

Workers Party government lays groundwork for police state in Brazil

Miguel Andrade
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The last two months of 2023 saw a string of ominous measures being implemented by the Brazilian state laying the groundwork for massive repression against the working class. The Workers Party (PT) government of President Luiz Inácio Lula da Silva and the country's Supreme Court have put into effect and ruled upon a string of new laws and legal precedents that will massively increase police powers, including for domestic spying operations and for prosecuting civilians in military courts.

The most prominent of the new laws was signed into effect by Lula on December 13, 2023. It is the so-called Military Police Organic Law (LOPM), which renews the legal foundations for the country's 27 Military Police corps, controlled by Brazil's 26 states and the autonomous Federal District, where the capital Brasília is located.

The law had been introduced by former president Fernando Henrique Cardoso of the Brazilian Social Democracy Party (PSDB) in 2001, and took 22 years to finally clear both houses of Congress in November 2023, with a critical push by the PT government. Its ostensible aim is to regulate and adapt the functions of the Military Police corps to the bourgeois-democratic framework of the 1988 Constitution. This charter was adopted after the fall of the 1964–1985 US-backed military dictatorship, which originally created these corps in 1969 as "auxiliary forces to the Army," making them an essential component of its campaign of repression against workers and rural guerrillas.

The original decree establishing the Military Police corps came in the wake of the so-called "coup within the coup" in December 1968, when the ruling junta signed the infamous Institutional Act number 5 (AI-5), shutting down Congress, abolishing the right to habeas corpus and outlawing all but one sanctioned oppositional party, designed to give the dictatorship a thin democratic veneer. One crucial feature of the new police forces from 1969 on was their designation as "auxiliary forces to the Army," which effectively gave the latter ability to override civilian governors, who are formally in command of the troops, and their military-style organization, including their own ranks and military courts.

The continued existence of the Military Police with no specific new law—just the veto of the original 1969 decree—has

been a key component of what became known in Brazil as the "authoritarian rubble" (*entulho autoritário*), or unaddressed authoritarian infrastructure operating under the cover of the "Citizen's Constitution" of 1988. As a result, the Military Police became a deadly force, armed with war-grade weapons and killing about 6,000 Brazilians a year. These assassinations occur chiefly in bloody, lawless vendettas slaying dozens at a time in the country's favelas. They are carried out under the cover of fighting organized crime and have led to repeated calls by human rights organizations for the complete dissolution of these armed bodies. In the state of São Paulo alone, the Military Police has grown to a massive force of 100,000, almost half the size of Brazil's standing army.

The new bill addresses none of these issues, but rather sanctions the repression, now under the "democratic" facade of the party, the PT, and the political leader, former metalworkers union's president Lula, which formally stood at the head of the massive working class opposition to the dictatorship. As noted by researchers Adilson Paes de Souza, of the São Paulo University, and Gabriel Feltran, of Sciences Po in Paris, in a blunt article published by the daily *Folha de S. Paulo* on December 5, the new law signed by Lula not only maintains, in slightly rephrased or in many times literal fashion, key authoritarian features of the original decree, but also expands them, by giving the Military Police the autonomy to establish "intelligence and counterintelligence operations."

In other words, the legislation will allow Military Police commanders to establish spy organs akin to the infamous Social and Political Order Department (DOPS) used to capture, torture and murder opponent of the junta's rule until 1985. As the authors note further, since the new law maintains the key provision of the 1969 decree establishing the Military Police as an "auxiliary force to the Army," the authorization for it to carry out intelligence operations provides a direct source of information to the latter, outside of any civilian oversight and bypassing the official channels of the civilian Brazilian Intelligence Agency (Abin).

Two weeks later, on December 27, Lula signed a decree granting the country's municipal guards police powers to answer emergency calls and make on-the-spot arrests, effectively adding tens of thousands of new agents to the

swelling ranks of the Brazilian repressive apparatus. The decree came in response to a growing number of cases in the country's courts of plaintiffs questioning evidence produced by the guards, which have the ostensible role of protecting urban infrastructure. The decree also provides for the integration of the guards with other police organs to be established in each city.

Along parallel lines, the Supreme Court (STF) ruled on November 10 that military courts have the right to try civilians if they are accused of "military crimes." The STF was ruling on an appeal of a businessman accused of attempting to bribe an officer in exchange for clearance to operate a bulletproof glass company. The case was deemed a "military crime," and the STF declined to transfer it from the Supreme Military Court (STM) to a regular court. The precedent will now likely open the door for the prosecution of civilians who protest or even register abuses amid Military Police operations, as long sought by commanders. Not content with the ruling, the government has plans to enshrine and widen the scope of crimes by civilians tried in military courts by constitutional amendment.

The string of new repressive measures comes amid efforts by the government to increase military spending to 2 percent of the GDP by means of a constitutional amendment and the hailing of the arms industry as the "engine" of the country's development. There is also a campaign to approve a draconian internet censorship law, the 2630/2020 bill. This is portrayed as a decisive measure to avoid further far-right assaults upon bourgeois democracy—blamed on massive "misinformation" spread on social media. It also comes amid the endless repetition that the military high command, which was fully engaged in the conspiracy led by former President Jair Bolsonaro to overturn the 2022 elections and remain in power, were the true saviors of democracy for "refusing" to follow him up to and including the January 8, 2023, assault on the capital.

The events of the last decade, culminating in the rise to power of the heirs of the dictatorship led by Bolsonaro, have fully exposed the lie promoted by the PT and its supporters since the end of military rule in 1985 that a democratic regime could be established and increasingly perfected over time. The concept itself of "authoritarian rubble," commonly referred to in the press and academia, has always carried the assumption that repressive laws were remnants of the dictatorship which would eventually be replaced by democratic laws, and as such were irrelevant relics of the past. Now, this course is being reversed at an astonishing pace.

The passing of a law granting the Military Police spying powers once again exposes another lie, that the PT is a victimized, even if cowardly and naïve, spectator in this entire process, cornered into right-wing policies by the congressional opposition. It is no secret that the government sponsored the quick approval of the LOPM bill, assigning it to its leading representative in the Senate, former Federal Police Deputy

Fabiano Contarato, to obtain support of the military and the far-right.

The PT government is vastly expanding the powers of the most violent organizations within the Brazilian state, which are a hotbed for fascist politics fed by daily, sadistic violence against the most oppressed sections of the population. The Military Police have been openly recognized as a key constituency of Bolsonaro to such an extent that STF Justice Alexandre de Moraes declared recently that on January 8, 2023, he was compelled to order the immediate arrest of the governor, the security secretary, and the police commander of the capital to avoid a "domino effect" of sympathy for the coup in the rest of the country.

Moraes was himself empowered by the Lula government and major parties in Congress to head a secret investigation into the dictatorial conspiracy led by Bolsonaro and his allies because of his closeness to the police and military apparatus. Moraes had previously headed the Military Police in São Paulo, as the state's security secretary, being later appointed minister of justice and public security by Michel Temer's administration.

The basis for these reactionary policies is the ever growing concern that the austerity measures carried out by the PT on behalf of national and imperialist capital will sooner rather than later lead to a confrontation with the working class, and the capitalist state should prepare accordingly. In barely a year, the government has abandoned its previous abstract references to social reforms, instead committing itself to a zero-deficit 2024 budget with the single-minded aim of attracting maximum foreign capital investment flows into the country. Far from "trickling down" to increases in wages and welfare as promised by Lula, the assurance of "stability" for foreign investors will require massive repression against workers and an ever deeper turn to the very repressive forces that are the backbone of the far-right threat that the PT promised to combat.



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