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Maria Ressa: Cyber Libel

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maria ressa: cyber libel

by marco garrido and victoria reyes

Maria Ressa worked at CNN for nearly twenty years, as the Manila bureau chief from 1987 to 1995 and the Jakarta bureau chief from 1995 to 2005. In 2012, she helped found the news website Rappler, which quickly became a major news source in the Philippines. Renowned for its investigative journalism, Rappler has been critical of Philippine President Rodrigo Duterte's efforts to undermine democratic institutions, including the press. This criticism has led to what many see as politically motivated attacks on the news organization. The Philippine government has filed 11 cases against Rappler, alleging libel, foreign ownership, and tax evasion. In June 2020, Ressa was convicted of "cyber libel." The story at the center of her conviction was written before the 2012 cyber libel law was passed, and she was found guilty on a technicality—the article in question had a typo corrected in 2014 and was deemed "republished." She faces up to six years in prison.



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Maria Ressa

MG+VR: How are you dealing with the libel conviction?

MR: I've tried to be as transparent as possible about what's happening [in the Philippines]. As a result, we're attacked constantly on social media. In 2018, 11 cases were filed against us and, in 2019, eight criminal cases [were filed against me and Rappler]. That's insane. It's the weaponization of the law. The government has turned against me, and I haven't done anything but be a journalist. I set up the Manila and Jakarta bureaus for CNN, and so when I set up Rappler I made sure to follow the industry's best practices. Our documents are absolutely pristine. Look, this is not my first go around. I've been a journalist for 35 years. And then now to have all these charges against me. The case just yesterday alleged tax evasion. The government reclassified Rappler as a dealer in securities! We're obviously not a dealer in securities. We don't sell stocks. [Ordinarily,] the case would have been thrown out. It's mind-boggling to me that something like this can [prosper]. It just goes to show you where things stand today.

It feels like we're re-living history. After [the dictator Ferdinand Marcos was ousted in] 1986, people were asking how it could have happened, how one

man could have held on to power for 21 years. There had to have been people who helped him, obviously. Guess what? Now I have my answers. We're living through it again. I know what death by a thousand cuts feels like. I can see the three C's happening right in front of my eyes: people being corrupted, coerced, and coopted.

We're only a small group of people at Rappler, but we know that our reporting matters. We know we have to continue holding power to account, and we're doing our best. When you have Damocles' sword hanging over your head, if you allow it to change the way you think and the way you behave, then it accomplishes its purpose. We're very aware of this and we don't want it to happen. Four years ago, we started talking about #holdtheline because even at that point we saw that our rights were being bulldozed. Yeah, we're not going to let that happen. We're going to hold the line.

MG+VR: We've been struck by the level of popular support for the Duterte administration. There even appears to be a lot of support for the drug war. Why do you think that is?

MR: [Duterte] ran on a platform that

worked. [Before he burst on the scene,] drugs were number eight [in the ranking of things people were concerned about]. His campaign made it number one, even higher than jobs, and that's always been number one. [The campaign] used Facebook and other social media to politicize the drug war. When Duterte gave an interview at Malacañang [the presidential palace] in December 2016, I asked him if he really needed to lead with fear—was it necessary that he use violence and fear. He said absolutely, completely unashamedly. That's his leadership style. He's been doing this since he was mayor of Davao City, and it's worked for him. This is what he promised to the Philippine people: violence and fear. The violence began just a few hours after he took his oath of office, and it happened very close by. The drug war has been brutal, particularly on the poor. They're the ones being rounded up and killed. In his first few months in office, over three thousand people were being killed every day. That's insane! And then, in plain sight, we saw the police changing the numbers. This is where we got into trouble with the government. We refused to let the police rewrite their numbers. We questioned them and cross-checked the numbers. They [classified] a lot of

the deaths as DUIs or under investigation. They created whole new categories having nothing to do with drug-related deaths. We kept pushing them.

I don't think Duterte is as popular as the surveys say because the surveys have no way to measure fear. And this fear has compounded [over time]. [Duterte] is the most powerful leader this nation has had in a while. Today, we're essentially a dictatorship that's masquerading as a democracy. Imagine, the government denied the franchise of the nation's largest broadcaster [ABS-CBN] because they were critical of it. It's ridiculous, like Alice in Wonderland ridiculous. Then there's the astroturfing on social media. So here's how social media platforms are being used to [undermine] democracy. In the Philippines, Facebook has become a behavioral modification system in the service of a dictatorship. All the attacks against Rappler on social media—people start to think that maybe there's really something wrong with us. You know, where there's smoke there's fire. That's called astroturfing. You hear it a million times, you see it a million times, you begin to believe it. And then when it's the government saying it—trust in all kinds of institutions, the media included, has been degraded all these years. When you don't trust anything, the voice with the loudest megaphone wins. The president has a pulpit. That gives him the loudest voice.

No one wants to be a revolutionary right now, so anyone else with power, they keep a low profile. They allow themselves to be corrupted, coerced, and coopted. You deal with the government because you want to retain your power, so that's why people are supporting Duterte, because they're scared. If you look at the surveys, his support is highest in Metro Manila and among the AB [upper and middle class]. It's in their interest to align with him. They're just trying to protect themselves.

MG+VR: Can we pick up on something you said about Facebook? How would you say social media has enabled Duterte's efforts to consolidate power?

MR: Facebook is a behavioral modification system on steroids. It [breeds] polarization. It makes the facts debatable. How are you going to have elections when people are being manipulated? The whole premise of democracy is that we'll get the facts we need to make up our minds. But instead we're being manipulated, and we don't even know it.

Technology has been a game-changer. It has brought us to where we are today in the Philippines. The Cambridge Analytica whistleblowers said that we were the testing ground. Chris Wylie actually used the word "Petri dish." Facebook admits it. They [pioneered] these tactics of mass manipulation in the Philippines because it checks off all the boxes: an English-speaking former U.S. colony with a large population, and with a high percentage of people on the internet. What a great Petri dish! They perfected their tactics here and then poured it—that's the word he used, "poured"—on the United States.

MG+VR: What about COVID-19? What impact has it had on the state of the country?

MR: Number one, it has enabled the government to consolidate power in a way that would never have been possible had there not been a pandemic. The President doesn't have to declare martial law because the conditions of martial law were handed to him. The pandemic has also focused [the attention] of Filipinos. On April 1, the President threatened to have people who weren't following the lockdown shot right then and there. People were outraged, and the hashtag #OustDuterte became number one in the Philippines and trended globally. This would have been unthinkable at any other time because [normally] people move very slowly. But now, in the age of social media and with everyone stuck at home, everything is accelerated. Soon after [the hashtag went viral] the police began arresting people for things they had posted on social media, and these people were held in jail for some time. I'm high profile, so when I'm detained

overnight, people notice. But there were protesters held in jail for days, a week. A teacher was picked up from his home and intimidated into making an apology until, finally, a judge threw [the case] out. All these ad hoc abuses of power, they're being codified into law. The anti-terror law allows a small group of people [the president's Cabinet] to designate anyone who's critical of the government a terrorist. That means you can be arrested without a warrant and jailed for up to 24 days without evidence.

MG+VR: As we talk, it's clear that you're committed to bearing witness to this moment, whatever may happen. How do you do that and not become demoralized?

MR: I had the honor of giving Princeton's commencement speech to the class of 2020. One of the things I said is that you have to embrace your fear. I learned this in elementary school. I had just arrived in the U.S. and landed in the public school system. I walked into the classroom, and, you know, I was the shortest kid, the only Brown kid. I couldn't speak English very well. Embrace your fear, that's what I learned. If you let whatever it is you're afraid of dominate you then you can't do anything. I told [the graduating students] that you have to embrace whatever you're most afraid of. By doing so, you rob it of its power. I've struggled with that [in my own life]. These four years [of the Duterte administration] I've felt like Cassandra jumping up and down, screaming at people "Hello! Wake up, wake up! This is happening. You're being manipulated." It's been exhausting. Now I have to deal with the prospect of jail time. But let me bring it back to you two. You have power [as sociologists]. You care about the Philippines. You have the luxury of studying it. Don't sit back. Tell people that it's time to wake up.

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