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Carlos Navarro

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President Felipe Calderón Nominates Marisela Morales as Attorney General

by Carlos Navarro

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In a historic move, President Felipe Calderón has nominated Marisela Morales Ibáñez to become the country's chief prosecutor. If the Congress ratifies the nomination, Morales would become the first woman to head the Procuraduría General de la República (PGR). The change at the attorney general's office has, however, raised questions about the departure of her predecessor Arturo Chávez, who resigned on March 31 for "personal reasons." There is talk that Calderón pushed Chávez out the door amid questions about his handling of the president's campaign against drug traffickers. Because of his departure from the office, he was no longer required to testify before the Senate on April 5 about the PGR's role in the "Fast and Furious" campaign, a botched gun-tracing operation by a US agency ([SourceMex, March 23, 2011](#)).

Outgoing prosecutor resigns

Chávez came under scrutiny at the time of his nomination in 2009, with opposition politicians questioning whether he was sufficiently qualified to become the chief prosecutor ([SourceMex, Sept. 9, 2009](#)). First and foremost, he was viewed as a bland technocrat who did not have the necessary fortitude to go after the major drug-trafficking organizations. Chávez was also criticized for his perceived failure to fully investigate the murders of 400 women in Ciudad Juárez in the 1990s ([SourceMex, March 1, 2006](#)).

Despite the criticisms, the Mexican Senate voted to ratify Chávez ([SourceMex, Sept. 30, 2009](#)), perhaps as a concession to Calderón, who reportedly was poised to appoint then Baja California government secretary Francisco Blake Mora to the post following the resignation of Eduardo Medina Mora.

"Under these circumstances, Chávez came to substitute for Medina Mora, not as the best candidate for prosecutor but as the one with the best prospects [of ratification]," columnist Ana Paula Ordorica wrote in the Mexico City daily newspaper. "The Senate had already sent the administration a clear message that Blake Mora was not going to be ratified."

With Blake Mora's prospects to head the PGR blocked by the Senate, Calderón instead appointed the former Baja California official to head the Secretaría de Gobernación (SEGOB) to replace the departed Fernando Gómez Mont ([SourceMex, July 21, 2010](#)). The president is empowered to appoint the head of SEGOB without Senate ratification.

While in office, Chávez mishandled a couple of cases important to the Calderón government, particularly the prosecution of more than a dozen mayors and other public officials in Michoacán state who were accused of complicity with the drug-trafficking organization La Familia ([SourceMex, May 27, 2009](#)) and ([Aug. 19, 2009](#)). Prosecuting corrupt public officials was a major part of Calderón's campaign against drug-trafficking organizations. The mayors were taken to prison shortly after their arrest, but a federal judge ordered their release because the PGR failed to provide sufficient proof to make the charges stick ([SourceMex, Sept. 29, 2010](#)).

"One must acknowledge that the inefficiencies and complacencies did not originate with Chávez, they preceded him," the Mexico City daily newspaper *El Universal* said in an editorial. "But it's also appropriate to point out that he did not make many advances [in the campaign against drug traffickers]. He leaves a gray legacy with much unfinished business. The last thing our country needs at this time is a management deficient in procuring justice."

There was also talk that the PGR was aware of the gun-tracing operation in Mexico conducted by the US Bureau of Alcohol, Tobacco and Firearms (ATF). The ATF purposely introduced high-caliber weapons into Mexico to trace their movement. The operation backfired because the weapons were proven to have been used in several killings, including the murders of US agents.

The Calderón government adamantly denied advance knowledge of the operation, but one administration official testified before Congress that the operation required some approval from certain agencies. In testimony before the defense committee (Comisión de Defensa Nacional), Alfredo Gutiérrez Ortiz, director of the Servicio de Administración Tributaria (SAT), acknowledged that the arms shipments that the ATF sent to Mexico had to pass through one or more customs stations. This means that someone with knowledge of the operation allowed the arms to go through. Gutiérrez Ortiz said, however, that he was not aware of the shipment. "I found out by watching the news on television," said the SAT director.

Chávez did not help the situation by avoiding summons to testify before the Congress regarding what he knew about the program. He had been scheduled to testify on April 5 to a couple of Senate committees, but his resignation released him from that obligation. "We are strongly recommending to the attorney general that he set aside all excuses and present himself to testify before the legislators," said a congressional statement just a few days before Chávez announced his resignation.

Still, a handful of legislators defended the work of the departed attorney general. "Arturo Chávez is a public servant who is honest and efficient," said Deputy Víctor Humberto Benítez Treviño, a member of the opposition Partido Revolucionario Institucional (PRI). "I think it's a mistake for President Felipe Calderón to remove a public servant with such strong experience in the procurement of justice."

Morales earns strong praise

In contrast to the strong criticisms against Chávez, there was mostly praise for Marisela Morales, a respected prosecutor who has spent a good part of her career fighting organized crime. Morales has been in charge of the PGR's unit on organized crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO). At the PGR, she has also served in the anti-drug agency (Fiscalía para la Atención de Delitos contra la Salud, FEADS) and the anti-corruption unit (Unidad Especializada en Investigación de Delitos cometidos por Servidores Públicos y contra Administración de Justicia).

Morales has received wide recognition for her work, including a 2011 International Women of Courage Award in March, in a ceremony headed by US Secretary of State Hillary Rodham Clinton and US first lady Michelle Obama. The prize, created by the US State Department in 2007, has been awarded to 38 women from 27 different countries.

If the Senate approves Morales' nomination, Mexico could be writing a new chapter in its history by appointing a woman as chief prosecutor. Her appointment is viewed as such a groundbreaking

event that a group of a dozen women senators from the three major parties—led by Sen. Adriana González Carrillo of the governing Partido Acción Nacional (PAN)—have launched a campaign to ensure that the upper house ratifies the nomination.

"It is incredibly important because the attorney general is one of the positions most associated with traditional male roles—the procurement of justice," said Gina Zabludovsky, an expert on women's leadership at the Universidad Nacional Autónoma de México (UNAM).

Mexico has made some advances in promoting gender equity in politics and government. Women have won elections as governors, mayors, and senators ([SourceMex, July 14, 2004](#)) and ([May 23, 2007](#)) and have been appointed to important Cabinet positions like foreign relations secretary and energy secretary ([SourceMex, Jan. 28, 1998](#)) and ([Dec. 6, 2006](#)). Two women currently serve on the high court (Suprema Corte de Justicia de la Nación, SCJN), although a recent attempt to add a third woman justice was unsuccessful ([SourceMex, Jan. 26, 2011](#)).

Despite these advances, Mexico ranks only 91st on the World Economic Forum's 2010 Global Gender Gap Report, one of the lowest rankings in Latin America. Only Belize, Suriname, and Guatemala rank below Mexico.

Senate likely to ratify appointment

The prospects are very strong that the Senate will ratify Morales' appointment, especially with strong support from the PRI and the PAN. The two parties, along with the Partido Verde Ecologista de México (PVEM), hold a majority of seats in the upper house. The PRI signaled its support after national party leader Humberto Moreira, speaking on behalf of the PRI delegation in the upper house, offered a vote of confidence for the nominee.

The PRD might not give its approval so easily, although some senators from the center-left party have indicated they will vote for her. The PRD is not so much concerned about Morales' qualifications as about the structure of the PGR, which it claims has served as a political tool for Calderón. "We are proposing to take away control of the PGR from the president and give more autonomy to the attorney general so that person truly becomes an advocate for society and not just a subordinate of the executive," said Sen. Carlos Navarrete, coordinator of the PRD delegation in the upper house.

The PRD was angered by the PGR's move against the Michoacán mayors in 2009, describing the michoacanazo as a political move to shore up Calderón's political standing. They point out that, even though former attorney general Medina Mora ordered the move, the SIEDO under Morales had a major role in the arrests of mostly PRI and PRD mayors and public officials, although two of the municipal leaders taken into custody were members of the PAN.

Some PRD leaders have also questioned Morales' role in the attempt by ex-President Vicente Fox to strip political immunity from then Mexico City mayor Andrés Manuel López Obrador. The federal government had claimed that López Obrador had violated the Mexican Constitution by ignoring a court order to halt construction of a road through property that the Mexico City government had expropriated. But critics said the move was intended to damage López Obrador's prospects in the 2006 presidential election ([SourceMex, April 13, 2005](#)).

"We are concerned about Marisela Morales' record, including her role in developing the legal document that led to the attempt to oust López Obrador as well as her actions as SIEDO director [in the Michoacán case] in 2009," said Navarrete.

It is unclear how many PRD senators would actually vote against Morales, with some women legislators from the center-left party indicating that they would back the nominee.

And even though the PRI has indicated its support for Morales, senators from that party are expected to join the PRD in pushing for reforms to the federal justice system. Sen. Fernando Castro Trenti, a PRI floor leader in the lower house, said he would especially like to extract a promise from the nominee that she would show up when summoned to testify to relevant congressional committees and subcommittees.

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