Bancada da Bala: the growing influence of the security sector in Brazilian politics

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INTRODUCTION

One of the notable features of Jair Bolsonaro's unanticipated appeal to those who voted for him in October 2018 was his ability to associate himself, as a former army captain,[1] with the military and with anxieties about law-and-order, personal security and policing. His election campaign made great play of his support for liberalization of Brazil's strict guns laws and for aggressive policing, his signature gesture his thumb and forefinger pointing like a gun. He and one of his politician sons, a federal police officer, had been building political support for his candidacy since 2014 through their membership of a cross-party caucus in Chamber of Deputies known as the *bancada da bala* (literally, 'bullet bench'), composed of former police officers, firearms industry lobbyists and tough-on-crime advocates. In consequence, not only were the police and military two of the constituencies who most identified with, and heavily supported, Bolsonaro, but his popularity in the polls also helped to elect an unprecedented number of former security service members to the National Congress and to state legislatures around the country. Of the 52 federal deputies that Bolsonaro's party, the PSL, elected to the lower house, 40 per cent (21) have a police or military background. Other parties elected an additional 21 representatives from the security services.[2] This has given security actors their biggest presence in legislative politics since the return to democracy in the 1980s. Indeed, if they were a party they would be second largest.

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[1] He graduated from military academy in 1977. He caught public attention in 1986 when he published a letter in a mainstream news magazine advocating higher salaries for the military, which earned him 15 days in a military brig for bringing the institution into disrepute. He became a reservist in 1988 and got elected city councillor in Rio de Janeiro, the start of his long political career.

[2] Information from the Inter-Union Parliamentary Advisory Service (DIAP) http://www.diap.org.br/index.php/noticias/agencia-diap/28531-eleicoes-2018-bancada-linha-dura-da-seguranca-publica-cresce-na-camara-e-no-senado

However, this pursuit of elected office, particularly on the part of police, did not spring out of nowhere. Their desire to represent their professional interests and political agenda directly has been quietly growing for at least a decade. This chapter looks at how and why so many police and security actors have entered politics, what their agendas might be in a Bolsonaro administration, and what this means for law-and-order policy specifically, and Brazilian democracy more generally.

1. Police and politics

The police in Brazil have historically been more accustomed to being political instruments than representing themselves politically. Their sense of themselves as a political or professional group has been shaped by how the police are organized administratively and by the changes and continuities in policing over the last few decades. The two main police forces are the Military Police, who conduct on-street, preventive policing, and the Civil Police, who carry out criminal investigations. Both are governed locally by the political authorities of the 26 states and the Federal District. The Military Police have by far the larger contingent, with around 500,000 officers nationwide. They are linked constitutionally to the armed forces, but on a day-to-day operational level the two generally function quite separately. However, they retain a militarized hierarchy and culture that imbues their training, discipline and ethos (Muniz 2001). Since its inception the Military Police have been cast as a reserve force for the armed forces, and vice versa. President Fernando Henrique Cardoso enshrined in the 1988 Constitution the army's backup role in urban crime fighting, and they have been deployed in the poorest neighbourhoods in Rio de Janeiro several times, most recently in 2018. The term *militar* is thus used rather loosely, to mean either 'armed forces', 'military police,' or both, or even to encompass the Civil Police, which have a completely different training and career structure, and only around 100,000 officers.

The institutional roots of these two main police forces lie in the extended military-civilian regime of 1964-85 which centralized control over the security agencies. The state-level military and civil police forces were subordinated to the armed forces' mission of repressing political opponents, adopting their tactics of torture, extra-judicial executions and death squad extermination used against both enemies of the state and ordinary criminals

(Barcellos 1992). In this task the police enjoyed impunity and operational latitude, and during the prolonged, negotiated transition to democracy, controlled by the armed forces, there was no purging of police ranks, restructuring or retraining. Police reform was also not on the agenda during the drafting of the 1988 Constitution, which enshrined some problematic provisions. For example, it left the Military Police protected by the Military Courts (Pereira 2001), as well as a militarized conception of public security and policing that has not been effectively challenged.

In the last two decades other police forces have also emerged. The Federal Police, now with over 13,000 officers, were much strengthened under the Lula governments as a 'Brazilian FBI'. They investigate transnational and complex, high-level political crimes, so they have been central to the Lava-Jato corruption investigations. The Ministry of Justice also oversees a Federal Highway Police, with its own career structure. In addition, around one fifth of Brazilian municipalities (about 1,000) have a Municipal Guard, whose task is local crime prevention. However, it is the state police forces, especially the Military Police, that have been most concerned to have their interests protected in Congress.

In the first two decades of the New Republic, the police used proxies in the form of retired governors elected to the Senate who identified strongly with the police forces they had deployed, and vetoed bills that threatened the latter's interests. However, the impetus for police to directly enter the political arena themselves has roots in the state police strikes of the 1990s, and the subsequent formation of local police unions, representing not just individual forces, but different ranks within them. They began to organise collectively to elect members to municipal and state legislatures, and to the National Congress.

The 2002 election of Lula as President, and thus the installation of the PT as the main party of government, prompted a mobilization on the part of more conservative forces in society who felt their concerns might be ignored or undermined. A *bancada da bala* formed for the first time and denoted initially parliamentarians funded by the Brazilian firearms industry. In 2010, they were able to elect 32 senators and federal deputies, with campaign

contributions totalling R$1.5 million.[3] In the 2014 elections R$1.91 million was donated to 21 candidates for federal deputy, 12 for state deputy, two gubernatorial hopefuls and a candidate for the Senate. The return to investment was impressive: 18 of the candidates for federal deputy were elected directly, the other three elected as stand-ins. Half came from the southern state of Rio Grande do Sul, where the majority of gun and munitions manufacturers are located. However, the term has now expanded to include not only former police and army officers, but also those who broadly sympathise with their aims, such as individuals personally affected by crime, or with a hard-line position on crime and punishment. The numbers of former police officers elected to the Chamber of Deputies remained relatively stable (seven in 2002 and in 2006, four in 2010), until it shot up to 19 in 2014 when security sector candidates, including Bolsonaro himself, emerged as the highest voted deputies in their states as a result of their tough-on-crime talk. The number of police elected doubled to 42 in 2018.

2. <u>Why and how security actors got elected</u>

It was in the 2014 elections that police corporations began being more strategic about encouraging and supporting candidacies (Berlatto et al. 2016), and this bore fruit spectacularly four years later when the absolute number of army, and military and civil police personnel running for the National Congress and state assemblies rose to 1,250, the highest to date.[4] Although the overall percentage of security sector professionals among the universe of candidates has not risen much, to only 5 per cent, the 2018 contest offered a series of fortuitous circumstances that enabled the conversion of these candidacies into an success rate four times greater than that of previous elections.

The most obvious factor was deep public concern with crime and violence. One in ten people murdered in the world is Brazilian. In 2017, 63,880 people suffered a violent,

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[3] All data from Instituto Sou da Paz http://www.soudapaz.org/o-que-fazemos/noticia/sou-da-paz-analisa-participacao-da-industria-armamentista-nas-campanhas-eleitorais/62

[4] https://www.nexojornal.com.br/grafico/2018/10/31/A-expans%C3%A3o-dos-militares-e-policiais-entre-os-pol%C3%ADticos-eleitos The data are derived from searches of candidates' declared occupation in the upper Electoral Court, and cross-referenced with the rank and title they use at the ballot. It is indicative only, as the other security services are not included in this total, and some police candidates cannot be identified by either means.

intentional death (Fórum Brasileiro de Segurança Pública 2018), and the numbers have been rising steadily, with a few dips and regional variations, since the early 1990s. Personal safety is now by far the top concern of the electorate, alongside corruption. Yet, law-and-order has been something of an Achilles Heel for the left in Brazil, which associated policing with the military, and thus as a right-wing concern. This is not to deny the importance of policies on violence and crime reduction introduced in Lula's second term, but they were still too little, too late and were unsustained by Dilma's government (Soares 2007; Souza 2015; Azevedo and Cifali 2015). Aside from the fictions and absurdities in Bolsonaro's election manifesto (*O caminho da prosperidade*),[5] he also alleged that where the centre-left had governed, crime had risen. Statistically this is true, but a better causal explanation between the local governments of the left is that, as prosperity increases due to economic growth and welfare benefits, crime increases, a well-known criminological phenomenon (Kahn 2018). This would explain why the PT candidate, Haddad, won comfortably with over 70 per cent of the vote in the North-East, the region where violence has increased most sharply in the last few years, but growth and redistributive policies have also lifted many out of poverty. This fear of violence had its greatest pro-Bolsonaro electoral impact in parts of the country where homicide rates are actually relatively low. This is partly because there are other issues at stake, for example the presence of organized crime groups such as the First Capital Command (Primeiro Comando da Capital, PCC) a prisoner syndicate that now controls São Paulo state's prison system and runs a trafficking empire. It was the PCC's violent show of strength on the streets of the state capital, in May 2006, that put crime on the agenda for the first time in that year's presidential debates and prompted a surge in police candidacies.

That Bolsonaro himself became a victim of violent crime – stabbed in the abdomen by an individual whilst campaigning, just a month away from the first round of the election -- further fuelled this generalized sense of insecurity. His choice of a retired army General, Hamilton Mourão, for his running mate, and Bolsonaro's own constant nostalgia for the military regime, suggested that a return to past practices of torture and extra-judicial execution, when the police were supposedly unfettered by bothersome concerns about

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[5] It stated that crack cocaine had entered Brazil via the communist FARC guerrillas in Colombia (not true), and that a million Brazilians had been killed since the first meeting in 1990 of the Forum of São Paulo, an annual gathering of the Latin American left, as if the two were causally connected, which they are not.

human rights, would solve the problems of crime. In fact, those practices had never gone away, despite the best efforts of rule-of-law advocates, as the data on police brutality show (Lima, Sinhoretto and Bueno 2015).

A second facilitating factor for the entry of security service personnel into politics was a party-political, institutional shift. 2018 saw the collapse of the binary contest in presidential elections between the PT and PSDB that had dominated the past two decades, and Bolsonaro surged as an 'outsider' candidate (albeit a career politician of 30 years) as the public cast a protest vote at the Lava-Jato corruption scandal that had engulfed the whole political class. This intensified the fragmentation of an already extremely fractured party system – 30 parties are now represented in the Brazilian congress, making it an outlier globally – in which the cost of entry is very low. With a turnover rate was over 50 per cent and an open-list electoral system, in which voters tend to opt for individual candidates rather than party tickets, means that anyone with a public profile benefits from name recognition at the ballot box.

That necessary notoriety is quickly achieved in the bubble of social media and the third fortuitous circumstance was the unprecedented deployment of the WhatsApp platform, used intensively by Brazilians, in these elections. It is both closed to scrutiny and has huge social penetration through 'friends and family' networks, which in turn gives the content that people share legitimacy and credibility. For much of his career Bolsonaro had been a marginal member of the *bancada da bala*, not much respected by the others. But from 2014 he began to build a political base using his outrageous views, captured on film, which went viral on Youtube and WhatsApp.[6] Police officers who became social media phenomena were urged to run for office as outsiders by their viewing publics, and became valuable electoral commodities to the parties that approached them or whose tickets they sought to join. The first two women Military Police officers to be elected to the National Congress had both been captured on camera using their service weapons off-duty in response to situations of

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[6] By July 2018, Major Olímpio had one million followers on Facebook, Bolsonaro 5.3 million. However, as they noticed engagement slow down on this platform due to Facebook's algorithms, they concentrated more on WhatsApp. Illegal campaign donations from business were used to pay for to boost hundreds of millions of posts through WhatsApp, especially in the last two, decisive weeks of the campaign. https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml

violence. Major Fabiana, who ran for the PSL drew her gun to control street violence in a poor neighbourhood of Rio de Janeiro. Corporal Kátia Sastre shot dead an armed robber outside her child's nursery, and she used this footage in her election campaign. Sergeant Fahur of the Federal Highway Police in Paraná acquired 1.6 million online followers for his tough talk in interviews and videos about hunting down drug traffickers and other villains.

In Rio de Janeiro, which has a tradition of security sector candidates, the police associations used the police WhatsApp groups to sound out support for various candidates so that they could strategically select which to back, one of the reasons for the surprise win for outsider Wilson Witzel, a former military man and judge, in the governorship race of that state.[7] They also increasingly organized themselves collectively around their own candidates to intensify messaging, social capital and group identity. There are 250,000 active or retired Military Police in Rio de Janeiro, with a similar number of serving and former armed personnel in what is still a garrison city. When family members are added in, this could be a formidable electoral force. The PSL alone elected eight Military Police officers to the state assembly and Congress. One message on WhatsApp commemorating their victory at the polls stated 'Finally we are starting to come together. Our potential is even greater. We can tip the balance in any elections.'

3. <u>Security sector agendas</u>

The crime and policing agenda

The 2018 elections saw the *bancada da bala* nearly double in size from 35, in the 2015-18 legislature, to an estimated 60 in the incoming Chamber of Deputies. For the first time, one will also form in the Senate.[8] *Bancadas* function both as informal identity and affinity groups, and advocacy coalitions. Within the *bancada*, some members have been more active than others (Instituto Sou da Paz 2016: 13), acting as policy entrepreneurs and driving the ideas for which they then mobilise support through the *bancada* and through the larger,

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[7] https://www1.folha.uol.com.br/poder/2018/10/rio-elege-maior-bancada-policial-de-sua-historia.shtml
[8] http://www.diap.org.br/index.php/noticias/agencia-diap/28531-eleicoes-2018-bancada-linha-dura-da-seguranca-publica-cresce-na-camara-e-no-senado

but more diffuse, *frente* concerned with law-and-order in the parliament (Macaulay 2017).[9] What, then, are its agendas and how has it managed to pursue them?

Since its formation, the *bancada da bala* has successfully acquired strategic influence in the legislative space, capturing key committees in which the PT and other centre-left parties had once been dominant but have since neglected. For example, the Committee on Public Security and Organized Crime is a key agenda-setting arena, due to its filtering function: in 2013 it received 246 bills but considered only 88. Yet since 2007 the chairs and rapporteurs of most bills were drawn from the opposition to the PT government. In 2013 half of its members were lawyers, former police chiefs and army reservists, and one fifth were financed by the firearms and munitions industry, (Instituto Sou da Paz 2014).[10]

Indeed, since 2003, the priority of the *bancada da bala* has been liberalization of gun laws. Brazil is the second largest producer of small arms, mainly handguns, in the world, with an estimated annual value of U$100 million (Dreyfus et al 2010). Most are exported but the domestic market was depressed by the Lula government's 2003 Disarmament Statute, which allowed only justice officials or authorized private security agents to carry firearms. The subsequent 2005 referendum to prohibit sales of firearms galvanized the industry and the *bancada*, who reframed the issue as the citizen's right to self-defence in the face of incompetent policing. The referendum was defeated, in part due a protest vote against the *mensalão* scandal (the Lula government was found to have been paying off legislators). Some 40 bills were then put forward in Congress to amend the Statute. In October 2015 a special Committee, dominated by the *bancada*, voted to revoke the Statute, pending a full vote in parliament. Yet, not all police officers elected to Congress support this, for the police will likely be among the additional victims if more guns are in circulation, and a minority of elected police officers hold more moderate position (Faganello 2015).

Similarly, the 2015 Parliamentary Committee on Inquiry into the prison system was chaired by retired Military Police Colonel Alberto Fraga, the *bancada*'s most active legislator. The

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[9] The two are used interchangeably in some reporting, which is not helpful to understanding their political structures and roles.
[10] The left is represented by just one dogged PSOL deputy from Rio de Janeiro, Glauber Braga, who tries to down the Committee with procedural niceties.

committee invited private security providers to give evidence and, unsurprisingly, the final report enthusiastically advocated more private sector involvement in the penal system. The Bolsonaro/*bancada da bala* position is one of even greater punitiveness, with pledges to abolish the recently introduced Custody Hearings, and end sentence progression, exeats and early release for prisoners. This will slow the rate of prisoners leaving jail and increase the number entering. Brazil now has the third largest prison population in the world, with over 730,000 detainees, which surely shows that the police complaint that 'the police arrest, and the judges let them go' is actually far from the truth. Bolsonaro was glib about the capacity of the prison system, which already holds twice as many prisoners as spaces available: 'Pile them up, cram them in.' This will be a gift not only for private security companies involved in prison privatization and construction, but also for prison-based crime syndicates like the PCC, whose recruiting base is the constant flow of young men into the prison system who turn to the PCC to provide the basic services that the state already refuses to (Paes Manso and Nunes Dias, 2018).

A conservative coalition – the bull, bible and bullet benches

The *bancada da bala* also derives its legislative clout from its strategic association with two other powerful and reactionary *bancadas*, those of agri-business and of evangelical Christians. Collectively they are nicknamed the 'bull, bible and bullet benches', or BBB for short. The second Dilma administration saw the BBB join forces in a grand anti-government coalition. Of the 367 deputies that voted to initiate impeachment proceedings against her, 313 were members of one of the associated *frentes*, and 53 were members of all three, showing how effectively they could flex their collective muscle. They have also developed a practice of lending votes to one another to get their individual agendas through parliament. As soon as Rousseff was impeached the *bancada da bala* mobilized the BBB through the Speaker, Eduardo Cunha. It first set about reducing the age of criminal responsibility, set at 18 in Brazil in line with the Statute on Children and Adolescents and United Nations Convention on the Rights of the Children. A constitutional amendment tabled back in 1993 was picked up in 2015 by a specially constituted committee and approved by this and the house standing Committee on Justice and Constitutional Affairs, both by then dominated by the *bancada da bala*. Put speedily to a plenary vote in July 2015, the bill failed narrowly, but

in an unprecedented manoeuvre, the Speaker returned it 'amended' 24 hours later for another vote, which it passed (Lino 2016).

The three BBB *bancadas* share a deep world view. Bolsonaro himself has managed to unite two of the three strands of the right: the authoritarian right (represented by the *bancada da bala*) and the moral right (the evangelical right), although his position regarding the economic right is more ambiguous.[11] All three *bancadas* share a nostalgia for an era of social hierarchy, and a society that is divided into the deserving and undeserving, in which the 'good people' are collectively protected from the 'bad people', through what the hard-line law-and-order lobby calls 'social defence'. The lobby's slogan 'the only good criminal is a dead one' is hardly new. It has underpinned the executions of criminal suspects by police, death squads and militias all through the twentieth century to the current day. But discursively it represents a backlash against the 'guarantee-ism', that is, the principle of guaranteeing human rights to all as a fundamental entitlement that had been established legally, culturally and institutionally since the return to democracy, and enshrined in the 1988 Constitution. Religious conservatives targetted the standing Committee on Human Rights, and in 2013 Marco Feliciano, a neo-Pentecostal pastor, became chair. Since then his co-religionists have filled most of the slots on the Committee. These *bancadas* are composed of individuals that feel they have a social mission, given by God, or by their security sector profession as guardians of society and order, and are thus deeply anti-pluralist.

In terms of mutual interests, there is both overlap and divergence. The agri-business *bancada* is hostile to indigenous rights that deny them full access to areas of the country for logging, ranching and cultivation, whilst military actors see the Amazon as their domain for reasons of national geo-political security. The proposed use of the anti-terrorism law to criminalize social movements such the Landless Workers Movement (MST) and the Homeless Movement (MTST), which have engaged in rural and urban land occupations, suits both *bancadas* as it securitizes both land issues and social rights. However, for as much as both dislike human rights culture and share a Manichean world view, evangelical Christians

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[11] He did this neatly by getting himself baptized in the river Jordan in early 2018. He is Catholic by background, but his third wife is neo-Pentecostal.

sometimes part company with the police lobby around aggressive policing, not least as their social base lives in precisely the same poor neighbours that are underpoliced, in terms of resources, and overpolicing, in terms of the use of force (Faganello 2015). The military, which strong geo-political interests, was also not happy with Bolsonaro's decision to move the Brazilian embassy in Israel to Jerusalem, aimed at gratifying the neo-Pentecostals.

Diverse security sector interests

The diverse security actors now in the political domain do not therefore necessarily share a single agenda. For the first time, a contingent of seven army officers entered parliament, all elected for the PSL.[12] These officers have proposed forming a *bancada militar* separate from the *bancada da bala*. Although the Brazilian armed forces are often brought into domestic policing issues, and at least one, General Girão Monteiro, has been involved in running a state police force, they see themselves as separate from, and superior to, the military police, and would prefer that the term *militar* was used exclusively for the armed forces. A specifically military priority would be to obtain greater powers and resources in securing Brazil's extensive borders, an issue sharpened by the deepening crisis in Venezuela. Indeed, a panic about spill-over, in the form of thousands of refugees from the 'Communist', Chavista regime of Maduro, was a dominant theme both of the Bolsonaro campaign and of the PSDB's anti-PT electoral broadcasts.

The armed forces have also been unhappy with the way in which the 1964-85 period has been characterized. They continue to resist the terms 'coup' or 'dictatorship' in relation to the installation of the military-civilian regime, referring to it as a 'revolution' or 'movement,' and insisting that in a war against communism what they did was necessary and should not be subject to investigation, prosecution or punishment. Thus they would like to do away with the National Truth Commission, and see their narrative predominate over one focussed on the human rights abuses of that period. Bolsonaro fuelled this sentiment when he dedicated his 2016 vote for the impeachment of President Dilma Rousseff to the memory of

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[12] It is notable that no members of the Navy or Airforce were elected: these two branches of the armed forces are smaller in number and more elite in character. They were, however, actively involved in government during the military regime of 1964-1985.

army Colonel Carlos Alberto Brilhante Ustra who had headed the notorious DOI-CODI intelligence unit where at least 47 people died and around 500 were tortured in the 1970s, including Rousseff herself. Present in much smaller numbers in the legislature than police officers, the military are likely to have more influence in the executive branch. One month away from the inauguration Bolsonaro had appointed eight ministers from the armed forces and three with connections to the same, but none from the police.

Like the armed forces, the police elected to political office will pursue not only ideological goals, but also very mundane, corporate interests around salaries, pensions, working conditions, equipment, budgetary allocations, career structures and perks, all of which affect their relative status and prestige. In the Committee on Public Security and Organized Crime fully half of the bills considered by the committee concerned such matters (Instituto Sou da Paz 2014). Bolsonaro himself, in 27 years in Congress, did not put forward any legislation to improve police working conditions, and his election manifesto went into little actual policy detail on how police would be better enabled to combat crime and violence other than to promise that if they used lethal force against criminal suspects, they would not be prosecuted. Within the *bancada da bala* five separate police forces are now represented (Military, Civil, Federal, Highway and Municipal Police), although the Military Police predominate with 18 out of the 42. Each has their own career structures, institutional cultures and remit and competes with the others for the corporate resources mentioned. The six Federal Police will be hoping to have their ranks increased in order to ramp up their anti-corruption investigations, especially following the appointment of Federal Judge Sérgio Moro as the new Minister of Justice. The Federal Highway Police ran their own electoral campaign 'Law Patrol' and the four elected will also campaign to increase their ranks which have remained static since 1994, about half what is needed.

Conclusion

So, what does this mean for the security sector and for democracy? First of all, anyone of any profession should be entitled to run for political office, and the security sector should be no exception. Advocating for sectoral interests is also part of the democratic game, and the police generally receive little support around their working conditions. However, collectively, as a *bancada* they have played, and seem likely to continue playing, an important veto-playing and agenda-setting role around law-and-order and human rights. This migration between policing and political fields is unprecedented and relatively unstudied, yet has implications not only for public policy but also for understanding new formations of representation in Brazil's legislative spaces in a period of party system decay during this new authoritarian turn. This progressive 'police-ization' of the country's legislative arenas has also affected all levels of government - municipal, state and national: São Paulo city council has had a *bancada da bala* for several mandates. The unreformed character of the country's security forces suggests that this phenomenon, rather than democratizing the police, will contribute to the de-democratization of the political field promised by the Bolsonaro administration.

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