

By Marcelo Soares\*

Walter Taverna, 75, a cantina owner and a native of São Paulo's Italian hub, straps his red apron around his waist. In a pizza pan, he sketches a caricature of José Sarney, the head of the Senate, using cheese, slices of red pepper and some strips of anchovies. "This is the only way I can protest against the things they get away with," he says.

On August 18, 2009, he sold 40 pizzas that were illustrated with this caricature to students who were protesting the dismissal of charges made against Sarney by the Senate's Ethics Council. Since the former president was chosen as the head of the Senate in March of 2009, allegations of many irregular practices have been made — a common occurrence in a country where information that should be public is hidden to avoid the potential embarrassment the revelations would cause or to use it as a political weapon. (Two drafts of Freedom of Information bills are stalled in Congress — and the electoral year of 2010 will leave little time to vote on them.)

In Brazilian political slang, a scandal is said to "end in pizza" as in "discussed over drinks" when charges against the alleged perpetrators are dropped by agreement. This tradition started in the 1950s when the board of a soccer club formed by Italians who were living in São Paulo solved their disputes by dining out together. The term started to be used in politics ever since the first big wave of political scandals that took place after the restoration of democracy in Brazil, in 1985.

Sarney, a long-time influential politician in one of the poorest states in Brazil, Maranhão, became the first civilian president to take office after 21 years of military dictatorship. He had supported the dictatorship as member of Congress and leader of the Arena party (the political party of the military government) and, initially elected vice-president, he became president because the elected president, Tancredo Neves, died before taking office.

During Sarney's five-year term as President, Brazil got a new constitution (1988) and elected its first president by popular vote in three decades (1989). That president, Fernando Collor de Mello, was later impeached following corruption charges. The phrase "this cannot end in pizza" resurfaced during the de Mello investigation, and has since remained part of popular slang.

The scandal

One of the allegations that have arisen from the recent Sarney scandal involves plane tickets paid for by Brazilian taxpayers and used by Sarney's daughter, current Maranhão state governor and former Senator Roseana Sarney, to fly business class to meetings in Brasilia (public-paid tickets can only be used by senators and deputies, not their relatives). Other allegations involve Agaciel Maia, a powerful bureaucrat who was in charge of distributing jobs in the Senate for political appointees — among them, the boyfriend of Sarney's granddaughter, as revealed in transcripts of a wiretap leak published by newspaper O Estado de S.Paulo and banned from publication by a Brasília court.

Allegedly, Maia kept a secret *garçonnière* (a place for sexual encounters) inside Congress and even bought a mansion for his own personal use. Among his other questionable hires were 181 directors for 81 senators, including one to manage the parking lot and another to manage speedy airport check-ins.

Even more importantly, there were charges that secret official acts were passed to create jobs and raise benefits: These charges remained unpublicized until the scandal became public. Maia is alleged to have enacted more than 1,000 of these acts. Nearly 200 of them were revalidated by Congress in mid-2009, with no opposition protests.

Sarney, who hired Maia when he became chairperson of the Senate in the 1990s, defended himself in June 2009. "No one can charge me, because all my life I've been praising and serving the legislative institution," he said. "What they say about the Congress here they also say in Spain, in England, in Argentina, and everywhere." (Days before, British Prime Minister Gordon Brown reacted differently to a similar scandal: "We cannot move our country forward unless we break with the old practices and the old ways. Each of us has a part to play in the hard task of regaining the country's trust.")

### The price of democracy

Since 2007, Transparencia Brasil has been assessing the cost of the Brazilian Legislatures and making public how expensive the Brazilian Senate is. Its budget for 2009 is around US\$1.5 billion. It costs US\$18.5 million to support the structure for the mandate of *each* Senator. Related to GDP per capita, it'd be expected that the Brazilian Senate costs each citizen less than its counterpart in the US or the UK, but it costs each citizen 5.4 times as much as the British Parliament and 5.7 times as much as the US Senate.

When Transparencia published their first study, Brazilian senators responded by saying, in effect: “Democracy has no price.” Claudio Abramo, Transparencia’s director, published an article comparing the Senate to cars: The Senate costs as much as a Ferrari, but performs like an old Volkswagen Beetle — and when the motor has a funny noise, the technical assistance (in this case, the Ethics Council, composed by Senate peers mirroring partisan alliances) refuses to even “look under the hood.”

Scandals in 2009 contributed to a loss of credibility in the Senate of 44 percent of Brazilians and almost led to the slump of the House’s chairman. Many cases of undue expenditures were also revealed at the House, including the case of a Congressman who took a famous TV celebrity for a leisure trip in Miami at the expense of the taxpayer. However, no politician in a position of responsibility felt forced to step down. No politician involved vowed to do anything to regain the respect of voters. One of them even said that he “didn’t care” about public opinion.

#### High level cover-ups

In the article mentioned above, Abramo referred to a previous 2007 scandal involving Renan Calheiros, then the head of the Senate. He was accused of having a lobbyist for a federal contractor pay the alimony of a daughter he conceived out of wedlock.

The Ethics Council saw no reason to investigate him, and Calheiros resigned his spotlight position. Since then, Calheiros has become a major political broker who aggressively defends Sarney, articulates support from other politicians and supports the Government in a congressional investigation of Petrobras, the state-owned oil giant — which also ended in pizza.

In the Calheiros and Sarney cases, the Ethics Council (controlled by Lula’s majority coalition in the Senate) declined to investigate the charges. In both cases, President Luiz Inacio Lula da Silva came to the rescue — in regard to Sarney, Lula even said he “has enough history to not be treated as a common person.” Lula perceives the attacks against his allies as attacks aimed at him — this perception may have some truth, but it does not justify allowing serious cases to remain uninvestigated.

In a country with 27 political parties, 13 of them represented in the Senate, coalitions are essential to achieve so-called “governability,” a term that is a buzzword among Lula’s supporters. Sarney and Calheiros’s PMDB

party (*Partido do Movimento Democrático Brasileiro*, or Brazilian Democratic Movement Party) has the largest number of members serving in Congress; it holds 22 percent of the seats in the Senate and 19 percent of seats in the House. The result is that every administration seeks out their support (and welcomes the PMDB's taxpayer-funded advertising on TV during electoral campaigns). The PMDB has found it profitable to support governments in power and allegedly reaps some of the 30,000 federal positions. (These positions are said to be distributed by the executive according to political criteria.) The party is also alleged to receive a more generous slice of the money that is distributed in pork-barrel budget amendments.

Calheiros, Sarney and the PMDB had also been instrumental in the election of Fernando Henrique Cardoso (1995-2002), who preceded Lula in power and whose government Lula's PT (Partido dos Trabalhadores, or Worker's Party) opposed.

The fact that the PMDB politicians know what the current opposition did during previous years keeps opponents from doing anything more than making rhetorical protests. Some of the secrets allegedly involve the nepotism and favoritism in hiring of staff, along with other increased benefits that made everyone happy.

According to Transparencia Brasil's Excelencias database, 36 percent of senators have pending lawsuits filed against them. One-third of them are PMDB party members. In their defense, party members claim the cases are currently under appeal and, therefore, the charges remain unproven. In Brazil, it is nearly impossible for a politician to receive a prison sentence. Federal authorities can only be tried at the Supreme Court (*Supremo Tribunal Federal*, or STF), which rarely sentences politicians to prison. Thanks to delays and the many appeals that are granted by law, many cases lapse before they reach trial. Good attorneys can always have evidence dismissed — as happened with former President Fernando Collor de Mello (now a senator and prominent Lula supporter); De Mello was temporarily stripped of his political rights by the Senate but later acquitted by the Supreme Court after the strongest evidence against him was declared to be illegal.

There are also cases where the court claims there is no reason to file charges against politicians. For example, on August 27, 2009, former Finance Minister Antonio Palocci was acquitted of charges that he participated in a breach of banking secrecy involving a janitor named Francenildo Santos Costa. During a 2006 congressional investigation regarding political bribery, Costa testified that while he was working in a mansion in Brasilia, he witnessed Palocci

holding meetings with lobbyists, call girls and politicians. With the ensuing crisis, governists suspected he had been bribed by opposition politicians to testify against Palocci. Allegedly, after Palocci learned that US\$20,000 had been deposited in Costa's account at Caixa, a federally owned bank, Jorge Mattoso, the bank's chairman, produced a bank statement showing the deposit. This private information was then leaked to *Época* magazine.

Palocci was said to be the sole beneficiary of the exposure of the janitor's bank statement, which was later revealed to have been compensation paid to Costa by his own estranged father. But the Supreme Court, in a 5-to-4 vote, only ruled against Mattoso, the subordinate who produced the statement. Dissenting Justice Marco Aurelio de Mello said: "As usual, the rope snapped on the weakest side." (Mattoso may be sentenced to deliver lectures on the values of democracy.) Now acquitted, Palocci is a likely candidate for office in São Paulo's government as a member of Lula's party. Meanwhile, since the scandal became public in 2006, Francenildo Santos Costa has not been able to find a steady job.

#### Increasing responsibility

Scandals have a positive side: They force accountability, in the absence of Freedom of Information law. In 2004, *O Globo* newspaper investigated how wealthy state legislators achieved their power. Two years later, in 2006, the electoral authority began publishing the assets data of all candidates on their website. When it was revealed in 2007 that Calheiros used his peers' expense data to pressure them into voting against his ousting, the Senate decided to publish the data on a monthly basis.

In 2009, when it became known that House Member Edmar Moreira used his expenses to pay his own security company, the House decided to publish details regarding each payment. This was an improvement on their five-year practice of publishing only their expense totals. Thanks to wider Internet access and a constant supply of scandals that keeps Brazilian society interested in politics, the demand for accountability is growing.

At his cantina in São Paulo, Walter Taverna recalls how he campaigned for inclusion in the Guinness Book of Records for making the biggest pizza in the world (1,489 feet long). But, he jokes, he suspects that Brazilian politicians will keep trying to beat his record.

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