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GOVERNMENT CONTROL IN MEXICAN TELEVISION:
THE STRUGGLE BETWEEN THE PUBLIC AND PRIVATE INTEREST

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This thesis is living proof that for everything there is a time— even if that time is later.

It is dedicated to those countless people who believed that it would *one day* be completed. I especially want to thank Dr. Eduardo Gamarra and Dr. Gonzalo Soruco for their endless encouragement, patience and guidance. Thank you for leading me to ask the right questions and for always looking beyond the finished work.

I share this thesis with my cousin George, who could never get the title straight, I will always miss you; and with my husband John, who took care of me while I took care of the thesis. I love you! and.....

Merry Christmas!

ABSTRACT OF THE THESIS

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Florida International University, 1997

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Through an historical analysis, an in-depth examination of Mexican legislation, and an evaluation of scholarly work, this thesis explores the relationship between the government of Mexico and the media, specifically television. The central hypothesis is that Mexican government regulations have been used to uphold the constitutional mandate requiring television media to serve the public interest. The analysis shows that the Mexican government has consistently favored commercial broadcasters over public interests. This is evident not only in written documents and in the manner in which the regulations have been implemented, but in the favoritism shown in the granting of government television concessions. The conclusion is that the Mexican government has been unsuccessful in promoting a television industry that safeguards the public interest. Instead, government actions have promoted private monopolies in the television industry which have rendered public broadcasting inefficient.

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CHAPTER I

A. INTRODUCTION TO THE RESEARCH

Mass media play a crucial role as the primary disseminator of information in society today. They are also important factors in the development and operation of our social, political, and economic lives. The power of the mass media comes from its ability to be influenced by the personal and collective interests of individuals or institutions (Schiller, The Mind Managers 21). For this reason, governments rely on many different means to control mass media institutions:

The mass media are an integral part of the social system and cannot be isolated from that system. It follows that the media display different characteristics, depending on the historico-economic conditions in each national space where they are located (Schiller, "Communication" 333).

Mass media form part of everyday life via newspapers, radio, and television. What people do, and what happens to them -crime, inventions, accidents, etc.- is processed as information and disseminated through the mass media. Since each system is rooted in the society of a given country, all mass media, however similar in structure and technical capacity, tend to operate in a manner most closely

reflecting the relationship between the society and government of that country.

Political systems also set the tone for the relationship between media and society, engaging in government control over media, and specifically over television. The degree to which governments exercise this control depends greatly on: 1) the type of political, economic, and social system; 2) the role that a system assigns the media; and 3) natural and technical characteristics specific to each medium (radio, television, cable, newspapers, etc.). The degree of control arrived at depends greatly on interactions between government, society, and specific interested parties and the end goals, which vary by country.

Mexico offers an attractive case for the study of government control and television. The predominance of the commercial private interest, its power on broadcast legislation and its relationship with governing structures have created a stable broadcasting industry which influences all aspects of Mexican society. The Mexican television model, set within the authoritarian regime, stands out from other regimes of that type in that it has attempted to control media through legislation, institutionalization and cooperation with the private sector, rather than doing so directly.

1. The Research Question

Control of media in the Mexican political system is a complex issue. Many tiers of participants exist. Compromise and accommodation are crucial to the development of the industry. The central hypothesis is that Mexican government regulations have been used to uphold the constitutional mandate requiring television media to serve the public interest --defined as activities or goals which protect or promote the values of the regime of a given country.

What is the effect of government control on the development of Mexican television? How is the development of television important to the Mexican regime? This question's importance is partly derived from a fundamental change in the way mass media operate on a global level. Technological advances are creating new modalities for mass media that go beyond national boundaries and frontiers, that create new forms of interaction between media, government and societies. In order to prepare for these new forms of communication, we must be able to understand existing ones and their relationship with existing regimes.

The Mexican regime is undergoing a transition from authoritarianism to a more democratic system. Mass media is

the main vehicle for the transmission of information. A study of government control of Mexican television, and the role of public and private interest is helpful in understanding the effect of this regime transition within one of its core institutions. The role of media in democratization can support or corrupt the process. The process that leads to the approval or rejection of legislation serves as an indicator of the move towards democracy.

The project's point of departure is the politics of broadcast regulation between commercial broadcasters and the Mexican State. To understand the role of television in Mexican society, in theory and in practice, I began with theory of mass media and asked: What is the primary role of mass media in society? Why and how do governments come to feel threatened by mass media? Why and how do governments address these threats? What are the general outcomes of government control over mass media? These questions addressed how and why governments controlled mass media and show the complexity of the media-government relationship.

With the understanding that despite similarities in political, economic or social structure, no two media systems are alike, current research had yet to examine the effects of legislation and legislative attempts on the development of the current Mexican television model.

Important questions that need asking are: How does the structure of the Mexican government foster the need for control? What is the official role of television in Mexican society? What legislation exists to support this mandate and how has it shaped Mexican mass media?

The insight gained through this examination provides the basis for the analysis of the relationship between government and the television industry, focusing on the ability of private interest to affect government controls. The crucial questions throughout this section: Was the Mexican mandate, that is, the protection of the public interest, served by commercial broadcasting? Who benefited most from legislation and the government-mass media relationship? How did this relationship change overtime?

This thesis shows how government control over the Mexican television limits public participation, while protecting the interests of the government, party, and media monopolies. The three main themes to be covered from the Mexican perspectives include: 1) how government control over Mexican television has evolved over time; 2) how government control has influenced the development of Mexican television; and 3) how technology and new industry trends are influence the relationship between government and media organizations, government control over media organization

and the development and expansion of the Mexican television industry.

The elements that comprise the mass media today are ever changing. It is clear that the media are important in the social, political and economic development of a country. It seems likely, that it will be a long time before we completely comprehend the technological and human capacity of this medium, for both sender and receiver. For this reason, it is important to expand on previous studies of the media, refining the methods of study to account for the changes in the media and its effects on developing countries and those undergoing regime transition.

2. The Research Method

The development of Mexican television is addressed from two levels: 1) through historical analysis and 2) a case study method where the effects of government control on specific aspects of Mexican television are explored. The historical analysis allows us to see the changes in technology and expansion of Mexican television. It also provided the link to the evolution of government policy towards the media. The case study method takes us directly into the Mexican media, which has benefited from a cozy relationship with the State through its support of the

ruling party and successive governments. This case study will analyze government links to the media, the rationale behind recent privatization of government stations, and its contribution to the democratization process in Mexico. Both of these methods will assist in putting the implications of government control over Mexican television in context, and perhaps assist us in making general prescriptions for other developing countries.

Numerous countries would provide compelling studies of government control and television. However, Mexico was chosen as the focus of this case study for several reasons. Mexico was one of the first nations, along with the United States, to develop television technology. At that time, Mexico had a tradition of commercial radio broadcasting and close ties to the U.S. The Mexican television industry resulted from a mixed model of corporatism and authoritarianism, which provided a number of challenges. Simultaneously a 'Mexican model' of television was created, combining commercial broadcasting with government participation and patronage. In addition, the presence of Televisa, one of the world's largest media conglomerates, made this study of further interest. Mexican media reaches beyond its borders to all parts of Latin America and many parts of the world through programming and services.

Finally, in the context of government television relations, the recent privatization of government operated television stations altered the predominance of Televisa and its television monopoly, adding a new dimension to the country's television history.

To answer the questions listed above, a combination of primary and secondary research was required. The questions relating to mass media and political theory were supported by a considerable amount of literature. My literature review focused on several areas: mass media and society, state-society relations, mass media regulation, Mexican legislation, the history of Mexican television, and the politics of Mexican legislation.

In studying mass media and society, Fred Siebert's Freedom of the Press in England; Siebert, Peterson and Schramm's Four Theories of the Press; De Fleur and Ball-Rockeach's Theories of Mass Communication; John Thompson's Ideology and Modern Culture; Herbert Altschull's Agents of Power; and Kraus and Davis' The Effect of Mass Communication on Political Behavior provided the general foundation on mass media and society. Joel Migdal's Strong Societies and Weak State provided a model for state-society relations; while Erwin Kranow's The Politics of Broadcast Regulation; George Comstock's The Evolution of American Television; Richard Coles' The Mass Media of Mexico: Ownership and

Control; and Herbert Schiller's "Communication, Technology and Ecology," provided this thesis with a basis on media regulation.

Kevin Middlebrook's Political Liberalization in an Authoritarian Regime and Roderic A. Camp's "The President, the Party and the State," provided insight into the structure of the Mexican State. Elizabeth Fox's Media and Politics in Latin America: The Struggle for Democracy and Días de Baile: El fracáso de la reforma en la televisión de América Latina; Arredondo and Sánchez Ruiz' Comunicación Social, Poder y Democracia; De Noriega and Leach's Broadcasting in Mexico; Karin Bohmann's Medios de comunicación y sistemas informativos en México; Fátima Fernández Christlieb's Los medios de difusión masiva en México; Robert Pierce's Keeping the Flame: Media and Government in Latin America; as well as original Spanish language texts on Mexican legislation, provided primary and secondary research for this section.

Enrique Sánchez Ruiz' "*Historia mínima de la televisión Mexicana*," Mejía Barquera's "*50 años de televisión comercial en México*," "*Ecós de los medios en 1993*," "*Los medios en 1992: una triste historia*," provided a detailed history of Mexican television that allowed me to trace its evolution.

The historical context was put into perspective by the works of Enrique Sánchez Ruiz "*Hacia una cronología de la televisión mexicana;*" Mejía Barquera's *La Industria de la radio y la televisión y la política del Estado Mexicano;* Corona Berkin's "*La televisión: Informe de Salvador Novo y Guillermo González Camarena;*" Gutiérrez Espíndola's "*Comunicación social en 1991: Una retrospectiva crítica, drásticas reestructuraciones, cambios y redefiniciones;*" and Javier Esteinou Madrid's "*Trayectos de la consulta pública en comunicación social.*" Articles from *Revista Mexicana de Comunicación's* comprehensive CD-Rom library and database proved extremely useful.

The above reports a portion of the existing work on Mexican media. Other sources, such as presentations, government documents, journal and newspaper articles, personal interviews and trade journals influenced this study.

3. Organization of the Thesis

This thesis is divided into five chapters. The introduction defines the research question and methods used to examine it. Chapter II explores the nuances of media control, its theoretical roots, the various means used by governments to achieve this task and its consequences. A

framework, derived from existing literature from combined disciplines of political science, sociology, and communication is used to understand the evolution of government control of media and make specific correlation to the Mexican media. The chapter reviews and analyzes mass media and political theory regarding freedom of the press and government control of media in different political systems.

Chapter III presents a comprehensive history of the development of Mexican television from 1950 to 1995. It is divided into three sections. It first addresses the basic structure of the Mexican government, paying close attention to how it fosters the need for government control. The second section focuses on the mandate of Mexican television as defined by legislation. Section three reviews the relevant legislation that has shaped Mexican mass media.

Chapter IV is an historical survey of the government/broadcaster interplay. This chapter examines the relationship between the government and the commercial television industry, focusing on the ability of private interest to affect government controls. Eight sections, each corresponding to significant stages in Mexican television, allow us to examine the effects that the influence of private interest has had on legislation, the

evolution of the Mexican television mandate, and the current Mexican model of television.

The final chapter summarizes the research and offers several conclusions on the effect of government control on Mexican television. To the extent that the Mexican mandate has not been upheld, Mexican legislation over broadcast television can be considered a failure. However, to the extent that the model resulting from this interplay has allowed the Mexican television industry to grow and prosper, government legislation may be considered useful in the long term. The benefits gained by Mexican media, government, and society from this mixed model of television can be seen only over time, as technology imposes new challenges on television industries worldwide.

CHAPTER II

UNDERSTANDING GOVERNMENT CONTROL

The study of government control over mass media may properly begin with the following question: "by whom, how, for what purposes, and with what consequences are the inevitable controls exercised?" (Schiller, The Mind Managers 21). Through this question, the chapter explores the role of media in society as defined by existing political systems and explains, from a theoretical and practical standpoint, the various means used by governments to control mass media.

This chapter answers this question by breaking it down into the two main elements of government control —cause and effect. The following sections of this chapter address these elements by focusing on four questions:

- 1) What is the primary role of mass media in society?
- 2) Why and how do governments come to feel threatened by mass media?
- 3) Why and how do governments address these threats?
- 4) What are the general outcomes of government control over mass media?

A. THE ROLE OF THE BROADCASTING INDUSTRY IN SOCIETY

1. Defining the Media's Role in Society

The basic function of the media centers on the diffusion of information. Such information can entertain, educate, or sell product. Electronic media, and television in particular, have special roles not found in the written press. These include serving as entertainer, babysitter, political battleground and interpreter, public opinion forum, advertiser, promoter, educator, and more. These roles cover social, political, and economic aspects of society. Yet, they center on the dissemination of information.

Media is an essential disseminator of information. Its role in any given country is defined by the political system in which it operates. Such definitions occur through the assignment of responsibilities representing the country's conception of public interest. The public interest is generally defined as activities or goals that protect or promote the values of the regime of a given country. That which is deemed to be in the public interest is defined by the state—the institution in charge of protecting the interests of the regime.

For example, in capitalist societies one of the better known roles of media is that of "watchdog." In libertarian traditions, the press and media are supposed to serve as the

mechanism holding a government accountable for its actions by informing the public of its activities. The government's willingness to accept accountability and to grant freedom of the press limits the media's effectiveness in this role.

In the U.S., capitalism drives the public interest. It is seen as making broadcast media available to as large a segment of the population as possible and minimizing interference. This justifies the regulation of the electromagnetic spectrum, ensures broadcasters a viable commercial structure and the ultimate goal, thriving private enterprise (Comstock).

In Mexico, legislation regulating mass media does not clearly define the concept of public interest. Article 5 of the 1960 Law of Radio and Television define only the activities that protect the public interest. These include: promoting respect for moral principles and traditions, raising the cultural level of the people, preserving customs, traditions and characteristics and enriching the values of the Mexican nationality. All of these guidelines point to the preservation of the Mexican way of life as reconstituted with the Revolution. The public interest is never specifically defined. It is composed of activities and values the government has ascribed people as wanting, but was never revised or amended to include those activities or rights which the public truly had an interest in. The public interest in Mexico, by default, is defined as an

activity or goal that promotes the values of the Mexican revolution and does not challenge the established order.

In Freedom of the Press in England, Fred Siebert put forth two general propositions for the press under any government: 1) the more accountable a government is to the masses, the greater the freedom of the press; and 2) the more secure the existing government, the less restraint is imposed on the press. Siebert's propositions designate government as the controlling factor for freedom of the press. Only when government feels secure is freedom of the press allowed or encouraged. At this time, the government may be able to handle the criticism and challenges of the press and willingly make adjustments for sectors of the population. This assumes that a government's security does not depend on its image as presented by the media —thus ignoring the fact that it may be willing to be held accountable because it can, to a certain extent, control the level of accountability expected of it by the press. In addition, this proposition fails to take into account the limitations that technological advances place on a government's ability to control mass media (e.g. the reception of signals by home satellite dishes, or the ease with which videotapes can be made of broadcasts and distributed at low costs).

Some defining characteristics which affect, directly or indirectly, media performance, include: "the historical

experience and sophistication of a state's dominating stratum; the presence or absence of large oppositional parties that affect the political tone of the country and condition, to a degree, the structure and performance of the media" (Schiller, "Communication" 334). The United States, for example, has a history of a relatively free press which was legitimated with the passing of the First Amendment to the Constitution, guaranteeing the right to free speech. This fact —combined with the presence of two strong political parties with differing ideological views— provides a setting for the press to freely cover government and political activities. A flaw in this system is evident when opposing parties use the media for their own benefit, or when private interests loyal to one party control the media. In Mexico, the predominance of the Institutional Revolutionary Party (PRI), has prompted media institutions to ally themselves with the party —sometimes even publicly, as Televisa has done.

Despite the fact that all media structures vary by system, scholars have long attempted to find the common threads tying each system together, in order to study media institutions as a whole. In Four Theories of the Press, Siebert, Peterson, and Schramm have classified national communication systems in four categories: 1) Soviet-Communist or totalitarian; 2) libertarian; 3) social responsibility; and 4) authoritarian.

1) In Soviet-Communist or totalitarian theory, smooth running, and well-planned communications systems are crucial to the survival of the regime and the implementation of its policies. The state directly maintained media control. News agencies, such as Tass in the former Soviet Union, were government financed and operated; thereby releasing only government sanctioned information.

2) In libertarian theory, anyone who gains access to a medium is able to transmit any information. There are no restrictions on access to or transmission of information. The assumption is that the best information (most useful, truthful, and accurate) will eventually reach the widest audience. Free access to communication is a right of the individual, which the state cannot infringe. This system closely resembles the "marketplace of ideas" (Kraus 113).

Ironically, this system, often found in industrialized economies, does not work as well in practice as in theory. Theoretically, access to communications systems is an individual right. In practice, however, the individual must have the financial or political means to secure such access. A political example of this practice occurs in the United States when news organizations cover the campaigns of major party candidates for elected posts, avoiding coverage of minor or independent candidates. Economic barriers also prevail when the candidates with the most money can purchase

advertising space to promote their points of view, while other candidates cannot.

The right to operate communication systems is not free, but involves a great investment in infrastructure and technology, as well as lobbying efforts to the state, to receive broadcasting concessions. The consolidation of mass media corporations into large multinational conglomerates makes public access to the system more difficult, allowing these conglomerates to impose their ideology on greater portions of society.

3) In social responsibility theory, media displays a high degree of "self-censorship." Media professionals, not government officials, decide which information to transmit. Such information must benefit society as a whole, not just the government. In practice, "self-censorship" is a means of keeping in good standing with the government and ruling party. Information that does not benefit the government, or draws attention to the true status of society, is discouraged. The government rarely prohibits or openly censors mass media. Instead, it uses such mechanisms as low wages for journalists, disproportionately high levels of government advertising equivalent to subsidies, and unclear, outdated legislation for the rights of media professionals and institutions.

4) In authoritarian theory, the government closely monitors communication systems. The purpose of such

monitoring is to encourage information supporting government policies, and discouraging anti-governmental information. In this system, interference with mass media is more direct than in social responsibility. Guidelines and responsibilities of the private media are less defined, allowing the government to determine the repercussions of releasing unfavorable information on a case-by-case basis.

Mexican media, displays elements from the libertarian, social responsibility, and authoritarian theories. The Mexican model of media is a combination of privately run media directed by the government. Through a combination of these characteristics, the Mexican State rallies, overtly and covertly, for the support of the public. The primary element from the libertarian theory is its private commercial structure, which makes concessions available to private groups and makes television available to the public at no cost. This element promotes the state's alliance with private enterprise and the elite.

The social responsibility characteristics of this regime are evident when self-censorship is promoted as a way to cooperate with the good of the nation. When this is not sufficient, the Mexican government closely monitors the communication systems, controlling the release of information. This feature, part of the authoritarian theory, gives the government control over its image and that of the State, and discourages challenges to the established

order. Government may also limit the amount of information released to the press, the manner in which it releases it, and even the manner in which it interprets it.

Each of these communication systems shows a different perspective on the need and uses of mass media and the press. The country's system defines the degree of government control, fine-tuning it with the consideration of other social, cultural and economic factors (Thompson 219). None of these theories, however, predicts how a country will regulate mass media at any given time. The theories provide general guidelines to how certain types of systems may operate, although regulatory methods may create overlaps between systems. This overlap happens particularly when a government diverts media attention from one issue in order to focus upon another.

These systems are essential in determining the role a government legally assigns the media. Government defines this role, based on how it sees the media contributing to the welfare of the country and society, as well as the steps taken to maintain these roles. For example, if the government needs to perpetuate the myth of "national unity," it will make the media a purveyor of government information. If the government views media as an important element in a democratic society, then it will encourage public debate on political and social issues. Therefore, the media's role in

society is to produce and disseminate information that conforms to the goals of those empowering its dissemination.

Broadcasting and the press are powerful media. Governments have historically been wary of media and attempted to limit its effects. Achieving control is easier than measuring and proving that media affects activity and ways of thinking. Of even greater difficulty is predicting results of media exposure. Yet, there is a perception that media influence the way people act and perceive the world around them. Government bases this fear on this perception. In Latin America, the idea that information is dangerous is historically rooted in the Catholic tradition. The information available to lay persons was limited due to restricted access to the Scriptures.

In Latin America, there is the perception that there is only one public, which must be protected from harmful information. Whereas, in the U.S., the notion is of many publics. This allows the dissemination of a lot of information under the presumption that it will be neutralized and rendered ineffective.

With this understanding, the key questions for an in-depth study of the role of a media system in a given country are: 1) who, how and with what purpose is information disseminated; and 2) who, receives that information, how, and with what purpose. Having identified the role of mass media in society, as communicator, producer, and

disseminator, the next section explores the power of mass media and how this power may need to be controlled.

B. GOVERNMENT AND MASS MEDIA

1. The Power of Mass Media

Governments are wary of mass media, because it disseminates information which is crucial to state institutions and day-to-day life. Information, accessible through many means, has the power to affect the way in which societies see themselves and how they relate to their governments. The perception that this information will affect how people behave is the driving force behind the power of mass media.

Each medium that forms part of mass communication brings to the field its own specific characteristics, restrictions, and limitations which form the basis for its contribution to society. Printed media, radio, television, cable and satellite communications are all-parts of this dynamic, fast-changing global system, which is increasingly available to more and more people at all socio-economic levels of society. Each media innovation has introduced significant changes in society that prepare us for the next invention. These advancements have occurred in a relatively "short span of time," completely revolutionizing the way our society operates (De Fleur and Ball-Rokeach 10). It is important to discuss the basic differences between written and electronic media, as well as those factors that make media a viable instrument of government control.

A. Defining Mass Media

The written press, in the form of newspapers, magazines and flyers, provide one major advantage that all other media do not; written material can be stored and reviewed at the reader's leisure, is usually portable and relatively inexpensive to produce, distribute, and consume. Its drawback is that the audience must be literate in order to participate. Limiting access to newsprint is another way governments control the written press. The nature of the written press is that its immediacy is less than that of the electronic media, for it cannot report up-to-the-minute stories. It can, instead, provide more in-depth information and detail for the reader than a comparable radio or television program.

The electronic media includes radio, television, cable, and satellite communications. The obvious difference between these and the printed press is the use of electricity and the electromagnetic spectrum to send and receive transmissions. Radio and television are quite similar in their practical characteristics. Radio transmits audio signals, while television broadcasts both audio and video signals. Transmissions between points occur instantaneously, especially with the availability of fiber optic and satellite communications. The disadvantages include high start-up costs, the need for transmitting facilities and receivers (radio and television sets), the

electricity or batteries required to power these, and finally the programming to fill the on-air hours, advertisers, and other sources of funding such as license fees, to finance these operations.

Cable television initially brought television signals to isolated geographic locations, where standard over the air signals could not reach. A physical connection, via underground or over the air cabling (usually with telephone lines) can bring viewers over one hundred signals at a time. These signals create the need for more programming to fill the hours of transmission. Cable television is marketed a service, where monthly subscription fees are charged. Cable television also re-transmits the signals sent around the world via satellite.

Satellite communication sends transmissions to one of many satellites located in space, and retransmits them to commercial and domestic receiving devices and station. The most important contribution to modern society by satellites is to send instantaneous transmissions of audio and video signals from one part of the world to another. Live events can be seen as they occur. This has enormous repercussions to the way politics and business are conducted on a world-wide level, as well as the way societies learn to look at the world and the inhabitants of other countries. Examples of this include the Chinese protest resulting in massacre in Tianammen Square and the Chiapas rebellion in

Mexico. Both events received immediate international media attention, garnered public opinion for or against the participants, and had dramatically different results. The media attention was responsible for the way that population of other countries perceived the Chinese and Mexican societies in relation to their own.

In the case of Chiapas, in contrast to the 1968 student revolt in Tlatelolco which resulted in bloodshed, the 1994 rebellion was contained and resolved through negotiations. Knowing that media is assumed to have an effect leads us to conclude that in plain sight of international media, and at the initial stages of NAFTA, it was better for the Mexican government to settle the disturbances in the manner of a democratic state and not an authoritarian one. (Trejo Delarbre) Mass media diffused through satellite technology provides the added advantage, or disadvantage, that it can immediately expose what were once private activities and makes them available for public scrutiny.

New advances on existing technology enable cable and satellite transmissions to become interactive at the consumer level. The technical aspect of these innovations is important: each invention builds on the previous ones. More importantly, these technological advances influence not just mass media as an industry, but also the relationship it has with society, how it is regarded, and the role it in turn plays in daily life. With growing reliance on media,

it is increasingly vital to understand government control of media and its social roots.

In Ideology and Modern Culture, John Thompson defines mass communications as the "institutionalized production and generalized diffusion of symbolic goods via the transmission and storage of information and communication." This definition is based on four principal characteristics of mass media: 1) it presupposes the development or existence of institutions; 2) it institutes a fundamental break between the production and reception of symbolic goods - in other words, goods are produced for recipients who are generally not physically present at the place of production and transmission or diffusion; 3) it extends the availability of symbolic forms in time and space, making much information available instantly; and 4) it involves the public circulation of symbolic forms produced in principle for a plurality of recipients (219-222). This institutionalization is what gives mass communication its power of authority over people as well as creating viable mechanisms for social influence.

Thompson argues that, based on these principles, mass media seem to reorganize and reconstitute social interaction. This occurs for various reasons. The first, that technical media fundamentally impacts the ways in which people act, and interact, with one another by modifying or undermining old forms of interaction. When mass media

influences social interaction, this results in a restructuring of existing social relations, institutions, and organizations (225). This restructuring leads to the beginning of the modernization process, which begins with the dissemination of new ideas and information, presenting alternate forms of behavior to people (Pye 348).

Information is power. When a government emphasizes a role for the press, this strengthens the institutions that control the dissemination of information. The roles are based on different ideologies by which the government is run. Operationalization of the media's role has been given different slants in market, Marxist, and advancing systems.

The market system of the press is rooted in capitalism. It is based on the principles that the press is "free of outside interference; serves the public's right to know; seeks to learn and present the truth and reports fairly and objectively" (Altschull 287).

The Marxist system is rooted in Marxist/Leninist ideology. Here the role of the press is to liberate the masses (94). The press "transforms false consciousness and educates workers into class consciousness; provides for the objective needs of the people; facilitates effective change; and, reports objectively about the realities of experience" (287). Although Marxist theory is no longer used as a living model, the fact remains that mass media was considered powerful enough to be able to assist in

transformation of the masses, and dangerous enough to require control. Therefore, the manipulation or control of information is justified as far as it aids and contributes to the liberation of the masses.

The advancing system of the press is rooted in development theory and modernization, as presented by Herbert Altschull in Agents of Power. In this system, the press is "a unifying and not a divisive force; a device for beneficial social change; an instrument of social justice; and meant to be used for two-way exchanges between journalists and readers" (287). Education, then, becomes the tool of action for creating social cohesion and consensus.

Some scholars have disagreed with the assumptions underlying the roles in each of these political systems. In The Effects of Mass Communication on Political Behavior, Sidney Kraus and Dennis Davis write that these theories of the press assume that it is possible to anticipate the social consequences of the transmission or non-transmission of any form of information. If the above assertion is true, then not only are governments justified in feeling threatened by the media but also they are simultaneously wasting their time, making media control a useless exercise.

2. Creating the Mechanisms for Government Control

A. Framework for Mass Media-Society Relations

Although political systems define the media's role, and determine the type of threat it poses, states institute government control over the media. The relationship between state and society, and their influences over each other, empower the government's actions in favor of, or against, media. Does government control over media follow specific pattern of state-society control, or does it happen randomly? Existing theories, such as the evolutionary and social conflict perspectives could be applied on a macro-level to understanding the relationship between state and society as well as on a micro-level to government and media.

Mass media theory is derived from principles found primarily in sociology, psychology, and social psychology. Two significant paradigms from the field of sociology are: *social evolution* and the *social conflict model*. According to Melvin De Fleur and Sandra Ball-Rokeach, in their classic text Theories of Mass Communication, these paradigms are most useful to media theories because they give a central role to:

- 1) The processes by which a society maintains social *stability*;
- 2) The processes by which it *changes* over time;
- 3) The nature and significance of social *conflict*; or

- 4) The forms of interpersonal interaction by which human beings share meanings (De Fleur and Ball-Rokeach 15).

The *evolutionary perspective* centers on the idea that "society is both organized like and develops like a biological organism" and is, consequently, subject to change within certain natural laws. Society is seen as a set of interrelated parts, an organization of interconnected, repetitive, and patterned activities, which constantly undergoes change. As these changes in society occur, its social forms become increasingly differentiated and more specialized. New social forms are then invented or borrowed from other societies by individuals seeking more effective ways to reach important goals. The final step involves the adoption of social forms that help people effectively achieve goals that do not clash with existing values. Less effective social forms are abandoned, for the newer, more effective forms, which become stable parts of the developing society (De Fleur and Ball-Rokeach 10).

This theory, applied to mass communication, shows the evolutionary development of mechanical and scientific technology, and of the social skills required for its effective use. The overarching contribution of each medium is that it has prepared the way for the next invention. Within these mechanisms, legislation is created.

Legislation of one media form, for example, print was often used to regulate newer media, such as radio, and later television. This presented problems. There was always an ignorance of the specific characteristics of each medium, its potential, and the social effects and burdens it placed on a given population.

The *social conflict model* assumes that conflict as opposed to stability or evolution, is the most important social process. The model provides a platform for conceptualizing and studying significant issues concerning the ever-changing system of mass communication. Here society consists of categories and groups of people with divergent interests. This leads societal components to pursue their own interests in competition with others or to attempt to preserve their interests by resisting others competitive efforts. Societies experience conflict while their components try to attain new gains or to preserve their interests. Competition and conflicting interests keep societies in flux (De Fleur and Ball-Rokeach 19-20).

Though grounded in conflict, this theory extends the principles of the evolutionary theory. For conflict to exist there must be growth, and therefore, evolution. In order to achieve certain goals in development, growth, creating market profit, etc., general stability is required—in order to work with, within and around the system. The evolutionary framework is seen as a guide. Stability is

considered in the best overall interest of government. Governments are often so large and bureaucratic; that such stability can only be reached through the resolving of temporary conflicts which affect the nature and course of evolution. Stability lies in the idea that conflict is allowed, to the extent that it serves to restructure the internal workings of government or industry, but not threatening the general stability of the government and mechanisms that allow social change and evolution.

Mexican media, in general, is in a constant state of evolution. The burden of adapting to such changes places it in constant conflict because legislatively it cannot keep up with the pace of technology. The conflicts created between society, media organizations and public officials, creates a media that scarcely serves the interests of all three.

B. Framework for State-Society Relations

Joel Midgal's Strong Societies and Weak States: Society Relations and State Capabilities in the Third World provides a framework for analyzing state-society relations. His definition of the state is based on Max Weber's: "an organization, composed of numerous agencies led and coordinated by the state's leadership (executive authority) that has the ability or authority to make and implement the binding rules for all the people as well as the parameters of rule making for other social organizations in a given

territory, using force if necessary to have its way" (19). This definition implies a relationship, not only between state agencies, but also societal organizations. Society is depicted as a *mélange* of social and commercial organizations.

Migdal presents a two-sided model. On one side, the groups exercising social control in a society may be heterogeneous both in form and in the application of rules. On the other, the distribution of social control in society may be among numerous, autonomous groups. The overall sum of authority may be high in the society, but the exercising of such authority may be fragmented, making the state one organization among many (29). This perfectly illustrates the relationship between the evolution and social conflict model.

This model, applied generally, shows the state overcoming the resistance of other social organizations attaining predominance by one of two means: making and enforcing nearly all the rules in the society; (as in a totalitarian state) or delegating some authority to other mechanism institutions (as in the liberal democratic state). The accommodation between states and other powerful organizations in society over social control occurs when neither the state nor the society can gain predominance over the other.

Social control is defined as "the currency over which organizations in an environment of conflict battle one another" (Migdal 32). Three indicators act as measures of social control: compliance, participation, and legitimization. Compliance involves the state's ability to enforce rules, control resources and gain cooperation from its population. Participation deals with the level of the population's involvement in state organizations or institutions. Legitimization is an acceptance, even approbation, of the state's rules of the game, its social control as true and right.

The strength of the state organization in an environment of conflict depends, in large part, on the social control it exercises. The more that state leaders can avail themselves of compliance, participation and legitimization methods, the higher the level of social control they can attain to further their goals. Leaders in other realms, within the same society, who do not feel that the state should be predominant in the entire society, also vie for social control using the same means. This illustrates what Migdal calls "weblike societies"; society must be viewed as being composed of many autonomous social organizations. This perspective allows us to look at the dynamics of the power struggle, beyond knowing who has the power. Most often, in Third World countries, power is not

centralized, so that many power struggles are played out simultaneously (39).

When a society has many powerful organizations, each with their own rule-making ability and resources, resistance to the states' efforts at political mobilization is inevitable. These organizations -including the state- engage in "the politics of survival." States are forced to weigh the need for effectiveness and security against the risks to political survival through creating agencies that could become centers of power. Options do exist, such as balancing strong agencies against one another, or relying on strong social groupings to counter strong institutions. (Migdal 211)

On the macro-level state-societies vie for power and control in several ways through cooperation, compromise, co-optation, or compliance. It is within this large setting that media institutions exist and operate. Having defined government control, and its theoretical roots, we now look at how this state-society model plays out in the government-media arena.

C. Public and Private Interests in Media Regulation

Erwin Krasnow views the process of broadcast regulation as a dynamic process involving many participants, often with different goals, each influencing the other, producing specific policies and standards for broadcasters

(1). Attempts to understand broadcasting regulation in analytic system terms have been avoided, says Krasnow. There is significant literature surrounding the determinant groups of power in broadcasting, often interdisciplinary, with attention frequently focused on just one group. A general theory, incorporating the behaviors of all "significant determiner groups" does not exist. Krasnow, therefore, proposes a general model, developing some statements about its behavior (134). Broadcast regulation must be seen as the result of dynamic interaction between broadcast systems' various components. Krasnow has termed this the "broadcast policy-making system" (133).

The broadcast policy-making system is dynamic:

"Largely because communications is influenced by rapidly changing technology, few specific policy decisions are stable and long-lasting. The system is always responding to new or changed conditions, with consequent incessant interaction among its participants. The operation of the policy-making system is unique; each policy-making problem is likely to differ in important respects from all other" (Krasnow 138).

However, certain recurring patterns within the politics of broadcast regulation may be identified:

- 1) Participants seek conflicting goals from the process.
- 2) Participants have limited resources insufficient to continually dominate the policy-making process.

- 3) Participants have unequal strengths in the struggle for control or influence.
- 4) The component subgroups of participant groups do not automatically agree on policy options.
- 5) The process tends towards policy progression through incremental steps, rather than through massive change.
- 6) Legal and ideological symbols play a significant role in the process.
- 7) The process is usually characterized by mutual accommodation among participants (Krasnow 138-41).

Throughout the thesis we see how television and the technologies associated with this medium have both influenced, and been influenced by government regulation. The structure of Krasnow's politics of broadcast regulation and an extensive review of the existing literature reveals that the execution of government control and regulation over mass media is part of an evolutionary process (De Fleur and Ball-Rokeach 18), resulting from: 1) the specific government mandate for the media's role, or its *raison d'être*; 2) the technological, social, political and economic factors that justify the need for regulation; and 3) the operationalization of these mandates into established systems of communication all operating under the constructs

of the social conflict theory, each attempting to secure their interest.

These three factors lead to the creation of a regulatory system within each specific country, which in turn defines the nature of broadcasting as a system in a given country. George Comstock presents broadcasting in the United States as "the creature of federal regulation. Its character derives from the conditions to which it responds, and these are largely the product of policies adopted by the federal government" (14). This definition of broadcasting is also true of most other countries to varying degrees. The evolution of government control involves changes and growth in each of these individual areas over time, both in their relationships with one another and with government control. Some are controlled by regulations covering ownership, financing, and advertising, with others regulated by control over content and press freedom.

Broadcast systems occupy multiple roles in society. Their central function as gatherer, disseminator, and bank of information has led Herbert Altschull to characterize the role of the news media as an "agent of power" (5). Comstock observes that "once television as a system is in place, there is created —from the public and from political leaders— pressure to employ it to the utmost" (286). Broadcasting's perceived effects and influence extend over various areas of society which include but are not limited

to education, development, social change, preserving the public interest, and upholding democracy. Perhaps the most encompassing of these areas of influence has been the determined effort of government to use television and mass media as agents of development, democracy, and to induce (or reduce) social change. Social change is an integral part of democracy and development; yet, it is unique in that it can also influence media to reflect change rather than just promoting it. These three areas dominate the literature in uses and influences of mass media.

When government cannot foresee the effects of mass media on society or social change, controls are instituted to make the effects, whether great, small, or perceived, seem more manageable.

C. UNDERSTANDING THE SOCIAL ROOTS OF GOVERNMENT CONTROL AND REGULATION OF THE MEDIA

1. Understanding Control of the Media

Broadly defined, government control is "not limited to negative restrictions such as censorship," but encompasses all influences affecting media operation (Cole 58). These influences can be great in number or in restrictive force, or they can be limited to assuring the efficient functioning of the media. The media provide a flow of information that is "central to our political system, our economic institutions, the day-to-day lifestyles of each of us, and even forms of religious expression" (De Fleur and Ball-Rokeach 2). Many of the principles subscribed to for the management of information, ~~privately and publicly~~ are derived from theories which attempted to describe and make sense of the power the press wielded through print media. The evolution of mass media has seen these principles applied to radio, and later television. Furthermore, many of the initial technical and theoretical paradigms for television were derived from the capabilities and limitations of radio, later evolving as the medium came into its own.

Control over media is not limited to government control. Cole has distinguished different types of controls over media by placing all media controls into three general

categories: 1) societal, 2) governmental; and 3) institutional. (58)

1) Societal controls are those furthest removed from the media in immediacy. These are deeply rooted, and the most difficult and slowest to change. Social controls include language, religion and morals, literacy, population, education, and economic and political development (Cole 58).

2) Governmental controls are pervasive in all countries, and necessary to a varying degree, for media to operate in modern society. No national media system is completely free from general restrictions. Some of these include "regulations on libel, obscenity and protection of the state from internal disorder and external aggression, or from physical regulations on, for example broadcast wavelengths." (Cole 62)

3) Institutional controls arise from the nature of the media themselves; internal to the media, they are the closest to the media in terms of immediacy. Such controls revolve around the concept of professionalization. These include: lack of professionalization of journalism, low wages, payoffs, lack of objectivity, selling of news space, and poor reporting. (Cole 82-83)

It is useful to define societal and institutional controls as "natural controls," since they stem naturally from either the culture, or the socio-politic-economic system of a country, or the media's operation within these.

Since society is inextricably linked to government, these controls not only influence the media's nature, but also those of government and society.

2. Reasons for Regulating Broadcasting

Establishing a broadcast television station is costly. Once in place, television is accessible to anyone with a receiver, overcoming every barrier of literacy and isolation that limit the flow of non-electronic media (Comstock 285).

Television's character around the world derives from the dual facts of its enormous reach and ability to communicate. The television system's existence places pressure on political leaders for its most effective, efficient use. What this means, is subject to the viewer's interpretation; in general it refers to the lowest common denominator. The need to please the masses leads the drive toward popular programming, which continually reduces the proportion of programming considered cultural, directed to a small segment of the audience (Comstock 286).

The television experience in our homes is undeniably the product of the system established—and different systems produce different kinds of television—but television as a medium is also, partially, its own master. In the United States, television has free rein, making America's evolving system the model for the world (Comstock 288).

Television provides both entertainment and news functions and always serves as an institution for both. For that reason, it influences our lives. It achieves this influence through time consumed, by the infringement of that time on other activities and competing media, and by the content of what it disseminates. The content, in turn, is the product of the medium's economic character and social role (Comstock 9).

Broadcasting's purpose, in any country, is to serve the public good despite the fact that the definition of "public good" is hardly uniform. Most regulations, however, are formed in the name of the public good. The most enduring of these is based on the technical limitations of the medium, revolving around the regulation of airwaves due to spectrum scarcity. Other justifications for government regulation. These are based on the presumption of the media's effect on society, as discussed earlier. These include: the medium's propensity to fall subject to political interests, rather than engage in public service or protect vulnerable viewers; the medium's failure to provide for the public, due to market failure; and the concentration of media power due to ownership and management of media institutions by few actors.

A. Regulating the Airwaves: Spectrum Scarcity

The basis for regulation in the U.S. is the "scarcity" principle. There is a limited amount of frequency space in the electromagnetic spectrum. In order to prevent complete ownership or domination of the airwaves by the wealthy few, there must be some system of allocation and control. The second reason for regulation is the probability of stations canceling each other out through interference (Hillard 54). Krasnow writes that, in the U.S., "because one person's transmission is another's interference, Congress concluded that the federal government has the duty both to select who may and who may not broadcast and to regulate the use of the electromagnetic spectrum to serve the public interest"(22).

Television stations are licensed to ensure that signals will not overlap. The purpose of regulation is to make sure that the delivery of service to the public is not impeded by chaos, which might result from open competition. Licensing, however, imposes a further restriction for stations to operate only within a given geographic area. No such artificial limitations exist for print or other media; thus, broadcasting is treated differently (Comstock 14-15). Broadcast media does not enjoy the free-press' protections of the First Amendment, because the broadcasting spectrum is considered public property. The Federal Communications Commission (FCC) was originally set up in order to referee

disputes among potential broadcasters claiming the same piece of the spectrum (Altschull 138).

The controversy between freedom from government control, and the First Amendment as applied to broadcasters, has been decided as follows: the rights of listeners and viewers to receive information is of greater importance than the rights of broadcasters. This is justified on the basis that the scarcity of the broadcasting medium requires some government intervention to guarantee that the public is exposed to multiple ideas and viewpoints (Krasnow 21).

Because of the high demand for commercial time on the part of advertisers, the limitation of licenses to channels that will not interfere with each other means, in effect, that license holders are guaranteed profitable business. In exchange, television stations are expected to act, to a degree, in accord with the conception of the public interest held by the FCC and Congress, whether or not doing so maximizes profits (Comstock 15).

The broadcasting laws of Mexico are similar to those of the U.S. in many ways. In both countries, the radio spectrum is public property and the Federal Government strictly regulates its use. Each country, therefore, grants licenses —called concessionaires in Mexico— which must be periodically renewed. Neither government determines the rates that broadcast stations must charge; they recognize

the validity of private enterprise, the profit motive, and sanctioned competition (Emery 26).

Yet, in Mexico, despite the fact that the electronic media has been designated to operate in the public interest, the rights of listeners and viewers, specifically the right the right of information has never been legislated, giving broadcasters sole discretion, beyond the general guidelines, of the public interest.

B. Political Interests: Protecting the Public Good and Vulnerable Viewers

Understanding the reasons why broadcasting is regulated, requires looking at the interests of the media and those affected by it. In most countries:

...the essence of the politics of broadcast regulation lies in the complex interactions among diverse participants, not only in their day-to-day -confrontations, but also in the more enduring adjustments and readjustments they make in their relationships. Largely these relationships are determined by law -by statutes that are themselves the formal heritage of past political disputes (9).

Information, however, is power, and a medium for social control. Those in power are intent on remaining there, and are more likely to put their personal interests ahead of the public good or protection of vulnerable viewers:

Political intervention in broadcasting markets is fraught with problems. Because broadcasting is widely credited by political authorities with unique power, politicians are disinclined to

establish mechanisms of access and accountability which render broadcasting genuinely independent of government" (Collins 187).

In the United States, Altschull writes:

...few can doubt the influence of the television networks on the members of Congress, who must regularly run for reelection and whose 'image' on the screen is thought to represent one of the decisive factors in voter's decisions. Congress, could, if it wished, increase the power of the FCC and direct it to rigorously enforce not only the Fairness Doctrine but also the requirement that broadcasters operate in the public interest. To do so would, however, subject those congressmen who voted to extend the FCC grip of the industry to criticism on the air. Few congressmen can be expected to take this risk. And by limiting the restraints on broadcasters, congressmen can reasonably expect to receive favorable attention on television. A kind of three-cornered manipulation mechanism is at work here, with pressures generated by broadcasting executives, the FCC, and Congress. The interests of the public comes fourth (139).

In Mexico and Latin America, for example, reasonable rates and expansion of services to the economically deprived depend on the parties in power (Hillard 15). In the United Kingdom, broadcasting policy is based on the supposition that viewers and listeners are vulnerable and the chief role of the state, is to protect viewers and listeners from broadcasting —even if they are to be protected from what they truly desire. The creation of the Broadcasting Standards Council in 1988 reflects the continuing power of the underlying presupposition in U.K. broadcasting policy

that viewers and listeners are vulnerable and requires protection (Collins 189).

C. Market Failure: Failure to Guarantee Diversity and Provide for Public Good

The dual nature of mass communication is to have business profit and for semi-public institutions to disseminate information (Cole 2). Because these are contradictory goals, diversity is not guaranteed. Collins explains how public service proponents justify government control over media beyond that advocated by market proponents:

Public service broadcasting proponents agree that a market regime in broadcasting will diminish programme diversity because producers will have too little incentive to produce expensive/quality programs and broadcasters will have too strong an inducement to schedule for the highest common factor of audience tastes thus excluding programs which address the strongly held and distinctive interests of the plurality for 'publics' which are held to make up the audience of broadcasting. They emphasize internal diversity - mixed programme schedule instead of external diversity which is a choice between a plurality of channels (190).

Regulation can force broadcasters to address issues that would otherwise be ignored. Regulation can be used to "create spaces for alternate voices, different ownership structures, and new services." The creation of such spaces does not guarantee that programming, journalistic practices

or performance will improve or satisfy the "public interest" (Negrine 67).

D. Concentration of Power

Noam Chomsky asserts that major media and other ideological institutions will generally reflect the perspectives and interests of established power (11). The media's power is concentrated through either government control and ownership, or private ownership. Cole affirms that "the emphasis is on controls related to ownership and thus by extension to concentration of ownership" (58).

Different systems approach ownership and control differently. In France, for example, the enduring influence of the French government over media owes largely to the fact that most powers are concentrated in the hands of the President (Sergeant 231). Concentration of power can be political or economic, presenting certain noteworthy advantages and disadvantages. The advantages are primarily economic, benefiting the owners, but also trickling down to the consumers in a type of economy of scales. Cole questions, however, whether local economic competition improves media performance. Regardless of which country we refer to, some critics believe that concentration of media ownership does limit the opportunity to express issues publicly (Cole 21-24).

In accordance with prevailing conceptions in the U.S., there is no infringement on democracy if a few corporations control the information system. In Necessary Illusions, Noam Chomsky quotes a leading figure of the public relations industry, Edward Bernays. He explains that " 'the very essence of the democratic process' is 'the freedom to persuade and suggest...the engineering of consent.' 'A leader,' he continues, 'frequently cannot wait for the people to arrive at even general understanding...Democratic leaders must play their part in...engineering...consent to socially constructive goals and values,' applying 'scientific principles and tried practices to the task of getting people to support ideas and programs'" (Chomsky 16).

This conception is a necessary by-product for concentration of power by a few corporations, since the bottom line is not supported by diversity. "Politics of survival" are a specialty of mass media, since they involve the manipulation of information and perception in order to strengthen one's position, over another.

D. OUTCOMES OF GOVERNMENT REGULATION

1. General Structure of Communication Systems

The previous sections addressed various aspects of government control of media: existing mechanisms of government control; how media roles are defined and applied; and justifications for actual government control. These factors combined create the actual broadcasting systems, each with its own particularities and features.

The outcomes of government control can be seen in three different areas. First and foremost, in the structure of communication systems. Here we look at structure of ownership, current broadcasting law, and the institutionalization of broadcasting. The second is the kind of environment these structures produce. The third, and perhaps the least defined, involves the challenges to government control as a result of the evolution of media.

A. Structure

Different countries with divergent social, political, and economic systems either allowed or directed their broadcast industry to develop according to specific needs:

The US broadcasting industry developed differently from the broadcasting industries of other capitalist countries. Radio, for example, in Western Europe was placed under the control of government officials or in the case of Great Britain, control was placed in the hands of public

corporations, ultimately responsible to the government but with a substantial degree of latitude, especially in programming content. In the Soviet Union, radio financing, distribution, and programming came under ministerial direction. In the US, private commercial interests were permitted to develop and profit from broadcasting as they wished (Altschull 135).

Hillard has pointed out that government-owned-and-operated systems are found within monarchies, dictatorships, or democracies. Yet, there is no singular rule. In both the state monopoly and public authority systems, one often finds varying degrees of private ownership. Some are aligned with the dominant system, while others are relatively competitive. In some systems without private ownership, even advertising has been adapted for financing purposes (53).

The British system, and those of its Commonwealth nations, exemplifies the government-financed, public authority system. The United States, on the other hand, represents the system of private ownership, financed by advertising. These two systems of ownership have influenced the Mexican case most. A brief illustration here will allow us to further define these in later chapters.

1. Independent and Public Corporations

In the U.K., radio broadcasting was set up in 1922 under the direction of the Post-Master General. It was to be run by private enterprise and operated as a monopoly in

order to avoid the chaos that characterized the radio industry in the United States. The British Post Office decided to granted licenses only to radio manufacturers. They were interested in developing the radio system in order to increase the sale and manufacture of more sets. When radio manufacturers filed too many applications, the Post Office —in order to avoid conflicts resulting from the inability to grant stations to all applicants— suggested the manufacturers come together as a single broadcasting company (Ginsburg 38-41).

Six reasons were given to justify having a single broadcasting authority:

- 1) In order to efficiently reach the maximum population with the minimum number of wavelengths;
- 2) A single broadcasting authority would be obliged to cater to all regions, regardless of population size, in the same way;
- 3) Reduce the risk of the establishment of overlapping and interfering stations;
- 4) The broadcast authority would effectively serve as a national network, with programs originating from the capital city and distributed throughout the country, and vice versa;
- 5) All local and regional license fees would go directly to the broadcast authority where the corresponding allocations would be made; and

6) One broadcast authority could produce better programming, and quality control would be easier to maintain than if many companies were responsible for the production of programming (43).

Consequently, a single broadcasting authority was established which would make it easier to broadcast in the public interest. It was determined that, through regulation and limited autonomy, the public good would be safeguarded and diversity assured.

2. Private and Corporate Ownership

The United States had a *laissez-faire* attitude toward broadcasting in the 1920s. The government was eventually forced to exert some control and responsibility over broadcasting, primarily to eliminate chaos over the broadcasting spectrum. The new role for the federal government is defined as the "principle of obligation in exchange for privilege." The privilege, in this case, is economic, in the form of a license that permits a television station to operate (Comstock 14). "The federal government aligned itself with the values of private enterprise in devising a system of broadcasting, and then, in accord with the deep-rooted American distrust of those same values, established a means to temper the outcome" (16).

Economic gains go mainly to the broadcasters, with limited competition in each defined geographic market as

designed by the licensing of channels. The high demand for commercial time on the part of advertisers means that license holders are reliably guaranteed profitable business. "In exchange," Comstock adds, "stations are expected to act to an arguable degree in accord with the conception of the public interest held by the FCC and Congress, whether or not doing so maximizes profits" (15).

Private and corporate ownership may be best seen through the American model of broadcasting. Here, private commercial interests were responsible for the development of broadcasting as an industry. It was assumed, as should be in the capitalist perspective, that free and open competition would bring out the best, most diverse programming by weeding out the worst, serving the public interest and good. After all, the citizens in democratic societies decide what is suitable.

B. Law

The laws governing broadcasting cover all areas of the industry, from ownership to content, from spectrum scarcity to licensing, and from advertising to financing. These laws vary from country to country. Rather than examine specific laws, it is more important to set up a guideline for understanding laws. It is often more revealing to look at what is allowed by lack of restrictions.

Hillard points out some of the general inconsistencies in Communication Law. Generally, "laws in Central America show a lack of clear definition in communications laws. They show either tight, arbitrary government control or ad hoc strict reactive control -or limit to media freedom by the political and economic influence of foreign capital, principally from the U.S." (59). Collins reminds us that politicians create laws when he writes that "political intervention in broadcasting markets is fraught with problems. Because broadcasting is widely credited by political authorities with unique power, politicians are disinclined to establish mechanisms of access and accountability which render broadcasting genuinely independent of government" (187).

B. Institutionalization

Institutionalization is the most abstract of all the three concepts discussed thus far in this section. This concept involves the automatic acceptance of the media structure into the industry's everyday operation. This acceptance deters those in charge of disseminating information, and those engaging in the day to day matters of the industry, from questioning issues and motives. "Faith" in the system is a large component of institutionalization.

Shills addressed this issue regarding the power of the press as the institutionalization of media ownership:

The power of the press to influence political and public opinion, the power of those who determined what the press communicated, became an article of faith of the educated classes and those not so highly educated. The power was thought to reside in the hands of those who owned the press" (26).

2. General Outcomes of Broadcast Regulation

Different models and forms of operationalizing government control produce different outcomes for the broadcasting industry. Some outcomes include an emphasis on consumerism and elitism, others on greater control over media. The financial outcomes are some of the most relevant; the mass media is divided between its role as informant and its business role. It is important here to look at some outcomes of media regulation, in the U.S. and in other countries.

In the United States, media is chiefly financed through advertising. In other capitalist countries, advertising plays a limited role in the financing of radio and television. In Western Europe, and in Japan, broadcasting is partially funded through tax revenues and public funds. Altschull believes that the source of funding affects the content of broadcast programming, just as differences in social, political, and economic systems affect ownership:

In some countries, more industries are state owned than in others, but modern capitalism has adapted to acceptance of a measure of state ownership.

What unites all capitalist countries, whatever the level of socialist enterprises permitted, is their belief systems and a common hostility to a Marxist social order. While certain capitalist countries have gone so far as to adapt to certain aspects of Marxism, their belief systems remain intact. The press remains an instrument to safeguard the social order. Although the ideological boundaries beyond which the press may not go are not identical among the capitalist countries, or even inside an individual country at different time periods, the boundaries exist. In the end, the paymasters see to it that these boundaries are not violated (Altschull 282).

Altschull points out that government and advertisers often work together because they share mutual political and economic interests. He writes that "in Latin America, for instance, where palace revolutions have been common, the printing and broadcast of commercial notices have continued without interruption from one government to the next. In other words, the fact that the presentation of news is financed by commercial interests seems to have little influence on tyrannical behavior by governments" (Altschull 173).

Media serves the interests of governments, private corporations, and advertisers. Increasingly these advertisers are globalizing as transnational corporations are involved in the financing of broadcast stations, through either ownership or advertising. Schiller points to the new role of commercial television as "the most powerful instrument for creating and channeling consumer demand to fulfill corporate marketing needs and objectives. The

utilization of the informational apparatus for transnational (and national) corporate aims is the root issue" ("Communication" 340).

The pattern of increased media globalism is supported by the fact that, in order to exist in most capitalist societies, private media is structured as a business first, then as a diffuser of information. According to Schiller, the acceptance of this arrangement is what "enables giant private firms to create people's tastes and expectations and what allows them to be transformed into consumers before anything else." Corporations are able to take such action because they have used their leverage to shape the system to suit their needs. Schiller concludes that "individual rights and freedom will be immeasurably extended and the despoliation of nature lessened, if the freedom of big business to control international and national public opinion and cultural values is reduced" (340).

3. Challenges to Government Control

A. Technology and Change

We have looked extensively at how government controls over media developed through advances in technology. These advances persist and are the basis for the continued change in government regulation. Some of the reasons used to

justify government control and intervention, however, no longer exist, fueling the growth of this worldwide industry.

"Spectrum scarcity and the non-excludable 'public good' characteristics of broadcasting have effectively been abolished as a consequence of technological change. Cheap encoding and decoding technologies have made broadcasting services excludable. They have made it possible to establish subscription and pay-per-view funding for broadcasting which promise or threaten to establish a broadcasting market which corresponds more closely to what the neoclassical economic theory defines as a well-functioning competitive market than was formerly possible" (Collins 186-187).

The new broadcasting technologies have been heralded by Ithiel de Sola Pool as "technologies of freedom." Two innovations lie behind this change in television communication. One is a relay system, placed more than 22,000 miles above the earth, which distributes signals by space satellite. The other is the mass production of the videocassette recorder (VCR). These technologies are relatively new, but the principles —transmission and recording — have always formed the basis of mass communication (Gomery and Lichty 28).

The ability of thousands of receiving stations — or downlinks — to receive signal from orbiting satellites created a whole new industry providing pay cable and new

advertiser-supported networks only seen on cable systems. As for nations without cable TV, the satellite dish made these new services available (Gomery and Lichty 29). This has made governments nervous. The Indonesian government, for example, considered advertisements more dangerous because they would allow poor citizens to see a culture they could never afford. Consequently, Indonesia exerts government jurisdiction over imported programming (30). Other countries, however, have welcomed these new sources of information. An example is the incredible success of CNN, which in 1993 was seen in over 90 countries around the world. Lichty points to its presence in government offices and hotels, serving as an important source of information for opinion leaders (31).

Technological advances, as applied to mass media, are crucial to understanding its development. Thompson discusses several important features of technological advances, as well as their effects on diffusion. One of the most important is the increasing concentration of the media industries and their growing diversification. This concentration has led to the formation of communication conglomerates, which have major interests in a variety of industries concerned with information and communication. A direct result is the increasing globalization of the media industries, allowing for deployment of technologies that facilitate the transnational diffusion of information and

communication. Finally, there is a trend towards *deregulation and privatization* as a response to the changing technological bases of the media industries (193).

As technological inventions advance, we continue to be awed by its contributions to mass communications systems. Some new communications technologies include: the introduction of video cassette recorders for domestic use; the deployment of cable systems for the transmission of television programs, sometimes in conjunction with satellite relay stations; and the development of Direct Broadcasting by Satellite (DBS). DBS, along with integrated cable-satellite systems, present another challenge to traditional patterns of broadcasting: they challenge the capacity of governments to regulate transmission of audiovisual material, since signals can be transmitted across national boundaries and received, either directly or indirectly, by the consumer (Thompson).

B. Challenges

The effects of the media on diffusion and consequently on society and democracy lead us to question whether the emerging configuration of satellite and cable systems represents a continuation of the traditional means of broadcasting or the beginnings of a fundamentally different system of cultural transmission. Some possible clues to

this mystery lie in the actual capabilities of this technology.

- 1) The deployment of cable and satellite systems greatly augment the capacity for the transmission of audiovisual material (five or more compressed signals per channel).
- 2) The replacement of scarcity by multiplicity, in terms of channels of diffusion, has fundamental implications for the way in which audiovisual material is regulated by state authorities, and for the ways in which consumers receive it.
- 3) The proliferation of channels also offers consumers the possibility of greater choice in both selection and reception of audiovisual material. The extent to which this possibility becomes a reality will depend on a variety of factors that extend beyond the technical capacities of the media.
- 4) The increase in the transnational character of audiovisual transmission.
- 5) The development of new communication technologies, offering the possibility of an increasingly integrated set of communication and information services which can also be expanded and supplied through a common carrier system.
- 6) The possibility of a more personalized, interactive form of communication gives recipients greater

choice in the selection of channels and services, as well as greater capacity of cable systems.

- 7) The availability of a greater range of channels and services gives individuals, in certain respects, more control over their sources of information and entertainment (Thompson 210-13).

The growing capabilities of mass media present new problems, conflicts, and solutions for both media industries and governments. It affects state development, communications within and between nations, government policy, political participation, social interaction, and access to information and much more. If Thompson is correct, the emerging configuration of cable and satellite systems represents the development of a new modality of cultural transmission, which differs significantly from traditional systems of television broadcasting. For the foreseeable future, it is likely that this new modality will co-exist with traditional broadcasting systems, providing a steadily increasing range of channels and services to individuals (Thompson 214).

In Europe particularly, the addition of satellite broadcasting systems has created a shift towards national and/or pan-European programming. Ralph Negrine specifically addresses the case of the United Kingdom and Germany, where:

...cable systems have thus been transformed from idealistic local communication systems into a local delivery arm of an international system of

communication. The number of levels of communication has thus increased to include a range from local, through regional, national, continent-wide, to international systems. Localism, as an ideal and a practice, has not disappeared although it has been overtaken by a different conception of the audience and its relationship to the technology of choice and more entertainment. Consequently, there is here a marked convergence between the development of media in these two nations (Negrine 57).

Outside the United States, ownership and control usually rest with the central government. The model of state control is breaking down through technical pressures (media is difficult to monitor) and through a change in philosophy (governments no longer wish to privatize the media to boost the economy) (Gomery and Lichty 33). First, there is the "TV doesn't matter" school, which ignores the potential of strengthening democracy through more media voices. Second, there is the "TV transforms the world" school. Those who advocate this vision think of the possibilities and power —brought by space satellite and cheap videocassettes— which can make television productions accessible to all. Third, there is the school of complexity, which holds that media power does not simply flow in one direction (top down or bottom up), but interacts in a myriad of ways which we still don't understand. Gomery and Lichty recognize that although changing media play a role, it is hardly a simple, straightforward one (36).

Political intervention has fallen between the two schools of explicit intervention and explicit recognition of

broadcaster independence. The perceived rationale for intervention - market failure - has been undermined by technological change. Consequently, there has been a marked growth in advocacy of an augmented role for the market, and diminished role for the state, in the organization of broadcasting (Collins 188).

Such coexistence requires adaptation on the part of government, media, and society. As seen, the possibilities presented by new technology continue to alter established media patterns. It is paramount, now more than ever, that the relationship between government and media be understood on both a macro and micro-global levels and the effects of media studied individually in each country. For this reason, Chapter III surveys the evolution of Mexican television, taking into account the state as the deciding factor in the development of the Mexican television industry, defining its mandate, setting legislation and granting concessions.

CHAPTER III

HISTORICAL BACKGROUND: THE EVOLUTION OF MEXICAN TELEVISION

This chapter presents a comprehensive history of the development of Mexican Television from 1950 to the present. It is divided into three sections. It first addresses the basic structure of the Mexican Government, paying close attention to how it fosters the need for government control. The second section focuses on the mandate of Mexican television, as defined by Mexican legislation. Section three reviews the relevant legislation, which has shaped Mexican mass media as a basis for the fourth chapter, an historical survey of government-broadcaster interplay.

A. THE MEXICAN STATE: STRUCTURE AND CONTROL

1. The Structure of the Mexican State

Roderic Camp notes that the term *state*, although often used synonymously with the term *government*, actually stands for a conglomeration of permanent institutions, various branches of government, the party system and the bureaucracy (Camp, "*The Presidency*" 3). Government manages these institutions for the state, promoting and protecting the presidency and the ruling party. The activity of government and the roles of the state are defined by the regime, setting the values promoted by the state via the government.

Three important elements make up the Mexican regime: the presidency, the ruling party – i.e. the *Partido Revolucionario Institucional* (Institutional Revolutionary Party), or PRI– and the State. Therefore, political interests affect the Mexican regime and influence both the role of television and the course of legislation in the country.

The messages transmitted by television reflect cultural, economic, and political influences on broadcasters. Delal Baer writes:

Media institutions do not evolve independently of their national political and social contexts; rather, television is a mirror, which reflects politics and society. In Mexico, television is an institution deeply embedded within the fabric of the single party power structure. Not surprisingly, politicians have employed the tremendous influence of television to complement the state and the political authority of the state (Baer 94).

This institutionalization has its advantages and disadvantages. It is good in the sense that it allows the president enough influences to mobilize large groups of people in order to secure desired goals, through a combination of these three elements. It is bad in the sense that the hierarchical funnel structure limits the participation of these groups to the goals of the president and almost totally excludes outside groups that do not have leverage over government. This structure makes the

legislative branch weak and limits democratic participation in government.

A. The Presidency

Since the 1917 revolution, the character of Mexico's presidency is increasingly institutionalized. The president is elected for a six-year, non-renewable term, where he dominates the political system as: 1) head of the federal government; 2) leader of the PRI; and 3) personification of the revolution (Cole 41).

Each Mexican president chooses his successor from a pre-selected group not vetoed by the PRI leadership. This is called *destape*. Although the general goal is for the successor to follow the policies and lead of his mentor, historically, presidents, once in office, tend to follow their own lead based on the new coalition which allows them to consolidate power (Rubio F. 76).

The end of a six-year presidential term has officials circulating to new posts in or out of government. Those loyal to the party and presidency are rewarded with better positions at the start of the new term. The power to appoint and remove officials from office bars state agencies from becoming a threat to the state by consolidating their power. This tactic is known as the *big shuffle*. While bureaucrats and politicians lobby for prime positions, the Mexican State's organizations and institutions are weakened

by lack of continuity and focus created by administrators. This protects the presidency and allows the president to safeguard his position and sustain agencies friendly to his government (Migdal 214-222).

B. The Party

Symbolically, the PRI is the institutionalization of the revolution, just as the president of Mexico is the leader of the revolution. The party relies heavily on the inclusion of the masses. The PRI has been the ruling party since its inception, in 1929, as the National Revolutionary Party. In 1937, President Lázaro Cárdenas organized the party to peacefully bring together the four elements that were active during the revolution - peasant, labor, popular (government and professionals), and military- the last was incorporated into the popular sector in 1940. Each sector makes up the primary structure of the party, while the National Executive Committee is chosen primarily by the president with limited input from the three sectors and the PRI's National Assembly (Camp, "*The Presidency*" 5)

Like the presidency, the party is also subject to personal political agendas, often during times of election. The broad base of the party also brings the interests of social, economic, and business organizations looking to protect their interests. Mexican leaders use the method of incorporation into the PRI as a means to restrain the growth

of independent bases for peasants, labor, and a host of other groups. This is called co-optation. Where this policy treated economic growth, the state allowed new industrial and agro-industrial classes, and large-scale economic organizations to develop outside the state or party organization. Within this, the government has allowed, and even promoted the growth of large power centers in Mexican society with significant concentrations of social control (Migdal 232-234). One of these power centers is the media giant Televisa.

C. The State

The Mexican regime has been characterized as an authoritarian one, with its authority centralized in both the presidency and the PRI. Kevin Middlebrook writes:

...characterizing the Mexican system as an authoritarian regime underscores the importance of the state's active intervention to regulate and limit sociopolitical pluralism, mass political mobilization, and the articulation of socioeconomic and political demands(3).

In fact, the system's broad base is the foundation for its stability.

Middlebrook describes the PRI —with its popular and peasant sectors, plus its executive level leadership— as an "authoritarian regime that is at once elite-dominated and mass-based." He points to two significant factors supporting this statement. Initially, the close ties

between the state and the PRI have served to insulate the governing elite from effective electoral competition and electoral defeat. Further, the Mexican regime differs from others in Latin America its use of selective repression of opponents, negotiation, compromise, and policies designed to address the demands of protesting groups rather than military or widespread torture (3-4).

The Mexican regime governs the activities of the State institutions and sets the values to be followed. Corporativism fits into this elite-dominated, mass based model quite well and organizes the state society relationship in such a way as to limit participation while creating the impression of mass participation. O'Donnell has defined it as a "structure which officially represents private interests for the state" (49). This system allowed the Mexican State to overshadow organized social interest, making Mexico a stable but weak state. This dominance rises less from the states' monopoly of rule making functions than its quelling of large concentrations of external rule making (Migdal 228). This lack of control affects the state's ability to effect goal-oriented social change, making it vulnerable to the interests of private parties (9).

2. The Importance of Media in the Mexican Regime: Why the State seeks to control the media

The Mexican State, the presidency, and the party have a symbiotic relationship, where the stability of one depends on the stability of the others. This leaves each institution vulnerable to criticism and serves to reinforce dependency on the other for continued well being. Camp writes that "...the health of the party and the state depend rather heavily on the well-being of the presidency and to some extent, the incumbent of that office" ("The Presidency" 5-6). This dependency would presume to strengthen the bonds between these institutions. Yet Chapter II discussed how societies composed of many autonomous social organizations or "weblike societies" (Migdal 39) will weigh the overall need for effectiveness and progress versus their political survival first, waging a war of politics of survival (Migdal 211).

Other scholars, such as Frederick Yu, argue that political leaders in developing countries generally want to be seen on the side of progress, even if the policies in question are detrimental to the country's development:

...political leaders or power-holders naturally want to support those developmental goals that would strengthen their own positions; they wish to discourage those who see them as barriers to development" (183).

Television is, therefore, a highly concentrated center of power, which provides the private groups that control it the opportunity to supersede the power of the state. The state's persistent attempts to control the actions of commercial broadcasters, while they themselves participate in broadcasting, are examples of this power struggle. A characteristic of Mexican television is this: that the efforts of the government to participate further in broadcasting have been thwarted by the private broadcasters, who at the same time have utilized these opportunities to further consolidate their position as power centers (Arredondo and Sánchez Ruíz 136).

In the Mexican case, economic efficiency in media was chosen over political control. Government withdrawal from the development of the radio industry by the late 1940s (Fox, Media 11) led the private sector to become intimately involved in developing television. The commercial model of broadcasting was chosen, with stations left to fend for themselves. Choosing commercial, rather than state, broadcasting eliminated the need for the government to invest in the massive infrastructure required by the industry, clearing the path for foreign investment. This model further encouraged the bottom-line approach, where higher ratings led to more advertising, and consequently, higher profits. In order for advertising to be effective, consumerism was promoted by creating need among those

sectors of the population that could afford the products. Legislation was also passed that allowing broadcasters a ratio of content to advertising sufficient to protect their interests (Arredondo and Sánchez Ruíz 124-5,128).

The ability to manage their business commercially for profit created growth opportunity for mass media organizations. This new economic power —linked to advertisers, consumers, producers of goods, and investors— had to be accommodated, without allowing them to threaten the state. The most obvious form of accommodation was the adoption of the corporatist structure through a set of policies favoring large-scale organizations over smaller ones, e.g. the application of the 1936 Law of Chambers of Commerce, in which all industries were required to establish their own chamber of commerce or trade association to represent them in their dealings with the government.

This law created a new dynamic for the interaction between the broadcast industry and the government in later years. De Noriega and Leach have assessed the importance of this law in that it "enabled the government to group similar enterprises, including radio stations, into a manageable organization that could and would deal with the state" (18). It also created a body where the private broadcasting interests could exert concerted pressure on the government in times when were at odds, or limited government access to

those sectors of the population that could reach the hierarchy of the organization.

In view of the Mexican state's structure, it is not surprising Mexico would want to control or influence the information disseminated via mass media in order to legitimate its activities. Keeping media centralized via chambers and commercial concentration limited the number of variables the government needed to look out for and control.

We know that mass media, specifically television, are an important part of this activity in that it influences how people interact socially (Lerner, Thompson). New technologies of communication are even more impressive in that they can empower governments and private industry to send signals both within and outside their countries (Stephens 51). Such capacity makes the originating country capable of receiving outside emissions, consequently expanding the influences to which a country is exposed.

Studies worldwide indicate that 'mere exposure' and 'agenda setting' effects of the media affect how people view the world around them (Chaffee 217). Scholars of Mexican media have pointed to two major areas of state influence over Mexican media: 1) Mass media are prime instruments in the election of the Mexican president (Pierce 98); and 2) government presence is strong in advertising and media support or subsidies (Adler 100-1; Cole 5). Yet do these two spheres of influence promote the *public interest* and

encourage commercial television to guide itself by legislative mandate? Or do these spheres exemplify how the components of the state opt for their own survival first, making a surrogate of the public good and minimizing its ability to influence the commercial media?

We can at least characterize the Mexican communication model as "mixed," where private industry operates broadcasting under the State's guidance (Arredondo and Sánchez Ruíz 139). The mixed model, basically consists of public segmentation with each channel specializing in different programming directed at each public segment (Fox, *Días* 90). The next section examines the laws dealing with freedom of the press and broadcasting. It closely analyzes legislation in order to understand how and why this relates to the government's inability to exact the desired results from the Mexican television industry.

B. THE MANDATE OF MEXICAN TELEVISION AS DEFINED BY LEGISLATION

Legislation of the press serves as the precedent for regulation of Mexican broadcasting, forming the basis for the mandate over Mexican television. (For the purpose of this study, 'mandate' is defined as the media's role at the time of its origins in Mexican society.) Concerns with

freedom of expression existed long before the advent of broadcasting, and were first raised through the printed press. Between 1930 and 1960, the technical aspects of Mexican broadcasting were loosely regulated through laws directed at the general communication means and others adapted from radio. The qualitative side —programming and its social role— was regulated through laws addressing freedom of the press.

1. Federal Law of Radio and Television (1960)

The role of the Mexican state as 'watchdog' over television was defined in the 1960 Federal Law of Radio and Television (*Ley Federal de Radio y Televisión*) (De Noriega and Leach 30) This occurred a full ten years after the first concession was granted. Articles four and five of this law allowed the government the right to participate in broadcasting, but made it mainly responsible for regulating the broadcasting industry and assuring the promotion of the moral and social goals set for television.

Articles four¹ and five² gave radio and television a role "as an activity in the public interest" to be guided by the state. The important difference between this role and the "public service" role is important in defining these activities as for-profit and exploitable by private enterprise, while limiting government intervention. This definition allowed broadcasters to bypass Article 28 of the

Mexican Constitution in which activities considered public service in the communications field would be monopolized by the state (Arredondo and Sánchez Ruíz 127).

Although the concept of the 'public interest' is not specifically defined, its parameters are established in Article five as that which promotes the goals of the Mexican revolution and do not challenge the established order. Article five elaborates on the role of broadcasting stations defining it as "a means to exercise an important active role in the realization of these moral and social goals." It identified the following guidelines and needs for programming:

- a) provide programs that enhance respect for moral principles, human dignity and family ties; b) avoid programs that interfere with the healthy development of children; c) seek to raise the cultural level of the people, preserve their customs, traditions and characteristics, and enrich the values of Mexican nationality; and d) strengthen democratic beliefs, national unity and the principles of international amity and cooperation (Article five, *Legislación* 471-2).

Other articles gave the government the right to assign broadcast frequencies, grant permits, evaluate the station's performances, regulate and monitor programming, as well as participate in television programming through the commercial stations (Bohmann 106-7). What made this law stand apart from previous broadcasting regulation was that it addressed – for the first time – the potential for commercial radio

and television to contribute to 'national unity.' Here was the first law to define broadcasting's social role, while identifying the broadcast spectrum to be used for the public good (Article one)³.

This mandate is set within a model of commercial television. The government was responsible for regulating the electromagnetic spectrum, granting concessions and guarding the public interest. However, the actual responsibility of creating programming that followed these guidelines belonged to the commercial stations. Direct government participation was only allowed through Article 59, in which commercial stations were to set aside thirty minutes each day for government use.

This law displayed a number of authoritarian tendencies that reflected the goals of the Mexican regime and guided the development of the television industry:

- 1) Terms such as 'values', 'national unity', and 'public interest' in Articles five and 59B were not properly defined.
- 2) A framework for the implementation of the goals set out in Article five was never created.
- 3) A non-political framework was never set up for the granting of broadcast concessions which was handled by the Ministry of Communications at the discretion of the Executive branch.
- 4) The right for political parties and/or the public to participate in broadcasting was not originally part of the laws regulating the television industry.

- 5) The law did not define the rights of the public concerning mass media and did not provide protection for individuals against erroneous or libelous information.

The first government television station, Channel 11, was set up in 1958. It was severely underfunded and underpowered until 1969, when its transmission capacity was expanded to cover most of the Federal District. Still, this did not compare with the commercial stations' investment in infrastructure and their capacity to provide national coverage. Not until 1970, with the creation of the Under-Ministry of Broadcasting (*Sub-Secretaría de Radiodifusión*), did the government begin to address their lack of infrastructure and resources to produce government programming (Fernández Christlieb, 177,181; De Noriega and Leach 34-5).

The early years of Mexican television were marked by conflict. The government relied on commercial broadcasters to develop the industry, while watching out for the public interest. Whereas the commercial broadcasters protected their bottom line, the public interest suffered. The government's idea of the public versus the private interest of the commercial stations is the underlying theme throughout the development of the Mexican television industry.

C. CONSTITUTIONAL LAWS

1. Freedom of the Press in Mexico and Constitutional Laws

The Mexican media has been characterized as *moderately free* (Stephens 57). Most media in Mexico is privately owned but guided by government.

Constitutional guarantees for freedom of the press and opinion have been part of Mexico's history since its independence. However, journalists and newspapers have rarely received the protection promised. These guarantees have instead been constrained through additional legislation, superseded by others or simply not upheld.

Fátima Fernández Christlieb, in *Los Medios de Difusión Masiva en México*, asserts that the written laws of freedom of the press actually vary from the laws as practiced. The limitations of the unwritten laws vary according to whether or not the party in question has political or economic power or influence (25). This observation refers to the printed press, but also applies to the broadcast media.

Basic freedoms of the press are guaranteed, first in Articles six⁴ and seven⁵ in both the 1857 Constitution and later with minor revisions, in the 1917 Constitution. Article six guarantees freedom of expression so long as public morals and values are not attacked, third party

rights are not infringed upon, or crime or public disorder is not incited or encouraged. Article seven makes the right to publish and write on any subject inviolable. Prior censorship is not allowed; the printing press and facilities may not be confiscated. Freedom of the press is bound by respect to private life, morals, and public peace (Bohmann 169).

A. Printing Law (1917)

The Printing Law (*Ley de Imprenta*) enacted on April 15, 1917, created the regulative mechanism which put into effect Articles six and seven. Until 1977, no changes had been made to these regulations except for Article six, which dealt with Freedom of Information. Sadly, the regulative mechanism for this law was defeated after a lengthy legislative debate in the early 1980s.

The freedoms granted under the Printing Law are tempered by subjective limitations restricting attacks on public morals and values without defining them or setting guidelines for evaluation. Karin Bohmann writes in *Medios de comunicación y sistemas informativos en México*, that the Printing Law was not designed to protect the journalist or his right to work; the law includes obstacles limiting freedom of the press and opinion. In cases of disputes, the burden of proof is on the journalists, who must produce the necessary elements for a valid defense. The law's greatest

weakness is that journalists may not be properly informed by public functionaries on important public matters; such withholding creates the potential for clashes between the press and public officials⁶ (170-2).

Both Bohmann and Fernández Christlieb devote considerable efforts to showing that in repeated instances the Printing Law has been ignored. In many cases, the government has avoided using the Printing Law, resorting to other laws, such as the Penal Code of 1931 (against political propaganda that subverts the public order or attempts undermine the state's sovereignty). In other instances, the government has opted to punish violators by withdrawing government advertising from the publication (Bohmann 172-74, Fernández Christlieb 14-25).

2. Broadcast Laws and Regulation

Regulation of broadcasting initially focused on commercial and technological attributes. Broadcasting's social significance, and role as a public utility, came later. Laws geared toward the written press were loosely adapted to broadcasting, but all initial legislation dealt with the technical and administrative aspects of the broadcast industry.

The first law to regulate broadcasting was passed in 1926. The Law of Electrical Communications (Ley de

Comunicaciones Eléctricas) gave the government exclusive jurisdiction over electrical communications and broadcasting, stating that franchises could only be granted to Mexican citizens. This was followed by the Law of General Communication and Transport Means (*Ley de Vías Generales de Comunicación y Medios de Transporte*) in 1931.

In 1940, this law was amended, becoming the Law of General Communication Means (*Ley de Vías Generales de Comunicación*). Article three⁷ of this law made the Ministry of Communications and Public Works (*Secretaría de Comunicación y Obras Públicas*) responsible for regulating broadcasting, granting permits, and establishing general regulations, in addition to regulating advertising rates. The law was criticized for not recognizing the social significance broadcasting arising out of its nature as a public good being privately administered. (De Noriega and Leach 27-28).

A. Federal Law of Radio and Television (1960)

The potential for commercial radio and television to contribute to 'national unity' was addressed with the Federal Law of Radio and Television of 1960 (*Ley Federal de Radio y Televisión*). This was the first law to define the social role of broadcasting, identifying the broadcast spectrum as part of the public domain to be used for the

public good (Article one). This law also replaced most of the 1940 Law, except where the two did not overlap.

Among the most important articles in this Law were Articles 58⁸ and 59.⁹ Article 58 echoes Article six of the 1917 Constitution. With some limitations it stated that there would be no "prior" censorship of broadcast material, guaranteeing that freedom of expression and reception via radio or television not be limited or subject to judicial or administrative inquiry. It is crucial to point out that Article 58 guaranteed freedom to receive information already broadcast, but does not include the freedom to request or demand information from media or from the government. This demonstrates a marked difference between legislation of access to information in Mexico and the United States and supports the argument that freedom of the press in Mexico is limited to serving the best interest of the state, the presidency and private industry.

Article 59 allotted up to 30 minutes per day of free airtime in the commercial stations for the diffusion of state-produced material with educational, cultural, or social themes. Along with CIRT, the newly formed National Council of Radio and Television (Consejo Nacional de Radio y Televisión), the concessionaires were given the right to mutually determine how the 30 minutes would be distributed. Since no indication was given as to whether or not the 30 minutes had to be continuous, television stations were then

able to air brief spots, throughout the day, in the least-watched time periods (Bohmann 107). Additional guidelines were given in Article 59Bis outlining responsibilities toward children's programming.

B. Broadcast Ministries

Slow but consistent progress was made in the area of broadcast regulation throughout the 1960s and 1970s. Much of this was characterized by compromises made behind the scenes. For example, Antonio Castro Leal, an official involved in the writing of the original law sent to the Senate, has written that the initial proposal required a one hour continuous daily program to be produced by the state as well as a 20 minute cap on total daily commercial time. The vagueness of re-written text, Leal claimed, was attributed to the influence presented by industrialist concerns (Bohmann 108).

Bohmann asserts that during the 1950's (under Alemán [1946-52] and Ruíz Cortínez [1952-58]), the Mexican government had been content to leave the development of radio and television to the private sector. Once the government of President López Mateo (1958-64) showed renewed interest in these sectors, the private industrialists were much too strong and had too much at stake (110).

Rather than restructuring existing entities, each new law or regulation found it easier to create new ministries,

or secretariats with varying purposes: to increase efficiency, centralize or decentralize powers. Many of these have been dismantled after a few years and replaced with other councils, agencies, ministries, or commissions. The 1960 Law, in particular, was responsible for creating many new legislative bodies and agencies, and reassigning duties.

Some examples include:

-- The Ministry of Communication and Public works was abolished in 1958 and replaced by the Ministry of Communication and Transport (*Secretaría de Comunicación y Transporte*). This agency became responsible for all general concerns with broadcast frequencies, franchises, permits, and technical operations (Article nine, *Legislación* 589).

a) The Ministry of the Interior (*Secretaría de Gobernación*) was to watch over the interests of the public and the state by ensuring that laws covering freedom of the press and opinion were not violated, as well as overseeing the 30 minutes of daily programming the state had a right to show (Article ten, *Legislación* 590).

b) The Ministry of Public Education (*Secretaría de Educación Pública*) was in charge of promoting use of radio and television for wider educational purposes and for creating radio and television schools (Article 11, *Legislación* 590).

c) The Ministry of Health and Public Welfare (*Secretaría de Salud Ambiental*) promoted health, hygiene, and nutrition, supervising advertising, which contained food, health, or household related products (Article twelve, *Legislación 591*).

All of these ministries came together under the National Council of Radio and Television. Membership was composed of one official of each of these ministries, plus an additional two management members of the broadcast industry, and two workers from the industry (De Noriega and Leach 30-34). Critics have written that "control (of this system) is very responsive to political pressures, the regulations of the industry serving at the whim of the president" (Pierce 114).

C. Federal Tax and Internal Revenue Law (1969)

In 1969, broadcasters were able to circumvent a 25 percent tax imposed by the Federal Tax and Internal Revenue Law (*Ley de Ingresos de la Federación para el Ejercicio Fiscal*) on their total gross income by agreeing to grant the government 12.5 percent of their broadcast time. This time would be granted on a daily, non-cumulative basis, and distributed throughout the broadcast day in time slots that "would not endanger the economic stability or considerably alter the programming image of the broadcaster." The Broadcasting Commission (*Comisión de Radiodifusión*) was

created in August 1969 to determine the programming needed to fulfill the 12.5 percent programming tax. In December of 1970, the Under-Ministry of Broadcasting was created (*Subsecretaría de Radiodifusión*) to assume the functions of the Ministry of Communication and Transport. The Under-Ministry's duties now included producing programming required by the Broadcasting Commission and coordinating the Rural Mexican Television Network (*Televisión Rural de México*) (De Noriega and Leach 34-5).

D. Regulation of the Federal Law of Radio and TV (1973)

The Regulation of the Federal Law of Radio and Television (*Reglamento de la Ley Federal de Radio y Televisión*) came into effect in April 4, 1973 (Mejía Barquera, "50 Años" 34). Article twelve of this regulation upheld the thirty minutes allotted to the government, adding to it the possibility of being split during the day. This regulation also included a ratings system, which classified programs according to age groups, and required that these be posted every ten minutes (Article 26). Other important rulings included: prohibition of racial discrimination; religious attacks; defaming of national heroes; promoting socially challenging activities -vice, crime, sensationalism (Articles 36 to 39); and limiting advertising to eighteen percent of total transmission time (Mejía Barquera, "50 Años", 34; Fox, Días 85). This regulation failed to

strengthen penalties for violating these laws (Bohmann 208-211).

The regulation of the 1960 law came after an unusual episode in the history of Mexican television, in which twenty American programs, such as "Kung Fu" and "Mannix," were removed from the air due to violent content. While some of these programs returned to air, this episode indicated that the government was interested in exerting greater control over the contents of programming. Critics of the 1973 law have characterized it as "phrased in more revolutionary rhetoric" with little basic change in the previous law (Pierce 114). The law, it seems, resulted from the successful lobbying efforts of the CIRT against government backlash of private broadcasting, as well as the consolidation of the power and influence TIM (*Televisión Independiente de Mexico*) and TSM (*Telesistema Mexicano*) to form Televisa (*Televisión Vía Satélite*).

Even before taking power in 1976, President José López Portillo had included in his Basic Plan a proposal for detailed revision of the social function of information presented by Mexican media. The first initiative allowed political parties more access to mass media beyond election periods¹⁰.

In an effort to further centralize broadcast related agencies, the General Office of Radio, Television and Cinematography (*Dirección General de Radio, Televisión y*

Cinematografía) or RTC, was given the duties of the now defunct Under-Ministry of Broadcasting, under the jurisdiction of the Ministry of the Interior (*Secretaría de Gobernación*), in January 1977. RTC was given all the duties of the prior agency, save the right to assign concessions and permits (De Noriega and Leach 35). PRONARTE, a national television and radio production entity, was made responsible for the production programming (Sánchez Ruíz, *Historia*). In addition, a new federal law (*Ley Federal de Organizaciones y Procesos Electorales*) granted free access to radio and television to political parties at all times.

E. Right to Information

Mexico participated in the UNESCO-sponsored meeting in San Jose, Costa Rica in July 1976, which discussed national communications policies (Fox, Media 6). This meeting influenced President López Portillo, in December 1977, to propose an addition to Article six of the Mexican Constitution in which the "Right to Information" (*Derecho a la Información*) would be guaranteed by the government (Fox, Días 93). The goal was to reorient mass media toward the intended educational, social and democratic mandate by redefining the right to information as 'freedom of expression' accounting for both the rights of the media and their audiences. This initiative would make the government

accountable to the public by keeping them and the media informed at all times (Bohmann 304-306).

The Mexican debate over the "Right to Information" was an attempt to come to grips with the impact of the communications revolution and recover the control of communications policies for society and its representative institutions (Caletti Kaplan 68). It was also intended to resolve the administration's inability to "deal with political opposition and to give new life to a bureaucratic political system that lacked vigorous opposition and any real escape valves for social unrest" (75).

Broadcasters viewed this initiative as an attempt to control its operations and vehemently complained (Fox, Días 94). Public sessions were held between February and August of 1980 in several regions of the country. One hundred and forty proposals were presented during the six public sessions, which centered around the following four themes:

- 1) the government's failure to inform the public and the need to improve the government's procedures in doing so;

- 2) reduce the monopolistic development of the Mexican communications industry, regulate the cultural quality and content of programming, improve coverage of national events and reduce the influence of transnational entertainment and news agencies in Mexican media;

3) reorganize the legal structure of Mexican information and the cultural sector and regulate the activities of professionals in the field; and

4) the need to incorporate different social organizations in the structure of mass media, either through ownership or increased access to existing media (Fox, Días 97).

Although most of the proposals favored regulating this right, in May 1981 Luis M. Faría, head of the Chamber of Deputies and in charge of the public meetings, announced the Chamber's inability to find a solution protecting the positions of all interested parties. The office of the President maintained interest in this project, which included a thirty-volume proposal, which incorporated the Right to Information within the overall social, political, and economic entities in the nation. The private sector's influence against it was sufficient to suppress this text (Solís 25).

President López Portillo, in a speech given in October 1981, made it clear that he would no longer support any proposals regarding the Right of Information and considered the right to inform and be informed a passive right, requiring no regulation (Fox, Días 97-99). Caletti Kaplan traces the opposition to this initiative to the period in the Mexican petroleum boom, which created growing mobilization. It is possible that the Mexican government

was in no condition to absorb the popular mobilization that would result from the passing of the Right of Information or be able to direct it in its favor.

F. Law of Cable Television Service (1971)

Often based on the same laws, cable television also saw a number of laws passed to regulate its development. It is important to note that cable's particular technical and technological nature required specific laws for this industry. In the content side of the medium—which is essentially, where broadcasting and cable television are most similar—regulation differs very little.

The Mexican government initially regulated cable television by publishing, in 1971, the Law of Cable Television Service (*Reglamento del Servicio de Televisión por Cable*) and ratifying it on January 18, 1979, almost twenty years after the first transmissions. This legislation was to put in effect the principles established in the Federal Law of Radio and Television, Articles six and seven of the Constitution and the government's right to control transmissions by air, land, water, and space as dictated in Articles 27 and 42 of the Law of Communication Means of 1940. Cable television was considered:

a special service destined to satisfy specific needs of general interest, differing from broadcasting in that its emissions are destined for the direct reception of the general public (Crovi 6).

This regulation required that cable systems set apart three channels for the government's exclusive use, which would be used according to its needs. The Ministry of Communication and Transportation was assigned both the setting of rates and regulating the technical administrative aspects of the industry. The Ministry of the Interior was put in charge of programming (Crovi 7-9).

The original regulation allowed advertising to be included within the transmitted signals. A 1980 reform, however, ended the Ministry of Communication's jurisdiction over advertising rates, prohibiting the insertion of commercials within local television signals or programs, and in those originating outside the country. It was further determined that the subscription fee charged by the cable operators should sufficiently cover operating costs (García 51-2).

By 1981, it was clear that the Mexican government had taken a more direct interest in regulating the airwaves. On October 29, 1981, it was announced that the Secretary of Communications and Transport would intervene -directly or indirectly- in the installation and operation of satellites

and associated systems (Sánchez Ruíz, "*Cronología*" 253). A year later, in December 1982, a Presidential initiative reformed Article 28 of the Mexican Constitution to indicate strategic areas where only the state could intervene. Satellite communications was one of these areas (Mejía Barquera, "*50 Años*" 38).

In December 1987, the Law of Communication Means was modified so that satellite ground receiving stations could be installed for their distribution via land (Sánchez Ruíz, "*Cronología*" 258). In April 1990, the Ministry of Communication and Transport made it again legal for cable television channels to feature advertisements within their programming (Sánchez Ruíz, "*Cronología*" 260).

With the signing of the North American Free Trade Agreement (NAFTA) in October 1992, Mexico retained the right to control or regulate its telecommunication systems. Each country remained responsible for allowing and designating private sector access, but did not put its political control in jeopardy through complete deregulation (Mejía Barquera, "*Los Medios*" 28).

Following this liberalizing wave, in August 1993, Articles ten, 33 and 42 of the Law of Cable Television Service was amended to permit the investment of foreign capital up to 49 percent in the cable industry. This amendment was justified by the acknowledgement that the cable television industry required considerable investment

in modern technology, not always locally available. The concessionaires were still required to be Mexican nationals (Mejía Barquera, "Ecos" 10-11).

Progress continued with the announcement in November 1993, of new technical standards for the installation and operation of VHF¹¹ and UHF¹² stations. Mejía Barquera notes the three most important features: 1) made it possible to broadcast stereo sound in both sets of frequencies; 2) made it possible for operators to provide teletext service; and 3) brought the announcement that only channels 14 to 69 could be used for commercial purposes. This represented a victory for cable operators who could now expand their services to audio, text, and other forms of video transmissions. Subscription television¹³ was also allowed within the UHF band, as of July 1993.

With technical standards set, the cable industry now required a new definition of their scope of activity. The Federal Law of Telecommunications (*Ley Federal de Telecomunicaciones*) was published in the Official Newspaper of the Mexican Federation on June 6, 1995 and enacted the following day. This historic law served to regulate the 1982 amendment made to Article 28 of the Mexican Constitution, which allowed individuals to participate in communications via satellite and to open up participation within the Mexican telecommunications industry (SCT 5).

The core of this legislation concentrated in three main areas. The first gradually eliminated the differences between conventional telephone, telegraph, and broadcasting services. The second allowed the free exchange of data via electronic means and the exploitation of previously restricted sectors of the electromagnetic spectrum. The third liberated the use of satellite services and within the Mexican territory and beyond by Mexican nationals and foreigners (SCT 6).

The text of the legislation outlined how concessions are granted, who is entitled to them, and how they are regulated. Sections IX¹⁴ and X¹⁵ of Article three distinguish Private and Public Telecommunications Providers. Private providers are essentially wholesalers of telecommunication services and have commercial, not social, responsibilities. The public providers' increased ability to provide services came with an increase in social responsibilities (SCT 16).

The regulation allows cable operators to provide interactive oral, visual, and data services such as the Internet via cable or telephone service and receive satellite signals from all parts of the world, with greater ease, and at lower costs than previously possible.

Articles seven¹⁶ and eight¹⁷ provide the legislative backbone for this law in that the first restates Mexico's telecommunications mandate in Mexico: promote efficient

development of the telecommunications industry; protect the State's interest in order to safeguard national sovereignty; promote healthy competition between the providers; and promote adequate social use. Article eight of this law reinforces the importance of previous broadcast legislation, noting that this new law is intended to work in concert with the Law of General Communication Means and the Federal Law of Radio and Television unless otherwise stated (SCT 18).

The Federal Law of Telecommunications is the latest significant legislation passed in Mexico toward regulating television. A movement toward revising and updating the Federal Law of Radio and TV, as well as legislating the Right to Information occupied much of 1994 and 1995. The only result was the inclusion of the Right to Information in the National Development Plan for 1995-2000.

CHAPTER IV

HISTORICAL CONTEXT OF GOVERNMENT-TV RELATIONS THROUGHOUT THE DEVELOPMENT OF MEXICAN TELEVISION

Chapter Three of this thesis looked at how the Mexican television system was structured and conceived by paying particular attention to legislation. This chapter examines the relationship between the government and the commercial television industry, focusing on the ability of private interest to affect government controls.

Eight sections make up this chapter. Each corresponds to significant stages in Mexican television. This framework, developed by Enrique Sánchez Ruiz, allows us to look at the effects that the influence of private interest has had on legislation, the evolution of the Mexican television mandate and the Mexican model of television used today.

A. THE DEVELOPMENT OF THE MEXICAN BROADCASTING INDUSTRY

Eight stages follow the development of both public and private sectors of the Mexican broadcasting industry, as well as government initiatives:

- 1) Consolidation of the Radio Industry (1930-1948);
- 2) Emergence and Commercial Definition (1949-1954);

- 3) Consolidation of the Commercial Model (1955-1967);
- 4) Competition and Government Participation (1968-1972);
- 5) Foundation of the Mexican Television Model (1972-1976);
- 6) International Expansion of TELEVISA (1977-1984);
- 7) Reorganization of Mexican Television (1985-1992) (Sánchez Ruíz, "Cronología"); and
- 8) Privatization and Liberalization of Mexican Television (1992-1995).

These stages do not correspond with specific six-year terms of government, since some Mexican presidents have taken more active role than others, or have been unwilling or unable to legislate on specific issues. These stages, however, account for shifts in the relationship between broadcasters and the government, movements within the television industry itself and the effects of technological development.

1. Consolidation of the Radio Industry (1930-1948) and the Introduction of Television.

The years before 1950, when the first television concession was granted, were full of activity on the technical and political end. Guillermo Gonzalez Camarena began experimenting in 1933 with different television

systems and was later responsible for the first experimental television transmissions in Mexico. Meanwhile, Rómulo O'Farrill Sr. and Emilio Azcárraga Vidaurreta, two pioneers of Mexican radio, were among the many people lobbying the Camacho and Alemán (1940-46 and 1946-52) administrations for the first concessions.

The trend toward centralization of media in the private sector --and the use of foreign capital for its financing-- was established in the 1920s with the participation of well-known industrial and banking concerns (Fernández Christlieb 87-89). These were responsible for influencing the government away from state intervention in the economy in the 1940s and saw the Mexican government withdraw from state owned public-service radio by 1941, making the commercial model of television more compatible with the state's activities (Fox, *Media* 11).

Whereas the establishment of radio in Mexico followed no particular preexisting structure, the establishment of television drew on from the experiences of the U.S. commercial model or the British model, where the state subsidized all broadcasting. The Mexican broadcasting industry benefited from choosing the model that better served the nation (Arredondo and Sánchez Ruíz 111).

Mexican private enterprise lobbied, primarily for economic reasons, for the establishment of a commercial television model. The first example of private industry

attempting to influence the development of television is seen in 1946 when Azcárraga and other industrialists created Associated Television (*Televisión Asociada*). This organization united the most important Latin American broadcasters in order to create a united front that would pressure governments throughout the region to proceed with commercial television. The initial board members were: Emilio Azcárraga Vidaurreta, president (Mexico); Clemente Serna Martínez, vice-president (Mexico); Goar Mestre, secretary (Cuba); and Raúl Fontaine, treasurer (Uruguay) (Sánchez Ruíz, "Cronología" 238). The vehicle chosen by the Mexican industrialists to lobby the government was a private association of international broadcasters, not the National Chamber of Broadcasting (*Cámara Nacional de la Industria de la Radiodifusión*) formed in 1937 and reorganized in 1941 (Sánchez Ruíz, "Cronología" 237).

Despite constant pressure from Emilio Azcárraga, President Avila Camacho left office in 1946 without assigning any concessions (Mejía Barquera, *La Industria* 141). He had recommended a complete evaluation of the broadcast industry, leaving this task to inbound President Miguel Alemán.

In 1947, Alemán created a commission, composed of Mexican author-poet Salvador Novo and inventor Guillermo González Camarena, to study the British and the U.S. television systems, to determine which would better serve

Mexico (Bohmann 103). González Camarena recommended the U.S. system "for economic and technical considerations." The president followed his recommendation (Sánchez Ruíz, "Cronología" 239). Years later Salvador Novo's unreleased report was found to have favored the British system. He thought this system made it possible to "reconcile the interests of the audience and the State" (Transcript of the Report of Salvador Novo and Guillermo González Camarena in Corona Berkin 207).

Scholars have written that, even without the commission, the Mexican government already favored the commercial model for several reasons: a) as part of a move away from the leftist groups, President Alemán favored closer relations with the United States towards the general industrialization in Mexico, for which credit lines and foreign investment would be required; U.S. technology, as well as its commercial model seemed to promote this goal; b) Mexican radio and television had been developed by the private sector and it seemed reasonable to support their initiative; and c) Mexican television receivers and equipment manufacturers were experimenting with the same systems used in the U.S., making it easier to develop the industry with readily accessible equipment (Corona Berkin 198-202, Arredondo and Sánchez Ruíz 115).

This period was the beginning of the introduction and establishment of commercial television in Mexico, which took

root between 1946 and 1969(Bohmann 103). This period also saw many large investments into the industry, as well as the participation of many powerful and influential people in Mexico's economic sector.

2. Emergence and Commercial Definition (1949-54)

In 1949, the Mexican government began to prepare for the launching of the television system by announcing the development of television through private enterprise but regulated by the federal government (De Noriega and Leach 20). The official press release stated: "the government will make use of television with social and cultural ends, at the same time that it recognizes that it will be commercially exploited by specific entities" (Sánchez Ruíz, "*Cronología*" 240).

Between 1950 and 1952 three concessions were granted for television stations in Mexico City. In late 1949, the first one was granted to Rómulo O'Farrill Sr., head of an important Mexican publishing family with radio properties. The first station, XHTV-TV, was seen over Channel 4, and went on the air on August 31, 1950. The second concession, granted to Emilio Azcárraga Vidaurreta went on the air as Channel 2, XEW-TV, in March 1951. The third license was granted to Guillermo González Camarena; Channel 5, XHGC-TV, went on the air in May 1952. In 1954, Channels 2 and 5 began simulcasting (Bohmann 104). Affiliations with U.S.

networks were also established; NBC was affiliated with Channel 2, CBS with Channel 5, and ABC with channel 4 (Arredondo and Sánchez Ruíz 118).

Throughout the 1950s and beyond, small stations and repeaters were set up throughout Mexico. The concessionaires of the stations in the capital city initially set these up. The first ones included Channel 9, XEQ in Altozomoni, Channel 6 in Tijuana, and Channel 7 in Puebla. By 1954, the first cable service was established by Mario de la Fuente in Nogales and Sonora, as well as the first microwave link between Mexico City, Cerrillo and Guadalajara (Sánchez Ruíz, "*Cronología*" 241). During this period, political relations between the broadcast industry and the government were crucial.

Mejía Barquera has observed that during the Alemán presidency (1946-52) the broadcast industry received full government support. He writes that Alemán's politics were defined by "unrestricted support towards the development of the broadcasting industry." Throughout Alemán's term, the broadcasting industry received tax exemptions, permits for duty-free imports of equipment and materials, and generally favorable legislation toward the broadcast industry. Despite this, the low number of television sets in operation throughout the country discouraged advertisers, keeping these pioneer stations from succeeding during television's first years. The relationship between Alemán and the

broadcasting industry continues to this day via his son Miguel Alemán Velasco.

The financial picture improved for television in the late 1950s. President Adolfo Ruíz Cortines (1952-58), who was dissatisfied with the content of television programs, became interested in regulating their content (Mejía Barquera, *La Industria* 159-63; Arredondo and Sánchez Ruíz 119). Broadcasters put politics of survival to work by combining efforts to protect their interests and gain the favor of the new government. By praising the Alemán regime's accomplishments, they tried to show the new government how it would benefit from a conciliatory attitude. They hoped to discourage the establishment of government broadcasting. One broadcaster offered to absorb the costs of a daily newscast originating from the National Palace.

The broadcasters also sought to consolidate their position by placing important persons such as Clemente Serna Martínez, president of *Radio Programas de México*, at the head of national economic and political organizations. By 1954, the efforts of Clemente Serna, then president of Confederation of National Chambers of Commerce (CONCANACO) and director of Confederation of Industrial Chambers (CONCAMIN) proved successful, allowing the television industry to grow and consolidating the important commercial

and political ties to the development of the industry (Mejía Barquera, La Industria 185-6).

3. Consolidation of the Commercial Model (1955-1967); The First Monopoly

In 1955, we see politics of accommodation at work when Channels 2, 4, and 5 joined their administrations in a new company known as *Telesistema Mexicano* (TSM), Televisa's precursor. The actual concessions continued to belong to each of the original party, as it was important to dispel the notion that a monopoly was being created (Sánchez Ruíz, "Cronología" 242; Fox, *Días* 22). A monopoly was, in fact, created. The Mexican government did not interfere with this consolidation and no other commercial licenses were granted until 1968. From 1955-68, the first Mexican television monopoly was in place.

This fusion between the three channels allowed them to cater to different audiences through each of the channels, enabling each to offer different programming without fear of competition. Although each individual station owner lost its independence, they gained the stability they needed for survival. De Noriega and Leach attributed this fusion to the fact that the three stations were "continually vying for the rights to broadcast soccer matches, bullfights, baseball games and other special events, inevitably inflated the costs..." The new arrangement's purpose was to "survive and

grow." (De Noriega and Leach 21). The key to this arrangement was the pooling of the financial capital of the Azcárraga and O'Farrill families with the technical savvy of González Camarena. This allowed the installation of a number of regional retransmitting stations and an increase in local production and coverage. (Mejía Barquera, "Los Medios" 188; "50 Años" 26)

De Noriega and Leach argue that this consolidation was beneficial to the Mexican television industry because it allowed it to grow at a quicker pace. In fact, the creation of this monopoly, particularly so early into the development of this industry was detrimental. The Mexican industry did not have room for healthy competition and thereby balanced the scale against the success of future competition. In addition, the commercial consolidation of all three stations under one roof allowed them to put financial considerations above the needs of the public —without fear that a competitor might gain the upper hand.

This internal restructuring of the television was to set a model for the future where the owners of television concessions internally adjusted their operations before the government intervened. This set a precedent for private resolution to matters of public concern, ensuring that the private interest was protected. Government did not object to the fusion, or take into account the long-term effects on the public, or the quality of programming or information.

In January 1958, President López Matéo and his government addressed the role of private radio and television as a means of promoting national unity. This resulted in the aforementioned Federal Law of Radio and Television of 1960. During this period of great growth in the Mexican television industry, it is crucial to point out that only one television station directed at cultural programming was established. Furthermore, the mandate established for television by the 1960-law came a full ten years after the establishment of commercial television.

In December 1958, XEIPN, Channel 11, had been assigned to the Ministry of Public Education (*Secretaría de Educación Pública*), and ceded to the National Polytechnic Institute (*Instituto Politécnico Nacional*) to transmit programming with educational and high cultural content. Low budget and low transmission capability kept the station from expanding. In 1969, when its budget and transmission capabilities were increased, XEIPN was able to expand its range to include the Federal District and the State of Mexico (Bohmann 106; Arredondo and Sánchez Ruíz 126). Still, its coverage paled in comparison to that of commercial stations.

Regional television continued to grow during this time. Independent regional stations and TSM retransmitters were set up in Monterrey, Nuevo León, and in Guadalajara, Jalisco. By 1959, TSM covered twenty Mexican states with retransmitting stations in which they had invested twenty

one million pesos (Sánchez Ruíz, "Cronología" 243-4; Mejía Barquera, "Los Medios" 188).

Internationally, TSM also continued to grow. Between 1961 and 1962, Emilio Azcárraga Vidaurreta established two UHF television stations near the Mexico-United States border. These included KWEX in San Antonio, Texas and KMEX in Los Angeles, California as part of the Spanish International Broadcasting Company (SIBC) (Sánchez Ruíz, "Cronología" 244-5). This propelled the Azcárragas into broadcasting in the United States directed at the Hispanic population --as well as prepared them to expand into the frontier sector between the two countries, and eventually, into microwave and satellite communications.

The National Microwave Network and the Satellite Communications Earth Station in Tulancingo --begun in 1963 as part of the National Telecommunications Network-- were completed in 1968, allowing transmission and reception of signals via satellite (Sánchez Ruíz, "Cronología" 246).

4. Competition and Government Participation (1968-1972)

1968 saw Mexican television's first monopoly end as the number of commercial operating stations throughout the country increased, particularly in the Federal District. *Telecadena Mexicana*, owned by Manuel Barbachano Ponce, established three stations in the Monterrey region. At the

same time in the capital city, competition was once more promoted with the assignment of XHTM, Channel 8, to *Fomento de Televisión, S.A.*, a company affiliated with *Televisión Independiente de México* (TIM). TIM was owned by *Grupo Alfa* of Monterrey and backed by the Garza Sada family (Sánchez Ruíz, "Cronología" 247).

In addition, the government assigned XHDF, Channel 13 to be run as a commercial station by Francisco Aguirre, owner of *Radio Centro*. The station was unable to sustain a profit, eventually forcing the Mexican State to assume complete control in 1972 and allowing the state its first opportunity at commercial broadcasting (De Noriega and Leach 23-4; Fox, *Días* 24).

The creation of Channels 8 and 13 helped solidify the commercial model by centralizing their operations from the capital city. Although the TSM group continued to predominate, three significant characteristics of this development stood out:

- a) The new licenses corresponded to the establishment of television stations in the capital city which already held the principal production and marketing facilities; some of these would become the heads of national networks;
- b) The existence of a series of channels and television stations throughout the country which were directly or indirectly controlled by the 'first monopoly of television,' and whose function was almost exclusively limited to the retransmission of programs

from national channels located in Mexico City (Arredondo and Sánchez Ruíz 156).

- c) The new stations were granted to wealthy industrialists or owners of other broadcasting concessions. This limited mass media participation to private industrialist and kept groups such as unions, universities, and social organizations away from the significant frequencies.

While new stations established themselves, attempting to consolidate their audiences, TSM was expanding from an already solid network base.

The 1968 Olympics, held in Mexico City, contributed to the further development of Mexican television. *Teléfonos de Mexico, S.A.* (Mexican Telephones) built and operated a broadband microwave network between the U.S. and Mexican borders for this event. Along with the government's ground satellite station in Tulancingo, this made it possible for television to cover the entire Mexican Republic (De Noriega and Leach 51).

After the Olympics, the state acquired this network placing it under the jurisdiction of the Ministry of Communication and Transport. Both commercial and educational stations benefited from the use of RF channels to expand their signals. TSM, in particular, benefited by converting the majority of its province stations into repeaters, numbering thirty-seven by 1968 (De Noriega and Leach 22; Fox, *Días* 24). In 1969, its incursion into cable television was made official with the Mexico City concession

through its subsidiary Cablevision, S.A. This constituted the most important cable concession to date (Mejía Barquera, "50 Años" 32).

Conflict arose between the government and media during this time. In July 1969, a decree issued under the government of President Díaz Ordáz (1964-70) —the Federal Tax and Internal Revenue Law— imposed a 25 percent tax on the total gross income of the any company engaged in providing services considered by law to be of public interest, as well as media or channels operating as franchises of the public domain. Broadcasters refused to pay this tax, saying that their industry's development would be severely curtailed. The National Chamber of Broadcasting threatened to return all licenses to the government and sue for lost revenue (Mejía Barquera, "50 Años" 31).

In the end broadcasters agreed to grant the government 12.5 percent of their broadcast time, to be used on a daily non-cumulative basis and distributed throughout the broadcast day in time slots that would not endanger the economic stability or considerably alter its programming image (De Noriega and Leach 33-4). The government was placed in an unfavorable position, as the arrangement was a subsidy favoring broadcasters. Again, the government is seen as unable to gain a financial foothold on the broadcasting industry, or to dictate the outcome of broadcast regulation. Resulting from this agreement, was

the government's responsibility to produce programming to justify the *fiscal time* exchange (Arredondo and Sánchez Ruíz 133).

To oversee this task, and to determine the programming needed, the Broadcasting Commission (*Comisión de Radiodifusión*) was created in August 1969. In December 1970, the Under-Ministry of Broadcasting (*Sub-Secretaría de Radiodifusión*) was created to assume the functions of the Ministry of Communication and Transport and produce the programming required by the Broadcasting Commission (De Noriega and Leach 34-5).

Broadcasting in Mexico had been placed under the jurisdiction of the Ministry of the Interior, a politically minded Ministry, not the Ministry of Education a socially minded Ministry. Both the regulation of broadcasting and the utilization of the *fiscal time* were managed by a political organization, clearly indicating that the government was more interested in broadcasting as a public relations vehicle than as a vehicle for its country's development (Fernández Christlieb 176). The fact that broadcasting is generally managed by a political entity, underscores the weakness of the state in dealing with broadcasters. Although the government might present its goals for television as socially based, they are, in fact, political and allow much room for negotiation since it is

clear that protecting the public interest is not sufficiently important.

In addition, the consensus of the broadcasting industry was that the government was unsuccessful at operating public enterprises. Private industry was therefore reluctant to let the government participate in any restructuring of a profitable system. Furthermore, the government was widely criticized; despite previous regulation granting the government access to broadcast time¹⁸, the government had no centralized strategy to utilize this time efficiently and effectively, neither producing adequate programming nor targeting the neediest sectors of society (Bohmann 110-1).

By 1970, *Telecadena Mexicana* had become a regional network with 15 stations; a shortage of advertising and cash competition from TSM forced them, in 1972, to affiliate with TIM (De Noriega and Leach 23). In 1975, *Telecadena Mexicana* declared bankruptcy; TIM absorbed the remaining stations (Arredondo and Sánchez Ruíz 135).

5. The foundation of the Mexican Television Model (1972-1976) and the Second Monopoly

The 1970s were characterized by the consolidation of government participation through direct intervention, leading to the development of the Mexican television model. Three key features in this development were: a) the definition of public and private roles in a mixed

communication model; b) the predominance of the commercial structure promoted by this model; and c) the uneven establishment, control, and development of television service throughout the country, focusing growth on major population centers with significant economic resources (Arredondo and Sánchez Ruíz 139-40, 142).

The government's renewed interest in controlling Mexican television may have been fueled by the negative media exposure produced by the student massacre in Tlatelolco¹⁹, as well as the social conflict faced by the state at the time. Attacks against commercial broadcasters were launched, with politicians announcing the need for new legislation to curb the media's abuses, which included violent, imported programming, considered anti-educational and clashing with the Mexican culture. It was feared, at this time, that the government might look to the nationalization of the broadcast industry to correct the medium's degradation (Fernández Christlieb 205-6, Arredondo and Sánchez Ruíz 131, 159,164).

Broadcast media claimed that the state of Mexican television resulted from a competitive system that promoted consumption and unreasonable expectations. Financial considerations were at stake; TSM and TIM were each programming solely to secure needed ratings. This severely displeased President Echeverría; motions were made to

further regulate broadcasters by a new law (Arredondo and Sánchez Ruíz 158-9)

CIRT, the chamber representing the radio and television industry, campaigned in its own defense. The chamber broadcast radio and television spots reinforcing the broadcast industry's positive image. In their campaign, they promoted *Telesecundaria*, an educational service broadcast by Channel 5 during times of low ratings. CIRT also made the case, that while willing to use the medium to its fullest capacity, they would require the state's assistance to do so, since they suffered large deficits arising from the high cost of microwave transmissions around the country. This, as part of private meetings with the president, pressured him to abandon the idea of nationalizing the broadcast industry (Bohmann 115; Arredondo and Sánchez Ruíz 131,161-2).

Politics of survival were employed to safeguard the interests of broadcasters again. The commercial stations took advantage of the structure of mass media -consisting of a few national networks or concessionaires servicing many regions of the country- to blame the quality of the television programming on the high costs of servicing each region equally. The broadcasters succeeded in changing the focus of the issue and transferring the burden of servicing remote regions to the government. The Mexican government's weak response, abandoning the idea that commercial

broadcasting could also serve the public, is a consequence of its decisions not to intervene in the fusion of the television stations in 1955 and set a precedent for future mergers.

Channel 13's financial difficulties led the Mexican government to intervene in commercial broadcasting. In 1972, Sociedad Mexicana de Crédito Industrial (SOMEX) acquired Channel 13 (Bohmann 112). By 1977, the station was directly budgeted by the government, who expected it to function fully as a commercial station, in order to pay off its debts (Pierce 111).

To consolidate the government's position, in April 1972, President Echeverría, acting on a 1969 decree from President Díaz Ordáz, created Mexican Cultural Television (*Televisión Cultural de México*)²⁰, which established a government television network directed at rural areas not covered by larger commercial broadcasters (Sánchez Ruíz, "Cronología" 249). Although the programming was ostensibly expected to be educational, programming from TSM was rebroadcast on *Televisión Cultural de México*, commercials included (Bohmann 114).

The creation of this network illustrates the failure of the government at securing the mandate established for Mexican television. The broadcast spectrum was not considered a public good, when commercial stations, which had been granted many concessions around the country between

them could or would not serve these remote areas shows. It also demonstrates the power of the broadcast industry that had gained enough power to dictate their terms and force the government to serve the unprofitable areas.

On the government's general ability to engage in broadcasting, Caletti Kaplan wrote that the Echeverría administration had been, and remained unable to "direct the private capitalist development of the communication industry and influence the cultural characteristics of what it produced. His administration was unable to perform this role in the communications industries in spite of the mixed nature of the Mexican economy and the government's important role in most other sectors"(72). Echeverría's presidency was engaged in a permanent and frequently open struggle to limit the private sector and strengthen state owned mass media. One of his main goals was to recover the state's right of guardianship over the culture and ideology of the people (76).

This was not lost on commercial broadcasters, who not only suffered economically (Arredondo and Sánchez Ruíz 163) but also faced increasing government antagonism. In order to escape the fate of Channel 13, the owners of TSM and TIM decided to consolidate positions by eliminating the competition between them -an encore of the events of 1955. In 1973, just after the new Regulation on Radio and Television, TIM and TSM joined forces to create Televisa.

The new operation now administrated Channels 2,4,5, and 8 plus their affiliates and repeaters (De Noriega and Leach 26). In January 1973 Televisa (*Television Via Satélite, S.A.*) was founded. Twenty-five percent of the stock belonged to the old TIM. The other 75 percent belonged to TSM. Three individuals also each had one share, the most prominent being Miguel Alemán Velasco, son of former President Miguel Alemán Valdés. Alemán Velasco had overseen the production side of TSM via *Teleprogramas Acapulco*, since 1962 (Bohmann 179; Sánchez Ruíz, "Cronología" 244).

De Noriega and Leach characterize the pooling of TIM and TSM resources as infinitely positive, saying that this union "gave the new organization a unique opportunity to carry out fiscal reforms in favor of commercial stability and thoughtfully to accept the broadcaster's civic responsibilities" (50). In light of recent efforts to nationalize commercial television and the debate over the quality of commercial television, this is at best a benign assessment of the new organization's motives. It is also worth noting that the Televisa Cultural Foundation financed this study which was introduced by Miguel Alemán Velasco. De Noriega and Leach made a similar assessment of the first consolidation in 1955, which had set the precedent for mergers when economic situations became critical.

Yet the official announcement by Televisa indicated that the fusion would serve to improve the entertainment

programming brought to its audience as well as "add eleven hours daily of educational and cultural programming" (Fox, "Los Medios" 72). This new "Mexican model" of television, or "*la fórmula mexicana*" would create a mosaic of possibilities for the public. Miguel Alemán Velasco described the new formula as follows:

The plurality of Mexican television can be synthesized by saying that Channel 2 allows national communication; Channel 4, urban communication; Channel 5, global communication; Channel 8, national feedback; Channel 11, education; Channel 13, cultural communication. And the 12.5% that is allotted to the State by law in the channels, is theoretically dedicated to the communication needs of the governing force against public opinion" (Translation of Alemán Velasco in Arredondo and Sánchez Ruíz 164).

This model has been called "harmonic and adequate for a developing third world country" (Translation of Sabido in Mejía Barquera "*Cronología*" 32). It helped define the role of each component in Mexican broadcasting, separating the rights and responsibilities of the government and private sector. It also served private broadcasters, because the distinctions made the state responsible for the acculturation and education of the people, with the broadcasters responsible for entertainment (Arredondo and Sánchez Ruíz 164). This arrangement allowed commercial

television to survive through creative accommodation, reinforcing peaceful coexistence between the two (Baer 96).

Although hailed as a grand model for television, it was, in fact, the institutionalization of commercial television, relegating the public interest to secondary status. This model removed the public interest from commercial broadcasting and left it under the jurisdiction of the government, essentially rendering broadcast regulation meaningless.

Baer's claim looks only at the immediate effects of the merger and not at the long-term effects for the industry. This consolidation affected the industry in seven fundamental ways:

- 1) allowed Televisa to invest in its international expansion, since it had a stable base at home;
- 2) prevented significant competition from arising;
- 3) eliminated alternative advertising venues and allowed Televisa to dictate the terms;
- 4) limited the options ordinary citizens had to express their opinions and make use of public opinion;
- 5) did not push limits on freedom of the press or expression beyond the established order;
- 6) allowed to guard the benefits of the company above that of the people; and

- 7) severely curtailed the ability of the press to serve as a medium for "checks and balances" against the excesses of the government.

The fusion between TSM and TIM initiated the *second monopoly* in the history of Mexican television. The important difference between Televisa and TSM as monopolies are that the fusion created an entity unrivaled in the vast entertainment field. This new arrangement allowed Televisa to use its partners' resources and expand into all kinds of entertainment and cultural activities. In 1977, Televisa controlled 45 companies, among which were football teams and magazine publishers. This broad range of ownership made it possible for the new monopoly to do, in fact, what the government wanted it to do, i.e., engage in the dissemination of "culture" -in this case, popular culture (Arredondo and Sánchez Ruíz 163-66).

6. The International Expansion of TELEVISIA (1977-1984) and the Debate over the Right to Information

The right to information debate is one of the most important events in the late 1970s and early 1980s. As discussed in an earlier section, the debate lasted a long time, due to the state's inability to get beyond the private sector. Despite the fact that the right of information was added to the Mexican constitution, this right was never legislated. The failure of this initiative proved once

again that private interests, with their links to government, were stronger than the state (Caletti 69).

Since the government had been unable to control television in the private sector, they continued their attempt to balance the industry by expanding public broadcasting (Caletti 73). The final link to many rural areas came in May 1977, with the transformation of *Televisión Cultural de México* into *Televisión Rural de México* (TRM), a network of stations designed "to provide telecasts to the marginal rural zones of the nation." The stations were serviced either by microwave signals from both commercial stations and Channel 13 or where unavailable, via videocassette (De Noriega and Leach 25). A significant addition to the TRM network was made in 1982 with the establishment of XHTRM, Channel 22, an UHF station directed at the metropolitan area of the Federal District (Sánchez Ruíz, "Cronología" 253).

At the same time, Televisa continued its expansion in 1980 through a collaborative project with the Ministry of the Interior to install eighty earth stations to be used for satellite communication. Televisa agreed to finance the installation of forty-four of the eighty stations. Although all the stations would belong to the government, a complex financial formula gave Televisa priority use of the complete network for nine years, as well as discounted rates for its use. A concession for a network with 95 additional stations

was granted in November 1982 to *Televisión de Provincia*, S.A. a Televisa affiliate (Mejía Barquera, "50 Años" 37).

Even though the Mexican television industry continued to grow in viewership, with the greatest number of stations added had been to TRM—renamed *Televisión de la República de México* (Television of the Mexican Republic) in 1981— and to Channel 13, Televisa continued to grow in a more significant way. Evidence that its influence outweighed that of the government stations was the business received from publicists and advertisers (Arredondo and Sánchez Ruiz 166).

Growth in Mexico allowed Televisa to consolidate its position in the United States. In 1975, Azcárraga had transferred 75 percent of his shares in Spanish International Network (SIN) to Televisa, with the intention to continue the company's internationalization and diffusion of Mexico's values, ideologies, art, and history (Arredondo and Sánchez Ruiz 171).

With the absorption of the Sada Family and Alfa Group's shares by the Alarcón Family, owners of El Heraldo de México—who subsequently sold their shares to Emilio Azcárraga—the Azcárragas continued to increase their influence in Mexican broadcasting (Bohmann 180). This, in addition to the 1974 investment Televisa had made in the para-statal corporation *Satélite Latinoamericana*, S.A. (Satelat), allowed Televisa to "promote the image of Mexico in Latin America" as well as generally marketing television programming via satellite.

Shares of Satelat were divided among the State and Televisa. Channels 11 and 13, the National Cinematography Bank, and Notimex held 52 percent of the shares for the State, while Televisa held the remainder. (Sánchez Ruíz, "Cronología" 250)

Another new activity for the Televisa consortium was the creation of the Televisa Cultural Foundation in 1976. Televisa continued in 1983 with its educational broadcasts in affiliation with the *Universidad Nacional Autónoma de México* (UNAM), and a month later announced that it would convert Channel 8 into a cultural channel, free of advertising (Mejía Barquera, "50 Años" 35, 39). This was a political move designed to dispel any criticism of Televisa not serving the public interest.

Mexican control of satellite communications came on October 16, 1981, when the government made official its plans to build a satellite. This led to a constitutional reform of Article 28, in which the state designated the industries it would intervene in, designation communication via satellite as "priority for national development" (Mejía Barquera, "50 Años" 37-38; Borrel Navarro 18). In June 1983, the Ministry of the Interior announced the plans for its satellite system called Morelos. The system would consist of two satellites with an approximate lifespan of nine years, costing 140 million dollars. By 1984, Televisa had expanded internationally, secured government amity with

cultural broadcasting, and positioned itself to enter satellite communications.

7. Changes in public television; international rearticulation of Televisa, political-electoral questionings of public and private television and The Oligarchic Reorganization of Mexican Television (1985-1992)

Fundamental changes in the television industry began occurring around 1985. These included the further national and international expansion of Televisa, as well as the entrance of new players into the Mexican broadcasting industry.

The relevance of the development of Televisa is seen in that the activities that lead to the Mexican model of television allowed it a secure base at home from which to expand internationally. In the age of multi-national conglomerates, this position makes Televisa's influence over the development of the industry and over new legislation considerable.

Televisa's international expansion continued with an U.S. authorization to build and manage international satellite services through Panamerican Satellite Corporation (PANAMSAT) owned by Emilio Azcárraga. Panamsat sold its U.S. assets in 1986, when a judge declared their ownership of the Spanish International Communications Corporation illegal, consequently requiring them to sell SIN. Televisa

continues to sell advertising space and programming to more than 400 Hispanic affiliates (Sánchez Ruiz, "Cronología" 255-6). A new information service, created in Miami, *Empresa de Comunicaciones Orbitales* (ECO) provided a Spanish language news service to the U.S. and Latin America; the first of its kind at the time.

In 1988, Televisa's holdings included Univisa, Inc., a U.S. corporation including ECO, Fonovisa (Spanish language record sales and distribution company), Galavisión (cable television network seen in 28 U.S. states), Protele (television program distribution company), Univisión (formerly SIN, now with 409 affiliates via satellite), *Grupo Industrial Univisa* (manufacturer of communication products), Videovisa, a distributor of Spanish language films and Univisa Satellite Communications (Sánchez Ruiz, "Cronología" 257-8).

In the political arena, on January 14, 1988, Emilio Azcárraga announced to the press that Televisa would, without hesitation, support the PRI during the coming elections: "We belong to the PRI, we have always belonged to the PRI, we do not believe in any other formula. As a member of our party, I will do everything in my power to ensure that our candidate triumphs" (Sánchez Ruiz, "Cronología" 258). This announcement served the network well during the reorganization of government broadcasting, which freed up a number of frequencies useful to Televisa.

The public announcement of an already known fact revealed that the triangle: media-party-president had been completed. The importance of the media in elections guaranteed special privileges to Televisa from those it supported. Furthermore, it was a public reminder to the government of Televisa's influence, in the face of potential changes and restructuring.

The first step toward this reorganization was the creation of a public corporation, Imevisión, under the jurisdiction of the Mexican Institute of Television. The structure of the General Office of Radio, Television, and Cinematography was modified in March 1983 with the creation of the Mexican Institute of Television, which took charge of all operative aspects delegated to the government (Sánchez Ruiz, "Cronología" 254). Radio and Cinematography also received their own institutes, all under the jurisdiction of RTC (Sánchez Ruiz, *Historia*). Imevisión would oversee government broadcasting made up of Channels 13 and 7 (formerly the TRM network). Channel 13 had forty-four retransmitting stations, while Channel 7 had ninety-nine. Channel 22 in the Federal District, Channel 8 in Monterrey, Nuevo León and Channel 2 in Chihuahua were added to Imevisión (Sánchez Ruiz, "Cronología" 256).

In December 1988, a decree was published, announcing the creation of the National Council for Art and Culture was created as part of the Ministry of Public Education. This

council would coordinate the Institutes of Radio, Television, and Cinematography, responding to the Ministry of the Interior (Sánchez Ruiz, *Historia*).

On September 1, 1989, Multivisión became the second entity in Mexico granted the concession for the development of subscription television via super high frequency. Its programming structure was similar to that of Cablevisión, which relied on prepackaged U.S. programs and U.S. retransmissions (Sánchez Ruiz, "Cronología" 260). Multivisión provided direct competition to Cablevisión in the Federal District and was able to sign up subscribers much faster than Cablevisión. Because its system relied on microwave transmission, Multivisión did not require under or above ground cabling.

The expansion of cable television in Mexico was not beneficial to commercial television, particularly Televisa since its creation in 1976. Televisa's stronghold had been in free television, where it dominated national audiences and advertising dollars. It had been granted the most important cable concession in 1969, exploiting only the most affluent areas. This left a wide gap for Multivisión to fill. While the expansion of cable television was contained, Televisa's monopoly was intact and its audience and revenue remained protected.

The Ministry of Communication and Transports announced in 1990 that it would grant twenty-four new television

concessions for VHF transmission, as well as permits for the installation of seventy new cable television services throughout the country (Sánchez Ruiz, "Cronología" 260).

The first statement concerning the privatization of Mexican television, made on September 14, 1990 by the Ministry of the Interior, announced that the government would withdraw from Channels 7 and 22 in the Federal District and Channel 8 in Monterrey, but would retain control of Channel 13. (Sánchez Ruiz, "Cronología" 260). This, and later announcements, led a group of over 800 intellectuals, artists, scientists, and media personalities to publicly request that the government not privatize Channel 22. On February 1, 1991, president Carlos Salinas de Gortari announced the decision to keep Channel 22 as part of Imevisión, indicating that it would be run by a Planning Council (Sánchez Ruiz, "Cronología" 261-2; Arreola Ochoa 164-6). The operation of these channels caused a severe deficit, which was alleviated with the elimination of many programs. The same programming was then simulcast on Channels 7, 13, and 22 until their sale (Gutiérrez Espíndola and Mejía Barquera).

The fact Channel 22, with its limited transmission power, and not Channels 7 or 13 was granted to the intellectual community reveals a number of things about the government:

- 1) it took into consideration the power and influence of the intellectual community, but was not interested in granting them a major outlet; instead it was content to accommodate them with a minor concession;
- 2) it still had no concerted plan for national broadcasting to ensure the best television possible for the people; and
- 3) the incentives over revenues gained from the privatization and private pressures behind the scene were stronger than the public interest.

Meanwhile, the government planned to convert Channel 13—which had been assigned thirteen stations formerly belonging to Channel 7, as well as eight new concessions in the northern frontier—into a government-run commercial station to compete directly with Televisa (Lobato).

A new concession was assigned, in September 1991, to *Televisora del Valle de México S.A.* for the operation of UHF Channel 40, a new 24-hour commercial station. Of further importance, President Salinas de Gortari announced, on December 10, that within a six-month period Imevisión would be dissolved. To this end, nine para-statal corporations had been created, each in different regions of the country.

As if preparing for the upcoming changes, in November 19, 1990, Televisa's Channel 9 returned to its commercial roots, withdrawing from cultural programming. Again Televisa was restructured; Romulo O'Farrill Jr. sold his shares, while both he and Miguel Alemán Velasco withdrew

from the board of directors. A new board was appointed in January 1991 (Sánchez Ruiz, "Cronología" 261-2).

Televisa's internationalization was complete, in April 1991, when the company announced that it would begin to trade its stock on the Mexican, New York, and Japanese stock exchanges by 1992 (Arreola Ochoa 172). For this transaction to occur, changes were required in the Federal Law of Radio and Television, and in Article 27 of the Mexican Constitution, which legalized foreign investment in radio and television stations (Sánchez Ruiz, *Historia*). At the time the government was ready to create allow competition in the television industry, Televisa had grown and expanded to the point where other forms of broadcasting were a significant part of its business and it could afford to have its predominance in commercial television challenged.

At this time, the return of the debate over freedom of information was renewed in May 1991, when Luis M. Farías, the former head of the Chamber of Deputies in charge of the debate, announced that he had influenced President José López Portillo against regulating for freedom of information. This resulted in a declaration on Freedom of the Press Day, by the directors of Mexico's major newspapers and universities, igniting a small spark that took the debate once more to the Mexican Chamber of Deputies (Gutiérrez Espíndola).

In December 1992, the state announced its intention to auction off two media packages. The first package included Channels 7 and 13, plus 90 other channels, along with a group of other properties, such as the government daily, El Nacional, the film production studios, Estudios Churubusco. The second package included 62 concessions. This one was granted to Televisa, based on an earlier application, bringing the consortium's count up to 222 repeaters, as well as local and affiliate channels. The cost was 284 million *nuevos pesos*. It has been written that the granting of this package represents the government's reward to Televisa for its public and private support to the PRI, the government and the Mexican bureaucracy, as well as a consolation prize for being excluded from the auction (Alva de la Selva; Reforma 1A 6).

8. The Privatization of Mexican Television; the Mexican economic crisis; Public Forums on Legislating the Media (1992-1995)

The period between 1992 and 1995 set the stage for the current model of Mexican television. Both the government and private enterprise continued to play an essential role in shaping this model. The privatization of government television networks, and the most in-depth, and democratic

exercise toward new legislation of the media characterized this period.

In February 1993, *Televisión Azteca* was formed. This new entity included the 90 channels formerly part of the Channel 7 and 13 networks. Not until July of that same year was sale of this package granted to Ricardo B. Salinas Pliego and José I. Suárez Vázquez, owners of Elektra, a chain of electronics stores (Orozco Gómez).

The controversy caused by this concession centered on two major topics, money, and politics. The first stemmed from the perspective that the winning offer was decided by price, not merit. In addition, the Ministry in charge of the auction did not fully consider the qualifications of the applicants —that is, their programming and social objectives— or overall capacity to better Mexican broadcasting. The second furor had to do with the marked difference between the public stance presented by Salinas Pliego and Suárez Vázquez and the written proposal "to serve as a tool for national integration" and "provide objective information." Public declarations emphasized elements of "profit, entertainment and government support" in this project (Orozco Gómez).

This attitude was only underscored and further explained when on June 21, 1996, Andrés Oppenheimer published a notice in The Miami Herald of a 30 million dollar loan from Raúl Salinas Gortari, brother of ex-

president Carlos Salinas de Gortari to Raúl Salinas Pliego via a Panamanian bank. While newscasts in *Televisión Azteca* denied the connection, Salinas Pliego acknowledged in a Herald interview, that he had been contacted by Swiss authorities investigating both the legality of the funds transferred by Salinas de Gortari to a Swiss bank account and the fact that both men were friends. Salinas Pliego continued to deny a business relationship. A few months later, in an open letter to the press, Salinas Pliego acknowledged that he had served as Salinas de Gortari's consultant in 1993, but received no compensation. This drew enormous amounts of criticism; for it showed that, at the very least, he had lied about the nature and extent of the relationship (Mejía Barquera, "La Guerra" 31-2).

A tense period followed these accusations. Televisa and *Televisión Azteca* began a war in which each attempted to discredit the other by showing that the other had closer links to Salinas de Gortari. This led to an announcement on July 3, 1996, in which the Congress' Permanent Commission would review the process leading to Ricardo Salinas Pliego obtaining the *Televisión Azteca* concession. Other speculation would suggest that the 30 million-dollar loan was in actuality a five-percent commission on the 640 million-dollar deal (Mejía Barquera, "La Guerra" 33-4). A little publicized announcement in January 1997 cleared Salinas Pliego of any wrongdoing.

The devaluation of the Mexican peso, in January 1995, had catastrophic effects for most communications mediums. This crisis affected the jobs of at least 4,000 employees, as well as the existence of more than a dozen firms. Televisa reduced its projected investments for 1995 by 50 percent and *Televisión Azteca's* acquisition of programming suffered, while Multivisión increased its subscription rates by 25 percent --all as a result of heavy dependency on foreign exchange for programming acquisition, equipment, and payment of debts (Olmos).

A new initiative for legislation on radio and television was undertaken again in 1995. Sporadic attempts at bringing this initiative back had been made since 1991. (It is hard to calculate which of the many issues raised by this legislation is responsible for its return to mainstream attention.) In February 1992, a federal deputy from the PRI announced that revisions to this legislation would be undertaken to battle the problem of piracy, further indicating that a project was already underway in the Chamber of Deputies (El Nacional 12).

In March of 1992, Jorge Medina Viedas, director of RTC, confirmed that revisions were being considered to facilitate the modernization of mass media and to "make them more receptive of the need to democratize public life" (Jornadas 7). The Commission of Radio, Television and Cinematography

of the Chamber of Deputies finally presented a proposal on June 23, 1993 (Universal, Espectáculos 5).

This commission was composed of legislators of the PRI, PAN, PRD and PT parties, who encouraged citizens to voice their opinions. This led to the creation of nationwide forums in June 1994. The topics discussed included: distribution of publications, 'right to information,' television and radio concession systems; and new technologies. The reform's main goal was to strengthen the move towards freedom of information (Reforma, Negocios 4).

The results were presented by the Special Commission on Social Communications belonging to the Chamber of Deputies, composed of 35 legislators from all political parties on October 25, 1995. The document was the result of 2,908 proposals compiled by various means throughout the country. The documents were published and shared with the public so that they could respond before their legislation. (Esteinou Madrid)

The influence of the legislative branch in the Mexican government is secondary to that of the executive branch. Despite the broad results from these forums, the Ministry of the Interior, under the President's directive only included topics related to freedoms of expression, press, and information in the National Development Plan for 1995-2000. Requests for the revision of concessionary policies; requests for an ombudsman; requests for revisions against

media conglomerate monopolistic practices; requests for the participation of social groups within the operation of mass media; requests for a professional code of ethics for those working in the mass media; requests for protection of intellectual property rights; requests for a revision of the 12.5 percent fiscal tax; requests for other pertinent social and political reviews of the current mode of legislating and operating mass media in Mexico were all ignored by the government (Esteinou Madrid).

Esteinou Madrid writes that despite the utter failure of the government to recognize the Mexican people's will in regards to the legislation of mass media, this was the first attempt at holding public forums, in which the information was reverted to the sources and the results partially considered by the government in turn. At the same time, this was also the first time that an initiative of this magnitude had originated at the legislative level, with all political parties collaborating. This in itself set the groundwork for future advancements, of both legislative initiative and public participation (Esteinou Madrid).

During this time, three significant events occurred in the area of cable television and new technologies. In July 1993, the launching of a new satellite was announced. This new system, *Solidaridad* replaced Mexico's first satellite, Morelos which would become obsolete in 1994 (Gutiérrez Espíndola and Mejía Barquera).

On August 24, 1993, the Official Daily published the modifications to Articles ten, 33 and 42 of the Regulation of Cable Television Service which now allowed foreign investment up to 49 percent in service based companies (Universal, 1A 9). This led to the 1995 Federal Law of Telecommunications, which regulated the ability of individuals to participate in communications via satellite, an activity previously prohibited by the state in Article 28 of the Mexican constitution.

In reviewing the facts presented in this chapter, the relationship between Mexican television and government has been one of constant compromise and accommodation. It would seem that the beneficiaries of such an exchange have been the private television broadcasters, mostly Televisa. The government has also benefited from a stable, government friendly media.

The loser in this struggle has been society. Access has been limited to a hand-full of wealthy, well-connected groups and freedoms of the press and information have not been legislated as rights. The government has relied too heavily on commercial broadcasters to direct television and does not possess the infrastructure, knowledge or vision to carry out a plan that will benefit all of the Mexican population equally. The good news is that the struggle is far from over. New technology continues to challenge the mass media and require new legislation and solutions. New

technology will bring new opportunities for business and for the public to participate in media. The return to a competitive-commercial model in Mexican television and the participation of many small groups in cable television around the country is encouraging. This too will set a precedent for future participation in Mexican mass media.

CHAPTER V

A. CONCLUSION

This study of government control over mass media began by asking, "by whom, how, for what purposes, and with what consequences are the inevitable controls exercised?" The answer involves both the Mexican State and government instituting control over mass media. This relationship, of obligation in exchange for privilege with private enterprise, assures the protection of their mutual interests. The purpose of government control was to uphold the constitutional mandate of Mexican television, which is defined as activities or goals that protect or promote the values of the existing regime. Commercial broadcasting was to assist the government in the realization of 'moral and social goals' and contribute to 'national unity,' thus promoting the values of the Revolution.

The Mexican State is responsible for setting the agenda for the expansion of the Mexican television industry, defining its mandate, setting legislation and granting concessions. The state allowed private enterprise to direct the development of the television industry, promoting legislation only when the performance of broadcasters was substandard, or to serve political or financial goals.

This thesis discussed legislation as a form of governmental control. The analysis focused on how Mexican television has not so much been shaped by legislation as by the interplay between government and the television industry during the attempts to legislate media. This resulted in Mexican broadcasters, legislators, government officials and even presidents learning to work together to accommodate their respective goals.

In Mexico, the debate over any legislation presented the notion that progress was being made toward a more democratic society. The resulting compromise did not often reflect the proposed legislation. Society, as a group, has benefited the least from this struggle for control. The public interest had been vaguely defined as protecting morals and values, but did not include the right to information, public participation in mass media or guarantees for freedom of the press. Thus, the commercial interests of broadcasters and the political interests of the president, bureaucrats, and the party are protected in one form or another; thereby protecting their position within the hierarchy of the Mexican political system.

An assessment of the government's activities promoting the development of the television industry according to its mandate shows that in a number of areas it failed to consider the power of the private sector and in others it

avored their interests. Many of the effects of government control are in keeping with the authoritarian regime of the Mexican State.

- 1) The "Mexican model" does not support the mandate of Mexican television for it does not hold the commercial stations up to their responsibilities in promoting social and moral goals. In fact, the current Mexican model has rarely questioned the type or quality of programming broadcast by tv stations; has transferred the burden of serving outlying areas to the government, leaving commercial broadcasters to concentrate on profitable areas; and allowed far more emphasis to be placed on entertainment over educational or cultural programming.
- 2) The Mexican broadcasting industry became commercially based with the privatization of radio in 1940, retaining its ties and access to the highest levels of government. Private industry created their own system of operation with government and cooperated with each other early in the development of the television industry. The strengthening of commercial interests in Mexican television occurred slowly. As the industry developed, conflicts were resolved through creative accommodation, involving the influence of the industrialist sector, which allowed them to increase their sphere of influence.
- 3) The government never had a cohesive plan to operationalize the mandate of Mexican television. Since any of its goals were politically motivated, it was unable to dictate the outcome of most legislation. It demonstrated its weakness early on with the passing of the Fiscal Tax Law.
- 4) The corporatist system instituted by the Law of Chambers of Commerce was ineffective for controlling Mexican broadcasting. The monopolization and centralization of commercial broadcasting by wealthy industrialists resulted in their direct access to government institutions and the presidency. Cooperation among coalitions of industrial groups is

still used to garner further support for negotiations with the government.

- 5) Government sided with the private interest in the development of television by not choosing unions, social organizations, or universities for the most important concessions when these became available. The most important media outlets are controlled by the elite who is protected from mass-based competition. In exchange, broadcasters are loyal to government institutions and the presidency, protecting the established authoritative regime.

- 6) Government contributed to the instability of media as an industry by bowing to the interests of the commercial broadcasters in exchange for political priority over issues important to the government. The fact that the Freedom of Information Act was not executed did not only benefit the private broadcasters but also the government. The government could continue releasing to the press information which was either untimely or less than the full version.

- 7) Televisa's position as the premier broadcaster in Mexico supported its incursion into satellite communication, allowed it to expand internationally and shielded it from catastrophic results with the re-privatization and de-monopolization of Mexican television.

One would expect to find a more overt restructuring of the mass media system in a country undergoing democratization. However, the resulting Mexican media model of private broadcasting operating under government guidance promotes a relationship between the government and commercial broadcasters with clear benefits for each party:

- 1) Government benefits from this relationship include: support from the media, a reasonable tolerance from media institutions, and an implicit guarantee that it will not be challenged. Media institutions assist the Mexican government in presenting an

image of national unity, a free press and a positive state of affairs.

- 2) Media institutions also gain from this arrangement: influence over government decisions affecting their industry. They are able to control the development of an important and profitable industry and direct public opinion. Players such as Televisa were able to use local infrastructure to become becoming international players.

These two points illustrate that the cooperation between Mexican media and government can be manipulated to create the notion that there is a serious commitment towards democracy, while simultaneously protecting their established interest.

On a general level, this thesis has found that analysis of four elements –legislation, politics, economics and technology– allows us to assess the current role played by media in Mexican society and in the transitioning Mexican regime. These factors form have molded the current system of regulating and operating Mexican television, and are specific to Mexican television, but broad enough to be used as the basis for further study of television in other developing countries.

1. Legislation

Existing legislation of mass media in Mexico has retained several of the authoritarian features discussed earlier. These features were not enough for the government to retain control of mass media as an industry. New legislation was often an attempt to recaptures some control over mass media for society and recover the states' right to guardianship over the culture and ideology of the people. Efforts at passing new Mexican legislation of mass media can be grouped into three types: those for the improvement of the public sector, those for furthering the control of government and imposing restrictions on commercial media and those laws that preserved the established order. These laws benefit both government and commercial broadcasters.

Mass media legislation has allowed Mexican broadcasters to consolidate power to protect itself from government control and manipulation. It was limited in that it had neither public accountability, nor the mechanisms to enforce freedoms for other disadvantaged -leaving important sectors of society unprotected. Broadcasters opposed any legislation that nationalized TV stations, or interfered in the operation, limited their earnings and regulated the content of programming. Objections over legislation served

to stall, delay or dilute the process. This resulted in a legal framework that is no longer relevant to the Mexican reality, leaving many gray areas open to negotiation with government.

In general, the legislative attempts made over the years by the Mexican government, with the inevitable opposition of the broadcast industry, assisted in the preservation of the status quo while presenting the notion that progress was being made toward a more democratic society. The fact is that the outcome of these attempts showed neither legislative nor democratic progress. The debates over the right to information, the Federal Tax law, and even the recent privatization produced results in favor of commercial broadcasters and not the Mexican people.

While no concrete progress has been made towards the loosening of broadcaster-government ties, one feature of the debate of the right to information leads to the conclusion that changes are beginning to occur at the structural level. The 1994 nationwide effort to legislate the right to information was spearheaded by a coalition from the political parties represented in the legislature and included the participation of thousands of people. The legislative branch sought social participation and the transformation of old sectors of communication of the country. This is the most concrete example of a democratic

process in the formulation of media regulation in Mexico and supports the notion that Mexico's regime is beginning to internalize the democratic process despite the fact that publicly the progress is minimal.

In Mexico, the laws concerning mass media are incomplete and applied inconsistently. This limits the full participation of members of media and society. The following points clearly illustrate this claim:

- 1) Mexican laws are meant to protect the revolution, and therefore the PRI and the presidency. They are intended to give the impression that the patronage is being shared with the people.
- 2) Constitutional guarantees for freedom of press and information and broadcaster's rights and responsibilities are not well defined, making it easy for private parties which own media to overrule the public interest.
- 3) Too many offices of government manage media regulation. This places undue emphasis on bureaucracy and creates unnecessary overlapping between them.
- 4) Mexican law has not defined suitable levels of ownership for private interests in mass media; this results in monopolies whose best interest is to serve themselves before the public.

2. The Politics of Legislation in the Mexican State-Media Relationship

In the Mexican television industry, broadcast organizations operate as political actors, influencing government and society by its actions while promoting their

own agenda. Government plays politics as well, by manipulating the information that is released to the media, limiting the conditions that media may perform under, or by providing restrictive or inconsistent legislation.

- 1) The government's inability to control the media is not solely based on the media's unwillingness to cooperate with the Mexican government. Rather, inconsistencies in regulating and setting expectations of the media are created by the government's need to appease so many outside parties. This is the basis of the decentralization of the decision making power of government. The presence of so many agencies promotes the institutionalization of the industry and attempts to control from the outside what cannot be controlled from the inside.
- 2) Private interest activity and domination of mass media is an activity keeping in line with the Mexican authoritarian/corporatist regime. Simultaneously, government attempts at becoming broadcasters are in keeping with the authoritarian regime. The Mexican government attempted, unsuccessfully, to balance the influence of commercial broadcasters by taking over television stations, instead of molding the private television industry to serve the benefit of the country.
- 3) The Mexican model, which evolved in the late 1970s, benefited the private broadcasters because the state became responsible for the acculturation and education of the people and the broadcasters for entertainment. This arrangement essentially let the commercial broadcasters "off the hook" to concentrate on their bottom line. Unfortunately, the state was incapable of seeing their responsibilities through.
- 4) The Mexican government allowed private broadcasters to develop the television industry with minimum interference. It was never able to significantly restructure media without the support of commercial broadcasters.

- 5) The Mexican commercial broadcasters were never responsible for implementing the guidelines created social and cultural use of television. This task was left to the government who was inexperienced and ill equipped.

3. The Role of Economics in Mexican State-Media Relationship

This thesis has identified the role of economics in Mexican media as a necessary factor in its financing. Three important conclusions arise:

- 1) Investment in infrastructure for mass media was left to private entities that could better afford the outlay of capital, leaving the 'government sponsored' television stations severely underfunded. Often, government controlled media institutions are neither well managed, nor well financed.
- 2) Investment in mass media is costly. As technology continues to advance, the outlays of capital necessary for expansion increase. This has made cooperation between mass media organizations and the government crucial and has opened the door for multi-national organizations to invest in countries around the world.
- 3) The Mexican government's emphasis on the commercial system of broadcasting allows concentration of resources and makes it difficult for government and other not-for-profit broadcasters to compete and operate competitive commercial and non-commercial television stations.

4. The Role of Technology in Mexican State-Media

Changes in technology make the continual revision of Mexican legislation and the role of Mexican conglomerates in

the television industry necessary. Commercial broadcast television has now become secondary to cable and satellite television:

- 1) The limited availability of broadcasting frequencies made their concessions more valuable to the broadcaster. Once assigned these were fiercely protected. Today, there is much competition in the area of broadcasting. Financially able consumers can choose alternative sources of information and entertainment that cannot always be controlled by government.
- 2) Rapid advances in technology created the possibility of services for which the country was not structurally and legislatively ready. It has been shown how the Mexican government has been playing 'catch-up' against technology, hardly formulating national plans for its use and effects on society and business.
- 3) The Mexican government's incursion into satellite communications, early, in comparison to other developing countries, has given it added advantages in the globalization of television and in its ability to gain access to advanced technology and apply it to its benefit.

B. CONCLUDING THOUGHTS

In an age of globalization, where local mass media corporations are being consumed by international conglomerates that can afford to invest in local infrastructure, making the latest technology accessible to the masses, Mexico is in fair shape.

Despite the fact that the Mexican government has not protected the public interests as mandated by legislation, nor secured a place for public participation within the media system, Mexican corporations have used this system to prosper and expand internationally. This accomplishment, albeit accidental, is of long-term importance to Mexico. With the participation of Televisa as one of the major mass media organizations in the world, Mexico is guaranteed that its voice will be heard as others begin to lose theirs.

Clearly, changes in the Mexican broadcasting system have occurred over the years. Currently, the country has a semi-competitive broadcast industry —with two major broadcasters who do not always align with government interests but have been shown to have distinctive links with the established order. Mexico also has a thriving cable television industry, which is less loyal to government interests, has a clearly defined role and supporting legislation and is therefore less susceptible to the needs

of the State and government. This industry creates an added pressure for commercial broadcasters to serve the interests of the public rather than the government, the State or themselves.

Although it cannot be proven that Mexican broadcasting contributes to the democratization process, recent criticism of competing tabloid magazines on both networks, in which crime and corruption were glamorized and encouraged, have created negative public opinion, and caused them to be removed from the air. This shows that broadcasters are beginning to respond to the interests of the public and not just to the "public interest."

Whether this change is cosmetic or structural, remains to be seen. The relationship between Mexican media and government has sought for too many years to protect each other first. The economic and political stability of the country are requirements for further changes in structure of the Mexican television industry.

END NOTES

¹ Artículo 4o. de la Ley Federal de Radio y Televisión de 1960: La radio y la televisión constituyen una actividad de interés público, por lo tanto el Estado deberá protegerla y vigilarla para el debido cumplimiento de su función social. (emphasis added)

² Artículo 5o. de la Ley Federal de Radio y Televisión de 1960: La radio y la televisión, tienen la función social de contribuir al fortalecimiento de la integración nacional y el mejoramiento de las formas de convivencia humana. Al efecto, a través de sus transmisiones, procurarán:

I. Afirmar el respeto a los principios de la moral social, la dignidad humana y los vínculos familiares;

II. Evitar influencias nocivas o perturbadoras al desarrollo armónico de la niñez y la juventud;

III. Contribuir a elevar el nivel cultural del pueblo y a conservar las características nacionales, las costumbres del país y sus tradiciones, la propiedad del idioma y a exaltar los valores de la nacionalidad mexicana, y

IV. Fortalecer las convicciones democráticas, la unidad nacional y la amistad y cooperación internacionales.

³ Artículo 1ro. de la Ley Federal de Radio y Televisión de 1960: Corresponde a la Nación el dominio directo de su espacio territorial y, en consecuencia, del medio en que se propagan las ondas electromagnéticas. Dicho dominio es inalienable e imprescriptible.

⁴ Artículo 6o. de la Constitución de 1917: La manifestación de las ideas no será objeto de ninguna inquisición judicial o administrativa, sino en el caso de que ataque la moral, los derechos de terceros, provoque algún delito o perturbe el orden público.

⁵ Artículo 7o. de la Constitución de 1917: Es inviolable la libertad de escribir y publicar estos escritos sobre cualquier materia. Ninguna ley ni autoridad puede establecer la previa censura, ni exigir fianza a los autores o impresores, no coartar la libertad de imprenta, que no tiene más límites que el respeto a la vida privada, a la moral y a la paz pública. En ningún caso podrá secuestrarse la imprenta como instrumento de delito.

Las leyes orgánicas dictarán cuantas disposiciones sean necesarias para evitar que, so pretexto de las denuncias por delitos de prensa, sean encarcelados los expendedores, "papeleros," operarios y demás empleados del establecimiento de donde haya salido el escrito denunciado a menos de que se demuestre previamente la responsabilidad de aquellos.

⁶ This last point refers to the failure of legislating the Right to Information.

⁷ Artículo 3ro. de la Ley de Vías Generales de Comunicación: Las vías generales de comunicación y los modos de transporte que operen en ellas quedan sujetos exclusivamente a los Poderes Federales. El Ejecutivo ejercitará sus facultades por conducto de la Secretaría de Comunicaciones y transporte en los siguientes casos y sin perjuicio de las facultades expresas que otros ordenamientos legales concedan a otras Dependencias del Ejecutivo Federal:

I. Construcción, mejoramiento, conservación y explotación de vías generales de comunicación;

II. Inspección y vigilancia;

III. Otorgamiento, interpretación y cumplimiento de concesiones;

IV. Celebración de contratos con el gobierno Federal;

V. Declaración de abandono de trámite de las solicitudes de concesión o permiso, así como declarar la caducidad o la rescisión de las concesiones y contratos celebrados con el Gobierno Federal y modificarlos en los casos previstos en esta ley;

VI. Otorgamiento y revocación de permisos;

VII. Expropiación;

VIII. Aprobación, revisión o modificación de tarifas, circulares, horarios, tablas de distancia, clasificaciones y, en general, todos los documentos relacionados con la explotación;

IX. Registro;

X. Venta de las vías generales de comunicación y medios de transporte, así como todas las cuestiones que afecten a su propiedad;

XI. La vigilancia de los Derechos de la Nación, respecto de la situación jurídica de los bienes sujetos a reversión en los términos de esta ley o de las concesiones respectivas;

XII. Infracciones a esta ley o a sus reglamentos, y

XIII. Toda cuestión de carácter administrativo relacionada con la vías generales de comunicación y medios de transporte.

En los casos de las fracciones IV y V será indispensable la aprobación previa de la Secretaría de Hacienda y Crédito Público, siempre que los actos ejecutados en uso de esas facultades impliquen el gasto de fondos públicos, comprometan el crédito público o afecten bienes federales o que estén al cuidado del Gobierno.

⁸ Artículo 58 de la Ley Federal de Radio y Televisión de 1960: El derecho de información, de expresión y de recepción, mediante la radio y la televisión, es libre y consecuentemente no será objeto de ninguna inquisición judicial o administrativa ni de limitación alguna ni censura previa, y se ejercerá en los términos de la Constitución y de las leyes.

⁹ Artículo 59 de la Ley Federal de Radio y Televisión de 1960: Las estaciones de radio y televisión deberán efectuar transmisiones gratuitas diarias, con duración hasta de 30 minutos continuos o discontinuos, dedicados a difundir temas educativos, culturales y de orientación social. El Ejecutivo Federal señalará la dependencia que deba proporcionar el material para el uso de dicho tiempo y las emisiones serán coordinadas por el Consejo Nacional de Radio y Televisión.

¹⁰ This was an extension to the Federal Elections Law passed January 5, 1973 in which political parties were granted free access to radio and television during elections. (Sánchez Ruíz, "Cronología" 249)

¹¹ VHF: Very High Frequency. Electromagnetic radiation in the frequency range 30 to 300 MHz. FM broadcasting and television channels 2 to 13 are in the VHF band. (Inglis 506)

¹² UHF: Ultra High Frequency. Electromagnetic radiation in the frequency range 300 to 3,000MHz. Television channels 14 and up are in the UHF band. (Inglis 506)

¹³ Subscription Television: Services provided by cable television systems for a minimum basic monthly fee. (Inglis 497)

¹⁴ Artículo 3, Sección IX de la Ley Federal de Telecomunicaciones de 1995: Red privada de telecomunicaciones: la red de telecomunicaciones destinada a satisfacer necesidades específicas de servicios de telecomunicaciones de determinadas personas que no impliquen explotación comercial de servicios o capacidad de dicha red;

¹⁵ Artículo 3, Sección X de la Ley Federal de Telecomunicaciones de 1995: Red pública de telecomunicaciones: la red de telecomunicaciones a través de la cual se explotan comercialmente servicios de telecomunicaciones. La red no comprende los equipos terminales de telecomunicaciones de los usuarios ni las redes de telecomunicaciones que se encuentren más allá del punto de conexión terminal;

¹⁶ Artículo 7 de la Ley Federal de Telecomunicaciones de 1995: La presente Ley tiene como objetivos promover un desarrollo eficiente de las telecomunicaciones; ejercer la rectoría del Estado en la materia, para garantizar la soberanía nacional; fomentar una sana competencia entre los diferentes prestadores de servicios de telecomunicaciones a fin de que éstos se presten con mejores precios, diversidad y calidad en beneficio de los usuarios, y promover adecuada cobertura social.

¹⁷ Artículo 8 de la Ley Federal de Telecomunicaciones de 1995: A falta de disposición expresa en esta Ley y en sus reglamentos o en los tratados internacionales, se aplicarán: I. La Ley de Vías Generales de Comunicación; II. La Ley Federal de Procedimiento Administrativo; III. El Código de Comercio; IV. El

Código Civil para el Distrito Federal en materia común y para toda la República en material federal; V. El Código Federal de Procedimientos Civiles; VI. La Ley General de Bienes Nacionales, y VII. La Ley Federal de Radio y Televisión.

¹⁸ see Article 59 of the Ley Federal de Radio y Televisión de 1960

¹⁹ On October 2, 1968 a series of student strikes and marches against the government ended in the massacre of students in Tlatelolco by government forces. This was the peak in the social unrest that wreaked havoc in Mexico during the late 1960s. (Caletti 70)

²⁰ Currently known as Channel 7 and operating as part of the Televisión Azteca network, in 1977 this network was known as Televisión Rural del Gobierno Federal (TRM) and in 1980 became Televisión de la República de México (Sánchez Ruíz 252).

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