs	NA
Lindbergh Farias	Senator (PT-RJ)	S
Luiz Gonzaga Belluzzo	Economist	NA
Maria Hermínia Tavares de Almeida	Political Scientist / USP / CEBRAP	S
Michel Temer	Vice and current president (PMDB)	S
Reguffe	Senator (No Politic Party - DF)	NA

Roberto Freire	Deputy (PPS) / Minister of Culture	S**
Roberto Requião	Senator (PMDB-PR)	S
Rogério Arantes	PoliticalScientist / USP	S
Rogério Rosso	Deputy (PSD-DF)	S
Ronaldo Caiado	Senator (DEM)	NA
Sérgio Abranches	PoliticalScientist	D
Simone Tebet	Senator (PMDB-MG)	NA
SymmyLarrat	Social Moviment – LGBT	S
Vanessa Grazziotin	Senator (PCdoB-AM)	S

* NA – No Answer; D – Declined; S– Scheduling Problems.

** He was informally interviewed by Mariana Llanos.

Notes

¹ https://lasa.international.pitt.edu/members/news/brazil_announcement.asp

² Marilena Chauí and Beto Vasconcelos, in particular, spoke extensively about the 2013 protests in their interviews.

³ Interview with Marilena Chauí, July 18, 2016.

⁴ Brazil's bid to host the 2014 World Cup was made in late 2006 and approved, unopposed, in 2007, under the previous PT presidency of Lula da Silva (2003–2011). The 2016 Olympic Games were awarded to Brazil in October 2009.

⁵ João H. Costa Vargas, "Black Disidentification: The 2013 Protests, Rolezinhos, and Racial Antagonism in Post-Lula Brazil," *Critical Sociology* 42, nos. 4–5 (2016): 551–565. Former president Lula da Silva and other interviewees also alluded to middle class and white resentment of the visible racial "democratization" of public space and consumption produced by PT social policies over the preceding decade.

⁶ Including former PT Defense Minister Celso Amorim (2011–2015).

⁷ Just weeks before the protests, in late March 2013, the government had a relatively strong approval rating of around 60% (depending on the source consulted), with a presidential overhang of plus 10–15% for President Rousseff personally. Datafolha polls, as reprinted in the *Folha de São Paulo* and syndicated by Reuters, gave her a 57% "good" or "excellent" rating at the end of May 2013, down from 65% in March.

⁸ Datafolha polls from May 2013, as reported in the press (see preceding note), had her leading projected presidential voting intention for October 2014 by an almost 35% margin over her nearest rival, Marina Silva.

⁹ Interview with Beto Vasconcelos, July 19, 2016. As is widely acknowledged, media ownership is highly concentrated in Brazil and the dominant Globo group, like its main corporate rivals, is identified with conservative views.

¹⁰ Regarding the backlash concerning affirmative action policies, see, for example, the interviews with Sueli Carneiro (July 19, 2016), Jurema Werneck (July 22, 2016), and Juliana Nunes (July 25, 2016).

¹¹ See, *inter alia*, comments by two jurists on the critical legal portal *Justificando*, “Há os que veem e os que preferem não enxergar,” afirma jurista sobre abusos da Lava Jato,” September 22, 2016, <http://justificando.com/2016/09/22/ha-os-que-veem-e-os-que-preferem-nao-enxergar-afirma-jurista-sobre-abusos-da-lava-jao/>. Janio de Freitas, an influential Brazilian journalist who writes for *Folha de São Paulo*, has also questioned Moro’s methods, accusing him of conducting a “court of exception,” an emotive term associated with the hated “national security” procedures of the dictatorship period. See de Freitas’s article published in *Folha* on September 25, 2016, “‘Soluções inéditas’ da Lava Jato têm um nome: Tribunal de Exceção.”

¹² A form of plea bargaining that grants lenient sentencing to suspects who cooperate with an investigation, including by providing incriminating evidence against others.

¹³ See, particularly, interviews with Fernando Teixeira da Silva, Fabiano Santos, and Paulo Moreira Leite. Black feminist activist Jurema Werneck also likened Moro’s uncompromising treatment of suspects to the tactics more commonly associated with police mistreatment of poor, black, urban dwellers. Interview, July 22, 2016.

¹⁴ Although the only arrests prior to October 2014’s election were of businesspeople, early detainee and Petrobras executive Paulo Costa specifically implicated members of the PT and its then-coalition allies, the PMDB and Partido Progresista (PP), in early September, when the presidential campaign was in full swing. Heavyweight PT figures, including party treasurer João Vaccari Neto and Lula’s former chief of staff, José Dirceu, were also relatively early casualties of the 2015 phase of the investigation.

¹⁵ By the time the investigation completed its third year, in March 2017, 260 individuals had been charged and close to 200 arrests were made. (Statement by the Ministerio Público

Federal's Lava Jato Task Force coordinator Deltan Dallagnol, March 17, 2017). More charges were imminently expected, including against up to eight members of the cabinet of postimpeachment president and former Rousseff vice-president Michel Temer.

¹⁶ Bello, "Upgrading Brazil's Political Class", *The Economist*, March 30, 2017.

<https://www.economist.com/news/americas/21719811-scandal-ridden-congress-must-reform-itself-upgrading-brazils-political-class>.

¹⁷ Letícia Casado, Bela Megale, and Camila Mattos, "Dilma sabia de caixa dois na campanha, diz Marcelo Odebrecht," *Folha de São Paulo*, March 23, 2017,

<http://m.folha.uol.com.br/poder/2017/03/1869251-dilma-sabia-de-caixa-dois-na-campanha-diz-marcelo-odebrecht.shtml?cmpid=newsfolha>.

¹⁸ Tribunal Superior Eleitoral, "Plenário do TSE proclama resultado definitivo do segundo turno da eleição presidencial," December 9, 2014.

<http://www.tse.jus.br/imprensa/noticias-tse/2014/Dezembro/plenario-do-tse-proclama-resultado-definitivo-do-segundo-turno-da-eleicao-presidencial>.

¹⁹ The PSDB rallied significantly from early third-place polling to overtake the Socialist Party (PSB), whose challenge from the left had initially looked most likely to cause problems for the incumbent PT. The final margin, while convincing, fell well short of the closer to 20% margins obtained by the winners of the previous four presidential contests (the PSDB's Fernando Henrique Cardoso, and the PT's Luiz Inacio Lula da Silva, who each, like Rousseff, won two consecutive terms).

²⁰ A year later, after examining TSE-supplied documents, the PSDB seemed to concede the absence of electoral fraud, although insisting on its criticism of the security of electronic voting. "Auditoria do PSDB conclui que não houve fraude na eleição," *Época Negócios*, October 11, 2015,

<http://epocanegocios.globo.com/Informacao/Visao/noticia/2015/10/auditoria-do-psdb-conclui-que-nao-houve-fraude-na-eleicao.html>.

²¹ “TSE inicia julgamento da Aije 194358 na próxima terça-feira,” Tribunal Superior Eleitoral, March 29, 2017, <http://www.tse.jus.br/imprensa/noticias-tse/2017/Marco/tse-inicia-julgamento-da-aije-194358-na-proxima-terca-feira-4>. See also “TSE autoriza depoimento de mais dois delatores da Odebrecht em processo da chapa Dilma-Temer,” *Época Negócios*, February 23, 2017, <http://epocanegocios.globo.com/Brasil/noticia/2017/02/tse-autoriza-depoimento-de-mais-dois-delatores-da-odebrecht-em-processo-da-chapa-dilma-temer.html>.

²² If Temer and Rousseff are both impugned, Temer’s actual mandate would almost certainly have to be revoked. “Autoridad electoral fija fecha de juicio que podría anular mandato de Temer,” *La Vanguardia*, March 29, 2017, <http://www.lavanguardia.com/politica/20170329/421273608579/autoridad-electoral-fija-fecha-de-juicio-que-podria-anular-mandato-de-temer.html>.

²³ The implications for governability even of 2014’s expanded multipartism are nonetheless in principle indeterminate, since as scholars including Timothy Power have pointed out, under certain circumstances, deft presidential handling can derive advantage from diverse coalitions or can at least find ways to craft “insurance policies” from or within them. Timothy J. Power, “O Presidencialismo de Coalizão na visão dos Parlamentares brasileiros,” in *O Congresso por ele mesmo: Autopercepções da classe política brasileira*, edited by Timothy J. Power and Cesar Zucco Jr. (Belo Horizonte: Editora UFMG, 2011).

²⁴ Described, for example, as a “more personalistic rather than partisan nature of legislative elections in Brazil.” Eric D. Raile, Carlos Pereira, and Timothy J. Power, “The Executive Toolbox: Building Legislative Support in a Multiparty Presidential Regime,” *Political Research Quarterly* 64, no.2 (2011): 3.

²⁵ See for example Fabiano Santos and Júlio Canello, “Brazilian Congress, 2014 Elections and Governability Challenges,” *Brazilian Political Science Review* 9, no.1 (Jan./Apr. 2015), <http://dx.doi.org/10.1590/1981-38212014000200005> or Nivaldo Souza and Bernardo Caram, “Congresso eleito é o mais conservador desde 1964, afirma Diap,” *O Estado de S. Paulo*, October 6, 2014, <http://politica.estadao.com.br/noticias/eleicoes,congresso-eleito-e-o-mais-conservador-desde-1964-afirma-diap,1572528>.

²⁶ Such allegations are then passed to the full Chamber, and then to the Senate or Supreme Court, depending on their nature.

²⁷ Cunha was first linked with accusations of malfeasance in public office in 2000, when he was forced to resign from a state government housing post. He nonetheless managed to survive a series of allegations of influence trafficking and worse while the Lava Jato scandal gathered pace and was not forced to step aside from his speakership until mid-2016 despite having been condemned by an ethics committee. Finally he was expelled from congress in September 2016. Six months later he was sentenced to 15 years imprisonment for corruption, tax evasion, and money laundering in connection with the Lava Jato investigation.

²⁸ “Lava Jato Renan e Cunha Estao na Lista de Janot”, *Brasil 247*, March 3, 2015, <http://www.brasil247.com/pt/247/poder/171920/Lava-Jato-Renan-e-Cunha-est%C3%A3o-na-lista-de-Janot.htm>.

²⁹ Leandro Prazeres, “Cunha recebe pedido de impeachment contra Dilma e manifestantes comemoram,” *UOL*, May 27, 2015, <http://noticias.uol.com.br/politica/ultimas-noticias/2015/05/27/cunha-recebe-pedido-de-impeachment-contra-dilma-e-manifestantes-comemoram.htm>.

³⁰ “Parecer de Reale Júnior descarta impeachment de Dilma,” *Carta Capital*, May 21, 2015, <http://www.cartacapital.com.br/blogs/parlatorio/parecer-de-reale-junior-descarta-impeachment-de-dilma-416.html>.

³¹ In his interview with the LASA delegation on July 20, 2016, Lula suggested that the PSDB's Fernando Henrique Cardoso—himself another former president (1995–2002)—had become embittered (*amargo*) by the continued electoral success of the PT, having just witnessed the party's fourth consecutive general election defeat to the Workers' Party since 2002.

³² “PSDB desiste de impeachment e oposição pede ação penal contra Dilma,” *CartaCapital*, May 21, 2015, <https://www.cartacapital.com.br/blogs/parlatorio/psdb-desiste-de-impeachment-neste-momento-4526.html>.

³³ Fausto Macedo, “Cunha disse que era merecedor de US\$ 5 milhões, afirma delator,” *Estadão*, July 16, 2015, <http://politica.estadao.com.br/blogs/fausto-macedo/lobista-diz-que-eduardo-cunha-pressionou-por-propina/>.

³⁴ Fernando Calgaro, Nathalia Passarinho, and Lucas Salomão, “Eduardo Cunha anuncia rompimento com o governo e diz que é ‘oposição’,” *Globo*, July 17, 2015, <http://g1.globo.com/politica/noticia/2015/07/eduardo-cunha-anuncia-rompimento-politico-com-o-governo-dilma.html>.

³⁵ This was only one of various similar petitions that had been or would be attempted by a range of actors (see Rafael Barifouse, “O que dizem os outros 11 pedidos de impeachment contra Dilma,” *BBC Brasil*, April 17, 2016, http://www.bbc.com/portuguese/noticias/2016/04/160414_outros_pedidos_impeachment_rb), and was not the one that later took center stage. However, it does seem to be the one that Cunha found most convincing or politically useful of those extant at the time. Barifouse discusses a total of 50 denunciations submitted between February 2015 and April 2016. Only 11 were even technically admissible. Barifouse makes it clear that such attempts to trigger impeachment are far from unprecedented in postdictatorship Brazilian politics, even leaving

aside the successful 1992 impeachment of Collor de Mello. However the 2015-2016 period saw an unusually high number of denunciations.

³⁶ Calgare, Passarinho, and Salomão, “Eduardo Cunha anuncia rompimento com o governo.”

³⁷ See Barifouse, “O que dizem os outros 11 pedidos.” By April 2016, *pedaladas* were no longer the most commonly cited cause among the 11 petitions technically still open at that time. A larger number denounced President Rousseff’s ill-fated March 2016 attempt to name Lula as her chief of staff. This action, unlike the *pedaladas*, was portrayed as having a connection to corruption allegations, albeit an indirect one: the layer of additional insulation from legal action that Lula would have acquired was perceived as likely to help shield him from ongoing Lava Jato-related investigative actions.

³⁸ The petition was originally handed to Cunha earlier in September but was resubmitted, with minor formal corrections and the addition of Miguel Reale Jr. as its third signatory, on September 16. The substance of the allegations remained identical. The distinction between “political” and “political-administrative” is germane to the argument about whether there are grounds for impeachment, and is therefore both significant and contested. In any event, the denunciation itself acknowledges that “despite the terms used,” *crimes de responsabilidade* are not criminal matters (*penales*). See text of resubmitted petition, as referenced in section II. VII.

³⁹ The venue is instead the Supreme Court if actual criminal wrongdoing is alleged, but as underlined above, this was not the situation.

⁴⁰ There is also a second strand relating to six presidential decrees opening credit lines that, it was alleged, had not been duly authorized by the legislature. See section III.

⁴¹ The Organization of American States (OAS) secretary general’s official statement of April 2016 cites a letter signed by 130 Brazilian public prosecutors claiming that the TCU had “always considered such measure as legal, until the end of 2015, when the understanding of

the Court changed.” Quoted in “Statement by OAS Secretary General Luis Almagro after meeting with the Constitutional President of Brazil, Dilma Rousseff”, OAS document ref. E-044/16 April 15, 2016, http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-044/16.

⁴² Literally, “bomb agenda,” perhaps best translated as “wrecking” or “spoiler” proposals.

⁴³ The term was also used by President Rousseff herself at the final Senate hearings before the session that led to her impeachment vote. “Dilma no Senado: Impeachment é fruto de ‘chantagem explícita’ de Cunha,” *BBC Brasil*, August 29, 2016, <http://www.bbc.com/portuguese/37214245>. This allegation was also an important part of Rousseff’s legal defense. Her lawyer, José Eduardo Cardozo, argued that impeachment procedures should have been annulled because they originated in “abuse of power” by the president of the Chamber. See the final document of the defense, July 27, 2016, REC 000171, Senado Federal; also delegation interview with José Eduardo Cardozo, July 25, 2016.

⁴⁴ Interviewees Fernando Limongi, Fabiano Santos, Laura Carvalho, Jurema Werneck, and José Eduardo Cardoso made similar points. It was intimated that protection from Lava Jato was one of the quid pro quos sought by Cunha.

⁴⁵ Interviewee Luciana Barreto, a public television journalist for Empresa Brasileira de Notícias (EBC), was adamant in signaling the different demographics of protesters for and against Rousseff’s impeachment. Barreto covered political demonstrations of all ideological tendencies extensively throughout the course of the extended crisis.

⁴⁶ Glen Greenwald, “Brazil Is Engulfed by Ruling Class Corruption—and a Dangerous Subversion of Democracy,” *The Intercept*, March 18, 2016, <https://theintercept.com/2016/03/18/brazil-is-engulfed-by-ruling-class-corruption-and-a-dangerous-subversion-of-democracy/>; Pedro Lopes and Vinícius Segalla, “Áudios mostram que partidos financiaram MBL em atos pró-impeachment,” *UOL*, May 27, 2016,

<http://noticias.uol.com.br/politica/ultimas-noticias/2016/05/27/maquina-de-partidos-foi-utilizada-em-atos-pro-impeachment-diz-lider-do-mbl.htm>.

⁴⁷ One was Miguel Reale Jr., mentioned above as the author of early PSDB explorations of the possible actions against Rousseff. Another, Janaína Paschoal, initially maintained that she had acted solely as a private citizen motivated by her indignation at government wrongdoing. She later acknowledged, under pointed questioning from senator Vanessa Grazziot of the Senate Special Commission on the impeachment, that she had received a retainer of 45 mil reais (about US\$14,000) from the PSDB to work on the text. “Janaína Paschoal admite ter recebido R\$ 45 mil do PSDB para elaborar pedido de impeachment,” *Revista Fórum*, April 29, 2016, <http://www.revistaforum.com.br/2016/04/29/janaina-paschoal-confessa-ter-recebido-r45-mil-do-psdb-para-elaborar-pedido-de-impeachment/>. The PSDB’s close involvement with the drafting notwithstanding, a PSDB senator was appointed rapporteur to the corresponding Senate special commission.

⁴⁸ For the full text of the petition see “A íntegra do pedido de impeachment de Dilma apoiado pela oposição,” *Congresso em Foco*, September 17, 2015, <http://congressoemfoco.uol.com.br/noticias/a-integra-do-pedido-de-impeachment-de-dilma-apoiado-pela-oposicao/>.

⁴⁹ The TCU went on to reject 2015’s accounts also. For 2014, see Fábio Fabrini, João Villaverde, and Bernardo Caram, “Em decisão unânime, TCU rejeita contas do governo Dilma em 2014,” *O Estado de S. Paulo*, October 7, 2015, <http://politica.estadao.com.br/noticias/geral,tcu-rejeita-contas-de-dilma-por-pedaladas-fiscais,1776349>. The chair and assistant of the LASA delegation made repeated requests to interview members of the TCU, but these were declined.

⁵⁰ Tribunal de Contas da União, “Contas 2014—Relatório e Parecer Prévio Sobre as Contas do Governo da República—Exercício de 2014,” Parecer Prévio, section 1.1.5, 2015, p. 20,

authors' translation. The full text can be consulted at <http://portal.tcu.gov.br/biblioteca-digital/contas-2014-relatorio-e-parecer-previo-sobre-as-contas-do-governo-da-republica-exercicio-de-2014-1.htm>.

⁵¹ Interview with Paulo Moreira Leite, July 26, 2016, regarding corruption charges against ministers of the TCU. All were still at their posts in early 2017, although ongoing Petrobras case revelations continued to produce witness allegations against TCU minister Augusto Nardes. Leticia Casado and Bela Megale, "Ex-diretor da Petrobras relata propina a ministro do TCU", *UOL*, January 30, 2017, <http://www1.folha.uol.com.br/poder/2017/01/1854127-ex-diretor-de-estatal-relata-propina-a-ministro-do-tcu.shtml>.

⁵² Interview with Fabiano Santos, July 21, 2016.

⁵³ Leandro Prazeres, "Cunha adia análise de pedido de impeachment apoiado pela oposição," *UOL*, October 13, 2015, <http://noticias.uol.com.br/politica/ultimas-noticias/2015/10/13/cunha-adia-analise-de-pedido-de-impeachment-apoiado-pela-oposicao.htm>. The article suggests that the information regarding the supposed continuation of *pedaladas* in 2015 were obtained from a prosecutor attached to the TCU.

⁵⁴ Leandro Prazeres, "Pedaladas não são suficientes para abrir processo de impeachment, diz Cunha", *UOL*, October 22, 2015, <https://noticias.uol.com.br/politica/ultimas-noticias/2015/10/22/pedaladas-nao-sao-suficientes-para-abrir-processo-diz-cunha.htm>. Cunha begins here to introduce the issue of whether there was any direct personal participation of President Rousseff, which became key to later proceedings.

⁵⁵ Mario Cesar Carvalho, "Suíça encontra quatro contas bancárias atribuídas a Eduardo Cunha," *Folha de São Paulo*, October 1, 2015, <http://www1.folha.uol.com.br/poder/2015/10/1688952-suica-encontra-quatro-contas-bancarias-atribuidas-a-eduardo-cunha.shtml>.

⁵⁶ While this account may seem colorful, almost all interviewees narrated a similar sequence of events, which is also widely supported by contemporaneous press accounts and sources. Interviewees' seemed to share a sense of disbelief not only at the substance of Cunha's actions but also that in spite of them, the impeachment process was allowed to remain under his direction.

⁵⁷ Pedro Venceslao, "'Cunha não fez mais do que a obrigação', diz Bicudo sobre acolhimento de pedido de impeachment," *O Estado de S. Paulo*, December 2, 2015, <http://politica.estadao.com.br/noticias/geral,cunha-nao-fez-mais-do-que-a-obrigacao--diz-bicudo-sobre-acolhimento-de-pedido-de-impeachment,10000003663>; Nathalia Passarinho, "Eduardo Cunha autoriza abrir processo de impeachment de Dilma," *Globo*, <http://g1.globo.com/politica/noticia/2015/12/eduardo-cunha-informa-que-autorizou-processo-de-impeachment-de-dilma.html>.

⁵⁸ *Estado de S. Paulo*, cited in "Cunha escreveu certo por linhas tortas," *Congresso em Foco*, December 3, 2015, <http://congressoemfoco.uol.com.br/noticias/cunha-fez-chantagem-explicita-diz-reale-junior/>. Authors' translation.

⁵⁹ Vladimir Neto, "Janot pede afastamento de Eduardo Cunha da presidência da Câmara," *Globo*, December 16, 2015, <http://g1.globo.com/politica/noticia/2015/12/pgr-pede-afastamento-de-eduardo-cunha-da-presidencia-da-camara.html>.

⁶⁰ Mariana Oliveira and Renan Ramalho, "Ministro do STF afasta Cunha do mandato e da presidência da Câmara," *Globo*, May 5, 2016, <http://g1.globo.com/politica/noticia/2016/05/teori-determina-afastamento-de-cunha-do-mandato.html>.

⁶¹ In his interview on July 18, 2016, political scientist Frederico de Almeida spoke extensively about the conduct of the Supreme Court during the impeachment process. Also see his article on the critical legal portal Justificando, "O STF não vai barrar o golpe porque ele é parte do

golpe,” April 29, 2016, <http://justificando.com/2016/04/29/o-stf-nao-vai-barrar-o-golpe-porque-ele-e-parte-do-golpe/>. Regarding the arrest of senator Delcídio do Amaral, see Alexandre Putti, “Confira a opinião dos juristas sobre a prisão do senador Delcídio do Amaral,” Justificando, November 26, 2015, <http://justificando.com/2015/11/26/confira-a-opinio-dos-juristas-sobre-a-prisao-do-senador-delcidio-do-amaral-/>.

⁶² Interview with José Eduardo Cardozo and Esther Dweck, July 25, 2016, and several documents presented by President Rousseff’s defense team during the impeachment process.

⁶³ *The Economist*, “Time to Go”, March 26, 2016, <http://www.economist.com/news/leaders/21695391-tarnished-president-should-now-resign-time-go>.

⁶⁴ Daniel Gallas, “Dilma Rousseff Impeachment: How Did It Go Wrong For Her?”, *BBC*, May 12, 2016, <http://www.bbc.com/news/world-latin-america-36028247>.

⁶⁵ Leandro Colon, Aguirre Talento, Johanna Nublat, and Mario Cesar Carvalho, “Condução coercitiva de Lula foi decidida para evitar tumulto, diz Moro,” *Folha de S. Paulo*, March 4, 2016, <http://www1.folha.uol.com.br/poder/2016/03/1746437-conducao-coercitiva-de-lula-foi-decidida-para-evitar-tumulto-diz-moro.shtml>. See also Lula interview, “Lula fala ao vivo após prisão—? A jararaca está viva,” *YouTube*, https://www.youtube.com/watch?v=KvK5Z6_ziHI.

⁶⁶ “[E]m caso de necessidade.” An excerpted transcript and government criticism of the action can be seen in “Moro divulga grampo de Lula e Dilma; Planalto fala em Constituição violada,” *Globo*, March 16, 2016, <http://g1.globo.com/politica/noticia/2016/03/moro-divulga-grampo-de-lula-e-dilma-planalto-fala-em-constituicao-violada.html>.

⁶⁷ “Teori Zavascki devolve para Sérgio Moro investigações sobre Lula: Ministro do STF anulou trecho de conversa entre Lula e Dilma,” *Globo*, March 14, 2016, <http://g1.globo.com/jornal-nacional/noticia/2016/06/teori-zavascki-devolve-para-sergio->

moro-investigacoes-sobre-lula.html. Zavascki was killed in a plane crash in January 2017, when he was still the Supreme Court judge with special responsibility for the case.

⁶⁸ See especially interview with Frederico de Almeida, July 18, 2016, and his article, “O STF não vai barrar o golpe porque ele é parte do golpe,” *Justificando*, April 29, 2016, <http://justificando.com/2016/04/29/o-stf-nao-vai-barrar-o-golpe-porque-ele-e-parte-do-golpe/>.

⁶⁹ A video clip of some of the more memorable or extreme interventions can be seen at “Momentos inusitados da votação do impeachment,” *Deutsche Welle*, April 18, 2016, <http://www.dw.com/pt-br/momentos-inusitados-da-vota%C3%A7%C3%A3o-do-impeachment/av-19196027>.

⁷⁰ Eduardo Bresciani, “Marido de deputada que votou pelo impeachment, prefeito é preso pela PF,” *O Globo*, April 18, 2016, <http://oglobo.globo.com/brasil/marido-de-deputada-que-votou-pelo-impeachment-prefeito-presos-pela-pf-19113829#ixzz4ZZwhmF7V>.

⁷¹ The final result was 367 votes in favor of continuing the impeachment process and 137 votes against. There were 7 abstentions, and 2 more deputies did not vote.

⁷² Jens Glüsing, “Parlament gegen Präsidentin in Brasilien: Aufstand der Scheinheiligen,” *Der Spiegel*, April 18, 2016, <http://www.spiegel.de/politik/ausland/brasilien-parlament-stimmt-gegen-dilma-rousseff-die-analyse-a-1087707.html>.

⁷³ In the technical sense of being based on alleged administrative infractions.

⁷⁴ Organization of American States official press release, ref. E-044/16, “Statement by OAS Secretary General Luis Almagro,” April 15, 2016.

⁷⁵ Jonathan Watts, “Dilma Rousseff suspended as Senate Votes to Impeach Brazilian President,” *The Guardian*, May 12, 2016, <https://www.theguardian.com/world/2016/may/12/dilma-rousseff-brazil-president-impeached-senate-vote>.

⁷⁶ Interviews, Laura Carvalho (July 22, 2016), Fabiano Santos (July 21, 2016), and former president Lula (July 20, 2016).

⁷⁷ Two senior overseas diplomatic corps representatives interviewed off the record by a member of the LASA delegation during our visit reported general surprise among their peers at this, even among those supportive of the new line. These sidebar meetings were not recorded and archived alongside other delegation materials. Notes are available on request.

⁷⁸ Oliver Stuenkel, “Brazil: Towards a New Foreign Policy”, May 20, 2016, *Post-Western World*, <http://www.postwesternworld.com/2016/05/20/brazil-towards-foreign/>.

⁷⁹ The reversals reached their height after the impeachment was confirmed with the highly controversial “PEC-55” austerity package that heavily targeted education and health spending, for which it was roundly attacked by UN Special Rapporteurs. See section V.

⁸⁰ “Os Ministros do governo Temer,” May 12, 2016, *Deutsche Welle*, <http://www.dw.com/pt-br/os-ministros-do-governo-temer/g-19254820>; Mariana Schreiber, “Todos os homens (e nenhuma mulher) do presidente interino,” May 12, 2016, *BBC Brasil*, http://www.bbc.com/portuguese/brasil/2016/05/160511_aliados_temer_ms_cc.

⁸¹ “Em diálogos gravados, Jucá fala em pacto para deter avanço da Lava Jato,” *Globo*, May 23, 2016, <http://oglobo.globo.com/brasil/em-gravacoes-juca-fala-em-pacto-para-deter-lava-jato-diz-jornal-19357617>.

⁸² “TRE de São Paulo confirma: Michel Temer está inelegível por oito anos,” *Consultor Jurídico*, June 2, 2016, <http://www.conjur.com.br/2016-jun-02/temer-inelegivel-oito-anos-segundo-tre-sao-paulo>.

⁸³ Glenn Greenwald, “Major New Brazil Events Expose the Fraud of Dilma’s Impeachment—and Temer’s Corruption,” *The Intercept*, June 30, 2016, <https://theintercept.com/2016/06/30/major-new-brazil-events-expose-the-fraud-of-dilmas-impeachment-and-temers-corruption/>.

⁸⁴ Marina Lopes and Dom Phillips, “Brazilian President Dilma Rousseff Ousted in Impeachment Vote”, May 31, 2016, *Washington Post*, https://www.washingtonpost.com/world/the_americas/brazilian-president-dilma-rousseff-faces-final-impeachment-vote/2016/08/30/c85173d4-6ee7-11e6-993f-73c693a89820_story.html?utm_term=.dfa5af5a4946.

⁸⁵ In the September 2016 speech, which was videoed, Temer states, “Many months ago, while I was still vice president, we released a document named ‘A Bridge to the Future.’ . . . We suggested that the government should adopt the theses presented in that document [which recommended privatizations and spending cuts similar to those now being implemented]. But, as that did not work out, the plan wasn’t adopted and a process was established which culminated with me being installed as president of the republic.” See Inacio Vieira, “Brazil’s President Michel Temer Says Rousseff Was Impeached for Refusing His Economic Agenda,” *The Intercept*, September 23, 2016, <https://theintercept.com/2016/09/23/brazils-president-michel-temer-says-rousseff-was-impeached-for-refusing-his-economic-agenda/>.

⁸⁶ Government of Brazil, Lei N° 1.079, de 10 de abril de 1950, http://www.planalto.gov.br/ccivil_03/leis/L1079.htm. The full text of Article 85 reads: “Art. 85. São crimes de responsabilidade os atos do Presidente da República que atentem contra a Constituição Federal e, especialmente, contra: I – a existência da União; II – o livre exercício do Poder Legislativo, do Poder Judiciário, do Ministério Público e dos Poderes constitucionais das unidades da Federação; III – o exercício dos direitos políticos, individuais e sociais; IV – a segurança interna do País; V – a probidade na administração; VI – a lei orçamentária; VII – o cumprimento das leis e das decisões judiciais.”

⁸⁷ The procedure where such criminal wrongdoing is also alleged is referred to in section II. The text of Art. 86 of the constitution reads, “Admitida a acusação contra o Presidente da República, por dois terços da Câmara dos Deputados, será ele submetido a julgamento perante

o Supremo Tribunal Federal, nas infrações penais comuns, ou perante o Senado Federal, nos crimes de responsabilidade.

§ 1º O Presidente ficará suspenso de suas funções:

I - nas infrações penais comuns, se recebida a denúncia ou queixa-crime pelo Supremo Tribunal Federal;

II - nos crimes de responsabilidade, após a instauração do processo pelo Senado Federal.

§ 2º Se, decorrido o prazo de cento e oitenta dias, o julgamento não estiver concluído, cessará o afastamento do Presidente, sem prejuízo do regular prosseguimento do processo.

§ 3º Enquanto não sobrevier sentença condenatória, nas infrações comuns, o Presidente da República não estará sujeito a prisão.

§ 4º O Presidente da República, na vigência de seu mandato, não pode ser responsabilizado por atos estranhos ao exercício de suas funções.”

⁸⁸ “STF reafirma rito aplicado ao processo de impeachment de Fernando Collor,” *Noticias STF*, December 17, 2015,

<http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=306614>.

⁸⁹ The main exceptions were Bruno Araújo, Minister of Cities in the interim government, and Diego Prandino Alves, an employee of and budget specialist in the Senate. Alves’s participation, which took the form of the writing of an expert report about the case for the senatorial impeachment commission, was contested by supporters of President Rousseff in the Senate due to what they claimed were his open political allegiances. Nelson Jobim’s opinion (interview, July 19, 2016) was nuanced and difficult to ascertain. While he seemed to believe that President Rousseff was induced into error by her assistant, Arno Augustin, he also emphasized the catalyzing role played by the opposition’s political motivation and the political errors committed by the government, expressing particularly harsh criticism of President Rousseff.

⁹⁰ Interviewees and political scientists Fernando Limongi (July 19, 2016) and Fabiano Santos (July 21, 2016) were especially harsh and colorful in their use of adjectives to describe the reasons alleged to initiate impeachment proceedings.

⁹¹ Carol Proner, “Golpe branco no Brasil: Dilma alerta na ONU,” April 22, 2016, <http://jornalggn.com.br/noticia/golpe-branco-no-brasil-dilma-alerta-na-onu-por-carol-proner>.

⁹² Cited in James N. Green, “Brazil: The Impeachment of a President and the Future of a Country,” NACLA, September 7, 2106, <http://nacla.org/news/2016/09/07/brazil-impeachment-president-and-future-country>.

⁹³ “Veja como os senadores votaram no julgamento do impeachment,” June 25, 2016, *Brasil 247*, <http://www.brasil247.com/pt/247/poder/240344/L%C3%ADder-de-Temer-admite-%E2%80%9CN%C3%A3o-teve-esse-neg%C3%B3cio-de-pedalada%E2%80%9D.htm>, authors’ translation.

⁹⁴ “Veja como os senadores votaram no julgamento do impeachment,” August 31, 2016, *UOL*, <https://noticias.uol.com.br/politica/ultimas-noticias/2016/08/31/veja-como-os-senadores-votaram-no-julgamento-do-impeachment.htm>.

⁹⁵ “Partidos recorrem ao STF contra manutenção de direitos políticos de Dilma,” *Senado Noticias*, September 2, 2016, <http://www12.senado.leg.br/noticias/materias/2016/09/02/partidos-recorrem-ao-stf-contramanutencao-de-direitos-politicos-de-dilma>.

⁹⁶ See, for example, the impeachment petition, dated October 15, 2015, presented to Eduardo Cunha by the lawyers hired by the PSDB, Hélio Pereira Bicudo, Miguel Reale Júnior, and Janaína Conceição Paschoal at ARQUIVO_PORTAL_CEI2016_1353-Comissao-ESP-Comissao-CEI2016-20160426; the final report of proceedings in the Chamber of Deputies, by congressman Jovair Arantes, April 6, 2016, at ARQUIVO_PORTAL_CEI2016_1357-Comissao-ESP-Comissao-CEI2016-20160426; and the final report of Senator Antonio

Anastasia, August 2, 2016, at <http://www12.senado.leg.br/noticias/arquivos/2016/05/04/veja-aqui-a-integra-do-parecer-do-senador-antonio-anastasia>.

⁹⁷ Teresa Cardoso, “Chega ao Congresso projeto que reduz a meta do superávit primário,” *Senado Noticias*, July 24, 2015, <http://www12.senado.leg.br/noticias/materias/2015/07/24/chega-ao-congresso-projeto-que-reduz-a-meta-do-superavit-primario>.

⁹⁸ See, for example, the allegations in defense of President Rousseff presented by lawyer José Eduardo Cardozo to the impeachment commission in the Chamber of Deputies, April 4, 2016, at ARQUIVO_PORTAL_CEI2016_1355-Comissao-ESP-Comissao-CEI2016-20160426. The final allegations on behalf of President Rousseff were presented to the senate on July 28, 2016. See <http://www12.senado.leg.br/noticias/arquivos/2016/07/28/alegacoes-finais-da-denunciada>.

⁹⁹ Senado Federal, Projeto de Lei do Congresso Nacional nº 36, de 2014, <http://www25.senado.leg.br/web/atividade/materias/-/materia/118860>.

¹⁰⁰ Interview with Diego Prandino Alves (July 27, 2016).

¹⁰¹ “Congresso aprova projeto que altera a meta fiscal do Orçamento de 2015,” *Senado Noticias*, December 2, 2015, <http://www12.senado.leg.br/noticias/materias/2015/12/02/congresso-aprova-projeto-que-altera-a-meta-fiscal-do-orcamento-de-2015>.

¹⁰² Fernando Calgaro, “Congresso reduz meta fiscal e autoriza déficit de até R\$ 170,5 bilhões,” *Globo*, May 25, 2016, <http://g1.globo.com/economia/noticia/2016/05/congresso-reduz-meta-fiscal-e-autoriza-deficit-de-ate-r-1705-bilhoes.html>.

¹⁰³ Interview with Laura Carvalho, July 22, 2106.

¹⁰⁴For the content of this paragraph, see also section II.vi.

¹⁰⁵ Daniel Rittner and Murillo Camarotto, “Por unanimidade, TCU rejeita contas do governo Dilma de 2015,” *Valor Economico*, October 5, 2016, <http://www.valor.com.br/politica/4735795/por-unanimidade-tcu-rejeita-contas-do-governo-dilma-de-2015>.

¹⁰⁶ Fábio Fabrini, “Para Ministério Público, pedaladas do governo Dilma não são crime”, *O Estado de S. Paulo*, July 14, 2016, <http://politica.estadao.com.br/noticias/geral,para-mp-pedaladas-do-governo-dilma-nao-sao-crime,10000062862>.

¹⁰⁷ “Para peritos, decretos de Dilma foram incompatíveis com meta de resultado primário,” *Senado Noticias*, June 27, 2016, <http://www12.senado.leg.br/noticias/materias/2016/06/27/para-peritos-decretos-de-dilma-foram-incompativeis-com-meta-de-resultado-primario>.

¹⁰⁸ Étore Medeiros, “Pelo menos 17 governadores pedalarão impunemente,” *El País*, June 9, 2016, http://brasil.elpais.com/brasil/2016/06/08/politica/1465419312_611410.html.

¹⁰⁹ Jailton de Carvalho, “Janot pede para investigar Lula, Dilma, Aécio, Serra, Maia e Eunício,” *O Globo*, <http://oglobo.globo.com/brasil/janot-pede-para-investigar-lula-dilma-aecio-serra-maia-eunicio-1-21060525>.

¹¹⁰ “Despachados: Ministro Edson Fachin enviou casos de delações da Odebrecht para outras instâncias; veja alguns exemplo,” *Folha de São Paulo*, <http://arte.folha.uol.com.br/poder/2017/04/13/despachados/> Authors’ translation.

¹¹¹ Interview with Roberto Freire by Mariana Llanos, July 26, 2016. This sidebar meeting was not recorded and archived with other delegation materials. The author’s notes can be made available on request.

¹¹² Interview with Celso Amorim, July 21, 2016. Authors’ translation.

¹¹³ Interview with Bruno Araújo, July 26, 2016.

¹¹⁴ Tércio Amaral, “FHC: impeachment de Dilma é como uma bomba atômica,” *Diário de Pernambuco*, March 10, 2015,

http://www.diariodepernambuco.com.br/app/noticia/politica/2015/03/10/interna_politica,565274/fhc-impeachment-de-dilma-e-como-uma-bomba-atmica.shtml.

¹¹⁵ Tribunal Supremo Eleitoral, “Plebiscito de 1993,”

<http://www.tse.jus.br/eleicoes/plebiscitos-e-referendos/plebiscito-de-1993>.

¹¹⁶ Janio de Freitas, “A crise brasileira passou de política a institucional, como previsível,” *Folha de São Paulo*, December 4, 2016; and “Confronto entre Congresso e Judiciário ainda deve se agravar,” *Folha de São Paulo*, October 30, 2016.

¹¹⁷ Interview with Celso Amorim, July 21, 2016.

¹¹⁸ Interview with Fernando Teixeira da Silva, July 18, 2016.

¹¹⁹ Interview with Marilena Chauí, July 18, 2016.

¹²⁰ Fernando Taquari, “Não quero impeachment, quero ver a Dilma sangrar,” *Econômico Valor*, March 9, 2015, <http://www.valor.com.br/politica/3944096/nao-quiero-o-impeachment-quiero-ver-dilma-sangrardiz-tucano>, authors’ translation.

¹²¹ Interviews with Beto Vasconcelos (July 19, 2016), Fernando Limongi (July 19, 2016), Frederico Almeida (July 18, 2016), Fernando Teixeira da Silva (July 18, 2016), Fabiano Santos (July 20, 2016), Mário Theodoro (July 25, 2016), and Celso Amorim (July 25, 2016).

¹²² “Eduardo Bolsonaro celebra impeachment agradecendo torturador,” August 31, 2016, *Exame*, <http://exame.abril.com.br/brasil/eduardo-bolsonaro-celebra-impeachment-agradecendo-torturador/>, authors’ translation.

¹²³ Interview with Schuma Schumacher, July 22, 2016.

¹²⁴ Interview with Jurema Werneck, July 22, 2016.

¹²⁵ *Ibid.*

¹²⁶ Interviews with Sueli Carneiro (July 19, 2016), Jurema Werneck (July 22, 2016), Schuma Schumacher (July 22, 2016), and Marilena Chauí (July 18, 2016).

¹²⁷ With the exceptions of Nelson Jobim, Bruno Araújo, Diego Prandino Alves, and Octavio Amorim, all interviewees, with more or less vehemence, considered the impeachment to have been a political coup. Octavio Amorim (interview July 20, 2016) was also very critical of the process that led to the impeachment, but wanted to restrict the use of the expression “coup d’état” to military interventions. Some interviewees also used the related term “parliamentary coup.”

¹²⁸ Agência Brasil, “Dilma diz que ‘pobreza no Brasil tem face negra e feminina,’” November 19, 2011, <http://www.ocarcara.com/2011/11/presidenta-dilma-rousseff-disse-hoje-19.html>.

¹²⁹ See Bruna Rocha, “Legalizar o aborto no Brasil pelo combate ao genocídio da população negra,” June 3, 2014, CEERT, <http://www.ceert.org.br/noticias/outros/4686/legalizar-o-aborto-no-brasil-pelo-combate-ao-genocidio-da-populacao-negra>.

¹³⁰ Interviews with Sueli Carneiro (July 19, 2016), Jurema Werneck (July 22, 2016), and Schuma Schumacher, July 22, 2016.

¹³¹ Title in Portuguese: Secretaria Especial de Políticas de Promoção da Igualdade Racial.

¹³² Some of these organizations include Criola, led by Jurerma Werneck, and Geledés, led by Sueli Carneiro.

¹³³ Interview with Juliana Nunes, July 25, 2016.

¹³⁴ “Opening Up Brazil,” *EY*, n.d., <http://www.ey.com/gl/en/industries/government---public-sector/citizen-today--opening-up-brazil>.

¹³⁵ Taken from Ana Flavia Magalhães during interview with Sueli Carneiro (July 19, 2016).

¹³⁶ Interview with Sueli Carneiro, July 19, 2016.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ Interview with former president Luiz Inácio Lula da Silva, July 20, 2016.

¹⁴⁰ Interview with Sueli Carneiro, July 19, 2016.

¹⁴¹ Ibid.

¹⁴² Interview with Jurema Werneck, July 22, 2016, authors' translation.

¹⁴³ Ibid.

¹⁴⁴ Interview with Sueli Carneiro, July 19, 2016.

¹⁴⁵ Ibid. Carneiro admits that abortion rights are still limited and abortion is considered a crime, but she refers to the 2012 Supreme Court decision that guarantees the right to an abortion when the life of the mother is at risk, the pregnancy is the result of a rape, if the fetus has anencephaly. The decision does not decriminalize abortion, however.

¹⁴⁶ Interview with Juliana Nunes, July 25, 2016.

¹⁴⁷ Ibid. Nunes also criticizes the fragility of the process of legalizing quilombo land. She states, "It was inserted into a decree, no?" and explains that such a serious program lacked the support of social movements and the government to deal with the demand.

¹⁴⁸ Interview with Juliana Nunes, July 25, 2016. For more information on Law 7.716, see Presidência da República Casa Civil, January 5, 1989, http://www.planalto.gov.br/ccivil_03/leis/L7716.htm.

¹⁴⁹ Interview with Juliana Nunes, July 25, 2016. For more on Law 10.639, see Presidência da República Casa Civil, January 9, 2003, http://www.planalto.gov.br/ccivil_03/leis/2003/L10.639.htm.

¹⁵⁰ Interviews with Luiz Inácio Lula da Silva (July 20, 2016), Dilma Rousseff (July 27, 2016), Jurema Werneck (July 22, 2016), Sueli Carneiro (July 19, 2016), Luciana Barreto (July 22, 2016), Juliana Nunes (July 25, 2016), Eliane Brum (July 20, 2016), and Nilcea Freire (July 22, 2016).

¹⁵¹ Interview with Sueli Carneiro, July 19, 2016, authors' translation.

¹⁵² Ibid. Authors' translation.

¹⁵³ Ibid. See also Sales Augusto dos Santos's essay, "Who Is Black in Brazil? A Timely or False Question in Brazilian Race Relations in the Era of Affirmative Action," *Latin American Perspectives* 33, no.4: 30–48, 2006; and "Affirmative Action and Political Dispute in Brazilian Academe," *Latin American Perspectives* 41, no. 5: 141–156, 2014.

¹⁵⁴ In April 2012, the Supreme Court deemed affirmative action based on race in order to promote the largest access of black students to federal universities to be constitutional. To learn more about the Supreme Court debates and the decision, see Supremo Tribunal Federal, "STF julga constitucional política de cotas na UnB," April 26, 2012, <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=206042>.

¹⁵⁵ Interview with former president Luiz Inácio Lula da Silva, July 20, 2016.

¹⁵⁶ Interview with Dilma Rousseff, July 27, 2016.

¹⁵⁷ Ibid.

¹⁵⁸ Interview with Jurema Werneck, July 22, 2016.

¹⁵⁹ Interview with Lula da Silva, July 20, 2016.

¹⁶⁰ Interview with Sueli Carneiro, July 19, 2016.

¹⁶¹ "Temer é capaz de regredir lei trabalhista à época da escravidão, diz Ricardo Antunes," *Diário Liberdade*, September 23, 2016, <https://gz.diarioliberalidade.org/brasil/item/70140-temer-e-capaz-de-regredir-lei-trabalhista-a-epoca-da-escravidao-diz-ricardo-antunes.html>.

¹⁶² "Governo anuncia propostas de mudança da legislação trabalhista," *Jornal do Brasil*, December 22, 2016, <http://www.jb.com.br/pais/noticias/2016/12/22/governo-anuncia-propostas-de-mudanca-da-legislacao-trabalhista/>.

¹⁶³ Léo Rodrigues, "Lula critica cortes na Bolsa Família diz: eles devem viver um dia de pobre," *EBC*, June 9, 2016, <http://agenciabrasil.ebc.com.br/politica/noticia/2016-09/lula-critica-cortes-no-bolsa-familia-e-diz-eles-deviam-viver-um-dia-de>.

¹⁶⁴ Reforms to social security are outlined at “Reforma da Previdencia,” July 12, 2016, <http://www.previdencia.gov.br/reforma-da-previdencia/>.

¹⁶⁵ Note however that Inter-American Commission of Human Rights (IACHR) public statement 126/16, of September 2, 2016, makes reference to two petitions, one for precautionary measures, submitted in relation to the impeachment process. Neither had been resolved at that time, and at time of final edition (March 2017) no further information about their advance appeared to be available from the IACHR web system. From the context of 126/16 it appears that these petitions relate to due process preoccupations (rather than, for example, direct concerns regarding physical integrity), although of course due process protections are a significant component of protected civil and political rights.

¹⁶⁶ Amnesty International Annual Report 2016/17, Brazil chapter, pp. 91–95. Available at <https://www.amnesty.org/en/latest/research/2017/02/amnesty-international-annual-report-201617/>.

¹⁶⁷ OAS, “Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ‘Protocol Of San Salvador,’” n.d, <http://www.oas.org/juridico/english/treaties/a-52.html>.

¹⁶⁸ OAS, “IACHR Expresses Deep Concern over the Regression of Human Rights in Brazil,” May 18, 2016, http://www.oas.org/en/iachr/media_center/PReleases/2016/067.asp. See full statement, ref. 067/16.

¹⁶⁹ Temer appointed the first woman as minister in his cabinet in September 2016. See Rodolfo Borges, “Temer anuncia sua primeira ministra após queda controversa na AGU,” *El País*, September 9, 2016, http://brasil.elpais.com/brasil/2016/09/09/politica/1473446027_423205.html.

¹⁷⁰ OAS, “CIDH expresa preocupación por destitución de la Presidenta de Brasil,” September 2, 2016, Doc. Ref. No. 126/16.

¹⁷¹ Author translations from the text of Bill No.193,

<http://legis.senado.leg.br/diarios/BuscaDiario?tipDiario=1&datDiario=04/05/2016&paginaDir eta=00179>.

¹⁷² Lei 10.639/03 E O Ensino da Historia e Cultural Afro-Brasileira e Africana, *Canal do Educador*, <http://educador.brasilecola.uol.com.br/estrategias-ensino/lei-10639-03-ensino-historia-cultura-afro-brasileira-africana.htm>.

¹⁷³ Escola Sem Partido, “Mensagem de fim de ano do coordenador do Escola sem Partido ao militante disfarçado de professor,” <http://www.escolasempartido.org/sindrome-de-estocolmo-categoria/647-mensagem-de-fim-de-ano-do-coordenador-do-escola-sem-partido-ao-militante-disfarcado-de-professor>. A link that is advertised as monitoring the extent and status of regional versions of the legislation was not working when last checked.

¹⁷⁴ United Nations Human Rights, Office of the High Commissioner, “Brazil 20-Year Public Expenditure Cap Will Breach Human Rights, UN Expert Warns,” n.d., <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21006>.

¹⁷⁵ See “Brazil’s Austerity Package Decried by UN,” *The Guardian*, December 9, 2016. The report also points out that Mr Temer was elected as vice-president as Rousseff’s running mate on an anti-austerity platform and that Brazil remains unusual in having no dividend or company owner tax, a situation that the bill does not plan to reverse.

¹⁷⁶ “Brazil’s Temer Unveils Pension Reform,” Reuters, December 5, 2016 <http://www.reuters.com/article/us-brazil-economy-pension-idUSKBN13U1VT>.

¹⁷⁷ Amnesty International Annual Report 2016/17, Brazil chapter, p. 95.

¹⁷⁸ On February 3, 2017, Temer reestablished the Ministério dos Direitos Humanos (Ministry of Human Rights) and nominated a black woman as minister. “Luislinda Valois toma posse no novo Ministério dos Direitos Humanos,” *Globo*, February 3, 2017,

<http://g1.globo.com/politica/noticia/luislinda-valois-toma-posse-no-novo-ministerio-dos-direitos-humanos.ghtml>.

¹⁷⁹ Information supplied off the record by current and former commissioners.

¹⁸⁰ Cath Collins, interview November 16, 2016, Belo Horizonte, Brazil, with José Carlos Moreira da Silva Filho, former vice-president of the Amnesty Commission. Published by *Transitional Justice in Brazil*, December 17, 2016, <https://transitionaljusticeinbrazil.com/>.

This interview was not carried out as part of the delegation and is not archived, although its full text is published at the given address.

¹⁸¹ Interviews with Nilcea Freire (July 22, 2016), Schuma Schumacher (July 22, 2016), Dilma Rousseff (July 27, 2016), and Gleisi Hoffman (July 27, 2016).

¹⁸² Interview with Schuma Schumacher, July 22, 2016.

¹⁸³ Ibid.

¹⁸⁴ Interview with former president Luiz Inácio Lula da Silva, July 20, 2016.

¹⁸⁵ Interview with Nilcea Freire, July 22, 2016.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Interview with Octavio Amorim Neto, July 21, 2016.

¹⁹⁰ Interview with Lula da Silva, July 20, 2016.

¹⁹¹ “De campeã de popularidade a 62% de rejeição: Seis momentos-chave no governo Dilma,” *BBC Brasil*, March 18, 2015,

http://www.bbc.com/portuguese/noticias/2015/03/150318_dilma_aprovacao_reprovacao_cc.

¹⁹² Andréia Sadi, “Leia a íntegra da carta enviada pelo vice Michel Temer a Dilma,” December 7, 2015, *Globo*, <http://g1.globo.com/politica/noticia/2015/12/leia-integra-da-carta-enviada-pelo-vice-michel-temer-dilma.html>.

¹⁹³ Interview Luciana Barreto, July 22, 2016.

¹⁹⁴ Interview Dilma Rousseff, July 27, 2016.

¹⁹⁵ Ibid.

¹⁹⁶ Interview with Nilcea Freire, July 22, 2016.

¹⁹⁷ Ibid.

¹⁹⁸ Interviews with Gleisi Hoffman and President Dilma Rousseff, July 27, 2016.

¹⁹⁹ Interview with Gleisi Hoffman, July 27, 2016.

²⁰⁰ Interview with Schuma Schumacher, July 22, 2016.

²⁰¹ Interviews with Nilcea Freire (July 22, 2016), Gleisi Hoffman (July 27, 2016), and Schuma Schumacher (July 22, 2016).

²⁰² Interviews with Schuma Schumacher (July 22, 2016), Jurema Werneck (July 22, 2016), Juliana Nunes (July 25, 2016), and Eliane Brum (July 20, 2016).

²⁰³ Interview with Jurema Werneck, July 22, 2016.

²⁰⁴ Interviews with Sueli Carneiro (July 19, 2016), Eliane Brum (July 20, 2016), and Jurema Werneck (July 22, 2016).

²⁰⁵ EY, “Opening Up Brazil,” n.d., <http://www.ey.com/gl/en/industries/government---public-sector/citizen-today--opening-up-brazil>.

²⁰⁶ Maira Baracho and Aline Moura, “‘Casa grande surta quando a senzala vira médica,’ Dilma diz em visita a Pernambuco,” *Diario de Pernambuco*, May 6, 2016, http://www.diariodepernambuco.com.br/app/noticia/politica/2016/05/06/interna_politica,643160/u201ca-casa-grande-surta-quando-a-senzala-vira-medica-u201d-dilma-di.shtml. See also the original speech by Suzanne da Silva, “Depoimento: A Casa Grande surta quando a senzala vira médica,” *O Cafezinho*, April 14, 2016, <http://www.ocafezinho.com/2016/04/14/depoimento-a-casa-grande-surta-quando-a-senzala-vira-medica/>.

²⁰⁷ Interviews with Juliana Nunes (July 25, 2016), Jurema Werneck (July 22, 2016), and Sueli Carneiro (July 19, 2016).

²⁰⁸ Eliane Brum, “Belo Monte: A anatomia de um etnocídio,” *El País*, http://brasil.elpais.com/brasil/2014/12/01/opinion/1417437633_930086.html.

²⁰⁹ Interview with Eliane Brum, July 20, 2016.

²¹⁰ Interview with Juliana Nunes, July 25, 2016.

²¹¹ Interview with Laura Carvalho, July 22, 2016.

²¹² *Ibid.*

²¹³ Interview with Eliane Brum, July 20, 2016.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*

²¹⁶ Emir Sader, “Se não houver segurança para todos, não haverá segurança para ninguém,” *Carta Maior*, September 3, 2015, <http://cartamaior.com.br/?/Blog/Blog-do-Emir/Se-nao-ha-seguranca-para-todos-nao-havera-seguranca-para-ninguem/2/34630>.

²¹⁷ Marieta Cazarre, “Com 600 mortes em seis anos, Brasil é o que mais mata travestis e transexuais,” *EBC*, November 13, 2015, <http://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2015-11/com-600-mortes-em-seis-anos-brasil-e-o-que-mais-mata-travestis-e>.

²¹⁸ For statistics on the general homicide rate by race and gender in Brazil, see FLASCO, *Mapa da Violência, 2016 Homicídio por armas de fogo no Brasil*, <http://www.mapadaviolencia.org.br/>; and Human Rights Watch, “Brazil: Events of 2015,” <https://www.hrw.org/world-report/2016/country-chapters/brazil>.

²¹⁹ Interview with Juliana Nunes, July 25, 2016.

²²⁰ Interview Schuma Schumacher, July 22, 2016.

²²¹ *Ibid.*

²²² Interview with Jurema Werneck, July 22, 2016.

²²³ Interview with Juliana Nunes, July 25, 2016.

²²⁴ Interview Jurema Werneck, July 22, 2016.

²²⁵ Ibid.

²²⁶ Interview with Schuma Schumacher, July 22, 2016.