

Evaluating the Prospective Accountability Function of the Press



Journal:	<i>The International Journal of Press/Politics</i>
Manuscript ID:	Draft
Manuscript Type:	Research Article
Keywords:	Latin America, State-Media Relations, Agenda-setting, Investigative journalism, Presidency, Journalistic norms
Abstract:	<p>Theoretically and empirically, this paper makes the case for re-conceptualizing how we evaluate a news media that keeps government accountable. Particularly in developing democracies, the dominant watchdog paradigm tells us increasingly little about news media independence and government effectiveness. The watchdog suggests retrospective accountability—digging up past abuses. But scholarship has neglected the prospective accountability function of the press— coverage of key reforms and remedial measures. This paper evaluates coverage of a key prospective reform— access to government information laws. It analyzes media campaigns for legislation in six Latin American countries: Argentina, Brazil, Chile, Guatemala, Mexico and Uruguay. Results indicate striking variation in coverage, weaker in Argentina, Brazil and Uruguay and considerably stronger coverage in Chile, Guatemala and Mexico. An exploration of two theoretical frameworks—one structural and focused on the political economy of the press, the other institutional and based on the legislative strength of leaders— suggests that coverage reflecting a concern for prospective accountability may be less likely to arise where ownership of the media is concentrated and political leaders possess decisive legislative control. Both explanations lend credence to the idea that the press is more opportunistic and its accountability function more contingent than much of the literature portrays.</p>

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3 Scholars of the news media have tirelessly written about the merits of a “watchdog press”,
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5 a press that unearths, exposes and challenges abuses of authority. The watchdog has
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7 become the ubiquitous metaphor and dominant paradigm for a press that keeps
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9 government accountable. Yet there is some sense that the watchdog represents a truncated
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11 and even problematic conceptualization of the press’ accountability function.
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16 As a concept, the “watchdog” has become such a widely used referent that it seems
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18 to have lost its bearings. Misinterpretations of the watchdog role, combined with career
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20 incentives to land “big fish”, frequently transmogrify watchdog journalism into negative
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22 muckraking, or “politics of scandal”. In some developing democracies muckraking appears
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24 to be provoking greater cynicism and apathy than generating positive change (Felch 2004;
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26 Mainwaring 2006; Tetley 2006; Waisbord 2000). In advanced democracies, dwindling
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28 budgets for investigative reporting threaten to erode the integrity and credibility of
29
30 watchdog journalism (Hayes 2008).
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36 Theoretically and empirically, this paper makes the case that there is a more revealing
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38 way of gauging how well the media keeps government accountable than looking at typical
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40 “watchdog” behavior. News media efforts to promote accountability ought to be—and
41
42 frequently are—*prospective* or forward looking, in addition to the watchdog’s *retrospective*,
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44 which tends to dwell on events that have already taken place.
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49 In other words, the prospective accountability function of the press manifests itself
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51 in coverage of *systemic solutions* and *reforms* that can prevent malfeasance and waste in the
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53 first place. Without this type of coverage, citizens stand poorly armed to safeguard integrity
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55 in government and public figures can afford to remain unresponsive. Absent regular reform
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3 and institutional innovation, the quality of democracy stagnates or deteriorates, much in the
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5 same way as it has done during the last four years— retrenchment of freedom around the
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7 world continues to mar more than two decades' democratic progress (Puddington 2009).
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11 The first section of this paper argues how little a watchdog press in effect tells us
12
13 about keeping government accountable, especially in the developing world. I argue that
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15 more scholarly attention need focus on how a press fulfills a *prospective* accountability
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17 function—coverage of prospective reform and remedial action.
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21 The second section is then divided into two parts. The first part tests how well
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23 leading Latin American press outlets cover an important prospective reform designed to
24
25 increase governmental transparency: access to public information laws. The second part
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27 explores explanations that might account for wide variation in coverage reflecting a concern
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29 for prospective accountability. I focus my attention on two explanatory frameworks, one
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31 structural and focused on the political economy of the media, the other institutional and
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33 centered on the influence of political and legislative power.
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39 I find weak news coverage of access to public information movements in Argentina,
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41 Brazil and Uruguay on the one hand; and strong coverage in Chile, Guatemala and Mexico on
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43 the other. I advance two lines of reasoning to account for this variation: first, dominant firms
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45 in centralized media markets where ownership is concentrated produce less prospective
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47 coverage of the reform in question. Second, evidence suggests that news coverage tends to
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49 respond to prevailing legislative balances of power. Coverage reflecting a concern for
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51 prospective accountability is inversely indexed to the legislative strength of leaders: weaker
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53 under strong presidents and stronger under weaker presidents.
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Watchdog Retrospective vs. Policy Prospective

Why is it that news media integrity continues to backslide around the world (Deutsch Karlekar 2009)? The most obvious reason is democratic retrenchment in politics, but there is some sense that weak media coverage may represent a contributing factor. Routine media denunciation of corruption and malfeasance lacks the intended bite. Scandals are typically contained: legal ramifications can be rendered palatable and citizens are frequently too apathetic, disorganized, misinformed or cowed to fuss about public sector abuses of power. In some countries, moreover, citizens are prepared to tolerate a certain amount of malfeasance— as long as politicians deliver¹ on the basics.

Limited exposés of malfeasance often prove beneficial for political leaders, providing them with symbolic legitimacy for fostering “freedom of expression”. Leaders may acquiesce to some watchdog activities; after all, a *limited* watchdog press does not preclude favorable coverage of government. A limited watchdog may reveal “bad” behavior, but the threshold and scope for “bad” may be influenced by numerous factors.

In other words, a watchdog does not necessarily signify independence from government; the watchdog may be tethered to a short leash. Officials typically provide the media with a wide array of negative and positive incentives to keep it in check, especially in developing or electoral-authoritarian democracies. Common negative incentives include intimidation, denying access to newsmakers, influencing corporations to withdraw advertising, delaying payment for government ads, or withdrawing state advertising. Positive incentives include special access to newsmakers, perks for reporters and editors, or

¹ The famous Brazilian saying, “Rouba, mas faz,” (“he steals, but gets things done”) is representative of this sort of attitude.

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3 generous concessions such as increased government advertising or favorable regulation
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5 (Hughes and Lawson 2005; Riva Palacio 1997). As a result of past and present carrot-and-
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7 stick approaches, self-censorship of the news media remains widespread in the developing
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9 world (Deutsch Karlekar 2009; Gross 2008; Hackett and Zhao 2005; Schudson 2002, 252;
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11 Open Society Institute and Asociación de Derechos Civiles 2008; Rockwell 2007; Rosenberg
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13 2001; Sparks 2005; Special Rapporteurship for Freedom of Expression, Inter-American
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15 Commission on Human Rights, Organization of American States 2005; Voltmer 2008).

20
21 So while a “watchdog” press produces a litany of corruption scandals that point to a
22
23 *free press*—free to practice the media business relatively unhampered—it may say less
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25 about journalistic *independence*² from government. In this sense, traditional behavior used
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27 to spot a “free” press, such as “watchdog activity”—misses the mark. A more complete
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29 notion of accountability not only involves enforcement, or exposure, but also answerability
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31 (Schedler 1999), or remedial action, such as key political reforms to guard against future
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33 abuse.
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38 The press’ prospective accountability function may say at least as much about
39
40 relative news media independence and political effectiveness as does watchdog reporting.
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42 Media outlets that choose to cover politically onerous policy demands often impose
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44 unwanted pressures upon the policy agenda of leaders. It is one thing to pose as a watchdog
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46 press and expose limited, individualized abuses. It is quite another to cover systemic abuses,
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48 policy issues purposely kept hush or excluded from legislative agendas. Media pressure can
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50 jeopardize leaders’ carefully crafted support for alternative agendas. Model laws portrayed
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57 ²Pippa Norris and Dieter Zinnbauer (Baker 2002, 2007; Iosifides 1999) are among the few to insist
58 upon the primacy of “independence” and not just “freedom”.
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3 favorably by the press may conflict with the “window-dressing” reforms that officials seek
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6 to advance. Coverage that reflects a concern for prospective accountability may be seen as
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8 “meddlesome;” officials may deny media outlets access to officials, resources (e.g. official
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10 advertising) or favorable regulation.
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13 14 **PART 1. Examining Prospective Coverage** 15

16 17 18 **1.1 The Question and Test Policy Issue** 19

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22 Given the small and large risks involved in asserting prospective accountability, the question
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24 becomes how well countries’ dominant press outlets cover prospective policy, especially
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26 politically onerous reforms. This opens up an even more interesting line of inquiry, why
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28 media in some countries project resonating concern for prospective accountability while in
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30 others they do not. This paper represents a brief exploratory foray into the larger research
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32 agenda implied by the prospective accountability function of the media.
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37 In Latin America and around the world, governments have variously delayed,
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39 resisted, acquiesced or, more rarely, embraced access to public information legislation
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41 (disclosure or right to information laws)— a policy that is politically onerous because it
42
43 mandates the surrender of secrecy, the first refuge of injustice, waste and incompetence.
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45 Right to information laws are regarded as the cornerstone of any country’s transparency
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47 infrastructure and became a global policy priority in the mid to late 1990s.
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52 Because the news media’s lifeblood is information, the “fourth estate” has been
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54 viewed as one of the right-to-information’s primary stakeholders (Ackerman and Sandoval
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56 2005; Archibald 1993; Blanton 2003; Halstuk and Chamberlin 2006; Jefferson 1787;
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3 Kennedy 1978; Martin 2008; Neuman and Calland 2007; Islam 2002; Michener 2009a,
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5 2009b). We ought to expect salient coverage of a policy practically and symbolically relevant
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7 to media interests (Walgrave and Van Aelst 2006, 94). Logically, we should also expect
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9 coverage to be stronger where the right to information is strongly supported domestically,
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11 either by the NGO community or within the political arena.
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16 Because of its symbolic and practical relevance for the news media, this policy
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18 represents a unique test case for gauging the degree to which the media fulfills a
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20 prospective accountability function.
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24 25 **1.2 Methodology** 26 27

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29 I conducted a content analysis to analyze media coverage of the right to access
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31 public information in six countries for twelve months before the date that access to public
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33 information bills were passed into law³ or, in the case of Brazil, received sanction in one
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35 legislative chamber. The dependent variable, strength of coverage, is measured on a
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37 monthly basis by tabulating news items on access to public information as a right and as
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39 legislative measure (refer to the appendix for definitions and parameters for data
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41 gathering). The results are displayed in figure one. Semi-structured interviews of journalists,
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44 NGOs and politicians complemented this analysis, as did archival research on the social,
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47 political and economic context of the media.
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53 ³ The date employed for Argentina is the date that President Kirchner issued an access to public
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55 information decree (1172/2003). This date happened to be approximately eight months after a bill
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57 had been approved by the lower house. A considerable lobby sought to have the bill approved by
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59 the Senate. Hence, this period reflects one of the apogees of the right-to-know movement. Brazil
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has not yet passed a law. I examined from May 2009, when the bill entered Congress, until it was
passed by the Chamber of Deputies in April 2010.

[Figure 1 about here]

Given the small number of cases (six), a case-based comparative approach employing a similar systems design suited the goals of this research, which were explicitly hypothesis-generating and exploratory. Newspapers were chosen because they tend to be the best place to encounter coverage of complex policy issues such as government disclosure.

Benchmarks for the strength of prospective reform coverage were set as follows:

Monthly News Production of Access to Information as Indicative of Strength of Coverage			
1-2 news items	3-4 news items	5-6 news items	7 or more news items
Weak	Moderately Weak	Moderately Strong	Strong

Coverage equal to one week or seven news items per month was deemed to represent “strong” coverage. While benchmarks may not tell the whole story, they do permit news agendas to be spoken about in more generalizable terms.

1.3 Content Analysis Results: Variation in Prospective Reform Coverage

[Figure 2 about here]

Figure 2 and table 1 illustrate large variation in coverage of the right-to-know. Coverage varied from a monthly average of 12.8 news items per month for Mexico’s *Reforma* to a low of 2.1 news items per month in the case of Argentina’s *Clarín*. Although it is beyond the scope of this paper to discuss laws in depth, it is worth noting that greater coverage is significantly associated with legally stronger laws (Michener 2009).

1.3 a) Stronger Coverage: Chile, Guatemala and Mexico

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5 Guatemala appears to occupy the only middle ground, but on closer inspection (refer to
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7 figure 2) its commitment became clear in the last quarter with a strong surge in coverage.
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10 The surge responded to a massive congressional corruption scandal⁴ in June, 2008 (five
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12 months out from enactment), centered on President Álvaro Colom's party, the *National*
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14 *Unity Party* (UNE). The Newspaper *El Periódico* provided advocate NGO-supporters of access
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16 to information legislation with two free advertising spots for every one purchased; and the
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18 most widely circulated paper, *Prensa Libre*, provided on-demand coverage for congressional
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20 discussion of the law.
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[Table 1 about here]

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31 Chile and Mexico's coverage represented the only two clearly "strong" agendas.
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33 Whereas Chile's coverage sat right on the "strong" threshold, Mexico's coverage dwarfed
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35 that of other countries, averaging nearly one news item every two days for twelve months.
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37 From May of 2001 until congressional enactment during the same period in 2002, several
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39 Mexican publications were engaged in an extraordinary full-fledged campaign that had been
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41 years in the making (Navarro Rodriguez 2004; Naumann 2003; Michener 2009, 2003).
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46 In contrast to Guatemala and Mexico's media campaigns, Chile's *El Mercurio* reflected
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48 coverage that was more "official" and less activist. In September and October of 2006,
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50 Chilean President Michelle Bachelet's government suffered twin corruption scandals.⁵ The
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55 ⁴ The scandal involved the misuse and loss of 82.8 million quetzals (~US \$11.5 million) by the
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57 President of the National Congress, Eduardo Meyer (UNE).

58 ⁵ Popularly referred to as the Chiledeportes and Publicam scandals, they involved both partisan
59
60 and governmental corruption, de-legitimizing President Bachelet's ruling *Concertación* party.

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3 Organization of American States' Inter-American Court also leveled a devastating legal
4
5 decision⁶ against the Government of Chile (*Claude Reyes et al v. Chile*) for its longstanding
6
7 failure to provide access to public information. In November of 2006 President Bachelet
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9 announced a governmental "Transparency Initiative" and the media's coverage began in
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11 earnest. NGOs had been lobbying government for more than a decade, but the media only
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13 became vested once a government commitment emerged. Chilean activists insisted that
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15 media interest in access to information had been lukewarm at best.
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21 Thus unlike Mexico and Guatemala's coverage which appeared to say, "information
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23 rights are important because they're intrinsically important," Chile's coverage
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25 communicated, "information rights are important because government says they're
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27 important",
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32 33 **1.3 b) Weaker Coverage: Argentina, Brazil and Uruguay**

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37 While Guatemala, Chile and Mexico fell on the "strong" side of coverage, Argentina,
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39 Brazil and Uruguay's coverage paled in comparison. A stark illustration is provided by Table
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41 2, which divides news items into "mentions" of the right to access public information versus
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43 those that fall squarely "on topic" (refer to appendix for exact definitions). Red indicates
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45 countries that fell within the weaker benchmarks for coverage, and green for stronger
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47 coverage,
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[Table 2 about here]

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56 ⁶ *Claude Reyes v. Chile* (2006). The nearly decade long case represented an important precedent
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58 for national access to public information obligations in the Americas. It effectively mandated that
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60 the government of Chile take steps to make public information accessible to the public.

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4 The three countries with weaker coverage, Argentina, Brazil and Uruguay, produced
5
6 an approximate average of only one news items per month directly on topic; three times
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8 less than the lowest total for the other “strong” grouping.
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11 The elaboration of Argentina’s access to public information law was viewed to be a
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13 model participatory policy-making process in 2001 (Risley 2005; Baragli 2004). Following the
14
15 Debt Crisis of 2002,⁷ the movement benefited from the support of more than 250 NGOs.
16
17 When President Kirchner took power in 2003 he issued an executive order establishing the
18
19 right to information. But this measure fell far short of a full-fledged law. Having passed the
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21 Chamber of Deputies in 2003, the bill was ultimately corrupted in the Senate in 2004 and was
22
23 left to expire. In the twelve months of coverage analyzed, NGOs were mentioned on only
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25 three occasions.
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32 Uruguay and Brazil’s media agendas were notably weak. Lobbyists from Uruguay’s
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34 2005-08 right-to-know campaign, led by the GAIP (Archive and Access to Information Group),
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36 acknowledged the media’s good will but limited interest: “the press opened their doors,
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38 they came to some of our programs, they wrote a few articles on our seminars, but it was
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40 not an issue of great importance to the media.”⁸ Another media lobbyist reflected, “owners
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42 of the media never opposed it, but nor did they undertake a campaign in favor of a law.”⁹
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48 ⁷ In the aftermath of the 2001-2002 crisis, an access to information law figured as a top priority
49 among more than 40 NGOs called the *Social Forum for Transparency* (El Foro Social para la
50 Transparencia). This coalition participated in a government sanctioned and Catholic Church led
51 discussion table called the “*Mesa de Diálogo*”, a roundtable that included 250 NGOs. This
52 monolithic alliance of NGOs made access to information one of the leading demands within a
53 package of reforms denominated, “The Laws of May” (“las Leyes de Mayo”).
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55 ⁸Dr. Martin Prats, Executive Director of *Instituto de Estudios Legales y Sociales del Uruguay*
56 (IELSUR), a human rights non-governmental organization. Personal Interview, June, 2009.

57 ⁹ Dr. Edison Lanza, Executive Director of the *Uruguayan Press Association* (Asociación de la
58 Prensa Uruguaya). Personal Interview, March, 2009.
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3 Uruguay's right-to-know movement, the GAIP, benefited from the participation of the
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6 *Uruguayan Press Association* and 11 well known NGOs,¹⁰ including the Uruguayan chapters of
7
8 *Transparency International* and *Amnesty International*. Yet *El País* mentioned the group in
9
10 only three news items during the twelve months of coverage analyzed. Relative media
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12 disinterest in information rights would appear to be especially puzzling given Uruguay's
13
14 well-known fixation on its past human rights record.
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18 In Brazil, a federal congressional representative introduced an access to information
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20 bill in 2003; President Luiz Inácio "Lula" Da Silva promised a right-to-know law in 2003 and
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22 again in his 2005-06 re-election campaign. Lula repeated this pledge to UNESCO
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24 representatives in 2008. Despite these events, the media has accorded the issue meager
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26 attention and government has delayed. President Lula finally sent a (moderately weak) bill
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28 to the Chamber of Deputies in May 2009, which was passed nearly a year later, in April 2010.
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30 As of October 2010, the half-sanctioned bill awaits passage in the Senate. Coverage has
31
32 generally been perceived as lackluster. In a May 2008 survey I conducted at a conference on
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34 Brazilian journalism, 182 journalists gave the Brazilian press a 6 out of 10 for "the degree to
35
36 which the media supports an access to information law."¹¹
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43 Surprisingly, in both Uruguay and Brazil professional journalism associations were
44
45 leading advocates of the reform measures. But this support was not accompanied by actual
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47 coverage, a distinction that deserves emphasis.
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51 ¹⁰ *Asociación de la Prensa Uruguaya (APU), Servicio, Paz y Justicia (SERPAJ), Asociación Mundial*
52 *de Radios Comunitarias (AMARC), Transparency International (Uruguay), Instituto de Estudios*
53 *Legales y Sociales de Uruguay (IELSUR), Escuela de Bibliotecología de la Universidad de la*
54 *República, Amnesty International (Uruguay), Grupo Medios y Sociedad (GMS), Archiveros Sin*
55 *Fronteras, Asociación Uruguaya de Archivólogos and Acción Ciudadana por los Derechos Civiles.*

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57 ¹¹ Survey conducted by the author in May of 2008, at the Association for Brazilian Investigative
58 Reporters (ABRAJI) <<http://www.abraji.org.br/>>, Belo Horizonte, May 2008.
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3 In sum, of the six countries analyzed, two countries conducted campaigns (Mexico
4 and Guatemala; one set a strong agenda for covering access to information (Chile); and
5
6 three can be characterized as weak agendas (Argentina, Brazil and Uruguay).
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10 11 **PART II. Explaining Variation in Prospective Accountability** 12 13

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16 Last section illustrated striking variation in the coverage of a prospective access to
17 public information law. In the weaker grouping of countries (Argentina, Brazil and Uruguay),
18 coverage was scarce despite government pledges to enact right to information laws and
19 strong civic movements. This second part of the paper explores why a concern for
20 prospective accountability —coverage of a reform with direct relevance to citizens, the
21 news media, and democratic strengthening— was so weak in some countries.
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31 The first section assesses alternative hypotheses to account for variation. The second
32 section discusses the explanatory power of structural and institutional frameworks, the
33 former focusing on media ownership concentration and the latter on the influence of
34 legislative balances of power.
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44 **2.1 Assessing Alternative Explanations** 45 46

47 The nations under question share obvious common heritage (e.g. Iberian, Latin
48 cultures), roughly similar political systems and problems, as well as comparable levels of
49 regional and international integration. The differences that *do* exist would seem to make the
50 content analysis results travel in the wrong direction. For example, Guatemala is by any
51 estimation the outlier in this sample of Latin American nations, particularly because it is so
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3 under-institutionalized by comparison (Sánchez 2008). Yet it produced more coverage on a
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5 sophisticated policy issue than Uruguay, viewed to be among the most advanced countries
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7 in Latin America.
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11 This example may suggest that the degree of media coverage varies according to a
12
13 country's relative "need" for such a measure. In countries that face greater democratic
14
15 challenges, such as Guatemala, media will provide coverage for a law that fills a void, in this
16
17 case, transparency and accountability. Yet again, this proposition holds little water. Table 3
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19 indicates that the country perceived to be least corrupt in the region, Chile, experienced a
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21 stronger media agenda for the right to access public information than Argentina, perceived
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23 to be the second most corrupt.
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30 [Table 3 about here]
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34 Neither can existing aggregated press indicators account for the division between
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36 "strong" and "weak" coverage. Indicators invariably address press *freedom*, which is only
37
38 tangentially on target. More accurate would be some indication of press *independence* from
39
40 government; but explicit quantitative indicators simply do not exist. Thus media analyses
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42 must make do with "freedom" indicators, such as *Reporters Without Borders* "World Wide
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44 Press Freedom Index" or *Freedom House's* annual "Press Freedom Index".
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50 [Table 4 about here]
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3 The best known of these two indices, the *Freedom House*¹² press freedom rankings,
4 illustrates the heterogeneous ranking of the six countries (refer to Table 4). Guatemala and
5 Mexico ranked last among the countries in question, yet in terms of coverage of public
6 access to information rights performed strongly. Conversely, Uruguay did the best on the
7 *Freedom House* index for both periods, along with Chile, yet after Brazil, Uruguay produced
8 the weakest media agenda for access to public information rights. If any trend is to be found
9 in these rankings, it is merely the four year regional decline in press freedoms, exemplified
10 here in five of the six countries examined.
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23 Variation in journalistic professionalism may provide greater explanatory power than
24 “freedom”. Professionalism affects not only how issues are reported on, but what gets
25 reported. Fundamentally, however, professional attributes of the news media do little to
26 get at the variation observed in this study. All of the news publications under analysis are
27 widely reputed for their professionalism. If anything, it could be argued that Mexican and
28 Guatemalan journalists may compare unfavorably to their Argentine and Uruguayan peers,
29 whose countries have better U.N. human development indicators in general. Mexico’s
30 *Reforma* is known to attract solid talent, but so too is Brazil’s *Folha de São Paulo*, considered
31 among the country’s most professional newspapers (De Albuquerque 2005). And what to
32 make of Argentina’s *Clarín*, which apart from one other news publisher, *Perfil*, harbors the
33 country’s only major investigative journalism team?¹³ Does it suffer from worse
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54 ¹² Figure 7 includes data on both 2004 and 2008, because Brazil, Chile, Guatemala, and Uruguay
55 incurred congressional approval in 2008 or 2009, and Mexico and Argentina enacted measures in
56 2002-2003 respectively. Rankings for 2003 were not available. Data was sourced from
57 <<http://www.freedomhouse.org/>>. Higher numbers (rank) indicate less press freedom.

58 ¹³ According to Daniel Santoro, Director of the country’s principal journalistic association, FOPEA.
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3 professionalism than Guatemala's *La Prensa*? Clearly, more cogent explanations can be
4
5 found elsewhere.
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8 9 10 **2.2 The Political Economy and Regulatory Environment of the Press**

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12 Seeing as neither more obvious national differences nor press indicators can account
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14 for the wide variation in prospective coverage of access to public information laws, this
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16 section looks for answers in the political economy of the news media. More properly, it
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18 marshals evidence to assess prevailing lines of thinking on the negative effects of media
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20 ownership concentration. Political capture is the central concern. News media tend to avoid
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22 certain types of coverage—i.e. prospective reform—because they seek to accommodate
23
24 government rather than badger. Capture has various negative consequences. It renders
25
26 media more likely to “stand down” on key issues. It may also foster a lack of diversity in
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28 news and news sources. As illustrated in section 1.3b), the failure to mention leading NGOs in
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30 coverage suggests the possibility of capture in at least two countries, Argentina and
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32 Uruguay.
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41 Most of the ownership concentration literature is devoted to advanced democracies
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43 and in particular the U.S. (Bagdikian 2004; Herman and Chomsky 2002; Herman and
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45 McChesney 1997; McChesney 1999; McCombs 2004; Baker 2002, 2007; Besley, Burgess, and
46
47 Prat 2002; Corneo 2006; Iosifides 1999; Milton 2001; Leys 1999). Theories that have emerged
48
49 from this literature contain relevance for prospective reform on both the issue of “diversity”
50
51 and “capture”. Looking at the diversity of sources argument from a supply and demand
52
53 perspective, concentrated markets imply less competition or a greater supply (access to) of
54
55
56
57
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60

1
2
3 key government sources. Easy access to leading officials makes for cheaper news-gathering
4
5 routines, and third sector advocates vying for media attention are therefore more likely to
6
7 be ignored. Less competition also provides fewer incentives for media outlets to
8
9 differentiate. In a homogenous media market, critical firms are easier to spot and make
10
11 easier targets for intimidation and punishment. Hence coverage tends toward convergence,
12
13 and dominant firms tend to “set the tone” (Fox 1997; Rockwell 2007; Galperin 2000; Leys
14
15 1999).

20
21 Three “Rs”— relationships, regulation and revenue—dominate scholarship on the
22
23 effects of media concentration. Firms rationally attempt to maintain the sorts of
24
25 relationships with sources that will ensure their continued access. This means trading with
26
27 relative caution; avoiding coverage that may be seen as burdensome to valued sources, such
28
29 as coverage of policies and reforms assumed to be an imposition on policy agendas. They
30
31 also seek to preserve favorable regulation and revenue streams. Thus firms stand down in
32
33 order to avoid negative regulation or the withdrawal of valuable advertising contracts.
34
35

36
37
38 Correlations between levels of coverage and concentration should provide the most
39
40 convincing evidence to support a preliminary association between higher levels of
41
42 ownership concentration and weaker prospective accountability in the media. Table 5
43
44 illustrates 2006 “four firm concentration ratios” for the six countries in question.¹⁴
45
46
47

48
49 Uruguay harbors the most concentrated ownership structure followed by Chile,
50
51 Argentina, and then Mexico, Guatemala and Brazil. Argentina and Uruguay on the one hand
52
53 and Mexico and Guatemala on the other seem to support the hypothesis that higher levels
54

55
56 ¹⁴ Concentration figures were sourced from Mastrini and Becerra (2006). Population figures were
57
58 sourced from World Atlas.com at <<http://www.worldatlas.com>>. For concentration numbers for
59
60 Guatemala, see UNDP (2007).

1
2
3 of ownership concentration will lead to less prospective coverage and lower levels, more
4 coverage, respectively. But the relationship clearly does not hold with regards to Chile and
5
6 Brazil. Brazil's low concentration should be associated with greater coverage of the right-to-
7
8 know, and the opposite in Chile.
9
10

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14
15 [Table 5 about here]
16
17

18
19 It must be pointed out that the size of markets influences concentration
20 measurement results. Less populous countries can typically sustain fewer media outlets than
21 larger ones. Hence Uruguay and Chile understandably have higher concentration rates than
22
23 populous countries such as Mexico and Brazil. The market share of *firms with the highest*
24
25 *circulation* may provide a more suitable indicator.
26
27
28
29
30

31
32 Argentina and Uruguay evince the fifth and first most concentrated ownership
33 structures for print media in Latin America, respectively, but their top publications account
34 for the first and second in terms of national market dominance. These publications account
35 for approximately a third of total markets. In the case of *Clarín* (35 percent of Argentine
36 market), dominance travels across media sectors; the parent company *Grupo Clarín* is
37 preponderant in television, cable, radio, school text books and beyond (Blanco and Germano
38 2005). The free *Clarín*-owned daily, *Crónica*, is the second most circulated newspaper in
39 Argentina. When combined with local regional papers, *Clarín* and *Crónica* give the *Grupo*
40
41 *Clarín* newspapers well over 50 percent of the national newspaper market.
42
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54 Even though Chile harbors the second most concentrated ownership structure in
55 Latin America and *El Mercurio* represents a powerful conglomerate in its own right, this
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57
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1
2
3 publication claims twelve percent less market share than does Uruguay's *El País* and eleven
4
5 percent less than Argentina's *Clarín*. Moreover, *El Mercurio* faces stiff competition from the
6
7 rival *la Tercera* and the conglomerate to which this competitor belongs, COPESA.¹⁵
8
9

10 11 12 **2.2 a) Capture and Collusion** 13

14
15
16 Theories of ownership concentration hold that, all else given equal, higher ownership
17
18 concentration should result in greater direct or indirect collusion and media capture by
19
20 government. Capture is facilitated by a smaller number of firms; highly centralized countries
21
22 should enhance the effect of capture; firms in close proximity to the political and economic
23
24 levers of power are easier to repress, to co-opt and they benefit from no regional political
25
26 power-base to protect them.
27
28
29
30

31 32 **Relationships** 33

34
35 Strong bonds between media professionals and public officials may heighten the
36
37 possibility of capture. Difficult to quantify and interpret, examples of collusive relationships
38
39 require long case-study accounts—unsuitable for this article's space and scope. One
40
41 example provides analytical insight into the importance of relationships and, indeed,
42
43 centralization. An investigative reporting competition¹⁶ designed to promote disclosure
44
45 requests was held by the *Argentine Association of Civil Rights* (ADC) in 2006 (*Asociación de*
46
47 *Derechos Civiles 2006*). It attracted submissions from across the country, but curiously, none
48
49 of the six winners came from Buenos Aires newspapers, despite this city being home to
50
51
52
53
54

55
56 ¹⁵ El Consorcio Periodístico de Chile SA.

57 ¹⁶ The competition was entitled, "Si Es Público No Debe Ser Secreto" (If it is public, it should not
58 be secret).
59
60

1
2
3 almost a third of the country's population. Maria O'Donnell, the veteran journalist who
4
5
6 chaired the competition, thought the result reflected a common misconception of the
7
8
9 Capital's media:

10
11 Big media feels like it has access, even though it really doesn't; because
12 officials can give them whatever [false or incomplete information]. There is a
13 generalized incomprehension from the big national papers that they can get
14 whatever they want from government.¹⁷
15

16
17 Evidence from a 2008 study examining the Uruguayan press indicates that informal
18
19 relationships between journalists and public officials can also lead to "soft-censorship"
20
21 (Open Society Institute and Asociación de Derechos Civiles 2008, 69-70). Uruguayan
22
23 journalists, editors and owners reported receiving calls from government officials to
24
25 complain about coverage and counsel owners not to disseminate parts of interviews or
26
27 sensitive material. Argentine authorities went further, wire-tapping media outlets¹⁸ during
28
29 the reign of President Nestor Kirchner (2003-08).
30
31
32

33
34 A comparison between top press outlets in Mexico and Argentina provides important
35
36 insights into the relationship between firm dominance, centralization, and relations with
37
38 government more generally.
39
40
41

42 Mexico's *Reforma* was an outsider compared to the posse of publications centralized
43
44 in Mexico City that were, until at least the mid 1990s, to varying degrees captured by
45
46 successive governments (Hughes 2007; Lawson 2002; Alves 2005). Headquartered in
47
48
49

50
51 ¹⁷ Personal Interview, November, 2007.

52 ¹⁸ In 2007, communication engineers from the University of Buenos Aires discovered standard
53 DVCRAU phone-tapping interceptors being used to tap more than 400 phone lines at a
54 prominent and critical news publisher, *Editorial Perfil*. Coincidentally, *Editorial Perfil* is one of the
55 only news outlets that is completely deprived of government advertising. A series of excellent
56 journalistic reports have been written on the tapping of phone lines. See "Así Pinchan El Gobierno
57 los Teléfonos de Noticias: Redacción Vigilada." *Noticias*. 20 October, 2007: 28-33. and "Los
58 Pinchados de la SIDE." *Noticias*. 13 October, 2007: 34-36.
59
60

1
2
3 Monterrey, *Reforma* told an unvarnished truth. But due to its assertive stance toward
4
5 government, it found itself intermittently closed-off from the “informational loop.”¹⁹ Its
6
7 need to cull information from alternative sources (at greater cost) contributed to this
8
9 publication’s incipient campaign to democratize government information.²⁰
10
11

12
13 In contrast to the outsider, *Reforma*, Argentina’s *Clarín* constitutes a consummate
14
15 insider. Although *Clarín* has produced some exceptional “watchdog” coverage (Bonner
16
17 2009) from the likes of star journalists such as Daniel Santoro, it has garnered a well earned
18
19 reputation for political opportunism among media observers (Blanco and Germano 2005;
20
21 Galperin 2000; Knudson 1997; Alves 2005). *Clarín* has been both foe and ally to leaders; its
22
23 close relationship with the brutal military dictatorship of 1976-83 is perhaps the ultimate
24
25 testimony to its opportunistic behavior (Knudson 1997).
26
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31 In contrast to Mexico’s *Reforma*, interview evidence from Argentine journalists and
32
33 media executives suggests that *Clarín*’s weak coverage of the right-to-know represented a
34
35 counter-reaction against democratizing information. As a senior manager²¹ at *Clarín*
36
37 confided, “the absence of an access to information law is thought to accentuate
38
39 competitive advantage.” Put differently, *Clarín*’s top media professionals may have seen
40
41 access to public information legislation as undesirable because it promised to “democratize
42
43 information” or “level the playing field,” thereby jeopardizing market position and the
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51 ¹⁹ Personal Interviews with Miguel Treviño, Chief Editor of *Reforma*, April 2003 and August 2006.

52 ²⁰ Also motivating combat against opacity in government were secret court decisions being
53 handed down against the newspaper for libel. As early as 1991, The President of *Grupo Reforma*,
54 Alejandro Junco, spoke before the Mexican Senate hearings on free trade, exhorting action on
55 information legislation. The speech, later to appear in *Revista Mexicana de Comunicación*, had
56 Junco framing access to government information as critical to the commercial competitiveness of
57 the country. See, *Revista Mexicana de Comunicación*. No. 20 Nov-Dec 1991: 13-14.

58 ²¹ Martín Etchevers. Director of Public Relations for *Clarín*. Personal interview, November, 2007.
59
60

1
2
3 exclusivity of sources. In this sense, then, a concern for prospective accountability was
4
5
6 outweighed by perceptions of self-interest.
7

8
9 A similar phenomenon occurred in Chile. The ex-director of the Chilean NGO
10
11 *Proacceso* and now President of Chile's *Transparency Council*, Pablo Olmedo, described
12
13 media disposition toward a right to information law prior to President Bachelet's 2008
14
15 pledge to pass one:
16

17
18 We have to look at the Chilean media reality in terms of the situation. It's a
19
20 small market, two companies; they believe it is competition [an access to
21
22 information law]. There's fear, they haven't understood the benefits that a
23
24 law can provide them with.²²

25
26 After close to a decade during which Chilean NGOs vigorously lobbied for greater
27
28 transparency, the Chilean press finally resigned itself to follow government's lead and
29
30 support an access to information law. All told, however, "informational jealousies" provide a
31
32 compelling explanation for why dominant firms in centralized markets may be initially
33
34 reluctant to assign salient coverage to access to information reform.
35

36
37 Here, dominant, centralized firms were more "captured" by their desire to preserve
38
39 market share and valued informal sources than by government directly. But it is capture by
40
41 virtue of market dynamics: omitting coverage to avoid a consequence, preserve an
42
43 advantage, or obtain a benefit. Thus far I have briefly discussed relationships. I now move on
44
45 to other factors that play a part in political capture, namely, regulation and resources.
46
47
48
49

50 51 **Regulation**

52
53 For dominant media, a prospective reform is less apt to represent a benefit than a
54
55 Damocles Sword. Two leading experts on the Argentine media at the *University of Buenos*
56
57

58
59 ²² Personal Interview, April, 2007.
60

1
2
3 Aires, Guillermo Mastrini and Damian Loreti, point to a golden rule among Argentine media
4 owners that, “no law is the best law.”²³ Ostensibly common in countries with significant
5 ownership concentration or legacies of news media abuse, this rule has helped media ensure
6 against undesirable legislation.
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11

12
13 This logic can account for the apparent paradox of why professional media
14 associations supported the right in countries such as Uruguay and Brazil, while directors and
15 owners of media outlets did not make vocal coverage a priority. A Uruguayan Senator
16 commented on the attitude of owners toward reform:
17
18
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21

22
23 Traditionally, the owners of the media have operated with large amounts of
24 discretion in this country; they significantly influence politics, as much with the
25 right as with the left, and they feel unwilling to let government put limits on
26 their discretion. So there is a permanent tension between owners [who don't
27 want regulation] and workers [who do]²⁴.
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29
30

31 The inertia which typifies media owners' attitudes toward reform—particularly dominant
32 media—is perennial in Latin America. Witness the difficulty of undertaking media reform in
33 any Latin American legislature.
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36
37

38 On the other side of the reform equation, however, dominant firms often maneuver
39 to obtain preferential legislation. Until 2009, the only modifications to Argentina's military-
40 era (1976) Broadcast Law took place piecemeal, by decree, each favoring particularistic
41 interests and overwhelmingly, *Clarín* (Galperin 2000).
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55 ²³Personal Interview with Professor Damian Loreti, October, 2007; and Guillermo Mastrini,
56 November, 2007.

57 ²⁴ Personal Interview with Margarita Percovich, Federal Senator representing the governing
58 Frente Amplio, May, 2009.
59
60

1
2
3 The *Cultural Assets Law* of 2003²⁵ represents one of *Clarín's* most recent reform
4 conquests and is most relevant for the current analysis. In July, 2003, President Nestor
5 Kirchner signed the *Cultural Assets Law*—popularly known as the *Ley Clarín* (Clarín Law)—
6 effectively protected indebted Argentine media outlets against receivership by foreign
7 creditors subsequent to the 2002 Argentine debt crisis (Postolski, Santucho, and Rodríguez
8 2005; Blanco and Germano 2005). As section 1.3 discussed, right-to-know demands found
9 little projection through *Clarín* during this period—exactly the period under analysis.
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20 21 22 **Revenue** 23

24 Thus far I have touched upon relationships (denying the news media access to
25 officials) and regulation (altering the market place status quo). Because these factors affect
26 the media on the bottom line, they represent a few reasons why media might “stand down”
27 on coverage of politically onerous prospective reforms, such as transparency and access to
28 public information legislation. Now I turn to the third “R”, the question of revenue.
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30
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36

37 Latin American media professionals agree that the biggest challenge to independent
38 journalism is the financial challenge,²⁶ and particularly the advertising that sustains media
39 (Open Society Institute 2005; Open Society Institute and Asociación de Derechos Civiles
40 2008). In Latin America, advertisements placed by various levels of government within the
41 media typically amount from between half to one-twentieth of total news media revenue.
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43
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50 Prospective coverage viewed as “meddlesome” may meet with diminished state
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52
53 ²⁵ Ley de Bienes Culturales 25.750. Guillermo Mastrini, a Professor at the *Universidad de Buenos*
54 *Aires*, writes extensively about *Clarín's* preferential treatment by government. Documents are
55 available from his website: <<http://www.catedras.fsoc.uba.ar/mastrini/investigaciones.htm>>.

56 ²⁶ These comments on finances are based on discussion at the Austin Forum, which included
57 prominent journalists from across Latin America. The forum was hosted by the *Knight Center for*
58 *Journalism in the Americas*, at the *University of Texas at Austin*, September, 2008.
59
60

1
2
3 advertising. Studies have singled-out Argentina, Chile and Uruguay as countries where
4
5 governments have historically wielded the distribution of state advertising as a means of
6
7 punishing and rewarding media outlets for their coverage (Open Society Institute 2005;
8
9 Open Society Institute and Asociación de Derechos Civiles 2008). *Clarín* received \$US 2.5
10
11 million dollars in 2005 (Open Society Institute 2005, 14). Denied advertising can mean lower
12
13 profits and in turn reduced stock valuations; lower returns can result in angry investors and
14
15 pressures to alter the management or editorial status quo.
16
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20
21 Chile's *El Mercurio* has been the recipient of extraordinary generosity, absorbing
22
23 more than half of all the written press' advertising (FUCATEL Media Observatory 2006). In
24
25 Uruguay,²⁷ approximately a quarter of total advertising is from government (Open Society
26
27 Institute and Asociación de Derechos Civiles 2008, 140).
28
29

30
31 Not even Brazil has escaped the influence of generous state advertising. Since
32
33 President "Lula" Da Silva took office in 2004, the placement of federal advertising spots in
34
35 radio and television broadcasting outlets has expanded from 291 news media outlets to
36
37 2894.²⁸
38
39

40
41 Of the countries under analysis, Guatemala and Mexico's print medias appear to have
42
43 the greatest financial independence vis a vis government. Guatemala is singled-out by the
44
45 *United Nations* for the paucity of funds it receives from government advertising (UNDP 2007,
46
47 515-516). Mexico's most professionalized media weaned themselves of a detrimental
48
49 dependence on state advertising in the 1990s (Lawson 2002; Hughes 2003). Guatemala and
50
51
52

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54
55 ²⁷ A parliamentary initiative to reform the arbitrary assignation of government advertising was
56
57 introduced into the Uruguayan Congress on August 4th, 2009 by a civic coalition referred to as
58
59 *Grupo Medios y Sociedad* (GMS).

60
²⁸ Pimentel Slaviero, Daniel. "Regionalização da mídia." *Folha de São Paulo*. 25 June, 2009.

1
2
3 Mexico are also the two countries that undertook multi-outlet *campaigns* for the right to
4
5 information, unlike Chile's strong but "official" agenda, and the remaining weak agendas of
6
7 Argentina, Brazil and Uruguay.
8
9

10 11 12 **2.3 The Press and Political Opportunity** 13

14
15
16 While providing useful inferences, a political economy explanation provides only a
17
18 partial accounting for coverage that reflects a concern for prospective accountability. The
19
20 structural environment, or political economy of the press, operates in direct relation with
21
22 the immediate political and institutional environment (Walgrave and Van Aelst 2006, 94;
23
24 Schudson 2002).
25
26

27
28 This section advances institutional conditions that influence the degree to which
29
30 outlets emit coverage that reflects a concern for prospective accountability. First, media
31
32 outlets will assign coverage of contentious prospective reform only when political dynamics
33
34 make the passage of reform possible, if not inevitable. Why assign coverage to a politically
35
36 onerous reform if it will go nowhere? I argue that these political dynamics tend to occur
37
38 under Presidents lacking decisive control over the legislative agenda. In the case of
39
40 transparency, the government has most to lose and thus presidents will tend to avoid strong
41
42 legislation. Second, coverage will be assigned when media outlets can be fairly certain that
43
44 their interests will not be negatively affected by either coverage or the policy in question.
45
46 The specifics of these conditions will be developed throughout the following brief historical-
47
48 institutional analyses.
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55 56 **Mexico** 57 58 59 60

1
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3 In Mexico, the media campaign for an access to information law emerged four months after
4
5
6 President Vicente Fox's took office in January, 2001. Fox not only symbolized Mexico's
7
8 coming of age from PRI authoritarianism to full-fledged multi-party democracy, but he had
9
10 also promised to respect press freedoms and make transparency the basis of his
11
12 government. Fox's well-known legislative ineptitude (Lawson 2004; Dresser 2004),
13
14 combined with his lack of control of a divided, factious Congress meant that the President
15
16 suffered from considerable legislative difficulties and, as a consequence, experienced
17
18 serious problems moving forward his agenda.
19
20
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22

23
24 The media had several reasons to use critical coverage as a means of advancing a
25
26 right to information law. First, Fox's much-touted respect for the press furnished a more
27
28 secure environment for critical coverage. In its own small way, a right to information law
29
30 represented a small means of asserting media rights and shifting the power balance of
31
32 media-government relations in favor of the media. Second, opposition forces had enough
33
34 votes to pass a transparency law with or without the sanction of government. The
35
36 enactment of a right to information law became a distinct possibility because government
37
38 sought to claim credit for a law over the opposition. A credit-claiming competition between
39
40 the media and government provided media with an obvious opportunity to exercise
41
42 influence. The media agenda for a transparency law proved unprecedented.
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48 **Guatemala**

49
50 Similar to Mexico's President Fox, Guatemalan President Álvaro Colom had promised
51
52 an access to information law and to respect press freedoms and independence.²⁹ He was
53
54
55

56
57 ²⁹ President Colom signed the OAS' seminal Declaration of Chapultepec at an *Inter-American*
58 *Press Association* Conference in April of 2008.
59
60

1
2
3 also a weak President, supported by a small minority in a fractious multiparty Congress.
4
5 Moreover, Colom found himself constantly impugned by the press—a traditional bastion of
6
7 oligarchic conservatism—for his legislative failures and left-leaning policies. To make
8
9 matters worse, upon assuming office he boasted the worst public approval ratings of any
10
11 president since the return to democracy in the early 1990s.³⁰ His party suffered a massive
12
13 corruption scandal only five months into his presidency that ignited the press campaign for a
14
15 right to information law. Again, here was a president that respected the press, had promised
16
17 a law but was not moving forward, and struggled legislatively and popularly—an obvious
18
19 political opportunity for prospective coverage.
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23
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25 26 **Chile**

27
28 The Chilean case differs from the pattern established by Mexico and Guatemala. As
29
30 discussed, Michelle Bachelet began her term as a legislatively strong president. Her
31
32 legislative control began to slip following twin corruption scandals and an embarrassing
33
34 indictment of government secrecy by the OAS. Schisms jeopardized Bachelet's
35
36 congressional majority, which eroded shortly before the Senate approved the right to
37
38 information law in January of 2008. Again, like the Guatemalan and Mexican presidents,
39
40 Chile's Michele Bachelet respected the press and lacked decisive legislative control. The
41
42 press followed government's banner campaign for transparency, setting an agenda for the
43
44 prospective reform.
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50 51 **Argentina, Brazil and Uruguay**

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58 ³⁰ Based on data from <<http://www.cimaiberoamerica.com>>, Consorcio Iberoamericano de
59 Investigaciones de Mercados y Asesoramiento.
60

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2
3 Similar to Chile, Guatemala, and Mexico, presidents in Argentina, Brazil and Uruguay each
4
5 promised right to information measures. All had compelling reasons to enact laws as well.
6
7
8 Argentina had experienced a catastrophic financial crisis in 2001-02 thanks in no small part to
9
10 opacity in government; and presidents from the progressive “liberal left” (Madrid 2009) in
11
12 Brazil and Uruguay had promised to come to peace terms with the human rights abuses of
13
14 past dictatorships. One of the key differences between Argentina, Brazil, and Uruguay, on
15
16 the one hand, and Chile, Guatemala, and Mexico, on the other, was that all three presidents
17
18 in the former group were in full possession of their legislative faculties, boasting strong
19
20 popularity and working majorities in Congress. In these three countries presidents remained
21
22 in full control of their legislative agendas.
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27

28 The highly popular Presidents “Lula” (Brazil) and Tabaré Vázquez (Uruguay) did not
29
30 need to make transparency a rallying point to boost depressed legitimacy, legislative or
31
32 popular fortunes, as was the case in Chile, Guatemala and Mexico. Indeed, they remained
33
34 relatively quiet on the issue of transparency reform. Conversely, presidents who lacked
35
36 control over their legislative agendas in Chile, Mexico and Guatemala found themselves in
37
38 dissimilar situation; they sought to kindle consensus and claim a legitimizing legislative
39
40 victory.
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46 Point being, strong presidents are relatively more impervious to external pressure
47
48 than presidents who find themselves politically compromised and lacking control over their
49
50 agendas. Because they have the power to deny the enactment of reforms, much less a vote
51
52 on said reform, stronger presidents retain a policy monopoly and can withstand pressures to
53
54 prioritize reforms. Because stronger presidents possess a firmer, more centralized hold on
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2
3 government, they also possess greater power to wield relationships, regulation and revenue
4
5 sources to punish or reward the press. Because governments in Argentina, Brazil and
6
7 Uruguay kept transparency initiatives “under wraps,” the media responded
8
9 correspondingly. If anything, the media simply mimicked official disposition toward laws in
10
11 Argentina, Brazil and Uruguay, casting a half blind-eye on the considerable NGO campaigns
12
13 mounted in these countries.
14
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16

17
18 Evidence thus suggests that legislative balances of power may influence media
19
20 coverage of certain policies, impacting the prospective accountability function of the press.
21
22 Under leaders who control the legislative agenda the news media may deem coverage of
23
24 challenger or alternative policies a lost cause, if not a potential risk to their own interests.
25
26 Weaker presidents possess fewer resources to withstand legislative advances and punish
27
28 the press for activist coverage. Quite the opposite: weaker presidents depend on the press
29
30 to buoy their legislative and popular fortunes.
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37 Conclusion

38
39
40 Theoretically and then empirically, this paper made the case for re-conceptualizing a
41
42 news media that keeps government accountable. The watchdog’s retrospective function of
43
44 “digging up” past abuses need be complemented by coverage that addresses prospective
45
46 accountability—possible reforms and remedial action. Prospective coverage significantly
47
48 impacts the likelihood of strong reform (Michener 2009a, 2010) and promotes institutional
49
50 renewal leading to stronger democracies.
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1
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3 The empirical study sought to illuminate to what extent press outlets in six Latin
4 American countries met the ideal of a press that bolsters prospective accountability. I
5 assessed coverage of an important prospective reform, the right to access public
6 information, finding varying levels of weak coverage in Argentina, Brazil and Uruguay, and
7 stronger coverage in Chile, Guatemala and Mexico. Two theoretical frameworks help
8 account for variation in levels of coverage: first, centralization combined with market
9 dominance rendered Argentina's and Uruguay's dominant press outlets less likely to cover
10 the right to information, had a negative effect on the diversity of news sources, and
11 suggested political capture. Second, governments lacking control over the legislative
12 agenda afforded the news media open policy windows (Kingdon 1984) to provide salient
13 coverage and influence the adoption of prospective reform in Chile, Guatemala and Mexico.
14 Conversely, in Argentina, Brazil and Uruguay, coverage appeared to mimic the general
15 political disinterest of strong presidents in firm control of their legislative agendas. Under
16 strong leaders less opportunities exist to influence legislative direction, and activism may
17 provoke retribution in the form of lost relationships, revenue and favorable regulation.

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41 The inference that the media responds to existing political power dynamics follows in
42 the footsteps of other research, such as various strands of indexing theory (Bennett 1990)—
43 almost exclusively on foreign policy—that delves into the influence of media on the policy
44 agenda (Wolfsfeld 1997; Robinson 2000, 2001; Hallin 1986). Both findings suggest that news
45 media tend to operate opportunistically, driven by a combination of structural and
46 institutional factors, as opposed to merely being driven by values or routines.
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4 Finally, the study signals the importance of looking more carefully at individual firms,
5
6 and particularly dominant firms, in order to understand the broader political disposition of
7
8 the media industry (Hallin 1986; Schudson 2002, 254). As Rosental Alves has illustrated
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10 (2005), one spirited independent publication can raise the bar for a country's entire media
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12 sector.
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For Peer Review

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Appendix

Content analysis outline

The content analysis uses as its samples each country's most widely circulated newspapers, using newspaper versions on the respective publications websites. I confirmed the accuracy of searches by comparing one week of news coverage (paper versions) and through interviews. I also informally collected random samples from other leading publications to gauge national press interest in access to information.

News items

News items are defined as editorials, articles, interviews, quotations or any other news that appears in newspapers and mentions or falls "on topic" with respect to the search keywords: "access to information", "access to public information", "transparency law", and "right to information". These terms were obviously translated into their Spanish and Portuguese equivalents. Articles were read to ensure that these terms conformed to the prescribed meaning of access to information (or the equivalent) as a right or a legal measure.

Relevance

News items are coded by relevance: they must refer to the *citizen right* of access to information, or access to information as *legislation*.

"Mentions" and "on topic"

Total news items include both "mentions" and "on topic" items, and represent all forms of news production. "Mentions" are coded as news items of less than three sentences with direct relevance to access to information as a citizen right or as legislation; and "on topic" news items are coded as three sentences or more by the same definition.

Figure 2

	<i>Date Enacted</i>	<i>Type of Measure and Strength</i>
Argentina	3/12/2003	Presidential Executive order / Weak
Brazil	4/14/2010	Legislative bill / Moderately Weak
Uruguay	10/12/2008	Comprehensive law / Moderately Weak
Chile	1/18/2008	Comprehensive law / Moderately Strong
Guatemala	9/23/2008	Comprehensive law / Moderately Strong
Mexico	4/25/2002	Comprehensive law / Strong

Figure 2

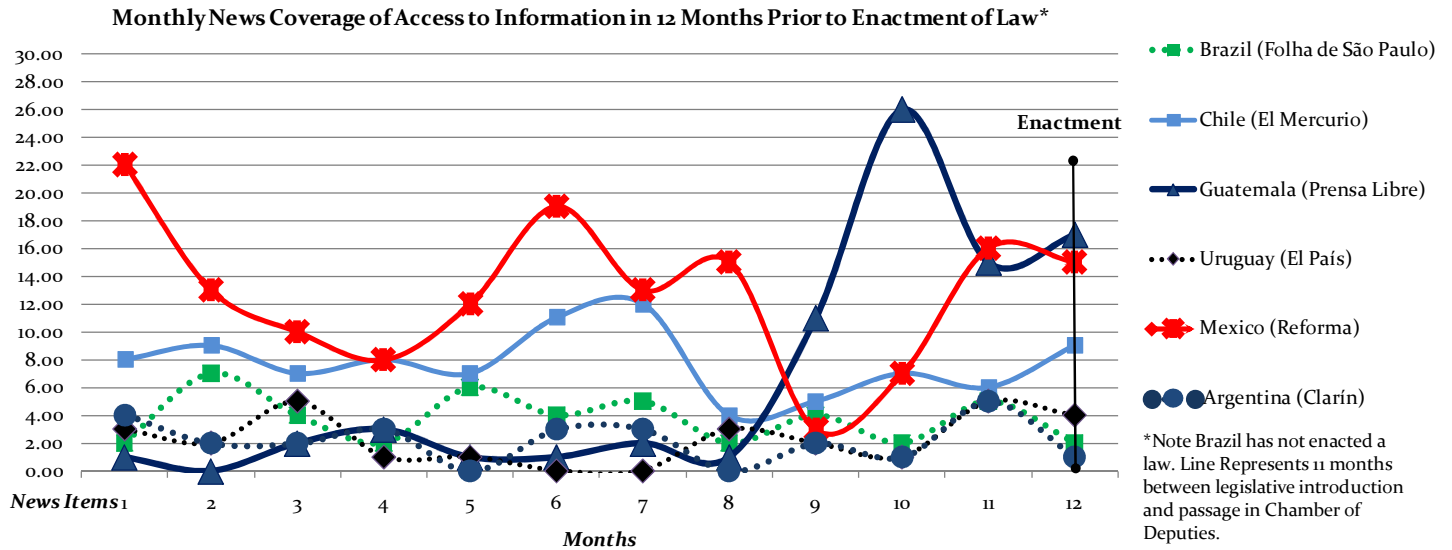


Table 1

Average Monthly News Coverage (items) for 12 Months Prior to Congressional Enactment

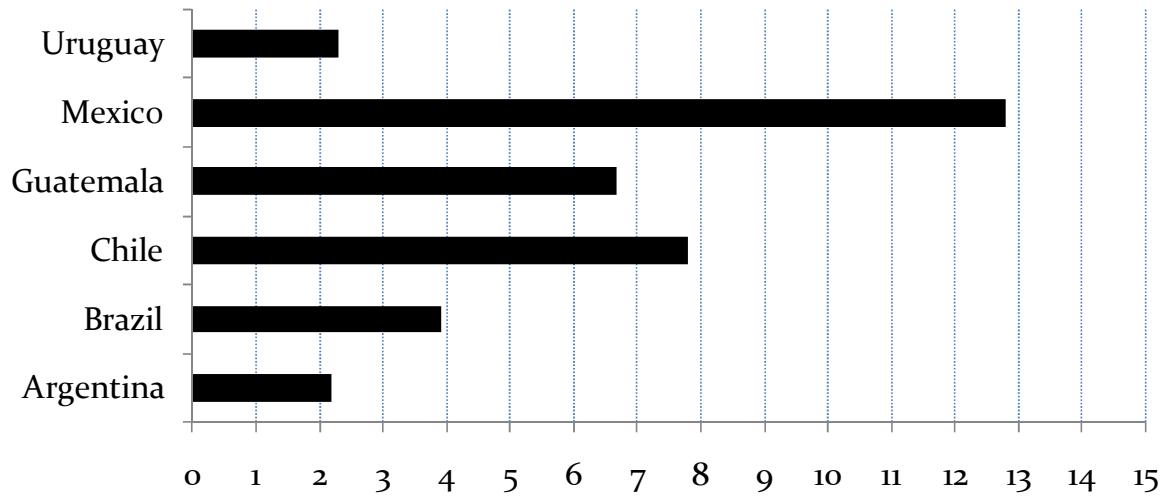


Table 2

Mentions vs. News Items of Right to Access Public Information, for 12 Months Prior to Congressional Enactment

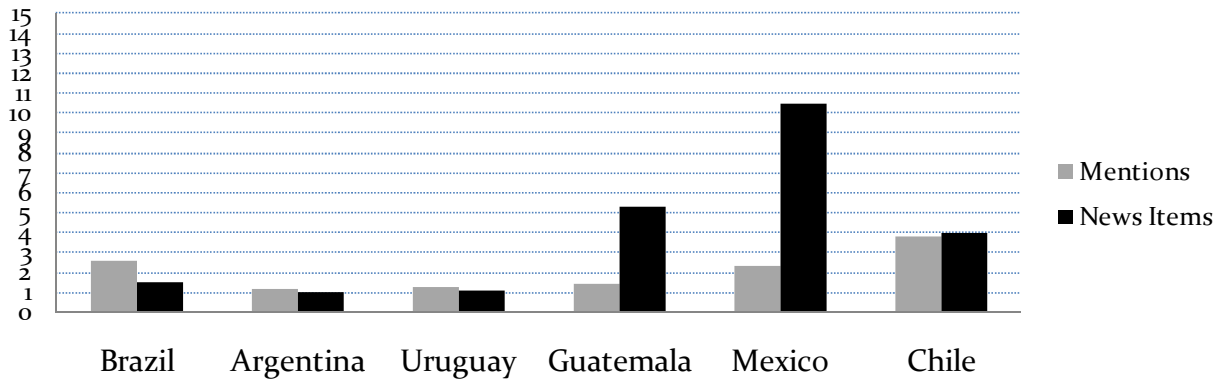


Table 3

Transparency International Corruption Perception Index Rankings		
	<i>2004</i> <i>n=146</i>	<i>2008</i> <i>n=180</i>
Argentina	108	109
Brazil	59	80
Uruguay	28	23
Chile	20	23
Guatemala	122	96
Mexico	64	72

Table 4

Freedom House Press Freedom Rankings		
	<i>2004</i> <i>n=193</i>	<i>2008</i> <i>n=195</i>
Argentina	78	100
Brazil	80	91
Uruguay	60	67
Chile	50	67
Guatemala	125	123
Mexico	80	106

Table 5

Newspaper Ownership Concentration and Market Centralization					
	National Population (millions)	City of Largest Publication (millions)	Centralization : City as % of Total Population	Four-Firm Market Ownership Concentration	Dominance: % Market Share Top Press Outlet
Mexico	110	18.1	16%	45%	10%
Guatemala	14.7	1.2	8%	41%	27%
Chile	16.5	5.2	32%	75%	26%
Argentina	41	12.4	31%	63%	35%
Brazil	196	17.7	9%	33%	11%
Uruguay	4	1.3	37%	94%	38%
AVERAGE	63.6	9.3	22%	59%	25%