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Contact: Eric Friedman
212-382-6754
efriedman@nycbar.org

Eli Cohen
212-382-6656
ecohen@nycbar.org

Statement of the New York City Bar Association on the Mexican President's Accusations of Treason Toward Attorneys

New York, March 11, 2021 – The New York City Bar Association expresses serious concerns about the remarks made by Mexican President Andrés Manuel López Obrador during his daily news conference on Monday, February 22nd, in which he accused Mexican lawyers of “*treason against the country*” for representing foreign companies that are expected to take legal positions against his proposed energy reform.ⁱ President López Obrador’s statements have alarmed Mexico’s legal community as well as the international legal community. The New York City Bar Association opposes any action or statements by President López Obrador or his supporters that improperly interfere with the role of lawyers in Mexico advocating for their clients as a threat to the rule of law.

The President’s remarks were delivered within the context of a discussion of Mexico’s energy supply and the country’s need to develop energy self-sufficiency.ⁱⁱ According to reports, although the President’s remarks were initially directed at lawyers representing the farm lobby, his comments also encompassed Mexican lawyers hired to represent companies that oppose the President’s recent energy proposal: “*It’s shameful that Mexican lawyers are employed by foreign companies that want to continue to plunder Mexico... hopefully they [the lawyers] will start to internalize that this is treason against the country.*” López Obrador’s proposed reform—which was introduced as a bill that passed through the lower house of Mexico’s congress and the Senate on Wednesday, March 3—would prioritize power generation by the State utility company, the Federal Electricity Commission (Comisión Federal de Electricidad or CFE), over buying electricity through auctions.ⁱⁱⁱ Lawsuits challenging the new law are expected.

López Obrador’s remarks accusing lawyers of “treason” are a direct attack on the rule of law, including the independence of lawyers. Article 123 of Mexico’s Federal Penal Code states that treason against the State includes an array of actions that qualify as overt treasonous acts: conspiracy, sedition, and terrorism, among others.^{iv} There is nothing in the statute that suggests that providing legal representation to a party *adverse to the government’s* position would entail treason against the country.

Furthermore, Article 5 of Mexico’s Constitution stipulates that “no person may be prevented from performing the profession, industry, business or work of [their] choice, provided that it is lawful.”^v Articles 1, 17 and 123 of Mexico’s Constitution also protect lawyers, foreign individuals and corporations in offering and seeking legal representation. And the United Nations Basic Principles on the Role of Lawyers (1990) obligates governments to ensure that legal practitioners “are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference,” and that they “shall not

suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics” (Principle 16).^{vi} For this reason, López Obrador’s baseless accusation of treason against lawyers for engaging in the practice of law is dangerous and runs counter to the UN Basic Principles.

Unsurprisingly, the legal community did not take the President’s recent “treason” comment lightly, with many individuals and professional organizations issuing statements that rebuke his remarks.^{vii} The New York City Bar Association commends those who have spoken up and calls upon President López Obrador and his administration to honor their international commitments to the rule of law and to respect the work of lawyers, regardless of whom they represent.^{viii}

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.
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ⁱ Amy Guthrie, *Mexican President Accuses Lawyers of Treason for Representing Foreign Interests*, Law.com, February 23, 2021, available online at: <https://www.law.com/international-edition/2021/02/23/mexican-president-accuses-lawyers-of-treason-for-representing-foreign-interests/> (All websites cited in this statement were last visited on March 11, 2021.) (Mexican President Andrés Manuel López Obrador is quoted as saying, “It’s shameful that Mexican lawyers are employed by foreign companies that want to continue to plunder Mexico.... Of course they [the lawyers] are free, but hopefully they will start to internalize that this is treason against the country”).

ⁱⁱ Vanessa Rubio, *Blackout Politics: AMLO’s Energy Plan Will Backfire*, Americas Quarterly, February 17, 2021, available online at: <https://www.americasquarterly.org/article/blackout-politics-amlos-energy-plan-will-backfire/>.

ⁱⁱⁱ Amy Stillman, *Mexico’s Lower House Passes Nationalist Electricity Bill*, Bloomberg, February 24, 2021, available online at: <https://www.bloomberg.com/news/articles/2021-02-24/mexico-s-lower-house-passes-amlo-s-electricity-bill>.

^{iv} Federal Penal Code, Justia Mexico, available online at: <https://mexico.justia.com/federales/codigos/codigo-penal-federal/libro-segundo/titulo-primer/capitulo-i/>.

^v Article 5, The Constitution of Mexico, Justia México, available online at: <https://mexico.justia.com/federales/constitucion-politica-de-los-estados-unidos-mexicanos/titulo-primer/capitulo-i/#articulo-5o>.

^{vi} Basic Principles on the Role of Lawyers, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27- September 7, 1990, available online at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>.

^{vii} See Official statement of the General Council of Mexican Lawyers (Consejo General de la Abogacía Mexicana), @ConsAbogaciaMEX, February 22, 2021, available online at <https://twitter.com/ConsAbogaciaMEX/status/1364077651787354114/photo/1>; Official Statement on the Participation of Lawyers in the Defense of their Representatives and the Freedom of Professional Practice, National Mexican Committee UIA (Comité Nacional Mexicano UIA), February 23, 2021, available online at: <https://anade.org.mx/comite-nacional-mexicano-uia-comunicado-sobre-la-participacion-de-abogados-en-la-defensa-de-sus-representados-y-la-libertad-de-ejercicio-profesional/>.

^{viii} The Association takes no position on the underlying merits of any legal challenges or opposition to the new energy law.