

Mexican, U.S. Journalists Defend Free Press Against Killings, Prison Terms

By Talli Nauman | January 7, 2005

*“The quality of journalism and the quality of democracy go hand in hand.”
Bill Moyers, host of the U.S. Public Broadcasting Service’s weekly news commentary “Now,” on the occasion of his retirement Dec. 17.*

*“The essence of freedom of the press is the defense of freedom of thought.”
Ninfa Deáandar, director of the Mexican independent daily *El Manana*, during her presentation at the Border Conference: *Both Sides of the Story* Nov. 19.*

Cold-blooded killings of journalists in Mexico in 2004 transformed the barely established Center for Journalism and Public Ethics (Cepet) into an activist organization defending the very lives of its constituents. With death at the doorstep, the group sought solidarity from representatives of the U.S. media in a border conference to fortify the free press. But only a week later another Mexican journalist was gunned down.

Meanwhile, in the United States eight reporters were facing prison terms for exercising the prerogative to protect their sources’ anonymity. Dozens of professional associations north of the border subscribed to actions on their behalf, taking a stand in a U.S. political climate of rapidly eroding press freedom. The lines remain to be clearly drawn to connect the dots between Mexican and U.S. struggles over freedom-of-information and freedom-of-the-press issues. More give and take between members of the Fourth Estate from both countries would strengthen the mutual cause. In turn, it would guard against ongoing assaults on the North American public’s right to know.

An Initiative to Protect Journalists and the Right to Know

The non-profit Cepet morphed out of the independent Reporters and Editors initiative, formed in 2001 to provide a national discussion forum in cyberspace for Mexican journalists about concerns of their profession. The new center’s stated role is to “promote independent investigative and public interest journalism, through seminars, workshops, conferences, and initiatives that contribute to that end.”

Circumstances soon thrust it into the limelight with other groups around the hemisphere dedicated to human

rights and the public’s right to know. Even before the outbreak of unresolved killings of Mexican journalists turned to a rash this past year, Cepet began focusing attention on the violent repression of journalists. It marshaled other groups to establish an Accountability Commission after Roberto Mora García, editorial director of the daily *El Manana*, was fatally stabbed 26 times as he arrived home from putting the paper to bed in Nuevo Laredo, Tamaulipas, on March 19.

The crime shivered the timbers of the Texas border state’s struggling independent news market, which was already shaken by the earlier killing of the director of *El Manana*. The murder, set as it was in a climate of lawlessness, corruption, and drug trafficking, made headlines throughout Latin America and the southwestern United States. The U.S. State Department was drawn into the case when one of the suspects, U.S. citizen Mario Medina Vázquez, 23, was tortured and later also died of multiple stab wounds in the Mexican jail where he was held for trial.

The Accountability Commission brought together the Centro de Estudios Fronterizos y de Promoción de los Derechos Humanos (Cefprodhac), Libertad de Información (Limac), PEN Club Mexico, Periodistas Frente a la Corrupción (PFC), Reporteros sin Fronteras (RSF), and Cepet. Their members and others signed a declaration and a letter to Mexican President Vicente Fox demanding justice and an end to impunity. They found themselves doing the same thing all over again when Francisco Ortiz Franco, who was a co-editor, co-founder, and editorialist of the weekly *Zeta* newspaper in Tijuana, Baja California, was shot to death by gunmen in broad daylight on June 22.

His killing drew condemnation from the International Freedom of Expression Exchange, the Committee to



Protect Journalists, Sociedad Interamericana de Prensa (SIP), Periodistas Frente a la Corrupción, RSF, Federación Internacional de Periodistas (FIP), Writers in Prison Committee, and PEN International.

Then, freelance columnist Francisco Arratia Saldierna, 55, died of severe beating and torture in the Tamaulipas border city of Matamoros on Aug. 31. His death was followed by the Sept. 8 preliminary identification in Acapulco, Guerrero, of a burned body as that of Leodegario Aguilera Lucas, editor of *Mundo Político* magazine in the state capital of Chilpancingo, who had been reported missing three months earlier. Authorities later said the remains could not be positively identified as Aguilera Lucas's.

Mexico has now become the most dangerous country on the continent for journalists, according to Cepet. At its website, the declarations and signatures on letters to authorities have mounted. "As long as the aggression against journalists continues and the journalists' killers are on the loose, freedom of expression in Mexico is on the line," said one letter. Signatures poured in from around the nation, and from Argentina, Brazil, the Caribbean, Chile, El Salvador, Nicaragua, Peru, Spain, and the United States.

Cepet provided a web-based form for making commitments to participate in a national protest. The event on Oct. 11 involved an unprecedented 16 simultaneous marches and demonstrations in 10 states. It featured a Declaration Against Violence Against Journalists and for Full Freedom of Expression in Mexico. Some state governments, such as those of Zacatecas, Michoacan, and Nuevo Leon, responded by ratifying their commitment to the declaration. On Dec. 23, the nongovernmental Accountability Commission ended the horrific year with an announcement that it had submitted the Mora case to the official National Human Rights Commission due to multiple irregularities.

Acting on Deep Background

The Accountability Commission was the first independent organization of its kind in the history of Mexican journalism. Made up of both domestic and international members, the group has vowed to follow up on the process of justice in first Mora's case, then the others. The large number of pre-existing groups that mobilized to form the Accountability Commission reflects the grass-roots response to a crisis. The growth in institutionalized crime in Mexico over at least two decades has led to a situation in which journalists who dare to investigate it

risk being transformed into more of its victims. The 2004 killings are reminiscent of violence in the late 1980s and early 1990s when the Unión de Periodistas Democráticos (UPD) presented Mexico's National Human Rights Commission with a list of 55 murdered journalists.

According to former UPD leader Eduardo Valle, the root of the evil is Mexico's conversion to a "narco-democracy." Veteran U.S. Mexico watcher Christopher Whalen adds that "narco-elites" wield their wealth and influence over national and local politics in far greater proportion than legal corporations. *El Manana* Director Ninfa Deándar told 100 participants at Cepet's binational conference, held in Nuevo Laredo, Nov. 19-20, that "the aggression against freedom" that results from "drug trafficking and violence" are due to "the influence of ferocious, unleashed capitalism," adding, "There's never been a situation as delicate as right now." Cepet founder Leonarda Reyes notes Mexican officials have endorsed the World Bank's estimate that 9.5% of GDP ends up in corrupt hands and other estimates put drug dealing profits at \$5 billion annually.

Mora was writing about this when his life was snuffed away. "The current state of terror that reigns, due to this force of criminals that appears to be at or above the level of the government, is a reality and has a price that society should confront," he wrote in one of his editorials. "If we don't want these forces to govern our lives, we first must gather the courage to re-establish control by the citizens and not by the criminals."

Zeta Director Jesús Blancornelas, whose chauffeur was shot to death in an attempt on the newspaperman's life 1997, linked the Ortiz killing to his investigative writing about corruption and drug trafficking. *Zeta* co-founder Héctor Félix Miranda had also been killed in 1988. Arratia's political commentaries were published in the column "Portavoz" by several local periodicals in Tamaulipas. One of his editors said the nature of his torture suggested he could have been killed because of his work as a journalist.

U.S. Journalists Face Off Against Threats to Free Press

With these journalists' purviews close to the United States, Cepet established a Border Initiative, culminating in the "Border Conference: Both Sides of the Story," for Mexican and U.S. journalists to share their perspectives.

Among the 10 points on the Mexican protesters' list of demands Oct. 11 was one that hit close to home for their U.S. colleagues, calling for "Congress to ratify initiatives

that recognize professional secrecy, so that journalists can protect sources of information from threats to their lives or dangers of any other kind.”

The United States already has such initiatives in place, and U.S. journalists periodically find themselves in the position of writing articles about the lack of such protections in the rest of the world. But in 2004, a handful of federal judges deemed eight journalists guilty of contempt of court for refusing to reveal confidential sources. In what NBC proclaimed as a “sad day for journalism” on Dec. 9, the first of the accused was sentenced to six-months’ house arrest; health problems saved Rhode Island TV reporter Jim Taricani, 55, from the maximum term of six months in prison. The rest of the condemned could be going to jail when their sentence hearings come up.

Raising suspicions that the Fourth Estate was being subjugated to the systematic abridgement of the Bill of Rights with the administration of the new U.S.A. Patriot Act, this assault on freedom of the press drew unprecedented wrath from U.S. professional associations. As if by a domino effect, the Canadian news media experienced similar challenges, and the Canadian Newspaper Association responded.

The attack on journalistic confidentiality was accompanied by official assaults on the public’s right to know. Taken together, they revealed a policy in the United States to roll back in practice hard-won access to information guarantees. National Public Radio and the Public Broadcasting System faced down federal funding cutbacks that would effectively gag them. A bill materialized to prohibit disclosure of and exempt earth science data gathered by satellite from inquiries under the Freedom of Information Act (FOIA). The Food and Drug Administration attempted to increase exemptions from FOIA requests. Efforts were made by top administration to suppress a key global warming report. The Department of Homeland Security moved to keep prying reporters away from what it called “critical infrastructure information” on everything from water supplies to the banking system. The U.S. Nuclear Regulatory Commission squelched information dissemination by a shut-down of its web-based public records database. The National Highway Traffic Safety Administration published a regulation forbidding the public release of some data relating to unsafe motor vehicles. Federal intelligence reform legislation sought to increase official secrecy.

But that was only the tip of the iceberg. The Federal Communications Commission dawdled over demands for reinstating controls over monopolization of media out-

SOME RECENT ATTACKS ON ACCESS TO INFORMATION IN THE U.S.
<i>Projected federal funding cutbacks in public broadcasting</i>
<i>Proposed legislation to exempt satellite data from FOIA requests</i>
<i>Attempted increase in FDA exemptions from FOIA inquiries</i>
<i>Efforts to suppress global warming report</i>
<i>Claims by Department of Homeland Security to restrict reporters</i>
<i>Shut-down of Nuclear Regulatory Commission database</i>
<i>Ban on public data release by Traffic Safety Administration</i>
<i>Campaign to pass reform for more secrecy in federal intelligence</i>
<i>Ongoing monopolization of media outlets</i>
<i>“Commercial censorship”</i>

lets. Meanwhile, private corporate bias in coverage grew exaggerated, catering to advertisers’ interests and investors’ profit motives in what Mexican journalists consider nothing more than another form of corruption called “commercial censorship.”

These broadsides created a rare U.S. mobilization of constitutional First Amendment defenders. In one example of their actions, the Coalition of Journalists for Open Government filed an administrative complaint against the Department of Homeland Security for chipping away at the 1970 National Environmental Policy Act (NEPA). Among the more than one dozen signatories to the coalition’s comments are the Society of Environmental Journalists, the Associated Press Managing Editors, the American Society of Newspaper Editors and the National Press Club. In another prime case, the coalition mustered 40 organizations and 4,000 individual journalists to sign a statement of support for the colleagues cited in contempt of court for protecting their sources in the interest of informing the public. Some wording included in the statement: “For well over a century, reporters have recognized an ethical duty to protect their confidential sources [without which] valuable information about government conduct will not reach the public.”

Just as the profession has been forced to go to bat for existing legal protections in the United States, many of those protections remain to be created in Mexico. Raising a ruckus about it is a first step, but ultimately reform to strengthen Mexico’s judicial branch will be a deciding factor, *San Antonio Express News* Editor Robert Rivard observed at the border conference. His Texas daily’s former Mexican correspondent Phillip True was killed in Mexico in a case in which Rivard details pitiful corruption in the justice system.

Indeed, as if to highlight Rivard's point, only one week after the binational conference raised the issue of the deadly assaults on journalists in Mexico, another was killed. Photographer Gregorio Rodríguez Hernández, of the daily *El Debate*, was shot point-blank in front of his wife and two children while dining at a restaurant in Mazatlan, Sinaloa, on Nov. 27. Authorities said they suspected members of a drug ring are responsible.

While working to protect journalists, Cepet also continues its efforts to improve the quality of Mexican media coverage and to promote the implementation and use of Mexico's new equivalent of the FOIA, the Federal Transparency and Public Governmental Information Access Law. The center receives support for its training sessions from the Knight Center for Journalism in the Americas, located at the University of Texas in Austin. For its border conference it also collaborated with Investigative Reporters and Editors, Inc. (IRE) and IRE's Mexican affiliate, the Center for Investigative Journalists.

Were it not for cross-border support from journalists and nongovernmental organizations, Deándar says, her entire staff might already be dead. But much more collaboration is needed. The border conference was merely a reference point, albeit a notable one, on the road to building the cross-boundary connections important in strengthening freedom of the press and freedom of access to information.

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Coalition comment on NEPA

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Statement in Support of Journalists Found in Contempt of Court

Web: <http://www.rcfp.org/standup/>

Homefront Confidential | Reporters Committee for Freedom of the Press

Web: <http://www.rcfp.org/homefrontconfidential/>