

# “Democratization” of Venezuelan Media

Hugo Chavez confronts Radio TV Caracas

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## Venezuela’s RCTV Acts of Sedition

On December 28, Venezuelan President Hugo Chavez Frias delivered his annual “greeting speech” to the National Armed Forces (FAN) and announced the operating license of TV station Radio Caracas Television (known as RCTV) broadcasting on VHF Channel 2 won’t be renewed when it expires on May 27, 2007. The station played a leading role, along with the other four major commercial private television channels in the country controlling 90% of the TV market, in instigating and supporting the 2002 aborted two-day coup against President Chavez. Later in the year they acted together again in similar fashion as an active participant in the economically destructive 2002-03 main trade union confederation (CTV) – chamber of commerce (Fedecameras) lockout and industry-wide oil strike that included sabotage against the state oil company PDVSA costing it overall an estimated \$14 billion in lost revenue and damage.

A collaborative alliance of the five media “majors” that include Globovision, Televen, CMT and Venevision (owned by billionaire strident anti-Chavista Gustavo Cisneros who’s called the Rupert Murdoch of Latin America because of his vast media holdings) along with RCTV began their anti-Chavez campaign soon after Hugo Chavez assumed office in 1999. In addition, 9 of the 10 major national dailies were part of the joint corporate effort to harm Chavez’s popular support and undermine his legitimacy even before he had a chance to implement his socially democratic agenda now flourishing under his Bolivarian Revolution. It included the country’s new Constitution and all vital social missions it gave birth to and now deliver essential services to the people who never had them before including free health and dental care and education to the highest level – for everyone mandated by law.

The corporate media alliance, that included RCTV, had prior knowledge of the April, 2002 coup plot that was apparent from the front page of national daily El Nacional in a special day of the coup April 11 edition of the paper printed before it began and headlined: The Final Battle Will Be in Miraflores (the presidential palace). The same day, another daily, The Daily Journal (an English language paper), headlined on its front page (also printed in advance of the coup’s initiation): State of Agony Stunts Government.

In the days leading up to April 11, 2002, Venevision, Globovision, Televen and RCTV suspended regular programming replacing it with anti-Chavez speeches and virulent propaganda featuring strong rhetoric and calling on the Venezuelan people to take to the streets on that day they knew in advance had been scheduled for the coup. They blared it was “For freedom and democracy. Venezuela will not surrender. No one will defeat us.” This went on continuously in tone and content practically announcing a call to arms insurrection on the scheduled coup date asking people to participate supporting the overthrow of their

democratically elected president and government.

On April 10, one day before the coup, General Nestor Gonzales got air time on the major corporate broadcast media announcing the high military command demanded Hugo Chavez step down from office or be forcibly removed. The day following the coup, the dominant commercial media revealed their involvement in it, and on one April 12 Venevision morning program military and civilian coup leaders appeared on-air to thank the corporate media channels for their important role, including the images they aired while it was in progress, stating how important their participation was to the success of the plot. It failed two days later largely because of mass public opposition to it with huge crowds on the streets supporting their president in far greater numbers than those favoring the coup-plotters.

It was also later revealed the two-day only installed Venezuelan president Pedro Carmona had used the facilities of Gustavo Cisneros' Venevision as a "bunker" or staging area base of operations and was seen leaving its building heading for the Miraflores to take office as president of Venezuela on April 11 in flagrant violation of the law.

The dominant private corporate media clearly and unequivocally were part of the coup plot. They colluded to promote it in advance and then incited the public with anti-Chavez propaganda encouraging it while suppressing all news and information supporting Hugo Chavez that might have helped prevent it. It's likely RCTV alone is being singled out at this time because it's VHF license expiration is imminent in a few months. But it's also known a managing producer of the station's El Observer news program testified to the Venezuelan National Assembly that he and others at the station got orders on the day of the coup from RCTV's owner that on April 11 and the following day: "No information on Chavez, his followers, his ministers, and all others" was to be allowed on-air on the station. Instead the corporate media falsely reported Hugo Chavez had resigned when, in fact, he'd been forcibly removed and was being held against his will. They all knew it because they were told in advance and were part of the scheme.

On April 13, when hundreds of thousands of Chavez supporters took to the streets, the corporate media TV stations ignored them and instead broadcast old movies and cartoons like nothing of importance was happening. Even when the coup was aborted and pro-Chavez cabinet members returned to the presidential palace, it got no coverage on corporate-run TV or in the dominant print media. In addition, state television was taken off the air suppressing any truth coming out that lasted until Chavez supporters took over the station and began broadcasting real information to the public for the first time after the coup and until things returned to normal following it.

Even after Hugo Chavez was freed and returned to the Miraflores, the only station broadcasting it was the state-owned channel. The dominant private media instead maintained strict censorship in a further collaborative act of defiance. They refused to admit or inform the public that Hugo Chavez was returned to office because the people of Venezuela demanded it and succeeded in spite of all obstacles impeding them. It was an impressive moment in Venezuela's history that will long be remembered and is an important lesson to free people everywhere that mass people power fighting for their rights and freedom can prevail even against great odds.

It's also a testimony to Hugo Chavez and how the country has prospered under him benefitting everyone, including those behind the plot to oust him who might consider the 2006 preliminary year end economic growth numbers showing the Venezuelan economy

grew at least 10% for the third straight year, including in 10 of the last 11 quarters. These impressive results were aided by record oil income. With it, government spending and subsidies increased sparking a jump in overall consumer demand. It boosted income for the country's most in need but also made the rich even richer. Instead of trying to oust Hugo Chavez, the anti-Chavistas might want to reconsider and thank him instead, but that wasn't their intent in 2002, and it isn't now either.

#### Venezuelan Corporate Media Defiant and Undeterred Even After the Coup Plot Failed

The dominant Venezuelan corporate media remained defiant even in defeat and showed it only months later that year in December, 2002 when a second de facto planned coup plot against Hugo Chavez began. This time it took the form of the opposition declaring a "general strike" that was reported that way by the corporate media even though, in fact, it was a management-imposed lockout workers had no part in or wanted. News reports falsely portrayed it as an oil industry workers' strike supported by laborers and management. It was not as it was planned and implemented by high level managers and executives in the oil industry who sabotaged equipment, changed access codes, and locked workers out of computer information systems halting production. The action devastated the Venezuelan economy. It threw many thousands out of work, affected other businesses, caused many to go bankrupt, and effectively destabilized the country for over two months.

During this period, the corporate media took full advantage launching an information war against the Chavez government. Again the four main TV stations suspended all regular programming replacing it with pro-opposition propaganda round the clock non-stop for the 64 day strike period denouncing Chavez and only stopping when the strike ended.

#### Hugo Chavez's Justification to Act Against RCTV

After Hugo Chavez announced RCTV's VHF license wouldn't be renewed, 1BC president (and owner of RCTV) Marcel Granier responded: "We all know what this is all about. They are trying to abolish freedom of speech and force the media to obey Government rules." He also falsely tried claiming his license ran until 2012 because it was renewed for 10 years in 2001. William Lara, head of Venezuela's Ministry of Information and Communications, explained the license, in fact, was gotten in May, 1987 and had only been resubmitted in 2001 because of the passage of a new communications law that year. Lara also said in a subsequent press conference Chavez's move against RCTV should come as no surprise and added this move is not a "revocation or expropriation" of the privately-owned RCTV but just the "termination" of its license.

Lara said Chavez intends to "rescue" the channel for the Venezuelan people. RCTV will still be able to operate on public airwaves via cable and satellite, and Channel 2's concession will either be given to an RCTV worker cooperative, a public-private consortium, or to the state for use as an entertainment channel with state Channel 8 (VTV) becoming a 24 hour news channel and both channels henceforth airing a better mix of socially responsible programming.

The result will be greater democratization of the public airwaves with less control of them in the hands of media oligarchs and more of it given to the people of Venezuela. This is how a functioning democracy is supposed to work. It can't if public airwaves are controlled by corporate media giants operating in their own self-interest while ignoring issues vital to the

public welfare the way oligarchs do it in Venezuela.

Chavez wants to promote more openness and diversity, an initiative that should be championed, not denounced. The issue is not a denial of free speech. It promotes it and advocates social responsibility and adherence to the law. RCTV was in flagrant violation on both counts, and with its VHF license shortly up for renewal will now be held to account for violating the public trust as it should be. It has only itself to blame for the impending action against it that's fully justified and long overdue.

Lara and his government also defended the license termination action against the baseless Organization of American States (OAS) January 5 accusation issued by its Secretary-General Jose Miguel Insulza that "The closing of a mass communications outlet....has no precedent in the recent decades of democracy." By making it, Insulza shows he's complicit with Venezuelan media oligarchs and the Bush administration acting in their behalf supporting RCTV's right to violate Venezuelan law and get away with it.

That was the message from the Venezuelan foreign ministry in its statement issued in response saying Insulza was "improperly meddling in a matter that is the strict competency of Venezuelan authorities and denied its decision had any appearance of censorship (and that Insulza) should retract a series of comments that go against the truth." The foreign ministry directly accused Insulza of being influenced by Venezuelans and foreigners wishing to discredit Hugo Chavez and that his statement showed an "unfortunate ignorance of reality" in Venezuela. Hugo Chavez was even more direct in comments he made at the swearing-in of his new cabinet on January 8 saying Insulza is an "idiot" (pendejo) and called for his resignation. He added a Secretary-General "who reaches this level must, out of dignity, leave his office unless someone wants to once again convert the OAS into what Fidel Castro once called....the ministry of the colonies (with its HQ in Washington.)"

Several NGOs of note also voiced baseless and disingenuous criticism claiming Chavez violated standards of free speech and freedom of the press. They know better and acted shamelessly doing it. They include Human Rights Watch, Reporters Without Borders (RSF), and Peruvian-based Press and Society Institute monitoring Andean region free press attacks and funded by the US National Endowment of Democracy (NED) that only supports media allied with its neoliberal right wing agenda.

These organizations ignored the facts and dangers of a private media monopoly controlling the public airwaves. Instead they chose to ally themselves with corporate interests with comments like calling Chavez's freedom of the press record a "serious (abuse of power and) attack on editorial pluralism (and he should) reconsider (his) stance and guarantee an independent system of concessions and renewal of licenses." Based on the facts, these kinds of comments are unwarranted and indefensible.

RCTV began broadcasting in 1953, airs Venezuela's most hard right yellow journalism and consistently shows a lack of ethics, integrity or professional standards in how it operates as required by law. It's current license was granted for a 20 year period expiring on May 27, 2007. At that time, the government may choose to renew it or not, and Hugo Chavez announced the latter choice was made, and it won't be reversed. Minister Lara added pointed comments about the state of the corporate media in Venezuela along with the Chavez government's commitment to the right of free expression. He said: "Journalism in this country is plagued with lies. They lie when they talk about revocation and expropriation....The country with the highest standards of freedom of speech in our

continent – with all due respect for the rest of Latin America – is Venezuela. The degree of freedom of speech is so high that lies are spread throughout the country and no penalty is imposed.”

The minister is right as was evidenced in the 2006 presidential campaign when the corporate media reported one-sided pro-opposition support for Manuel Rosales along with strident anti-Chavez propaganda throughout the pre-electoral period. Hugo Chavez tolerated it all and threatened no retaliation or intent to revoke or act against any media outlet unfairly hostile to him. This is not the behavior of a tyrant. It’s the way a democrat acts, but even democrats like Chavez can and should demand the media and all others obey the law. His decision affecting RCTV shows he’s doing it and nothing else. He’s in full compliance with Venezuelan law as explained below.

#### Venezuela’s Law of Social Responsibility for Radio and Television (LSR)

Most countries (including the US) have laws and/or regulations setting standards of acceptable practice for the media especially the radio and television broadcast parts of it reaching large audiences including children exposed to them and who don’t read print publications. Venezuela has such a law called the Law of Social Responsibility for Radio and Television (LSR). Enforcement of it is handled by the National Telecommunications Commission, an independent regulatory body with authority to issue broadcasting licenses. The law’s intent is to define and “establish the social responsibility of radio and television service providers, related parties, national independent producers, and users in the process of broadcasting and reception of messages, promoting a democratic equilibrium between their duties, rights, and interests, with the goal of seeking social justice and contributing to citizenship formation, democracy, peace, human rights, education, culture, public health, and the social and economic development of the Nation, in conformity with constitutional norms and principles, legislation for the holistic protection of boys, girls, and adolescents, education, social security, free competition, and the Organic Telecommunications Law.”

Quite a mouthful, but indeed a worthy list of guidelines and principles the electronic media are mandated to follow and be held accountable for if they don’t.

The LSR guarantees:

- Freedom of expression without censorship.
- Judicial mechanisms for families and the whole population to develop socially responsibly as an audience.
- The exercise and respect for human rights.
- An emphasis on social and cultural information and material for children and adolescents to aid their development and social conscience.
- To encourage domestic independent productions.
- To achieve a balance between the duties, rights, and interests of the people and the radio and television providers and related parties.
- To disseminate Venezuelan cultural values.



- To meet the needs of the hearing-impaired.
- To promote active citizen participation in affairs of the country.

Failure to conform to these standards and principles may result in fines, the denial of broadcast spaces, suspension or revocation of broadcast licenses or refusal to renew the right to continue broadcasting. Any of these punitive measures may be imposed by the institutions having authority to enforce the law including the Directorate's Counsel on Social Communication and the National Commission on Telecommunications. They can act against broadcasters violating these required standards and practices if they do any of the following:

- Transmit messages that illegally promote, apologize for, or incite disobedience to the law (that certainly include any television programming intended to enlist public support to overthrow the democratically elected president or others in the government).
- Transmit messages that impede the actions of citizen security organisms and the judicial branch necessary to guarantee everyone the right to life, health and personal integrity.
- Transmit propaganda or advertisements violating what's deemed lawful under the LSR (that would also include any television programming intending to incite violence, public disorder or the unseating of government officials).
- Are non-compliant with the obligation to offer free spaces to the State including to the Executive Branch's Information and Communication Ministry.

Committing any of the above violations may result in a suspension of license for up to 72 hours when messages transmitted are intended to: incite war, adversely affect public order and crime, or are against the national security. A license may be revoked for up to five years when a penalty for any of the above violations is repeated following suspension and within five years of the first penalty.

Venezuela's five dominant corporate television broadcasters are repeat offenders having violated LSR provisions by their on-air programming with intent to incite violence and public support to destabilize and overthrow the Chavez government. Because RCTV's operating license expires in May, 2007, the Venezuelan government is entitled and even obligated to refuse renewal for the channel's repeated violations of the law as a way to protect public safety and the welfare of all Venezuelan people. Information and Communication Minister William Lara denounced those in the media and the country distorting the facts leading to the government's decision. He explained RCTV's practices in recent years have promoted intolerance, disobedience, and disrespect for the law. In a word, this broadcaster openly defies the law, its actions are flagrant and deplorable, and it must not be allowed to continue in the interest of the country nor should any other broadcaster acting irresponsibly.

#### How the Venezuelan Corporate Media Would Fare Under US Law

Fortunately for their owners and managers, the dominant Venezuelan broadcast and print corporate-controlled media don't operate under US laws. If they did, they'd be in very serious trouble with the likely suspension of their operating licenses the least of their woes.

If any part of the US media - corporate run, controlled or otherwise - reported the kind of strident anti-government propaganda intended to incite public hostility, violence and

rebellion the way the Venezuelan dominant media do, they'd be subject to indictment on charges of sedition and possibly treason against the state – offenses far more serious than just the right to remain operating. During the 2002 April aborted coup and later anti-Chavez insurrection in the form of a general strike and management-imposed oil industry lockout, the Venezuelan corporate media acted in league with the oligarch opposition coup-plotters trying to overthrow democratically elected Hugo Chavez and his government.

In the US, this would be a violation of several laws at least including seditious conspiracy under Section 2384 of the US Code, Title 18 which states: “If two or more persons in any State or Territory (of the US)....conspire to overthrow, put down, or to destroy by force the (elected) Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than 20 years, or both.

They might also be charged with treason under Article 3, Section 3 of the US Constitution that defines this crime that's a far more serious offense and may be subject to capital punishment for those found guilty. Its definition under Section 3 states: “Treason against the United States, shall consist only in levying War against them, or in adhering to their enemies, giving them Aid and Comfort.” It would then remain for the courts to decide whether any individuals by their actions of trying to subvert and overthrow a duly constituted government would be guilty of this crime or any sub-category under it explained below.

That might, in fact, happen, especially in the current US climate where the law is what the chief executive says it is, and the courts are stacked with supportive judges willing to go along. Consider what crimes are related to treason in the US and how easily Venezuelan corporate media actions to subvert Hugo Chavez might fall under them. They include the following:

- Insurrection or rebellion involving armed groups creating a reasonable expectation that force or violence may be used against the sitting government.
- Mutiny or unlawfully taking over command of the US government, or any part of it, or any part of the military.
- Sabotage to include damaging or tampering with any national defense material or national defense utilities that in Venezuela could include state oil company facilities vital to the operation and viability of the country and welfare of the people.
- Sedition, already covered above, that includes any communication (like inflammatory TV or newspaper headlines and stories) intended to stir up treason or rebellion against the government.
- Subversion that's defined as free speech gone much too far that includes transmitting blatantly false information aiding the enemy or opposition.
- Syndicalism that is the act of organizing a political party or group advocating the violent overthrow of the government.
- Terrorism defined as the systematic use of violence or threats of violence to intimidate or coerce the government or whole societies by targeting innocent noncombatants.

A strong case can be made that RCTV and the rest of the dominant broadcast and print corporate media in Venezuela are guilty of most or all these related acts of treason under US law. If so and if their owners and managers committed any of these offenses in the US, they could be charged at least with sedition and possibly treason, brought to trial and if found guilty be in very serious trouble.

It can reasonably be argued that attempting to forcibly overthrow a democratically elected government is treason under Article 3, Section 3 of the US Constitution and is no different than an act of war to accomplish the same thing. If a judge and jury agreed and it held up on appeal, the person or persons found guilty would likely either face the death penalty or life in prison without parole for what the US considers the most egregious of all crimes against the state and thus imposes its harshest penalties.

The oligarchs running the Venezuelan corporate media might contemplate that fate and be grateful they operate in democratic Venezuela and not in the truly harsh environment of the United States. Of course, they won't, their anti-Chavez campaign will go on unabated, and it will be supported by their counterparts in the US and Bush administration labeling Hugo Chavez a ruthless tyrant trying to destroy free speech and democracy and calling for his head.

It doesn't matter to those in the US power structure and their Venezuelan counterparts that they're the guilty ones and their charges against Hugo Chavez are disingenuous and baseless. Chavez is a true democrat with every right to expect all Venezuelans behave responsibly in conformity with the law.

Things aren't that way in the US where respect for the law and rights of ordinary people went out the window with the election of George Bush and his thuggish neocon administration. They condemn Hugo Chavez because he respects law and order and courageously supports the rights of all Venezuelans under it. In contrast, George Bush acts as a tyrant, claims the law is what he says it is, and defiles the US Constitution audaciously saying "It's just a goddamned piece of paper." He also flaunts international norms and standards and respect for human beings and their dignity he doesn't care about. Some difference, and readers can choose which leader they prefer. They can also choose the kinds of media they prefer getting their news and information from. Those opting for this web site have chosen well.

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