

TELEGRAM

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Control: 318

Date: DEC. 8, 1966
1750

ACTION: AMEMBASSY RIO DE JANEIRO PRIORITY 245

BRASILIA 318

SUBJ: WEEKA ITEM: Supreme Court Vacancies

FOR POL: ~~Sak~~ Solmssen

1. The Supreme Court of Brazil (Supremo Tribunal Federal--STF) has a new Chief Justice. In a ceremony in Brasilia on December 7, the present Chief Justice, Alvaro Moutinho/^{Ribeiro}~~Riber~~ da Costa, retired and the Court elected Luiz Gallotti to replace him. A new Vice President, Justice Antonio Goncalves de Oliveira, was elected at the same time. In his emotional farewell speech, Ribeiro da Costa adverted to the importance of keeping the high court independent of "political passions," and praised his fellow justices for their unfailing support of this principle. His retirement (he reaches the mandatory retirement age of 70 in January) creates a second vacancy in the Tribunal, the first being that of Minister Antonio Martins Villas Boas, who retired in late November.

Ref 2-1

2. Comment: Feeling on the STF is that the President will fill one of the vacancies, and perhaps both, with a

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jurist from the North, since ~~the~~ that area is represented now by only two of the remaining 14 Justices (Paraiba and Piaui). The President is known to have privately expressed the desire to see the STF more balanced geographically. Among the candidates mentioned are Oscar Tenorio, an international law specialist originally from Pernambuco, Djacy Falcao from Pernambuco, and Seabra Fagundes from Sao Paulo. No longer among the candidates is former Chamber of Deputies president Aauto Cardoso, who, it was reliably known, had been offered one of the upcoming vacancies by Castello Branco before Cardoso defied the President in October. President Castello Branco will probably make the appointments before he leaves office next March. Incoming President Costa e Silva will, however, soon have two appointments of his own to make, since Minister Pedro Rodovalho Marcondes Chaves will reach the mandatory retirement age in July 1967 and Minister Candido Motta Filho in September 1967. The new Chief Justice has served on the STF since 1949, and is well regarded by his colleagues. Retiring Chief Justice Ribeiro da Costa clashed publicly with the then War Minister Costa e Silva in late 1965, and was

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known to be planning a public denunciation of Costa e Silva
after his retirement.

3. Drafted by Okun, Purdy.

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