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Mexican Court Rejects Fraud Claims

Electoral Tribunal Says Partial Recount Won't Alter Result of Presidential Race

By Manuel Roig-Franzia
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MEXICO CITY, Aug. 28 -- Mexico's top electoral court announced Monday that a partial recount will not change the outcome of the hotly disputed July 2 presidential election, which sparked a constitutional crisis and massive demonstrations that have shackled the capital for nearly two months.

The Federal Electoral Judicial Tribunal stopped short of officially declaring Felipe Calderón the winner over Andrés Manuel López Obrador, the populist former mayor of Mexico City. But few here expect the court to alter the final outcome of the race, especially after the court announced Monday that it had rejected nearly all of López Obrador's fraud claims.

"It looks like the game is over," said Jorge Chabat, a political analyst based in Mexico City.

The electoral court has until Sept. 6 to certify the winner, and it must still respond to López Obrador's demand that the election be annulled. But legal experts here give the annulment request little chance of succeeding because it was based almost entirely on the fraud claims rejected by the tribunal on Monday.

The recount shaved only 4,000 votes off Calderón's lead of 244,000 votes, which had amounted to about half a percent of the 41 million votes cast. The recount, which encompassed 9 percent of polling places, cost each candidate votes. The court subtracted 81,000 from Calderón's total and just under 76,900 from López Obrador's.

Calderón reacted cautiously, saying during a meeting with federal lawmakers that he was "satisfied that the final count corroborated the weight of the decision made July 2."

In another appearance, he made a plea to the Mexican public that was clearly aimed at thousands of López Obrador supporters who have camped for the past month in Mexico City's downtown square, known as the Zocalo: "Do not let a few people supplant in a violent way the decision made by the Mexicans."

López Obrador, of the Democratic Revolutionary Party, had demanded a full recount and has said that he would not accept the results of the partial recount. He also said recently that he plans to declare himself the president of Mexico, regardless of the tribunal's decision.

López Obrador had leveled a host of allegations, including claims that tally sheets were changed, voters were paid off and computers were rigged by Mexico's electoral institute, which oversaw the balloting. But the tribunal was clearly unimpressed by the evidence that López Obrador submitted.

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"The judge is not an investigator, is not a prosecutor. He must start from the base of the facts invoked by the challenger," Leonel Castillo, the tribunal's chief magistrate, said in announcing the recount results. "They said that there were multiple irregularities in a great many polling places, but saying many polling places is not enough. They have to identify the facts."

John Ackerman, a Mexican law professor who had advocated for a full recount, said Monday that the tribunal should have undertaken a review of the entire election that addressed López Obrador's claims that Mexico's institution conspired to keep information from the public.

"They could have answered the question of whether this election was a mess or not," Ackerman said. "They are missing a historic opportunity. . . . This gives López Obrador the perfect weapon to continue and consolidate his movement."

López Obrador enjoys tremendous support among Mexico City's poor, and his critics worry that his followers, some of whom have pledged to die for his cause, could spark unrest. But there have been signs that his support has waned, particularly since hotels and restaurants began laying off employees because of a downturn in business near the camp cities set up by protesters along Mexico's elegant Reforma Avenue.

Still, the doubts raised by López Obrador have hurt Calderón politically, said Chabat, the political analyst.

"In the first year, he will be a weak president," Chabat said. "He will have to negotiate with many people."

Calderón, of the National Action Party, campaigned on promises to continue the free-trade policies of outgoing President Vicente Fox, who was a strong ally of the Bush administration.

Fox, who had dismissed pro-López Obrador demonstrators as "rebels," sought to give a note of finality to the electoral crisis after the tribunal's decision.

"The Mexican society has chosen a voting system to consolidate democracy. . . . The society has rejected time and again the path of violence, of division and confrontation: We should listen to the mandate of the society."

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