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The Brazilian Military's Role in Public Security:  
An Obstacle to the Successful End of the Democratic Transition

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## The Brazilian Military's Role in Public Security: An Obstacle to the Successful End of the Democratic Transition

In today's world, understanding the relationship and the power dynamics between the military and the civilian leaders is extremely helpful in determining the status of political regimes. Several developing countries are in transition from one type of government to another. Divulging the true relationship between the military and civilian leaders in these countries will be helpful in predicting the makeup of the resulting government after the transition ends or if the transition will ever even come to an end. "The process of democratization around the world starting in the seventies represents one key political transformation in contemporary history" (Orozco 2002, 6). The expansion of democracies around the world indicates a global concern for freer societies (Orozco 2002). Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead (1989) focused extensively on the process of democratic transitions from authoritarian regimes in Latin America. They found that Latin American transitions are unique for two interrelated reasons: most of these countries recently underwent or are still undergoing, experiences of authoritarian rule that was repressive and socially regressive; and the countries are now suffering economically. Democratic leaders in these countries have been excessively cautious on some issues because of fear of relapsing into authoritarian rule. However, "excessive caution in these domains may facilitate the transition to limited democracy..." (O'Donnell, et al. 1989, 17).

International factors and actors "may condition and affect the course of transition, [but] the major participants and the dominant influences in every case have been national" (O'Donnell, et al. 1989, ix; Orozco 2002). Institutions and mediating procedures and forums are necessary to legitimize the rules of political discourse during this period of change. O'Donnell, Schmitter, and Whitehead (1989) also conclude that the transitions from authoritarian rule are conditioned and shaped by historical circumstances. These past conditions could be the way in which a previous democratic regime broke down, the nature and duration of the authoritarian period, the means by which the authoritarian regime obtained legitimacy and reacted to threats to its power, or the confidence and competence of those pushing for opening the political process.

One case that O'Donnell et al. (1989) frequently refer to is Brazil. Brazil from 1964-1985, according to O'Donnell, should be considered a bureaucratic authoritarian regime, characterized by technocratic, bureaucratic, and nonpersonalistic approaches to policy-making (Hunter 2001, 49). One of the most salient features of Brazil's bureaucratic authoritarianism, which is actually different from other nondemocratic regimes, was the institutionalized presence of the military. The military, however, stepped down peacefully to a civilian government in 1985. The transition to democracy over the past twenty years has been very slow, and O'Donnell, Schmitter, and Whitehead (1989) argue that to a certain degree it cannot be considered completely finished. They explain that a "high degree of militarization of the authoritarian regime increases the difficulties of the transition in at least two respects: with

regard to the repercussions during the new democratic regime of repression used by the preceding authoritarian rulers, and with regard to the broad range of issues and institutions that the armed forces usually ‘conquer’ during a highly militarized regime” (O’Donnell et al. 1989, 11).

While O’Donnell et al. (1989) point to internal factors when understanding the transitional period and the power dynamic within civil-military relations, Michael Desch (1999) asserts that a combination of external threats and internal threats to the military institution is what drives whether the civilian leaders or the military leaders are in control. He explains the Brazilian military takeover in 1964 and the return to civilian control in 1985 by describing the level of external and internal threats during both of these periods. He concludes that civilian control is least likely to occur at a time when external threats are low and internal threats to the military institution are high. Desch does agree with O’Donnell et al. (1989) on one account by asserting that the “prospects for the consolidation of stable civilian democratic regimes in the developing world are critically dependent on the establishment of firm civilian control of the military” (97).

David Bayley (1994), a police studies scholar, writes that there are very few elements in society, other than the nature of its police forces, which can provide valuable insight into the basic character of the political regime. The police’s actions are a mirror of the enduring social cleavages in a society and reflect the degree of state interactionism that exists in citizens’ lives. Consequently the police’s behavior, while not sufficient, is very necessary in ensuring the success of democratic transitions and consolidation of the rule of law. The police have had an increasing role in the lives of citizens. This is especially evident in Brazil. In 1889, on average there was one police officer for every 345 community members. By 1905, that figured had dropped to one police officer for every 172 community members (Bretas 1997). The numbers vary today depending on where you are in the country. In the violent eastern zone of metropolitan São Paulo today, there are 1,119 people for each Military Police, while in the more peaceful northern zone there are 521 to one. Regardless, the police have a very visible presence in society.

Law enforcement has been much more present during daily life because of the considerable increase in crime and violence in Brazil. In the past as well as recently, when crime has gotten out of hand and the police cannot control the situation, the army has been sent in. According to a recent article in the *New York Times*, after “nearly two decades on the margins in Brazilian life, the armed forces have been thrust back into the center of things” (Rohter 2003). The military and the civilian police forces have been working together to ensure public security in Brazil and as a result, the military has become a policy tool used by the civilian government. In understanding this current relationship between the civilian government and the military in terms of public security, it is important to analyze the relationship between the military and the police forces during the military dictatorship. It is also essential to evaluate their relationship during the period before the military coup, including how the different law enforcement agencies developed their own identities and settled their spheres of responsibilities.

This paper hopes to explain where in the democratic transition process Brazil is now through an analysis of Brazil’s history. Using public security<sup>1</sup> as the policy area of study should highlight the power dynamics between the civilian leaders and the military. According to Pion-

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<sup>1</sup> This paper will focus entirely on public security in Brazilian urban areas. Therefore, while there have been several instances of military participation in rural public security, especially related to the *Movimento Sem Terra* (Landless Peasants Movement (MST)), this topic will not be touched upon in this study.

Berlin (2001), “the development, quality, and survival of democratic systems depend on governments making the armed forces their political servants and policy instruments rather than the other way around” (1). Today the Brazilian civilian government uses the military as a tool, so the civilian government does have control. But according to Desch’s theory, in Brazil today the situation is at the point that is actually the worst for civilian control. Therefore, this paper hopes to show that there are other explanations for civilian or military control of the government than what Desch claims. Instead, evidence appears to support O’Donnell et al.’s (1989) conclusions that even though the civilian leaders are in control, Brazil continues to be in transition. This is because the civilian government has used excessive caution with the military. Moreover, historical circumstances, especially the extremely integrated relationship of the Brazilian police forces and armed forces, have contributed to the continuing transition in Brazil today. This paper hopes to show that while there seems to be no real threat of another military takeover in Brazil, the democratic transition will never be complete unless the military is no longer used for policing duties.

This paper first provides an overview of the current situation in Brazil regarding the overall justice system and specifically the use of military in public security today. This section is necessary as it is imperative that the readers understand the intricacies of this unique public security system. Many democracies do not have separate military and civil police, nor do they use military for internal public security. Therefore, explanation of the current Brazilian system is important for this study. The paper then goes into a discussion about public security before the military coup in 1964, and lays the foundations for the creation of the different law enforcement agencies. The third section focuses on law enforcement during the military dictatorship. The analysis then concludes with an explanation of where in the transitional process Brazil should be considered and who should be named as the leader in the power struggle between the military and the civilian government. In the end, sufficient evidence should be provided to show that Desch’s identified variables for determining who is in control are incorrect for the case of Brazil, especially now, and that O’Donnell et al. are more successful in explaining what did and has been occurring in Brazil. The paper concludes with the policy suggestion of eliminating the military’s role in internal public security if the civilian government hopes to approach the end of the democratic transition and reach the state of a true democracy.

### An Overview of the Brazilian Justice System

Brazilian urban social control is actually dominated by two clashing institutional processes: a privatized security force and a decentralized/militarized “professional” police. The privatization of public security has added several new agents to the law enforcement community, besides the traditional public officers. Besides police on duty, the streets are now patrolled by vigilantes, private rent-a-cops, and *zeladores da rua* (unlicensed street custodians). However, public security is still an actual institution in Brazil even though it would appear sometimes that there are now more private officers than public police. The organs of the formal justice system are the Judiciary, the Public Ministry, and the police departments. The Brazilian Constitution of 1988 marked important changes in the profile of the Brazilian Public Ministry because it gave the Ministry a more active role in defending citizen rights. The role of the Public Ministry is the defender of judicial order, of the democratic regime, and of the social interests and the interests of individual citizens. The 1988 Constitution also relegated responsibility for public security mainly to the state governments.

There are currently three types of police in Brazil, not including the private forces: *Polícia Militar* (Military Police (PM)), *Polícia Civil* (Civil Police (PC)), and *Polícia Federal* (Federal Police (PF)). The PF is more like the Federal Bureau of Investigation (F.B.I.) in the United States, although it is composed of a smaller force with limited jurisdiction and focused on such issues as drug trafficking, interstate commerce, and immigration. It is controlled by the federal government. The PC and the PM are both controlled by the state governments. The PC is responsible for criminal investigations and must report to their state governments. They are more connected to the justice aspect of law enforcement. The PM is actually in charge of maintaining order and making arrests. They are the officers visible on the streets<sup>2</sup>. The PM is actually a hybrid institution: they are police and they are military. They are military in a sense that they are the reserve force and auxiliary units of the military and they are police when they are working towards public security. Comparatively they are similar to the “carabinieri” in Italy, the “gendarmerie” in France, and the mounted police in Canada. There is a strong rivalry between the two state level police forces: the PM and the PC. This rivalry varies in intensity from state to state. There is little communication and trust between these two police organizations. The military police personnel believe that they risk their lives to bring in the criminals only to see the perpetrators back on the streets because of the corrupt civil police. The civil police in turn point to the fact that traditionally the military police kill more citizens annually than do the civil police.

However, according to Pinheiro et al. (1997) and as evidenced by high crime rates and disturbing statistics of violence, the Brazilian justice system is in a crisis. “No Brasil, a lei não é uma coisa séria, não pelo povo, não pelo governo.” [In Brazil, the law is not a serious thing, not for the people, not for the government] (Pinheiro et al., 240). This crisis more specifically reveals the states’ incapacity to respond to societal demands. As the government and society realize that criminality is getting out of hand and out of their control, they are reaching out to other solutions and resources besides the traditional law enforcement methods of police officers on patrol and responding to complaints. According to President da Silva’s press spokesman, André Singer, “The president has emphasized that the country needs the involvement of all of society in the tasks of government” (Rohter 2003). After the civilian governments have kept the military’s role at bay for the past twenty years, it seems that the one president least likely (since he is from the Left) to use the help of the military to accomplish his policy goals is doing just that.

#### Brazilian Public Security Today: A Joint Police/Military Effort Under the Civilian Government

In Brazil, the military has had generally cordial relationships with civilian leaders since the transition began in 1985. The military is mostly preoccupied with professionalization, external defense, and regional security. “In the current (post-Cold War) period, most Latin American militaries are mainly interested in defending the status quo rather than pushing for greater influence” (Hunter 2001, 46). However, sometimes the Brazilian armed forces are deployed for purposes that are more police than military in nature (Hunter 2001).

In 1994 the state of Rio de Janeiro and the federal government made an agreement to bring in federal military troops to assist the police. This agreement was instigated by “mounting public furor over violence by the drug gangs and the police, jockeying by gubernatorial

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<sup>2</sup> When the author refers to the police from now on within the paper, unless otherwise specified, she will be referring to the PM. For the most part, any type of policing that the military is involved in is on the streets and this usually involves only the PM when within state jurisdiction.

candidates, and steady pressure by the press” (Cavallaro & Monteiro 1996, 3). Throughout 1994, the public began to increasingly express concern over stray-bullet killings, drug gangs, violent police officers, and corruption within the policing institutions. The communities themselves began to call for outside help and a more direct approach to attack these problems. They specifically pleaded for military intervention. Additionally, by the end of the gubernatorial campaign in November 1994, both candidates had expressed support for military intervention. Media reports that criticized the police and proposed military intervention were rampant during that year as well, especially because of the police’s involvement in several *favela* (Brazilian slum) invasions, which resulted in many civilian deaths. Proponents of military intervention referred to the 1992 United Nations Conference on the Environment and Development in Rio de Janeiro as an example of the military’s ability to provide a temporary solution to the city’s violence. During the two week duration of the conference, “heavily armed military troops took control of the city’s streets to provide security for the thousands of visiting foreign dignitaries, journalists, non-governmental organization representatives, and others” (Cavallaro & Monteiro 1996, 14).

At first the governor of Rio de Janeiro in 1994, Governor Batista, was concerned about the potential violations of individual rights if the military was called in because of previous instances of abuses by the military. Soon, however, the political support for a military solution for Rio’s crime rate became overwhelming. On October 31, 1994, Governor Batista on behalf of the state of Rio de Janeiro, and President Itamar Franco, for the federal government, signed an agreement that instituted joint operations by the army and police in suppressing drug and arms trafficking in Rio. This accord was “an unprecedented joint military-police effort, dubbed Operation Rio, to sweep away Rio de Janeiro’s criminal gangs” (Cavallaro & Monteiro 1996, 3).

The 1994 agreement justified military intervention with the following text (in part):

Considering that the legal traffic of narcotics and the contraband of arms is today fundamentally an international matter, and thus of the direct responsibility of the Federal Union; [and]

Considering the situation of criminality in the state of Rio de Janeiro, with heavily armed groups of delinquents supported by the local traffic of drugs generating anxiety and insecurity among the population...the present agreement seeks to strengthen...collaboration between the [federal government] and the state of Rio de Janeiro for the preservation of law and public order and the security of the citizenry, especially with regards to the suppression of contraband weapons and the traffic in drugs. (Cavallaro & Monteiro 1996, 15).

The joint effort was composed of an entity created by the state of Rio de Janeiro, but directed by the Military Command of the East. This entity was to “plan, coordinate, and unify [the actions] of the State Secretariats of Justice, the Civil Police, and Civil Defense to combat criminality” (Cavallaro & Monteiro 1996, 15). The written agreement was brief and described the federal government’s role as intensifying “patrols of the air, sea, and land access routes to Rio de Janeiro to combat the traffic of arms and illegal drugs and to reinforce federal police and federal transit police actions toward this end” (Cavallaro & Monteiro 1996, 15). The agreement did not go into exact detail of what the military was to do within Rio.

It did not, however, take the joint forces long to decide on a plan of action. During the duration of Operation Rio, joint forces occupied dozens of favelas in the city of Rio and in the outlying areas. Many of these occupations lasted several days. The first two and a half months of Operation Rio were the most intense and more than 500 people were detained and arrested, about 300 firearms were seized, and approximately seventy-four kilos of marijuana and more than seven kilos of cocaine were captured. The favela invasions were normally conducted in the early morning, with hundreds of troops wearing ski masks or camouflage face-paint. The troops would set up guarded control posts at the favela entrances. The soldiers stayed at these entrances throughout an entire favela occupation. The troops insisted that everyone entering and leaving present identification. The soldiers also occupied the buildings with the best infrastructure in the favelas, usually schools or churches, for questioning suspicious individuals that they had detained. After they controlled the favelas, the troops began house-by-house searches. According to favela residents, both soldiers and police officers refused to identify themselves and any uniform name tags were covered or torn off. The stated reasoning for these actions was to protect the officers involved from any counteraction by drug traffickers.

“Drug trafficking in the favelas was temporarily disrupted. Most observers believe, however, that drug traffickers resumed business as usual as soon as the troops withdrew from the favelas” (Cavallaro & Monteiro 1996, 3). Operation Rio was characterized by torture, arbitrary detentions, warrantless searches, and at least one unnecessary use of lethal force. These abusive methods are prohibited by the international human rights treaties ratified by Brazil. Civilian and military authorities failed to respond swiftly and decisively to complaints of abuse. Moreover, public officials made statements commonly understood to condone the excesses during the operation. Overall, Brazilian authorities seemed to display indifference to the violations of human rights. What Governor Batista had feared became a reality.

The accord establishing Operation Rio ended on December 31, 1994, but the newly elected federal and state officials, led by new Governor Marcelo Alencar, extended the agreement for another month. In the end, Operation Rio was actually extended to March 3, 1995. From January 23 to March 3, 1995, Governor Alencar’s secretary of public security, General Euclimar da Silva, assumed primary responsibility for Operation Rio. Previously, during the initial two months of the operation, General Roberto Jugurtha Senna, of the Brazilian military, had been head of Operation Rio.

Operation Rio II, under the direction of the head of the Eastern Military Command, the Secretary of Public Security, the Federal Police Superintendent, and the Superintendent of the Federal Highway Patrol, began on April 4, 1995. This time, rather than have the troops and officers concentrate *en masse* in only a few favelas at a time, they were to be dispersed throughout the entire city of Rio. The role of the federal military forces was greatly reduced during the second stage of Operation Rio. Their jobs were limited to manning checkpoints on highways. In May 1995 Secretary of Public Security General da Silva was replaced with retired army general and Congressman Nilton Cerqueira. Since his appointment, the military’s presence in Rio de Janeiro steadily declined. In late June 1995, the entity created by Operation Rio was slowly dismantled. However, crime continued in Rio and people began to bring up the idea of introducing soldiers into the city again. On November 3, 1995 President Fernando Henrique Cardoso and Governor Alencar agreed to the direct involvement of the armed forces to combat trafficking of arms and illegal drugs in Rio de Janeiro. As of January 1996, though, there was no public announcement of actual military activities. However, the military has continuously been used in internal public security within Brazil. The government brought in troops in 1997 and

2001 when police forces went on strike. In addition, in 2000 the government increased military personnel and Federal Police along the border with Colombia because it feared drug traffickers and guerillas would cross into Brazil as a result of Plan Colombia.

The most recent use of the military in policing activities, though, was in Rio this year. Apparently violence ordered by drug gangs in Rio de Janeiro during this year's Carnival festivities convinced the state to call in 3,000 soldiers to maintain order. Unfortunately the same problems that had been observed during military intervention in 1994 and 1995 were witnessed again, although on a drastically lower scale. "During Carnival, an army unit shot and killed a 51-year-old teacher when his car ran a late night roadblock in a dangerous neighborhood. His family is considering legal action, contending that the soldiers should have shot out the tires of his car instead" (Rohter 2003). The soldiers withdrew from Rio after the Carnival activities ended, but the Rio state security secretary, Josias Quintal, said that he favored keeping the armed forces permanently in Rio de Janeiro to have them help combat drug trafficking. In that way, however, the military would be imposing on the jurisdictions of the PM and the PF. Defense Minister, José Viegas, said in January 2003 that "he had no objection to the armed forces taking part 'in the noble task of supporting the social development of our country,' but only so long as it 'does not hamper their principal task, which is the safeguarding of our sovereignty'" (Rohter 2003).

Not only does being involved in policing seem to hamper their principal task, the military is also not prepared to take on this additional task. A former army colonel, now a professor, told reporter Rohter from the *New York Times* that "The Brazilian military doesn't have the operational capacity to do all of this... People forget the armed forces were neglected and abandoned for years. If their capacity to perform their main mission is low, then imagine their ability to carry out these complementary missions."

The military is also not prepared for policing activities because it has been trained and equipped in a different manner than have the actual police forces. The PM was defined by the Constitution of 1988 as an auxiliary force of the Army, compromising state jurisdiction and control of police forces. According to Jorge Zaverucha (1993), "in case of social unrest, the military policeman may choose either to follow the state governor's authority, or to join specific army units scattered throughout the country whose function is to incorporate the military policemen" (283). Although this is the case, according to Brochado (1997), the military and police have theoretically very different roles. The armed forces are responsible for national security, while the police forces are responsible for public security. The types of conflicts that they are used to fighting in are also very different so their mentality and training are both extremely varied. The conflicts that the armed forces fight will usually have a victor and there is always an end to the conflict. The police, on the other hand, realize that they are fighting a permanent and continuous battle against criminality. The armed forces are trained to annihilate the enemy and destroy their homeland. The police are trained to preserve life and the homeland. While the military are able to demand that citizens sacrifice their lives, the police are unable to do this.

In addition, Brochado (1997) believes that citizens should feel pride for their armed forces. If the military is seen in the streets, with machine guns and tanks, as crime fighters they will emit fear in the communities. Engaging the armed forces against crime and criminality in the streets, will, according to Brochado, lead to a national Vietnam War, without a prospective victory and with the compulsion to react with violence. Huggins (1998) agrees that "using their armed forces to maintain national security can undermine the public's belief in the military as a

patriotic nationalist symbol and even in the legitimacy of the government it serves” (11). A former Brazilian judge, now a member of Congress, wrote in the daily *Jornal do Brasil*, ““Our generals, who are inundated with material problems in keeping the spirit of their troops high, know that soldiers are not prepared for this kind of combat and that the institutional risk is high...the manner in which the armed forces are being employed tramples the Constitution”” (Rohter 2003).

If there are obviously several opponents to the use of the armed forces in policing, then why has the military been so sought after by the community and politicians? In order to understand why the military has been looked to as an appropriate resource to help the police in curbing violence and drug trafficking that contributes to criminality, it is useful to look at the history of the military and police relations. As O’Donnell et al. have suggested, one should look at Brazilian history to understand the progression of the current democratic transition.

### Early Brazilian Public Security (1809-1964): A Decentralized Police Force (except during the Vargas Regime (1930-1945))

Brazil proclaimed its independence from Portugal in 1822. In 1835 the most violent and dramatic revolt since Brazil’s independence took place in Cabanagem, in the province of Pará. The rebels were mostly indigenous. It was a confrontation between the national government and the splintering states. It was the beginning of the formation and proclamation of the individual Brazilian states. The fighting continued to 1840 and was made up of the bloodiest battles to date in Brazil. Pará’s new president recaptured the capital of the province that had been abandoned by the rebels and initiated a systematic campaign of repression. He militarized the province so that the government’s soldiers were seen on every street. Alain Rouquié observes that ““internal problems and domestic social and political dangers were the object...of the Latin American armies.’ From the beginning, their orientation was almost exclusively domestic” (Desch 101). In fact, according to Desch (1999), the traditional role of the military before the 1964 coup had been to install new civilian regimes when society was not happy with the current administration.

The first military division created to have a policing role was actually in Rio de Janeiro in 1809 (Brochado (1997), Bretas (1997)). The military divisions in each state had been created originally to defend each state/province’s autonomy. The first military division with policing powers was called *a Divisão da Guarda Real de Polícia* (The Division of the Royal Guard of the Police) and was headed by the central government. It was mainly made up of Portuguese men. Bretas (1997) points out that the influence of this first military division overflowed to the rest of the provinces, where they came under the authority of the respective province president. The police forces then adapted to the different conditions in each of these regions.

The military police are descendents of these small military divisions originally in each state (Bicudo 1997). According to Bretas (1997), the civil police originated from local administration with the responsibilities of small judicial functions. With time, the civil police were given more administrative and judicial responsibilities. By 1860, there was a clear division between the civil and military police forces. Before the military takeover in 1964, each state’s highest police official was chosen by the state governor and cities’ police chiefs were appointed by the elected mayors. The PF is headed by a general director, who is appointed by the president. Under the military regime, the general director was usually an active-duty army general. Since the return to civilian rule, the general director usually has been a civilian. Before the military dictatorship began in 1964 it seems that local and state priorities took precedence over national ones (Huggins 1998, 130).

The only exception appears to be during the Vargas regime. Getúlio Vargas ruled Brazil under a dictatorship from 1930 until 1945 and “established the preeminence of the central government over both state and municipal governments” (Kingstone & Power 2000, 80). He appointed federal interjectors as governors and decreased the power of state militias. Vargas was brought to power by a heterogeneous group, including military officers. The coup of 1930, that brought Vargas to the presidency, marks a time when the role of the Brazilian police changed (Cancelli 1993). The police became essential for the maintenance of the dictatorship. The police were to be used mainly to go after communists. In order to ensure the sustenance of his dictatorship, Vargas politicized the police by changing the leadership of the different police departments. This seems very similar to what the military government did, or at least attempted to do, later on during the military dictatorship. In 1936 the National Congress of Police Authorities was formed. The Congress had three principle objectives: to unify police work, stop the intersection of student commanders and their authorities, and thirdly, to augment the prestige of the chief of police of the Federal District. The Congress also reunited the security secretaries with the chiefs of police.

The police used instruments of repression allowed by the Vargas regime to control citizens. For example, the Chief of Police of Rio de Janeiro began the systematic job of censoring the country’s newspapers in the second part of the 1930s. However, the military were the ones that were mostly leading the agitation throughout the country. As the army reorganized itself, discipline was shaky. During the 1930s, there were sixteen barracks revolts and seventy-two other instances of agitation, conspiracy, and protest. Between 1931 and 1938, at least 624 officers and 1,875 soldiers were expelled from the army. Journalists and novelists were censored, jailed, and discouraged. The army restricted access to the military schools to those with acceptable racial, familial, religious, educational, and political characteristics. “As a result of these repressive measures, the suspension of political activities, and the government's support of rearming and modernizing the military, the army gained a coherence and unity that it had not experienced since before 1922” (“Brazil-Country Study” 2003). The military intervened again in 1945 because they were bothered by the stagnated economy. This was the beginning of a short democratic period. However, it was not Brazil’s first attempt at democracy. The Brazilian governments between 1894 and 1930 were inherently conservative, but this was when Brazil first experimented with democracy. This postwar democratic period, 1945-1964, was characterized by a return to a competitive, Presidential, elected, federalist regime so more than likely policing went back to being mostly decentralized. There was a lot of foreign investment in Brazil, growth was led by the states, and infrastructure was built. This democratic experience was terminated in 1964 when the military intervened yet again and implanted a new dictatorship. As Brazil's crisis deepened in the early 1960s, the military perceived the country as entering an era of subversive warfare and they felt they needed to intervene. They had come to believe that internal security and rational economic development would occur only if various aspects of the economic and political structure were altered. They felt that a civilian government would be unable and unwilling to implement the necessary changes.

#### Brazilian Public Security During the Military Dictatorship (1964-1985): The Military’s Attempt to Centralize the Police

On March 31, 1964 a military coup ousted João Goulart, who had become Brazil’s president three years earlier. General Castelo Branco became the new president and the army’s new commander in chief. General Branco “launched a countrywide purge to eliminate

‘subversives’ from Brazil’s political and administrative systems” (Huggins 1998, 120). The *limpeza*, or Operation Cleanup as it has also been called, was carried out throughout the country by police and military street sweeps. Both the police and military were accused many times of torture and human rights abuses, but insufficient proof was found to support these allegations. The main mission of the police during the dictatorship was to eliminate subversives, primarily communists and their supporters, much like during the Vargas regime. The police was unconstrained by formal rules of evidence or standards of proof.

Early on in the dictatorship the Brazilian police was still relatively decentralized, but the military government realized they needed to make the police system less amenable to local and state influences and more controllable by the military. The threat of the police conspiring against the military government was always a distinct possibility. During the military coup in 1964 the governors of Guanabara and Minas Gerais used their police forces to support groups that were hoping to oust then President Goulart. The military did not want this same instrument used on them by the governors. The military government placed each state’s police under direct control of the national military and under the direct command of an army general. The military government also gave each military-approved state secretary of public security jurisdiction over state and local police. In these ways, the military leaders hoped to be more successful in monitoring possible threats to its hegemony (Huggins 1998).

Several student movements and other national protests at the end of the 1960s left Brazil in the midst of a civil war. Military and police were sent out in Brazil’s major cities to apprehend participants in these movements. The PM developed military-style motorized patrols and shock troops for crowd and riot control, and for invading favelas. Some police departments took on “shoot-to-kill” policies and took on the practice of operating mainly at night. In these ways, the PM began to look similar to death squads. In addition, the government of Ernesto Geisel (1977-1978) ensured the military police would be protected from civilian control by reforming the judicial system. Before the Geisel administration, jurisdiction for military police crimes against civilians was within civilian courts. As part of a more general reform, he transferred jurisdiction to military police courts (Kingstone & Power 2000).

“The Brazilian military consolidated its power [officially] through a series of draconian Institutional Acts (IAs), the de facto ‘constitution’ of the new military regime. The first Institutional Act (IA-1)...rescheduled Brazil’s November 1965 presidential elections, drastically reduced congressional powers, and transferred legislative responsibilities to the executive” (Huggins 1998, 120). IA-1 also made it so that individuals’ political rights could be canceled, and other civil rights abolished. The military government introduced Law 317, also known as the “Police Organic Law,” in 1967 to supplement the first three IAs. The law intended to bring the police system under more predictable and centralized control. The states’ regional and municipal police forces came under the states’ secretary of public security. Each state’s secretary of public security was a military appointee. Under the Police Organic Law, each state’s secretary of public security decided the respective duties and jurisdictions of the state’s civil and military police. This new law was also when the differences between the civil and military police forces were clarified. “The Militarized Police were to be responsible for all uniformed ‘ostensive’ (first-response) street policing, their traditional role. The control of the nonuniformed Civil Police over some aspects of street policing was reduced, particularly their radio patrol operations” (Huggins 1998, 131). The civil police were given the exclusive responsibility of crime investigations. Sometimes, though, the military police also performed this duty. The main point of differentiating their roles was to reduce conflict and competition

between the two forces. Yet in many states this division of labor only exacerbated the existing rivalries.

Although the military government had attempted to centralize internal security forces, by 1969 the various states' police were still not effectively centralized under the military government nor linked among the states themselves (Huggins 1998). Centralization was unlikely to be successful since "central coordination between the police commands and their elite shock and intelligence squads, as well as among Brazil's various police forces and between police organizations and the military, was seen to be insufficient" (Huggins 1998, 149). In 1969, the military government tried another measure to centralize law enforcement. Operation Bandeirantes (OBAN) was secretly established in São Paulo as a first step toward more coordinated policing. It was created in 1969 in hopes that it could be applied nationally in 1970 as a new internal security organization called the Information Operations Department/Center for Internal Defense Operations (DOI/CODI). OBAN was a military-police operation created to suppress terrorist activities and apprehend known and suspected subversives. It is mainly associated with having conducted many torture sessions. The DOI/CODI did end up opening headquarters in other cities. The year 1976 was the beginning of the end for the DOI/CODI after an innocent man was tortured and killed to death after he was mistaken for a communist sympathizer. The innocent victim's wife sued the agency.

In 1985, the military stepped down after negotiating the terms of the transition with the new civilian government. In this way the military was able to preserve influence, at least for the time being. At the beginning of the transition, the military was able to secure six Cabinet positions, and continue presence within the Brazilian National Security Council (NSC) and the National Information Agency (NIA). The military was also able to retain some influence over the militarized state police (PM). However, the military has not sustained its power and influence from the beginning of the transition. This is because the power has not been backed with formal-legal arrangements necessary to keep their influence flourishing. Additionally, the total number of military personnel in the country has decreased significantly. In 1985, there were 496,000 soldiers. In 1995, there were 285,000. Today there are 185,000 members of the military (Rohter 2003).

According to Desch (1999), the military coup took place in 1964 because there were few external threats but many internal threats to the Brazilian military institution. This, he argues, is the worst possible scenario for the probability of civilian control. Desch claims that civilian leaders during this time were deeply divided so the institutions of civilian rule were weak and ineffective. Civilians frequently sought to include their militaries into domestic politics. The military was relatively cohesive and unified, but they were also inwardly focused when they came to power. Desch also explains that the return to democratic rule in 1985 was due to changes in the internal and external threat environments once again. "Continued rule, in the absence of a clear threat to the institution, undermined military unity and cohesiveness" (Desch 107). In addition, the Falklands/Malvinas War led to the Brazilian military's conclusion that "not only Argentina, Brazil's traditional external rival, was once again a potential threat, but also that internally oriented militaries were not capable of successfully waging external wars" (Desch 108).

### Conclusions

Unfortunately Desch's theory seems to be relevant for only specific times in history and only for specific countries. Desch's theory does seem to provide a reasonable explanation for the

military coup in 1964 and then the return to civilian authority in the 1980s, but it does not fully explain Brazil's current situation. Desch explains that civilian control is least likely when external threats (wars) are low and internal threats are high. He defines domestic threats as threats to the military institution and its interests, such as the budget share, autonomy and cohesion. If his theory holds true, then the da Silva administration is on shaky grounds and should be worrying about an impending military coup. President da Silva is a Leftist president and Brazil is suffering from many economic problems. Spending cuts are inevitable and are most likely to hit the military since President da Silva has asserted that he will focus primarily on poverty, health, education and housing. According to Rohter (2003), the military's "financial situation has been so difficult recently that the army had to send 44,000 soldiers home last year because it could no longer afford to house and feed them. Flying time for air force pilots has had to be curtailed because of lack of reliable aircraft and spare parts, and even ammunition is scarce." The liberal president and the economic problems are two out of the three internal threats Desch identified as leading up to the 1964 coup as well. However, a military coup in Brazil today hardly seems likely. If the armed forces cannot afford to feed or house their own troops, they should not be expected to be able to take over an entire country. In addition, the military publicly supported the election of President da Silva. Desch's theory also cannot explain the military control over the transition or the influence during the first several years of the transition. So rather than his internal/external threat variables, there must have been other factors that steered Brazil towards a military dictatorship and then a return to civilian rule. However, this paper is not an investigation to find out why there was a coup and what ended it. This paper hopes to understand the relationship between the Brazilian military and the civilian government as it stands today. It does not seem that Desch's theory can provide the answer.

Instead, as O'Donnell et al. explained, it makes more sense to argue that the civilian government is in charge, but unfortunately the democratic government is still in transition from the authoritarian rule. As explained earlier, O'Donnell et al. believe that Latin American democracies, especially Brazil, are still in transition because of their history, especially the way in which a previous democratic regime broke down, the nature and duration of the authoritarian period, the means by which the authoritarian regime obtained legitimacy and reacted to threats to its power, or the confidence and competence of those pushing for opening the political process. In addition, the dominant influence on the transition appears to be national actors as opposed to international factors as argued by Desch. Yet O'Donnell et al. do seem optimistic that the transitional period will one day end. Brazilianists like Stepan, Hagopian, and Zaverucha all predicted that Brazilian democracy would suffer a serious handicap because the negotiated nature of the transition would give the military long lasting position within Brazilian politics and society (Pion-Berlin 2001). However, it would appear to be more accurate to agree with Hunter that the military has lost a considerable amount of influence in Brazil. They no longer appear to be as influential as they had been before the dictatorship, during the dictatorship, or during the initial stages of the transition.

Yet the military is still involved within the Brazilian civilian government and is currently not only responsible for protecting the nation. The "absence of reserved domains of power for the military and other actors not accountable to the electorate" (Orozco 2002, 4) is essential for a democratic nation. Since the military appear to continue to have power within the domain of public security, this could help explain why the country is still in transition. There are several reasons why the military should not be used in policing efforts, especially if the goal of the civilian government is to speed up the transition process and reach full democracy. First of all,

using the military in crisis situations, as evidenced in Rio in 1994, does not seem to be a long term solution. Something else needs to be done if the government really would like to solve the crime problem rather than just using the military as a temporary fix. Additionally, criminality is a different type of conflict than what the military are trained and equipped to handle. As previously explained, the military and the police have two different missions and are trained and equipped accordingly. In addition, as asserted by Huntington, if the military is distracted from its central mission, then this will lower its effectiveness (Burk 2001). Most importantly, though, there have been similar joint military-police efforts conducted in other Latin American countries that have produced rather unfavorable results. Many senior military officers in Venezuela opposed involvement in social programs because they said it would lead to corruption and the politicization of the armed forces. Their warnings were correct since both corruption and politicization occurred during the implementation of Plan Bolivar 2000 (Rohter 2003). Joint police-military efforts in counter-narcotics in Colombia have also led to corruption and undermined discipline and morale (Rohter 2003). All of these side-effects are not desired in a country in democratic transition.

Unfortunately the military has been turned to as a resource in public security because of the intertwined history that the police forces and the armed forces share. The military police developed from the armed forces; they shared several responsibilities before the military coup in 1964, especially during the Vargas era; the police were relatively centralized during the military dictatorship; and the military still maintained some influence over the police during the initial stages of the democratic transition. However, that is all history and the military has lost much of its influence. Moreover, even in crisis situations like the one in Rio de Janeiro in 1994, “military leaders...prefer to exercise their ‘arbiter’ role quietly behind the scenes rather than appear publicly as the ‘guardians of democracy’” (Pion-Berlin 2001, 64). While there appears to be no reason to worry about a military coup in Brazil today, there is still the need to absorb the military institution into a democratic regime. The Brazilian civilian government must decide “what new role can be assigned to the military, after two decades of authoritarian rule, in order to justify the existence of professional soldiers in a geopolitical context without real external enemies” (Martins 1989, 94). While President da Silva’s laundry list of programs he hopes to implement during his time in office (including confronting poverty, hunger, joblessness, and homelessness) is extremely long, he should undoubtedly put “keeping the military out of traditional policing activities” and “finding a new policy to confront criminality” close to the very top of the list. Only then can Brazil hope to reach the end of the transition and become a full democracy.

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