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LADB Staff

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Legislators Ask High Court for Access to 1994 Campaign Financing Data

by LADB Staff

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On Sept. 9, the Chamber of Deputies took the unprecedented step of bringing a complaint against the executive branch before Mexico's highest court (Suprema Corte de Justicia de la Nacion, SCJN). The lower house, controlled by a coalition of opposition parties, asked the SCJN to force President Ernesto Zedillo to release financial records dealing with contributions to his 1994 presidential campaign.

The request presented by the four opposition parties also names Interior Secretary Diodoro Carrasco and Eduardo Fernandez, president of the Comision Nacional Bancaria y de Valores (CNBV). The lower house wants access to records of transactions conducted by Banco Union, once owned by Tabasco businessman Carlos Cabal Peniche. Cabal has accused the governing Partido Revolucionario Institucional (PRI) of using the bank-rescue fund (Fondo Bancario de Proteccion al Ahorro, FOBAPROA) to channel US\$25 million through Banco Union to the 1994 presidential campaigns of Luis Donaldo Colosio and Zedillo and the campaign of Tabasco gubernatorial candidate Roberto Madrazo Pintado (see SourceMex, 1999-06-09).

Independent auditor Michael Mackey, hired by the Chamber of Deputies to review all FOBAPROA transactions since 1995, had requested the Banco Union information from the government. But Mackey's request was denied by the Secretaria de Hacienda y Credito Publico (SHCP), which said the release of this information would violate banking-secrecy laws (see SourceMex, 1999-07-14).

Experts say lawsuit is unprecedented

Jeffrey Weldon, a political science instructor at Instituto Tecnologico Autonomo de Mexico (ITAM), said it is uncertain whether the high court will accept the request since there is no precedent for this type of case. "It's very rare that a legal controversy between the executive and legislature goes to the Supreme Court," said Weldon. "This would never have happened in a PRI-controlled Congress."

PRI legislators were confident the court would refuse to accept this case. Deputy Arturo Nunez Jimenez, who leads the governing party's delegation in the lower house, expressed confidence the court would recognize the right of the executive branch to uphold Mexico's banking-secrecy laws. But Deputy Carlos Medina Plascencia of the center-right Partido Accion Nacional (PAN) said the court will support the claim by the opposition legislators. "I am confident that the court will rule in favor of the Chamber of Deputies, which as representative of the citizens has the right to know whether Banco Union improperly supported the PRI."

Medina said Supreme Court Justice Genaro Gongora Pimentel assured him that the court would view the case in a serious and responsible manner. "This is an opportunity to show that Mexico has a real division of powers," said Medina. Decision expected within five months Justice Olga

Sanchez Cordero, in charge of writing the SCJN opinion, said the court will submit its ruling in less than five months. But legislators from the PAN and the center-left Partido de la Revolucion Democratica (PRD) urged the court to issue the ruling as soon as possible. Sen. Rosa Albina Garavito expressed concern that the PRI could again use Mexican banks to launder contributions for the 2000 presidential campaign. PAN Deputy Felipe de Jesus Cantu raised concerns that if the SCJN delays too long in its ruling the information on Banco Union "may disappear," since the documents are currently in the hands of the CNBV.

The ruling could have repercussions for PRI presidential candidate Roberto Madrazo, alleged to have spent 30 times more than the limit allowed by state laws in the 1994 Tabasco gubernatorial race (see SourceMex, 1995-08-30). But Weldon said the issue will only surface if Madrazo wins the PRI nomination in the Nov. 7 primary. He said Madrazo's three opponents for the nomination are unlikely to raise the issue during the campaign because the funding irregularities represent "a black mark against the PRI in general." (Sources: Associated Press, 09/07/99; The News, 09/09/99; El Economista, Excelsior, Novedades, 09/10/99; La Jornada, 09/08/99, 09/10/99; Proceso, 09/12/99; El Universal, 09/08/99, 09/09/99, 09/10/99, 09/11/99, 09/13/99, 09/14/99)

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