

Brazil's Supreme Court crisis deepens ahead of general elections

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On Tuesday, Brazil's Supreme Federal Court (STF) held one of the most turbulent and tense sessions in its recent history. It served to expose an ongoing war between rival factions of the Brazilian ruling class being fought out inside the country's highest judicial body ahead of the October general elections. In an unprecedented situation in Brazilian history, STF ministers could themselves become targets of investigation as a result of the case surrounding Banco Master—the bank liquidated late last year in the largest financial scandal in the country's history.

The proceedings, broadcast live across Brazil, pitted two competing reports against each other. On one side was the document presented by Minister André Mendonça, appointed to the STF by the fascist former president Jair Bolsonaro, alleging 187 compromising interactions between Minister Alexandre de Moraes and Daniel Vorcaro, the former owner of Banco Master.

On the other were the challenges by Moraes—who sentenced Bolsonaro to 27 years in prison for the attempted coup of January 8, 2023—against Mendonça's conduct, accusing him of abuse of power and of acting with political motivation in favor of presidential candidate Flávio Bolsonaro, the former president's son.

In principle, the purpose of Tuesday's session was to determine whether Moraes would become a target of investigation, while the analysis of any abuses by Mendonça was scheduled for September 23. The merits of the investigations, however, never came to a vote. At the very outset of the proceedings, the court's most senior Minister, Gilmar Mendes, raised a point of order requesting that the procedures concerning the two ministers be consolidated and examined jointly.

The debate brought the session to a standstill. The provisional tally stood at 4 to 3 in favor of keeping the cases separate. The vote of Minister Flávio Dino—who defended consolidating the cases—was not included in the official tally after he requested to review the case files. Dino has up to 90 days to return the matter to the full court.

Behind these procedural questions, the maneuvers by Mendes and Dino have a clear political component. According to a report by UOL, “the requests for review also serve the interest ... of preventing the debate from taking place so close to the October 4 general elections.” Together with Minister Cristiano Zanin, a former lawyer for President Luiz Inácio Lula da Silva (Workers Party–PT), these ministers believe that Mendonça “ordered the production of a Federal Police report against his colleague for political-electoral purposes, to harm Lula's reelection campaign and favor Flávio Bolsonaro,” according to the report. The four ministers voted to consolidate the cases.

Lula and Flávio both spoke out about Tuesday's STF session. The incumbent president accused Mendonça of selective leaking in the investigations, while seeking to distance himself from the crisis in the court and, particularly, from Moraes. He argued that the matter should be “investigated with full rigor, [and] everyone's phone secrecy should be lifted.” Flávio, for his part, said that Lula “decided to govern alongside a sector of the Supreme Federal Court that broke the law” and “divided his

power with Alexandre de Moraes.”

Beyond the procedural impasse, what marked the session was the unprecedented deepening of the crisis in the STF and in the bourgeois regime in Brazil as a whole. In a scene marked by exchanges of direct accusations and heated arguments, the STF's full bench was transformed into a battlefield. Over more than eight hours, the ministers accused one another of crimes, lies, manipulation of proceedings and partiality.

Half the STF and entire Brazilian political establishment under the shadow of Banco Master

Tuesday morning dawned under the impact of new leaks of messages extracted from the cell phone of Banco Master's former owner, Daniel Vorcaro. The revelations thrust into the center of the storm the ministers Luiz Fux, Kassio Nunes Marques and the case's own rapporteur, André Mendonça. The connections exposed by the reports and leaks detail a mosaic of ties of proximity, intermediation and contracts reaching into the offices and families of the ministers.

Five of the ten ministers currently serving on the STF—half the court—have now been directly or indirectly connected to the banker who is himself the target of investigations in the very tribunal, joining Alexandre de Moraes and Dias Toffoli. Toffoli is suspected of having maintained a partnership with a Banco Master fund in a hotel venture, and was removed from the rapporteur's role in the investigation earlier this year, when Mendonça took over the case.

Faced with the institutional embarrassment and the gravity of the disclosures, two ministers declared themselves disqualified from participating in Tuesday's session. Nunes Marques said he did not feel comfortable voting given the facts exposed and his position as president of the Superior Electoral Court (TSE). Dias Toffoli, for his part, reaffirmed his recusal on grounds of personal conscience.

That half of the country's highest court stands in the shadow of a fraudulent banker is no accident, nor merely evidence of individual corruption. It is a demonstration of the class character of the institution—something made all the more evident by the fact that the scandal implicates not only STF ministers, but the entire political establishment.

Although most of those implicated belong to the opposition to Lula's government—including former Bolsonaro ministers and his son Flávio, who is under investigation for his close relationship with Vorcaro in the production of *Dark Horse*, the hagiographic biopic of Jair Bolsonaro—the case also reaches into the PT itself. Former ministers of the PT governments, such as Guido Mantega, Ricardo Lewandowski and Toffoli, who served as Attorney General of the Union during Lula's second administration, as well as party members in the government of Bahia,

provided consulting services to the bank and helped drive its business.

It is precisely this involvement of the PT that demolishes the Lula government's pretense of serving as a neutral arbiter of the crisis. None of the contending factions can claim to stand "outside" the scandal, because all are part of the same system of relations between finance capital and the state that the scandal exposes.

It is precisely this rot that the fascist candidate exploits. "The current government is part of this rotting system," Flávio Bolsonaro declared about Tuesday's STF session. The sentence is formally true—but it is being used cynically and in a reactionary manner to channel the just popular indignation toward the entire ruling establishment: the same operation that carried his father to power in 2018 amid the demoralization of the PT at the time.

Attacks on Mendonça and the accusation of "electoral bias"

Ministers Gilmar Mendes and Alexandre de Moraes led the harsh criticism of Minister André Mendonça, accusing him of instrumentalizing the Banco Master scandal in favor of Flávio Bolsonaro's candidacy.

Mendes stated that "even the stones know" of the existence of a political-electoral bias in the way Mendonça conducted the report, underscoring the timing of its release on the eve of September 7, Brazil's Independence Day, which since 2021 has been marked by demonstrations by Bolsonaro and his allies against the STF. This year's largest September 7 demonstration took place in São Paulo, convened by Flávio under the slogan "Out with Lula, Out with Moraes," in a deliberate attempt to fuse the figure of Moraes with that of the PT government.

Mendes also accused Mendonça of selecting messages and concealing references to other members of the STF—citing as an example the son of Minister Nunes Marques. Another point of friction was Mendonça's decision to remove the director-general of the Federal Police, Andrei Rodrigues, on September 8. Mendes called it a matter of "unprecedented gravity."

Mendonça alleged during the session that there was a supposed "parallel Federal Police" investigating ministers—a reference to Moraes' report against him. The decision was reversed by Flávio Dino the following day, on the grounds that the director-general's departure would harm sensitive investigations, such as the operations against the Dark Horse film and the case involving Congressman Cezinha de Madureira, a politician close to Mendonça and an ally of former president Bolsonaro.

In one of the most dramatic moments, Moraes asserted on the bench that he had witnesses—among police officers and Vercara's lawyers—that Mendonça had commissioned a plea bargain against him. According to Moraes: "I have witnesses that Minister André, in a meeting, said: 'include Minister Alexandre.' Why? Because he is in the service of a political group that wanted to carry out a coup in this country." Mendonça repeatedly interrupted his colleague, shouting "lie, lie, lie."

The threat of the Magnitsky Act and US intervention in the Brazilian elections

Tuesday's STF session took place amid the US offensive against Brazil and Latin America as a whole. As part of its corollary to the Monroe Doctrine, Trump seeks to subordinate Latin America to Washington's strategic objectives, whose primary target is China—which has overtaken the US to become the region's largest trading partner. Part of this strategy

is the election of aligned governments, which has included Washington's direct intervention in numerous electoral processes in the region.

The punitive tariffs against Brazil and the recent diplomatic provocations aim to weaken Lula and electorally assist Flávio, whose brother Eduardo has worked in close contact with officials of the Trump administration in the US since the beginning of last year. The Trump government, which is closely following the crisis in the STF, will exploit it to tighten its grip on the Brazilian electoral process.

Two ministers made direct reference to this threat before and during the session. Alexandre de Moraes, in a report delivered to the court's president on Monday night, denounced the fact that the report used by André Mendonça against him had "assistance from an external body, probably a foreign body, demonstrating a clear attempt at external interference in the Brazilian elections of 2026."

During the proceedings, Minister Flávio Dino read headlines from reports indicating that the US could invoke the Magnitsky Act—which provides for sanctions against foreign officials accused of human rights abuses or corruption—against three STF ministers: Moraes, Gilmar Mendes and himself. In July of last year, the US applied the Magnitsky Act against Moraes for his role in the trial of Bolsonaro and for the alleged censorship of social media.

Dino described the situation as one of enormous gravity, repeating the framing that the Lula government has given to the American offensive. "This is a Supreme Court of a sovereign country. This environment of illegitimate pressure must be a target of indignation for all Brazilians."

However great and legitimate this threat may be, this defense of "national sovereignty" is the expression not of popular indignation over naked US imperialist interference in Brazil's internal affairs, but of the material interests of a faction of the Brazilian bourgeoisie hit by Washington's trade war.

"Social peace," strikes, and the shadow of a new military intervention

The crisis in the STF is being followed by the Brazilian bourgeoisie with growing apprehension. Its fear is that the discrediting of the court will turn into a broad questioning of the entire bourgeois regime in Brazil. Against this possibility, it is already working to cover up the crisis and divert it into safe channels.

On September 9, the powerful FIESP (Federation of Industries of the State of São Paulo) and other business sectors published the "Manifesto to the Brazilian Nation." Its argument can be summed up in a single sentence: the conduct of the STF ministers is the indispensable basis for the country's economic and social stability. According to the manifesto, "If legitimacy is called into question, everything else becomes uncertain: legal security, confidence in the institutions and social peace itself."

The reference to "social peace" is the most revealing thing in the manifesto. If the population increasingly sees the leadership of the three branches of government as counters for shady business deals, the questioning ceases to be about a single minister and becomes a questioning of the entire political and economic setup in Brazil. This is why the manifesto functions as an attempt to stanch the bleeding before discontent spills into the streets.

And this fear is not abstract. The manifesto emerges at a moment of escalating work stoppages and strike movements. Workers at the Correios (Postal Service) and the Caixa Econômica Federal (Federal Savings Bank) have been on indefinite national strike since last week against the austerity policy of the Lula government. Basic education teachers and bus drivers have carried out continuous strikes since the beginning of the year. App-based delivery workers—one of the most precarious sectors of the Brazilian

working class—struck earlier this month, while GM autoworkers in São José dos Campos threatened to strike in the recent weeks.

The combination of the casualization of labor and rising inflation driven by the wars in Ukraine and Iran creates fertile ground for moral indignation over the STF crisis joining the social indignation, including over the loss of basic rights and purchasing power. For big business, “resolving” the STF crisis quickly is a way of preventing the sectoral strikes from turning into a generalized political revolt.

But there is a second option that the bourgeoisie keeps in reserve. Should the “institutional” solution fail, preparations are in place for a military intervention—as throughout the history of the Brazilian Republic, in which the military has acted as arbiter of the political situation since 1889. The 1964 coup, with US support, and the role of the Armed Forces in the crisis culminating in the impeachment of former president Dilma Rousseff (PT) in 2016 and in the governments of Michel Temer (2016-2018) and Bolsonaro (2019-2022) are expressions of this tradition.

According to a report by the Estado de São Paulo based upon interviews with members of the High Command and ministers of the Superior Military Court, “the election—they believe—will not restore the credibility of the institutions. And the crisis will continue. Worse. The institutional way out does not seem clear, as it was in the cases of the impeachments of Dilma Rousseff and Fernando Collor” in 1992.

The question that imposes itself is: what would this “way out” be, if not a coup to “restore political morality”? Nothing has been resolved since the January 8, 2023 coup attempt. This election is the direct continuation of the crisis opened in 2022, with the Brazilian bourgeoisie, divided between the faction aligned with the Trump administration and the faction that resists the US tariffs, unable to produce a stable agreement from above.

The crisis in the STF will not be resolved institutionally in the corridors of the court, nor “from above” among the factions of the Brazilian bourgeoisie. What we are witnessing in Brazil—the national reflection of a growing crisis of global capitalism—is only beginning. The only way out for the working class is independent mobilization: breaking with the PT, its pseudo-leftist appendages and the bureaucratized unions that suffocate every strike. This requires building rank-and-file committees, and uniting internationally against capitalism, war and fascism, through the Socialist Equality Group in Brazil and the International Committee of the Fourth International.



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