

Waiting in the Wings: The Vice President and Impeachment

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Vice-President Michel Temer now waits in the wings ready to take charge of Brazil's federal government. His party, the Brazilian Democratic Movement Party (PMDB), the country's largest, just announced its departure from President Dilma Rousseff's governing coalition. With one momentary exception, the PMDB has participated in every government since the return to civilian rule in 1985. In 1992 it bolted from then President Fernando Collor's cabinet just weeks before his impeachment. Today, the PMDB stands ready to support President Dilma's impeachment, paving the way for Temer to be sworn in as chief executive of a polarized nation in a deep recession. It is unlikely he can lead Brazil to overcome its economic and political challenges. Rather, Temer's succession to the presidency may compound them by widening political polarization and raising concerns about his own role in political corruption, including the Lava Jato scheme.¹

Vice-President Temer is a lawyer and professor of constitutional law with a long history in elective office. He served six consecutive terms as a congressional representative in Brazil's Chamber of Deputies and was its president from 1997 to 2000 and again from 2009 to 2010 before being selected as Dilma Rousseff's running mate. He is president of the PMDB. Most important, he has been identified, through plea-bargained testimony, as having played a role in the Lava Jato corruption scheme.²

Temer's standing as vice-president and president in waiting is jeopardized by the Lava Jato scandal as well as the case under consideration at Brazil's Supreme Electoral Tribunal (TSE). The TSE is investigating whether illegal donations were paid to the 2014 campaign that included Temer as President Dilma's vice-presidential running mate on the Workers Party (PT)-PMDB slate. The TSE could find the campaign in violation of campaign contribution rules and annul the electoral results to force a new round of presidential elections. If Temer assumes the presidency, the Brazilian Social Democracy Party (PSDB), the major opposition party, would need to decide whether to withdraw its TSE case against the

¹ See Mark S. Langevin. "Brazil's Compounding Crisis." Council on Hemispheric Affairs. March 22, 2016 and accessed at: <http://www.coha.org/brazils-compounding-crisis/>

² Esther Fuentes. "Who is Who in Brazil's Complicated Lava Jato Corruption Allegations?" Council on Hemispheric Affairs. March 17, 2016 and accessed at: <http://www.coha.org/who-is-who-in-brazils-complicated-lava-jato-corruption-allegations/>

Dilma/Temer campaign or proceed with it.

Currently, Temer and his PMDB are in discussions with PSDB leaders over how to manage the presidential impeachment process and formulate a governing strategy under a Temer presidency. These discussions and the PSDB's decision about the future of its case before the TSE are complicated by the political importance of the newly established organizations, including *Vem Pra Rua* and *Movimento Brasil Livre*,³ that have pressed for President Dilma's impeachment and could decide to mobilize against a Temer presidency given his possible involvement in the Lava Jato corruption scandal. Despite the current focus on mobilizing against President Dilma, Temer is not immune from being targeted himself. If the impeachment campaign succeeds, then President Dilma's support base, including the PT and the labor movement, would work to undermine Temer's viability as president as well as that of the PMDB leaders presiding over the Chamber of Deputies and the Senate, Eduardo Cunha and Renan Calheiros respectively. While Temer might be the first beneficiary of Dilma's impeachment, he and his party's leaders may not survive the backlash.

The PMDB is the most powerful of the 30-some political parties in Congress, but it is also in the limelight because its leaders are under investigation for participation in the Lava Jato scheme and its financial dependence on campaign contributions from firms implicated in Lava Jato. Currently, six PMDB deputies and senators are under investigation by the attorney general for crimes related to Lava Jato corruption. Besides Cunha and Calheiros, implicated PMDB members include: Deputy Aníbal Gomes and Senators Edison Lobão (a former minister of mines and energy under both Presidents Lula and Dilma), Romero Jucá, and Valdir Raupp.⁴ Also, 9.5 percent of the PMDB's 2014 campaign contributions (64.7 million reais, or about \$18 million USD) were contributed by firms implicated in Lava Jato.⁵ Nine of the 19 PMDB senators are under investigation for political corruption or electoral crimes.⁶ Impeachment will intensify the limelight that could quickly erode Temer's and the PMDB's credibility.

The PMDB's recent decision to leave the president's governing coalition is a watershed moment in Brazilian politics. It advances the impeachment process but could have repercussions on the political party system for years to come. The party's departure from the executive branch changes the balance of power in the Chamber of Deputies' Special Impeachment Commission. Before its departure, the PMDB had been divided on the matter of impeachment.⁷ Divisions in the PMDB may be resolved by the prospects of replacing Dilma with Temer, but the party is not known for its cohesion. Temer will need to whip his party's deputies and senators for promotion to

³ See Vem Pra Rua at: <http://www.vempraru.net/> and Movimento Brasil Livre at: <http://mbl.org.br/>.

⁴ Meu Congresso Nacional. Lava Jato Parlamentares. Accessed at: <http://meucongressonacional.com/lavajato/parlamentares>.

⁵ Ibid.

⁶ Congresso em Foco. "Senadores de PMDB e PT lideram pendências no STF." December 11, 2015 and accessed at: <http://congressoemfoco.uol.com.br/noticias/pmdb-e-pt-lideram-bancada-dos-investigados-no-senado/>

⁷ For more on the impeachment process seek Mark S. Langevin. The Brazilian Congress: Money, Accountability, and Impeachment." Council on Hemispheric Affairs. March 29, 2016 and accessed at: <http://www.coha.org/the-brazilian-congress-money-accountability-and-impeachment/>.

the presidency.⁸ He and his allies, including the PSDB, will also need the political support of smaller parties in Congress.⁹

Temer's push for impeachment will play the decisive role in determining whether it proceeds to the Senate for judgment and whether supporters can muster the 54 votes necessary to remove the president. Temer must confront and overcome the divisions in his own party while also facing off against former President Luiz Inácio Lula da Silva, who is also implicated in the Lava Jato scheme. Lula has emerged to lead a popular movement against impeachment and hopes to win an inside game that depends on convincing PMDB deputies and senators to vote against President Dilma's removal. In many ways, impeachment depends on this duel between Lula and Temer, the two most seasoned politicians in modern Brazilian history. The vice-president may have the advantage today, but he must beat Lula, avoid the trap door of the Lava Jato investigation, and get to center-stage before the curtain falls.

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⁸ Deutsche Welle. "O que significa a saída do PMDB do governo Dilma?" Carta Capital. March 30, 2016 and accessed at: <http://www.cartacapital.com.br/politica/o-que-significa-a-saida-do-pmdb-do-governo-dilma>.

⁹ or more on the Brazilian impeachment process see Andre Soliani Costa and Arnaldo Galvao. "How to Impeach a Brazilian President: A Step-by-Step Guide." Bloomberg. August 11, 2015 and accessed at: <http://www.bloomberg.com/news/articles/2015-08-11/how-to-impeach-a-brazilian-president-a-step-by-step-guide>.