

Freedom of Expression in Mexico under President Andrés Manuel López Obrador

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This talk is about freedom of expression in Mexico. It is a broad, complicated subject; there is literally too much to cover. To really get the whole picture of what's happening during the administration of President Andrés Manuel López Obrador (AMLO) in relation to freedom of expression, one would need to be an expert in sociology, political studies, communication, legal research, and a lot of other fields. Thus, I must be a little bit general, but, nonetheless, I think I can provide a sense of what's happening. So I'm going to go over just two areas: one related to journalism and the other related to the president's political communication strategy, both of which I know a lot about but neither of which is my area of expertise. I'm going to make three points that I think will be very interesting because I can get into a few anecdotes that show what's happening in my country; these points are related to journalism and organized crime, journalism and the government, and the president's political communication strategy.

THE IMPORTANCE OF FREEDOM OF EXPRESSION

First, though, let me give a very basic primer about why we care about freedom of expression. We care because it's essential. It's essential because we care about human independence and because we care about self-determination. If we really care about people being able to live full lives self-deterministically, then freedom of expression is essential because it's part of freedom of conscience. It wouldn't be possible to say you have the freedom to believe whatever you want if you don't pair that freedom with freedom of speech in order to express whatever you are thinking or believing. Politically, freedom of expression is essential for a democracy. To have a functioning, law-abiding system of government, you need to protect freedom of expression. Living in Pennsylvania is a very good reminder of the role of freedom of expression and journalism as bulwarks protecting us against government tyranny. Even more than that, freedom of expression contributes to the creation of public opinion and the open marketplace of ideas that's now so commonly praised in democratic societies. So that's why we care

about it: we want freedom of expression because otherwise you cannot be truly free, you cannot be truly independent, and you cannot live in a truly open, democratic society.

JOURNALISM AND ORGANIZED CRIME IN MEXICO

Let's now talk about journalism in Mexico. The first point that I want to hit is the problem of organized crime as it relates to freedom of expression. The index of Reporters Without Borders, the world freedom index of journalism that they publish each year, lists Mexico, in the most recent edition, in place 143. It's one spot up, from 144, since the year before.¹ To quote from the report: "Although not at war, Mexico is one of the world's deadliest countries for the media." I don't want to get too much into why this is the case—obviously, studying criminal-political relationships involving freedom of expression is very interesting and revealing about how deeply into the public establishment organized crime has penetrated—but it's true that being a journalist dedicated to investigating organized crime in Mexico can be fatal.

Reporters Without Borders indicates that Latin America's most dangerous country for reporters is Mexico. Another report about Mexico and journalism was summarized by the *New York Times*; basically, it said that Mexico was the deadliest country for journalists outside of conflict zones.² It counted at least six (and possibly as many as ten) journalists killed in the previous year—all related to their work covering corruption or organized crime. I think those are the official numbers, but there are likely unreported deaths because the authorities will not always acknowledge the linkage between a death and organized crime. There are also a lot of disappearances that are not officially counted as homicides.

This is not President AMLO's fault; this is a long-standing problem in Mexico. The militaristic war against drugs started in Mexico around 2006 with the administration of president Felipe Calderón. The problem kept growing and growing, but AMLO—in his opposition speeches and during his campaign—made some statements about what he hoped to accomplish related to crime in general and to organized crime in specific, committing to end the militarization of policing in Mexico. But that hasn't happened; in fact, it's going the other way. This administration started in 2018; it disbanded the federal police and converted it to a national guard, which is a military institution. Not all the members of the police force made the transition to the national guard, and that's kind of okay because there was a lot of corruption in the federal police; but now it's completely militarized. Thus, the militarization of law enforcement and the role of the military in fighting organized crime have increased under AMLO.

Although this problem is not the president's creation, while on the campaign trail he did claim to have new strategies to fight it. That hasn't happened. You have to remember that the military is really important and strong in Mexico. Let me talk about just one anecdote. Right before President Trump left office, the US Drug Enforcement Agency (DEA) and the Department of Justice arrested the former

secretary of defense of Mexico, General Salvador Cienfuegos. Immediately, the military in Mexico pressured AMLO so intently that he convinced President Trump to release the general to Mexican authorities to be prosecuted in Mexico. After his return to Mexico, the general was cleared of all charges. When AMLO was asked how the charges were cleared in Mexico when the DEA had such a long list of evidence, the president just said something like, “Well, you know the Americans—they probably fabricated all of that stuff against our good general.” This story gives a sense of how strong the influence of the military is in Mexico and on the president.

Thus, we come to the first obvious point today: organized crime is still a very big problem and a very unique threat for freedom of expression in Mexico.

JOURNALISM AND THE GOVERNMENT

Now let’s talk a little about journalism and its relationship to the government. The government can also pressure journalists, and they can feel difficulties and troubles and dangers due to their work—difficulties that come not only from organized crime but from the government. How did Mexican presidents deal with the press before AMLO? Well, basically by buying the press. We have a great example in Enrique Peña Nieto, the president before AMLO; he invested hundreds of millions of dollars in paid advertising for media publications in Mexico. The unspoken agreement was, “I do not pay you to criticize me.” In effect, this is a very big propaganda machine with the government basically trying to control and manipulate public opinion. I’m going to reiterate this idea: the government manipulated public opinion by influencing the media.

In his campaign and as an opposition member, AMLO stated that if he were elected, his administration would not pay advertising to the same extent that the former administration had. And, yes, AMLO has reduced the spending in media by almost 70% in his first two years in office. Now, the government is spending 70% less in “propaganda” (if you want to call it that) than before. But that does not mean that AMLO has not influenced journalists in other ways.

The first way that AMLO has influenced journalists is through the use of government and public institutions to propagate his agenda and ideas. AMLO sends a very clear message that he is a president of and from the ordinary Mexican people. And he has used very fracturing speech about the elites and the people, making it clear that he represents the people in their struggle against the monied elite. This conflict or dichotomy is reflected in almost everything he does and in almost every single time he speaks; it’s a good message in the sense that it’s working. It’s creating support and backing for him and it has built political capital.

A good example of this comes from another anecdote. Mexico’s Channel 11 has a long tradition of nonpartisanship. But, like most public channels around the world with the exception of the British

Broadcasting Corporation (BBC), it's dreadfully underfunded. Channel 11 is a traditionally non-political channel with good programming about music, art, etc. But when AMLO became president, Channel 11 started to get political, and it started to broadcast shows that are directed or coordinated or even presented directly by those close to the president. From all the examples that I could have chosen, I like this one because it shows clearly the message being promoted: There was one show in particular that is designed to make fun of the elites. The show's name is *La Maroma Estelar (The Stellar Backflip)*, and the host was the famous Mexican stand-up comedian Carlos Ballarta. In a particular episode, he went to the Instituto Tecnológico Autónomo de México (ITAM), which is probably the most expensive and exclusive private school in Mexico, to interview students. And what questions did he ask the ITAM students? Questions like, "So, how many butlers do you have in your house?" and "How many times have you been in Aspen in the last six months?" and questions like that. After asking where the emergency telephone was, he would ask, "Is this the phone that you use to call daddy to send the helicopter so that they can get you to the gym on time?" That is the kind of program that creates a division between the elites and the people, with AMLO standing beside the people. That's just one example of the ways in which the message of the president gets into the media, and some of the other ways are even more worrying.

The official Mexican institution to handle news is called Notimex, and the news director is now very close to the president. Through an investigation, it was discovered that there was an internal campaign in Notimex, where the director was using the strength of her office to pressure journalists to kill stories that portrayed AMLO in a poor light and to focus on coverage that confirmed the president's agenda.³ The investigation discovered a WhatsApp group where those at Notimex sent messages saying, for example, "We're going to attack somebody, and we're going to pressure somebody." A semi-independent media outlet in Mexico published screenshots of this whole affair, which were then widely reported, and it became a little scandal. Even some of the media that are close to the president didn't like this kind of thing.

On to March 30, 2021, when the US State Department released its 2020 country reports on human rights practices. In the case of Mexico, this report mentioned that the Notimex news director, Sanjuana Martínez Montemayor, "ordered journalists to eliminate or not publish content about certain government institutions and officials, according to the newspaper *Aristegui News*, the digital media *Signa Lab*, and the NGO [non-governmental organization] Article 19."⁴ Article 19 is a big international NGO with a Mexican chapter. So that's pretty damning evidence about how the president's administration is pressuring journalists to suppress the expression of opposition ideas and criticisms. How did the president handle this scandal? I'm going to mention it in the next point, but, basically, he accused the US State Department of financing a campaign against him. He accused the State Department of being part of the same elite interests that he's trying to combat.

This brings me to my second obvious point: that partiality and interference are weakening trust in government institutions in Mexico. I have to make the point that this is not exclusive to AMLO; every single president in Mexico—and in many other countries as well—has tried to use the partiality and power of government institutions to influence journalism and expression. And maybe all of them make campaign promises not to do it. But we're talking about what AMLO is doing, and we know for a fact that he's doing some of this, despite his campaign promises not to.

THE PRESIDENT'S POLITICAL COMMUNICATION STRATEGY

Finally, I want to talk about the president and his administration's communication strategy—which I find to be both brilliant and effective. I don't know if AMLO himself is deciding most of the strategy (some people think that he is), but it is clear that he has the skills and the people to develop an excellent strategy. One of his leading communications advisors is Epigmenio Ibarra; he was a successful television producer, so he knows the media. The president has a clear strategy of controlling the message that the administration gets out and has many tactics to stay on message.

One important tactic is agenda setting. Agenda setting refers to trying to control what topic will be dominant in public discussions. And if you don't know, AMLO has a press conference every day at seven in the morning. For two hours, he holds a press conference where he takes questions from a few journalists, mainly from small media outlets that are friendly to him. And that's the best way to control what's reported in the media; it's very effective. To begin the press conference, he devotes some time to previous issues. But then AMLO talks about what he wants to talk about; he sets the agenda and determines what people are going to be discussing through the rest of the day. He's very good at focusing on the agenda that he wants the media covering and the public talking about.

There's a lot of propaganda, both direct and indirect, from government officials, which is technically illegal. And there's a lot of propaganda from the president's associates and others who are not part of the administration. It's as if the president creates conflict for his own benefit. A good example is how he addressed the scandal in which the director of Notimex was caught pressuring journalists. *La Jornada* is a newspaper that, for years, had been very critical of the government and previous administrations of all political parties. But now it's not critical of the government because the owners are friends of the president. Thus, on April 1, 2021, the day after AMLO said that the US State Department was influencing Article 19, the front page of *La Jornada* said that the United States was financing groups that oppose the president. That's exactly the same message that the president had been repeating to the media in a very big way. In red above the headline, the paper quoted AMLO as saying, "I can prove that all its members are opponents of the 4T." AMLO means that the Mexican members of the NGO Article 19 are opposed to the "Fourth Transformation" (or 4T), which is what he calls his administration, making

the claim that he's transforming Mexico for the fourth time: the Mexican War of Independence (1810–1821), the Reform War (1858–1861), the Mexican Revolution (1910–1917), and now his government. That's Mexican history as interpreted by AMLO.

Another example is that of a political commentator named Brozo, played by Victor Trujillo. Brozo is a character dressed as a disheveled clown. Interestingly enough, he's been a political commentator for many years, and he's very good and insightful. The man inside the caricature once tried having a political show without dressing up as a clown and that show had terrible ratings, so he had to get another show again as the clown; that's the only way that people really listen to him. Brozo has been very critical of the government recently (as he always has been); he's one of the few for whom it doesn't matter who is president or who is in Congress—he's always looking to criticize the ruling power. The president used to be friendly with him, but now he is not. There was an interesting incident when Brozo made a video criticizing the president, which resulted in a coordinated attack against Brozo in the comments. The attacks seemed coordinated in this case because they all made the same grammar mistakes at the same time. The suspicion is that this attack was orchestrated by the AMLO administration.

Something else noteworthy is that the president frequently clashes with social media. He used to love social media when he was in the opposition—he used to call it “the blessed social media”—but now not so much. Many of the people close to him in Congress have taken a stand against distasteful memes and jokes that ridicule AMLO, so much so that some members in Congress tried to enact a so-called “anti-meme law.” It would have modified the criminal code to make it a crime to alter or transform a photograph to make fun or ridicule somebody. Fortunately, it never was taken seriously, as it would have been a clear attack on freedom of expression. I don't think it was ever fully debated in Congress, but you can see the level of confidence that people in this legislature feel about how far they can go to suppress and chill expression that they don't like.

This is a good example of how the president uses his messaging in a strategic fashion against criticism. Article 19, the NGO that was quoted by the US State Department in the investigation about pressuring journalists in Mexico, has been characterized by the president as being funded by the opposition. This is a good example of what he does in his strategic communication. The message is simple: the opposition is comprised of people who have been affected by his reforms. They were in the elite, enjoying privileges, and now they are out of the elite, and they don't have the privileges they had before, so they attack. And later, Article 19 comes up with a story, but, since the president has already painted them as being financed by the opposition, the public questions the value of the story. This is unfortunate, since it seems like Article 19 has produced a high-quality, quantitative study detailing takedown requests by government institutions in Mexico to internet companies such as Facebook, Twitter, and Google. The researchers asked the internet companies how many government requests to

take down content they had received from 2017 to 2020 (the last two years of the former president and the first two years of this one). Then, through access-to-information requests made to the government, Article 19 asked how many takedown requests the government had sent to the same companies. The internet companies reported they received from government institutions over 38,000 takedown requests in those years, yet the government acknowledged only 1,697 takedown requests.⁵ That's a huge disparity of people trying to quiet speech on the internet, most of which we know nothing about.

Finally, I have another example of the preoccupation of the president with influence and control over social media, and it started right after President Trump got banned from Twitter. After that, people like AMLO became a little anxious about what could happen now that the social media apps were moderating or banning country leaders for their speech. It threatened to reduce the president's ability to control his message. There is now a bill that was constructed in just one week in the Senate in Mexico to regulate social media. This is troublesome; the regulation and moderation of content in social media is a real concern. I've been studying regulation of social media and digital speech for two years, and it's a big, interesting, and complicated problem. In Europe, for example, they're proposing a Digital Services Act after years of consultations, forums, and public discussions. This issue demands careful study and debate because of the many complications related to relationships to private capital, the responsibility of government institutions, and the goal of protection of expression. But the Senate in Mexico takes a fast-track approach and produces a very simple (almost a copy-and-paste) bill to regulate social media. The bill argues that the Telecom authority in Mexico will have the power to decide who can or cannot be blocked by social media platforms—because they are more concerned about who can be blocked than about the nature of the expression itself. Supporters of the bill don't want private companies deciding who should and should not be blocked. It shows the concern the president has about his ability to use social media effectively.

So that brings me to the third obvious point of this talk: the president's communication strategy is still trying to manipulate public opinion. Again, I want to repeat that this is not exclusive to the Mexican president; this is something that chief executives do, especially in countries like Mexico. But we are talking about how freedom of expression is treated right now in Mexico. This is what's happening.

NOTES

1. "Mexico: Constant Violence and Fear," *Reporters Without Borders*, 2021, <https://rsf.org/en/mexico>.
2. Oscar Lopez, "Number of Journalists Killed for their Reporting Doubled in 2020," *New York Times*, Dec. 23, 2020, p. A10.

3. Article 19, “Mexico: Report Shows Mexico’s State News Agency Coordinated Harassment against Journalists,” May 12, 2020, <https://www.article19.org/resources/mexico-state-news-agency-of-mexico-coordinated-harassment-against-journalists-new-report/>.
4. “Human Rights Reports, Custom Report Excerpts: Mexico,” US Department of State, Bureau of Democracy, Human Rights, and Labor, March 30, 2021, <https://www.state.gov/report/custom/7262a272b4/>.
5. Article 19, “Informe: #LibertadNoDisponible Censura y Remoción de Contenido en México,” Feb. 24, 2021. <https://articulo19.org/libertadnodisponible/>.