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Senate Elects Two New Supreme Court Justices

by LADB Staff

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Without much fanfare or controversy, the Senate voted overwhelmingly to elect Luis Maria Aguilar Morales and Arturo Fernando Zaldivar Lelo de Larra to serve 15-year terms on the Mexican high court (Suprema Corte de Justicia de la Nacion, SCJN). The two new justices will replace Mariano Azuela Guitron and Genaro Gongora Pimentel, who completed their terms. Both Azuela and Gongora served a term as chief justice during their tenure on the SCJN. Each of the new justices received at least 90 votes, more than the two-thirds of the total needed to win election to the court.

The new justices received broad support from all parties represented in the Senate, with the three major parties in the upper house the governing Partido Accion Nacional (PAN), the Partido Revolucionario Institucional (PRI), and the Partido de la Revolucion Democratica (PRD) reaching an agreement on the two new justices before the formal vote took place. Senators said the political parties agreed on the need to select justices who would best serve the interests of Mexico during a time of economic crisis, high insecurity, and social instability. "The ministers had to make a commitment not to a political party but to the country," said PRD Sen. Tomas Torres. Aguilar Morales, who defeated Maria Luisa Martinez Delgadillo and Jorge Mario Pardo Rebolledo, will be taking Azuela's spot on the high court.

Aguilar comes to the SCJN from the Consejo de la Judicatura Federal, the agency charged with administering and monitoring all federal courts. He has served in various other capacities in the federal judicial system. Zaldivar, a lawyer who has specialized in appellate cases, is a graduate of the Escuela Libre de Derecho and the Universidad Nacional Autonoma de Mexico (UNAM). He defeated Eduardo Ferrer MacGregor and Jorge Adame Goddard to replace Gongora Pimentel on the SCJN.

Newcomers commit to transparency, inclusiveness

Both new justices expressed a commitment to make the court more inclusive of society in its decisions and to promote the individual rights of all Mexicans. "[The SCJN] cannot ignore the demands for justice by the Mexican people," Aguilar said in a speech shortly before his election. In an address to the Senate, Aguilar pledged to act with courage and strength to combat corruption and to unconditionally protect human rights and the rights of women. "I am convinced that the high court is obligated to have a holistic vision, one that bases its best decisions on the protection of human rights," said Aguilar.

The new justice said the SCJN must become more transparent. "The court is obligated, now more than ever, to open itself to society, to make its ideas transparent, and to publicly demonstrate its reasons and motives for making judicial decisions," he said. Zaldivar echoed Aguilar's statements, suggesting that the court must be more inclusive in its decisions. "Every day we experience an elitist form of justice, one that treats those who have money differently from those who lack wealth," said

Zaldivar. "I commit to open the windows of the court so that we can let fresh air in," said the new justice, citing the need for the SCJN to consider a variety of opinions and perspectives regarding fundamental rights and constitutional interpretation.

Zaldivar used himself an example of how someone from outside the judicial community can become part of the court. "The fact that a lawyer could submit his candidacy for the jurisdictional position reveals the full integration of contemporary constitutional courts, which are characterized by plurality and diversity," he said. Zaldivar's two rivals for the SCJN post, Ferrer MacGregor and Adame Goddard, also had not served as judges but were part of the academic community. The new justices join Chief Justice Guillermo Ortiz Mayagoitia and Justices Jose de Jesus Gudino Pelayo, Juan Silva Meza, Sergio Aguirre Anguiano, Olga Sanchez Cordero, Jose Ramon Cossio Diaz, Margarita Luna Ramos, Sergio Valls Hernandez, and Jose Franco Gonzalez-Salas. Retiring justices leave mark on history Azuela and Gongora Pimentel left their mark on history, sometimes in a controversial manner.

Azuela is known for appearing to side with President Vicente Fox during the failed attempt to remove then Mexico City mayor Andres Lopez Obrador from office in 2004. Azuela met with Fox shortly before the Procuraduria General de la Republica (PGR) filed charges against Lopez Obrador for violating the Constitution (SourceMex, September 29, 2004). This was widely seen as a maneuver to disqualify the Mexico City mayor from the presidential race. "Even though he [Azuela] insists that he did not make any decisions at that time that compromised the institution he represented, his presence at that meeting created the impression that he was subordinated to the executive branch," said syndicated columnist Miguel Angel Granados Chapa. Gongora was also involved in a questionable, albeit less controversial, incident involving the Instituto Federal Electoral (IFE). Granados Chapa said Gongora sought to play a major role in the IFE while still a member of the SCJN. This violated the separation of powers, since the decision on the IFE is left to the legislative branch. The Chamber of Deputies prevailed, voting to appoint Leonardo Valdes Zurita to replace controversial IFE president Luis Carlos Ugalde (SourceMex, February 03, 2008).

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