

**1** Columbia University, New York,  
New York, United States  
<https://orcid.org/0000-0002-6881-1040>

**2** Fundação Getulio Vargas, EBAPE,  
Rio de Janeiro, Rio de Janeiro, Brazil  
<https://orcid.org/0000-0002-6648-8649>

**3** Università di Bologna, Bologna,  
Italy  
<https://orcid.org/0000-0003-2229-986X>

**4** O Estado de S. Paulo, Brasília,  
Federal District, Brazil  
<https://orcid.org/0000-0002-4841-3862>



# President Bolsonaro's Promises and Actions on Corruption Control

PROMESSAS E AÇÕES DO PRESIDENTE BOLSONARO SOBRE CORRUPÇÃO

Paul Lagunes<sup>1</sup>, Gregory Michener<sup>2</sup>, Fernanda Odilla<sup>3</sup> and Breno Pires<sup>4</sup>

## Abstract

Before the 2018 Brazilian presidential elections, candidate Jair Bolsonaro offered a bold message on corruption control. Among his promises, Bolsonaro vowed to promote government transparency, dismiss any member of his team accused of corruption, and defend the country's institutions of accountability. Bolsonaro also offered to support a once-popular legislative reform proposal known as the Ten Measures Against Corruption. However, it is worth cautioning that anticorruption as a rhetorical device has been a near-permanent feature of the Brazilian political landscape. In this article, we seek to compare Bolsonaro's campaign promises with his early actions as president. The evidence shows that, months after the 2018 elections, President Bolsonaro has failed the anticorruption mandate on which he was elected.

## Keywords

Corruption; Brazil; mandate; accountability; democracy.

## Resumo

Antes das eleições presidenciais de 2018 no Brasil, o candidato Jair Bolsonaro apresentou um discurso arrojado para o combate à corrupção. Entre as promessas que fez, comprometeu-se a promover a transparência no governo, demitir qualquer integrante de sua equipe acusado de corrupção e defender as instituições de controle no país. Também ofereceu apoio ao então popular projeto de lei conhecido como Dez Medidas Contra a Corrupção. No entanto, é importante alertar que o discurso anticorrupção, como um artifício retórico, é uma característica quase permanente do cenário político brasileiro há anos. Neste artigo, comparamos as promessas de campanha de Bolsonaro com suas ações enquanto presidente. Os dados indicam que, meses após as eleições de 2018, o presidente Bolsonaro falhou na promessa de um mandato anticorrupção para o qual foi eleito.

## Palavras-chave

Corrupção; Brasil; mandato; accountability; democracia.

## INTRODUCTION

In 2018, before the Brazilian presidential elections, candidate Jair Bolsonaro celebrated the fact that he was one of a few politicians not to have received irregular funding from Petrobras (LUPA, 2018).<sup>1</sup> This was of consequence considering that the massive corruption scandal known as Lava Jato had begun at the Brazilian state-owned oil company (DAVIS, 2019, p. 163). In response to the corruption revelations, high-level government officials were convicted, powerful firms were forced to pay restitution, and the Brazilian system of accountability appeared to reach a new level of efficacy (ARANHA, 2020, p. 94-95 and 99-101; GANLEY and LAGUNES, 2020a, p. 227-228).<sup>2</sup> Building on this momentum, candidate Bolsonaro promised citizens a different kind of government: an honest government.<sup>3</sup>

Jair Messias Bolsonaro is an army captain who, as a representative for the state of Rio de Janeiro, served for nearly thirty years in Congress (CÂMARA DOS DEPUTADOS, n.d.). He is described by critics as a right-wing populist known for making disparaging comments against women, gays, and blacks (LEAHY and SCHIPANI, 2018; SIMÕES, 2018; CHILD, 2019). In an apparent challenge to due process and human rights, Bolsonaro is on the record saying that “a good criminal is a dead criminal” (LONDOÑO and ANDREONI, 2018). Earlier in his political career, Bolsonaro even went so far as to call for authoritarian intervention in Brazil (WILSON CENTER, 2018). In a 1999 interview, he warned that if he ever became president, he would close Congress (SIMÕES, 2018). “I would stage a military coup on the first day,” he said (HELAL FILHO, 2019).<sup>4</sup> “Through the vote,” he added, “you will not change anything in this country” (HELAL FILHO, 2019).<sup>5</sup>

But even as Bolsonaro has, at times, appeared unsympathetic to democracy and its ways, he has advanced his political career through none other than the path made available to him by democracy. And, in his aspiration for higher office, Bolsonaro announced his bid for the presidency in July of 2018.

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1 The translation of Jair Bolsonaro’s statement: “My name was mentioned by Mr. Alberto Youssef [a black-market dealer] during his plea agreement [as] one of the three congressional members who did not receive money from Petrobras.” The original quote: “*Eu fui citado pelo senhor Alberto Youssef, por ocasião de sua delação premiada, [como] um dos três deputados que não foi pegar dinheiro na Petrobras*” (LUPA, 2018).

2 For a relevant discussion of Brazil’s accountability system, see: PRADO and CORNELIUS (2020).

3 As stated in candidate Jair Bolsonaro’s government plan (authors’ translation): “We propose a decent government [that will be] different from all that which has thrown us into an ethical, moral, and fiscal crisis. A government without quid pro quo, without spurious agreements.” The original quote: “*Propomos um governo decente, diferente de tudo aquilo que nos jogou em uma crise ética, moral e fiscal. Um governo sem ‘toma-lá-dá-cá’, sem acordos espúrios*” (BOLSONARO, 2018a, p. 2).

4 The original statement: “Não há a menor dúvida, daria golpe no mesmo dia” (HELAL FILHO, 2019).

5 The original statement: “Através do voto você não vai mudar nada nesse país, nada, absolutamente nada” (HELAL FILHO, 2019).



Bolsonaro's strategy of railing against the corrupt status quo appeared to work. He won the presidency and, in his inaugural speech, called on all members of Congress to free Brazil of corruption (UOL, 2019). However, it is worth cautioning that anticorruption as a rhetorical device has been a near-permanent feature of the Brazilian political landscape (AVRITZER *et al.*, 2008; DOS SANTOS, 2017; SADEK, 2019). The question is whether the disconnect between what politicians promise and what they actually deliver is of relevance to the health of a democracy.

In this article, we assume that political rhetoric matters and that hypocrisy—however common—is in tension with accountability. During electoral campaigns, rhetoric is the means by which candidates communicate information to voters (DOWNS, 1957), consequently shaping expectations about the future of policy (STOKES, 2001, p. 2-4). Presidential inaugural addresses are similarly important considering that they set the tone and the policy agenda for the incoming administration (RAGSDALE, 1984; CAMPBELL and JAMIESON, 2018). If officials go on to deliver on their early promises, they can be thought of as responsive to voters (O'DONNELL, 1994, p. 58). In this sense, responsiveness is achieved when “the democratic process induces the government to form and implement policies that the citizens want” (POWELL, 2004, p. 91).

With this in mind, we join those who warn about the importance of validating Jair Bolsonaro's words against his actions (ROSE-ACKERMAN and PIMENTA, 2020, p. 205). Two years after the 2018 elections, there is a growing body of evidence—summarized in the substance of this article—that President Bolsonaro has failed the anticorruption mandate that he set for himself. This is not to imply that everything about Bolsonaro's administration can be judged a disappointment. Similarly, we do not pretend that, as president, Bolsonaro can control everything relating to corruption in Brazil.<sup>7</sup> Also, it is at least plausible that a few of the troubling trends highlighted here may be reversed before the President concludes his term.<sup>8</sup> But whatever happens in the years ahead, this article should serve as a resource that tracks Jair Bolsonaro's original promises and early actions on the subject of corruption control.

## 1. POLITICAL PROMISES, CORRUPTION SCANDALS, AND INSTITUTIONAL DEVELOPMENT

Jair Bolsonaro is by no means the first politician to make promises regarding corruption control. In this section, we trace Brazil's decades-long path of scandal and institutional development while also spotlighting other contemporary presidents who have made notable

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<sup>7</sup> That said, the president is a central actor with strong legislative powers in the Brazilian governing system (ABRANCHES, 1988; FIGUEIREDO and LIMONGI, 2007; MELO and PEREIRA, 2013).

<sup>8</sup> Much of this article was drafted between the months of May and October of 2020. By the time this article is published, President Bolsonaro will have been in office for more than two years.



promises to fight corruption. Our brief historical review places Bolsonaro's actions in broader context and introduces the institutional actors that will prove central to our analysis later, in Section 2.

### 1.1. INSTITUTIONAL DEVELOPMENT: THE FEDERAL PROSECUTION SYSTEM

We begin our historical review by noting that the years of military rule in Brazil—that is, the years between 1964 and 1985—were marred by scandal (GEDDES and RIBEIRO NETO, 1992, p. 647). Table 1 lists the most prominent corruption scandals that occurred during the administrations of generals Emílio Garrastazu Médici (1969-1974), Ernesto Geisel (1974-1979), and João Baptista Figueiredo (1979-1985).

TABLE 1 – PRESIDENTIAL PROMISES TO FIGHT CORRUPTION & CORRUPTION SCANDALS (1964-1992)

PRESIDENT	YEAR	PROMISED TO FIGHT CORRUPTION WHEN TAKING OFFICE <sup>1</sup>	FEATURED AS CORRUPTION FIGHTER <sup>2</sup>	CORRUPTION SCANDALS OF NOTE <sup>3</sup>
HUMBERTO DE ALENCAR CASTELO BRANCO	1964-1967	YES	YES	
ARTUR DA COSTA E SILVA	1967-1969	NO MENTION	NO	
GOVERNING JUNTA	1969	MISSING DATA <sup>6</sup>	NO	
EMÍLIO GARRASTAZU MÉDICI	1969-1974	NO MENTION	NO	<i>GOVERNADORES BIÔNICOS</i> (BIONIC GOVERNORS); FLEURY (1973).
ERNESTO GEISEL	1974-1979	NO MENTION	YES	DELFIN NETO/CAMARGO CORRÊA (1974); PERKS FOR MINISTERS AND HIGH-LEVEL CIVIL SERVANTS (1976); GENERAL ELECTRIC (1976).
JOÃO BAPTISTA FIGUEIREDO	1979-1985	YES	YES	LUTAFLLA CASE (1979); NEWTON CRUZ/CAPEMI (1982); GRUPO DELFIN (1982); COROA BRASTEL (1985).
JOSÉ SARNEY	1985-1990	NO MENTION		<i>FERROVIA NORTE-SUL</i> (NORTHERN-SOUTHERN RAILROAD) (1987); CPI DA CORRUPÇÃO (1988); CASO BR (1988).
FERNANDO COLLOR DE MELLO	1990-1992	YES	YES	JORGINA DE FREITAS (1991); ROSANE COLLOR (1991); PC/COLLORGATE.

*(it continues)*

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<sup>9</sup> THE LABEL "MISSING DATA" INDICATES THAT THE PRESIDENT'S INAUGURAL SPEECH IS EITHER NOT AVAILABLE OR WAS NOT FOUND.

<sup>1</sup> SOURCES: *BIBLIOTECA DA PRESIDÊNCIA DA REPÚBLICA* (N.D.) AND *BONFIM* (2008).

<sup>2</sup> SOURCE: THE NEW YORK TIMES'S *TIMEMACHINE* (N.D.).

<sup>3</sup> AN EMPTY CELL INDICATES THAT NO MAJOR SCANDAL WAS IDENTIFIED DURING THE TIME PERIOD OF INTEREST. ALSO, MOST OF THE INFORMATION CONTAINED UNDER THIS COLUMN WAS OBTAINED FROM FREIRE (2015). ADDITIONAL SOURCES INCLUDE: FREITAS (1987); GONDIM (1997); WAISBORD (2000); TAYLOR AND BURANELLI (2007); POWER AND TAYLOR (2011); TAVARES (2015).

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Source: Authors.

After reestablishment of civilian rule through enactment of the Constitution of 1988, Brazil laid the foundations for the country's present-day system of accountability (POWER and TAYLOR, 2011; CARSON and PRADO, 2014). This critical step in institutional development is best exemplified by changes to the Federal Prosecution System (in Portuguese, *Ministério Público da União* or MPU).<sup>9</sup> Reforms enacted a few years before had given the MPU greater autonomy and power (ARANTES 2002; KERCHE, 2008; PRAÇA and TAYLOR, 2014), but it is the 1988 Constitution that actually granted the MPU much of the independence that it enjoys today (ARANTES, 2004; ARANHA, 2018). However, this is not to suggest that the MPU is completely immune to external influence.

The manner by which the MPU's leadership is selected gives members of the political class an opportunity to shape the Federal Prosecution System. The head of the MPU—that is, the Chief General Prosecutor (*Procurador-Geral da República*)—is the person responsible for both bringing corruption charges against top-level politicians and overseeing the Federal Prosecution Service, or, as it is known in Portuguese, *Ministério Público Federal* (FALCÃO *et al.*, 2017; ARANTES, 2019). Candidates to this position are first nominated by the president and then confirmed by the Senate (ABREU, 2010). As we illustrate later, it is through this selection process that congressional members and cabinet ministers have a hand in the fate of anticorruption efforts in the country.

## 1.2. INSTITUTIONAL DEVELOPMENT: THE FEDERAL PROSECUTION SERVICE

The importance of the *Ministério Público Federal*—or MPF, for short—can hardly be overstated. Even accounting for the aforementioned risk of political interference, officials in

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<sup>9</sup> The MPU was created in 1951 and is headed by the Chief General Prosecutor. There are a few different agencies under the MPU's governance structure, including the Federal Prosecution Service (*Ministério Público Federal*, MPF), the Labor Prosecution Service (*Ministério Público do Trabalho*, MPT), and the Military Prosecution Service (*Ministério Público Militar*) (BRAZIL, 1993; ABREU, 2010).

Brazil have learned that the MPF is an institution to be reckoned with. Since democracy was restored, prosecutors working for the MPF have been increasingly active in exposing corruption (TAYLOR and BURANELLI, 2007). In fact, the MPF stands out as the agency that led the charge during *Operação Lava Jato*.

And it is because of their work on Lava Jato that members of the MPF have been the object of intense controversy (GANLEY and LAGUNES, 2020b, p. 186). On the one hand, some charge those involved in the Lava Jato Task Force with committing rights violations, showing excessive dependence on evidence drawn from plea bargains, and undermining Brazilian democracy by going after elected government officials, especially from left-leaning parties (LAGUNES, 2020, p. 113). On the other hand, the Lava Jato Task Force managed to win a high number of convictions and prison sentences totaling more than 2,000 years (LAGUNES, 2020, p. 113). Thus, in one sense, Lava Jato is an entirely unique event in a national setting where corrupt elites have historically evaded conviction (TAYLOR and BURANELLI, 2007). In another sense, Lava Jato can be thought of as a recent link in the long chain of corruption scandals affecting Brazil even after democracy was reestablished in 1988.<sup>10</sup>

### 1.3. CORRUPTION SCANDALS: FROM SARNEY TO COLLOR

It is in 1988 that a parliamentary inquiry committee (in Portuguese, *Comissão Parlamentar de Inquérito* or CPI) was created in Congress to investigate corruption in President Jose Sarney's administration (FOLHA DE S.PAULO, 1994b). While the committee recommended impeaching Sarney, the Lower Chamber voted against the measure (FIORI, 2006).<sup>11</sup> Still, the multiple scandals witnessed during the Sarney administration (see Table 1) are seemingly what led a number of presidential candidates in the 1989 election to promise to fight corruption. Among the various candidates, Fernando Collor de Mello was nicknamed the "hunter of maharajahs" due to his penchant for attacking the high salaries and perks of public officials (SCHNEIDER, 1991).

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10 We fully acknowledge that witnessing scandals during a given presidential administration is not necessarily the result of broken promises or lack of political responsiveness. In fact, it could reflect the opposite. More accountable or responsive administrations might be more inclined to spotlight and confront corruption, thus increasing the number of scandals observed over a given time period. Following this line of thinking, readers should view the lack of corruption scandals during the 1964-1969 period with skepticism (see Table 1). Is it that corruption was actually under control during this period of military rule, or is it that the lack of freedom and democracy in Brazil before 1988 made it easier to hide corruption allegations? In our opinion, the latter seems more likely.

11 The year before, the same newspaper had revealed allegations of irregularities in the public bidding for the construction of a railroad, leading to another congressional inquiry (*CPI Ferrovia Norte e Sul*) and the cancellation of the bidding (FREITAS, 1987; WAISBORD, 2000; POWER and TAYLOR, 2011, p. 2).

Upon winning the presidential election, Collor used his inaugural speech to reaffirm his commitment to anticorruption (see Table 1). After some time in office, however, scandals involving his administration began to accumulate (WEYLAND, 1993). Collor ultimately resigned after a failed attempt to avoid impeachment (FIGUEIREDO, 2010).<sup>12</sup>

#### 1.4. CORRUPTION SCANDAL: THE FRANCO ADMINISTRATION

When Collor left the presidency, he was replaced by Vice President Itamar Franco (1992-1995) whose administration soon faced corruption scandals of its own (see Table 2). For instance, the *CPI dos Anões do Orçamento* (in English, “Budget Dwarfs”) investigated the diversion of public funds to ghost firms controlled by members of the congressional budget committee, most of whom were physically short and part of the so-called *baixo clero* or lower clergy (FOLHA DE S.PAULO, 1994a; FILGUEIRAS and VALE, 2002; PRAÇA, 2011; MORENO, 2015; MATAIS *et al.*, 2016). The committee’s final report recommended that eighteen of the thirty-seven parliamentarians under investigation be removed, though only six of them actually lost their mandate (FIORI, 2006). It is worth noting that, during the congressional inquiry, three governors and seven current or former cabinet ministers were accused of participating in the scheme to benefit organizations and firms, including Odebrecht (MURELLO, 1993; GASPAR, 2020).

TABLE 2 — PRESIDENTIAL PROMISES TO FIGHT CORRUPTION AND CORRUPTION SCANDALS (1992-2018)

PRESIDENT	YEAR	PROMISED TO FIGHT CORRUPTION WHEN TAKING OFFICE <sup>1</sup>	FEATURED AS CORRUPTION FIGHTER <sup>2</sup>	CORRUPTION SCANDALS OF NOTE <sup>3</sup>
ITAMAR FRANCO	1992-1995	YES	YES	RODOMAR AND BNDES (1992); ANÕES DO ORÇAMENTO (BUDGET DWARFS) (1993).
FERNANDO HENRIQUE CARDOSO	1995-2003	YES <sup>4</sup>	NO	TRT (1990S); BANESTADO (1990S); PASTA ROSA (PINK FOLDER) (1995); SIVAM (1995); VOTE-BUYING FOR THE RE-ELECTION AMENDMENT (1997); PRIVATIZATION OF TELECOMS (1998); BANK MARKA

*(it continues)*

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<sup>12</sup> Though President Collor was cleared of corruption charges by the Supreme Court (AURÉLIO, 2010; MOTTA, 2014), years later, while a sitting senator, he was among the politicians implicated in Lava Jato (AMORIM, 2017).



				AND FONTECINDAM (1999); SUDAM/SUDENE (2000).
LUIZ INÁCIO LULA DA SILVA	2003-2011	YES <sup>4</sup>	YES	OPERATION ANACONDA (2003); WALDOMIRO DINIZ (2004); <i>MÁFIA DOS VAMPIROS</i> (VAMPIRE MAFIA) (2004); <i>MENSALÃO</i> (2005); <i>SANGUESSUGA</i> (2006); PALOCCI (2006); <i>BOI BARRICA/FAKTOR</i> (2006); <i>DOSSIÊ DOS ALOPRADOS</i> (MADMEN DOSSIER, 2006); OPERATION NAVALHA (2007); <i>MENSALÃO TUCANO</i> (2007); OPERATION HURRICANE (2007); SATIAGRAHA (2008); <i>CARTÕES CORPORATIVOS</i> (CORPORATIVE CARDS) (2008); <i>MENSALÃO DO DEM</i> (2009); <i>CASTELO DE AREIA</i> (SAND CASTLE) (2009); SENATE'S SECRET ACTS (2009); ERENICE CASE (2010).
DILMA ROUSSEFF	2011-2016	YES	NO	PALOCCI (2011); CONAB (2011); MINISTRY OF LABOR AND NGOS (2011); <i>SEGUNDO TEMPO</i> (2011); <i>MÁFIA DOS TRANSPORTES</i> (TRANSPORTATION MAFIA) (2011); <i>CACHOEIRA/MONTE CARLO</i> (2012); <i>LAVA JATO</i> (CAR WASH) (2014).
MICHEL TEMER	2016-2018	NO MENTION	NO	GREENFIELD (2016); JBS (2017); <i>CANDIDATURAS LARANJAS</i> (2018); <i>RACHADINHAS</i> (2018).

<sup>0</sup> THE LABEL "MISSING DATA" INDICATES THAT THE PRESIDENT'S INAUGURAL SPEECH IS EITHER NOT AVAILABLE OR WAS NOT FOUND.

<sup>1</sup> SOURCES: *BIBLIOTECA DA PRESIDÊNCIA DA REPÚBLICA* (N.D.) AND *BONFIM* (2008).

<sup>2</sup> SOURCE: THE NEW YORK TIMES'S *TIMEMACHINE* (N.D.).

<sup>3</sup> SCANDALS IDENTIFIED DURING THE TIME PERIOD OF INTEREST. SOURCES INCLUDE: *FOLHA* (2003); *FOLHA* (2004); *FOLHA* (2006); TAYLOR AND BURANELLI (2007); MPF (2008); MPF (2010); MARQUES (2011); POWER AND TAYLOR (2011); VASCONCELOS (2013); CARSON AND PRADO (2014); BASILIO (2015); UOL (2015); CHEMIM (2017); VALENTE AND IGLESIAS (2017); BARBIÉRI (2018); CAMARGOS (2019); SHALDERS (2019); GOMES (2020); AND SENRA (2020).

<sup>4</sup> PROMISES TO FIGHT CORRUPTION MADE ONLY IN THE FIRST TERM.

Source: Authors.

### 1.5. INSTITUTIONAL DEVELOPMENT: THE FEDERAL REVENUE SERVICE, THE COUNCIL FOR CONTROL OF FINANCIAL ACTIVITIES, AND THE INSPECTOR GENERAL

Crucially, the Franco administration is not remembered solely for the scandals that occurred during its watch. There were several areas that witnessed notable progress. For example, the

Federal Revenue Service (in Portuguese, *Receita Federal*) was granted new resources and attributions which allowed it to conduct a more effective oversight of financial transactions (POWER and TAYLOR, 2011, p. 267; PRAÇA and TAYLOR, 2014, p. 34).

Years later, during the presidency of Fernando Henrique Cardoso (1995-2002), anti-money laundering efforts were further reinforced with new legislation. The Cardoso administration also created key institutions that come up again later in this article: the Council for Control of Financial Activities (*Conselho de Controle de Atividades Financeiras* or COAF) and the National Disciplinary Office (*Corregedoria-Geral da União* or CGU). The former is responsible for countering money laundering and terrorism financing (PRAÇA and TAYLOR, 2014, p. 34; ARANHA, 2020, p. 99-100). The latter is responsible for investigating and punishing corruption among civil servants (FLEISHER, 2002; ODILLA, 2020).

#### 1.6. CORRUPTION SCANDALS: THE CARDOSO ADMINISTRATION

Unfortunately, the progress made on corruption control during the Cardoso administration is tarnished by the corruption scandals witnessed during that same period. Among these scandals was one involving allegations of congressional vote buying to enable Cardoso (and subsequent presidents) to run for reelection (RODRIGUES, 2014). Another stemmed from audio files which suggested that the federal government interfered in the privatization of telecommunication companies (RODRIGUES and LOBATO, 1999).

There were other scandals as well (see Table 2), but few triggered successful prosecution. This is generally thought to be because Geraldo Brindeiro—the person that Cardoso appointed to serve as Chief General Prosecutor—seemed inclined to shelve not-yet-completed criminal investigations (FREITAS, 2003). As a result, Brindeiro was given the nickname “*engavetador-geral*,” which loosely translates to “shelver-in-chief” (KERCHE and MARONA, 2018).

#### 1.7. INSTITUTIONAL DEVELOPMENT: THE OFFICE OF THE COMPTROLLER GENERAL, THE *LISTA TRÍPLICE*, AND THE FEDERAL POLICE

Because of the apparent impunity observed during the Cardoso administration, in 2002, as the presidential candidate for the Workers' Party, Luiz Inácio Lula da Silva promised voters that he would bring corruption under control (GOLDFRANK and WAMPLER, 2017).

Under Lula's watch, Brazil witnessed a rise in the number of anticorruption audits (FERRAZ and FINAN, 2008) as well as an increase in the number of parliamentary inquiries (i.e., CPIs) into suspected irregularities. Moreover, key government agencies were offered greater support. For instance, the CGU was renamed the Office of the Comptroller General (*Controladoria-Geral da União*) and was granted new powers and responsibilities (PRAÇA and TAYLOR, 2014; ODILLA, 2020). The Federal Police, which had long prioritized the fight against drug trafficking, was also allocated additional personnel and equipment to counter money laundering and white-collar crime (PONTES and ANSELMO, 2019).

Also of note, the Lula administration adopted a number of best practices. Namely, in 2003, as a means to protect the MPU's independence against political interference (see the discussion in Section 1.1), Lula was the first president to nominate a new Chief General Prosecutor based on the so-called *lista triplíce*—i.e., a list of three reputable candidates proposed by the country's federal prosecutors via the Association of National Prosecutors.

### 1.8. CORRUPTION SCANDALS: THE LULA ADMINISTRATION

In spite of this progress, the Lula administration still faced a number of corruption scandals, including those known as *Bingos/Waldomiro Diniz*, *Palocci*, *Sanguessugas*, and *Navalha* (see Table 2; also, again, see footnote 10). However, the scandal which surpassed them all was *Mensalão* (MICHENER and PEREIRA, 2016).

In an interview with *Folha de S.Paulo*, then-congressional member Roberto Jefferson claimed that members of Congress were offered periodic payments—which he called *mensalão*—to secure legislative support for Lula's policy agenda (LO PRETE, 2005). And even though those implicated in *Mensalão*<sup>13</sup> were tried by the federal Supreme Court (DOWNIE, 2012),<sup>14</sup> the Workers' Party won two more presidential elections: the re-election of Lula in 2006 and the election of Dilma Rousseff in 2010.

### 1.9. CORRUPTION SCANDALS: THE ROUSSEFF ADMINISTRATION

As Brazil's first female president, Rousseff began her term promoting what became known as *faxina ética*, an effort which sought to promote an ethical cleaning of sorts (KRAKOVICS, 2014; LIMONGI, 2017). As part of this attempt at promoting government integrity, Rousseff fired six ministers suspected of corruption (ALENCASTRO and BRAGA, 2013). In 2011, she also enacted the *Lei de Acesso à Informação*, Brazil's freedom of information (FOI) law (RODRIGUES, 2020). When the law was first introduced in Congress, it was explicitly proposed as an anticorruption measure.<sup>15</sup>

Despite the way Rousseff began her presidency, starting in 2013 protesters began taking to the streets to express their dissatisfaction with the quality of public services (GOHN,

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13 In the wake of *Mensalão*, representatives from opposition parties also faced investigations and criminal trials for similar quid pro quo schemes. These particular scandals became known as *Mensalão do DEM* and *Mensalão Tucano*, both of which are listed in Table 2.

14 In Brazil, members of parliament, government ministers, the president, the vice president, and members of the higher courts are subject to a special jurisdiction (*foro privilegiado*). Only the Supreme Court can judge members of this group. See Section 2.8 for further discussion.

15 As explained by Dilma Rousseff and others in the message that accompanied the *Lei de Acesso à Informação*, "Access to public information [...] is one of the strongest tools for fighting corruption" (ROUSSEFF *et al.*, 2009).

2014). Many were angry at the billions spent on new football stadiums for the 2014 World Cup (WATTS, 2013). Seemingly in response to the rise in public anger, with Rousseff's support, Congress passed two legislative bills that would allow plea bargaining for criminal law proceedings and leniency agreements with companies for administrative law proceedings (MENDES, 2013; ODILLA, 2018). It is around this time that Lava Jato began to unfold.

In spite of the growing public discontent, Rousseff managed to get re-elected in 2014 for a second term (AMARAL and RIBEIRO, 2018). And, when taking the oath of office in 2015, Rousseff stressed an anticorruption message (see Table 2). However, her message failed to appease the public. Many protested against the government of the Workers' Party and in favor of the Lava Jato Task Force's work, which was closing in on a growing number of politicians (GOHN, 2014; RAMOS *et al.*, 2014; PRAÇA, 2017). It is in this context that Rousseff's administration was cut short by impeachment.<sup>16</sup> Not long after, Lula was jailed and the evidence of corruption stemming from Lava Jato seemed to fuel political support for the presidential candidacy of Jair Bolsonaro.

## 2. TRACKING JAIR BOLSONARO'S PROMISES ON CORRUPTION CONTROL

According to a number of surveys, months after Jair Bolsonaro assumed the presidency, Brazilians were still concerned about corruption. One such survey revealed that, between 2018 and 2020, Brazilians grew pessimistic about the fate of accountability in their country. According to that survey, days after Bolsonaro was elected, a majority of the population (56%) estimated that corruption would soon decrease (XP/IPESPE, 2020). By April of 2020, only a minority (18%) still held that belief, while many more (45%) thought that corruption would worsen in the coming months (XP/IPESPE, 2020).

According to a different survey, some two years after Bolsonaro was elected president, approximately 55% of Brazilians had reached the conclusion that the Bolsonaro administration was no better at fighting corruption than previous ones (MARTINS, 2020; PARANÁ PESQUISAS, 2020). A different survey conducted around the same time showed that a majority of the population in Brazil still perceived corruption in their midst, with approximately 77% saying that corruption had either increased or remained the same between 2018 and 2020 (CNT/MDA, 2020, p. 25; FUZEIRA, 2020). Given the shifts in popular opinion, it is possible that—two years after the 2018 elections—Brazilians began to sense an incongruence between Bolsonaro's original campaign promises and his actions as president.

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16 Rousseff was accused of spending public funds without congressional authorization and was impeached in August, shortly after the 2016 Olympics. Rousseff herself was not accused of corruption (LAGUNES and ROSE-ACKERMAN, 2017).



With this issue in mind, Tables 3 and 4 highlight eight corruption-related promises that Jair Bolsonaro made between March 29, 2018, and January 7, 2019. Nearly all of the promises listed in these tables were communicated during the campaign season, though one was also communicated as part of Bolsonaro's inaugural speech as president. While these are not all of Bolsonaro's early promises on corruption control, they arguably represent the most important issues that Bolsonaro and his team chose to promote. The promises cover a range of topics—from defending corruption-fighting institutions to firing high-level appointed officials suspected of corruption. In this section, we review each promise, beginning with the promise referring to government transparency.<sup>17</sup>

TABLE 3 – CANDIDATE JAIR BOLSONARO'S PROMISES TO FIGHT CORRUPTION (PART 1 OF 2)

TOPIC	SUBTOPIC	DATE	TRANSLATED QUOTE <sup>P</sup>	NOTABLE ACTIONS OR OMISSIONS RELATING TO THE CAMPAIGN PROMISE
TRANSPARENCY	GOVERNMENT TRANSPARENCY	AUGUST 14, 2018 (TWO MONTHS BEFORE THE ELECTIONS)	"TRANSPARENCY AND COMBATING CORRUPTION ARE NON-NEGOTIABLE GOALS." <sup>1</sup>	A NUMBER OF PRESIDENT JAIR BOLSONARO'S ACTIONS HAVE SOUGHT TO WEAKEN GOVERNMENT TRANSPARENCY, INCLUDING EXECUTIVE MEASURES THAT LIMITED THE HANDLING OF FREEDOM OF INFORMATION (FOI).
		JANUARY 7, 2019 (SIX DAYS AFTER BEING SWORN IN AS PRESIDENT)	"TRANSPARENCY ABOVE ALL. ALL OF OUR ACTS WILL HAVE TO BE OPEN TO THE PUBLIC." <sup>2</sup>	
INSTITUTIONS OF ACCOUNTABILITY	SUPPORTING THE LAVA JATO TASK FORCE	SEPTEMBER 11, 2018 (A MONTH BEFORE THE ELECTIONS)	"SUPPORTING LAVA JATO IS FUNDAMENTAL TO THE FIGHT AGAINST CORRUPTION IN BRAZIL." <sup>3</sup>	PRESIDENT JAIR BOLSONARO'S DECISION TO NOMINATE AUGUSTO ARAS TO SERVE AS PROSECUTOR GENERAL JEOPARDIZED THE LAVA JATO TASK FORCE.
INSTITUTIONS OF ACCOUNTABILITY	DEFENDING CORRUPTION- FIGHTING INSTITUTIONS	AUGUST 14, 2018 (TWO MONTHS BEFORE THE ELECTIONS)	"URGENT CHALLENGES: WIDESPREAD CORRUPTION AND THREATS TO THE INSTITUTIONS THAT ARE FIGHTING IT." <sup>1</sup>	PRESIDENT JAIR BOLSONARO'S ACTIONS AND INACTIONS HAVE DONE MORE THAN UNDERMINE THE LAVA JATO TASK FORCE. DUE TO A CLAIM THAT HE ILLEGALLY INTERFERED IN THE FEDERAL POLICE, HE CAME UNDER INVESTIGATION IN THE SUPREME COURT. AT CRITICAL MOMENTS, BOLSONARO'S ADMINISTRATION HAS ALSO FAILED TO SUPPORT THE BRAZILIAN

*(it continues)*

17 Transparency is considered relevant to our line of inquiry based on a core assumption: officials in regimes that embrace transparency realize their actions are subject to review, and therefore are induced to act with greater honesty (LAGUNES, 2021, p. 25).

FINANCIAL INTELLIGENCE UNIT (COAF) AND THE FEDERAL REVENUE SERVICE (RECEITA FEDERAL).

MERIT-BASED APPOINTMENTS & DISMISSALS	COALITION BUILDING	SEPTEMBER 11, 2018 (A MONTH BEFORE THE ELECTIONS)	"[T]O ATTACK CORRUPTION AT ITS ROOT, BY PUTTING AN END TO THE GOVERNMENT'S POLITICAL APPOINTMENTS IN EXCHANGE FOR SUPPORT." <sup>3</sup>	IN AN EFFORT TO WIN LEGISLATIVE SUPPORT, PRESIDENT BOLSONARO HAS DELIVERED POSITIONS OF GOVERNMENT TO CONGRESSMEN FROM A GROUP CALLED <i>CENTRÃO</i> .
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<sup>p</sup> AUTHORS' TRANSLATION.

<sup>1</sup> BOLSONARO (2018A).

<sup>2</sup> CAMPOS AND GONÇALVES (2019).

<sup>3</sup> BOLSONARO (2018B).

Source: Authors.

TABLE 4 – CANDIDATE JAIR BOLSONARO'S PROMISES TO FIGHT CORRUPTION (PART 2 OF 2)

TOPIC	SUBTOPIC	DATE	TRANSLATED QUOTE <sup>p</sup>	NOTABLE ACTIONS OR OMISSIONS RELATING TO THE CAMPAIGN PROMISE
MERIT-BASED APPOINTMENTS & DISMISSALS	FIRING MINISTERS SUSPECTED OF CORRUPTION	DECEMBER 2018 (SOON AFTER BEING ELECTED PRESIDENT)	"IF THERE IS ANY EVIDENCE OR STRONG CLAIM AGAINST ANYONE WHO IS WITHIN [MY PEN'S] REACH, I WILL USE IT." <sup>1</sup>	IN SPITE OF HIS PROMISE TO BUILD A TEAM OF COLLABORATORS WHO ARE BEYOND REPROACH, ONE OF PRESIDENT JAIR BOLSONARO'S FIRST MINISTERIAL APPOINTMENTS WENT TO ONYX LORENZONI, WHO LATER CONFESSED TO HAVING RECEIVED ILLEGAL FUNDS FROM THE LARGE MEAT PROCESSING COMPANY JBS.
RELEVANT LEGISLATION	TEN MEASURES AGAINST CORRUPTION	AUGUST 14, 2018 (TWO MONTHS BEFORE THE ELECTIONS)	"WE WILL RESCUE 'THE TEN MEASURES AGAINST CORRUPTION', PROPOSED BY THE FEDERAL PROSECUTION SERVICE, AND SUPPORTED BY MILLIONS OF BRAZILIANS, AND SEND IT TO CONGRESS FOR APPROVAL." <sup>2</sup>	JAIR BOLSONARO FAILED TO USE HIS INFLUENCE AS PRESIDENT TO SUPPORT THE TEN MEASURES AGAINST CORRUPTION IN CONGRESS. HE ALSO FAILED TO SUPPORT SÉRGIO MORO'S ANTI-CRIME LEGISLATIVE PROPOSAL, WHICH WAS THOUGHT TO SUPPLANT THE TEN MEASURES.
RELEVANT LEGISLATION	LIMITING THE ABILITY OF PRESUMPTIVE CRIMINALS TO DELAY JUSTICE	MARCH 29, 2018 (SEVEN MONTHS BEFORE THE ELECTIONS)	"THE IMPRISONMENT MUST HAPPEN [AFTER THE CRIMINAL SENTENCE IS UPHOLD] IN THE SECOND INSTANCE." <sup>3</sup>	PRESIDENT JAIR BOLSONARO DID NOT USE HIS POLITICAL INFLUENCE TO ENSURE THAT THIS MEASURE RECEIVED THE SUPPORT IT NEEDED IN CONGRESS, EVEN THOUGH HIS THEN-MINISTER OF JUSTICE,

*(it continues)*

SERGIO MORO, INSISTED THAT IT WAS CRITICAL TO THE FIGHT AGAINST CORRUPTION IN BRAZIL.

RELEVANT LEGISLATION	LIMITING POLITICAL IMMUNITY	APRIL 27, 2018 (SIX MONTHS BEFORE THE ELECTIONS)	"I SUPPORT THE END OF THE SPECIAL JURISDICTION...." <sup>4</sup>	IN SPITE OF WHAT HE PROMISED, AS PRESIDENT, JAIR BOLSONARO HAS NOT PUSHED TO END THE SO-CALLED "FORO PRIVILEGIADO."
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<sup>p</sup> AUTHORS' TRANSLATION.

<sup>1</sup> MONTEIRO, LINDER AND LIMA (2018).

<sup>2</sup> BOLSONARO (2018A).

<sup>3</sup> EDUARDO BOLSONARO (2018).

<sup>4</sup> INTERATIVA FM GOIÂNIA (2018).

Source: Authors.

### 2.1. PROMISE TO PROMOTE GOVERNMENT TRANSPARENCY

First as a presidential candidate, and then as a newly elected president, Jair Bolsonaro promised to promote transparency in government.<sup>18</sup> However, many of Bolsonaro's actions have actually served to weaken government transparency. The most conspicuous attempt of this sort occurred in early 2019, only a month after Bolsonaro took office, when his administration issued a decree (9.690/2019) that vastly augmented the number of officials allowed to classify information as confidential. Faced with the prospect of greater secrecy, citizens and the press initiated a pressure campaign which ultimately resulted in the decree's overwhelming failure in Congress (BRESCIANI, 2019). This event became part of a pattern of attacks on transparency by the Bolsonaro administration that would eventually end up in failure. Two additional cases stand out as part of this pattern. In the first, the Supreme Court limited the scope of a presidential decree (9.759/2019) that opposed the continuation of constitutionally-mandated citizen councils in the federal government. In the second case, the Supreme Court struck down an executive order (*Medida Provisória* 928/2020) that effectively suspended the legal obligation to respond to FOI requests during the coronavirus pandemic.

After failing to limit the FOI law itself, blackouts—that is, the failure to provide information generally regarded as public—became the administration's tactic of choice. From

18 One of Jair Bolsonaro's key statements on the subject of government transparency was: "Transparência acima de tudo. Todos os nossos atos terão que ser abertos para o público. E o que aconteceu no passado também. Não podemos admitir qualquer cláusula de confidencialidade pretérita. Esses atos e ações tornar-se-ão públicos" (CAMPOS and GONÇALVES, 2019). See Table 3 for the English language translation of the statement.

the very beginning, Bolsonaro refused to provide logs of visitors to the presidential palace (AMADO, 2019). Blackouts were also used to obscure aspects of the pension reform (DRUMMOND, 2019), the Foreign Service's policies on gender (SOUZA, 2019), the workings of *Bolsa Familia* (PIRES, 2020a), and police violence (PAGNAN, 2020), among other issues.

The Bolsonaro administration also refused to release studies on the effects of hydroxychloroquine, a drug touted in some corners as a treatment for patients with COVID-19 (PRAZERES, 2020). Moreover, the Bolsonaro administration first restricted, then blacked out, and finally released data on the number of confirmed COVID-19 cases and deaths (LOPES and ONOFRE, 2020). In line with this last example, most blackouts were temporary affairs; however, disclosure delayed is often disclosure denied. For example, the government declared studies on pension reform “restricted” (FABRINI and CARAM, 2019), disclosing them only after the desired legislation had been enacted.<sup>19</sup>

Delaying disclosure through blackouts seems to betray a general disdain for information and those who work to disseminate it. The President's hostility towards the press is reflected in Brazil's significant drop in press freedom rankings (PERRASOLO, 2020). In addition, the President has reserved some of his fiercest criticism for government agencies that report on levels of deforestation and unemployment, among other issues. Accordingly, the administration has slashed funding for the Brazilian Institute for Geography and Statistics (IBGE) (VEJA, 2019) as well as the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) (DANTAS, 2019), both important disseminators of statistics on socioeconomic and environmental trends, respectively.

Still, in spite of everything described thus far, there have been some advances on the transparency front. In particular, the FOI law has been extended to cover a set of quasi-public corporatist service providers known as the *Sistema-S* (COSTA and ORDÓÑEZ, 2018). As a result, a large tranche of public funding (over USD 30 billion) which finances myriad organizations and activities, from business incubators to centers for skills training, has been opened to public scrutiny.

Additional evidence that the handling of transparency during the Bolsonaro era is not altogether negative is found in FOI data afforded by the Office of the Comptroller General (CONTROLADORIA GERAL DA UNIÃO, 2020). Figure 2 shows annual trends in the number of requests and the celerity of response time (i.e., number of days) since the law took effect in 2012. In 2019, the number of FOI requests increased and response time decreased, both wholly consistent with annual trends. The percentage of FOI requests receiving denials, responses, or differential levels of “user satisfaction” have remained statistically indistinguishable from the annual combined averages of 2012 to 2018.

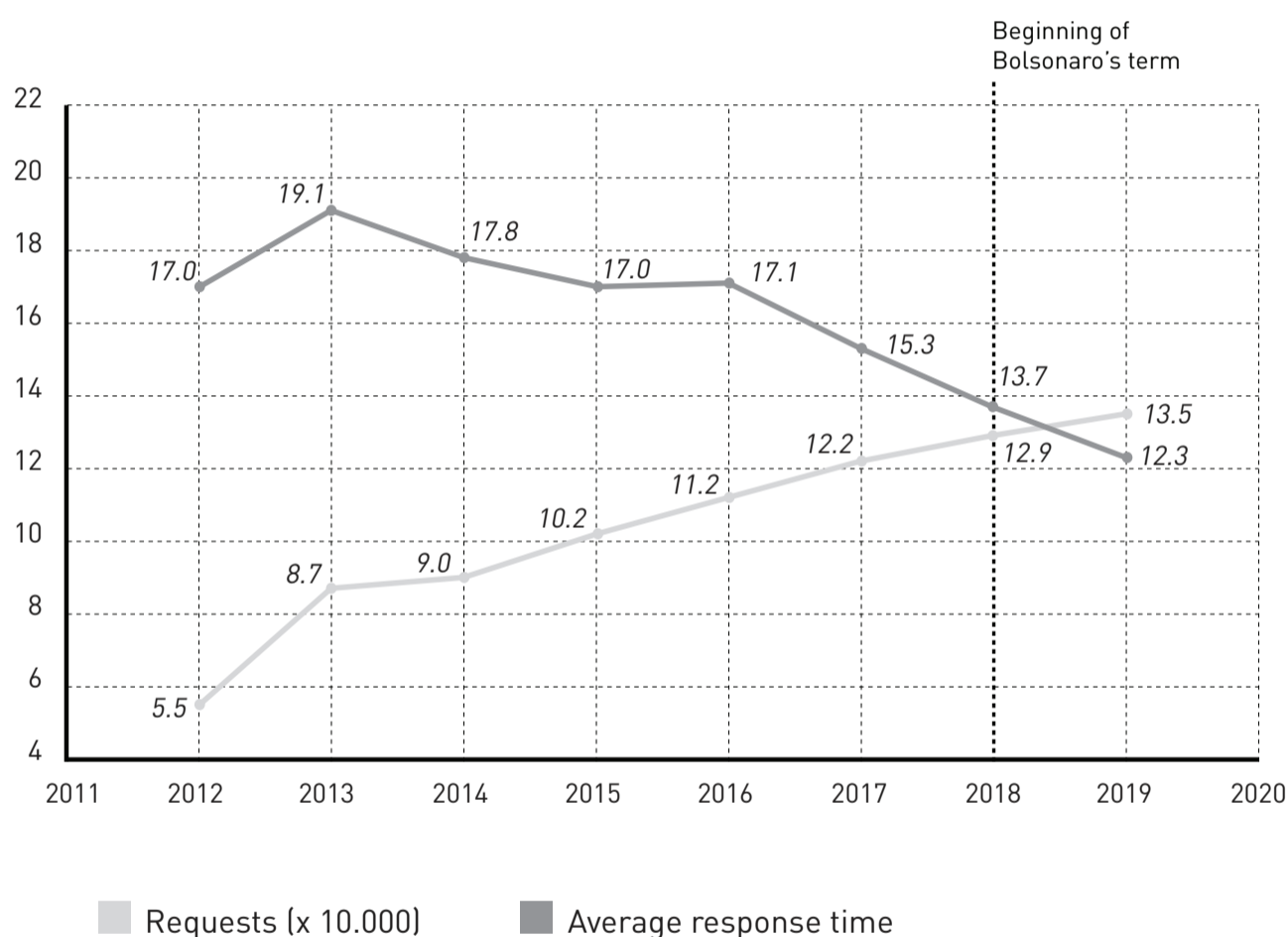
...

<sup>19</sup> Researchers from UNICAMP university later alleged that data used for these studies had been fabricated (DRUMMOND, 2019).



Something similar is true for appeals (CONTROLADORIA-GERAL DA UNIÃO, 2020). In effect, there are improvements in the handling of appeals, particularly in terms of CGU decisions that side with requesters. There is also a reduction in the number of appeals resolved due to holdout strategies<sup>20</sup> by government agencies (MICHENER, SCHWAITZER and CUNHA FILHO, 2020). Although little is known regarding the quality of responses to requests, these statistics could speak favorably of the Bolsonaro administration.

FIGURE 2 – REQUESTS OVER FOI X AVERAGE RESPONSE TIME BY FEDERAL AGENCIES (2012-2019)



Source: Authors.

However, given the number of transgressions perpetrated against transparency under Bolsonaro, it would be hard to infer that the aforementioned advances are due to positive leadership from the Palácio do Planalto. Moreover, the above data only extend to 2020, and

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<sup>20</sup> By “holdout strategies,” we refer to the extended push and pull that occurs when a government agency refuses to answer a FOI request and the denial is appealed.

criticisms of Bolsonaro's approach to transparency have seemingly increased since the onset of the pandemic. A better indication of consistent or even improved FOI performance might evaluate the internalization and embeddedness of information access practices within the federal administration, the stewardship of the CGU, or even a certain amount of "deep state" bureaucratic activism against the presidency (MICHENER, 2015, p. 85). These questions require further research, but at least this much seems true: Brazil's federal FOI regime appears to be relatively resilient vis-à-vis Bolsonaro's attacks on transparency.

## 2.2. PROMISE TO SUPPORT THE LAVA JATO TASK FORCE

The systematic manner in which President Bolsonaro has challenged transparency is problematic. That said, Bolsonaro's actions regarding transparency are insufficient grounds on which to conclude that he has failed his anticorruption mandate. It is important to track his progress on other relevant promises made during the 2018 campaign season, including his promise regarding the Lava Jato Task Force.

Candidate Jair Bolsonaro assured Brazilian voters that he would support the Task Force.<sup>21</sup> This is significant because—as was first hinted at in Section 1.2—the Task Force was recognized to have led an effective investigation into grand corruption (TI, 2016; ALLARD PRIZE, 2017). As part of *Operação Lava Jato*, the Task Force managed to make 295 arrests, secure 278 convictions, and recover approximately USD 803 million in lost assets (MPF, 2021). As a result, supporting the Task Force was arguably a way to support the fight against corruption in Brazil. However, President Jair Bolsonaro's decision to nominate Augusto Aras to serve as Chief General Prosecutor began a series of events that ultimately jeopardized the Task Force.<sup>22</sup>

In 2019, when President Jair Bolsonaro had the opportunity to appoint a new Chief General Prosecutor to head the MPU, he broke with precedent by ignoring the list of nominees put forth by the Association of National Prosecutors (CONSULTOR JURÍDICO, 2019).<sup>23</sup> Notably, these nominees had offered to support the Task Force (BARBOSA, 2019; MPF, 2019). In contrast, Bolsonaro's preferred candidate—i.e., Aras—had actually been

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21 Jair Bolsonaro's original statement on the Lava Jato Task Force was made on Twitter (BOLSONARO, 2018b). The statement reads as follows: "Apoiar a Lava Jato é fundamental no combate à corrupção no Brasil. O fim da impunidade é uma das frentes que estanca o problema, outra é atacar a corrupção na sua raiz, pondo fim nas indicações políticas do governo em troca de apoio. Nós temos a independência necessária para tal!" See Table 3 for more information.

22 Aras, who holds a Ph.D. in Constitutional Law from the Pontifical Catholic University of São Paulo, is the son of a former legislator and a long-time member of the Federal Prosecution Service (CORREIO DA BAHIA, 2019).

23 See our brief discussion of the *lista tríplice* in Section 1.7.

critical of the Task Force. Aras had argued that the Task Force had attracted too much attention to itself and needed some correcting (CARVALHO and DELLA COLETTA, 2019a; TALENTO, 2019).<sup>24</sup>

After assuming the role of Chief General Prosecutor, Aras began to take actions that seemingly interfered with the Task Force. For one, Aras required that the Task Force share all of its case information—including classified information—with his office (ROCHA, 2020). When Deltan Dallagnol, as head of the Task Force, rejected Aras's blanket request for information, Aras began to criticize the Task Force publicly (ROCHA, 2020).<sup>25</sup> Aras even asked the Supreme Court to order that the Task Force transfer all case information to his office (FABRINI and TEIXEIRA, 2020). Then, Aras took matters a step further—he sought to dismantle the Task Force (PIRES, 2020b). Ultimately, when Chief General Prosecutor Augusto Aras officially moved to end the Lava Jato Task Force on February 1, 2021, President Jair Bolsonaro offered no opposition.<sup>26</sup>

To be clear, our sense is that there was room to improve the Task Force. Indeed, even as we acknowledge that the Task Force enjoyed widespread popularity as recently as October 2020 (CNT/MDA, 2020 p. 25; FUZEIRA, 2020), adopting certain improvements to its approach seemed reasonable.<sup>27</sup> We also recognize that, because *Operação Lava Jato* was bound to end at some point, the question of what to do with the Task Force was destined to come up sooner or later (BULLOCK and STEPHENSON, 2020). Still, there are reasons to take issue with the particular manner in which Augusto Aras handled the Task Force (LEITÃO, 2020; MENDES, 2021). It is similarly concerning to learn that President Jair Bolsonaro claimed to have ended Lava Jato because there was no more corruption in Brazil (ROCHA DE BARROS, 2020). In his words, “I ended [Lava Jato] because there is no more corruption in the government” (FAGUNDES, 2020).<sup>28</sup>

...

24 In July 2020, Aras said, “It is time to correct the course so that lavajatismo does not endure” (authors’ translation). The original statement in Portuguese was: “É hora de corrigir rumos para que o lavajatismo não perdure” (VENAGLIA and LIMA, 2020).

25 Around this time, some of Aras’s close associates also began questioning the appropriateness of the Task Force model (PIRES, 2020d).

26 Now that the Lava Jato Task Force has been terminated, it appears as though some of its prosecutors will be transferred to the recently created Special Group Combating Organized Crime (in Portuguese, *Grupo de Atuação Especial de Combate ao Crime Organizado* or Gaeco). Gaeco will work within the Federal Prosecution Service in the state of Paraná (MPF, 2021; BRITO and SLATTERY, 2021).

27 For a discussion of some of the issues with how *Operação Lava Jato* was carried out, see: CAMPELLO *et al.* (2020), and GANLEY and LAGUNES (2020b).

28 In Portuguese, the original statement reads as follows: “Eu acabei com a Lava Jato porque não tem mais corrupção no governo” (DELLA COLETTA, CARVALHO and URIBE, 2020).

Setting Bolsonaro's misleading statement about Lava Jato to one side, it is worth pointing out that his impact on the Task Force was not solely through his selection of Augusto Aras as Chief General Prosecutor. Bolsonaro was also responsible for choosing leaders in Congress who sought to undermine the Lava Jato Task Force by attempting to limit the powers of prosecutors (SOARES and PIRES, 2020; PIRES and TURTELLI, 2020).

All things considered, it cannot be said that Bolsonaro followed through with his promise to support the Lava Jato Task Force.<sup>29</sup> Instead, Bolsonaro's shifting position on Lava Jato has seemingly been driven by political convenience (BOGHOSSIAN, 2020).

### 2.3. PROMISE TO DEFEND CORRUPTION-FIGHTING INSTITUTIONS

While running for president in 2018, Jair Bolsonaro signaled his commitment to support not only the Lava Jato Task Force, but also the other institutions that have participated in the fight against corruption.<sup>30</sup> This is of consequence considering that much of the recent progress that Brazil has made in promoting government integrity can be attributed precisely to these institutions (e.g., ARANHA, 2020). However, since Bolsonaro took office, many of these institutions have been weakened or subjected to considerable stress.<sup>31</sup>

For instance, during the first year of Bolsonaro's administration, the COAF was relocated several times. First, the financial intelligence unit was granted additional funds and staff when it was placed within the Ministry of Justice.<sup>32</sup> But around the time it was revealed that the COAF was investigating allegations against President Bolsonaro's eldest son, the agency was moved to the Ministry of Economy and then to the Central Bank (MATAIS, 2019; PORTINARI, 2019; SIMON and SWEIGART, 2020).<sup>33</sup> Notably, President Bolsonaro also removed the head of the COAF (SIMON, 2019; SIMON and SWEIGART, 2020).<sup>34</sup>

29 A clarifying statement is in order. As far as we can tell, Jair Bolsonaro never openly criticized the Lava Jato Task Force. However, his son, Senator Flávio Bolsonaro, did express support for Aras's actions against the Task Force (CAPELLI and PRADO, 2020).

30 Jair Bolsonaro's original statement about Brazil's accountability institutions was included in his official government plan (BOLSONARO, 2018a). The statement reads as follows: "Desafios urgentes: Corrupção generalizada e ameaças às instituições que a estão combatendo." See Table 3 for additional information.

31 See Sections 1.5 and 1.7 for a reminder of some of these institutions' basic functions.

32 The COAF's staff increased from thirty-seven to fifty-six (PIRES, 2019).

33 In November 4, 2020, Jair Bolsonaro's eldest son, Flávio Bolsonaro, was formally charged with embezzlement and money laundering in a scheme involving staff members at his former legislative office in the Rio de Janeiro State Assembly (LONDOÑO, 2020). As of this writing, there are still charges pending against Flávio Bolsonaro (SACONI, 2021; SCHREIBER, 2021).

34 Given the number of disruptive changes affecting the COAF, there were many who voiced concern (DIANNI, 2019; SIMON, 2019; HARRIS, 2020).



Next, it is worth examining events surrounding the Federal Revenue Service and the Federal Police. Regarding the former, Bolsonaro criticized the agency for what he claimed was the targeting of his relatives (PIRES, FERNANDES and MONTEIRO, 2019). Bolsonaro also ordered the dismissal of key officials within the Federal Revenue Service (PIRES, FERNANDES and MONTEIRO, 2019; SOARES, 2020). With regards to the Federal Police, President Bolsonaro is accused of jeopardizing the agency's autonomy after apparently forcing the removal of key officials and even firing Maurício Valeixo, then head of the agency (LONDOÑO, CASADO and ANDREONI, 2020a; RICHTER, 2020).<sup>35</sup>

In addition to threatening the autonomy of specific agencies, Bolsonaro participated in public demonstrations wherein protestors demanded the closing of both the Supreme Court and Congress (VENCESLAU and LINDNER, 2020; FREITAS, 2020).

Taken together, the evidence suggests that President Bolsonaro has not only failed to protect a number of Brazil's key institutions of accountability, but also directly and indirectly contributed to making them more vulnerable (AVRITZER, 2020; NOBRE, 2020).

#### 2.4. PROMISE TO REJECT *QUID PRO QUO* POLITICS

As a presidential candidate, Jair Bolsonaro promised that, if elected president, he would avoid trading government jobs for political support.<sup>36</sup> It was a rejection of what he referred to as “old politics” (ROSE-ACKERMAN and PIMENTA, 2020, p. 205). As he saw it, political appointments nurtured inefficiency and corruption.<sup>37</sup> And, in fact, there is some research to support this view (e.g., RAUCH and EVANS, 2000). However, over the course of his administration, Bolsonaro has become closer to legislators from *Centrão*, a group of center and center-right parties that are said to demand positions in government and other government resources in exchange for their support (BOADLE, 2020a; BRAGON, 2020; LONDOÑO, CASADO and ANDREONI, 2020b).

This shift in political alliances became especially apparent during Bolsonaro's second year as president. Bolsonaro risked being impeached, so he began to build a political coalition in Congress that could offer him a measure of protection (BOADLE, 2020a; LONDOÑO, CASADO and ANDREONI, 2020b). Allegedly, Bolsonaro's defense strategy worked as

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<sup>35</sup> Valeixo's removal is the particular event that seems to have caused Sérgio Moro to resign from his position as Bolsonaro's Minister of Justice (LONDOÑO, CASADO and ANDREONI, 2020a).

<sup>36</sup> Jair Bolsonaro's original statement on the question of political appointments was made on Twitter (BOLSONARO, 2018b). The statement reads as follows: “O fim da impunidade é uma das frentes que estanca o problema, outra é atacar a corrupção na sua raiz, pondo fim nas indicações políticas do governo em troca de apoio. Nós temos a independência necessária para tal!” See Table 3 for more information.

<sup>37</sup> To quote Bolsonaro, “As indicações políticas levam à ineficiência do Estado e à corrupção” (JORNAL NACIONAL, 2018).

follows: offer positions in the federal government in exchange for support in Congress (ROSA, 2020). By June of 2020, at least seventeen government posts are said to have been granted to members of Centrão and their allies (PODER360, 2020).

What is more, the coalition in Congress that Bolsonaro built relied on legislators suspected of corruption in Lava Jato, such as Centrão politicians Ciro Nogueira and Arthur Lira (FREIRE, 2019; BRAGON, 2020; D'AGOSTINO, 2020; TEIXEIRA, 2020).<sup>38</sup> Lira, in particular, was elected to serve as speaker of the lower house of Congress after the Bolsonaro administration lent him much-needed support. In particular, the Bolsonaro administration is accused of offering a number of legislators financial resources for their home states and government jobs for their political allies in exchange for supporting Lira (FRAZÃO, 2020; RESENDE, CHAIB and CARNEIRO, 2020; CHAIB, URIBE and RESENDE, 2020; PIRES and CAMPOREZ, 2021a; PIRES and CAMPOREZ, 2021b). As one journalist points out, Lira's victory in Congress gave Jair Bolsonaro "a base among center-right politicians with whom he had once vowed never to ally" (BOADLE, 2021).

On a somewhat related note, a number of Bolsonaro's former political allies claim that the president attempted to buy political support for his son's bid to serve as ambassador to the United States (CLAVERY and VIVAS, 2019). Even if Bolsonaro's approach to securing legislative support seems technically legal, the Brazilian term *toma lá dá cá* comes to mind (CAMAROTTI, 2020). This is an expression referring to quid pro quo—precisely the sort of political dealing that Bolsonaro originally promised he would avoid.

## 2.5. PROMISE TO FIRE COLLABORATORS SUSPECTED OF CORRUPTION

Candidate Bolsonaro also promised to fire any cabinet minister or ministers accused of corruption.<sup>39</sup> However, in spite of his promise to rely on a team of collaborators that are beyond reproach, one of President Bolsonaro's first high-level appointments went to his longtime political ally Onyx Lorenzoni. Prior to being invited to join Bolsonaro's administration, there were credible allegations that Lorenzoni had received illegal funds—i.e., informal campaign donations—from the meat processing company JBS (DE LARA, 2018; REUTERS, 2018;

...

<sup>38</sup> Both members of the *Progressistas* party, Ciro Nogueira and Arthur Lira are—as of this writing—defendants in a Lava Jato case. They are accused of forming a criminal organization with other congressmen to embezzle money from Petrobras (FREIRE, 2019; D'AGOSTINO and OLIVEIRA, 2019; BRAGON, 2020). However, in March 2021, these charges were dismissed by the Second Chamber of the Supreme Court (TEIXEIRA, 2021; MOURA, 2021). Notably, Arthur Lira is also a defendant in another Lava Jato corruption case. He is accused of taking bribes in exchange for sustaining the nomination of the president of a state company (D'AGOSTINO and OLIVEIRA, 2019; AMORIM, 2020).

<sup>39</sup> Jair Bolsonaro's original statement on this matter reads as follows: "Havendo qualquer comprovação ou denúncia robusta contra quem quer que seja e que esteja ao alcance da minha caneta Bic, ela será usada" (MONTEIRO, LINDNER and LIMA, 2018). See Table 4 for more information.

FABRINI, 2020; PIRES, 2020c). When confronted with these allegations, Lorenzoni publicly admitted that he had, in fact, accepted illegal campaign donations from the company (MAZUI, 2017).<sup>40</sup> However, in spite of the questions surrounding Lorenzoni's reputation, Bolsonaro still chose him to serve as his first chief of staff (CHAGAS, 2018).<sup>41</sup>

Notably, Lorenzoni is not the only one of Bolsonaro's political allies whose reputation has been questioned. The case of Marcelo Álvaro Antônio is also worth discussing.

In 2019, the Brazilian Federal Police indicted Álvaro Antônio on charges of corruption and illegal campaign financing (MATTOSE and BRAGON, 2019; MATTOSE, BRAGON and CANOFRE, 2019). According to the allegations, in 2018, only a few months before Bolsonaro assumed the presidency, Álvaro Antônio embezzled public campaign funds (MATTOSE and BRAGON, 2019). However, these allegations did not stop Bolsonaro from appointing Álvaro Antônio to head the Ministry of Tourism. Bolsonaro even offered the following statement in an effort to downplay the claims against his political ally: "He [Álvaro Antonio] is not facing a dead end. If [the allegations are] serious [...] we will make a decision. He's doing a brilliant job" (authors' translation; MONTEIRO and MATAIS, 2019).<sup>42</sup>

Ultimately, in December 2020, Álvaro Antônio was removed from office. That said, his removal was not in response to the criminal charges against him. Instead, the Brazilian media reports that Álvaro Antônio was removed because of an internal quarrel (PARAGUASSU, 2020; ARAÚJO, 2020; GADELHA, 2020; ORTIZ, 2020). Beyond these, there is also the case of Fábio Wajngarten, President Bolsonaro's former press secretary.

In early 2020, Folha de S.Paulo alleged that a company co-owned by Wajngarten was doing business with companies hired by the federal government, thus raising questions of conflicts of interest (FABRINI and WIZIAK, 2020). Bolsonaro's response to the allegations, however, was not to remove Wajngarten. Instead, Bolsonaro downplayed the matter. "If it was illegal," Bolsonaro suggested, "we will see.... But, from what I have seen so far, everything's legal and will continue. He's an outstanding figure. If he were crap, like some people out there, no one would be criticizing him" (authors' translation; FERNANDES, 2020).<sup>43</sup>

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<sup>40</sup> Later, in August 2020, Onyx Lorenzoni signed a non-prosecution deal with General Prosecutor Augusto Aras in which he confessed to having received some USD 56,000 in illegal campaign donations (FABRINI, 2020; TALENTO, 2020).

<sup>41</sup> Bolsonaro eventually removed Onyx Lorenzoni from the position; however, he was then appointed to head the Ministry of Citizenship, and so was not actually expelled from Bolsonaro's administration (BOADLE, 2020b).

<sup>42</sup> Bolsonaro's original sentence in Portuguese: "Ele não chegou ao final da linha. Se for algo de grave, substancial, a gente toma uma decisão. Ele está fazendo um brilhante trabalho" (MONTEIRO and MATAIS, 2019).

<sup>43</sup> Bolsonaro's original quote in Portuguese: "Se foi ilegal, a gente vê lá na frente. Mas, pelo que vi até agora, está tudo legal, vai continuar. Excelente profissional. Se fosse um porcaria, igual alguns que tem por aí, ninguém estaria criticando ele" (FERNANDES, 2020).

In summary, it appears that Bolsonaro has not been as strict with his collaborators as he had promised (CARVALHO, 2020). This has led at least one commentator to conclude that Bolsonaro holds a double standard—according to this commentator, the president is only able to acknowledge his opponents' corruption (SAKAMOTO, 2020).

## 2.6. PROMISE TO SUPPORT THE TEN MEASURES AGAINST CORRUPTION

In 2015, as head of the Lava Jato Task Force, Deltan Dallagnol led a movement that sought to pass legal reforms to facilitate prosecution of politicians suspected of corruption (AYRES, 2016; BULLOCK and STEPHENSON, 2020, p. 216). The Ten Measures Against Corruption (or, as it is known in Brazil, *Dez Medidas Contra a Corrupção*) embodied that reform effort (see footnote 7).

When seeking the presidency, Jair Bolsonaro promised to support the approval of the Ten Measures.<sup>44</sup> However, Bolsonaro failed to use his influence as president to encourage the approval of the Ten Measures (MATTONI and ODILLA, 2021). Instead, his government proposed broader legislation to fight crime (CALGARO and PALMA, 2019; BULLOCK, 2019)—but, even then, Bolsonaro's government failed to ensure that the proposed crime bill passed with the inclusion of key measures related to corruption (CARVALHO and DELLA COLETTA, 2019b). In particular, the original crime bill was stripped of provisions that promised to curtail irregular campaign financing (BULLOCK and STEPHENSON, 2020, p. 218-219). Moreover, the approved legislation did not ensure the imprisonment of defendants upon losing their first court appeal, a longstanding concern for those who care about limiting impunity in Brazil (ONOFRE, 2019).<sup>45</sup>

To make matters worse, in September of 2019, Bolsonaro enacted a bill that could criminalize some of the work of anticorruption prosecutors, police officers, and judges (FRANCE, 2019). Consequently, while recalling that a president does not have complete control over what is ultimately legislated in Congress, we do not find evidence that Bolsonaro has advocated for the Ten Measures Against Corruption during his time as president.

## 2.7. PROMISE TO LIMIT THE ABILITY OF PRESUMPTIVE CRIMINALS TO DELAY JUSTICE

Historically, those accused of corruption in Brazil have tended to avoid jail time (MICHENER and PEREIRA, 2020). One way to solve this would be to reform the law in order to limit

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<sup>44</sup> Jair Bolsonaro's original statement about the Ten Measures Against Corruption was included in his official government plan (BOLSONARO, 2018a). The statement reads as follows: "Transparência e Combate à Corrupção são metas inegociáveis. Como pilar deste compromisso, iremos resgatar 'As Dez Medidas Contra a Corrupção', propostas pelo Ministério Público Federal e apoiadas por milhões de brasileiros, e encaminhá-las para aprovação no Congresso Nacional." See Table 4 for more information.

<sup>45</sup> See Section 2.8.



the ability of presumptive criminals, especially those with power and wealth, to delay judicial procedures. In fact, during the 2018 campaign season, Jair Bolsonaro said that he supported jailing defendants as soon as they lost their first court appeal.<sup>46</sup> This measure is commonly known in Brazil as “second instance” imprisonment.

Encouragingly, in March of 2018, just seven months before the presidential election, then legislator Bolsonaro signed a bill that sought to turn the “second instance” imprisonment measure into law (CÂMARA DOS DEPUTADOS, 2018). However, once elected, Bolsonaro did not actually use his political influence to ensure that the measure received the support it needed in Congress.<sup>47</sup> Initially, the anticrime bill proposal (see Section 2.6) included “second instance” imprisonment (BARBIÉRI and CALGARO, 2019; CALGARO and PALMA, 2019), but committee representatives in the lower house of Congress moved to discard the measure (ONOFRE, 2019).

Later, when “second instance” imprisonment was again taken up by Congress, the representative of Jair Bolsonaro’s government in the Senate, Fernando Bezerra Coelho, sought to delay the discussions (MAIA, 2019). As of this writing, media reports suggest that politicians from Centrão—i.e., Bolsonaro’s political allies in Congress—have also worked to delay the discussions about the measure (SARDINHA, 2020).<sup>48</sup> So, it may be said that, as president, Jair Bolsonaro and his allies have not prioritized the legislative measure that would ensure corrupt officials are jailed after losing their first court appeal.

## 2.8. PROMISE TO LIMIT POLITICAL IMMUNITY

*Foro privilegiado* is a special jurisdiction that has historically ensured that certain high-level politicians can only be investigated, prosecuted, and tried by the Supreme Court. Similar to the previous topic (see Section 2.7), *foro privilegiado* is a legal structure that contributes to sustaining impunity in Brazil, and so doing away with it would help ensure that all citizens enjoy similar rights and obligations before the law.<sup>49</sup>

...

<sup>46</sup> Jair Bolsonaro’s original statement on this matter was included in his official government plan (BOLSONARO, 2018a). The statement reads as follows: “A prisão tem que ocorrer em segunda instância” (INTERATIVA FM GOIÂNIA, 2018). See Table 4 for more information.

<sup>47</sup> Indeed, those who favored the measure—mainly, former Minister of Justice Sérgio Moro—complained that President Bolsonaro failed to back the anticrime bill (ABRITTA, 2020). Similarly, the newspaper *Gazeta do Povo* published an editorial complaining that Bolsonaro has remained silent regarding the “second instance” imprisonment measure (GAZETA DO POVO, 2021).

<sup>48</sup> Moreover, in February of 2021, when the government sent a list of priorities to Congress, not a single one related to corruption (GAZETA DO POVO, 2021; TURTELLI, WETERMAN and BORGES, 2021).

<sup>49</sup> According to Brazilian Supreme Court Justice Edson Fachin, “the so-called *foro privilegiado* is not compatible with the republican principle,” according to which all persons are equal before the law (RICHTER and PONTES, 2017).



Based on some of his statements, it appeared that Jair Bolsonaro wanted to end *foro privilegiado*.<sup>50</sup> However, a similar dynamic to those described previously has also played out here. If Jair Bolsonaro was truly interested in ending *foro privilegiado*, as president he could encourage Brazilian legislators to discuss and vote for a Constitutional amendment that was approved by the Senate in 2017 (GROBA, 2017). However, he has not done so. Bolsonaro's silence on the matter may be explained by the fact that one of his sons, Senator Flávio Bolsonaro, is—as of this writing—under investigation (SERAPIÃO, 2018; GUIMARÃES and SOARES, 2019).<sup>51</sup> Senator Flávio Bolsonaro has sought to avoid trial by claiming that he should have special jurisdiction (SARTORI, 2020). In other words, one of Jair Bolsonaro's sons is currently relying on *foro privilegiado*.

## CONCLUSION

Our guiding assumptions are that political rhetoric matters, and that it is worth tracking whether elected politicians follow through with their campaign promises. That said, it is fair to question whether elected officials should restrict all of their actions to what was expected of them on or around Election Day (MANIN, PRZEWORSKI and STOKES, 1999, p. 22-23). Conditions will change over time, and so elected officials might reasonably diverge from their original proposals precisely to advance their constituents' interests (STOKES, 2001, p. 18). Still, when it comes to the issue of corruption, the dynamic is somewhat unique: the room for legitimate variation between public expectations and policy action is reduced—after all, surveys consistently find that people everywhere tend to oppose corruption no matter the circumstance (GATTI, PATERNOSTRO and RIGOLINI, 2003; TORGLER and VALEV, 2010; DONG, DULLECK and TORGLER, 2012).

So, one can hardly claim that an elected official who ran on an anticorruption platform and then presented anticorruption as an inaugural priority can remain responsive to the public interest when his decisions in government systematically undermine the anticorruption agenda. Based on our review of President Jair Bolsonaro's actions on anticorruption, we conclude that—at least on this issue—he has failed the Brazilian electorate. Has he promoted

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<sup>50</sup> Jair Bolsonaro's statement was: "Eu sou favorável sim ao fim do foro privilegiado, mas com a manutenção da prisão em segunda instância" (INTERATIVA FM GOIÂNIA, 2018). See Table 4 for more information.

<sup>51</sup> On November 4, 2020, Rio de Janeiro state prosecutors pressed charges against Flávio Bolsonaro for embezzling money from staff members at his former legislative office in the Rio de Janeiro State Assembly (PHILLIPS, 2020b). As a reporter for *The New York Times* explains:

Investigators say that the president's son ran a scheme known as *rachadinha*, in which elected officials pocket part of the salary of legislative aides who accept employment on the condition of kicking back part of their pay. The tactic is common in the lower rungs of politics in Brazil. (LONDOÑO, 2020)

government transparency as he said he would? Has he protected the Lava Jato Task Force and other important anticorruption agencies as he promised? Has he ensured that all government appointments are based on merit, and has he fired close political collaborators who are accused of corruption? The answer is no—Bolsonaro has failed on all these fronts, just as he has failed to secure the sort of anticorruption legislation that he once said he favored.

Our conclusion should strike readers as concerning, especially considering that corruption in Brazil remains a problem. There are probes swirling around the President's very own family and close allies (EIU, 2020; PHILLIPS, 2020a; DW, 2020; LONDOÑO, ANDREONI and CASADO, 2020). One of Jair Bolsonaro's sons is said to be involved in "fake news" campaigns against political opponents, and another son and the first lady have both been implicated in an embezzlement scheme (EIU 2020; LONDOÑO, ANDREONI and CASADO, 2020). In October 2020, Chico Rodrigues, Bolsonaro's deputy leader in the Senate, was the target of an operation dealing with misappropriation of public funds (CASTELLI, 2020; DW, 2020; PHILLIPS, 2020a).<sup>52</sup>

When all is said and done, it may be that the accusations against Bolsonaro's sons, wife, and associates are proven baseless. Our objective here has not been to assess the validity of these allegations. Instead, our aim has been to examine whether Jair Bolsonaro's campaign promises matched his early actions as president, and we have conducted this examination to test the extent to which he has remained responsive to the Brazilian electorate. But if any reader is unconvinced by our research, consider the stances taken by two well-known organizations. First, in late 2020, the Organized Crime and Corruption Reporting Project warned that Jair Bolsonaro stood out among leaders from around the world for his role in promoting corruption (OCCRP, 2020). Second, the Organisation for Economic Co-operation and Development became sufficiently concerned about events in Brazil that it set up a group to both monitor the country and seemingly apply pressure in favor of anticorruption efforts (SANCHES, 2021). And so, we end this article by restating our conclusion: the evidence shows that, two years into his presidency, Jair Bolsonaro has failed the anticorruption mandate that he set for himself during the 2018 campaign season.

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<sup>52</sup> After the raid, Rodrigues resigned from his post as vice leader and was temporarily suspended from the Senate by the Supreme Court (CASTELLI, 2020).

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#### *Paul Lagunes*

HE IS CURRENTLY SERVING AS A POSTDOCTORAL FELLOW WITH THE GEORGETOWN MCCURT SCHOOL OF PUBLIC POLICY AND WAS PREVIOUSLY AN ASSOCIATE PROFESSOR AT COLUMBIA UNIVERSITY'S SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS. HIS RESEARCH EXAMINES THE ISSUE OF CORRUPTION, ESPECIALLY AS IT AFFECTS GOVERNMENTS IN THE AMERICAS. HIS MOST RECENT BOOK IS *THE EYE AND THE WHIP: CORRUPTION CONTROL IN THE AMERICAS* (OXFORD UNIVERSITY PRESS).

*paul.lagunes@gmail.com*

#### *Gregory Michener*

PROFESSOR AT FUNDAÇÃO GETULIO VARGAS (FGV). HIS RESEARCH FOCUSES ON TRANSPARENCY AND RELATED TOPICS. MICHENER HELPED LEAD THE BRAZILIAN CAMPAIGN FOR A FREEDOM OF INFORMATION LAW.

AT THE FGV, HE FOUNDED AND LEADS THE PROGRAM FOR PUBLIC TRANSPARENCY (PTP-FGV) AND THE TRANSPARENCY EVALUATION NETWORK. HIS WORKS HAVE BEEN PUBLISHED IN MULTIPLE OUTLETS, INCLUDING: GOVERNANCE, WORLD DEVELOPMENT, THE JOURNAL OF DEMOCRACY, AND PUBLIC ADMINISTRATION.

*gregory.michener@fgv.br*

#### *Fernanda Odilla*

POSTDOCTORAL RESEARCHER AT THE DEPARTMENT OF POLITICAL AND SOCIAL SCIENCES, UNIVERSITY OF BOLOGNA, AND AN AFFILIATE

RESEARCHER AT THE KING'S BRAZIL INSTITUTE, KING'S COLLEGE LONDON. SHE HOLDS A PHD IN SOCIAL SCIENCE AND PUBLIC POLICY AND A MASTERS IN CRIMINOLOGY FROM KING'S COLLEGE LONDON.

*fernand.vasconcellos@unibo.it*

*Breno Pires*

INVESTIGATIVE JOURNALIST WORKING AS A REPORTER AT *O ESTADO DE S. PAULO*. HE WAS AWARDED THE INSTITUTO LING FELLOWSHIP TO STUDY AT COLUMBIA UNIVERSITY'S SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS FOR THE 2020 SPRING TERM. BEFORE THAT HE WON THE PETROBRAS JOURNALISM AWARD IN 2018 FOR UNCOVERING A CRITICAL LIST OF LEGISLATORS AND MINISTERS TARGETED FOR BRIBES BY ODEBRECHT EXECUTIVES IN THE CONTEXT OF LAVA JATO.

*brenolemospires@gmail.com*