



The former president of Brazil, Luiz Inácio Lula da Silva

has been released from prison after a supreme court ruling that delighted his supporters and infuriated followers of the far-right president **Jair Bolsonaro**.

Lula, who was serving a 12-year corruption sentence, was greeted by hundreds of supporters wearing red vests emblazoned with his face outside the federal police headquarters in the city of Curitiba, where he had been imprisoned for 580 days.

In a speech to the crowd, Lula thanked party militants who had camped outside throughout his imprisonment, and attacked the “rotten side” of the police, prosecutors, tax office and justice system for jailing him.

“They did not imprison a man. They tried to kill an idea,”

he said. “Brazil did not improve, Brazil got worse. The people are going hungry. The people are unemployed. The people do not have formal jobs. People are working for Uber – they’re riding bikes to deliver pizzas.”

Lula was imprisoned in April 2018 after a sentence for corruption and money laundering handed down by the controversial judge Sergio Moro was upheld by an appeal court. He has always proclaimed his innocence and argued the case against him was politically motivated.

Brazil’s supreme court ruled 11/7 that defendants could only be imprisoned after all appeals to higher courts had been exhausted, paving the way for Lula and another 5,000 prisoners to be freed.

The decision followed revelations on investigative website **the Intercept** that Moro had colluded with prosecutors leading the sweeping corruption investigation, known as **Operation Car Wash**, into bribes and kickbacks at the state oil company **Petrobras** that imprisoned Lula, powerful business leaders, middlemen and politicians from his Workers’ party and its political allies.

Polls had showed Lula was leading in last year’s presidential election, but the conviction removed him from the race, giving Bolsonaro a clear run.

Bolsonaro then named Moro his justice minister, heightening the sense of injustice. The president appeared to recognize the former judge’s contribution in a speech on Friday. “*If he hadn’t accomplished his mission, I wouldn’t be here either,*” Bolsonaro said.

As president from 2003 to 2010, Lula presided over an extraordinary period of economic growth and reduction of inequality as innovative cash transfer schemes took tens of millions out of poverty. Even in prison he has cast a long shadow over Brazilian politics – and his release is only likely to widen bitter political divides.

“*A free Lula increases polarization, which could increase Bolsonaro’s support,*” said Maurício Santoro, a professor of international relations at the State University of Rio de Janeiro. “*On the other hand, his charisma and political ability will make the opposition more effective against Bolsonaro. As leader of the opposition, Lula has more international prestige than the president.*”

Bolsonaro did not immediately react to Lula’s release, but **Eduardo Bolsonaro**, the president’s congressman son, tweeted that leftists celebrating the news were

“shitting on society’s head”.

Controversy swirled around the supreme court decision – the third time it had changed its mind on the issue in 10 years. Richer Brazilians have traditionally dragged out legal processes to remain at liberty until their crimes became erased by the statute of limitations.

Others imprisoned in the same corruption investigation have also requested release – including Lula’s former chief of staff, José Dirceu, João Vaccari Neto, the party’s former treasurer, and Renato Duque, a Petrobras executive embroiled in the scandal.

Nor are Lula’s legal problems over – he faces eight other cases, according to the Folha de S.Paulo newspaper. His lawyers have called this legal blitzkrieg “**lawfare**.” In one case, he was handed a 12-year, 11-month sentence over his alleged ownership of a country house – a decision the appeal court will consider next week. Brazil’s Congress is also considering measures that could effectively revert the supreme court’s decision.

But Lula was keen to show he had lost none of his fighting spirit. Earlier on Friday, his official Twitter account posted a video of him working out to the soundtrack from Rocky.

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NOBLE ROMANS OF THE DEEP STATE



The longer Trump is in office, the more conservative I have become. (I always favored Norman Mailer’s term “Neolithic Conservative”) From occasionally “burning the Constitution on the radio” (crinkling cellophane works good) I have now become a “strict Constructionist.” And, watching the Impeachment hearings, I have been transmogrified from a deep contempt for the Deep State into an unusual admiration for the Professionals who are the grit and gristle of the Empire. People like Taylor, Yovanovitch, and Mueller. These are our Noble Romans, dedicated and fearless at the job of doing dirty things in a clean manner! These are the people that would put their hand in the fire to prove their loyalty to our “Foreign Interest.” Unfortunately they are willing to put your hand in the fire if you displease them. The kid gloves with which all the Republicans handled Taylor, Yovanovitch and Kelly betrayed a slavish unease at the thought of adding themselves to any sort of disrespect for the Deep State as shown by Trump and his ultra base.

When Yovanovitch or Taylor assert their dedication to non-partisan behavior on behalf of our “Foreign Interests” Republicans must acquiesce despite their partisan dedication to a One Party State. After all, Republicans define “Foreign Interests” with their Business Interests just as Democrats do. Trump of course sees it the same. He pushes his Towers as part of his foreign policy. Well, you just can’t stop boys from making money. And Trump’s Nationalism only more openly embraces the religious racist white supremacists who have been courted since Nixon but have been kept under wraps. Can the Republican Party survive having the mask ripped from their white male faces? What if it’s not a Mask?

The serious crime among the politicians impeaching him is his disdain for presidential “deniability”. Naked self-interest is not cool. Facing the truth under Trump’s oafish behavior may be too much for the Noble Romans. Trump has lost the loyalty of the Deep State. He violates the hypocritical protocols that save the Face of those Noble Romans. He makes a hypocritical mush of their crusades for Democracy But can our Deep State successfully confront a Dictator whose will (or willy-nilly) is law. Mayhap Trump is toast. Not impeachment. Electability.

Violence is always available as policy in America, as shown by our slew of past assassinations at home and abroad. The Kennedy’s tried to kill Castro how many dozens of times and later were assassinated themselves. So the death of Bernie for instance cannot be ruled out. If the corporate democrats can’t derail him then the Deep State must step in. But even before that, the intervention of President Trump, his white supremacists followers and Blackwater janissaries may refuse to relinquish power. Nixon had a long list of people to jail, similar to the one J. Edgar furnished Truman after WWII or the FEMA lists available to Bush/Cheney. “Round-ups” are part of the standard political toolkit to remove potential threats. Presidential power may be a paper tiger but who knows until you push it.

Widespread habits of accommodation, comfortable numbness, traumatic paralyzation will further a authoritarian Coup. There is a willingness by the Republican Party/American Business Interests to cooperate with such a dictatorship to avoid a “Green New Deal” and provide perhaps the last chance for big profits before the climate collapses on us all. Yet now it appears that the biggest threat to *President for life Trump* is the damn Deep State we all scorn. Wow. Saved by the Empire?

PAUL ENCIMER

...Goodbye Trump, Part 25...

Section 4. of Amendment 25 to the Constitution adopted in July 1965:

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Section 4 is the most controversial part of the 25th Amendment: It allows the Vice President and either the Cabinet, or a body approved “by law” formed by Congress, to jointly agree that “the President is unable to discharge the powers and duties of his office.” This clause was designed to deal with a situation where an incapacitated President couldn’t tell Congress that the Vice President needed to act as President.

It also allows the President to protest such a decision, and for two-thirds of Congress to decide in the end if the President is unable to serve due to a condition perceived by the Vice President, and either the Cabinet or a body approved by Congress. So the Cabinet, on its own, can’t block a President from using his or her powers if the President objects in writing. Congress would settle that dispute and the Vice President is the key actor in the process.

The potential use of Section 4 to remove a President from office as part of a political dispute is very controversial. And some constitutional observers feel that isn’t the intent behind the 25th Amendment.

On our Interactive Constitution website, scholars Brian C. Kalt and David Pozen explain the problematic process if the Vice President and the Cabinet agree the President can’t serve.

“If this group declares a President ‘unable to discharge the powers and duties of his office,’ the Vice President immediately becomes Acting President. If and when the President pronounces himself able, the deciding group has four days to disagree. If it does not, the President retakes his powers. But if it does, the Vice President keeps control while Congress quickly meets and makes a decision,” said Kalt and Pozen. “The voting rule in these contested cases favors the President; the Vice President continues acting as President only if two-thirds majorities of both chambers agree that the President is unable to serve.”

In May 2017, National Constitution Center president and CEO Jeffery Rosen about the political nature of an attempt to use the 25th Amendment to remove a President, and not the impeachment process. “It’s true that the use of Section 4’s involuntary-removal mechanism for the first time in American history—especially for a President who is not ill and who still has public support—could trigger a political crisis,” Rosen said. Citing arguments made back in 1965, Rosen said it was clear the amendment was written to be vague on this point and left open the possibility of presidential disability as ‘a political decision, left to the vice president, the Cabinet, and ultimately Congress.’”

“**If, at some point in the future, those officers decide it is more politically advantageous for the Republican Party to remove Trump under the Twenty-fifth Amendment than to allow him to be impeached for obstruction of justice, nothing in the text or original understanding of the Amendment would prevent them from doing so,**” Rosen concluded.

Also, Congress has the power to impeach a President, which would require a two-thirds vote in the Senate for conviction after a House majority votes in favor of an impeachment trial. Under the 25th Amendment, as Kalt and Pozen pointed out, both the House and the Senate would need to agree by a two-thirds vote that the President is unable to serve – a higher standard to be met than the impeachment process.

The 25th Amendment was passed by Congress in July 1965 after considerable public debate and consideration in the House and Senate. It took about 18 months for three-quarters of the states to ratify the amendment.

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