

Chilling Effect and Freedom of the Press in Mexico: Then and Now

“We have learned the lesson: To survive, we publish the minimum.” -Alfredo Quijano, editor-in-chief of Norte de Ciudad Juárez

In order to understand the particular problem facing the press in Mexico and their unhindered ability to report, the following story serves as an illustrative example. On January 7, 2010, Valentín Valdés Espinosa¹ was leaving the offices of his newspaper, *Zócalo de Saltillo*, in Saltillo, Mexico with 2 of his colleagues when a pair of vehicles intercepted them, and Espinosa and one of his coworkers were forced into one of the pursuing SUV’s. The next morning, his body was found, riddled with gunshots. His hands and feet had been bound and he had evidently been tortured before he was killed. He was also found with a handwritten note that read: “This is going to happen to those who don’t understand. The message is for everyone.”

The question as to why this is troubling incident is an indication of the challenges facing Mexican journalists today can be answered by looking at the reasons for Espinosa’s murder. According to research by the Committee to Protect Journalists, he was a member of a team of reporters who were covering a raid by the Mexican army at a hotel in which a high-level member of the Gulf cartel was arrested. The report that ran in the paper described the arrest, and it carried no byline. It is interesting to note that Espinosa’s body was found near the hotel where the raid took place. The CPJ investigation cites an editor at this paper who says the

¹ Committee to Protect Journalists (CPJ) “Journalists Killed in Mexico Since 1992 – Valentín Valdés Espinosa” <http://cpj.org/killed/2010/valentin-valdes-epinosa.php> Accessed March 2010

information about the arrest came from Espinosa, and that very few people knew who wrote which part of the story.

Things have not improved recently either. In August of 2010, four journalists from multiple media outlets were kidnapped and held hostage, apparently with the intention of blackmailing their respective outlets into broadcasting cartel messages. Two of them were rescued shortly thereafter, and the others released. Televisa, one of the largest television networks in the country went blank for an hour as a sign of protest.² In September, 2010, the largest newspaper in Ciudad Juárez, *El Diario*, ran a front page editorial which asked what the cartels wanted from the paper in order to stop violence toward its reporters³

How events like these affect the practice of journalism in Mexico? The circumstances of Espinosa's death, seem to indicate tactics on the part of somebody (presumably members of the Gulf Cartel) to intimidate journalists into not getting too close to what goes on. So do the kidnappings in August. These are tactics obviously intended to create a chilling effect on the practice, where the price for digging too deep is a gruesome end, and the ones who survive are those who mind their own business and do not report anything but the bare minimum.

Given the close geographic and economic ties between Mexico and the United States, it should be of great interest that something is done about this problem. The act of intimidating journalists so that they don't look too closely at illicit activity is dangerous to the function of a democratic society. The press, when it is free and able to do its job without hindrance, acts as a

² CNN (2010) "Drug cartel behind Mexican journalists' kidnapping, official says"
<http://www.cnn.com/2010/WORLD/americas/08/01/mexico.journalists.violence/index.html?hpt=T2>

³ Barrett, Liz Cox (2010) "El Diario de Juarez: 'We do not want more deaths'"
http://www.cjr.org/the_kicker/el_diario_de_juarez_we_do_not.php

watchdog, helping to expose criminal activity and wrongdoing among government. It helps to provide an environment where ideas are discussed openly and freely. Unfortunately, the press in Mexico has not always been able to function without interference, albeit in different forms. The following paper will aim to examine the concept of press freedom in Mexico over the past century, and some of the factors that have affected it. The paper will give an overview on the chilling effect that Mexican press experienced under the single party system of the *Partido Revolucionario Institucional* (PRI) and it will discuss the more recent and somewhat more disturbing trend of organized crime's own chilling effect. To illustrate these 2 points, several accounts of the problems that journalists have encountered will be given. The role that the media played in the downfall of the PRI will also be looked at. The question of what is being done to protect journalists will also be examined, as will what else can be done to further that protection.

Media and Press Freedom in Mexico Today

Freedom House, the leading organization in assessing the freedom of press systems around the world has recently ranked Mexico with a score of 55. In their assessment, such a score qualifies as partly free.⁴ The report found on their website cites various factors that are worrisome when it comes to press freedom. For example, television broadcasting in the country is effectively controlled and dominated by two networks: TV Azteca and Televisa. This same organization cites problems with the government bowing to pressure from broadcast

⁴ Map of Press Freedom 2009 – Mexico: <http://www.freedomhouse.org/template.cfm?page=251&year=2009>
Accessed February 2010

outlets to maintain “the concentrated commercial ownership structure”⁵ that does little to bolster any kind of educational, public or community media outlets. Lest one forget, Mexico is home to the richest man in the world, Carlos Slim, who made his fortune in the telecommunications and media business. He is one of several who made quite a fortune during the deregulation of the Mexican telecommunications industry, and the same lack of competition has been prevalent in other media outlets. The method of control over the media under these circumstances would likely fall into the category of coercion and corruption. This is not exactly anything new, as many of these methods of unofficial control existed throughout the twentieth century under the PRI system that lasted from 1917 until 2000.⁶

When journalists do run into problems with, there is not much that can be or has been done. The freedom of speech, as a fundamental human right, is not always upheld in this country, despite the existence of the *Comisión Nacional de los Derechos Humanos* (National Commission of Human Rights). According to a 2008 study by the Human Rights Watch, it is all too often that the commission is unwilling or unable to pressure the appropriate organizations to look into abuses.⁷ This is very much what happens with the killings of journalists by the cartels. The attacks routinely go uninvestigated by their colleagues or the appropriate authorities, either for fear of reprisal or because they’ve been paid off. The threat of violent retribution seems also to be growing with the rise of the cartels. Under the PRI, the party that dominated in Mexico for much of the past century, oppression of journalists took a much more

⁵ *ibid*

⁶ Lawson, Chappel (2000). Mexico’s Unfinished Transition: Democratization and Authoritarian Enclaves in Mexico. *Mexican Studies*. 16(2): 267-287.

⁷ Human Rights Watch (2008) “1:Summary and Recommendations,” Mexico’s National Human Rights Commission: A Critical Assessment”

subtle approach that tended to not be detrimental to one's health such as bribes and preferential treatment. The cartels, however, seem to prefer more brutal methods, such as murder, torture and threats. The question then becomes one of what all this could come to mean for the country. In many ways, the press has played a role in the democratization of this country by finally bringing critical attention to political scandals, and it is still a relatively new democracy.⁸ What seems to be happening is that the emergence of the cartels and the violence perpetrated by them represents a transition to a more violent climate for journalists and average citizens in this country. In other words, the fragile democracy that replaced the old authoritarian regime nearly 10 years ago could be overrun by powerful cartels, and the consequences for those who don't go along could be more violent than ever. At the time of writing, there have been 4 journalists killed in Mexico in 2010, and 12 over the course of 2009.⁹ This figure includes only the ones that have been reported. The Committee to Protect Journalists reports that the toll has reached 32 dead journalists in the past 10 years. Nearly 9 have gone missing since 2005.¹⁰

Freedom of the Press and the PRI

For the purposes of this paper, it is necessary to briefly examine the Mexican media in the 20th century. The reason for limiting the focus to just this period of time is principally a historical one. The current Mexican constitution came about in 1917 after the end of the

⁸ Lawson, Chappel (2002). *Building the Fourth Estate: Democratization and the Rise of a Free Press in Mexico*. University of California Press. Berkeley, California.

⁹ Associated Press (2010), "Journalist Killed in Mexico, 4th in 2010,"

<http://www.azcentral.com/news/articles/2010/03/15/20100315journalist-killed-in-mexico.html>

¹⁰ Committee to Protect Journalists (2009) "Attacks on the Press in 2009: Mexico," <http://cpj.org/2010/02/attacks-on-the-press-2009-mexico.php#more> Accessed February 2010.

Mexican Revolution. The end of the revolution also brought the rule of a one-party government that remained in power until 2000 when Vicente Fox and the *Partido de Acción Nacional* (PAN) won the presidential elections. The PRI was one of the longest-running authoritarian regimes in the world, and its treatment of the press and freedom of expression, though rarely violent, sometimes left much to be desired. Peruvian novelist and politician Mario Vargas-Llosa once called it “the perfect dictatorship.”¹¹

The Mexican constitution of 1917 guarantees the freedom of expression in Article 6.

Article 7 is the one that deals with freedom of the press:

Article 7. The freedom to write and publish writings on any subject is inviolable. No law or authority may establish prior censorship, require bonds from authors or printers, or restrict the freedom of printing, which shall be limited only by the respect due to private life, morals, and public peace. Under no circumstances may a printing press be seized as the instrument of a crime.

The organic laws shall contain whatever provisions are necessary to prevent the imprisonment of vendors, “newsboys,” operators, and other employees of the establishment publishing the work denounced, under pretext of denunciation of offenses of the press, unless their guilt is previously established.¹²

Thusly, the constitution prohibits prior censorship and other forms of official government censorship or journalistic interference. However, it hasn’t prevented corruption and other more subtle forms of control over media in Mexico.

By the use of various PRI-aligned state-corporatist organizations, various members of Mexico’s political elite were able to create a system in which “media were thoroughly intertwined with the country’s one-party system. A web of subsidies, concessions, bribes, and perquisites created a captive media establishment that faithfully reflected ruling party priorities.”¹³ By the 1940’s, the state’s role in the economy led to more control over it, effectively nationalizing many industries such as petroleum

¹¹ Vargas-Llosa, Mario (1991). Mexico: The Perfect Dictatorship. *New Perspectives Quarterly* 8(1): 23-24

¹² Article 7 - The Constitution of the United Mexican States of 1917, as amended in 2007. Accessed via Oceana Law, March 2010.

¹³ Lawson, Chappel (2002) P. 173

and telecommunications. Groups that would go along with the government were the ones that got access to the benefits, not least of all was the establishment media.¹⁴ Daniel Hallin has pointed out that the Mexican media has been largely “*oficialista*” (e.g. passive and self-centered).¹⁵ The largest television network in the country, Televisa, had been very closely-aligned with the PRI, which assured them access to government subsidies. Those very subsidies were oftentimes paid for by those not favored by the PRI, who were charged more in taxes and other fees.¹⁶ This created a considerable chilling effect on any journalist who would think of criticizing the establishment.

Among newspapers, one particular method of control exerted was through PIPSA, a state-owned company that controlled the import and production of newsprint.¹⁷ PIPSA provided subsidies on newsprint through various ways, such as “offering generous terms of credit, absorbing the costs of shipping and storage, or simply selling paper at reduced prices.”¹⁸ This has been described as a “more carrot than stick” method of control.¹⁹ One particular case involved the suspension of credit and newsprint delivery to a paper that was covering a massive industrial accident involving the national oil company, PEMEX, during trade negotiations, and the paper was left without enough paper to run the next edition.²⁰ Outright bribes were not uncommon either, both official (through subsidies) and unofficial. One manner of payoff, the *gacetilla*, involved paying off journalists to place fake news stories that would praise a particular political figure.²¹ These bribes were oftentimes ways of supplementing income for the poorly-paid journalists, and journalists also would use their beat to solicit potential

¹⁴ *ibid*

¹⁵ Hallin, Daniel (2000). Media, political power and democratization in Mexico. *De-Westernizing Media Studies*. Routledge: New York, New York.

¹⁶ Lawson, Chappel (2000).

¹⁷ Lawson, Chappel (2002).

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ *ibid*

²¹ *ibid*

advertisers, which would mean treating sources as potential customers.²² Television media were not any better, as Televisa (who was closely aligned with the PRI) received preferential tax treatment, subsidized access to communication infrastructure and protection from competitors in exchange for favorable or beneficial coverage.²³

Eventually, the successes of this regime helped to lead to its downfall, with its stability leading to economic development and encouragement in investment. This in turn led to a higher standard of living for many Mexicans, higher levels of literacy and education and an expansion of mass media.²⁴ The latter meant more competition which gave way to more commercial concerns than political, making the media much less dependent on the good graces of the ruling party, and thus making it easier for a series of political scandals to come to light which helped to undermine the PRI's stronghold on both the country and the media. An example of the press's newfound backbone and its effect on the political landscape involved a police raid on a group of peasant activists.²⁵ Known as the Aguas Blancas scandal, the ensuing media coverage led to the eventual resignation of a state governor and the prosecution of two dozen state officials. The Zapatista uprising in 1994 also serves as an example in which media attention put pressure on the one-party regime, as coverage and dissemination of the EZLN communiqués allowed for organization and support at the national and international levels for the protesting peasants, as well as bring attention to the authoritarian nature of the government response to the uprising.²⁶ The media began to report on what were previously untouchable subjects, such as

²² *Ibid*

²³ Hughes, Sallie & Lawson, Chappell (2004). Propaganda and Crony Capitalism: Partisan Bias in Mexican Television News. *Latin American Research Review*. 39(3): 81-105.

²⁴ Lawson, Chappel (2000).

²⁵ Lawson, Chappel (2002). P. 138-39

²⁶ Gilbreth, Chris & Otero, Gerardo (2001) "Democratization in Mexico: The Zapatista Uprising and Civil Society" *Latin American Perspectives* 28(4): 7-29.

“damaging revelations about drug trafficking, official corruption, electoral fraud, opposition protests and government repression.”²⁷

This deregulation, while it has limited the official interference in press freedom, has created an environment where commercial interests are more important.²⁸ Such a media environment is not necessarily beneficial to democracy however, as owners can still have their own political or industrial agendas. Until recently, the threats facing journalists have been relatively non-violent. The current drug-related violence plaguing the country, however, may very well come to represent a new era of more violent repression of journalists.

Freedom of the Press in Mexico’s Drug War

The rise in drug trafficking in Mexico has come about over the past few decades. Crackdowns in Turkey, Vietnam, and Colombia produced opportunities for Mexican traffickers to control the flow of drugs into the U.S., and by 2000 they were responsible for nearly 70% of the cocaine entering this country.²⁹ Currently, there are 3 large groups (the Gulf, Juárez and Sinaloa cartels) in the country, and much of the violence that has arisen is due to the fight to control trafficking routes into the United States. In 2006, the current president Felipe Calderón took office amid promises to combat Mexico’s growing problem with drug trafficking. The aftermath of this decision has led to nearly 14,000 drug violence-related deaths in what has been called the “worst carnage since the Mexican Revolution.”³⁰ News stories seem to come out every other

²⁷ *ibid* P. 139

²⁸ *ibid* P. 8-10

²⁹ Levy, D., Bruhn, K., & Zebadúa, E. (2006). *Mexico: the struggle for democratic development – 2nd ed.* University of California Press: Los Angeles, California, U.S.A. P. 212-213.

³⁰ Caputo, Phillip (2009). “The Fall of Mexico” *The Atlantic* December 2009.

<http://www.theatlantic.com/magazine/archive/2009/12/the-fall-of-mexico/7760/> Accessed December 2009.

day from places like Ciudad Juárez where the violence is worst. The violence has even prompted the mobilization of the Mexican military. It's common knowledge among many that much of the violence tends to be limited to the members of the cartels killing one another. The cartels, like other organized crime groups, don't only limit themselves to the trafficking of drugs. It is widely suspected that they are involved in corruption, arms trafficking and human trafficking. As has been seen, the problem as it applies to the freedom of the press here is that being a crime reporter has become a very dangerous profession, not only for the journalists themselves, but also for their friends, colleagues, families or whomever else happens to be around when hired killers (known as *sicarios* in Mexico) come to call.

CPJ³¹ has been investigating the deaths of journalists in Mexico since 1992. They have investigated 48 cases of journalist deaths, and have been able to discern probable motive for 19 of those cases. They find that there is a large spike in the number of cases that coincides with the spike in drug-related violence. They also report that approximately 74% of the cases involved journalists who covered crime beats. Many of the cases involve a similar sequence of events as well.

One case³² of a murdered journalist involved Armando Rodríguez, a crime reporter for *El Diario* in Ciudad Juárez, Mexico. Rodríguez was shot multiple times outside of his home while sitting in his driveway in November 2008. He had reportedly received death threats prior to his death, including phone calls that threatened death and reportedly a text message that warned

³¹ Committee to Protect Journalists (2010) "Journalists Killed in Mexico Since 1992"
<http://cpj.org/killed/americas/mexico/> Accessed March 2010

³² Committee to Protect Journalists (2010) "Journalists Killed Since 1992 – Armando Rodríguez"
<http://cpj.org/killed/2008/armando-rodriguez.php> (Accessed March 2010).

him to “tone it down.” The investigation concluded that the death threat could not be linked to any particular story, but Rodríguez did cover crime and also reportedly refused to change his beat. CPJ also reports that he had approached the authorities about these threats, though the Attorney General’s office which handles such threats would not confirm that. The case remains unsolved, though members of a drug cartel as suspects. That is as far as has gotten though, and its unresolved nature is not uncommon among these types of cases.

Another case³³ which has a somewhat different outcome deals with a reporter/photographer for the Torreón-based daily *La Opinión*. Eliseo Barrón Hernández was abducted from his home by gunmen in May of 2009. His body was found the following day, and like others, he had apparently been tortured and shot to death. Adding to the threatening element of his death, unidentified men hung several posters on the day of his funeral. The posters were signed by Joaquín “El Chapo” Guzmán, the man known as the leader of the Sinaloa cartel. The posters contained threatening messages to both soldiers and journalists. Several of the posters were hung near local television and radio stations. What is interesting about this case is that Barrón covered the police beat, and had apparently worked on a story that involved police corruption, and nearly 300 officers were subsequently fired. Another interesting note about the case is that there was actually an arrest made the following month. CPJ reports that the man confessed to the kidnap and murder of the journalist, and was contracted in order to teach a lesson to others who might involve themselves in the groups work.

³³ Committee to Protect Journalists (2010) “Journalists Killed Since 1992 – Eliseo Barrón Hernández” <http://cpj.org/killed/2009/eliseo-barron-hernandez.php> (Accessed March 2010).

These cases are but a few that have been investigated, but similar trends seem to keep showing up. First, it seems quite obvious that the brutal and very public nature of these killings is intended to intimidate those journalists who would look too deep into the activities of organized crime. The other very disturbing trend here is the lack of official investigation on these events. CPJ's most recent impunity index³⁴, which ranks the countries where journalists are murdered on a recurring basis with no prosecution for the offenders, ranks Mexico as number 9 on that list. That represents a jump in 2 positions since the last index came out. Other countries that make the list include Iraq, Russia and Colombia. They attribute the high rate largely to the sheer inability for the government to do anything. It is beyond the scope of this paper to determine the exact reasons for this. Mexico's government is not known for its efficiency, and there are those who would argue that, perhaps in a very paranoid fashion, that the government simply does not want to do anything. Whatever the reason, it is not difficult to reach the conclusion that journalists will self-censor in an effort to just simply survive, as there has not been much success in protecting them, though this may be slowly changing.

Looking ahead at press freedom in Mexico

As has already been discussed, the watchdog role of media is an important component in the maintenance of a democratic and free society. As has also been pointed out, the role of the press in Mexico has strengthened over the past century, changing from a largely passive mouthpiece of the one-party state system to a more assertive and critical opponent of the establishment. It is still far from perfect however. The old vestiges of such a system can be

³⁴ Committee to Protect Journalists (2010). "Getting Away with Murder: 2010 Impunity Index" <http://cpj.org/reports/2010/04/cpj-2010-impunity-index-getting-away-with-murder.php> (Accessed April 2010).

seen in every aspect of Mexican life, and the press is no different. The disturbing trend that is developing with regard to the rise of organized crime in the country may not only represent a return to a press hampered by concerns of retaliation or the sheer futility of tackling a particular issue, but also it may represent a shift toward an even more violent chilling effect for the media in the country.

As with the role that the Mexican media played in the eventual delegitimizing of the PRI, the question can be asked of its role in a possible downfall of organized crime: will groups like the drug cartels ever be stopped without scrutiny from the press? It is still far too soon to tell what the case will be. However, for insight, one can look at the case of Colombia in the 1980's. That country was embroiled in drug-related violence, and the Colombian cartel method of control, *plata o plomo* (silver or lead) as it was known, also affected media. It has been pointed out that the media there got to the point of only publishing official government statements on the subject of organized crime. One author put it that "if the government were to keep quiet, it would be possible to read newspapers for years in Medellín without realizing the city had a problem."³⁵ Eventually, the problem of violence in Colombia got to the point that it could no longer be ignored, and eventually traffickers like Pablo Escobar were offered lenient sentences for surrendering, judges were offered more protection and resources so that they could prosecute more effectively and the "cocaine terrorism" was more or less eliminated.³⁶ This is not to say that cocaine trafficking disappeared altogether, nor that Colombia itself is without problems.

³⁵ Rosenberg, Tina (1991). *Children of Cain: Violence and the Violent in Latin America*. Penguin Books USA Inc., New York, New York. P. 67.

³⁶ *Ibid* P. 14-15

The question then becomes one of what will happen in Mexico. Will the press across the country go the way of *El Diario de Juárez* and ask permission before publishing anything about drug traffickers? Again, it is difficult to say what the future holds, but there are interesting developments on the horizon. For example, bloggers have started reporting on drug violence. One site, *Blog del Narco*, is becoming known for its extremely graphic content which includes videos of cartel executions and crime scene photos.³⁷ While this may be an effective way of spreading cartel propaganda, it may also be a sign that the new media is not completely scared into silence. Another recent development involves legislation that would make crimes against free expression (including that of the press) a federal crime.³⁸ This would take the responsibility of prosecuting the crimes out of the hands of state authorities, presumably making the process more efficient and less prone to corruption. The efforts to do this have apparently moved slowly, and groups like Human Rights Watch still make criticisms. One very recent development that may be beneficial is the recent appointment of a new special prosecutor for crimes against the media.³⁹ Only time will tell if these efforts will bolster protection for journalists. Until such time as the devotion of time and resources to that protection is possible, the situation will likely worsen before it improves.

³⁷ <http://blogdelnarco.com>

³⁸ Committee to Protect Journalists (2008) "Attacks on the Press in 2008: Mexico" <http://cpi.org/2009/02/attacks-on-the-press-in-2008-mexico.php> (Accessed February 2010).

³⁹ Castillo, Eduardo (2010) "Mexico Names New Prosecutor for Attacks on Media," Associated Press/ABC News, February 15, 2010. <http://abcnews.go.com/International/wireStory?id=9846140>