

## Accentings, Acoustic Surveillance, and Political Crisis in 2010s Brazil

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In 2013 Brazil's federal police launched an investigation into major black-market financial dealers. The police suspected that Carlos Habib Chater, a well-known dealer who had been previously convicted, was using his currency exchange store and gas station in Brasília (Brazil's capital) to launder money. The investigators wiretapped his phone lines and confirmed that Chater was part of a money-laundering network. In a nod to Chater's gas station, the police dubbed the investigation *Operação Lava Jato*, or Car Wash Operation. The leader of the network was a dealer known in the phone calls as Cousin. One day, after weeks of eavesdropping on Chater's phone calls, a police inspector noticed Chater had said "Beto" instead of "Cousin." That slip suggested the boss was likely Alberto Youssef. In his book about the investigation, journalist Vladimir Netto recounts the moment the investigators established that Cousin was, in fact, Alberto Youssef:

[The investigators] ran to the listening room and turned up the volume to hear better. Igor Romário de Paula [one of the investigators] had been a flight controller and knew Youssef's voice since his days as a pilot when he crossed the skies of Paraná [a state in Southern Brazil] with smuggled goods. It was him. The voice was his, [de Paula] was confident. . . . The agents could hardly believe . . . they were about to catch Youssef.<sup>1</sup>

Youssef had coordinated a billion-dollar tax-evasion scheme involving the State Bank of Paraná. It surprised the investigators that he was still engaged in money laundering, as a few years earlier he had signed a plea bargain deal agreeing not to get involved in crime. Confident that the "Cousin" in the wiretaps was Youssef, the investigators requested permission from Sérgio Moro, the federal judge who had authorized Youssef's plea deal, to wiretap his phone lines and access his bank transactions. Soon they found that Youssef had purchased a vehicle for the former director of supplies at Brazil's oil giant Petrobras. Following that thread, the Car

Wash Operation unveiled a massive bribery and tax-evasion scheme involving private companies, political parties, and state officials.

In March 2014 the Car Wash Operation went public, with dozens of searches and seizures, coercive questioning (compulsory appearance in front of the authorities), and temporary detentions. From the southern state of Paraná, the Car Wash task force (a group of federal police officers and prosecutors) coordinated a criminal probe consisting of more than sixty phases. In its first three years (2014–17), the operation amassed impressive results: 730 search warrants, 300 police inquiries, 330 wiretap authorizations, 57 criminal charges against 260 people, 125 convictions of 90 individuals, and BR\$10 billion recuperated via plea deals. The country had never before seen so many public officials, CEOs from large companies, and black-market dealers investigated, charged, convicted, and imprisoned. Judge Moro became a folk hero and an international celebrity, with mentions in the *Financial Times*’ “50 People Who Shaped the Decade,” *Time* magazine’s “The 100 Most Influential People,” and *Fortune*’s 2016 “World’s Greatest Leaders” (just ahead of U2’s Bono).<sup>2</sup> *The Mechanism* (*O Mecanismo*), a Netflix series that premiered worldwide in 2018, is “loosely based” on the Car Wash Operation.

This chapter describes how the Car Wash investigators deployed electronic eavesdropping to build their case. In the context of an investigation, electronic eavesdropping depends on the performance of two types of correspondences. First, investigators need to match the eavesdropped voice with an individual. Without the voice-individual correspondence, such as the matching of Cousin with Alberto Youssef described above, the state’s law enforcement actors are left with a disembodied voice and a suspect at large. The second correspondence refers to the content of the eavesdropped conversation. It involves identifying convergences between the intercepted utterances and the existing legal framework. The robustness of the audio recording *as legal evidence* depends on how stable that correspondence is. As Bruno Latour notes, this process relates to “the transportation of obligation from one end of the procedure to the other, and from a text to the case at hand.”<sup>3</sup> The back-and-forth movement of legal text and the case at hand exists in the fluid terrain demarcated by maximum and minimum correspondence horizons. If the former can cause state paralysis (everyone suing everyone), the latter represents a hermetic state whose legal sphere is kept out of reach of any case at hand.

To analyze voice-individual and utterance-infraction correspondences within the Car Wash Operation, I follow various accenting practices. I define accenting as *the act of stressing one or more acoustic events from a larger collection of events*. That definition requires three qualifications. First, I am using the gerund “accenting” rather than the noun “accent” as a reminder that we are dealing with a process of selection, foregrounding, and filtering that occurs through reiteration. Second, as the editors of this volume make clear in the introduction, accenting is a two-way street: one speaks with an accent and hears with an accent. If I say to someone, “You *should* have stuck to the plan,” but the person hears “*You* should have

stuck to the plan,” we have two different accentings. If someone says to me, “You should have stuck to the plan,” and I register that as “You should have a plan,” we also have different accentings. While in the first example the accenting is one of word emphasis, in the second example it involves the exclusion of words. In that sense (and this is the third point), as a matter of perception, comprehension, and interest, accenting is potentially endless and outside the speaker’s control. As a relational and context-dependent performance, accenting is the act through which we endow acoustic events their ontological stability as language, music, noise, or something in between.

The recent explosion of smart speakers and voice assistants has brought attention to the “accent gap” among tech users.<sup>4</sup> A much more consequential issue that is less discussed in the news is that of accenting in legal cases. Two issues further aggravate the problem. First, prosecutors explicitly rely on accenting to *sensitize* their audience (a judge or jury) to an audio recording’s content. Second, intermediaries responsible for converting the audio into a different format (usually a text) risk bringing their own accenting into the process.<sup>5</sup> For example, a recent study asked twenty-seven court transcriptionists working in the Philadelphia courts (which require 95 percent transcription accuracy) to transcribe eighty-three sentences in African American English (AAE). A sentence-by-sentence analysis showed only 59.5 percent of the transcribed sentences were accurate, with 31 percent of the transcriptions modifying the who, what, when, or where from the audio.<sup>6</sup> While the case studies I examine here do not involve race and cross-cultural communication, they too suggest how different interpretations of the same audio recording can impact a legal case. I propose analyzing those loaded discrepancies in terms of what I call “modes of accenting.”

## CASE STUDIES

I focus on two electronic eavesdropping cases during the Car Wash Operation to explore correspondences and accenting issues. The first case is the 2016 wiretapping of conversations between former president Luiz Inácio “Lula” da Silva and other members of his Workers’ Party, including then-president Dilma Rousseff. Judge Moro’s handling of the wiretaps was unquestionably one of the most controversial moments of the Car Wash Operation. The second case involves the recording of a meeting between President Michel Temer and businessman Joesley Batista in 2017. The meeting, secretly recorded by Batista, became the center of a political crisis and legal battle that severely damaged Temer’s political career. Below I provide a summary of each case study.

### *The Lula Tapes*

In 2014, after a highly divisive campaign and a tight runoff, President Rousseff from the Workers’ Party was elected to a second term. However, shortly after her inauguration, as new developments in the Car Wash Operation engulfed the news,

Rousseff's popularity started to decline. Around that time an anonymous source leaked a document issued by the prosecutor general of the Republic that listed the politicians suspected of involvement in the Car Wash scheme. Claiming the Rousseff administration had intentionally leaked the document, the president of the Senate and the president of the Chamber of Deputies (both included on the list) retaliated by halting Rousseff's economic agenda in Congress. In December 2015, arguing that the continuous leaks were an attempt by the Rousseff administration to stain his credibility, the president of the Chamber of Deputies, Eduardo Cunha, fired back by accepting an impeachment request against Rousseff. The request accused the Rousseff administration of taking undeclared loans from state-owned banks to pay for governmental expenses. According to the request petitioners, the budgetary maneuver was part of the Workers' Party's determination to remain in power—an argument strongly supported by the Car Wash Operation prosecutors.

As the Car Wash Operation advanced, and with Brazilians listing corruption as the country's top problem, Rousseff's approval rate reached single digits.<sup>7</sup> Confirming what many had already anticipated, the Car Wash probe soon reached former president Lula, the founder and prominent leader of the Workers' Party, Brazil's largest leftist party. According to the prosecutors, Lula had received bribes from construction companies involved in the Petrobras scandal in the form of real estate assets. In February 2016, Judge Moro authorized the investigators to wiretap the phone lines associated with Lula. At least thirty-seven phone lines were wiretapped. A few weeks later, the police searched Lula's residence and brought him in for coercive questioning in a widely televised event portrayed as the long-awaited confrontation between Moro and Lula.

Two weeks after that coercive questioning, the Rousseff administration signaled that Lula could join the government to help Rousseff reestablish political support in Congress. On March 16, the administration confirmed Lula would join the president's cabinet as chief of staff. The appointment, however, was frustrated. On that same day, Moro authorized the federal prosecutors to make the wiretaps public. A total of fifty-three phone conversations made between February 20 and March 16, 2016, became available for public scrutiny.

### *The Temer-Batista Tape*

In May 2016, after Rousseff was suspended by the Senate to face an impeachment trial, Vice President Michel Temer became the acting president. In May 2017, the newspaper *O Globo* announced that Joesley Batista, co-owner of JBS, the world's largest meat-processing company, had secretly recorded a private meeting with President Temer as part of a plea deal negotiated with the prosecutor general. In the forty-minute recording of the meeting, held late at night in Temer's official residence, Batista tells Temer he (Batista) had managed to elude various criminal probes, including the Car Wash Operation, by bribing police inspectors, prosecutors, and judges. Batista also asks Temer to provide a new contact point, explaining

the probes had disrupted his previous links. Temer then suggests Federal Deputy Rodrigo Rocha Loures, describing him as someone in whom had the “utmost confidence.”

### MODES OF ACCENTING

I chose these two cases because the legal and political controversies around them allow us to trace different types of accenting. Four modes are addressed here: legal, technological, discursive, and political.

#### *Legal Accenting*

Legal accenting refers to the delicate process through which legal experts determine the weight of each recorded utterance. For the Car Wash prosecutors to establish the utterance-infracton correspondence in the Lula and Temer-Batista tapes, they had to address two central questions: 1) was the audio content persuasive enough to incriminate those individuals, and 2) was the electronic eavesdropping and the disclosure of its contents conducted lawfully.

Brazil’s 1988 Constitution was the first to admit the possibility of telephone interception in a criminal investigation. Per Law 9,296 (1996), Brazil’s first wiretapping law, law enforcement agencies need a court order to intercept telephone conversations. To do that, police officers need to demonstrate proof of probable cause, exhaustion of other investigative channels, and a pre-delimited timeline for wiretapping. The law requires that any information related to the wiretaps be kept confidential as an undisclosed annex in the police inquiry or prosecutorial charge. Law 9,296 establishes it is a crime to breach the confidentiality of the wiretap “with purposes not authorized by law.” Additionally, any conversation not directly related to the investigation must be discarded so that the privacy and intimate conversations of those caught in the wiretaps can be preserved as much as possible.

In March 2016, when Moro authorized the disclosure of the Lula tapes, several aspects made that decision remarkable. First, the recordings contained intimate exchanges between Lula’s family members, which had no direct connection to the investigation. Second, the wiretaps included conversations between Lula and his lawyer, whose disclosure appeared to be a breach of attorney-client privilege. Third, the disclosed conversations involved high-ranking public officials who were outside the jurisdiction of a federal judge. Known in Brazil as “privileged forum” (*foro privilegiado*), the rule establishes that only the Supreme Court can oversee a criminal case involving the president and cabinet members. To justify his unorthodox approach to the wiretaps, Moro argued, in a biased decision, that “democracy in a free society requires the governed to know what those in the government do, even when they seek to act behind the shadows.”<sup>8</sup>

Even more astounding was the fact that one conversation between Lula and President Rousseff took place 1) after Moro had already requested the police to

stop wiretapping Lula's phones, and 2) on the very same day he had authorized the disclosure of the wiretaps. After explaining he had "not noticed" the wiretap was outside his order's time window, Moro *still* defended his decision. Again, he did so using a disturbingly biased argument: "Not even the president has absolute privilege in protecting her communications, captured incidentally only. The well-known precedent of the U.S. Supreme Court in *U.S. v. Nixon*, 1974, is an example to be followed."<sup>9</sup>

In the weeks that followed, that one-minute-and-twenty-five-second conversation between Lula and Rousseff became the focus of intense legal accenting. The conversation goes as follows:

- Rousseff: Hello.  
 Lula: Hello.  
 Rousseff: Lula, let me tell you something.  
 Lula: Tell me, my dear.  
 Rousseff: It's this, I am sending "Bessias" [Jorge Messias, an aide to the chief of staff] with the papers, so that we have them, just in case of necessity, that is the appointment letter, OK?  
 Lula: Uh-huh. OK, OK.  
 Rousseff: That's all, wait there, he is heading there.  
 Lula: OK, I'm here. I'll wait.  
 Rousseff: OK?  
 Lula: OK.  
 Rousseff: Bye.  
 Lula: Bye, dear.

What exactly did the president mean by "in case of necessity"? The Rousseff administration explained that the president wanted Lula to sign the document beforehand in case he could not attend the appointment ceremony in Brasília. But for Moro and the Car Wash task force, "in case of necessity" meant something very different. For them, Rousseff was letting Lula know he should use the appointment letter as evidence he now had privileged forum in the event of an unexpected police search. That Moro disclosed the wiretaps on the same day that the Rousseff administration announced it would appoint Lula chief of staff makes it quite obvious the judge wanted to frustrate Lula's nomination.

One day after the disclosure, while Lula attended his appointment ceremony as chief of staff in Brasília, the opposition requested the Supreme Court to annul the appointment. On March 18, Justice Gilmar Mendes accepted the request and suspended the appointment, calling the tactic a "constitutional fraud" that failed to demonstrate "morality and impersonality." According to Justice Mendes, Rousseff's acknowledgment that the conversation occurred (thus fulfilling the voice-individual correspondence) was an "extrajudicial confession."

The attorney general and Lula's lawyer submitted their complaints to the Supreme Court, arguing that Moro should have sent wiretaps involving officers

with privileged forum to the Supreme Court. Accepting the attorney general's arguments, Justice Teori Zavascki (in charge of the Car Wash cases at the Supreme Court) concluded that Moro had violated the 1996 wiretap law and a 2014 decision in which the justice authorized Moro to adjudicate only Car Wash cases that did not involve officers with privileged forum.

While deploring that "the practical effects from the improper disclosure of intercepted telephone conversations are irreversible," Justice Zavascki reinstated the confidentiality of all wiretaps. In June 2016, Zavascki sent back to Moro the cases involving individuals without privileged forum, including the Lula tapes. Although he invalidated the last exchange (the Lula-Rousseff call), Zavascki authorized the Paraná prosecutors to use the other wiretaps in their investigations. In July 2017, Moro sentenced Lula to more than nine years in prison for his involvement in the Car Wash scandal. After the court of appeals sustained Moro's sentence, Lula was arrested. He was released in 2019 when the Supreme Court (reversing its 2016 position) decided that defendants had the right to remain free until they had exhausted all appeals. In a public note, the Car Wash task force stated the Supreme Court decision went "against the sentiment of repudiating impunity and the fight against corruption."<sup>10</sup>

Roughly one year after the Lula tapes had wrecked the Rousseff administration, electronic eavesdropping was at the center of another presidential crisis. On May 17, 2017, *O Globo* published in a scoop that JBS's Joesley Batista had signed a plea deal with the prosecutor general. According to the story, the plea deal included an audio recording incriminating President Temer. The next day, Supreme Court justice Edson Fachin authorized the prosecutor general to open a criminal inquiry against Temer and lifted the confidentiality of the widely anticipated Temer-Batista tape. As with the Lula tapes, legal accenting revolved around a minuscule portion of the disclosed material. Below is Prosecutor General Rodrigo Janot's transcription of the exchange included in the inquiry request sent to the Supreme Court:

Batista: I'm alright with Eduardo.

Temer: You have to maintain that, OK?

Batista: Every month . . .

Temer: . . . Yeah . . .

"Eduardo" refers to Eduardo Cunha, the former president of the Chamber of Deputies. In May 2016, the Supreme Court suspended Cunha from the presidency, asserting he had been using the position to slow down the Car Wash inquiry against him. In September 2016, the Chamber of Deputies voted to revoke Cunha's mandate. Cunha now having lost privileged forum, the Supreme Court sent his case to Judge Moro, who ordered his preventive detention.<sup>11</sup> In March 2017, Cunha was sentenced fifteen years in prison for corruption, tax evasion, and money laundering. That means the meeting between Batista and Temer took place while Cunha was in preventive detention, a few weeks before his sentencing.

On the day the *O Globo* story was published—before he had access to the audio recording—Temer confirmed he had seen Batista in his office. He argued, however, that the seventeen-second exchange had nothing to do with bribery. According to him, Batista was simply saying he had been helping Cunha in an “act of solidarity” as the politician and his family were going through financial difficulties. For Prosecutor General Rodrigo Janot, the exchange reveals the president directing Batista to continue buying Cunha’s silence with monthly bribes. Four days after the Supreme Court disclosed the Temer-Batista tape, the Chamber of Deputies had already received nine impeachment requests against Temer.

### *Techno-Accenting*

Technological accenting (or techno-accenting) relates to the accenting produced by objects. As my earlier definition of accenting suggests, techno-accenting is intrinsic to an acoustic event (think, for instance, of the resonant frequencies of a room). In legal cases that involve audio recordings, techno-accenting can help a human audience establish both the voice-individual and the utterance-infraction correspondences. Audio experts rely on software techno-accenting to visualize a voiceprint and determine to whom a voice belongs. The techno-accenting embedded in sound analysis devices is also crucial in establishing an utterance-infraction correspondence as it relates, for instance, to the authenticity of an audio recording.

On the same day the Supreme Court disclosed the recorded conversation between Temer and Batista, the newspaper *Folha de São Paulo* suggested that the presence of inaudible segments made the content of the recording “inconclusive.” On the following day, the same newspaper published the analysis of an audio forensics expert. According to the expert, the Temer-Batista tape had more than fifty edited points, in “a clear sign of manipulation.” Armed with that new piece of information, Temer changed his defense strategy. Instead of investing in the legal accenting and intelligible acoustic events, he claimed the *unintelligible events* compromised the recording. “This covert recording was manipulated and altered, clearly with shady intentions,” Temer said in a press conference, “[and was] included in the police inquiry without proper inspection.” Legal accenting had now become a matter of techno-accenting.

In April, the public prosecutor’s office submitted a “perceptive coherence analysis” of the recording. The report concluded that although it had some noises and unintelligible segments, the Temer-Batista tape was audible overall, and its content presented a “logical sequence.” The authors of the report acknowledged, however, that their analysis was preliminary. It was based exclusively on “human perception,” without the “assistance from specialized equipment in the assessment of the integrity of the audios.” Without the use of techno-accenting for sound analysis, no utterance-infraction correspondence could be achieved. In a note, the National Association of Federal Forensic Experts strongly criticized the prosecutor general for annexing the recording in the case without first submitting it to Federal Police forensic experts for a complete technical assessment.



Taking a step back, Justice Fachin then requested that the Federal Police examine the recording. In June 2017, the police finished and sent their report to the Supreme Court. The 128-page document describes the procedure used to analyze the audio file and provides a detailed transcription of its content. Adobe Audition and Praat (a speech analysis software) were used for most of the techno-accenting.<sup>12</sup> The report also addresses the questions submitted by Temer's defense attorneys and the prosecutor general. Here we see how each party tried to persuade their audience on the effects of techno-accenting on legal accenting. Was the recording edited? If so, who or what edited it? The report identified a total of 294 discontinuities in the audio file. It transcribed the famous seventeen-second exchange as follows:

*Batista:* I'm alright with Eduardo.

*Temer:* Very good.

(Discontinuity 74 in 00:11:36.491)

*Batista:* . . . and . . .

*Temer:* You have to maintain that, OK?

(Discontinuity 75 in 00:11:38.404)

*Batista:* . . . oooo . . .

*Temer:* (unintelligible)

(Discontinuity 76 in 00:11:39.552)

(noises of someone moving the recording device)

*Batista:* (unintelligible) Every month . . .

*Temer:* Eduardo as well, right?

*Batista:* As well.

*Temer:* Yeah . . .

(Discontinuity 77 in 00:11:44.272)

The report goes on to claim that the recording device itself generated those discontinuities. As the police experts explained, "Whenever the sound intensity falls below a certain threshold [around 62 dB (A)], the storage of samples [i.e., the recording] is interrupted, which produces discontinuities in the audio." Testing the two devices allegedly used by Batista at the meeting, the experts concluded that, due to its internal mechanism, the device recorded 4.82 seconds of a 6.23-second acoustic event. For the Federal Police, then, the source of the interruptions was simply the device's techno-accenting. With that, the prosecutor general resumed his legal accenting. In June 2017, Temer became the first president in Brazil charged for crimes while in office. In October 2017, the Chamber of Deputies rejected the indictment and allowed Temer to stay in office until the end of his term.

Temer's defense continued to insist it was impossible to bypass issues of techno-accenting. Temer's forensic expert argued that regardless of what had caused the discontinuities, admitting a recording with 23 percent of the conversation missing was "like accepting a completely shredded contract."<sup>13</sup> Rebuking the police's argument that only the device could have created the discontinuities, the expert

maintained that someone could edit the recording by simply *emulating* the device's techno-accenting.

In 2019, after Temer stepped down from the presidency and lost his privileged forum, the Supreme Court sent his case to a federal court. In October 2019, Temer was acquitted of one of the charges. For the judge, "monosyllabic and disconnected statements, recorded in a conversation with numerous interruptions, cannot support the arguments in the accusation." In comparing the transcriptions provided by the prosecutor general with the one in the Federal Police's technical report, the judge criticized the former for "disregarding the audio interruptions, suppressing what the technical report deems unintelligible utterances, and for placing together utterances that are presented separately in the report."

### *Discursive Accenting*

Discursive accenting refers to ways of speaking. In what follows, I provide a brief overview of Lula's, Rousseff's, and Temer's vocalities as these relate to the political persona each has fashioned before, during, and after their time in office. I also consider how their opponents compared those politicians' public vocalities with the eavesdropped conversations. As I show, accenting those private conversations gave critics a unique avenue to question the politicians' authenticity.

Throughout his political career, critics have mocked Lula for his lack of formal education. Born in a small rural town in Brazil's northeast, Lula was still young when he migrated with his family to the more industrialized state of São Paulo. As a kid, Lula quit school after the second grade and worked as a street vendor and shoeshine boy. In the 1960s, during the military dictatorship (1964–85), he got a job at a steel company in greater São Paulo and joined the ABC Union of Metallurgical Industry Workers. As president of the ABC Union in the 1970s, Lula coordinated massive strikes in the steel sector. In 1980, together with other union leaders, scholars (including sociologists Antonio Candido and Sérgio Buarque de Holanda), and progressive intellectuals such as Paulo Freire, Lula founded the Workers' Party, serving as its first president.

After the country returned to representative democracy, Lula ran for but lost the 1989, 1994, and 1998 presidential elections. He was elected in 2002 and reelected in 2006. Opponents attack Lula for speaking with an "accent" in two senses of the word. First, they ridicule Lula for his frontal lisp (which causes him to vocalize the *s* and *z* sounds like *th*). In 2002, when Lula was elected president, the magazine *Istoé* joked that his government would be called "the Lisp Administration."<sup>14</sup> In that sense, Lula's lisp is often portrayed as a political disability, an obstacle for the type of articulated speaking expected from a head of state. Second, in contrast to the more scholarly and refined oratory of some members of the Workers' Party, Lula's way of speaking is perceived as the embodiment of a simplistic mind. "If it were just a matter of grammatical errors," stated journalist Gilberto Kujawski in 2005, "it would be easy to forgive Lula. But what those errors denounce is not

limited to breaking the academic rules of language, but something much more serious—the simplicity of ideas (inadequate to the complexity of the problems of government), and the inefficiency of conduct, limited to irrelevant measures.”<sup>15</sup>

Lula’s supporters hear his discursive accentings as a useful political tool. Sociologist Florestan Fernandes claimed that Lula’s ability to combine “the everyday, the prosaic, the complex and the grand, without bitterness and bossiness, projects him as a catalyst in the popular imagination.”<sup>16</sup> Along similar lines, journalist Jocenilson Ribeiro noted, “Lula’s speech . . . is the expression of a language without simulations or rehearsals because Lula does not rehearse, he plays with his audience while talking about history, economics, foreign policy, international relations, science, and technology in a didactic of easy understanding.”<sup>17</sup>

Dilma Rousseff comes from an upper-middle-class family in the southeast state of Minas Gerais. In the 1960s, she joined organizations to fight against the military regime. Between 1970 and 1972, Rousseff was incarcerated at the Tiradentes penitentiary in São Paulo. After her release, she helped launch the leftist Democratic Labor Party. She joined the Workers’ Party in 2001, serving in the Lula administration as Minister of Mines and Energy (2003–5) and chief of staff (2005–10). In 2010, Lula chose her to run for the presidency. During her first term (2010–14), Rousseff was often portrayed as a serious and honest public official with zero tolerance for corruption.

During her reelection campaign in 2014, as the Car Wash scandal exploded and the country neared a severe economic crisis, critics started to attack Rousseff’s discursive accentings. Rousseff’s “seriousness” was reframed as a lack of charisma and intelligence. In his 2015 book *Dilmês: O Idioma da Mulher Sapiens* (Dilmese: The language of the sapiens woman), journalist Celso Arnaldo Araújo examines several speeches by Rousseff. For Araújo, Rousseff’s addresses comprise “disconnected and deformed sentences” presented in a “rudimentary logic.” The “sapiens woman” in the title refers to a 2015 speech at the opening of the World Indigenous Games, in which Rousseff described a soccer ball as the “symbol of our evolution when we became homo sapiens . . . and sapiens women.” Widely mocked by the press and on social media, the gaffe resulted from Rousseff’s concern with gender-inclusive language—for instance, she insisted on being called *presidenta* (a grammatically contentious term) rather than *presidente*.

The Lula tapes provided opponents with ample opportunity to attack both Lula and Rousseff via discursive accenting. Below are three dialogues from the wiretaps:

- 1) *Where are the women with tough clits in our party?* (Lula complaining to former minister Paulo Vannuchi about the lack of support from Workers’ Party congresswomen)
- 2) *We have a totally cowardly Supreme Court, a totally cowardly Supreme Court, a totally cowardly Congress . . . a Speaker of the House who is fucked, a president of the Senate who is fucked, I don’t know how many lawmakers are under*

*threat . . . and everyone thinks that some kind of miracle is going to happen.* (Lula, talking with Rousseff about the weak reaction in the legislative and judiciary branches to the Car Wash Operation's abuses)

- 3) LULA: *Clara* [Clara Ant, Lula's assistant] *was sleeping alone when five men entered; she thought it was a gift from God, but it was the Federal Police, you know?* (laughs)

ROUSSEFF: *She thought it was a gift from God?! (laughs)*

These remarks suffered two types of discursive accenting. First, opponents claimed the wiretaps legitimized attempts to hear in Rousseff's and Lula's ways of speaking an unfitness for public office. They mocked Rousseff for referring to Jorge Messias as "Bessias" (in the last wiretap) and attacked Lula for the unflattering language he used to describe government officials. Supreme Court Justice Celso de Mello described Lula's statements as "vile and undignified."<sup>18</sup> In a formal complaint, the Bar Association of Brazil stated, "Besides the perplexity they caused, the unkind, inelegant, and disrespectful references to the Brazilian Bar Association, the Federal Supreme Court, and the National Congress, with the use of unpronounceable expressions coming from a prominent person of the Republic, attest to the precarious view that some public figures hold and express about national institutions."<sup>19</sup>

Additionally, opponents contrasted the statements from the wiretaps with Lula and Rousseff's public stance on various issues. For critics, Lula's sexist "tough clit" expression and Rousseff's laughter upon hearing the anecdote about the "gift from god" eroded their investment in gender equality. Feminist intellectuals argued the remarks reproduced known and historical prejudices, "even in men who, in public, exalt social and gender equality."<sup>20</sup> For writer and activist Daniela Lima, the "gift from God" comment "reflects a macho society that places men at the center of women's desire. It is possible to say that it was 'just a joke,' but laughter is always loaded with ideology."<sup>21</sup> Lula's assistant, Clara Ant, assured the public that Lula had never been disrespectful toward her. The Lula Institute (an NGO created in 2011 after Lula left the office) asserted that Lula's comments in the wiretaps "[do] not erase or reduce his performance in the causes of women, his concrete, historical, and real performance."<sup>22</sup>

Unlike Lula and Rousseff, Temer is known for his highly formal and rehearsed presentation; he is someone who whispers, never uses slang, and expresses himself in traditional Portuguese. After receiving his doctorate in public law and teaching constitutional law, he was appointed prosecutor general for the state of São Paulo. In the 1980s, Temer joined the Brazilian Democratic Movement Party (PMDB) and served as a federal deputy in 1987–91 and 1994–2011, becoming the president of the Chamber of Deputies on two separate occasions. After endorsing Lula's opponent in the 2002 election, he helped consolidate an alliance as president of the PMDB between his party and the Workers' Party. Although neither Lula nor Rousseff liked the idea of nominating the "voracious and cunning" Temer for vice

president in the 2010 election, the PMDB refused to accept another name.”<sup>23</sup> As historian Luiz Felipe de Alencastro stated in a prescient 2009 article, the Rousseff-Temer alliance put together “a presidential candidate who has never had one vote in her life” with “a vice president who handles all the levers in Congress and the PMDB machinery.”<sup>24</sup> In 2016, when it became clear that Temer favored Rousseff’s impeachment, the Workers’ Party accused Temer of plotting a parliamentary coup.

Despite his decades of political experience, Temer does not have a well-defined public image. As journalist Consuelo Dieguez put it, “At the most, he is known as a professional and anodyne politician.”<sup>25</sup> A *New York Times* story stated that before he became interim president, “relatively few Brazilians had even heard of Mr. Temer.”<sup>26</sup> Temer’s first speech as interim president became a source of discursive accenting, and not only because of its archaic expressions and phrasal constructions. The press conference is permeated by coughs, throat clearing, and a hoarse vocality, which required Temer to punctuate his speech with awkward pauses to sip water and take cough drops. Like the discontinuities caused by Batista’s recording device (discussed in terms of techno-accenting), the unintelligible “noises” in Temer’s speech became an acoustic avenue to assess his character. Internet rumors claimed (mostly jokingly) that Temer was a Satanist, and that the point at which his hoarse voice caused him “to harrumph and cough in a deep voice” was the moment “Satan took possession.”<sup>27</sup>

Although the Temer-Batista tape did not contain the same inflammatory remarks as the Lula tapes, it was not exempt from discursive accenting. For his opponents, Temer’s soft utterances and polished reaction upon hearing Batista describe criminal acts confirmed his portrayal as a profoundly corrupt and slippery figure.

### *Political Accenting*

Finally, political accenting relates to the impact of the audio recordings on public opinion. It also considers how the recordings can undermine a president’s ability to govern. I argue that media leaks are one particular type of political accenting.

The most powerful political accenting promoted by the Car Wash task force is less about emphasizing certain acoustic events than about publicizing those events. The promotion of audibility during criminal investigations allowed stakeholders to sway public opinion and reshape state power through legal, technological, and discursive accentings. The Car Wash Operation established a notion of justice by contrasting an assumed criminal voice and a virtuous public ear. In that sense, it both informed and formed an “audience” (from Latin *audientia*, or assembly of listeners), which ended up preceding, amplifying, and guiding the legal and technological accentings of court trials.

Since its early stages, the Car Wash task force has shown a particular interest in media exposure, achieved through the strategic disclosure of information related to police inquiries, plea bargains, temporary or preventive detentions, and

criminal charges. The disclosures included small-scale leaks, large data dumps, and judicial confidentiality lifts. Members of the Car Wash task force have been vocal about the importance of publicity in high-stake criminal probes. In a 2017 interview the task force coordinator, federal prosecutor Deltan Dellagnol, explained that it would have been impossible to investigate influential figures without media exposure. Another member of the task force, prosecutor Carlos Fernando dos Santos, asserted that “a public agent has less right to privacy than an ordinary citizen, not more.”<sup>28</sup>

Judge Moro has also defended the publicity of white-collar crime investigations. In a 2004 article he argued that public support had been crucial for the success of Italy’s Mani Pulite investigation. According to Moro, anonymous leaks provided the publicity that allowed the Mani Pulite judges to work without political interference. As he put it, “Although there is no suggestion that any of the prosecutors involved in the investigation deliberately fed the press with information, the leaks served a useful purpose. The constant flow of revelations kept public interest high and party leaders on the defensive.”<sup>29</sup>

The Car Wash task force used the political accenting of audio leaks to build a narrative according to which privacy is the sphere of criminal negotiation *and* authenticity—one seems always to imply the other. As a piece of information disclosed *despite* legal “obstacles” (including privileged forum, wiretapping law, and audio forensics assessment), the leak “is likely assumed to contain more truthful representations of reality than denunciations and allegations presented without the restraints imposed by criminal charges and pending sentences.”<sup>30</sup> Besides, unlike witness accounts (testimonies or plea bargains), which are curated via legal accenting, audio leaks “can be interpreted in many ways, allowing for speculation and extrapolation.”<sup>31</sup>

At one level of political accenting, the audio recordings helped frame the operation as a newsworthy political scandal. Widely circulated in the press, the audio leaks were audible in their original format and through the journalists’ voices and discursive accentings. Sound bites extracted from the audio leaks provided quotes that went viral with impressive speed (often with humorous effect) on Twitter and Facebook. The proliferation of internet memes based on passages from the Lula and Temer-Batista tapes became powerful political accenting tools. They helped to galvanize dissent online and via street demonstrations and loud coordinated pot banging (*panelaços*).<sup>32</sup>

At another level, as the embodiment of political scandals, the publicity of the Lula and Temer-Batista tapes is conducive to power shifts. As Mads Damgaard argues in his insightful analysis of the Car Wash Operation, “media leaks about corruption provide political actors with opportunities for shifting political allegiances, and leaks also provide the conditions for a range of exceptional judicial interventions into politics and even conditions for political interference in accountability processes.”<sup>33</sup> On the same day of the Lula tapes’ disclosure,

Brazilians organized public demonstrations in at least nineteen states to protest Lula's appointment.<sup>34</sup> Rousseff's impeachment gained an extra stimulus in Congress. Soon after, the Chamber of Deputies elected a commission to analyze the impeachment request. A month after the disclosure, lawmakers commemorated Rousseff's ousting by performing yet another political accenting during a highly televised plenary vote, waving "goodbye, dear" signs in an ironic nod to the Lula tapes. Following the trend, a suspended (and soon-to-be arrested) Eduardo Cunha tweeted, "For her, only one sentence: Bye dear." For Lula, the most critical consequence of this incident was his disqualification from running in the 2018 presidential election. A 2017 poll showed Lula winning 35 to 36 percent of the vote in 2018, well ahead of Jair Bolsonaro (15 percent).<sup>35</sup>

Temer was also politically damaged by the disclosure of the tape. A story anticipating the existence of an incriminating tape described Batista's plea deal as "an atomic bomb that will explode the country."<sup>36</sup> Following the disclosure of the audio recording, Brazil's stock market crashed and the Brazilian real (BR\$) had one of its most significant falls in a decade. Even before the tape's disclosure, the press started speculating that Temer would resign. Lawmakers changed their alliances in Congress, with entire parties jumping to avoid any association with the Temer administration. Although in March 2017 (before the audio disclosure), 10 percent of the population considered the Temer administration good/excellent and 55 percent bad/terrible, in September 2017 those numbers had changed to 3 percent and 77 percent, respectively. In June 2018, with 88 percent of the population considering his government bad/terrible, Temer was ranked the most unpopular president in Brazil's history.<sup>37</sup> While Temer managed to remain in the office, he was unable to advance his agenda in Congress. If at some point he considered his reelection campaign viable, the Temer-Batista tape quickly evaporated that possibility.

## CONCLUSION

I have examined in this chapter how federal investigators, prosecutors, and judges deployed electronic eavesdropping to *modulate* the narrative involving three former presidents. The Car Wash task force performed that modulation, I argue, through *accenting*, a practice that I have proposed we understand as the filtering and selection (either human or nonhuman) of acoustic events. More specifically, I have described how opposing parties related to the Car Wash Operation approached two controversial audio recordings through legal, technological, discursive, and political accenting.

Whereas legal and technological accentings are confined to issues of legality and due process (how a case at hand and the law align), discursive and political accentings are a matter of public perception and individual character. Central questions related to discursive and political accenting include: How have the press and other stakeholders accented the disclosed recordings? How have those



discursive and political accentings determined Lula's, Rousseff's, and Temer's political fates? In the context of a highly popular criminal investigation such as the Car Wash Operation, both discursive and political accenting are useful for rearticulating political alliances and redistributing power.

In analyzing the Lula and the Temer-Batista tapes according to legal, technological, and political accentings, I am not suggesting these are hermetic or autonomous pairs of practices. On the contrary, as I have shown throughout the chapter, each mode of accenting continuously interferes with the others, creating zones of interaction that inform the field of possibilities of a narrative. In the two case studies presented here, we saw that if techno-accenting can *slow down* the voice-individual and utterance-infraction correspondences through which legal accenting moves, political accenting can *accelerate* and *extend* those correspondences (as in Temer's voice-individual correspondence becoming "proof" of his Satanic connections). The triumph of the Car Wash Operation (at least in its first years) emerged through the strategic exposure of "raw" and "transparent" audio privacy and circumventing/streamlining legal accenting via political accenting, and political accenting via legal accenting. By considering the network of voices, utterances, recordings, devices, politicians, lawyers, judges, prosecutors, and journalists, we see how the elusiveness and multimodality through which accents operate can become powerful tools. More than a marker of linguistic difference, accents are always already entangled in accenting strategies invested in articulating reality—be it as a personality trait, smoking gun, political rearrangement, or technological hiccup.

## NOTES

1. Netto, *Lava Jato*, 58–59.
2. FT Reporters, "Fifty People Who Shaped the Decade"; Walsh, "Sergio Moro"; Naím, "The World's 50 Greatest Leaders: Sergio Moro #13."
3. Latour, *The Making of Law*, 194.
4. Harwell, "The Accent Gap."
5. See Baugh, *Linguistics in the Pursuit of Justice*, for several examples of accenting issues in the U.S. legal system.
6. Jones et al., "Testifying While Black."
7. Datafolha, "Corrupção lidera pela primeira vez pauta de problemas do país."
8. Moro, "Ofício No. 700001743752."
9. Moro, "Ofício No. 700001743752." In this case, the U.S. Supreme Court unanimously decided that "the President's generalized assertion of [executive] privilege must yield to the demonstrated, specific need for evidence in a pending criminal trial." It is telling that Moro seems to be comparing himself to the Supreme Court.
10. Savarese, "Brazil's Ex-president Could Be Freed after Top Court Ruling."
11. Preventive detention, which Moro justified as necessary to prevent the suspect from fleeing the country or interfering with the investigation, was widely used during the Car Wash Operation and strongly criticized by legal scholars.
12. Boersma and Weenink, "Praat."



13. Anizelli, "Defesa de Temer critica perícia e diz que gravação 'transpira irregularidade.'"
14. Bock, "Solte o Freio."
15. Kujawski, "O linguajar de Lula."
16. Fernandes, "O discurso de Lula."
17. Ribeiro, "A língua do povo na fala do Lula."
18. Romero, "Temper Flare in Brazil over Intercepts of Calls by Ex-President 'Lula.'"
19. Melo, "OAB reage ao xingamento de Jaques Wagner convoca conselho federal."
20. Ferreira and Grandelle, "Expressões chulas de grampos telefônicos de Lula reproduzem pre-conceitos"
21. "Feministas se dividem sobre falas de Lula captadas em grampus."
22. "Feministas se dividem sobre falas de Lula captadas em grampus."
23. Dieguez, "A Cara do PMDB."
24. Alencastro, "Os riscos do vice-presidencialismo."
25. Dieguez, "A Cara do PMDB."
26. Romero, "New President of Brazil, Michel Temer, Signals More Conservative Shift."
27. Phillips, "Brazilian Politics Take a Satanistic Turn, and Temer Is in Hot Water."
28. Albuquerque, "Sem exposição, é impossível avançar contra poderosos, afirma Dallagnol."
29. Moro, "Considerações Sobre a Mani Pulite," 59.
30. Damgaard, *Media Leaks and Corruption in Brazil*, 51.
31. Damgaard, *Media Leaks and Corruption in Brazil*, 51.
32. Carless, "This Is What It Sounds Like When a Government Is Tanking."
33. Damgaard, *Media Leaks and Corruption in Brazil*, 73.
34. G1, "Manifestações contra governo são registradas pelo país nesta quarta."
35. Reuters, "Brazil's Lula, Bolsonaro Well Positioned for 2018 Elections: Poll."
36. Caram, "Governo Temer é aprovado por 3% e reprovado por 77%, diz Ibope."
37. Boghossian, "Reprovação aumenta e torna Temer o presidente mais impopular da história."

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