
Senate Confirms Brazil's First Woman - a Confederate Descendant - as Chief Justice

Contributed by Marcos Chagas
Thursday, 23 March 2006

The eleven justices on the Brazilian Supreme Court elect their own Chief Justice for two year terms. The praxis is to elect the justice with the most time on the court who has not been Chief Justice.

In the last election for Chief Justice, to replace Nelson Jobim, who will retire, the country's first female member of the court, Ellen Gracie Northfleet, was elected in a vote that was definitely historical, even though it was a mere formality.

Northfleet, who is descended from Americans who settled in Brazil (her great-grandfather was a Confederate officer who moved to Brazil after the Civil War), is the first woman to sit on the Brazilian Supreme Court and its first female Chief Justice. The Brazilian Supreme Court was established in 1891.

Being Chief Justice in Brazil entails other obligations. The Chief Justice presides over the National Justice Council (CNJ), a judiciary watchdog organization, which requires approval by the Senate.

Yesterday, Ms Northfleet got that approval. She will officially become Chief Justice and head of the council in April after Jobim leaves the court.

Another obligation a Brazilian Chief Justice may have to fulfill is acting president. This is a possibility because of electoral legislation. The first four people in the line of succession in Brazil are: vice president, president of the Chamber of Deputies, president of the Senate, and the Chief Justice.

Brazilian electoral legislation prohibits a candidate for an elective office from assuming an executive office during the six-month period before the election.

Thus, the situation for 2006 is that the first three in line for presidential succession, all of them being politicians (Vice President José Alencar, Aldo Rebelo, the president of the Chamber of Deputies, and Renan Calheiros, president of the Senate), are expected to run for elective office.

So, when the president travels abroad it is Brazilian tradition for someone who remains in Brazil to be "acting president." If that happens in the six-month period before the October elections, it is very possible that Ellen Gracie Northfleet will become acting president.

The last time a Chief Justice was acting president was in another election year. It was 1998, the president was Fernando Henrique Cardoso, the Chief Justice was Marco Aurélio Mello.

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