



## MYTHS AND FACTS ABOUT THE RADIO CARACAS TELEVISION CASE

In late December 2006, Venezuelan President Hugo Chávez announced the Venezuelan Government's intention to not renew the broadcasting license of Radio Caracas Television (RCTV), a Caracas-based television broadcaster whose twenty-year license was set to expire on May 27, 2007.<sup>1</sup> The government's decision, which has been criticized in the United States, is meant to serve the public interest by reserving use of the broadcast spectrum for outlets that adhere to basic standards of public interest. Similarly, the decision will allow for a broader democratization of Venezuela's airwaves, offering smaller and diverse producers and entertainers access to the broadcast spectrum they never had before. Below are some common myths and facts concerning the RCTV case.

**MYTH:** The Venezuelan Government is cracking down on RCTV and other private media because of their critical opinions of President Chávez.

**FACT:** The overwhelming majority of Venezuela's publicly available television stations and radio broadcasters, some 80 percent, are privately owned and operated, alongside the country's well-developed cable and satellite television networks.<sup>2</sup> Fully all of the country 118 newspaper companies, both regional and national, are similarly held in private hands. Venezuela's media enjoys the freedom to report, analyze and express opinions on issues of importance without government interference. Most, in fact, vibrantly and stridently express their opposition to the government, and do so without any threats or consequences. To date, no newspaper or television station or radio broadcaster has been shut down based on its political views or opposition to President Chávez. Similarly, no journalists have been imprisoned or punished for doing their work. The Constitution of 1999 lists the freedom of expression, the freedom of the press and the freedom of information as fundamental liberties to be protected by the government.

**MYTH:** The Venezuelan Government is illegally shutting down RCTV.

**FACT:** As in almost every country, the broadcast spectrum is a finite resource that is regulated by the government with the aim of promoting the public interest. The spectrum is public property, and like all property of its kind, must be regulated in order to balance the needs of broadcasters against the needs of the public.

In Venezuela, Article 156 of the Constitution of 1999 and various articles of the Organic Law of Telecommunications give the government the power to grant and regulate access to the broadcast spectrum. The Ministry of Telecommunication and Information Technology is the institution charged with granting access to television and radio broadcasters, and does so while considering whether or not the broadcaster has served or will serve the public interest. In short, the right of access to the broadcast spectrum is balanced against the responsibilities to the public good. Should a broadcaster fail in its legally prescribed responsibilities, it forfeits its access to the broadcast spectrum.

<sup>1</sup> "Chavez' Move Against TV Spurs Outcry," *The Guardian*, January 16, 2007.

<http://www.guardian.co.uk/world/latest/story/0,,-6349689,00.html>

<sup>2</sup> <http://www.rethinkvenezuela.com/downloads/Venezuela%20Update%20January%202007.htm>



In the case of RCTV, the Venezuelan Government decided that its broadcast license should not be renewed because the broadcaster failed to meet basic public interest standards and because granting the license to another broadcaster would democratize both access to and content on public airwaves. RCTV will still be able to broadcast via cable and satellite, both that are widely available and viewed in Venezuela.

**MYTH:** No other country applies these public interest standards to radio and television broadcasters.

**FACT:** Almost all countries do. In the case of the United States, laws have long established standards by which all broadcasters would adhere to in order to keep their access to the broadcast spectrum. The Radio Act of 1927 made clear that the airwaves were public property and that all broadcasters using them would have to serve the “public interest, convenience and necessity.” The Communication Act of 1934, which established the Federal Communications Commission (FCC), similarly detailed a public interest standard by which applications for access to the broadcast spectrum would be judged. By 1960, the FCC listed 14 elements of television programming that would usually be necessary to meet the public interest standard, including the opportunity for local self-expression, the development and use of local talent, educational programs and public affairs programs. The FCC has regularly denied license renewals based on these standards.

**MYTH:** RCTV didn’t do anything to violate Venezuela’s public interest standards.

**FACT:** Unfortunately, RCTV has consistently fallen short of its obligations and responsibilities to the Venezuelan people. In one particularly disturbing incident, RCTV’s management slanted its daily coverage to provide support to a coup d’etat against President Chávez and his elected government in April 2002. RCTV participated in what has come to be known as the world first “media coup,” and consequently prohibited its correspondents from airing news and information the coup was failing.<sup>3</sup> Such information was vital to the survival of the country’s elected government and institutions – the provisional junta had abolished the National Assembly, the Supreme Court and the constitution – and would undeniably have served the public’s interest in the state of their government and elected leaders. In making this decision, RCTV denied the Venezuelan people their right to be informed. An article in the *Houston Chronicle* on RCTV noted, “it’s doubtful [RCTV’s] actions would last more than a few minutes with the FCC.”<sup>4</sup>

**MYTH:** The decision not to renew RCTV’s broadcast license will have a negative impact on Venezuela’s democracy.

**FACT:** The majority of Venezuela’s radio and television stations are privately owned. Of that number, a large part is owned by a small number of corporate groups with multiple

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<sup>3</sup> Andrés Izarra, “El golpe desde la cabina 12 de RCTV,” *Chavez y los medios de comunicacion social*, Marinellys Tremamunno, ed. (Caracas; Alfadil Ediciones, 2002), p. 84.

<sup>4</sup> Jones, Bart. “Chavez as Castro? It’s not that simple in Venezuela,” *Houston Chronicle*, February 7, 2007.



economic and political interests. This has led to a situation in which, according a *New York Times* editorial writer, “even the best news outlets tend to be openly ideological and there is no American-style separation of news and opinion, so the owners’ views can permeate reporting. Many publications offer only news designed to further the owners’ personal or political agenda.”<sup>5</sup> Similarly, Marta Colomina, a professor of journalism, nationally syndicated columnist and prominent critic of President Chávez, described the situation as such: “Media owners are very aware of their power, and know how to use it. In the United States or Europe, there are big corporate media groups that see themselves serving the public interest. In Venezuela, media are in the hands of small groups of owners who tend to serve their own interests.”<sup>6</sup>

This concentration of ownership has actually limited access to diverse viewpoints, giving existing media owners a disproportionate amount of power to shape the political and economic agenda in Venezuela. The decision not to renew RCTV’s broadcast license will actually have the impact of *increasing democracy* on Venezuela’s airwaves, both in access to the airwaves and the material broadcast on them. Though no plans have been finalized, the Venezuelan Government has announced that a cooperative of independent producers and journalists will be granted RCTV’s license, which will then be used to promote news, opinion, culture and entertainment from a variety of different national perspectives.

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<sup>5</sup> “The Monochromatic Media of Latin America,” *New York Times*, May 7, 2001.

<sup>6</sup> Lugo, Jairo and Juan Romero, “From Friends to Foes: Venezuela’s media goes from consensual space to confrontational actor,” *Sincronía* (Winter 2002), <http://sincronia.cucsh.udg.mx/lugoromeroinv02.htm>.