

THE BRAZILIAN SECRET SERVICE DURING THE MILITARY DICTATORSHIP: THE
HERZOG CASE

by

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ABSTRACT

BRUNA CRISPIM MILLIGAN. The Brazilian Secret Service during the Military Dictatorship:
The Herzog Case

(Under the direction of DR. JÜRGEN BUCHENAU)

The objective of this thesis is to use the case of journalist Vladimir Herzog to analyze the Brazilian secret service's role within the government during the military dictatorship. I use the term secret service when referring to the Brazilian intelligence agency *Sistema Nacional de Informações* (SNI).¹ I argue that the secret service's efforts to remain both autonomous and independent produced extra repression, as evidenced in the Herzog case. To support my main argument, I use digital collections from the *Comissão da Verdade* and the *Instituto Vladimir Herzog*. This thesis suggests a more nuanced history of the military dictatorship. Rather than treating the repressive state as a monolith, it traces the particular role of the secret service in rooting out dissent via human rights abuses. I use Giorgio Agamben's theory on "the state of exception" to support this thesis main argument about the secret service's unusual degree of power.² The role that intelligence activity plays in national security and social and political institutions is central to this research. This is especially true when the state finds itself in a situation of political crisis, economic ineptitude, and international vulnerability, in which the acquisition and possession of intelligence is of fundamental importance.

¹ National Information System.

² Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. (Stanford, CA: Stanford University Press 1998).

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INTRODUCTION

Italian philosopher Giorgio Agamben's theory on "the state of exception" is defined as a unique condition in which "the juridical order [of a state] is suspended due to an emergency of a serious crisis threatening the state".³ In this condition, the executive power prevails, and the basic law can be violated by the state while facing unique circumstances. Carl Schmitt argues that this power can suspend the legal system and declare it "a state of exception" if the country is facing a threat to its security.⁴ This generates a monopoly on the use of violence. For Agamben, the suspension of the law directly affects peoples' lives because they are dehumanized. These people have been reduced to what Agamben defines as "bare life"⁵, meaning that the state has complete authority over its people "not only as citizens of a state but even to the point of acting upon an individual's own life, depriving this individual of the right to live".⁶ Agamben uses the concentration camps in Nazi Germany as an example, arguing that Jews were not only deprived of their rights as citizens but also of their right to live.⁷ Central to this is the concept of exclusion, in which an individual is banned from that specific society. This theory is crucial in this thesis because it explains the perpetuation of violence by this sense of threat to the nation. In the Brazilian case, the coup happened to protect the nation against what the regime saw as a

³ Agamben, *Homo Sacer*.

⁴ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*. (Translated by George Schwab, Chicago: The University of Chicago Press 2005).

⁵ Reduction of political to natural life.

⁶ Davide Giordanengo, "The State of Exception." E-International Relations, (2016), 3.

⁷ Agamben, *Homo Sacer*.

communist threat. It reinforced itself and at the same time, dehumanized those who were opposed to the government and reduced them to “bare life”.

The Brazilian military dictatorship is marked by excessive human rights violations such as the persecution of journalists, students, and politicians. Brazilian historiography has grown in the last thirty years, especially when it comes to the history of the military dictatorship. Until the 1980s, debates about the Brazilian military dictatorship were related to the predominant interpretation that the government protected the country against communism. This view often lacked dialogue with empirical evidence.⁸ Now, with the release of works about the regime, the new interpretation comes from testimonies, memoirs, and eyewitness accounts, showing a new face of the period and exposing many violations of human rights and abuses committed by the military government.⁹ If the previous challenge was obtaining sources, now the challenge becomes one of interpretations and explanatory hypotheses.¹⁰

Over the last eight years, there has been a sharp increase in the amount of historiographic works about the Brazilian dictatorship. In 2014, with the creation of *Comissão da Verdade* (National Truth Commission)¹¹, scholars began to look more closely at new historiographical data about the dictatorship. Scholars have focused on social history and given a new interpretation about government officials of that period. In social history, *Comissão da Verdade*'s debates

⁸ Carlos Fico, *Além do golpe: versões e controvérsias sobre 1964 e a ditadura militar*. (Rio de Janeiro: Record, 2004) 32.

⁹ Carlos Fico, “Ditadura Militar Brasileira: Aproximações Teóricas e Historiográficas.” *Revista Tempo e Argumento*, v. 9, no. 20, Enero-Abril, (2017): 5.

¹⁰ Nashla Dahas, *Historiografia da Ditadura, Memória e Espaço Público*. (Universidade Do Estado De Santa Catarina, 2019).

¹¹ The National Truth Commission investigated human rights violations of the period of 1946–1988 - in particular by the military dictatorship that ruled Brazil from April 1, 1964, to March 15, 1985.

influenced the dictatorship historiographic field and added new narratives and documentation for the approaches in the academic world in Brazil. Historian Marta Rovai argues that these narratives are crucial for putting divergent eyewitness accounts into play, contributing so that citizens can understand the past.¹² In *Politics of Military Rule*, Thomas Skidmore emphasized that the Brazilian dictatorship constantly responded to the intra-military conflict.¹³ Even though this is correct, more attention is needed in order to understand this conflict. What caused this intra-military conflict? What is the role of new narratives and newly released classified documents? Was there a specific case that expanded this conflict and ended up marking a new phase in Brazilian history towards the path to democracy? Alfred Stepan explained how scholars overlooked the inner dynamics of the military and how fragmented they were. He also emphasized the role of the military in supporting or hindering the process towards democracy.¹⁴ These questions are essential for the formulation of this thesis that aims to bring light in the questions evolving this intra-military conflict and a specific case to solve this puzzle.

Brazil can be considered an exception in relation to its Latin American neighbors, where the victims and their representatives assumed a broad public memorial role. Historian Carlos Fico argues that, unlike Argentina, the striking feature of the memory of the Brazilian military dictatorship is not the trauma of violence, but the frustration of hope.¹⁵ Until today, many human rights violations carried out by the military government remain unresolved. Between the late

¹² Marta Rovai, “Ensino de história e a história pública: os testemunhos da Comissão Nacional da Verdade em sala de aula.” *Revista História Hoje*, (2019): 90.

¹³ Thomas Skidmore, *The Politics of Military Rule in Brazil, 1964-1985*. (Oxford University Press, 1990), 163.

¹⁴ Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone*. (Princeton University Press, 1988), 30.

¹⁵ Carlos Fico, *A Ditadura Documentada: Acervos desclassificados do Regime Militar Brasileiro*. (Arquivo Nacional, 2018).

1980s and early 1990s, testimonies emerged about the regime as a result of the need to share the difficult experiences of previous years publicly.¹⁶ The works in Latin America that show the cruelty of torture have become editorial successes and central references in the public form. However, it is worth noting that in Brazil testimonies of torture have not become the subject of successful books. The book *Brasil: Nunca Mais*, published in 1989, is the first and most important Brazilian work that summarizes the official proceedings of all the cases tried in Brazilian military courts between 1964 and 1979.

Marcos Napolitano questions the effectiveness of eyewitness accounts in Brazilian history, such as the victims of torture in *Brasil: Nunca Mais*. He suggests that the discussion still has a small space in the country's dictatorship historic studies.¹⁷ Consequently, the dictatorship history is a historiography with little concern about the eyewitness accounts as a source of history. In light of this, there are many challenges to overcome as Brazilian society still chooses silence over a dark period in their time.¹⁸

The Herzog Case

Given this ongoing scholarly interest, it is no coincidence that this new interpretation of the Brazilian military dictatorship appears with a new view of the Brazilian secret service and its actions against the so-called enemies of the state. In order to analyze the trajectory of the Brazilian secret service during the regime, this thesis focuses on the murder of journalist

¹⁶ Aldo Marchesi and Vania Markarian. *Cinco Décadas De Estudos Sobre La Crisis, La Democracia y El Autoritarismo En Uruguay*. (Contemporanea, 2012).

¹⁷ Carlos Fico, *Como Eles Agiam: Os Subterrâneos da Ditadura Militar – Espionagem e Polícia Política*. (Record, 2011).

¹⁸ Daniel Reis, “Ditadura, anistia e reconciliação.” *Estudos Históricos, Rio De Janeiro*, (2016): 136.

Vladimir Herzog. As he voluntarily agreed to be interrogated by the secret service to answer possible affiliations with the communist party of Brazil but wound up never leaving the interview alive. But why the Herzog case if so many others were murdered during the regime? In the words of historian Jerry Dávila, “there was nothing new to his torture and murder, but there was to the reaction [by society].”¹⁹

To better understand how the case was perceived by society during the military dictatorship, let us analyze the first three works about the murder: the first is *Dossiê Herzog: Prisão, Tortura e Morte no Brasil* (1984) by Fernando Jordão; the second is *A Sangue Quente: A Morte do jornalista Vladimir Herzog* (1978) by Hamilton Filho, and the third *Vlado: Retrato da Morte de um Homem e de uma Época* (1985) by Paulo Markun. In *Dossiê Herzog: Prisão, Tortura e Morte no Brasil* (1984), Jordão gathered extensive documentation, composed of testimonies and newspaper articles to analyze in which circumstances the murder happened and how the military dealt with the repercussion throughout the government. The author sought to describe the outrage of Herzog’s family members, journalists and friends. According to him, this case represented the beginning of the end of torture and repression. In *A Sangue Quente: A Morte do jornalista Vladimir Herzog* (1978), Filho describes the events before and after Herzog’s murder. He used testimonies, official notes, editorials, reports, newspapers publications and magazines for his work. Lastly, in *Vlado: Retrato da Morte de um Homem e de uma época* (1985), Markun explains the reaction to Herzog’s death in society and the long legal battle between Clarice Herzog (Herzog’s wife) and the military government.

These works about Herzog’s case are an apt starting point. Its major aim is to counterbalance the narrative of the military government that has dominated the scholarly

¹⁹ Jerry Dávila, *Dictatorship in South America*. (Wiley, 2013), 143.

literature for decades, showing that the military and the secret service were acting on behalf of national security. The Herzog case shows the other side of the Brazilian dictatorship. It not only contradicts the military government but also the way scholars saw the policy shift for democratization that President Geisel publicly advocated in 1974. Scholars now focus on the military government and secret service's intent to delay the transition in Brazil. As this thesis shows, Herzog's murder created a new movement in society that forced President Geisel to take severe measures within the government. It brought to light the secret service's attempts to delay or do away with the policy shift and sustain its autonomy. The murder forced Geisel to publicize the policy shift even more so, although he never delivered on this. Considering this, the Herzog case has not yet been appropriately presented in recent Brazilian historiography. However, the essential elements are available. In *História do Brasil*, Fausto explains Herzog's interrogation, torture and death during a repressive wave against the *Partido Comunista Brasileiro* (PCB- The Brazilian Communist Party). He argues that the case is the beginning of the struggle towards democratization. He constructs a narrative focused on the victims of the secret service.²⁰

In *História Indiscreta da Ditadura e da Abertura*, Ronaldo Costa Couto provides new insights into the Herzog case. Couto emphasizes the possibility of an anti-Semitic component in the persecution that added to Herzog's death. This hypothesis was considered by Alberto Dines and accepted by Rodolfo Konder during recent statements to the Museu da Pessoa.²¹ Another helpful way of understanding the Herzog case is through the military view. In *A Verdade Sufocada*, Carlos Alberto Brilhante Ustra does not recognize the secret service's responsibility

²⁰ Fausto, Boris. *História do Brasil*. (Editora Universidade de São Paulo, São Paulo. 2006)

²¹ Ronaldo Costa Couto, *História Indiscreta Da Ditadura e Da Abertura: Brasil: 1964-1985*. (Editora Record, 1998).

for Herzog's death.²² According to him, the death was a suicide to protect Herzog's relationship with the communist party. This view privileges the coup and the actions of the secret service. Ustra argues that the secret service used Herzog's death to develop policies and procedures to prevent suicides in the future.²³ He highlights that of the 2,381 arrested by the *DOI-CODI*²⁴, only 47 were killed, and the rest were released or sent to other departments within the secret service. Of those dead, two committed suicide: Vladimir Herzog in 1975; and the worker Manuel Fiel Filho in 1976.²⁵ This military narrative isolates cases like Herzog's as a sudden revival of a common social cause. Even more critical, it devalues the social movements that followed Herzog's death in 1975 and hide many violations of human rights during the regime. Major scholars such as Alfred Stepan, Thomas Skidmore, Ronaldo Costa Couto, and Jerry Dávila, contrary to Ustra's work, highlight Vladimir Herzog's death as a historic protest of civil society against the state. Herzog's murder marks a period of time when a new kind of opposition to military rule was born. This new opposition did not use guerrilla actions but used silent protest and civil disobedience in the streets. Society went to the streets, for the first time, to protest without violence the murder of a Brazilian citizen. This new approach defined the regime "as arbitrary and illegal, and defined the opposition as defenders of the rule of law."²⁶

²² Carlos Alberto Brilhante Ustra, *A verdade sufocada: A História que a esquerda não quer que o Brasil conheça.* (Ed.3. Brasília: Editora Ser, 2007), 435.

²³ Ustra, *A verdade sufocada*, 437.

²⁴ The *DOI-CODI* was inspired by the *Operação Bandeirante* (Oban) model, which brought together civilian and military forces, the agency centralized and organized all repression against the regime's opponents.

²⁵ Ustra, *A verdade sufocada*, 301.

²⁶ Dávila, *Dictatorship in South America*, 145.

The Brazilian Secret Service

Until recently, besides Carlos Fico, no one had explored archives of official documents on the performance of the Brazilian secret service. Carlos Fico's in *Como eles agiam: Os subterrâneos da Ditadura Militar espionagem e polícia política* explores for the first time national archives about the secret service.²⁷ The research expanded the knowledge about the role of espionage and dictatorial repression in Brazil without naming names. The research proves that the historiography of the military dictatorship makes its significant advances by using the archives of *Comissão da Verdade*.

In *Rethinking Military Politics*, Stepan argues that the Brazilian secret service was the most autonomous service among any other modern regimes in Latin America. The agency "achieved the highest level of statutory-based role expansion and non-personalistic institutionalization within the apparatus."²⁸ The military government increased the agency's autonomy for the security apparatus leaving dangerous internal legacies that could impede democratization. According to the author, the question is how far did the Brazilian secret service go in comparison to the other secret services in authoritarian regimes such as Argentina and Chile? If we are measuring the power of the agency using the statistics of disappearance in these regimes, one can argue that Argentina was the most heinous because the country ranked the highest number of disappearances. However, if we are ranking these agencies on which one

²⁷ Fico, *Como Eles Agiam*, 12.

²⁸ Stepan, *Rethinking Military Politics*, 16.

achieved the highest level of expansion and autonomy within the military government, Brazil is the one.²⁹

The Argentine secret service, for example, was not as unified as the Brazilian SNI. According to the director of the *Escuela de Defensa Nacional* (National Defense School) in Argentina during the regime, the intelligence system structure was divided between the executive branch and the Junta. This division impeded the power of its agency.³⁰ If we compare the SNI with the Chilean secret service, it is clear that the agency was the closest to the Brazilian model. Both were extremely powerful, but the Chilean was less institutionalized. Thus, its autonomy was kept within the government. Stepan argues that the intelligence system was “seen as the personal extension of the president than as a permanent part of the state apparatus.”³¹ Therefore, the consensus of the scholarly community is that the Brazilian SNI had far more power and autonomy than any other Latin American authoritarian regime.

In *A Ditadura Envergonhada*, Elio Gaspari contributes to the analyses by arguing that the intelligence community served as a conduit to justify everything during the dictatorship.³² Due to its structure, the Brazilian secret service was among the ten best supported information services globally. According to Gaspari, its political leverage was superior to that of the Central Intelligence Agency of the United States (CIA) and the Russian *Komitet Gosudarstvennoy Bezopasnosti* (KGB).³³ The secret service financed bankrupt newspapers and magazines that

²⁹ Stepan, *Rethinking Military Politics*, 14.

³⁰ Stepan, *Rethinking Military Politics*, 24.

³¹ Stepan, *Rethinking Military Politics*, 25.

³² Elio Gaspari, *A Ditadura Encurralada*. (Companhia Das Letras, 2004), 153.

³³ Fico, *Como Eles Agiam*, 26.

supported the dictatorship along with television and radio channels that were friendly to the regime. It also covered up atrocities perpetrated by so-called enemies of the state. Many individuals like Vladimir Herzog entered the doors of the offices of the intelligence agency and were never seen alive again.

Legacy of Ashes: The role of the Herzog case in understanding the Brazilian secret service

While scholars have examined the dictatorship in detail, the significance of the Herzog case in understanding the practices of the secret service demands further study. Most of the comprehensive examination of the Herzog case and its contribution to ending the military dictatorship is very broad. It is known that the murder led to society's mobilization regarding illegal actions within the military government. It is still obscure how the murder was perceived in various sectors of the government and how the secret service's autonomy had a crucial role in this case. Until today, Brazilian society sees the military dictatorship as this unified strong military government with no internal conflict. As this thesis shows, the Brazilian secret service had a unique structure in comparison to other intelligence agencies at that time. The Herzog case brought to light this high degree of power and bureaucratic autonomy. The murder showed the emergence of a state within the state due to the loss of control over the secret service.

In my recent interview with Ivo Herzog (Vladimir Herzog's oldest son), Herzog emphasizes the need to look back on the case as most information about his father's murder is still missing, such as the connection to the communist party and the nomination by a member of

the government to be the head of *TV Cultura*.³⁴ The *Comissão da Verdade* documents raised some questions: Interrogations were usually secret, discreet and clandestine; why was this one different? Did the authorities not desire secrecy, to spread terror? If Herzog was a dangerous threat to the regime, why give him the option to voluntarily come in for interrogation the day after? Since he showed up one day later, why did he die? Was it an accident or a calculated plan? Did the government know about the secret service's actions? What was the relationship between the secret service and the government at this particular time? And most importantly, what was the role of the secret service within the government based on this case? These questions together with my search in the *Comissão da Verdade* archives led me to argue that the secret service's efforts to remain both autonomous and independent produced extra repression and terror, as evidenced in the Herzog case. The case marked the high point of the autonomy of the agency, which found its role curtailed after Herzog's death. As shown in chapter 2, the sources reveal contradictions between President Ernesto Geisel and the secret service's violations of human rights toward journalists, students, politicians and their families. With the help of both quantitative and qualitative analyses, I argue that the Herzog case is pivotal in understanding the agency's efforts to remain both autonomous and independent.

My argument is based on the *Comissão da Verdade* reports of how the secret service substantially grew in 1974, advancing towards a second coup within the coup. Herzog's murder represented the watershed moment between the secret service's zeal to remain in power and Brazil's new policy shift. With Herzog's murder, society had found a common social cause to contest the dictatorship and discredit the secret service from its version of the death. The main

³⁴ *TV Cultura* is a free Brazilian television network headquartered in São Paulo.

argument of this study also leads to new explanations regarding the current situation of the Brazilian intelligence community.

The Herzog case shows the atrocities committed in the name of a distorted idea of basic human rights and national security. This thesis is essential because it uses documental sources recently released to examine an obscure Brazilian history period. This murder shows the tensions between different powerful forces within the dictatorship. The documents of the time of the dictatorship only effectively began to surface in 2012, with the creation of the *Comissão Nacional da Verdade*, which evaluated the political events in Brazilian society from 1946 to 1988. This is different from the historical developments of Latin American countries that underwent dictatorships, such as Chile, Argentina, and Uruguay. These countries have recognized the crimes committed. While in Brazil, the Amnesty Law, created in 1979, provided amnesty for all those who committed crimes in the previous period.³⁵ The 1979 Amnesty Law promoted the pardon of those crimes defined as political and intended to forgive crimes of torture.

The history and historiography of the Brazilian military dictatorship, in addition to the Herzog case, can serve as a test case for a range of questions regarding Brazilian history, democracy, human rights violations, and basic civil rights. Traditionally, the history of the Brazilian dictatorship contextualizes it within the parameters of the government. However, there is more to the story than just the fight against the enemies of the state. By framing this study within a specific case and engaging a deeper level of social history, this thesis yields a new set of

³⁵ Maia Maia and Thales Lelo, “A Morte De Vladimir Herzog: Narrativas Do Trauma Na Memória Coletiva.” *Estudos Em Jornalismo e Mídia*, (2014).

arguments about Herzog's murder and the secret service's efforts to remain both autonomous and independent.

Methodology and Source Material

To analyze the Herzog case and the role of the secret service in this context, I use the extensive digital archives of the *Comissão Nacional da Verdade* and the *Instituto Vladimir Herzog*. These online archives include many documents and confidential correspondence from the secret service investigating the Herzog case. This is crucial for understanding the central topic of this thesis. The online archives also include articles, photographs, and posters. These articles and photographs make one wonder if historians have thoroughly analyzed the role Herzog's murder played within the military government. What was the role of Herzog in denouncing censorship and human rights violations? How did this specific case impact the power struggle between the different levels of government? Such a line of inquiry guides my thesis.

The archives of the *Comissão Nacional da Verdade* reveal the secret service's view on the case and its role within the government. The documents also reported the repercussion of Herzog's murder in society. The archives have a series of reports and letters from the Brazilian secret service analyzing journalists' discourse against the state. In the archives of *Instituto Vladimir Herzog*, I found a wide variety of personal files about the journalist. The single case speaks to the discourse between the secret service, government and society. Such documents support a rich discussion of changing views on the Herzog case and collective eyewitnesses accounts.

This research study also uses a critical interview. Through the interview, I tried to understand the experience an eyewitness close to Herzog had, to build a theory based on the

interpretation of his shared experience and recollection. The participant, Ivo Herzog (Vladimir Herzog's son) was contacted via email and asked to participate in an unstructured interview. This in-depth interview is a conversation held to gather data about my research study. The interview with Ivo Herzog was conducted on the 18th of June 2021. The interview began with open-ended questions about the participant's memories of his father, Vladimir Herzog. More intensive questions followed, with the intent to gather data with more depth on Herzog's life before his murder. The interview concluded with more open-ended questions, framed to invite more depth regarding the secret service's intention in Herzog's interrogation and murder. The interview was conducted and recorded using the application Zoom. The participant's interview took place in a single interview session that lasted 1 hour and 32 minutes. The interviewee was also asked if there were anything he would like to add upon reflection. This personal experience helped me understand the Herzog case in the context of sources that I accessed; censorship, military oppression, the tortures carried out by the Intelligence Service, and the eventual disappearance of military rule in Brazil.

Outline of Subsequent Chapters

My thesis consists of four sections: an introduction, two chapters, and an epilogue. The first chapter includes an analysis of the historiography. Here the objective is to analyze the Brazilian secret service's role within the government during the military dictatorship. It is divided into three sections: the first addresses the creation of the secret service in Brazil. The second focuses on military dictatorships on the Southern Cone, the 1964 Brazilian military coup, and the evolution of the secret service. The third section focuses on the role of the secret service during President Geisel's administration, showing a period that the agency produced extra

repression with an analysis of the Herzog murder. Works such as *A Multidão Silenciosa: Vladimir Herzog, Assassinado* by David Reichhardt, *Dictatorship in South America* by Jerry Dávila, and *The Politics of Military Rule in Brazil 1964–1985* by Thomas Skidmore appear in this final section of Chapter 1. This section attests to the historiography broadly.

Chapter 2 presents the evidence for my own argument. This chapter shows the role of the Brazilian secret service within the military government using the Herzog case. I argue that the agency had a high degree of power and autonomy within the government. This chapter relies on documents from the archives of *Comissão da Verdade* from the secret service, newspapers publications and an in-depth interview with Vladimir Herzog's son, Ivo Herzog. Thus, helping to understand the role of the secret service as compared to the military government, and the publicity that the Herzog case brought to the agency.

The epilogue is a response to why did the Herzog case matter in Brazil's process towards democratization that even though Geisel's administration did not deliver on this promise, it did plant the seeds that would begin the process years later. In addition, this section discusses how the case affected the restructuring of the secret service. The epilogue is divided into two sections: first, it explores the impact of Herzog's death on the military dictatorship and the broader significance of such cases forcing the Geisel administration to shift policy from a hardline stance and publicly advocate for democratization. The second section focuses on the creation of a restructured secret service, highlighting its role in society and its new mission within the government.

CHAPTER 1

The Brazilian Secret Service

This chapter's objective is to analyze the Brazilian secret service's role within the government during the military dictatorship. The study of the policies and practices carried out within the secret service is essential to the understanding of the role of the intelligence community during the military dictatorship and today in Brazil. The intention is to understand the reasons that led the secret service to enter the fight against subversion and to gain a high degree of autonomy within the government, as evidenced in the Herzog case. The chapter is divided into three sections: the first addresses the origins of the secret service in Brazil. The second focuses on military dictatorships in the Southern Cone³⁶, the 1964 Brazilian military coup, and the changes within the secret service. The third section focuses on the role of the secret service during President Geisel's administration. Showing a period that the agency produced extra repression with an analysis of the murder of Herzog. I argue that, given the level of autonomy of the secret service associated with the military government, the agency attained a significant level of power from the state and placed its own selfish interest and survival needs ahead of those of the regime.

How to understand basic political issues without recognizing the place of secret actions and espionage in wars, disputes, and strategies between state powers? How can we understand our present history, including problems of everyday life and institutions, without analyzing how intelligence agencies and secret actions, torture, and denunciations were historically constituted? How to analyze contemporary geopolitics disregarding espionage, intelligence agencies,

³⁶ The Southern Cone is a geographical and cultural subregion composed of the southernmost areas of South America, mostly south of the Tropic of Capricorn.

surveillance services, and clandestine operations? The urge to answer these questions has inspired me to write this thesis.

The Origins

Intelligence agencies are specialized organizations that collect and analyze information on issues and targets significant to foreign policy and national security.³⁷ These agencies are bodies of the Executive Branch that work primarily for the state and, depending on each constitutional order, for other authorities in the public administration and Parliament. They are organizations that carry out offensive and defensive activities on the information.³⁸ In light of this, it can be said that these intelligence organizations form, together with the Armed Forces, the powerful nucleus of the state. Intelligence agencies are not passive instruments of governments. First of all, their performance directly impacts institutions and the political process in many ways because these organizations have their own interests and opinions about their mission. While the topic of the intervention of intelligence and security services in more general political life is of great interest, treating intelligence services as independent variables that influence political institutions tends to be a frustrating effort when still so little is known about the origin and the development of these services.

The history of the Brazilian secret service's formation has its own unique characteristics and is linked according to the domestic and foreign policy of the successive governments that

³⁷ Suzeley Mathias, *Distensão No Brasil: o Projeto Militar 1973-1979*. (Papirus, 1995).

³⁸ Priscila Brandão, *Sni e Abin: Uma Leitura Dos Serviços Secretos Brasileiros Ao Longo Do Século XX*. (Editora Fundação Getúlio Vargas, 2001), 102.

settled in the country.³⁹ To better understand the Brazilian case, it is necessary to observe the general bases that influenced the country's decisions for the formation of its agency. The excuses for potential war and diplomacy were two of the main reasons for the creation of the secret service. Marcos Cepik argues that these new intelligence organizations considered not only their primary function to provide information but also the secondary functions associated with using that information for power domination and maximization in different periods and national contexts.⁴⁰

The history of the secret service also involves the role of military interests in the internal and external security of the country. In this way, the influence of military forces in the state apparatus differs from one country to another, according to the historical moment experienced. The intelligence community stands out among others for being an apparatus that exercises a unique power because of its relationship with the government and investigation of society and other foreign countries is restricted to a small group of rulers and military officers. Therefore, it becomes mysterious for positioning itself as an instance of parallel power. According to Oliveira, in the case of military dictatorships, the secret service plays a role in political repression similar to that of the "political police", but with prerogatives of power and social control that are outside the control of society because they were at the service of a narrow political elite.⁴¹

³⁹ Fico, *A Ditadura Documentada*, 56.

⁴⁰ Marco Cepik, "Sistemas Nacionais De Inteligência: Origens, Lógica De Expansão e Configuração Atual." *Universidade Federal do Rio Grande do Sul*, v. 46, n.1, (2003).

⁴¹ Cepik, *Regime Político*, 67-113.

The Brazilian Case

For many, the history of the secret service in Brazil has its origins in the creation of the *Sistema Nacional de Informações* (SNI), in 1964. It is challenging to eliminate this misconception, since the archive collections have always been difficult to access and, for the most part, limited to the lifetime of the SNI. The formal use of intelligence information in Brazil, as an agency to support the strategic actions of the Executive Branch, began in 1927, in the government of President Washington Luís Pereira de Souza. During this period, Brazil was marked by demonstrations by young soldiers who wanted changes in the country's political structure, and they were known as *tenentistas* (lieutenants). Allied to this agency was the emergence of *Movimento dos Operários* (workers' movement). This movement created the Communist Party of Brazil, in 1922. It had strong ideological links with the communist revolution of the Bolsheviks which started in Russia in 1917.⁴² These factors favored the decision of the Brazilian government to create the National Defense Council. According to the Decree No. 17,999 of article 8, "All documents will be under the custody and responsibility of the General Staff of the Army, which will classify them".⁴³ This shows an aspect of confidentiality and secrecy of the issues dealt with. It serves as an important official reference on safeguarding confidential matters.

The 1930s and 1940s, was known as the period of President Getúlio Vargas. It was a time that was marked by internal institutional crises and turmoil in the world political scenario.

⁴² A member of the majority faction of the Russian Social Democratic Party, which was renamed the Communist Party after seizing power in the October Revolution of 1917.

⁴³ Portuguese version, "Todos os papéis ficarão sob a guarda e responsabilidade do Estado Maior do Exército, que os classificará" Artigo 8 Decreto n. 17.999.

Totalitarian ideologies, such as national socialism, Italian fascism, and communism by the Union of Soviet Socialist Republics (USSR) were disseminated. These ideologies were decisive for the outbreak of World War II (1939-45). At the end of World War II, the Brazilian government underwent profound changes, resulting in a broad restructuring of the National Security policy.⁴⁴

According to a document written by Coronel Ary Pires in 1946, “These experiences had shown that the Intelligence community had not met the needs of preparation for the possibility of war or conflict. The state did not have a sector permanently focused on the military plan for war. All the work of preparing the military mobilization lacked organization. The National Security had no defined designations. As a result, it was decided to restructure the National Security organization”.⁴⁵ Two characteristics of this new implementation are noteworthy: a) the agency was formally responsible for organizing propaganda concerning the foreign political plan; b) and organizing the defense of the economic system itself, coordinating measures for counter-espionage and counter-propaganda in the interests of the economic plan.

This historic moment marked the period when the Brazilian secret service began to have its own body, with exclusive competencies and hierarchical linkage properly defined at the highest level of the Executive Branch.⁴⁶ Thus, the objective was to fully do away with any chances of eliminating intelligence activity in the country. Given these changes, a new cycle of intelligence activity began, as the secret service was a body in itself with a specific purpose to be carried out, meeting the needs defined by superior strategic planning.

⁴⁴ Reis, *Ditadura, anistia e reconciliação*, 39.

⁴⁵ Leis n. 9.775 e n. 9.775. Escrito por Coronel Ary Pires (ex-funcionário da Secretaria-Geral do Conselho de Segurança Nacional).

⁴⁶ Mathias, *Distensão no Brasil*, 59.

The military in power in Latin America

To better understand the 1974 coup and the Brazilian dictatorship, let's first look at some aspects of Latin American history, thus highlighting points that help to understand the context in which the military came to power. In *Modernization and Bureaucratic-Authoritarianism*, Guillermo O'Donnell explains the relationship between social change and politics in Latin America. He argues that social and economic modernization in the context of delayed development is more likely to lead authoritarianism than democracy.⁴⁷ His argument is based on military dictatorships in South America because these regimes were different from oligarchical and populist forms of authoritarian rule found in less modernized countries. O'Donnell analyzes political, social and economic patterns that result in authoritarian regimes and how these patterns change once the regime has been imposed. This section uses the O'Donnell theory to understand the reasons that led to a military dictatorship in Brazil and the evolution of the regime throughout time.

In the 1940s, after World War II, several Latin American countries began to be governed by authoritarian regimes constituted by coups, almost always with the support of the United States. After Fidel Castro's rise to power in Cuba, and after he steered the island towards communism, which also led to the failed Bay of Pigs Invasion and the Cuban Missile Crisis, the U.S. was not about to let another Latin American country fall to communism. The United States had suffered a major setback and they had been embarrassed on the world stage by the Cuban situation. The U.S. government believed that Latin American countries should focus their energy and resources towards counterinsurgency and civic action in order to combat "communist-

⁴⁷ Karen Remmer and Gilbert Merkx, "Bureaucratic-Authoritarianism Revisited." *Latin American Research Review* v. 17, n. 2, (1982): 4.

inspired” internal warfare.⁴⁸ Thereby creating the policy which the U.S. would help any regime, including dictatorships, rise to power and maintain power as long as they were against communism.⁴⁹ Thus, the U.S. began to provide training and equipment to Latin American countries seeking to overthrow any government that sympathized with communism.⁵⁰ Beginning with Brazil in 1964, continuing with Chile in 1973, and concluding with Argentina in 1976, these South American countries experienced long dictatorships that put an end to their governments and programs of structural reform.⁵¹ Each military intervention reflected the country’s circumstances. For example, in Brazil, the military overthrew President Goulart's leftist populist government. In Chile, the Pinochet coup ended Allende's democratic goal towards socialism. While in Argentina, the military Junta ended the leftist Peronist experiment. In light of this, one may question what do these three military dictatorships have in common? The dictatorships of Argentina, Brazil, and Chile not only occurred during a close period in time, but that they also experienced high levels of violence. Their military takeovers were a consequence of the radical generation that was inspired by events such as the Cuban Revolution and by revolutionary figures such as Castro and Che Guevara. The militaries sought to exterminate these radicals and control the government in order to bring order and stability to their countries.

The features and characteristic violations of the Chilean, Brazilian and Argentine dictatorships are similar. However, it is crucial to highlight the aspects that differentiate the

⁴⁸ Alfred Stepan, *The Military in Politics: Changing Patterns in Brazil*. (Princeton University, 1971), 126.

⁴⁹ John Maitz, "Doctrine and Dilemmas of the Latin America 'New Left' " *World Politics*, v. XXII, n. 2, (1970): 171-196.

⁵⁰ Dávila, *Dictatorship in South America*, 14.

⁵¹ Peter Winn, “Dictatorships and the Worlds of Work in the Southern Cone: Argentina, Brazil, and Chile.” *International Labor and Working-Class History* (2018): 93.

Brazilian dictatorship from others in the region. It lasted the longest. It was the most successful economically and was less repressive than its counterparts.⁵² The official number of victims of persecution in the Brazilian case was lower than in the other dictatorships. This is explained by the role the judiciary played in this period. In *(In) Justice*, Anthony Pereira argues that Brazilian courts generally collaborated with the country's national security laws, convicting people prosecuted by the dictatorship. This was different in the Chilean and Argentinean cases since these regimes were more likely to kill rather than prosecute. Therefore, the practice of each military dictatorship can be explained by examining the long-term relationship between the judiciary and the military. Brazil was marked by a high degree of judicial-military integration and cooperation; while Chile and Argentina essentially denied its judicial authority.⁵³

The political scientist Guillermo O'Donnell argues that these military dictatorships took over because of the tension between economics and politics. The dominant class continued to marginalize popular classes and hold on to their international capital. Based on this tension, João Goulart in Brazil and Juan Perón in Argentina, were moving policies toward incentives for worker rights and the nationalization of industries. Businessmen began to pull their money out of the market, generating what O'Donnell has called the "plunder economy".⁵⁴ The military coups were aimed to give autonomy to technocrats and restore order. O'Donnell argues that "this stability was an illusion" as it was solely based on powerful interest groups.⁵⁵

⁵² Carlos Arturi and Júlio Rodriguez, "Democratization and Intelligence and Internal Security Agencies: A Comparative Analysis of the Cases of Brazil and Portugal (1974-2014)." *Brazilian Political Science Review*, v.13, n.2, (2019).

⁵³ Anthony Pereira, *Political (In) Justice*. (University of Pittsburgh Press, 2005).

⁵⁴ David Lehmann, *Democracy and Development in Latin America*. (Temple University Press Philadelphia, 1990), 39.

⁵⁵ Dávila, *Dictatorship in South America*, 7.

The 1964 coup in Brazil

In light of this, João Goulart's election in 1961 brought great fear to the conservative sectors of Brazilian politics as he was accused of being the political heir of populism. Populism is a phenomenon that has been present in countries since the 1930s. Most analysts define it as the existence of charismatic leadership. It is a direct relationship between leadership and the people.⁵⁶ Dornbusch and Edwards consider the most important characteristic of populist government to be "policymakers that explicitly reject the conservative paradigm and ignore the existence of any type of constraints on macroeconomic policy".⁵⁷ During Goulart's presidency, Brazil faced serious economic and political crisis. The fear that the president would take a left turn and transform the country into a communist regime, made the coup possible in 1964. Juan Linz, when studying authoritarian regimes, states that these sectors "agreed that the demands of the popular sectors were excessive both in terms of participation in power and in terms of consumption and that capital accumulation would be impossible if it were not controlled".⁵⁸ The military coup's main objective was to contain the subversion and disorder. The military intervention, in partnership with the bourgeoisie, aimed to increase industrial productivity. It would seek to modernize the country and compete with foreign industries. According to Dávila, the generals coming to power favored infrastructure projects to integrate Brazil. They were pro-American but wanted the country to be less dependent on the United States. These generals

⁵⁶ Sérgio Monteiro and Pedro Fonseca. "Credibility and Populism: The Economic Policy of the Goulart Administrations in Brazil." *Estudos Econômicos*, Universidade de São Paulo FEA-USP, (2012).

⁵⁷ Rudige Dornbusch, "The macroeconomics of populism in Latin America." *Journal of Development Economics*, (1990): 9.

⁵⁸ Francisco Carlos Palomanes Martinho, *Democracia e ditadura no Brasil*. (Rio de Janeiro: EDUERJ, 2006), 114.

understood populism as “demagoguery, so they favored the appearance of apolitical leadership and administration by technocrats”.⁵⁹ In light of this, they supported the free marketplace to continue the development of Brazil as a nation and as integral to national security.

Mendes argues that the military was not a monolithic group with a single way of understanding the country. The military's main objective revolved around the modernization of the war industry. Alain Rouquié explains that these theories of war, by enlarging the spectrum of threats and locating them within the nation itself, “gave a corporate basis for the army's intervention in politics”.⁶⁰ This was a way to justify a lasting presence in command of the state. In this sense, there were two groups within the Brazilian military government. The first presented characteristics of development and less dependence on foreign countries, known as *linha dura* (hard-liner). The second group also aimed at development but with a greater presence of foreign capital. They were called *moderados* (moderates), or the Sorbonne group. However, the Brazilian military dictatorship was not just simply divided between these two groups that were opposed to each other. One should question the apparent dichotomy between *linha dura* and *moderado*. Adriano Codato states that “the Brazilian military dictatorship was marked by cycles of repression (intensification of authoritarianism) and cycles of liberalization (easing of restrictions on civil rights).⁶¹ Here, Codato demonstrates that the military dictatorship was marked by periods of liberalization and radicalization and that these did not necessarily follow

⁵⁹ Dávila, *Dictatorship in South America*, 22.

⁶⁰ Alain Rouquié, *The Military and the State in Latin America*. (University of California Press, 1987), 346.

⁶¹ Adriano Nervo Codato, “O golpe de 64, e o regime de 1968: aspectos conjunturais e variáveis históricas.” *História: Questões & Debates*, Curitiba, n. 40. Editora UFPR: (2004): 14.

governments that were historically called *linha-duras* or *moderados*. Rather, such changes are related to factors in the political spectrum and how governments had to respond to these changes.

João Roberto Martins Filho also criticizes a simple dualist version of *linha dura* and *moderados* to define groups within the military government. According to him, there was a third military group identified with the Minister of the Interior, Afonso de Albuquerque Lima, called *albuquerqueistas*. This group had a more elaborated discourse of nationalism than the *linha dura*. Martins Filho also highlights the group of *palacianos*, who held command positions within the government and the military hierarchy.⁶² Colonel Mario Andreazza, Minister of Transport, and General Garrastazu Médici were part of this group. Therefore, the simple discussion of a duality between *linha dura* and *moderado*, hides that many of the latter, also participated in moments of greater radicalization, supporting the measures taken in the fight against communism, as this paper shows in chapter 2 with the case of President Geisel. It also hides that presidents identified by historiography as “tough”, such as Presidents Costa e Silva and Médici, ended up having to confront the army itself, which increasingly demanded repressive measures.

The idea of protecting the country from communism united these different military groups and made it possible to increase the autonomy of the secret service. The ideology of anti-communism in the National Security Doctrine was the uniting factor and single most important of these groups, as well as the motivator of repressive actions. The principles of the National Security Doctrine were formulated within the Superior School of War.⁶³ This doctrine, which

⁶² João Roberto Martins Filho, *O palácio e a caserna: a dinâmica militar das crises políticas na ditadura (1964-1969)*. (São Carlos: EDUFSCar, 1995), 115-121.

⁶³ The Superior War College (ESG), created in August 1949 by Law 785/49, is the Institute for Advanced Studies in Politics, Defense, and Strategy, an integral part of the Brazilian Ministry of Defense. The School is designed to develop and consolidate the knowledge required for planning National Defense, including the fundamental aspects of Security and Development.

became law in 1968, with the publication of decree-law no. 314/68, had as its main objective to identify and eliminate "internal enemies", that is, all those who questioned and criticized the military dictatorship. Therefore, the military and civilian sectors that supported the military coup had an ideology of defending the nation and promoting a specific type of citizen. The secret service, a product of this national security ideology, was not just a repressive apparatus, but a national security strategy.⁶⁴ In the military discourse, the secret service was crucial for the internal defense, which targeted all enemies of the state. From this period, the secret service began to increase its autonomy, and change the structure of the country's system, which had its apex with the Internal Operations Detachment (*DOI*) and the Internal Defense Operations Center (*CODI*)

DOI-CODI: The torture machine

The Brazilian secret service system had the SNI as its centralizing agency. Thus, the SNI was responsible for centralizing the collection and processing all the information of different departments and offices throughout the nation. All services and agencies gravitated around the central agency. Within the SNI, there were sectors that were represented by the *DOI-CODI*. The state of São Paulo was the epicenter of the struggle between the forces of repression and the revolutionary organizations. Since its creation, the *DOI-CODI* was identified by the terror carried out through arrests, interrogations, torture and killings.⁶⁵

⁶⁴ Ana Lagôa, *SNI: Como nasceu, como funciona*. (Rio de Janeiro: Brasiliense, 1983), 11.

⁶⁵ Aloysio de Carvalho, *Inteligência e Segurança Nacional No Brasil Pós-1964: A Comunidade De Informações*. (Appris, 2021).

The *DOI-CODI* was inspired by the *Operação Bandeirante* (Oban) model⁶⁶, which brought together civilian and military forces. In order to monitor and persecute the opposition to the government, several offices were created throughout some of the largest cities in Brazil during the military dictatorship. The single most powerful *DOI-CODI* happened to be based in São Paulo where Herzog was killed. With different objectives and *modus operandi*, *DOI*'s were responsible for the search and interrogation of suspects, while the *CODI*'s were the planning bodies, responsible for analyzing information and coordinating the combat against armed leftist groups.⁶⁷ The *DOI-CODI* was a regional system considered necessary to increase internal security. They were a powerful resource against subversion, and as Fico analyzed: "Thus, it is not surprising that this 'national product' was exported to other countries, as it happened in Chile and Uruguay, a cause of great Brazilian pride".⁶⁸

Serviço Nacional de Informações (SNI) - National Intelligence Service

In *Espionagem e Democracia*, Marco Cepik states that intelligence services are government agencies responsible for collecting, analyzing, and disseminating information considered relevant to the decision-making process and the implementation of public policies in the areas of foreign policy, national defense, and the provision of public order. These

⁶⁶ Created in 1969, Oban was the centralizing organ of the various military and police forces, with the purpose of identifying, locating, and capturing members of subversive groups that were active in São Paulo, in order to destroy or at least neutralize the organizations to which they belonged.

⁶⁷ Marcelo Godoy, *A Casa da Vovó: Uma Biografia do DOI-CODI (1969-1991), o Centro De Sequestro, Tortura e Morte da Ditadura Militar*. (São Paulo, Alameda, 2014), 75.

⁶⁸ Fico, *Como Eles Agiam*, 135.

government agencies are also known as secret services or information services.⁶⁹ According to Alves, with the military coup, one of the first institutionalization measures of the new government was the creation of the SNI.⁷⁰ It was formally created by Decree-Law No. 4,341, of June 13, 1964, as an advisory body to the Executive, responsible to the National Security Council and the President of Brazil. The secret service had as its first leader its creator, President Golbery do Couto e Silva, who called it a monster seventeen years later. This thesis argues that this creation was the need to have a specific organization that favors the establishment of ideal conditions for the military government to implement its policies effectively and comprehensively. Alves explains that in practice, the SNI became a political power, almost as powerful as that of the Executive branch itself.⁷¹ I use Alves' argument as the beginning in elaborating my main argument. The Brazilian secret service assumes the crucial role of identifying and confronting those who are opposed to the interest of the state.

The center of the intelligence system was the SNI. An agency that functioned in two ways: as a guideline-formulating body for strategy-making within the presidency of the Republic, and as the main hub of an intelligence network operating within society and at all levels of public administration. The structure of the SNI was branched out throughout different regions of the country such as the Security and Information Divisions (DSI), installed in each ministry, and the Security and Information Advisors (ASI), created in each public agency. The repression and terror machine began to take shape in 1967, with the creation of the Army Information Center (CIE) within the intelligence system. The CIE acted simultaneously in

⁶⁹ Cepik, *Espionagem e Democracia*, 13.

⁷⁰ Daniel Reis, *Ditadura Militar, Esquerdas e Sociedade*. (Jorge Zahar Editor, 2000), 49.

⁷¹ Martinho, *Democracia e ditadura*, 114.

intelligence gathering and direct repression.⁷² The creation of these offices expanded the SNI network and strengthened the military government's intelligence systems.⁷³ Here is the beginning of the distinction in the *modus operandi* of the intelligence sector, which started to act in parallel to the structure of the armed forces. According to Mathias and Andrade, part of the explanation for the lack of knowledge about certain events can be found in this parallel structure.⁷⁴

It is necessary to understand it in-depth, as the period's history still hides the actual dimension of their level of autonomy. Lucio Oliveira, in *A História das Atividades de Inteligência no Brasil*, also criticizes the performance of the secret service during the military dictatorship. The scholar argues that the security apparatus needed to be based on the intelligence service's assessment to define the security measures to be taken, as it is this service that assesses existing threats.⁷⁵ In Brazil, the activity of the secret service was confused with national security itself. In 1967, the Brazilian secret service joined the armed forces to defend against national security threats. In Brazil, the concealment, secrecy and the lack of transparency established by the secret service made it possible for several crimes in the name of national security to be carried out and go unpunished. The human rights violations and this impunity are responsible for the stigmatization of the secret service in the country. When we look at the abundant documentation and thousands of reports of torture, terror, and violence during the military dictatorship, some questions still remain open: Why did terror take the forms it did? How was it

⁷² Samantha Viz Quadrat *Poder e informação: o sistema de inteligência e o regime militar no Brasil*. (Rio de Janeiro: UFRJ/PPGHIS, 2000).

⁷³ Suzeley Mathias and Fabiana Andrade, "O Serviço De Informações e a Cultura Do Segredo." *Pós-Graduação em História, Faculdade de Filosofia e Ciências Humanas*, Universidade Federal de Minas Gerais, (2012), 544.

⁷⁴ Mathias and Andrade, *O Serviço De Informações*, 551.

⁷⁵ Lucio Oliveira, "A História da Atividade de Inteligência No Brasil." *Agencia Brasileira de Inteligência*, (1999): 113.

possible to create the machinery to implement it? How far did the secret service dominance go in Brazil?⁷⁶

According to Stepan, from 1968 until 1972, the country went through a period of urban, and rural resistance, and the hard-liners within the military government became much stronger. On December 13, 1968, the hard-liners decreed the Fifth Institutional Act⁷⁷ (censored the press and took away the political rights of imprisoned key leaders of society). “This was the beginning of the period with the most extensive torture and the most intense centralized repression by the security forces.”⁷⁸ With the hardening of the dictatorship in 1968, there was a significant transformation within the secret service. According to Fico, part of the government already believed that the secret service was an “autonomous force”. Thus, the secret service began to act on its own, without further consideration for legal norms, asserting its ideals by force.⁷⁹ Based on Fico’s analysis, one can argue that starting from 1968, the secret service became a highly powerful organization, counting on a high level of resources for the performance of its missions. From conceptions based on the National Security Doctrine, ideas such as “revolutionary war” and “internal enemy” were incorporated by the secret service. Many Brazilians were seen as enemies of the state for standing against the dictatorship. According to this doctrine, because the country is in a state of internal conflict, all means should be used against the enemy, with little to no regard to the rule of law. Thus, there was an urgent need to collect information from the

⁷⁶ Stepan, *Rethinking Military Politics*. 14.

⁷⁷ AI-5 was issued by President da Costa e Silva. It resulted in the forfeiture of mandates, interventions ordered by the President in municipalities and states, and also the suspension of any constitutional guarantees which eventually resulted in the institutionalization of the torture commonly used as a tool by the State.

⁷⁸ Stepan, *Rethinking Military Politics*, 16

⁷⁹ Fico, *Como Eles Agiam*, 93.

accused, which justified to the secret service their use of unlawful practices.⁸⁰ This period marks a secret service that monopolized more functions than any other major polity in the world.⁸¹ The SNI was one of the top domestic and international intelligence agencies in the world. The intelligence agency went much further in Brazil than in the Chilean and Argentinean dictatorships. In these dictatorships, the secret service was only operational and was controlled by units of the armed forces.⁸²

In *Rethinking Military Politics*, Stepan argues that from 1973 to 1975, the Brazilian secret service became clandestine and illegal due to the loss of control and oversight of the security apparatus by the government. New documents related to this are just beginning to appear in the archives. Stepan uses the example of the period between 1968 to 1970, when the guerrillas were responsible for forty-nine deaths, the government for sixty, and seven guerrillas "disappeared" after being captured.⁸³ According to the author, in 1974-1975, in the years when the guerrillas had been defeated militarily and the new policy shift had begun, the trial to "disappearance" ratio, instead of improving from the 30 to 1 ratio of 1968-1970, deteriorated dramatically. There were twenty-one legal proceedings, but twenty-five disappearances."⁸⁴ During this period, President Geisel took office publicly advocating for democratization. It is important to know that this process never actually happened during his administration. The increasing disappearances clearly showed that a significant degree of autonomy existed in the

⁸⁰ Fico, *Como Eles Agiam*, 76.

⁸¹ Stepan, *Rethinking Military Politics*, 18.

⁸² Stepan, *Rethinking Military Politics*, 23.

⁸³ Arquidiocese de São Paulo, *Brasil: Nunca Mais*.

⁸⁴ Stepan, *Rethinking Military Politics*, 28.

secret service. It was evident that the agency continued fighting the new policy shift. The growth of strength of the SNI during this period was a clear sign that the agency was trying to sabotage the new policy shift.

Therefore, in 1974, the secret service took off and began to gain extraordinary power. The intelligence community was focused on newspapers, radio and TV stations because in their view, the media was dominated by communists and subversives. Journalists, actors and writers were accused of being communist sympathizers.⁸⁵ According to this view, communism permeated society, requiring urgent measures to combat it. Many became potential suspects based on certain behaviors or attitudes. Here a period begins not only of repression, but also of higher levels of spying on individuals and organizations in the name of national security and the good of the country. According to the report produced by the project *Brasil: Nunca Mais*, between 1964 and 1979, more than 17,000 people were accused; 7,367 formally charged; 3,613 arrested, 1,843 tortured and around 400 killed or disappeared.⁸⁶

According to Stepan, “Geisel agreed that Brazil still had subversives, but they knew the security forces were a hotbed of opposition to liberalization and believed that some were overestimating the subversive threat to further their political aims.”⁸⁷ Geisel’s “slow and gradual” policy shift was an attempt to not “disturb” the monster in the “foundations” of the dictatorship so that the government would not be left disarmed vis a vis the subversives.⁸⁸ Geisel’s goals to control the subversives and maintain the secret service’s support help to build

⁸⁵ Maria Helena Moreira Alves, *Estado e oposição no Brasil (1964-1984)*. (Petrópolis: Vozes, 1989), 72-73.

⁸⁶ Arquidiocese de São Paulo, *Brasil: Nunca Mais*.

⁸⁷ Stepan, *Rethinking Military Politics*, 163.

⁸⁸ Gaspari, *A Ditadura Encurralada*, 49.

this thesis' main argument. The policy generated an immense reaction in the secret service because the agency associated the policy itself as a communist threat. Opposite to what Gaspari argued in his book, during Geisel's government, the SNI did not begin losing its power but gained more strength and changed dramatically. If until 1974, censorship had a rigid control of the press; during Geisel's administration, the secret service began to see any news that was negative towards the regime as having a communist context. In chapter 2, this paper will analyze the relationship between the secret service and the media in more detail.

Brazilian society believed that there would be a decrease in secret service activities with the end of the armed opposition in the country. However, in the period of greater liberalization of the military dictatorship, the secret service gained even more power and autonomy. The intelligence community felt extremely threatened with the new shift policy imposed in 1974. Both from the perspective of not being able to act freely anymore and from the perspective of the sanctions that they could suffer after the end of the dictatorship.

As resistance to losing power, they first tried to convince the authorities that social conflicts still threatened the internal security of the country and the national development. Not achieving this objective, they resorted to violent resistance and terror which resulted in a series of atrocities such as the deaths of journalist Vladimir Herzog and worker Manoel Fiel Filho and the bombings on the *OAB*, *ABI*, and *Riocentro*.⁸⁹ The fallout from the Herzog case forced the Geisel administration to take severe measures in response to society's anti-government

⁸⁹ Brandão, *Sni e Abin*, 104.

demonstration. Commander of the Second Army, General Ednardo Dávila Melo, was responsible for these deaths, and as a result he lost command.⁹⁰

The fact that the policy's implementation was delayed by these events in 1974, has led several scholars to claim that the process of the policy shift escaped the full control of the military government. For the Geisel government, the limits of the transition were dictated by the secret service, which had no decision-making power, but undoubtedly had veto power by the way it continued to operate. There were also conflicts within the government itself, which had a very heterogeneous ideological composition.

This period was responsible for the repulsion of part of Brazilian society to the intelligence community, demanding a reform of the agency. The Archdiocese of São Paulo argues that the secret service became the state agency responsible for investigating, interrogating and executing the sentences. According to him, its functions tended to overflow and carry out torture in its regional offices, which was carried out by the *DOI-CODI*'s.⁹¹ No executive, legislative, judicial or Armed Forces sectors could interfere in how the secret service acted. There was no balance of power with any other segment of the government.

⁹⁰ Celso Castro, Maria Celina D'Araujo and Gláucio Ary Dillon Soares, *A Volta Aos Quartéis: A Memória Militar Sobre a Abertura*. (Fundação Getúlio Vargas, 1995), 33.

⁹¹ Arquidiocese de São Paulo, *Projeto Brasil: Nunca Mais*, 78.

A Lei da Anistia- The Amnesty Law

Between 1968 and 1978, with the creation of Institutional Act number 5⁹², also known as the "*Anos de Chumbo*" (The Years of Lead), the state became stronger. Arrests, torture, murders and forced disappearances became weapons to fight those who opposed the regime.⁹³ The Constitutional Act opened the way to terror, with the secret service being the culprit.⁹⁴ During the presidency of João Baptista Figueiredo (1979-1985), the president continued the policy shift while at the same time, he safeguarded the military interests to make any future punishment impossible by creating the Amnesty Law in August 28, 1979.⁹⁵ Even though the law benefited the exiled, the Amnesty was completely molded to protect those in the military government who used torture, kidnappings, and killings towards the so-called enemies of the state. "For many, Amnesty meant freedom, but for others it was synonymous for impunity. Torturers were pardoned by the law, thus being free from possible prosecution for crimes committed in the name of national security".⁹⁶ One can see that the formulation of the Amnesty Law was not a benevolent act, but a camouflage to free from criminal prosecution those involved in crimes against society. Violence was deemed necessary to protect the regime. This violence was protected with the creation of the Amnesty Law.

⁹³ Emmanuel Carapunarla, "Lei Da Anistia: Criação Política Em Detrimento Aos Direitos Fundamentais." *Revista eletrônica do curso de direito*, PUC Minas n.7, (2013).

⁹⁴ Lucas Figueiredo, *Ministério do Silêncio*. (Rio de Janeiro: Record, 2005), 291.

⁹⁵ Law n. 6.683/1979.

⁹⁶ Figueiredo, *Ministério do Silêncio*, 293.

Conclusion

The SNI did not show itself as such in the early years of the coup, given that in fact, the monster would only manifest itself after the victory of the *linha dura*, which began with Costa e Silva in 1967.⁹⁷ Before, the secret service was an organization that answered directly to the president, Castelo Branco. However, over the years, the secret service considered itself a parallel power in the government, monitoring any manifestation of civil society that was against the dictatorship or other activities that could threaten the military's hegemony.

While most studies have focused on the military dictatorship effects in Brazil, the parallel power of the secret service within the government is still a debatable fact. The notion that the Brazilian secret service was a large force that would help hold society in check now seems quaint, as it is clear that this community also helped build misinformation, the stoking of violent emotions, and divisive politics within the government. Based on this, this chapter explores the role of the secret service within the government. It argues that given the level of autonomy associated with the military government, the secret service attained a significant power from the state and placed their interests and needs above the those of the regime itself. President Geisel's concerns with the enemies of the state helped facilitate the level of autonomy that the secret service was demanding. The conceptualizations of this dynamic are two: one of supportive collaboration, with the government delegating violence to the secret service, and one of competition with the government, creating two parallel powers within the state. This strategy not

⁹⁷ Carlos Fico. *Além do golpe: versões e controvérsias sobre 1964 e a ditadura militar*. (Rio de Janeiro: Record, 2004), 175.

only led to a monopoly of violence and terror by the secret service but also an enduring distribution of power between the government and the intelligence agency.

Governments have varying political preferences rooted in historically contingent ideological theories.⁹⁸ I use this simple fact to create my thesis' argument on the secret service's power within the government. This is explained by the secret service's operational utility and usefulness to the Brazilian military government. As discussed in this chapter, as the dictatorship began to change with the new policy shift, the secret service became more threatened of losing its power and autonomy. Consequently, changing the secret service-government relationship. Finally, the approach developed in this chapter merges previously isolated work on the military, state violence, dictatorship, intelligence community and state-building into an integrated discussion. The military government and the secret service interacted with one another in an intriguing way. Measuring these patterns of competition and cooperation provides a new way of formulating new questions about military dictatorships, violence and political order in Brazil.

According to Brandão, the main criticism regarding the Brazilian secret service is not the fact that it did not fit the Western standard. It became clear that the intelligence community's perception in Brazil was mainly perceived as one of monitoring internal issues.⁹⁹ The criticism is made by the lack of delimitation by the military government to the secret service. It was necessary to clearly define the real concerns about the secret service's effectiveness, control and power. The lack of clarity about its purposes and priorities still creates tensions within the Brazilian government today. Acting within the parameters established by most countries and earning society's trust will be a way for the secret service to overcome its history and change its

⁹⁸ Paul Staniland, "Milicias, Ideology, and the State." *Journal of Conflict Resolution*, 59(5): 770-793. The Pearson Institute Discussion Paper No. 23, (2015).

⁹⁹ Brandão, *Sni e Abin*, 105.

stigma. Reflecting on the relationship between the government and the secret service makes us broaden our view of the practices of social control that throughout the dictatorship spread fear and terror yielding government control and domination over society.

CHAPTER 2

Changing enemies and targets

“For how long will we continue to bury our dead in silence?”

Elio Gaspari, 2004.

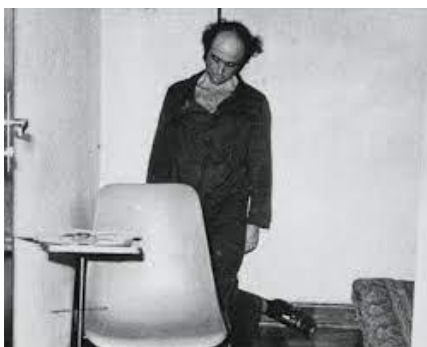
This chapter examines Herzog’s case to support my argument that the secret service’s efforts to remain both autonomous and relevant produced extra repression. Here I rely on documents from the archives of *Comissão da Verdade* and the *Instituto Vladimir Herzog*. This chapter is divided into three sections: First, it analyzes documents from the secret service to show how the agency used enemies of the state and the Herzog as an excuse to hold on to its power. Second, it analyzes how the media reported the case and also how the secret service used the media to further its cause. Finally, my in-depth interview with Vladimir Herzog’s son, Ivo Herzog, sheds light on many unanswered questions regarding his father’s case and adds a touch of humanity. This chapter helps one to understand the role of the secret service as compared to the military government and the attention that the Herzog case brought to the agency.

The Herzog Case

Vladimir Herzog was born in 1937 in Croatia, in the former Yugoslavia. On December 24, 1946 his family arrived in Brazil. Herzog went on to become a well-known Jewish journalist in São Paulo. In 1974, he began working for the prominent public television channel *TV*

Cultura.¹⁰⁰ By this time, Herzog had a significant voice in society through his journalistic work. His role as a journalist and his suspected association with the Brazilian Communist Party was the pretext for the surveillance by the secret service.

On October 24, 1975, secret service agents of the *DOI-CODI* summoned Herzog to give a statement at the institution's headquarters in São Paulo. He appeared voluntarily the following day to offer a statement. During his interrogation, secret service agents detained Herzog without a warrant. They wound up torturing and ultimately killing him. Secret service agents and military officials framed his death as a suicide. However, overwhelming evidence including testimonies and further scientific investigation showed that Herzog was murdered. The version of suicide, right from the start, did not sit well with the public, since there was an overabundance of evidence that pointed to the journalist being brutally killed. The case shook the country. For the first time since the passage of Institutional Act No. 5 in 1968, thousands of people went to the streets in São Paulo in demonstration and protest against the death of Herzog in the hands of the secret service. He was survived by his 38-year-old wife, Clarice Herzog, and two young sons, Ivo and André.



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¹⁰⁰ TV Cultura, founded in 1960, is a free Brazilian television network headquartered in São Paulo and a part of the Father Anchieta Foundation. It focuses on educational and cultural subjects but also has sports as entertainment options.

¹⁰¹ Photo: *GI Globo*. //g1.globo.com/google/amp/politica/noticia/apos-condenacao-do-brasil-ministerio-diz-que-vai-aprimorar-investigacoes-sobre-morte-de-herzog.ghtml (accessed January 7, 2022).

Herzog's death was unfathomable in the public's view. The cruelty of the dictatorship was exposed to the eyes of the country. Popular demonstrations began to break out. His death had a significant social impact. It helped reveal the shocking human rights violations and abuses of power committed by the Brazilian secret service and military during the dictatorship. These violations and abuses included the arbitrary detention, torture, censorship and extrajudicial execution of dissidents, with the intention of eliminating any perceived enemies of the state. Using Giorgio Agamben's theory of "state of exception", one can argue that the Brazilian government stripped this so-called enemy of the state of their right to live. Due to public pressure, the Command of the Second Army issued an order to investigate the circumstances surrounding Herzog's "suicide" on October 31, 1975. The investigation was marred by biased procedures and unlawful practices and ended on March 8, 1976. It concluded that no crime had been committed. In January 1976, the Union of Professional Journalists of the state of São Paulo sent the Military Justice a petition "In the name of truth", signed by 1,004 journalists.¹⁰² It was the first time in the period of strong censorship and repression, that journalists dared to publicly question the official version of suicide. They demanded a complete elucidation of the facts. In 1978 the Brazilian Justice in a sentence handed down by Judge Márcio José de Moraes, condemned the state for the illegal imprisonment, torture and death of Vladimir Herzog. In 1996, the Special Commission on Political Disappearances officially recognized that Herzog was murdered and granted compensation to his family. However, the family did not accept the compensation, believing that the findings of the investigation were not thorough nor did the

¹⁰² National Archive. Confidential Anonymous Report, March 21, 1979.
http://imagem.sian.an.gov.br/acervo/derivadas/BR_DFANBSB_V8/MIC/GNC/AAA/79000685/BR_DFANBSB_V8_MIC_GNC_AAA_79000685_d0001de0001.pdf (accessed on December 18, 2021).

findings assess the guilt of specific individuals. Herzog's wife and his two sons wanted the investigations to continue and provide more details.

Faced with this questionable investigation, on April 22, 2016, the Inter-American Commission on Human Rights (IACHR) sent the case to the Inter-American Court of Human Rights to have the Brazilian state judged for the lack of a thorough investigation and any possible prosecutions for those responsible for the torture and murder of Herzog. The issue only came before the court because the government had not carried out a thorough investigation, even after the IACHR report ordered the investigation, prosecution, and punishment of those involved.

Herzog's case helped to discredit the image of prosperity that the regime had worked to propagate and helped expose the reality of the regime's systematic pattern of abuse and repression under which an estimated 50,000 were arbitrarily detained and hundreds were murdered in politically motivated extrajudicial executions. The case explains the emergence and sustainability of the mobilization for human rights during the regime. The Amnesty Law of 1979 had been a major obstacle and had caused the ongoing impunity for those crimes committed and for the perpetrators against Herzog and many other victims to go unpunished.

The Reckoning: The Herzog case

When looking into documents in the archives of the *Comissão da Verdade*, there is a noticeable tendency among scholars to exclude the secret service for murder and torture, attributing the excess to the commands of the armed forces. This trend is visible in testimonies in *Brasil: Nunca Mais* (Brazil: Never Again). This book, edited by Paulo Evaristo Arns, reports thousands of cases of torture under the regime in Brazil between 1964 and 1979. It documents

17,000 victims, with 1,800 torture cases and 353 murders by the regime. The book is the biggest source of data for *the Comissão Nacional da Verdade* for financial reparation. However, it was not used as legal evidence to charge any government official during the dictatorship for human rights violations. The book also has testimonies from state officials regarding the practices carried out by the regime. In their view, the secret service was only monitoring the subversives. This is especially clear in the testimonies of generals such as Fuiza de Castro, who claims that the Brazilian secret service did not have an operation's department to carry out any arrests.¹⁰³ Even theoretically, not being an agency directly responsible for illegal arrests or torture, there is overwhelming evidence that the secret service was involved in such operations of repression and torture. The intelligence service housed officers such as Colonel Freddie Pereira who carried out clandestine actions with no respect for discipline and military hierarchy. Pereira was responsible for several deaths and attacks.

The documents accessed from the secret service are critical information for this chapter. These agents intercepted correspondence, wiretapped and monitored people's lives. Political opponents, suspected subversives, as well as members of the government were all targeted. The SNI collection shows that there was an abundance of communication and documentation between the secret service and all levels of the Armed Forces.

¹⁰³ Paulo Evaristo Arns, *Brasil Nunca Mais*, 1985.

Geisel's administration and the parallel power of the secret service

A confidential document sent by the CIA shows the government's involvement in the policy of summary executions of enemies of the state. It shows the high level of power of the secret service in making decisions and operations during this period. This confidential memorandum sent to the U.S Secretary of State, Henry Kissinger, by the then CIA director William Egan Colby in April 1974, describes a meeting between Geisel and Brazilian secret service agents. After one of the generals said that illicit methods “must be employed against subversives,” Geisel agreed, concluding that the agency “should continue but that great care should be taken to make sure dangerous subversives were eliminated.”¹⁰⁴ The document was revealed by the U.S. Department of State's Bureau of Public Affairs. The meeting exposes the exceptional actions taken against the dictatorship's adversaries. It is clear that President Geisel knew about the agency's actions against the opposition. What is even more revealing in this document is how the agency was trying to emphasize its crucial role in defending the nation against the communist threat. In light of this, one can argue that the purpose of the meeting was simply an informational one to inform Geisel of the situation and not to request permission. Generals Milton Tavares, Confucio Danton (the former head of the secret service) and João Batista Figueiredo (the head of the secret service) were present at this meeting. The insubordination of the agency was not a secret in the highest levels of government. Contrary to what many argued¹⁰⁵, President Geisel knew about the tortures. The lack of control created an

¹⁰⁴ Office of the Historian. Memorandum from Director of Central Intelligence Willian Egan Colby to Secretary of State Henry Kissinger, Washington, April 11, 1974, <https://history.state.gov/historicaldocuments/frus1969-76ve11p2/d99> (accessed December 20, 2021).

¹⁰⁵ Gaspari, *A Ditadura Encurralada*, 57.

anarchic agency. In practice, the secret service was acting on their own and informing the president about their generic plan to combat the so-called enemy. They were not looking for any specificity nor any directives, but simply acquiescence to their plan of action.

In *Historiografia Da Ditadura, Memoria e Espaço Publico*, Nashla Dahas argues that Geisel intended to wane the power of the intelligence community.¹⁰⁶ However, fifteen days after Geisel took office, he emphasized the crucial role of the secret service in the physical elimination of the subversives. At that time, the agency had a high degree of autonomy, but it began to feel threatened by the government. The new policy shift would diminish the power and autonomy of the secret service. Based on this, the agency created enemies of the state as an excuse to retain its power and autonomy. Using both people and institutions as scapegoats. The relationship became increasingly strained between the agency and the Geisel administration as we will see later on in this chapter. According to Alfred Stepan, the agency argued that social conflicts posed threats to internal security and needed to be extinguished.¹⁰⁷

During the research through the archives of the *Comissão da Verdade*, the article "SNI: the portrait of the hollow-headed monster"¹⁰⁸ stood out. In a highly confidential document sent within the agency, the secret service stated that this publication was a serious concern. The article states that in June 1975, the secret service started to put a lot of pressure on President Geisel against the new policy shift.¹⁰⁹ Here one can notice that the agency's parallel power was not a secret throughout the media. Geisel's reluctance to address the agency's concern of their

¹⁰⁶ Dahas, *Historiografia Da Ditadura*.

¹⁰⁷ Stepan, *Rethinking Military*, 38.

¹⁰⁸ Portuguese version, O Retrato do Monstro de Cabeça Oca.

¹⁰⁹ National Archive. Confidential Anonymous Report. Newspaper O Estado de S. Paulo, published on November 25, 1987, by journalist Airton de Moraes.

own impending diminished power and autonomy led the agency to take a new approach to maintain their high level of power and importance within the government.

In the same article, there is a confidential document of the agency with a report of a telephone conversation between Senator Paulo Brossard and journalist Paulo de Almeida Lima. In the words of the journalist, "I have just had news that things are not very tranquil in what we have already talked about. Those underground things. You should urgently check there in Brasilia to see what is going on." The journalist continues "They think that the old man [President Geisel] is not responding favorably. They only talk about the old man, that they need for him to be removed. The possible coup should be accomplished at all cost including 'bloodbath.' The information came from a reliable person, a person that normally does not talk much who was encouraged to participate in the coup but refused to take part in it." The senator replies "You see, Golbery's creation continues."¹¹⁰ General Golbery was the individual during the regime that elevated the secret service's base of power. Based on this document, the agency was contemplating in 1975 a potential coup on Geisel in order to maintain their level of power and autonomy within the Brazilian government.

Furthermore, the article shows evidence of more than 100 secret documents. These documents prove conversations between the secret service and different levels of government such as, the Intelligence Center of the Army and the Intelligence & Security Center of the Air Force in reference to the removal of Geisel. The documents show that they acted as part of a coup plot against President Geisel because of his new policy shift.¹¹¹ The newspaper published a

¹¹⁰ National Archive. Confidential Anonymous Report. Newspaper O Estado de S. Paulo, published on November 25, 1987, by journalist Airton de Moraes.

¹¹¹ National Archive. Confidential Anonymous Report. Newspaper O Estado de S. Paulo, published on November 25, 1987, by journalist Airton de Moraes.

document that shows an effort by the secret service to make Institutional Act n.5 permanent. This decree basically said that torture was allowed to be used and superseded the Constitution. The document also shows the ideology of the conspiracy which, three months later, led to the intensification of repression, with the death of Herzog being a prime example. The document also reports the necessary procedure to slow down the new policy shift.

According to another confidential document in the article, a conversation took place among agents which stated, "If the new policy shift continues to gain traction then we'll have to take steps to work around it (...) As a tactic we should not go against the transition head-on, but we should find ways to discretely deal with it." Here one can see the agency's calculated plan to continue to block the policy shift while still being able to perpetrate terror in the country to preserve its own status. The document continues "But it must be done with skill, with a good publicity campaign, diverting the national attention to other problems (...) The beginnings of this process can be carried out with the communications sector [media], so we must manipulate the media to oppose the policy and identify who is going to carry out this initiative on our behalf."¹¹² Here it is where Herzog's case fits in. Herzog was the head of *TV Cultura*, a free channel that most of the Brazilian population had access to on a daily basis. This document shows how transfixed the agency was with the press and how the press was raving about Geisel's new policy shift. Even though Herzog was just one individual in this maze, because of his position in the press and popularity in society, his case made him to be a bigger than life persona. Based on that, the questions are: Was the interrogation something planned to intimidate other journalists? Was the murder an elaborate plan? When you torture a well-known Jewish journalist, what do you

¹¹² National Archive. Confidential Anonymous Report. Newspaper O Estado de S. Paulo, published on November 25, 1987, by journalist Airton de Moraes.

expect him to report afterwards if he survives? This chapter argues that the murder of Herzog was less about the man himself and any potential threat that he posed on the government, but it was more about the secret service “flexing its muscle” and showing society and other branches of government the high level of autonomy and power that they had amassed throughout the years and they were not about to relinquish it.

In November 1975, shortly after the death of journalist Vladimir Herzog at the *DOI-CODI* in São Paulo, the secret service together with the army's Information Center produced a document called "Special Information Report n. 2".¹¹³ This document elucidated the problem of communist infiltration within the government. This document, signed by General Confúncio Danto de Paula, elaborated both psychological and political profiles of the "infiltrated." A byproduct of Herzog's murder was the threat of a growing public outcry towards the government. The secret service was forced to expand the so-called communist threat posed by Herzog in order to defend itself and the government to the public. At this point, part of the government was already aware of the level of power that the secret service was exercising within the government and throughout the country. Thus, because of society's protest, Geisel was forced to take control of the agency immediately. He decided to remove the commander General Ednardo D'Avila Mello who was in charge of São Paulo's *DOI-CODI* at the time. This decision effectively diminished the agency's level of power and autonomy.

Another document from the agency states the written speech by State Representative Dalton Moreira Canabrava about Herzog's death. At the end of this document, an agent wrote by hand “censored and not to be published.” The speech mentioned Herzog's death and the role of the Geisel government in investigating the case “I appeal to the National Army to remain on a

¹¹³ National Archive. Confidential Anonymous Report Newspaper O Estado de S. Paulo, published on November 25, 1987, by journalist Airton de Moraes.

superior level and a superior stance in order to continue deserving the respect, admiration and trust of the Brazilian people.”¹¹⁴

It is clear that a desperate state existed within the government, which required action to be taken at this point. The secret service was becoming so strong that members of the state were questioning the regime’s ability to govern. Here the Herzog case brings to light not only the clash between the government and the secret service but the high level of power the agency was reaching within the regime. The State Representative implores Geisel’s government to exercise its power over the secret service. It was clear that people knew the secret service’s level of power within the government. The document not only evinces the relationship between the agency and the government but also their condemnation against any resistance inside or outside of the government. While the agency reached its highest power, it had no institutional representation to show for it. Serious reasons or threats to the government were needed in order for the agency to maintain the level of power and autonomy it had achieved. For this specific reason, the agency continued to push the false narrative of the increasing danger of enemies of the state if left unchecked. Therefore, trying to create a narrative of the need of the agency to maintain their current level of power and autonomy, even by falsely incriminating people for subversive acts.

In June 1978, the former U.S Secretary of State, Henry Kissinger, had a meeting with Geisel. Kissinger expressed concern about Brazilian journalists who should be “taken seriously,” also mentioning a list of these individuals. In the words of President Geisel, “the freedom of the press is merely a fiction since journalists are subject to internal censorship. The press is censored

¹¹⁴ National Archive. Confidential Anonymous Report. SNI collection: written speech by State Representative Dalton Moreira Canabrava on October 30, 1975.
http://imagem.sian.an.gov.br/acervo/derivadas/BR_DFANBSB_V8/MIC/GNC/000/81003684/BR_DFANBSB_V8_MIC_GNC_000_81003684_d0001de0001.pdf (accessed on September 29, 2021).

better than with the help of any governmental control.”¹¹⁵ Their fear of government reprisals for derogatory stories against the regime is a more effective internal censorship than any government control. It is crucial to underline that the president who made this specific comment was the same president who had completely abolished press censorship. Anne-Marie Smith argues that the media’s compliance with internal censorship was not the result of the support for the dictatorship. Rather, it was the result of an “anonymous, routinized, all-encompassing system”¹¹⁶ that had been developed and pushed by the government over the course of years. Geisel knew the power of this censorship in Brazil. The challenges to freedom of speech during this period were deeply associated with tendencies of this censorship, as most journalists were culturally and ethically alienated. The ones that risked publishing an opposed opinion towards the regime suffered the consequences of not censoring its own discourse. The document not only reveals the power of internal censorship in Brazil but also a significant involvement of the Geisel government in acts of torture in the country and press censorship. Even though he was not directly linked to the death of journalists during this period, Geisel was aware of the actions committed by the secret service.

In a confidential document of the secret service, secret service agents reported details on Herzog’s family lawyers’ request to reopen the case. The lawyers requested the annulment of the death report alleging that Dr. Harry Shibata, one of the coroners who signed the death certificate, did not actually attend the autopsy. In addition, his signature was under a different name. However, the agency admitted the inaccuracy but quickly changed its tone stating that the

¹¹⁵Archives of Comissão da Verdade. SNI collection. In June 1978, the former U.S Secretary of State, Henry Kissinger, in a meeting with President Geisel.

¹¹⁶ Anne-Marie, Smith, *A Forced Agreement: Press Acquiescence to Censorship in Brazil*. (Pitt Latin American Series. Pittsburgh: University of Pittsburgh Press, 1997), 6.

Secretary of Intelligence himself witnessed the examination. Therefore no one could question the legitimacy of the death report. The document concludes, “knowing that failing to stop the reopening of the death investigation could lead to negative consequences against both the intelligence agency and the government, it was determined that the department of justice block this request.”¹¹⁷ Once again, the secret service does not seek permission but gives directives. They reinforce the agency’s crucial role in protecting the regime. The secret service’s fear of any investigation into Herzog’s death that would result in exposing the agency’s torture and murder was selfishly based on any reduction of autonomy or power that the dictatorship would bring on them if confirmed based on society’s outrage and demonstrations. In the words of Elio Gaspari “in 1975, there were no subversives in the *Planalto* [the official workplace of the president of Brazil], no students protesting in the streets and no terrorism taking place. Fearing this calm and normalcy, the intelligence agency needed threats to continue to justify their level of power.”¹¹⁸

The image built by the secret service about Herzog, a spy for the *KGB* (the main security agency for the Soviet Union from 1954 to 1991) along with the embarrassing photo of him hanging, was contrasted with the image of a journalist, intellectual, democrat, Jew, father of two children, husband, and news director for *TV Cultura*. In another report, secret service agents show concern on how Brazilian society responded to Herzog’s death. In their words, “Dr. Shibata began to feel threatened by the movements. He is scared and declared that he is willing to reveal what he knows in case he is pressured”.¹¹⁹

¹¹⁷ National Archive. Confidential Anonymous Report, August 29, 1977.
http://imagem.sian.an.gov.br/acervo/derivadas/BR_DFANBSB_V8/MIC/GNC/AAA/77106744/BR_DFANBSB_V8_MIC_GNC_AAA_77106744_d0001de0001.pdf (accessed on December 15, 2021).

¹¹⁸ Gaspari, *A Ditadura Encurralada*.

¹¹⁹ National Archive. Confidential Anonymous Report, March 21, 1979.
http://imagem.sian.an.gov.br/acervo/derivadas/BR_DFANBSB_V8/MIC/GNC/AAA/79000685/BR_DFANBSB_V8_MIC_GNC_AAA_79000685_d0001de0001.pdf (accessed on November 17, 2021).

The Geisel administration, when creating the new policy shift, brought to light the ongoing power struggle that had always existed between the secret service (and hard-liners) and the government. In the documents from *Comissão da Verdade*, one can see how the secret service began to feel threatened and exercised its power. On November 5, 1975, the secret service sent a document to the armed forces on the repercussions of the Herzog case and their concern on how the media should publish the suicide version. Using their own words, “maximum effort to obtain immediate dissemination from all available mass media (newspapers, radio, TV) of comments and articles emphasizing the suicide of journalist Vladimir Herzog, addressing the following aspects: for all deeply lamented reasons, the suicide of journalist Vladimir Herzog. His death occurs in the context of the growing activity developed by communism in Brazil, with its action of infiltration and proselytism.” The agency concludes, “military leaders in the area are authorized to support this activity. It is of the utmost importance that this counter-propaganda activity begins tomorrow, October 30, 1975.”¹²⁰ Here one can clearly see the fear that Herzog’s death brought inside the agency. The secret service was acting desperately to frame Herzog as a dangerous internal threat so they would not face the public’s outrage. It is well-known that in many authoritarian regimes, the press exercises a crucial power in solidifying these regime’s authenticity. In this case, censorship was the best tool to prevent publications of a different version of Herzog’s death. The agency was using this powerful source to create a fabricated and false version of an enemy of the state. At the same time, the secret service was emphasizing their crucial role in combating these subversives and in protecting Brazil.

¹²⁰ National Archive. Confidential Anonymous Report n. 4747/83. SNI collection: November 5, 1975.

How the media reported Herzog's death

It is no coincidence that the version published a few days later by most newspapers and magazines was the same as reported in the document. The agency pushed the false narrative through the press. In a confidential document, an agent reported the conversations with the owners of major TV channels in Brazil, such as *Rede Globo*, and their acceptance to follow the agency's narrative on the Herzog case. As influenced by the agency, journalist Armando Calheiros Acioli from the newspaper *O Popular* followed the same false narrative explaining that Herzog's suicide was the consequence of his fear of being caught and of demoralizing his organization (communist party).¹²¹ The document also highlights the article "Ideological Fanaticism" and how this line of reasoning would be the best justification for Herzog's death.

The reports published by *Folha de S. Paulo* show the power of persuasion on the media by the secret service about Herzog's death. The newspaper had the same position as the agency. This led to deception in the coverage of the death, which was based on the note published by the *DOI-CODI*.¹²² It is clear that the newspaper supported the military regime and only listened to sources that reinforced the cause of death as suicide. Nowadays, contrary to that period of military dictatorship and strong censorship, the *Folha de S. Paulo* has decided to publish Herzog's case once again. Now, with a different position than in 1975. In 2018, the newspaper published a report in which Clarice Herzog demands justice against those responsible for the crimes committed against society.¹²³ In the article, the newspaper emphasizes that Brazil is

¹²¹ National Archive. Newspaper *O Popular*, p. 2, published on October 2, 1975.

¹²² Acervo *Folha de S. Paulo*. Newspaper *Folha de S. Paulo*, published on October 28, 1975. <https://acervo.folha.com.br/leitor.do?numero=5651&keyword=morte%2CVladimir%2> (accessed on September 6, 2021).

¹²³ Newspaper *Folha de S. Paulo*, published in July 2018. <http://www.1.folha.uol.com.br/poder/2018/07/>. (accessed on March 12, 2022)

responsible for not carrying out a legitimate investigation and for not holding accountable those responsible for Herzog's murder.

The newspaper *O Estado de São Paulo* reported Herzog's death considering both versions. They published the *DOI-CODI* note while on the other hand also publishing accounts that emphasized that Herzog's death was not a suicide, such as that of Dom Evaristo Arns.¹²⁴ What is noteworthy, during a period of censorship, is that the newspaper remained impartial and tried to report the case more fairly. Even with this type of publication, which was very rare at that time, the case was not investigated. The power of censorship was greater than the facts that the evidence presented about Herzog's death. The regime's persuasion on the media was intended to prevent any further repercussions or that the truth about abuses come out.

Most of the media went along with the regime's version and did not try to expose the extreme oppression, torture and terror that was actually taking place. Most of them obeyed the censorship established by the intelligence agency. This shows that the media had an accomplice role, which harmed the process towards democracy and did not highlight the atrocities of the regime. Albeit the regime had control over them! These reports take us back to the document that President Geisel emphasizes internal censorship within Brazilian newspapers. His equanimity towards the press was clear and the secret service knew that any version imposed would be the official version, regardless of whether it was true or not. What the agency did not expect was the reaction of society in protesting against acts of torture and abuse against the population.

¹²⁴ Acervo O Estado de São Paulo. Newspaper O Estado de São Paulo, published on October 10, 1975 <http://www.acervo.estadao.com.br/> (accessed on February 16, 2022).

The case through the eyes of Vladimir Herzog's son: Ivo Herzog

Vladimir Herzog's family was forced to live for decades with an official lie that was only corrected in 2013. It was only in March of that year that the widow Clarice Herzog and her sons Ivo and André received the corrected death certificate with the true cause of death of their father: injuries and mistreatment suffered during the interrogation at the *DOI-CODI* in São Paulo. Since Herzog's death, it has been up to his family to bring the truth of the facts to light. Herzog's oldest son, Ivo, experienced the tragedy when he was only 9 years old. Today, at the age of 55, working at the Institute Vladimir Herzog, he continues to press his father's case and seeks to show the reality of the military dictatorship. It was he who demanded that the Brazilian state request from the American government the complete release of the CIA report with details that have not yet been made public.

At the beginning of my interview with Ivo Herzog, I mentioned the CIA documents that were released in 2018, showing that President Geisel knew and agreed with the acts of torture that took place during his government. I asked him "As the son of a journalist who was killed by the regime, what was your reaction to the CIA report?" He answers "These documents overturn the theory that I had thought for many, many years. I thought that Ernesto Geisel was not the person on whom we had to focus our eyes, our anger towards. However, the documents show the contrary. He was part of the group of perpetrators. I just don't know to what extent. He was conniving with the torture and with the murders. This document buries the term basements of the dictatorship [that sustained the history of the regime for decades]. There is no such thing as basements, but palaces of the dictatorship."

Furthermore, I asked him "What do you think happened to your father inside the *DOI-CODI*?" Ivo takes a moment and replies "What existed was a more radical wing of the government wanting to prove that there was a communist danger and at that moment the focus was on journalists. There were journalists who were more or less politically active. My father was not that active. And there is another important point. For him to be hired by *TV Cultura*, his name was approved by the SNI [secret service]. He was approved because there was nothing against him, but at that time, you have other journalists being tortured to speak the names of communist party members. And there is where my father's name comes up. So, my father is called. The method to confess was through violence, and he starts to suffer during the interrogation. At a certain point, which was already quite intense, he is told to write a note, saying that he is sorry. This note is very important because it is evidence of torture, and the words that are there are not words that my father would use. It is his handwriting but in disturbing spelling. He writes and when he finishes, in a moment of reflection, my father tears up the note. When he tears it up, the guys come at him with everything they have and then he dies. I don't think that when my father went there the objective was that he would not leave. There were precautions taken, he could not just disappear. He went voluntarily and was accompanied by a colleague from the editorial staff. The way we understood it is that it was a moment of rage that resulted in his death."

Following his answer, I asked "You and your family have been through a very difficult time in the search for the truth in your father's case. What was this process like for the Herzog family?" Ivo replied "When my father's crime happened, my mother was working in the Ogilvy agency. The group suggested that she go to another country. She said she had to stay here and show the truth of this story for her children and to seek justice. She always tried to do that. In this

process, she lost many friends who said she was crazy. We inherited the will to fight from her.

We have to use the rules of the game to show the truth. You know the history, you know the truth, but it doesn't become official history. The closest we have come is the death certificate.”

At this point, I asked Ivo about the communist connections many of the new generation in Brazil associate with his father's name. He emphasizes “My father was never arrested. He voluntarily presents himself to testify at the *DOI-CODI* in São Paulo. This is a brutal difference. When my father decides to participate more actively in the search for democracy and freedom, he is totally linked to movements. He always condemned any form of violence. Even because he had fled Nazi terror [Vladimir Herzog's parents arrived in Brazil after fleeing Nazi persecution of the Jews]. People keep saying that there was going to be a Cuban regime, all that nonsense. It is an absurd ignorance. Today we have to have less tolerance with this ignorance. Because in the past you had to consult books and study in a library. Today, you can Google and have access to this information, to History. However, people stay in their comfort zone and speak in a frivolous way without having any knowledge about the topic they are talking about.”

I continued "The officials who worked for the regime at that time are dying. Do you think there will be time to seek an acknowledgment, an apology to close this puzzle?" Ivo replies “I don't know. Now a good part of the problems that we have are due to this backwardness as a society. You have [General] Ustra who died and was not judged and until the last moment continued to say that he never did anything wrong. However, he entered there [the torture rooms] but didn't know what happened?” Then I asked Ivo "In your interviews, you talk about Brazil wanting to turn a page that has not been written yet. If we wrote it, what should it say? What is this history that you do not see written?" He answered "Who killed my father? Who was at the *DOI-CODI* when my father was there? Why him?"

To finalize the interview, I asked Ivo “What is your opinion about the current politics in Brazil and how the president is dealing with your father’s case and other cases in general?” He replies “The big difference between him [Jair Bolsonaro] and the other leaders that we have had is that he is sincere. From a practical point of view, what did Fernando Henrique Cardoso's government do in relation to the dictatorship period? And Lula's government? Yes, there was the amnesty commission [in Cardoso's government to compensate persecuted people and relatives of victims of the regime]. There were checks for these families. However, it is terrible to give a check and that's it, so we absolve the dictatorship? There was never a true reparation process in which the head of the Armed Forces and the President of the Republic would do a mea culpa. There was never an honest confession.” Ivo finished the interview by stating that today he is more optimistic about not only all the truth coming out in reference to his father, but he believes that there is a sense of making history right.¹²⁵

Conclusion

In conclusion, the different documents and interview reveal the covert reality that existed within the different levels of government that resulted in illegal practices, coup plots, murder and all types of crimes against society. A reality that was not discussed but that many who lived in that period knew was taking place. The 1975 Herzog case occurred during the time in which the secret service was at the apex of power. At the same time, the secret service was threatened by the new policy shift and the extraordinary mobilization of society against Herzog's death. This

¹²⁵ Ivo Herzog, interview by Bruna Milligan, June 18, 2021.

led the agency to fight even more fiercely for its survival and stature. This chapter argues that Herzog's murder was a consequence of the agency's imposition of power while at the same time showing that the government never impeded such actions.

There were variations in the intensity of repression during the Brazilian military dictatorship: at certain times, such as in the phase immediately after the 1964 coup, repression was very intense, which is very common because regimes are usually trying to solidify their power and eliminate their enemies after a coup; in other phases, such as the period after 1965, the number of abuses and torture decreased. There is also a debate about the period of 1968 to 1974, while some scholars portrayed this period as the "peak of repression" others, defined this period as *dictablanda*¹²⁶ a relative decrease of coercion.¹²⁷ In fact, these two interpretations conceal a painful process that corresponded to the establishment, the peak and the demise of the complex and powerful secret service. As we saw in chapter one, the secret service only began to consolidate itself as a powerful entity in 1970. In 1974 when Geisel took over with his new policy shift, the secret service continued its repression on society in spite of the policy.

I emphasize the powerful role of the secret service because this research is crucial in classifying these agents as specialized in the discourse that sustained both their own actions (espionage and violence) and the omission of criminal conduct of the government who tolerated them. This ambiguous alliance was based on a "miscalculation" on how much Geisel's government was willing to tolerate and endure by the secret service because of the threat from subversives to its stability and sustainability. The thousands of confidential documents that the secret service

¹²⁶ Dictablanda is a dictatorship in which civil liberties are allegedly preserved rather than destroyed. In Spanish, the word *blanda* replaces *dura*, which by itself is a word meaning "hard", with *blanda*, meaning "soft".

¹²⁷ Fico, Como eles agiam, 18.

circulated internally were not only for its own agency but also to influence the government to continue supporting the agency at its current level.

When analyzed together, the documents presented in this chapter portray the power of the secret service as part of a vicious cycle in the dictatorship: widespread torture, murder and corruption fostered the perception that nobody could control the agency. This in turn, insulated the agency from being held accountable for its actions. Thereby, continuing to increase and maintain the uncontrollable power it had amassed. This cyclical nature of torture and terror during the dictatorship has been noted by other scholars who argue that the Brazilian secret service had become a sort of parallel power or a “monster,” as General Golbery called it.¹²⁸ The intelligence community operated more uniformly, systematically and coordinated during the 1970s and 1980s. According to Priscila Brandão, the agency had significantly expanded functions and was acting more independently. It extrapolated the functions of an intelligence service and at the same time, developed a large police/terror presence in society.¹²⁹

The argument presented in this chapter contributes to a better understanding of why the Brazilian secret service and the government survived over two decades of dictatorship by broadening our knowledge of the conditions under which society finally rejected torture and murder as a way of life in Brazil. Further research regarding the Brazilian press’ role in the delay of the state’s investigation and prosecution demands further study. Furthermore, this chapter sheds light on the factors that foster the perception that the secret service and government were indistinguishable when it came to their capacity to govern/police the country. In doing so, this section not only reveals the intrinsic challenges of accountability for these horrific actions but

¹²⁸ Reis, *Ditadura, anistia e reconciliação*, 7.

¹²⁹ Brandão, *Sni e Abin*, 84.

also identifies the conditions under which this type of accountability was stronger. This chapter calls attention to the importance of revising the relationship between the secret service and the government. The explanation proposed leads to a new connection between the agency and the Herzog case.

Epilogue

“When we lose the ability to be outraged by atrocities committed against others, we also lose the right to consider ourselves civilized human beings.” Vladimir Herzog

This thesis contributes to a better understanding of how the murder of Vladimir Herzog highlighted the repression in Brazil, and the role of the secret service, in such a way that Geisel administration saw itself forced to correct course. The Herzog case added even more pressure on the Geisel administration to take steps to curtail the agency’s continued wave of terror and criminal activity. I argue that the secret service’s efforts to remain both autonomous and powerful produced extra repression, as evidenced in the Herzog case. This chapter focuses on the evolution of the secret service after the 1975 Herzog case and how the case impacted discourse throughout Brazil. The chapter is divided into two sections: a) the secret service after the case and the evolution of a new intelligence agency b) discourses in the 1980s and 1990s as Brazil marched towards democracy.

The secret service after the Geisel administration

As Geisel appointed his successor in 1979, General João Batista de Figueiredo took over the government. While he publicly endorsed the policy shift, his actions contradicted this. Figueiredo sanctioned the amnesty bill¹³⁰ in the same year and invited the opposition of the military regime to work within his government, a practice that had not been followed previously.

¹³⁰ The Lei de Anistia (Amnesty Law), passed on August 28, 1979, offered the possibility of amnesty to all persons accused of political crimes.

Before his presidency, Figueiredo was the head of the secret service from 1974 to 1979. His administration was also marked by contradictions because at the same time that he proposed to continue the policy shift, Figueiredo did nothing to curb the autonomy and the power of the secret service.¹³¹ During this period, the secret service continued with a high level of autonomy and power. This resulted in criminal activity by the agency with the objective of incriminating the opposition and stopping the new policy shift.¹³²

As Brandão and Fico note, the participation of the secret service in actions that involved arrests deaths and violations of human and civil rights showed the expansion of the agency during the governments of Geisel and Figueiredo.¹³³ However, during the Figueiredo government, with the great amount of repercussion of Hezog's murder, the agency's actions were now being brought to light. The attempt to preserve and protect the agency became more difficult and unsustainable.

In 1985, with the holding of indirect elections, Tancredo Neves was elected by congress to become president. He had promised not to curtail the secret service and that the new government would not investigate the military for its crimes during the dictatorship. After his inauguration, Neves unexpectedly passed away from a brief illness leaving his vice-president, José Sarney, to assume the presidency. President Sarney's new policy towards the agency made sure that the state would not hold the agency accountable for past transgressions.¹³⁴ He created a

¹³¹ Brandão, *Sni e Abin*, 8.

¹³² Rüdiger and Goschler, *Intelligence Agencies*.

¹³³ Fico, *Como Eles Agiam*.

¹³⁴ Mainwaring, *The Transition to Democracy*, 149-80.

more transparent secret service and one that no longer carried out torture and murder.¹³⁵ Sarney's presidency featured a reduction in the agency's unlawful and criminal activity.¹³⁶ During this period of transparency in the agency, monthly reporting was required to the Ministry of Labor which took on a vital role in overseeing the agency. It created a system of checks and balances. From that moment on, most of the violations committed by the secret service were reduced to the invasion of privacy and the tapping of telephones.

The Rise of a new Secret Service

In 1990, President Fernando Collor took office and made several changes within the government. He immediately abolished the secret service and all other governmental divisions that reported to it.¹³⁷ It is important to point out that it took two civilian presidencies to do away with the secret service. This strategy aimed to bring the nation towards a more democratic system and away from the military dictatorship's repression. With the end of the secret service as it was known, approximately 2,000 personnel were redirected to the newly created Secretariat of Strategic Affairs (SAE).¹³⁸ The secret service was abolished but a faction of the personnel kept operating in what was now called SAE. After the elimination of the agency, civilian intelligence was subjugated to a much lesser level of importance within the government. Under the Collor administration, the SAE was the most important department in formulating Brazil's internal

¹³⁵ Fico, *Como Eles Agiam*.

¹³⁶ Ann Walder de Góes, *Military and Political Transition*. (Taylor & Francis, 1988).

¹³⁷ This modification was regulated by Law n. 8.028 of April 12th, 1990.

¹³⁸ Portuguese version, Secretária de Assuntos Estratégicos.

security policies. The SAE was now responsible for Brazil's intelligence activity and armaments. Even with the end of the SNI and the relocation to SAE, it was clear that the secret service was still active within the SAE. The intelligence activity had not been demilitarized. Military officers continued to lead the department and coordinate its sectors.¹³⁹

The complete fall of the SAE and the beginning of ABIN

In 1995, Fernando Henrique Cardoso became President and was now working within a new democratic structure. The new revamped agency was to focus on intelligence gathering to assist the presidential decision-making process. It focused mainly on the security and preservation of the country against internal and external threats and counterintelligence, while respecting the values of the democratic rule of law.¹⁴⁰ On September 7th, 1999, the Brazilian Intelligence Agency (ABIN)¹⁴¹ was created by President Cardoso.¹⁴² The agency was composed of the federal police and the military intelligence service. This new secret service was designated to be the central intelligence agency of the country.

In theory, ABIN is responsible for planning, executing, coordinating, supervising and controlling the country's intelligence activities. The agency is of both civilian and military nature and by not specifying the type of intelligence, one can surmise that the new agency collects intelligence on both internal and external threats. In addition, there is a lack of definition of the

¹³⁹ Library of Congress Country Studies: Brazil. <https://www.loc.gov/item/97036500/> (accessed on April 2, 2022).

¹⁴⁰ Fernando Henrique Cardoso, *Charting a new course: the politics of globalization and social transformation*. (Rowman & Littlefield, 2001).

¹⁴¹ Agência Brasileira de Inteligência (ABIN).

¹⁴² By Law no. 9.883/99

limits of ABIN's action and operational capacity.¹⁴³ Although steps and procedures have been implemented to define the scope of work that the ABIN is supposed to do, it has not been thoroughly and precisely defined. Therefore, still leaving a bit of vagueness in the agency's responsibilities. This vagueness together with the stigma attributed to the Brazilian secret service during the dictatorship period make the new secret service a shadow of its former self. Based on this misconception, the agency is very limited in their functions and role in national security.

Discourses in the 1980s and 1990s as Brazil democratized

The 1980s were characterized by the growth of the conservative movement in Brazil. With the economy spiraling downward and more civil unrest to hold democratic elections, the dictatorship was struggling to stay in power. However, despite all the civil unrest, free and democratic election still did not take place. During the early 1980s, the media on the behest of the secret service, created the illusion that the rise of criminal unrest was the byproduct of the government going away from the dictatorship and towards democracy. The issue of increased violence in society was strongly publicized in the media, with campaigns defending the self-arming of the population and increased uniformed police in the streets.¹⁴⁴ At the same time that this misrepresentation took place, the struggle for basic human rights continued to gain momentum throughout the nation. Discourses against human rights violations and in the insecurity generated by the increase in criminal activity showed that Brazil was going through

¹⁴³ Jorge Zaverucha, "De FHC a Lula: a Militarização da Agência Brasileira de Inteligência." *Revista de Sociologia e Política* 16 (2008): 177-195.

¹⁴⁴ Arim Soares do Bem, "A centralidade dos movimentos sociais na articulação entre o Estado e a sociedade brasileira nos séculos XIX e XX." *Educação & Sociedade* (2006), v. 27, n. 97.

very difficult and challenging times. While the public was pressing more and more towards democracy, the dictatorship was trying to hang on to power.

In 1985, the year that marked the pivot towards democracy, the state was facing the challenge of exercising its monopoly of state violence within legal frameworks. Sergio Pinheiro argues that the government did not manage to ensure the control of violence, which is one of the basic requisites of a democratic society.¹⁴⁵ He explains that acts of violence such as torture, repression and imprisonment were not ended by the transition to democracy. Some analysis of transitions to democracy, such as of Thomas Skidmore calls attention to this continuity of illegal state violence.¹⁴⁶ The transition to democracy does not mean that total democracy happens right away. Guillermo O'Donnell explains that the political transition from the authoritarian regime is not necessarily a democratic transition because it does not put into question the illegality of the state abuses and the level of autonomy of the regime. In *Rethinking Military Politics*, Stepan did not believe in the ability of the democratic government to control the military.¹⁴⁷ According to him, the military still had the influence to impede the transition towards democracy in Brazil. There were several factors that contributed to this. "The immunity from prosecution for violations of human rights; militarization of the office of the presidency and of the intelligence services; and preservation of the national security ideology"¹⁴⁸.

In light of this, in 1985 the struggle for human rights emerged with greater force in the discourse against the atrocities committed during the military dictatorship. The new discourse

¹⁴⁵ Paulo Sérgio Pinheiro, "Autoritarismo e transição." *Revista USP*, (1991): 45-56.

¹⁴⁶ Skidmore, *The Politics of Military*.

¹⁴⁷ Stepan, *Rethinking Politics*, 121-125.

¹⁴⁸ Douglas Chalmers and Scott Mainwaring, *Problems Confronting Contemporary Democracies: Essays in Honor of Alfred Stepan*. (University of Notre Dame Press, 2012).

recounted the many experiences of the opposition throughout the 1960s and 1970s. Various groups emerged against the violence committed and the impunity that followed. Eder Sader argues that these movements produced a new "collective subject", a subject created from political and social practice.¹⁴⁹ Schmidt argues that it was in this climate that a culture of documenting historic eyewitness accounts emerged in Brazil.¹⁵⁰ Because society was invigorated by political democratization, this was the right time to correct Brazilian history (transition towards democracy). The transition happened not just because the political elite wanted it to, but in larger part it happened due to the popular uprising that was taking place in the streets. The Herzog case was instrumental of this movement.

In the end of 1985, the newspaper *Folha da Tarde* published a drawing replicating Herzog's tortured body with the title "The murder of Vlado".¹⁵¹ The article highlights the entire scene with the help of testimonies from journalists that were inside of the *DOI-CODI* the day Herzog was murdered.¹⁵² This article is an example of how the new discourse in Brazil evolved in the fight against human rights violations using Herzog's murder to showcase the human rights abuses that were taking place during the dictatorship. Two years later, a confidential document within the secret service, reports major newspaper articles about the atrocities committed. In their own words "the articles attached the cases to the SNI and, without any doubt, cause concern

¹⁴⁹ Eder Sader, *Quando novos personagens entraram em cena: experiências, falas e lutas dos trabalhadores da Grande São Paulo, 1970-80*. (Rio de Janeiro: Paz e Terra, 1988), 10.

¹⁵⁰ Benito, Bisso Schmidt. "Cicatriz Aberta Ou Página Virada? Lembrar e Esquecer o Golpe De 1964 Quarenta Anos Depois." *Anos 90* 14, no. 26 (2007).

¹⁵¹ Portuguese version, O assassinato de Vlado. Vlado was Herzog's nickname.

¹⁵² National Archives. Confidential Anonymous Report, October 29, 1987. http://imagem.sian.an.gov.br/acervo/derivadas/BR_DFANBSB_V8/MIC/GNC/EEE/85017397/BR_DFANBSB_V8_MIC_GNC_EEE_85017397_d0001de0001.pdf (accessed on February 5, 2022).

about the implications that may result because of these articles.” The document continues “the effects of such articles on society call for the need to carry out a plan to neutralize, or at the very least minimize the quantity of these articles, to prevent an investigation and the release of classified documents.”¹⁵³ This is the moment that marks the decadence of the SNI due to the repercussions of Herzog's death in society. It opened doors for a series of exposés of its acts against dissidents.

In this period, movements by the opposition to the dictatorship were formed to influence the creation of the new Brazilian Republic. Exiled groups of Brazilians now started to return to Brazil and get involved in the march towards democracy. In 1985, new social movements for human rights were promoted by such groups as the Brazilian Lawyers' Organization (OAB), human rights commissions in the legislative assemblies of several states and in the House of Representatives, several non-governmental organizations (NGOs) and research groups in public universities.¹⁵⁴

In this context, the *Grupo Tortura Nunca Mais* surfaced, the first of many. The *Grupo Tortura Nunca Mais* was founded in 1985 by an initiative of former political prisoners who were tortured during the military dictatorship and by relatives of the deceased and the missing, in defense of human rights.¹⁵⁵ As the discussion about torture became more common, other groups formed in capitals such as Belo Horizonte, Recife and São Paulo. These groups were essential mechanisms in emphasizing the crucial role of human rights in Brazil's new democratic

¹⁵³ National Archives. Confidential Anonymous Report, December 4, 1987. http://imagem.sian.an.gov.br/acervo/derivadas/BR_DFANBSB_V8/MIC/GNC/III/87007984/BR_DFANBSB_V8_MIC_GNC_III_87007984_d0001de0001.pdf (accessed on February 6, 2022).

¹⁵⁴ José Tavares dos Santos “As Lutas Sociais Contra as Violências.” *Política e Sociedade*, n.11, (October 2007): 78.

¹⁵⁵ “Quem Somos,” Grupo *Tortura Nunca Mais*/RJ. <http://www.torturanuncamais-rj.org.br/quem-somos/> (accessed on April 12, 2022).

government. They were a voice against these violations in courts. They demanded official recognition of deaths and disappearances and fought for legal and moral reparations of those murdered during the dictatorship. Even though the Herzog case was the murder that sparked a greater movement in society, it is less about the case itself but what it represented for all the families of those that had lost their sons, fathers and mothers. The case shook society and inspired the masses to stand up and fight for their rights.

Throughout the 1990s, with the help of these groups, the dissemination of the discourses of Brazilian history increased and it brought to light the dictatorship's abuses. Both the government and non-governmental organizations began to invest resources and time to projects linked to the memory of the victims. Starting from this period, the opponents of the military dictatorship followed two paths: they questioned the actions of the left, or they exalted the heroism of the military and reaffirmed the revolutionary ideas that led to the fight.¹⁵⁶ According to Lucileide Cardoso, on the military side there were also divisions: some took on the defense of the military and the crucial role the regime had in stopping the communist threat, arguing that such attitudes to blame the regime violated the principle of amnesty that necessitated "forgetting."¹⁵⁷ The other division within the military denounced their actions.¹⁵⁸ For the opponents of the regime, the practice of torture that resulted in the death of Herzog gained centrality and a strong character of denunciation. The case marked the apex on how society could not stay quiet any longer. If for society torture was an act of extreme violation against human rights, for the military, torture was a common practice to protect the dictatorship and unknown in

¹⁵⁶ Schmidt, *Cicatriz Aberta*.

¹⁵⁷ Martins Filho, *A guerra da memória*, 180.

¹⁵⁸ Lucileide Costa Cardoso, "Construindo a memória do regime de 64." *Revista Brasileira de Historia- Brasil, 1954-1964*. São Paulo, ANPUH-Marco Zero, v.14, n.27, (1994).

some levels of government.¹⁵⁹ All these narratives tried to tell the truth about the dictatorship. However, there was a problematic and difficult path to the truth. Because of the inaccessibility at that time of many classified records of the dictatorship, how could confirmation of the dictatorship's actions be proven? Because of the ambiguity of the truth in memoirs and autobiographies, how could the truth be shown to be factual and verified?

In 1992, in a newspaper publication, "*Capitão Ramiro*" said he was Herzog's torturer. His name is Pedro Antônio Mira Grancieri, 55 years old and known as Captain Ramiro. In the interview for the *Istoé* magazine, he publicly admitted for the first time that he was the man charged by the *DOI-CODI* to extract confessions from Herzog. He said, "I was the only one to interrogate Herzog that day. No one is more strongly and directly involved in Herzog's death than I am." Throughout the interview Grancieri boasted about his methods of coercion. He said, "I wrote about interrogation techniques that were distributed among my colleagues." He claims that he was one of the best interrogators at the *DOI-CODI*. Journalist Rodolfo Konder, who went to the *DOI-CODI* days before Herzog, recognized Grancieri as an interrogator. The article confirmed that another journalist who was also imprisoned at the *DOI-CODI*, George Duque, confirmed that Grancieri was the man who tortured Herzog. However, during the interview, Grancieri did not take responsibility for Herzog's death, saying "he hung himself when he was alone in the room because he was afraid of losing his job." The report also details the testimonies of journalists who were at the *DOI-CODI* and could hear Herzog's screams. At the end, the report sarcastically asked how a person can commit suicide by hanging with his legs bent, since the distance between the floor and the location where the belt was used was smaller than Herzog's height. In the words of the newspaper, "the repercussions of Vladimir Herzog's death

¹⁵⁹ Martins Filho, *A Guerra da memória*, 191.

have criss crossed the country. The version of the supposed suicide was rejected.”¹⁶⁰ As we can see, this period marks a new recollection about the dictatorship. Memories are emphasized and narratives gain more authenticity. Even though Captain Ramiro did not confess his participation in the murder of Herzog, one can now confirm the torture coming from the torturer himself.

In 1995, the federal government acknowledged for the first time, that the dictatorship had a hand in some of the actions taken against the regime’s political dissidents and guaranteed the families the right to a family burial and compensation. The families, however, started to search for juridical and historical evidence that would facilitate the identification of the guilty parties and the clarification of Brazil's recent past. Since then, a new struggle for the opening of the dictatorship's classified archives has emerged.

This research emphasizes the importance of the Herzog case. The Herzog case highlighted the repression in Brazil, and particularly the role of the secret service, in such a way that the Geisel administration saw itself forced to correct course, fire the commander General Ednardo D'Avila, and advocate for democratization. It was the first time any major social mobilization occurred against the military dictatorship. The case showed a unified discourse among various sectors of society around human rights. It gave society a voice again, after being suppressed by the authoritarian regime for so long. Thus, October 25th of 1975 became the main date for reflection on human rights violations in Brazil.¹⁶¹ Brazilian journalist Audalio Dantas corroborates the analysis arguing that journalists' actions in response to the fabricated death certificate of Herzog’s death enabled the creation of a new discourse that confronted the actions

¹⁶⁰ Acervo Estadão. Newspaper Estadão, published on March 22, 1992.
<https://acervo.estadao.com.br/pagina/#!/19920322-35949-nac-0019-999-19-not/busca/Vladimir+Herzog> (accessed on March 17, 2022).

¹⁶¹ Mário Moraes, “Endereços Da Cidadania: O Caso Herzog.” *FFLCH Diversitas*, 2005.

committed by the regime. Herzog's death represents a rupture, in which the journalist himself became the news, from storyteller to historical character. The public outcry of Herzog's death was the catalyst that culminated with the protest and showed society's angst towards the regime. This struggle of public opinion was essential for the resistance movement to the dictatorship. This case marks the practice of torture and killing that consequently changed the course of Brazil's history.

Conclusion

This thesis calls attention to the importance of setting straight the history of the military dictatorship. Rather than treating the repressive state as a monolith, it is key to identify specific incidents that dissuaded society from forgetting the recent past history of terror in the country by the military dictatorship. This chapter focused on the evolution of the secret service after the Herzog case and how the case impacted discourse in Brazil. The argument is made that the secret service's efforts to remain both autonomous and independent produced extra repression, as evidenced in the Herzog case. As an attempt to end the agency's stigma, President Cardoso created ABIN to resume intelligence activity in Brazil while respecting the democratic values and human rights. However, in order for intelligence activity to successfully take place in Brazil, it is necessary that the state and society overcome certain obstacles that prevented ABIN from effectively fulfilling its functions. The role that intelligence activity plays in national security and social and political institutions is a central justification for this research. Especially, when the state finds itself in a situation of political crisis, economic ineptitude, and international vulnerability, in which the acquisition and possession of intelligence is of fundamental importance. The Brazilian secret service is still little debated in academia, incorrectly seen by

certain sectors of society after the end of the regime and despised by most politicians. There is still a need for the secret service to be studied and discussed in order to demonstrate its importance to the state, while operating lawfully.

Since its creation, ABIN faced a lack of direction as a whole; difficulty in organizing functions and competencies both within the agency and within the Brazilian Intelligence System; lack of methods of controlling intelligence activity, budgetary and structural problems; and finally, a lack of importance in the protection of society. The population today is not aware of the secret service's dark history nor do they understand its usefulness or purpose in today's world. In this context, society and government must work together in order to bring justice to the families of victims of the military dictatorship and not let their deaths be in vain. The secret service's stigma will only end once clarity and justice are achieved. Therein lies the root of other problems the agency faces. Whether budgetary, legal, or organizational, without political and legislative approval, no changes can be achieved.¹⁶²

The political and historical context in which the case of Vladimir Herzog took place, together with the long struggle of his family and society in the search for truth and justice, is an integral part of the search for the historical truth of Brazil's past and identity. The Herzog case served as a warning that human rights violations will not be tolerated by society anymore. The case resulted in the beginning of the elimination of the dictatorship's organs of repression.¹⁶³ Resistance to terror and impunity for crimes must be considered when seeking to understand what happened in the following decades, until the present day. What is intended is to follow the

¹⁶² Davi Azevedo and Morgana Carvalho, "Caso Vladimir Herzog e o Papel Da Defensoria Pública Na Efetivação No Direito a Verdade e Memória." *Revista Jurídica da Defensoria Pública do Estado do Tocantins - ADSUMUS*, Palmas-TO, v. 4, n. 1, (2019): 14-61.

¹⁶³ Fernando Pacheco Jordão, *Dossiê Herzog: prisão, tortura e morte no Brasil*. (Autêntica Editora 2021), 344.

trajectory of the Herzog case and try to understand why the country has not yet resolved some basic issues of its democratic development such as corruption, severe poverty in some sectors and educational development to name a few.

The intention of this thesis is to emphasize the actions of the secret service and the correlation with the Herzog case, unlike the traditional historiography, which only pointed out that the crime was caused by the clash between the *castelistas* versus *linha dura*, within the context of political policy.¹⁶⁴ By shifting the axis of contradiction out of the authoritarian state, this thesis reveals the high level of autonomy of the secret service and how the fight against the dictatorship was enhanced by the democratic discourse as a consequence of Herzog's death. Herzog's murder constituted a serious mistake by the secret service and shifted the balance of power within the military regime away from it and toward the agency's critics. Thus, other contradiction is evidenced: Geisel's involvement in the torture and the relationship between the military government and the secret service during the policy shift. Thus, the Herzog case was the catalyst for social movements and represented the trigger for the birth of Brazilian society's fight for democratization.

Most of those responsible for the crimes committed in that period, such as kidnappings, illegal arrests, torture, private imprisonments, murders and concealment of corpses, have never been brought to justice. Knowing this history is important so that it is never repeated again. Perhaps a new light can be seen through this bloody dark struggle in Brazilian history, as on March 2020, 45 years after Herzog's murder, federal prosecutors in Brazil charged former members of the military dictatorship in the involvement of his death. Their names are José Paes,

¹⁶⁴ Moraes, *Endereços Da Cidadania*.

then-chief of command of the General Staff; Audir Maciel, commander of the Operations and Information; Altair Casadei, unit agent, coroners Harry Shibata and Arildo de Toledo, and Durval Moura Araújo.¹⁶⁵

¹⁶⁵ Teresa Mioli, “Former Members of Military Dictatorship Charged in Murder of Journalist Vladimir Herzog after 45 Years.” *LatAm Journalism Review by the Knight Center* (May 2020).

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