



MEDIA DISCOURSES AND THE DELEGITIMIZATION OF POLITICS

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1 Introduction

Since the impeachment of then- President Dilma Rousseff was no longer a threat to become a real possibility, many articles and books were published with the aim of denouncing the ongoing process, the risks to disrespect to the democratic order and, finally, the coup and its unfolding. Written in the heat of the hour, many of these texts combined the decision to intervene in the political struggle with well-grounded arguments, and therefore serve at the same time as a document of resistance and as a reference for understanding the country's most serious political crisis since end of the last dictatorship.

I tried to contribute to this effort through the regular publication of texts that discussed media activities throughout this process, on the ObjETHOS website - Journalistic Ethics Observatory - and especially in an article that points to the tradition of coup of our great communication companies and the way in which they work toward fulfilling their prophecies (Moretzsohn, 2016a). Here, I return to these references to contextualize what happened and try to broaden the approach to the hegemonic journalistic discourse in the conformation of a favorable climate not only for the overthrow of the government, but for the destruction of the PT - which goes far beyond the limits of the democratic political dispute - from the systematic attack on its maximum leader, former President Lula, and the delegitimation of politicians involved in denunciations of corruption, which opens the way for the delegitimization of politics itself. This was the environment conducive to the proliferation of hate speech, which put the country on the brink of fascism. Silence in the face of critics of Lava Jato's abuses, the mythification of the judge who conducts it, and the defense of the Federal Public Prosecutor's project against corruption, which defies elementary constitutional rights, is the other side of this coin.

The emphasis on the role of the media in this whole process stems from its own relevance in the contemporary world: communication, in our time, is necessarily mediated and commanded by the great corporations of the branch. It is also large corporations that control the flow of information over the Internet, although this means offering unprecedented possibilities for the

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dissemination of alternative voices. These relations of power are not usually perceived precisely because, as Venício A. de Lima (2006) has observed, the media is so incorporated into everyday life that it is difficult to cultivate a critical sense of it. It is enough to remember, as Paulo Moreira Leite (2015) does, that when one speaks of "repercussion" of some fact, one usually forgets that this repercussion is created - amplified or emptied - by the valorization or depreciation of this fact by the media.

On the other hand, affirming the centrality of the media does not mean giving it absolute power, as it is often done wrongly: Lima (2006) shows that there is always the possibility of counter-hegemonic actions, as happened in Lula's victory in election that would give him the second term, despite the crisis of the "Mensalão" scandal and the intensive coverage that undermined the credibility of the government. The same would occur in the next two elections, as had already occurred in 1982, in Brizola's victory for the Rio de Janeiro government. In any case, it was necessary to confront this power, which only reinforces its importance.

For what we are interested in dealing with here, it will be necessary, first of all, to reiterate the correct definition of what happened in the process of removal of President Dilma. This implies the responsibility of "telling what is", which Hannah Arendt (1992 [1954]) points out in her famous essay on "truth and politics".

Despite all that has been written about it, it is necessary to reiterate the nature of the overthrow of the legitimately elected government, making it clear that it is no longer a "narrative", like the journalists of the large media corporations and their usual collaborators of the world academics insist on hammering. Certainly the discursive dispute is essential in the ideological struggle, always permeated by gaps, distortions and even lies. But the substance provided by the facts does not permit contestation, except by the violence of the fraud. Incidentally, Hannah Arendt (1992) argued: however much the account of a fact already carries an interpretation, and however much the interpretations vary, it is not possible to erase the lines that distinguish fact from opinion or interpretation, nor to accept manipulation of the facts. She cited, as an example of respect for factual truth, Clemenceau's answer to a representative of the Weimar Republic's question about who future historians would blame for the outbreak of World War I: "I do not know that. But I am sure they will not say that Belgium invaded Germany "(ARENDT, 1992).

Let us then retake the thread that resulted in the downfall of the government, and retreat until the eve of the second round of the election in October 2014, when Dilma led the polls by a small margin and a final push could decide the game in favor of opposition. As can be recalled, *Veja* magazine anticipated its weekly edition and circled with a cover in which Lula and Dilma's black faces appeared side by side, cut vertically by the headline that said, "They knew everything." "Everything" was the corruption scheme at Petrobras, investigated by Lava Jato. The statement, which was received unreservedly by the magazine, stemmed from the alleged testimony of Alberto Yousseff, who had been arrested and closed a plea bargain. In the streets, the cover was

reproduced and enlarged in posters to serve the demonstrations favorable to the opposition candidate and to stir up the mood against the PT. On the internet, rumors began to circulate that the (market) dollar dealer was missing and even that he had been murdered. The magazine was obliged to offer a right of reply immediately - although it had been done precariously, and still only in the electronic edition - information on the dollar dealer's testimony would be questioned by his lawyer, but the damage was already done.

It was there, two days before the election, that for the first time impeachment was spoken. One of the main political commentators of the newspaper O Globo and commentator of Globo News, Merval Pereira, would write in his column of 10/24/2014: if that complaint was proven, "the president's impeachment will be inevitable", in case of re-election. "We run the risk of being condemned to an institutional crisis of the great ones with members of Congress, governors and even the elected president involved in a criminal process more serious than the Mensalão" (PEREIRA, 2014). It was the message of what was to come. Typical case of self-fulfilling prophecy, as well illustrated by Laerte in a cartoon published in Folha de S. Paulo on 5/5/2015, which shows, in a sequence, a man sowing accusations, then pulverizing the plantation with the venom of the suspicions, waiting the growth and finally passing the tractor to collect the opinion polls, which already leave the machine properly packaged.

The opposition went to contest the result, denouncing fraud and asking for recount of votes. But they soon gave up this tactic so that, four days after the election, they filed the first of the 37 impeachment requests that would be filed over the next few months. The motives varied - it was "knowing everything", "disregard for budget law", "influence peddling", "administrative improbity" - such "fiscal maneuvers". The president of the Chamber, Eduardo Cunha, who paralyzed the government with his successive explosive agenda, systematically rejected requests for impeachment, until he lost the support of PT representatives in the Ethics Committee. It was an obvious retaliatory attitude, which the future President Temer himself would end up implying, as will be seen below. Cunha would only be arrested after Dilma's fall.

When the impeachment process was contested for lack of evidence, the claim was made that the trial was not legal but political - as if the Constitution did not require proof of a crime, as if a political decision were an act of will. Incidentally, the lawyer Ricardo Lodi, who participated in the debates during the trial, was very clear about the meaning of speaking in "political decision": it was precisely the opposite of what was said, it was about applying judgments of convenience and the opportunity to assess whether, even in the face of an offense, it would be worth making a decision with such serious consequences for the country².

² In his testimony on 08/27/2016, Ricardo Lodi stated: "First we must verify the existence of a crime. And if the judge has no conviction about the existence of the crime the result is acquittal, in a state of law. The political aspects, the judgments of convenience and opportunity, concern the application of the penalty of impeachment, which is very serious for the country. It may be that a particular president commits a breach of the budget law and the National Congress understands that it will be a loss for the country to be removed. The political judgment that is made is this. It

The main contestation of the complaint that the removal of Dilma would be a coup was based on the argument that impeachment was a hypothesis provided for in the Constitution. It is a well-known rhetorical device, which consists in attempting to disqualify the contending argument by attributing to it something that it does not answer. Hence, as Rodrigo de Almeida (2016) reports, the need for the complete sentence: "Impeachment without crime of responsibility is a coup." The crime of responsibility was pointed out in the "fiscal maneuvers", although, as demonstrated, the predecessors of Dilma had used the same expedient, and governors and mayors in activity still use it. In addition, shortly after the definitive removal of the president, Congress passed a law that exempted recourse to that type of accounting maneuver from the classification of crime of responsibility.

It would be possible, but excessive and especially idle to discuss the legal issues involved in the case, since what clearly demonstrates the illegality of impeachment are the very statements of those who approved or benefited from it. Before the decisive vote, for example, Senator Telmário Mota (PDT-RR) stated: "I already had conviction that she [Dilma] had not committed any crime" Despite this, he would end up voting for impeachment, possibly due to a bargain, as Folha de São Paulo reported, Sen. Acir Gurgacz (PDT-RO), at the end of the decisive session, also told Senado TV: "We are convinced that there is no crime of fiscal responsibility in this process, but there is a lack of governance.

That not being enough, Michel Temer, who had already been officially elected president, would affirm during his speech:

[...] we have launched a document called a Bridge to the Future, because we realized that it would be impossible for the government to continue in that direction, and we even suggested to the government that it should adopt the theses that we pointed out in that document [...], and since that did not work, there was no adoption, a process was instituted that culminated now with my becoming the presidency (sic) of the Republic.

Almost a year after the impeachment trial began, in an interview with the Bandeirantes TV Channel, Temer exposed the role of Eduardo Cunha in the decision that would be fatal for the government:

is not possible, from a political judgment, to condemn in case of doubt, to condemn when materiality, typicality and culpability have not been fully demonstrated. "Available at: <https://youtu.be/Sv3vi3m19SQ>. It was a vain effort, however, as it became clear in Senator Alvaro Dias' interview with TV Senado: "To be honest, this is a staging, fulfilling a formality." The votes would not change with the testimony of the witnesses because "there is already a consolidation of the convictions", which were "rooted during the debates that we have been holding here since October. This is a political court, there is already conviction regarding crimes committed or not by the president." Available at: <https://www.facebook.com/badernanoticias/videos/649762598515927/>.

[...] one occasion he went to me, it was about two o'clock in the afternoon, saying, "Today I will file all impeachment requests ... because I was promised the three votes of the PT in the Council of Ethics ". [...] The next day I see the news immediately saying that the president of the party, of the PT, and three members of the PT insurged against that speech and would vote against. When it was three o'clock in the afternoon he called me and said, "Everything I said is not true, because now I'm going to call the press and I'm going to start the foreclosure process." So what a curious thing, if the PT had voted with him on that ethics committee, it is very likely that the president would continue to do so.³

Curious thing, see: if the PT had given in to blackmail, there would have been no coup.

To assert that it was a coup is not, therefore, to construct a "narrative": that is to say what it is.

Hence, it is not acceptable to go out on the tangent and say "coup or no, call yourself whatever you want" as Almeida (2016, 215) does, despite the importance of his testimony on the crisis. Whatever? Of course not: if it had not been a coup, there would be nothing to complain about. But it was, and this legitimizes - it would even say, demands - the reaction against this violence, which did not happen by chance: as many have said, it would only be possible to impose a set of reforms and projects that exterminate social rights and lead the country to the condition of subalternity in the international scene with a coup. Such a major setback would never be approved at the polls.

2 The tradition of coup and corruption as an enemy

The classic editorial principles of the press are often based on a mystification of the concept of "Fourth Estate", which transforms the essential mediation role of this activity into something that looms above the contradictions of the real world. The press, then, would be the "watchdog", the prosecutor of the institutions, acting on behalf of the interests of "society." It is not difficult to prove the contrary: the press, especially in the age of big corporations, acts to the benefit of the interests it represents, even though presents them as if they are common to all. But always, in any circumstance, it exerts a political activity. It fits in with what Gramsci called "private devices of hegemony."

Defending causes, more than inevitable, is necessary: those who defend freedom of expression - this just seemingly obvious value - defend a cause. Because it exerts a political activity, the press is part of the political struggle, in the broad sense of the word - again, resorting to Gramsci: in the sense of "great politics." Hence, the need for a plurality of titles. The problem is when it gets involved in "small politics" and becomes an advertising tool.

This determination was made explicit in 2010 by the then president of the National

³ Interview of Michel to the Bandeirantes TV Channel, 15/4/2017. Available at <https://www.youtube.com/watch?v=8qyCYNEkfQg&feature=youtu.be>

Association of Newspapers, Judith Brito: "the media are actually acting as the opposition of this country, since the opposition is deeply fragile" It is a clear distortion of the proposal of the "fourth estate": here it is no longer a matter of "supervising" the conduct of the government, but of fighting it. It was, perhaps by carelessness, a rare moment of "sincericide", for that very reason very enlightening (BRITO, 2010, apud ARAÚJO, 2010, without pagination)⁴.

This is, in fact, the regular behavior of our press - I always refer here to the business activity that exploits journalism - whose tradition of coup is not difficult to prove, especially if we start from the period of our history in which social struggles become and the press itself began to be more professional. At the beginning of his last term, in 1951, Getulio Vargas encouraged Samuel Wainer to found *Última Hora* because he knew he would be, as it were, the target of the relentless bombardment of newspapers and radios. His suicide provoked a turnaround that aborted the coup and postponed it in ten years as the deepening class struggle and polarization of the Cold War led the country to a new political crisis that would result in the overthrow of João Goulart

The articulation between the main communication companies against Vargas was informal, but against Jango it became organic. In October 1963, at the initiative of João Calmon, a member of the Social Democratic Party (PSD) and deputy chairman of the Associated Diaries, the "Democracy Network" was formed to destabilize the democratically elected government identified as a "communist threat". The victory of the Cuban revolution in 1959 was then particularly attractive in Latin America.

Aloysio Castelo de Carvalho (2010) researched the performance of this association, which produced an almost daily program run by the radio stations of Rio de Janeiro: Tupi, Globo and *Jornal do Brasil*, and that was retransmitted by hundreds of other affiliated broadcasters. The following day, the speeches were reproduced by the printed media of this group - *O Jornal*, *O Globo* and *Jornal do Brasil*, respectively. Thus, a broad communication system was formed that articulated these companies with opposition parties and groups, "mainly the National Democratic Union (UDN), the Institute of Social Research and Studies (IPES) and the Brazilian Institute for Democratic Action (IBAD) which financed the electoral campaigns of the anticommunist candidates "(CARVALHO, 2010, p.16).

In 1954, the anti-corruption speech - the fight against the "sea of mud" - was the protagonist. In 1964, it became a subsidiary of anti-communist discourse. It has now returned as a mobilizing element, combined with the recrudescence of an archaic and stereotyped hatred of communism distilled in the streets. Nostalgics of the military regime repeated phrases such as "go

⁴ Another rare moment of "sincericide" was given by the presenter Silvio Santos, on 9/4/2017, when, at an awards show promoted on his TV channel, publicly rebuked an employee - presenter Sherazade, known for his extreme right positions - and told her, even if affecting a jocular tone, that she had not been hired to give an opinion, but to read the text of the teleprompter: "If you want to do politics, buy a television station." That is: a TV channel is not a public concession subordinated to constitutional principles, but something that is "bought" with the objective of "doing politics". Cf. <http://emails.estadao.com.br/noticias/tv,no-trofeu-imprensa-silvio-santos-repreende-sheherazade-e-gentili-public-political-comments,70001733278>.

to Cuba!" and "our flag will never be red" to show their hate. This is what gave the demonstrations a farsque tone, not only because the PT governments never identified with this ideal, but because, since the end of the USSR, the Communist "threat" is not on the horizon anymore. The anachronistic symbols and imaginary corresponded to an equally archaic but easily assimilated world view, especially in times of crisis: thus yesterday's anticommunism amounts to today's antipetism, with the same burden of virulence, historical ignorance, and hatred of class.

The appeal to the anti-corruption discourse has always been very successful, especially since it is very simplistic and therefore fits perfectly into the binary logic of common sense, so that any criticism of this discourse tends to be understood as evidence of suspected connivance or, at least, less, disregard for the public thing. Remember, for example, that the motto "to friends, everything; to enemies, the law" is the purest expression of anti-republicanism defining our ethos is something that is often seen as an artifice to naturalize a perverse practice, attributing it to a "culture." As Avritzer et al (2012, p. 14) recall, "the tautological explanation that Brazil is corrupt because of its identity almost ignores theoretically reflection and empirically study of the phenomenon of corruption." But it is necessary to treat it properly, from the widening of the focus: it is usual to identify the corruption to the state apparatus and to forget that "the public official is only a part of a gear that involves private actors, who represent economic or political interests which are not explicit in the public sphere" (AVRITZER et al, 2012, p 13). It is not an innocent distortion: it is a way of reiterating the contempt for everything that is identified to the public service and, conversely, enhancing the private initiative, "entrepreneur", as a source of all virtue.

Another aspect especially relevant to what we are discussing here concerns the public perception of the phenomenon: "the more corruption is countered, the more it is reported, and the more it is reported, the greater its perception", so that, "from the citizen's point of view, the fight against corruption generates the appearance of a greater presence of corruption in the administrative life of the country" (AVRITZER et al, 2012, p.18). It's not that simple, though. Because it is not just an increase in the volume of news about corruption, that is, a greater visibility of these cases, but mainly the way they are exposed that matters. It is because it is an essential part of the ideological struggle that the hegemonic media, oligopolized as it is in Brazil, acts in the conformation of this perception: if there were plurality of means and if the media themselves are what they promise to be - a space for the debate of ideas, for the confrontation of divergent opinions, to give the public the opportunity to draw their own conclusions from good and contradictory sources of information - possibly the perception would be different. The public, in the case we are discussing here, could be led to compare the governments of Fernando Henrique Cardoso - and his "general shelver", who was entitled to his nickname - to those of Lula and Dilma, where both the Public Prosecution Office and the Federal Police enjoyed broad autonomy, to the point of electing their leaders (MIGUEL, 2016, p. 105).

That is why, in fact, Lima (2016) considers that the greatest of all corruptions is the

corruption of public opinion. Reference in the studies on media and politics, the author (in the preface to Guimarães and Amorim, 2013) deplors the interdiction of the public debate on the central role that the media occupy in the democratic process, mainly as a result of the actions of those interested in this silencing - the big entrepreneurs in the sector - but also the PT's own governments, which have not made progress in this area.

Against the historical amnesia that fuels the idea that during the time of the military there was rigor in the treatment of public money, Heloísa Starling begins by showing that the failure of the regime's promise to publish the "white paper" of corruption was not only due to the fact that it would be necessary to include military personnel on the list, but above all, because taking the issue from the strictly moral point of view necessarily leads to a distortion:

In a moralistic perspective the public thing does not recover. [...] vice is always public, virtue is always private and nothing comes to politics. This reduction of the politician to what he is not - individual morality, the salvationist alternative - defined the disaster of the anti-corruption strategy of the Brazilian military regime, at the same time that it determined the public behavior of many of its main leaders, in valuing to the extreme something called personal decency. (STARLING, 2012, p. 214-215).

The demonstrations of personal decency, expressed in the modest patrimony of the heads of government, did not prevent countless cases of corruption - for example, those of the Brazilian Coffee Institute, Grupo Delfin, Projeto Jari, Capemi, etc. - made public despite the censorship time, although the lack of memory reigning produces the conviction, common among a part of the population, that in those times there were no deviations. But what is essential in the researcher's approach is the understanding that "corruption was part of the essence of the military regime" because, "in a dictatorship, where to rule is to repress, there is no way to prevent corruption from being registered as a disintegration of space public interest and consequent degradation of the idea of public interest "(STARLING, 2012, page 218). And it is not only a question of diverting public resources and illicit enrichment, as is often thought, but from the practice of torture, "the maximum corruption of our human nature" (STARLING, 2012, p. 219).

One of the few prestigious journalists critical of the Lava Jato trial, Mauro Santayana (2016) tried, in one of his articles, to remove the burden of scandal that usually falls on the subject of corruption. He presented it as a practice "common and inherent in human society," which occurs "in a widely disseminated way, in any nation of the world, regardless of political system or degree of development." That is why the phenomenon should be seen with the dimension that it really has: according to the journalist, you can not eliminate corruption, what you can do is control it, with care "not to affect the functioning of an infinitely larger system and more complex, and much more important, that encompasses the whole political, economic and social universe of each country and a vast and interconnected web of international institutions. "

He acknowledges, however, that "it is much easier and more convenient for suckers to

believe that schools and hospitals are lacking more because of politician dishonesty than because of the hundreds and hundreds of billions of reais paid in interest or lost through the eviction of taxes "(SANTAYANA, 2016).

Since 2013 at least a seemingly preponderant share of the prosecution, the police, the federal judges, allied with the dominant segments of a manipulative and irresponsible media - and a veritable army of conservative "columnists", "experts" and "philosophers", mendacious, ideologically hypocritical, and anachronistically anti-communist, devoid of any commitment to the country's development or preservation of a minimum of governability, are defending this myth, moving one of the largest institutional and media campaigns ever seen in the world, aimed at country to believe that corruption is the greatest national problem and that it can be eradicated by the work and grace of some changes in law and the repressive work conducted by half a dozen home saviors. (SANTAYANA, 2016, without pagination)

The journalist classifies as a typically fascist strategy this promise to "fix" the country, mobilizing the public from the exploitation of fear, prejudice and hatred.

But this is the spirit of recent campaigns launched by the Federal Public Ministry. Launched in 2015, the "All Together Against Corruption" campaign considers corruption a "being" to be fought by "everyone", no matter the degree or power relations that facilitate and stimulate that practice. So, "stick queue, bribe a guard or divert public money," everything is corruption. Along the same lines, the MPF announced the program "Ten measures against corruption", which had obtained more than 2 million signatures when it was delivered to the then mayor of the Chamber, Eduardo Cunha, in March 2016. These measures include the application of "integrity tests" to public officials, thus ignoring the presumption of innocence; the validation of illegal evidence - provided that it is obtained "in good faith", as judge Sérgio Moro stated in a hearing in the Chamber, the possibility of keeping confidential the source of the information responsible for the investigation - that is, depending on the circumstances, the accused would not be allowed to know who accused him.

Such measures are not only openly unconstitutional: they express an inquisitorial nature that a responsible press would be obliged to denounce. But apart from the usual exceptions - such as the columnists Janio de Freitas and Bob Fernandes - the critiques were limited to publications specialized in law or linked to the left. Typical of the moral "crusades", the inquisitorial nature should not be surprising, given the religious bond of certain protagonists of the Lava Jato "task force", especially the prosecutor Deltan Dallagnol, who is believed to be an instrument of God for the realization of a the mission. But this situation should be an alert for the surpassing of the limits imposed by a secular State.

3 Convictions, or a matter of faith.

The behavior of Dallagnol and his colleague Roberson Pozzobon in the press conference on 9/14/2016 - who exhibited the famous power point of the blue marbles with small arrows that

pointed to a central circle named after Lula, accused of being the "maximum commander", the "great capo" of "propinocracy" - was largely mocked on social media, where memes of that crude exhibition immediately multiplied, but it is far from being just a motive for scorn, because it exposes a dangerous method. First of all, what prosecutors certainly do not ignore, the use of such slides has resulted in the annulment of judgments in the United States, because it signifies a spectacularisation that undermines the right to fair trial, as we later learned that journalists from websites and blogs of the left issued an article by Ken Armstrong (2014) about it. Secondly, because those accusations so emphatically did not appear in the complaint formalized by MPF, which provoked criticism from Minister Teori Zavascki.

It became more or less evident that the objective was to play for the audience and revive the moods against Lula, which is very easily achieved when one has not just the guarantee of the live broadcast - although for a paid channel, like GloboNews - but also immediate uncritical reproduction of the accusations by the main journalistic sites: " 'Lula was the maximum commander of the corruption scheme', MPF says" (O Globo), "MPF says that Lula is 'commander-in-chief' of corruption in Petrobras; defense sees 'illusionism' "(O Estado de S. Paulo). Thus, a conviction which dispenses proof is established, because it desires the uncritical sense: a spectacle as crude as that needed for an imbecilized public, incapable of doubting, or fearful to do so.

But it was not only for this characteristic that the show gained so much repercussion: it was also because of the controversy around the phrase "I have no evidence, but I have conviction", which quickly became a motive of scorn and soon would be contested by the big newspapers, who accused the left-wing militancy of manipulation and "intellectual dishonesty at the service of a cause," as the policy editor of O Globo wrote. Dallagnol himself hastened to say on social networks that the phrase "was invented against Lava Jato, in a context of war of communication." As I wrote at the time (MORETZSOHN, 2016b), in fact, enclosed in quotation marks and attributed to an individual subject, the phrase was never uttered. However, it does not express a subterranean discursive trick: viewed in the context of the MPF's denunciation - that is, as an expression of the discourse of this collective subject, which is exactly what it is - it functions as a perfect summary of what happened.

The blue ball show, which insisted that Lula was the hidden owner of a triplex in Guarujá and a place in Atibaia, was one of the several moments in which the expectation of the former president's arrest occurred. The largest of these had been the episode of his coercive conduct for testimony at a PF office at Congonhas airport, the day after the publication of Senator Delcídio Amaral's indictment, not yet homologated, but anticipated by IstoÉ magazine on 3/3/2016. The location of the testimony, the information that there would be an airplane prepared to transport Lula imprisoned to Curitiba and the presence of a group of opponents in which the deputy Jair Bolsonaro stood in front of the PF headquarters of Paraná raised the level of political tension.

Months later, the delegate who coordinated the actions of the Federal Police in Lava Jato stated that the "timing" for the arrest had been lost, which generated more criticism: after all, one must arrest someone for well-founded reasons of having committed a crime or as a matter of political opportunity? However, the testimony of Marcelo and Emílio Odebrecht and the disclosure of the "Fachin list" about three weeks before the day that Lula was questioned by Judge Sérgio Moro, rekindled that expectation.

Stressing the need to substantiate the accusations - in short, based on facts -, former minister Nelson Jobim (2017) wrote a brief article in defense of individual guarantees. He ended by quoting Nietzsche: "Convictions are more dangerous enemies of truth than lies." The hood had a certain address, but there is no guarantee that it has served also those who are still clashing the pots⁵ against Lula or the PT: the methodical cultivation of hatred produces effects that are difficult to pass.

4 Monthly and demonstrations, leaks and presumption of guilt.

The path to the end of the coup can be identified, as Luis Felipe Miguel (2016, 34) points out, by observing the work of delegitimization of elected governments carried out by the media, by conservative think tanks and movements allegedly "spontaneous", although financed and trained by American foundations, as Marina Amaral (2015) reported. Kátia Baggio's (2016) analysis of Atlas Network activity in Latin America for the dissemination of ultra-liberal ideas is illuminating. In Brazil, the entity maintains partnerships with several organizations, in which names of businessmen, economists, political scientists, jurists, journalists, "consultants" etc. are repeated. Of all, the Millenium Institute is the most directly linked to media companies, but the most active groups in the articulation of public demonstrations are "Come to Street" (Vem pra Rua) and "Free Brazil Movement" (Movimento Brasil Livre). The activities are diverse: there are courses of leadership formation, seminars, participation in traditional media - whether the journalists themselves work in these companies, or are invited to debates and interviews - and intense use of social media, which includes the dissemination of fake news as propaganda weapon.

It was from the "Journeys of June" of 2013 that they began to gain expression of mass movements that would sustain the overthrow of the government almost three years later. Deflagrated by the Free Pass Movement (Movimento Passe Livre), which was struggling to improve public transportation and zero tariffs, the demonstrations were joined by other leftist groups protesting against the spending and social impact of the World Cup and the Olympics. Initially opposed to the protests, calling for police intervention to combat the damage caused by

⁵ Translator's note: the expression refers to the action of protesters during Dilma Rousseff's government: they usually pick their pots and clash them with forks and knives to produce high sounds during the former president speeches on television.

the black blocs, the media quickly "ressignified" them - as scholars like to say - and began to stimulate them: Jessé Souza (2016) points to the maneuver to "federalize" the demonstrations, so that a municipal tariff such as the price of bus tickets was replaced by that of anti-corruption, which targeted the federal government and made the president's popularity plummet. In addition, the protests incorporated the challenge to PEC 37, which prevented the Public Ministry from promoting investigations on its own. The amendment was overturned by 430 votes to 9.

Paulo Moreira Leite (2015, p. 54) mentioned, in the introduction to the book in which he presented his "other history of Lava Jato", the criticism of professor Ada Pellegrini Grinover about the MP's "dazzlement", which "would cease to exercise its function essential, the conduct of criminal action, to erroneously place himself in the role of 'defender of the people' ". It was a serious deviation, because "the function of the ombudsman is an extension of the political power of the Congress", because "the representative of the people is only the ones chosen by the people, and the Public Prosecution Office does not legitimize itself by popular vote in the Brazil". The criticism was made in 1997. Since then, the protagonism of prosecutors only grew.

Moreira Leite (2015, p. 52) points to the origin of this growth in Lula's decision - "reckless", according to the journalist - to indicate to the position of General Attorney the most voted name of a triple list of the category itself. It points to the distortion caused by this measure, because with it "an enormous power source was created, one of the most active of the Republic, which had as its origin a base of voters inferior to the votes necessary to choose a central directory of students in large Brazilian universities "(MOREIRA LEITE, 2015, p. 53). "By delivering the PGR's choice to a category, Lula opened the door for his enemies. The prosecutors with sympathy for the government and the PT were immobilized, for any gesture would be placed under suspicion. Those who had sympathy and even more than that for the PSDB and other acronyms of opposition felt stimulated to investigate, prove and denounce "(MOREIRA LEITE, 2015, p. 55).

But if we want to seek the remotest origin of the whole process that resulted in the coup, we will have to back down to the Mensalão case, detonated by Deputy Roberto Jefferson (2005), in an interview with Folha de S. Paulo on July 6, 2005. Since then, for the mass media, the opportunity has emerged to identify the PT to corruption - a particularly powerful discourse, considering the party's promise to usher in "another history" and promote "ethics in politics" - and to fabricate the image of a savior of the motherland, which only thrives in contrast to the delegitimation of traditional politics. The chosen one for this role was the rapporteur of the process, minister Joaquim Barbosa, a black man of humble origin, whose path of overcoming served perfectly for the promotion of the hero: he was "the poor boy who changed Brazil" (MARQUES; DINIZ, 2012, without pagination), as been put in the cover of *Veja* of 10/10/2012, someone who had no potatoes on his tongue and faced the powerful with his fluttering robe, like the vigilante of comics.

In the juridical field, Eugênio Aragão, Minister of Justice in the last two months of the Dilma government, emphasizes the way in which the process of the Mensalão was conducted, starting with the construction of "theoretical castles": a model that establishes hypotheses to be independently verified of their inconsistencies or verifiable contradictions throughout the investigation. "The evidence that comes to the process is pushed, piloted, punched into the preconceived categories, to fit the previously designed whole," so that, even in the face of the fragility of the accusations, vote for doctrine of conviction allows (ARAGÃO, 2017, p. 54).

The experience of using the theoretical model was so well received by a commercial media, eager for a version that would compromise every government of the PT, which became a whoop on the wheels of Republic attorneys. Rodrigo Janot was soon succeeded as a prosecutor-general by a course of "mensalão" at the Superior School of the Public Prosecutor's Office, so that his colleagues could learn to set up their theoretical castles as an accusatory routine (ARAGÃO, 2017, p. 53).

Worse still, according to him, are the theoretical castles built in "task forces", created with so much fuss that they are under constant pressure to present results. Under the media spotlight, filing an inquiry would thwart expectations.

This bewilderment by itself mortally injures the presumption of innocence and consolidates in public opinion, as a plot of a predictable novel, the certainty of the correctness of the initial theory about the involvement of the chosen actors in the facts supposedly occurred. The task-centered theoretical castle is often based on award-winning deliberations carried out with enormous psychological pressure exerted on potential informers, aimed at targets previously chosen by the investigators and the judge to give solidity to the theoretical model conceived on the facts in investigation. It becomes impregnable, and theory, however simple, is treated as infallible. Science is changed in research by doctrinal ideology, which sees corruption as evil to be extirpated, no matter what it costs (ARAGÃO, 2017, p. 55).

The aforementioned blue ball power point was exemplary:

For example, Luiz Inacio Lula da Silva, the former president, was the head of a criminal organization set up in his own government. No solid evidence is presented, but only assumptions based on dubious statements from third parties, many true hearsay witnesses, with no credibility, all punched in the previous theoretical bins. But press conferences are held in conference halls rented with public money, for presentations of flashy power point graphics of impressive fragility, always in favor of a previous theory that does not know the human dignity and presumption of innocence of the investigated exposed, as the hypothetical assumptions of this assembled theory are final (ARAGÃO, 2017, p. 59).

Aragão (2017, p. 58) even points to the unconstitutionality of a task force such as Lava Jato, in which police, prosecutors and judges are partners in the same undertaking and protect each other in the name of the need for rigor in the fight against corruption. For, he says, "if the three public actors join together, instead of controlling each other in turn, the jurisdiction remains without anyone to appeal against possible abuses articulated," which violates the principle of broad access to justice and makes it impossible to guarantee the due process of law.

The whole picture described here reproduces precisely the methods of the old Inquisition, with the aggravating fact that the public clamor is produced contemporaneously by the media and reverberates in social networks - although eventually it may tread the opposite way - and therefore has an exponentially greater reach.

As in the case of systematic cases of high-profile criminal cases, in the coverage of political scandals such as that of the Mensalão and now Petrolão⁶, our media inverts the principle of presumption of innocence: as Lima says (2006, 16), abuses the adjective "supposed", which serves "to launch all kinds of insinuations, accusations, illusions, generalizations and suspicions, at the same time as it conceals the responsibility of the journalist responsible for the matter and confirms the predominance of 'presumption of guilt' in roof". Every trial by media is guided by the logic of the spectacle, which, however, is not generalizable, considering the necessarily selective character of what will gain visibility: there is no journalism without agenda or editing, guiding and editing is making choices, but these procedures are hidden, so they look natural. That is why it is always appropriate to apply Bismarck's famous phrase about sausages and laws to the news: better not to know how they are made.

For at least two decades, Brazil's media criticism has pointed to the vices of what has been dubbed "denuncism," in which newspapers misrepresent their responsibility for verifying the veracity of information and are content to disseminate what sources say, eventually off the record. These procedures have become even more common in times of the internet, as if a technology that expedites the circulation of information lacks accuracy in the calculation. The public's excitement is part of the logic of the spectacle: hence the proliferation of leaks, which are always selective and vicious, because they obey the interest of those who leak and because they can contain, as is often the case, half truths or even outright lies. But, as in the usual procedures of police coverage, what matters is not the, It is true, but the effect: the display of complaints has the force of condemnation, especially since the tendency is not to doubt what is published, however stupid it may be.

This tends to imply something deeper, which is a willingness to believe in what is most convenient or desirable - that is, in fact, the original sense of the expression "post-truth" which the Oxford Dictionary (2017) has elected as the "word of the year": what is "relative or relating to circumstances in which objective facts are less influential in public opinion than personal emotions and beliefs." Especially in moments of crisis, the passions prevail and the appeal to reason tends to fail. It is impossible to deal with this issue here, but registration is necessary to point out the extent of the problem and at the same time to expose the context in which political actors feel at ease to lie without the faintest remnant of modesty⁷.

⁶ Translator's note: Petrolão is the media name for the scandal related to corruption in Petrobras.

⁷ One of the most scandalous examples is that of the mayor of São Paulo, João Dória Jr., elected on the basis of the nonpolitical "manager" discourse and who is already beginning to articulate his candidacy for the presidency of the

5 The script of impeachment and the delegitimation of politics: fulfilling prophecy.

In the article in which he drew the "coup's map," André Singer (2016) showed that, despite all the agitation caused by the acceptance of the impeachment request, in early December 2015, the process did not take off. Demonstrations by the overthrow of the government, in February of the following year, had very low adhesion. Then, on March 3, 2016, the magazine *IstoÉ* published the aforementioned statement of Senator Delcídio Amaral, in which he affirmed that Lula and Dilma had tried to obstruct Lava Jato. The media repercussions were enormous, and the next day, reporting crews were already in place to cover Lula's coercive driving, which would provide yet another massive dose of exposure against him. Less than a week later, prosecutors from São Paulo asked for the arrest of the former president, which gave a new charge of attacks on his image. "In the face of this electronic massacre," says Singer, "it was not surprising that a crowd of people went to the streets on the 13th," in the greatest manifestation of Brazilian political history due to Dilma's departure and Lula's arrest. From there, legitimized by the streets, impeachment begins to walk. All coincidence? "

In his blog, the journalist Mário Magalhães (2016) found this coincidence of Lava Jato actions with the eve of decisive political events. In the GGN portal, observing the first pages of *Folha de S. Paulo* between January 1 and June 25, 2016, reporter Cíntia Alves (2016) concluded that in this newspaper, "Lava Jato has never been so prominent [...] and in the weeks leading up to Dilma's impeachment vote in the House " Included were matters that aimed at former President Lula, especially on the site of Atibaia and the triplex of Guarujá, a kind of obsession always available to feed the news.

But the fatal coincidence would occur on March 16 in the morning, Dilma named Lula for the head of the Civil House - a measure that the opposition accused of maneuver to secure privileged forum to the former president and get it out of the reach of the judge of first instance which led to Lava Jato. In the afternoon, Sérgio Moro raised the secrecy of Lula's wiretapping. Some of the audios were immediately on the air and provoked a new wave of protests - in Congress, parliamentarians shouting for "resignation, now!"; in the streets, even at night, demonstrations of revolt, stimulated by the live news, with reporters broadcasting flashes of the main cities of the country.

That the presidency of the Republic was vulnerable to staples was something that apparently did not cause astonishment. That a judge had committed an illegality, not even: committed to the coup, the media could not fulfill the elementary duty to ask the indispensable

Republic, due to the weakening of the traditional names of PSDB, involved in Lava Jato. Feeding the image of the "working John", dressing as a gari and participating in scenarios that try to support this brand, Doria repeatedly stated that he worked, unlike Lula, a "tramp" who "never worked." This boldness of reversing the fraud of reality so openly is only possible in an environment where the commitment to the truth no longer has reason to be.

questions. Thus, it acted predictably as a transmission belt of this gear.

Moro's attitude revealed a double illegality: the interception of a conversation after he had determined the end of the recordings and the fact that this conversation was with the President of the Republic, which could only be investigated with STF authorization. Lênio Streck (2017, pp. 38-39) reports the step by step of this illegality, which exposed people outside the scope of the investigation and even the privacy of lawyers and clients of the office that defends Lula ... it is possible to conclude that [...] the magistrate issued a crime proceeds. [...] knowing that he had an illicit evidence in his hands ... he assumed the risk of being included in Article 325 of the Criminal Code... ". In other words, he took the risk of being arrested. But who would dare to arrest the idol of the indignant crowds?

The court's behavior was condemned by STF ministers Marco Aurélio Mello and Teori Zavascki, then Lava Jato's rapporteur, who considered the evidence "unduly harvested" null - the conversation between Dilma and Lula, apparently banal, but reproduced to the exhaustion by the media as if it were an encrypted message. There was, however, no legal provision regarding this abuse of power. Moro (2016) would then send a letter in which he would repeat his "respectful excuses" to the "Supreme Federal Supreme Court", saying that "it was never his intention" to cause controversy, which he did not perceive "probable and possible reflexes for Exma. President of the Republic" in the release of the recording. As for the dialogue that had already taken place after the end of the interception - the dialogue that had so many consequences - had been determined, he wrote: "I have not noticed the point before, but I see no greater relevance." "Great, no?" Commented Streck (2017: 38): "The federal judge had not noticed that he had unlawful evidence at his hands, but he saw no 'relevance' to it ..."

"What leads a criminal judge to throw the scruples and divulge telephone interceptions that are known to be illegal, [...] revealing the lack of some degree of impartiality that the Constitution imposes on him?" asked Geraldo Prado (2017, p. 63). His hypothesis is that Moro, knowing that "even the most tolerant minister of the Supreme Court would not agree to take advantage of an illicit telephone interpretation in any way", said that "the revolt of a large part of public opinion constrained the Supreme Court to 'of illegitimate origin, that is to say, to make it acceptable in the light of an impossible balance between interests "- impossible because the Constitution, "in establishing the legal regime of the prohibition of evidence obtained by means of illicit means, in an intentional way, in view of the previous history authoritarian, does not contemplate an exception" (PRADO, 2017, p. 66-67).

After listing the main points that demonstrate the contempt of the judge for the constitutional guarantees - for example, the decree of prisons for being convinced of the guilty of the investigated, ignoring the presumption of innocence -, the author recalls the association between Moro's attitude, and the proposal to legitimize it, as set out in the "Ten measures against corruption" proposed by the prosecutors who work in the Operation's task force.

In short, in the Lava Jato the magistrate built his own Constitution, in the absence of the one who directs the acts of the judges in the state of law. If he relied on the legality of his point of view - and sincerely relied on the STF - the judge would simply send the case to the Supreme Court, because STF would take the repressive measures that it deemed necessary. (PRADO, 2017, p. 67-68)

In his apology to the Supreme Court, Moro (2016, without pagination) reproduced the justifications presented to raise the secrecy about telephone interceptions: the intention was to provide "healthy public scrutiny on the performance of the Public Administration and criminal justice itself" because "democracy in a free society requires that the governed know what the rulers do, even when they seek to act protected by the shadows." He acted in the name of public interest, therefore, and that would legitimize his attitude, regardless of what the law might say.

It is not difficult to see the effectiveness of this tactic. The media itself, both in cases of political scandals and in cases of high-impact crime, which in turn have their impact precisely because they are reported intensively and often sensationalist, collaborates to undermine respect for constitutional guarantees: the slow time and rituals demanded by due process appear as demeaning maneuvers seen as an obstacle to justice. The counterpart would be the immediate response to the public outcry. The mediatic processes of making such a clamor are conveniently hidden.

It is especially illuminating to re-read today the article that Moro wrote in 2004 about Operation Clean Hands, which shook Italy and with which the Lava Jato is often compared. It is all there: praise for leaks, the need to use the press - the judge speaks in "sympathetic newspapers and magazines" - imprisonment as a means of winning awards and, above all, delegitimization of the system. Everything that would happen in this decisive investigation for the consummation of the coup in Brazil, and even what would happen later, was already there.

Let's look at some snippets. First, on solidarity between the judiciary and the press:

In fact, it is naive to think that effective criminal prosecutions against powerful figures, such as government officials or businessmen, can be conducted normally without reaction. An independent judiciary, both from external and internal pressures, is a necessary condition to support legal actions of these kind. However, public opinion, as the Italian example illustrates, is also essential for the success of the lawsuit. (MORO, 2004, p. 57)

On the "useful purpose" of the leaks, the "sympathetic" press and the need to maintain public interest in the case:

Those responsible for the Mani Pulite Operation still made extensive use of the press. In fact, to the dismay of the PSI leaders, who never ceased to manipulate the press, the investigation of the "Mani Pulite" leaked like a sieve. As soon as someone was arrested, details of his confession were conveyed in "L'Espresso" [sic], "La Repubblica" [sic] and other sympathetic newspapers and magazines. Although there is no suggestion that any of the prosecutors most involved in the investigation would have deliberately fed the press with information, the leaks served a useful purpose. The constant flow of revelations kept the public's interest high and party leaders on the defensive (MORO, 2004, p. 59).

About the delegitimation:

The delegitimation of the system was further exacerbated by the start of prisons and the spreading of cases of corruption. Delegitimation, while making judicial action possible, was nurtured by it: the delegitimation of the political class provided an impetus for investigations of corruption and the results of it strengthened the process of delegitimation. As a result, judicial investigations into crimes against the Public Administration spread like savage fire, stripping away the buying and selling of votes and the organic relations between certain politicians and organized crime. The Mani Pulite investigations undermined the authority of the political chiefs [...] and the most influential centers of power, cutting off their ability to punish those who broke the silence pact. [...] The process of delegitimization was essential for the very continuity of the Mani Pulite Operation. There was no lack of attempts by the political power to interrupt it (MORO, 2004, p. 57).

To interrupt the operation: "It has to change the government to stop this bloodletting" caused by Lava Jato, "must have impeachment" to "put the Michel, in a great national agreement", "with the Supreme, with everything.

Finally, on the public outcry and the threat of collective resignation of the prosecutors:

[...] when the Italian Parliament in April 1993 partially refused permission for Bettino Craxi to be prosecuted, there was intense public reaction. One of the popular protests took on violent airs. A crowd gathered outside Craxi's home tossed coins and stones as he left his home to attend a television interview. [...] The team of prosecutors of the Mani Pulite operation threatened to renounce collectively to their positions (MORO, 2004, p. 57).

Threat of collective resignation of prosecutors, just as happened when the Chamber of Deputies amended the anti-corruption package proposed by the MPF in November 2016⁸.

We see, therefore, that history does not always repeat itself as a farce. Sometimes history simply repeats itself. Dot.

This should serve as an alert. As is well known, there is a perspective - a "narrative," perhaps - that continues to hold that there was no coup because there were no tanks on the street and because "the institutions are working." Former Minister Ayres Britto called the event "a democratic pause." Minister Ricardo Lewandowski, who presided over the decisive session of

⁸ "Lava Prosecutors threaten resignation if Temer sanctions package ". UOL, 11/30/2016. Available at <https://noticias.uol.com.br/politica/ultimas-noticias/2016/11/30/procuradores-da-lava-jato-ameacam-renuncia-caso-temer-sancione-pacote.htm>

impeachment, called it "a stumbling block of democracy." General Geisel, in the days of the dictatorship that was beginning to fall apart - very slowly and gradually - spoke of "relative democracy." And the newspaper *Folha de S. Paulo*, in a famous editorial, coined the expression "ditabranda" which would be equivalent to "relative dictatorship"⁹.

The coup, however, existed, as must have been clear, how clear should be the consequences of what happened. It is not by chance that a judge of first instance turned into a hero systematically exceeds the legal limits and not only is not restrained but rather supported: it is enough to recall the decision of the TRF-4 judges, who, by only one vote, rejected the representation of a group of lawyers who requested the departure of Moro by the illegalities committed in the episode of the telephone interceptions. The justification for rejection leaves no doubt: "The investigations and criminal proceedings of the so-called Lava Jato operation constitute an unprecedented case, bring unprecedented problems and require new solutions." Replace "unprecedented" with "exceptional" and we will have the right word for the environment in which we live.

Pedro Serrano, anchored in an earlier study by the Argentine jurist Raúl Zaffaroni on the creation of the "enemy", in the essay he published on the eve of Dilma's definitive departure, shows the coexistence of two state models in Latin American countries:

Legally, there is no doubt that there is only a democratic State in law. But, on the factual plane of reality, a democratic state, geographically located in the great expanded centers, and a police state, authoritarian, of exception, coexist in the peripheries of the great cities, which are real occupied territories, where most of the population (SERRANO, 2016, p. 149).

But it is not "only" - as if it were not enough - this situation that demarcates territories according to social class. Serrano (2016, p. 157) classifies the Mensalão case as "typical of the jurisdiction as a source of exception, and not of law, because some of its defendants were convicted because of political importance of the positions they held in government, not because their conduct itself". It points out, in this case, "a judicial error with a political purpose, characterizing the overlap of the logic of politics over the logic of law, which occurs whenever there are mechanisms of exception within the democratic routines" Serrano (2016, p. 157). It also notes the subverted application of precautionary prisons as a form of use of suspensive measures with a political purpose:

The high rate of pre-trial detention and the recent purpose in Brazil of its use as a means of winning awards and confessions, especially in hearsay cases involving politicians, contractors and builders - such as in the judicial proceedings of Operation Lava Jato -, characterizes a flagrant aggression to the fundamental rights of the human person. Through the attribution of the linguistic sign of "corrupt" or "corruptor" it is promoted the disqualification of being as a person, authorizing its treatment as an enemy and its consequent submission to prisons which, in addition to being illegal, have subhuman conditions (SERRANO, 2016, p. 157).

⁹ Translator's note: "ditabranda" is a wordplay between the words soft (branda) and hard (dura). The word in Portuguese for dictatorship is "ditadura".

This is why Nilo Batista (2017, p. 101), in his experience as Lula's lawyer, seeks a "deeper look" that leads us to what underlies the process we are discussing here: the articulation between the media and the penal system, where "the snake's egg is found, whose bark between us may already be broken," precisely by the coexistence of our proclaimed rule of law with pockets of exception.

The crime control industry uses as feedstock fear and theorizing theories of penalty whose inconsistency or falsity no one can ignore today. In spite of this, the penalty - to the European criminal lawyers of postwar industrial capitalism, a "bitter necessity" - has become a deity, which governs human sociability, operated by priests and, of course, exacting of sacrifices (BATISTA, 2017, p. 101).

The jurist points to the penal system as the means through which the most disturbing of all terrorist acts is manifested: State terrorism. He recalls Robespierre's synthesis of the meaning of terror, which is nothing more than "ready, severe, inflexible justice", to conclude: it is "dehumanized justice, which does not mature its verdicts, ruthless and proud to be so" (BATISTA, 2017, p.101).

This is the "justice" that the hegemonic media extols. For more than a decade, since helping to advance the Mensalão case, it has shielded judges and prosecutors by petting their ego with varying awards. It thus created a caste of untouchables, now formally allowed to move beyond legal barriers.

When it breaks with the democratic order, hell is the limit. When the fight against corruption leads to moralistic hysteria and the delegitimation of politics, the field for fascism is opened. We've seen this movie a few times. But it seems that we have not learned anything from History.

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