**The Relationship between Legislators and Presidents in Latin America**

One political move useful for determining the strength of the legislature relative to the president is impeachment. If a legislature impeaches a president, then it clearly has power over the president. If a president is able to thwart all impeachment attempts, then he or she is most likely stronger than the legislature. After researching the topic of impeachment in Latin America, I argue several criteria determine whether or not an impeachment attempt will be successful: 1) the economic climate, 2) the presence of public unrest or mass protest, 3) the severity of the president’s misconduct, and 4) the rational choice of the legislators.  Impeachment will be successful when the economic climate is poor or deteriorating, public unrest or mass protest is high, the president’s conduct is clearly illegal and exceeds the norms of severity in that particular country, and legislators have a rational incentive to impeach the president for self-preservation or personal advancement, thus allowing the legislative branch to exert its own power and check the power of the presidency. This paper analyzes the four criteria for successful impeachment by analyzing the case studies of Dilma Rousseff’s impeachment in Brazil and the lack of an impeachment of Jimmy Morales in Guatemala.

For decades, the presidency has been the focal point of politics in Latin America. Largely as a result of Iberian colonization, Latin American countries were ruled by caudillos or strongmen for many decades. Consequently, modern-era presidents often resemble caudillos—gaining political strength from both the authority of the presidential office and strength of personality. At times, presidents throughout the region have reverted to strongman, authoritarian tendencies, resulting in an authoritarian, oligarchical, or semidemocratic form of governing. Since Latin American presidents have a tendency to be strong, influential, and personalistic, Latin American legislatures often can get left in the dust behind the president, making them look weak, ineffectual, and subservient to the whims of the president.

Up until the third cycle of political change that occurred in the 1970s, this stereotype of weak legislatures was nearly entirely correct. Participating in very little actual lawmaking, the legislatures instead served as forums for debate, areas in which to network, and legitimization for the regime in power. Some legislatures, such as the national congress under the Brazilian military regime, were established solely for the purpose of bringing legitimacy to the authoritarian regime. However, during the third cycle of political change in the 1970s, legislatures began to engage more in oversight of the executive branch including impeachment proceedings (Smith & Sells, 2017).

Brazil and Guatemala were excellent cases to use for this particular research topic. Regarding Brazil, a president was impeached, perhaps without much cause. Regarding Guatemala, a president has not been impeached even though there is substantial cause for the legislature to bring impeachment proceedings against him. The following table summarizes the different criteria I have identified within each country as well as the outcome of impeachment in each country.

|  |  |  |
| --- | --- | --- |
|  | Brazil | Guatemala |
| Economic Climate | Very Poor | Poor |
| Were there high numbers of public protests? | Yes | Yes |
| Was the President’s conduct worse, better, or no different than the norms? | Better | No Different |
| Did legislators have a rational choice to impeach? | Yes | Yes |
| Impeachment | Successful Impeachment | No Impeachment |

My analysis of these two cases showed that the economic climate, the presence of popular protest, and the severity of the president’s all play a role in creating a climate for impeachment. However, the differentiating factor in whether or not impeachment charges are brought by the legislature and are successful seems to be dependent on the rational choice of the legislators.

**Brazil and Dilma Rousseff**

Brazil has a history of authoritarian regimes and strong presidents. The highly fragmented legislature makes it difficult to oppose the president’s decrees. However, in the case of Dilma Rousseff, the Brazilian legislature organized its multitude of parties to a great enough degree to impeach the president. President Dilma Rousseff was elected in October 2010, following the legacy of her mentor, President Lula, by running as his successor and the leader of the Workers’ Party (PT). She entered office with high national support, but due to various scandals and other events outside her control her popularity plummeted. In August of 2016, the Brazilian Senate voted to begin impeachment proceedings against President Rousseff, and on August 31, 2016, she was removed from office by a vote of 61-20.

Several factors contributed to the legislature’s successful impeachment of the president. The first criteria that contributed to the legislature’s successful impeachment of President Rousseff was the deteriorating economic climate in Brazil. In 2012, during Rousseff’s first presidential term, the economy began cooling considerably. Gross domestic product growth had contracted from 7.5% annually in 2010 to just 1.0% in 2012. In order to combat this dismal growth, the central bank slashed interest rates and reduced reserve requirements for banks in the hopes of increasing liquidity in the economy. As a result of these policies, unemployment decreased, and Rousseff’s popularity increased temporarily. In 2014, as Rousseff was running for reelection, the economy began to tank again. At the start of her second term, the economy was in the midst of the worst economic downturn the country had experienced since the turn of the 20th century. Gross domestic product decreased another 3.7% in 2015, and businesses quickly began to lose confidence. Many of President Rousseff’s critics placed the blame for the economic crisis wholly on the president’s economic policies. (Wallenfeldt & Ray).

The second criteria that contributed to the legislature’s successful impeachment of President Rousseff was popular unrest that resulted in mass protest and demonstrations. During Rousseff’s first presidential term, the Brazilian political landscape erupted into massive street protests initiated mostly by the middle class. These protests focused on government corruption, poor distribution of government services such as transportation, and wasteful spending on a number of soccer stadiums built for the 2014 World Cup. Although these protests decreased Rousseff’s popularity temporarily, her public image increased after the World Cup hosting went according to plan. Then, in 2015, the Brazilian Car Wash scandal broke. The investigation into the Car Wash scandal revealed that scores of businesspeople and prominent politicians had been complicit in an oil revenue kickback scandal involving the Brazilian oil company Petrobras. Rousseff had chaired Petrobras for a least a portion of the time the kickbacks were occurring. Although she was cleared of all wrongdoing in the scandal, much of the Brazilian population believed she was not truly innocent. On March 15, 2015, huge demonstrations protesting the government corruption scandals erupted across Sao Paulo and other parts of the country as millions of Brazilians turned out. As a result of the scandal and the protests, Rousseff’s approval rating dropped precipitously to 13 percent. Then, on April 12, another round of mass protests were staged across the country. These protests involved fewer people than were involved in the April demonstrations, but the focus had shifted away from scandal and onto impeachment of Rousseff. (Wallenfeldt & Ray).

The third criteria that contributed to the Brazilian legislature’s successful impeachment of President Dilma Rousseff was the severity of the president’s conduct that led to impeachment, relative to the norms of political conduct in Brazil at that point in time. Opponents of Rousseff accused her of acting illegally in order to make the federal budget appear more fiscally responsible. The Fiscal Responsibility Law of 2000 requires all level of governments in Brazil to meet budget surplus targets that are set by the legislature (Pereira, 2010). While the law has had the effect of eliminating government deficits, it has created the problem of “creative accounting” in Brazilian politics (Pereira, 2010). Rousseff was accused of having engaged in the creative accounting practices by receiving loans from public banks to the national treasury in order to artificially enhance the federal government’s budget surplus (Gallas, 2016). This action made the government budget appear to be in a better condition than it actually was (Gallas, 2016). Amidst the accusations of wrongdoing, Rousseff said that other executives in the country, including mayors, governors, and previous presidents, had all engaged similar creative accounting practices but were never punished for doing so (Gallas, 2016). Thus, the utilization of creative accounting techniques appears to have been the norm in Brazilian politics. If this was truly the norm, then Rousseff’s actions—if she truly did engage in illegal accounting practices—were not any worse than the political norms of Brazil’s political system. Therefore, as Rousseff herself argues, the charges were falsely created to grant legitimacy to impeachment proceedings that were nothing short of a coup attempt (Gallas, 2016).

The fourth and final criteria that contributed to the Brazilian legislature’s successful impeachment of President Dilma Rousseff was the rational choice of the legislators themselves. The Brazilian legislature is notoriously corrupt. According to Transparency Brazil, a corruption-monitoring group, “60 percent of the 594 members of Brazil’s Congress face serious charges like bribery, electoral fraud, illegal deforestation, kidnapping and homicide” (Romero & and Sreeharsha, 2016). Some of the legislators facing these charges were among the most vocal in pushing for Rousseff’s impeachment. As Mario Sergio Conti, a columnist for a Brazilian newspaper said, “Dilma…is untainted in a political realm smeared with excrement from top to bottom. She didn’t steal, but a gang of thieves in judging her” (Romero & and Sreeharsha, 2016). For example, the leader of the impeachment proceedings, Senate leader Renan Calheiros, was being investigated in the Car Wash scandal and has been accused of “tax evasion and of allowing a lobbyist to pay child support for a daughter from an extramarital affair” (Romero & and Sreeharsha, 2016).

Clearly, the Brazilian legislature is thoroughly corrupt. In comparison to many legislators own crimes, Rousseff’s movement of money to cover government budget deficits is fairly mild. However, the legislature still impeached her for one main reason—to deflect public ire away from the guilty legislators and onto President Rousseff (Smith, 2016). By making the president a lightning rod for the storm of public outrage and protest, guilty legislators could hope to draw public attention and anger away from themselves. This would allow the legislators to continue in office and not pay the penalty for their involvement in the Car Wash scandal and their other crimes. In terms of rationality, the guilty legislators were acting in rational self-interest by making President Rousseff the scapegoat for the entire corruption scandal. Given the massive percentage of Brazilian legislators implicated in the Car Wash scandal, it is impossible to “throw all the bums out,” which will lead to some legislators being able to outlast the president and the entire scandal (Smith, 2016).

**Guatemala and Jimmy Morales**

The 2015 Guatemalan presidential election resulted in the victory of Jimmy Morales. A former television comedian, Morales framed himself as a “common man” who deeply loved his country and who would end the corruption of the political elite (Guatemala election: Jimmy Morales elected president, 2015). Although he received double the votes of the opposition candidate, former first lady Sandra Torres, many voters had little idea of Morales policy and issue positions and were instead drawn to his status as a political outsider (Guatemala election: Jimmy Morales elected president, 2015). Just five months after Morales’ inauguration, reports of illegal campaign financing by Morales’ National Convergence Party began to surface (Avalos & Dudley, 2018). Since these reports surfaced, President Morales has been engaged in legal battles with domestic and international groups. Despite the accusations, the Guatemalan legislature has not impeached Morales, and attempted impeachment movements initiated by civilian protests have been stopped by the legislature.

Several factors contributed to the legislature’s lack of desire to impeach President Morales. The first criteria that led to the legislature’s lack of desire to impeach President Morales was the economic climate in Guatemala. Although Guatemala’s economy was not in as dire of straits as Brazil’s, it was cooling as growth slowed largely due to corruption scandals shaking investors’ faith. Approximately eighty infrastructure projects were cancelled due to allegations of graft. These cancellations cost Guatemala $400 million in infrastructure investment as well as discouraged private business. President Morales has sought to turn around the poor economic climate caused by a lack of investment by attempting to secure loans from organizations such as the World Bank that would lead to $15 billion worth of investment over the next decade. The investment would largely be directed toward construction and tourism, and the dramatic boost to public spending would help the Guatemalan economy to heat up again. While the economic climate in Guatemala has not been perfect during the Morales presidency, it has not been severe enough to create demand for impeachment, such as Dilma Rousseff suffered in Brazil. (McDonald, Faries, & Shepard, 2018).

The second criteria that influenced the legislature’s decision of whether or not to impeach President Jimmy Morales was the severity of his conduct relative to Guatemalan political norms. Historically, three decades of civil war had weakened the rule of law and strengthened powerful criminal networks. Many politicians were in cahoots with organized crime, and corruption was rampant. In order to rectify this situation, a UN panel of prosecutors arrived in Guatemala in 2007 and formed the International Commission Against Impunity in Guatemala, commonly known as CICIG. This organization has uncovered layers of corruption, strengthened the judicial system, and sent leaders of politics and organized crime to prison. In 2017, however, CICIG began to investigate illegal campaign financing in Jimmy Morales’ 2015 presidential campaign, leading to a confrontation between the president and CICIG. (Malkin, 2019)

During his presidential campaign, Morales’ primary opponent was former congressman Manuel Baldizón who had a strong group of supporters. At the beginning of the campaign, Morales—running under the banner of the FCN-Nación political party—had less than 10% support from potential voters. However, as allegations of corruption soon engulfed Baldizón, Morales popular support rose to 25%, Baldizón’s dropped to 20%, and money began to pour into the FCN-Nación campaign. Much of the incoming money was not registered by the party; therefore, they were illegal campaign donations. The shady financing of Morales’ campaign began to throw up red flags when observers noticed that the campaign reported extremely low expenditures even though they were purchasing an exorbitant amount of advertisements. Investigations into FCN-Nación and Morales campaign began to throw up more red flags including financial ties between Morales and a criminal network known as the Patriot Party or the PP. (Avalos & Dudley, 2018).

As the investigation into Morales’ wrongdoing continued, the president increasingly went on the offensive. On August 26, 2017, President Morales removed Iván Velásquez Gómez as the commissioner of CICIG and ordered Velásquez to leave Guatemala (Avalos & Dudley, 2018). Morales continued attempting to stifle the work of CICIG throughout 2017 and 2018. Then, in the first week of 2019, the president announced that he was completely shutting down CICIG (Malkin, 2019). Guatemala’s highest court ruled that the president’s move was unconstitutional. Because Morales has ignored the rulings of the court in the past, it is not unlikely for him to do it again (Malkin, 2019). This clear violation of the rule of law would plunge Guatemala into a constitutional crisis. Clearly, Morales’ actions both in campaign finance and in his obstruction of justice are severe enough to warrant an impeachment in many democratic regimes. However, the norm of corruption and crime—such as the country witnessed in 2015 under President Otto Perez Molina who was eventually jailed for The Line scandal—in Guatemala make Morales’ actions seem less severe than they actually are.

The third criteria that influenced the legislature’s decision of whether or not to impeach President Morales was popular protests. Morales’ decision to expel CICIG from the country automatically prompted thousands of indigenous Guatemalans to block sections of a major highway in September 2018 (Cuffe, Guatemala: Indigeous protest against Morales' CICIG decision, 2018). The indigenous citizens also held a week of rallies, marches, and blockades to further protest Morales’ decision (Cuffe, Guatemala: Indigeous protest against Morales' CICIG decision, 2018). Then, when Morales’ disbanded CICIG in 2019, thousands more Guatemalans took to the streets in protest (Cuffe, 2019). Overall, the protesters expressed concerned about slipping back into authoritarian rule (Cuffe, Thousands of Guatemalans protest in support of anti-corruption commission, 2019).

The fourth and final criteria that influenced the Guatemalan legislature’s decision of whether or not to impeach President Morales was the rational choice of the legislators themselves. Similar to the Brazilian legislature, the Guatemalan legislature suffers from high levels of corruption. Much of the corruption is the result of legislator’s connections to organized crime networks in the country. Anti-corruption prosecutors in Guatemala have pressed charges against more than a dozen current and former national legislators who span six different political parties. Many of the legislators had hired people to their staffs who never performed any work, and then the legislators would pocket the money that was allocated for the staffers’ salaries. Unfortunately, many high-profile criminal actors go unpunished due to the high rates of impunity in the country. These powerful criminal actors can delay legal proceedings for unreasonably long amounts of time by using motions excessively. (Guatemala Events of 2017, 2017).

CICIG clearly represents a threat to any corrupt legislators in Guatemala. Its pursuit of President Morales demonstrates that it is not afraid to go after any political actor, no matter how high-profile. Any rational Guatemalan legislator involved in corruption would want to prevent CICIG from investigating him or her; consequently, he or she would be unwilling to vote for the impeachment of President Morales—the individual with the most power and determination to kick CICIG out of the country. As a result of the legislators’ rational choices, impeachment proceedings have not been brought against President Jimmy Morales.

**Summary**

The cases of Dilma Rousseff in Brazil and Jimmy Morales in Guatemala share several similarities with one key difference. First, the two cases were similar in that each were going through periods of slowing economic growth. While Brazil’s economy was tanking, Guatemala’s was merely cooling, but both resulted in public unrest. Second, public unrest was high in both countries over the course of several years. Public protests erupted in Brazil beginning in 2013 and did not cease before Rousseff’s impeachment. Guatemala experienced popular protest against the president prior to Morales, but the protests began again once Morales attempted to kick out CICIG. Third, the crimes of both Rousseff and Morales were not egregious compared to the standards of crime and corruption in their respective political systems. Rousseff’s crimes were considerably less severe than Brazilian standards, while Morales’ crimes seem to have been on par for Guatemala.

Finally, the key difference was with the legislators’ rational motives for deciding whether or not to impeach their president. In both countries, legislators decided on the basis of self-preservation. In Brazil, legislators voted to impeach President Rousseff in order to draw scandal allegations and investigations away from themselves. In Guatemala, legislators have not brought impeachment proceedings against President Morales because he is trying to keep the main investigative body, CICIG, out of the country. If it were allowed to stay, more Guatemalan legislators would doubtlessly be investigated and arrested. In the two countries, rational thinking and acting by the individual legislators resulted in different outcomes for impeachment—Rousseff’s removal from office and Morales’ failure to have impeachment proceedings brought against him. Although the differentiating factor in these two cases was the legislators’ rational choice, the other criteria of the economic climate, the presence of public unrest or mass protest, and the severity of the president’s misconduct also played a role in creating a climate for possible impeachment.

# **References**

Avalos, H. S., & Dudley, S. (2018, August 23). President Jimmy Morales' (and Guatemala's) 'Original Sin'. Retrieved from InSight Crime: https://www.insightcrime.org/investigations/president-jimmy-morales-guatemalas-original-sin/

Cuffe, S. (2018, September 10). Guatemala: Indigeous protest against Morales' CICIG decision. Retrieved from Aljazeera: https://www.aljazeera.com/news/2018/09/guatemala-indigenous-protest-morales-cicig-decision-180910181313688.html

Cuffe, S. (2019, January 14). Thousands of Guatemalans protest in support of anti-corruption commission. Retrieved from Los Angeles Times: https://www.latimes.com/world/la-fg-guatemala-protests-20190114-story.html

Gallas, D. (2016, May 12). *Dilma Roussedd impeachment: How did it go wrong for her?* Retrieved from BBC News: https://www.bbc.com/news/world-latin-america-36028247

Guatemala election: Jimmy Morales elected president*.* (2015, October 26). Retrieved from BBC News: https://www.bbc.com/news/world-latin-america-34632485

Guatemala Events of 2017*.* (2017). Retrieved from Human Rights Watch: https://www.hrw.org/world-report/2018/country-chapters/guatemala

Malkin, E. (2019, January 9). Guatemala's Experiment in Fighting Corruption Is Under Attack. Retrieved from The New York Times: https://www.nytimes.com/2019/01/09/world/americas/guatemala-corruption.html

McDonald, M. D., Faries, B., & Shepard, M. (2018, October 12). Guatemala Seeks $15 Billion in Loans to Revive Cooling Economy*.* Retrieved from Bloomberg: https://www.bloomberg.com/news/articles/2018-10-12/guatemala-seeks-15-billion-in-loans-to-revive-cooling-economy

Pereira, C. (2010, December 2). Brazil'a Fiscal Responsibility LAw and the Quality of Audit Institutions*.* Retrieved from Brookings: https://www.brookings.edu/research/brazils-fiscal-responsibility-law-and-the-quality-of-audit-institutions/

Romero, S., & and Sreeharsha, V. (2016, April 14). Dilma Rousseff Targeted in Brazil by Lawmakers Facing Corruption Scandals of Their Own*.* Retrieved from The New York Times: https://www.nytimes.com/2016/04/15/world/americas/dilma-rousseff-targeted-in-brazil-by-lawmakers-facing-graft-cases-of-their-own.html

Smith, A. (2016, April 20). Is the impeachment trial of Brazil's Dilma Rousseff a coup? Retrieved from The Washington Post: https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/20/is-the-impeachment-trial-of-brazils-dilma-rousseff-a-coup/?utm\_term=.61a0751ce678

Smith, P. H., & Sells, C. J. (2017). Democracy in Latin America. New York: Oxford University Press.

Wallenfeldt, J., & Ray, M. (n.d.). Dilma Rousseff*.* Retrieved from Britannica: https://www.britannica.com/biography/Dilma-Rousseff