

A Confederate Descendant Becomes Today Brazil's First Female Chief Justice

Contributed by Marcos Chagas
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This Thursday afternoon, April 27, during a formal ceremony, Justice Ellen Gracie Northfleet, 58, will officially become Brazil's first ever female Chief Justice of the Supreme Court (Supremo Tribunal Federal) (STF).

Brazilian President Luiz Inácio Lula da Silva, and other high-ranking authorities will attend the ceremony.

Ms Northfleet went to law school at the Federal University of Rio Grande do Sul and received a master's degree in Social Anthropology. She worked as a federal prosecutor and judge.

She was appointed to the Supreme Court in 2000 by then-president Fernando Henrique Cardoso.

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

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. Northfleet has already got that approval.

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 Jose 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.

Justices on the Brazilian Supreme Court get to the court in much the same way as they do in the US: after being nominated by the president, they have to obtain congressional approval. But whereas the US president also appoints one of the justices as the Chief Justice, and he remains Chief Justice for life, in Brazil the justices vote to appoint one of their peers to be Chief Justice.

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.

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