

Guilty of Popularity

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ON April 7, the Mexican Congress stripped Andrés Manuel López Obrador, the mayor of Mexico City, of the immunity from prosecution held by top officials, using a procedure known as *desafuero*. The federal government will almost certainly charge him with having ignored a court order barring the city from building an access road to a hospital on private property. If Mr. López Obrador is found guilty, he could be banned from running for president. President Vicente Fox has hailed the *desafuero* as evidence of Mexico's "respecting the law" and "a clear sign of the fortitude of our institutions." But most Mexicans, myself included, think the campaign against Mr. López Obrador is a ploy intended only to destroy a powerful electoral opponent in the July 2006 presidential contest -- a ploy that may end up having the opposite effect. And whether Mr. López Obrador is kept out of the race or swept into office on a wave of popular outrage, if the *desafuero* stands, Mexico's democracy seems likely to suffer.

It's hard to argue with the high-minded goal of stamping out lawless government behavior being professed by President Fox. But that goal has not been pursued evenhandedly. Former President Luis Echeverría was indicted on charges of genocide for his role in the massacre of dozens of students on June 10, 1971, but never judged. An accusation before the Inter-American Commission on Human Rights of the Organization of American States calls the government of former President Ernesto Zedillo responsible for the torture and assassination of Indians in Chiapas in 1997, crimes for which no one has been brought to trial.

Nor has anyone been held accountable for the "disappearance" of 482 citizens between 1968 and 1985 (by the government, according to the Mexican National Commission on Human Rights). Not to mention the likely complicity of law enforcement agents in kidnapping, drug dealing and auto theft. Or the tribute exacted from so many Mexicans in their daily dealings with officials at all levels. Set against these crimes, Mr. López Obrador's offense of widening a hospital access road in a way that may or may not have denied access to private land seems minor.

His real crime seems to be his popularity. Recent public surveys on likely presidential candidates show Mr. López Obrador favored by 43 percent of those polled-- almost triple the support for the next leading candidate.

Of course, this legal gambit by Mr. López Obrador's political opponents may end up strengthening his position. Signs and banners hang from many people's windows saying "No al *desafuero*!" Peaceful demonstrators have filled the *Zócalo*, Mexico City's central

square; citizens' committees backing Mr. López Obrador have formed in all of Mexico's states; and the press, radio, television and countless e-mail boxes buzz with vehement anti-desafuero commentary from prominent intellectuals, including many who are by no means supporters of Mr. López Obrador. If his opponents are foolish enough to put him in prison, it's quite possible that an infuriated electorate might catapult him directly from jail to the presidency.

This wouldn't be such a bad thing, say his backers, who argue that Mr. López Obrador would strive to improve the standard of living for the immense number of Mexicans now living in poverty. I confess my personal ambivalence: Mr. López Obrador's side of the field should be mine. He's against what I'm against: our country's obscene poverty and the system that keeps it growing. But he's also taken on some of the most problematic of the urban projects favored by the once dominant Institutional Revolutionary Party -- double-decking highways rather than expanding public transportation -- and its demagogic politics, making himself a patriarchal donor rather than generator of sustainable development. And then there are the nasty corruption scandals that have erupted in his inner circle.

Electoral democracy in Mexico is of extremely recent vintage, the product of stubborn resolve by innumerable citizens, some of whom gave their lives that it might be born. Mr. Fox is the first president to be freely and fairly chosen by the people, after 71 years of one-party rule. And Mr. López Obrador was only the second elected mayor in Mexican history: mayors were previously appointed by the president, who, in turn, was anointed by his predecessor. These fledgling democratic institutions are still fragile, and the real catastrophe of the campaign to block Mr. López Obrador is that almost any outcome will weaken them further.

It could be, as his opponents probably hope, that blocked from campaigning, he will see his popularity ebb, and that by the time the elections are held next year, his supporters will have abandoned his cause. If so, the leading contender will have been sidelined, a blow to democracy. Or it could happen that despite Mr. López Obrador's insistence on peaceful resistance, angry demonstrations will erupt and be met with official violence, a horrific setback for the country.

But even if he rides into office on the crest of popular fury, he will have achieved power without having had to promote and defend his positions in the give and take of public debate. His enemies would thus unwittingly have constructed for him the pedestal of a hero -- or of a caudillo, the last thing Mexico needs. No matter who wins the presidency, unless the desafuero pull back from the brink, Mexican democracy -- the dream of my generation -- will be the certain loser.

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