

January 3, 2014

**VIA EMAIL**

Christian F. Zinser Cieslik, Esq.  
Christian F. Zinser Cieslik y Asociados, S.C.

**Re: Retraction Demand of Humberto Moreira Valdes**

Dear Mr. Zinser:

This law firm represents reporter and blogger Dolia Estevez. Ms. Estevez has referred your letter of December 24, 2013 addressed to her to us for review and response.

In your letter, on behalf of your client Humberto Moreira Valdes, you assert that Ms. Estevez's inclusion of Mr. Moreira in her blog listing "The 10 Most Corrupt Mexicans of 2013" is factually in error. Your letter asserts that Mr. Moreira has been twice exonerated or officially "cleared" of any wrongdoing with respect to financial improprieties during his tenure as the Governor of the Mexican State of Coahuila. For the reasons stated below, Ms. Estevez respectfully declines your demand that she remove his name from her blog posting. She will, however, append to that posting a copy of your letter, as well as a copy of this response.

In the first instance, the focus of Ms. Estevez' blog posting is not an allegation that your client has been determined to be corrupt by any official inquiry or judicial proceeding, or even as a result of an investigation by Ms. Estevez. Rather, the gist of the article is that the persons listed are *widely reported to be* corrupt by numerous non-governmental organizations in materials published on the internet and elsewhere. Ms. Estevez' blog posting begins with an explanation that Mexico has earned the ignominious title of "one of the two most corrupt countries in Latin America *according to the Global Corruption Barometer* released in July *by Transparency International*, an anti-corruption non-profit group." (emphasis added). After detailing that organization's report, Ms. Estevez' column clearly identifies the ten individuals below as "a list of the ten Mexicans *perceived to be* among the most corrupt in 2013" (emphasis added).

Thus, it is clear from the context of the blog posting as a whole that Ms. Estevez does not purport to have conducted her own investigation to determine that the individuals included on her list are, in fact, responsible for the corruption with which they have been publicly associated; rather, it is clear that these are people who *have been reputed to be* among the most corrupt

Mexican public figures in the year 2013.<sup>1</sup> There is, in fact, abundant evidence that in 2013 your client was the focus of multiple press reports, indicating that *he is widely reputed to be* at least partially responsible for the financial mismanagement and corruption within the government during his term as Governor of the State of Coahuila. For example (only):

- On April 29, 2013, *Reforma* published an interview with Mr. Moreira and exposed his lavish lifestyle in Barcelona, Spain; including his masters degree program which Mr. Moreira claimed was made possible by a “scholarship-commission” he had received from the teachers’ trade union, SNTE.
- On April 30, 2013, *Reforma* published the official statement of Mireya Franco, spokesperson for the teachers’ union, categorically denying it paid Mr. Moreira as he had claimed.
- Also on April 30, 2013, *Reforma* published that opposition leaders had criticized Mr. Moreira’s “cynicism” in claiming he could afford his lavish lifestyle based on his personal savings earned from his work as a public servant.
- On May 1, 2013 *Reforma* published an article under the headline “Moreira’s Luxury and ‘Savings’ Do Not Match,” which documented the tremendous disparity between Mr. Moreira’s official salary during his years as a public servant and his current living expenses.
- Also on May 1, 2013 *Reforma* published an article quoting opposition PAN and PRD lawmakers as demanding that Mr. Moreira explain the “origin” of the resources he uses to live in Spain, in light of the fact that the SNTE had publically denied paying him as he had claimed.
- On June 6, 2013, *Reforma* published a letter to the editor that included Mr. Moreira among a group of former politicians “who despite the evidence about their embezzlements have not been punished.”
- On June 21, 2013, *Reforma* guest columnist Lucrecia Lozano opined that merely reporting about Mr. Morera’s unjustifiable lifestyle in Barcelona is not enough, the government must do something about it.

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<sup>1</sup> Nor does the headline to the blog post alter this conclusion. Under firmly established United States law, the meaning of a headline must be considered in context of the entire article it accompanies. *See, e.g.*, RESTATEMENT (SECOND) OF TORTS § 563 & cmts. c & d (1977); *Tucker v. Fischbein*, 237 F.3d 275, 282 (3d Cir. 2001); *Molin v. Trentonian*, 687 A.2d 1022, 1023-24 (N.J. Super. Ct. App. Div. 1997) (“headlines are to be construed in conjunction with their accompanying articles.”).

- On September 27, 2013, *Reforma* reported that congressman Ricardo Mejia Berdeja denounced Mr. Moreira's acts, while serving as president of PRI, to fund the campaigns of gubernatorial candidates with "embezzled" monies he'd received from Jorge Torres Lopez.
- On December 1, 2013, *Reforma* reported the remarks of your client's brother, Governor Ruben Moreira, condemning the inexplicable way in which some loans were contracted under his brother's former administration.
- As recently as December 7, 2013, *Reforma's* popular Templo Mayor column stated that Mr. Moreria must be "nervous" in light of the United States having charged Jorge Torres Lopez with crimes, which raises the possibility that Torres Lopez may end up in U.S. hands and implicate others, including Mr. Moreira, in the financial mismanagement in Coahuila.

Your letter points to two purported Mexican government investigations which you contend concluded that Mr. Moreira had "no responsibility or involvement in the contracting of debt" by the State of Coahuila. We have not been able to independently verify either of those supposed government "findings" of no responsibility by Mr. Moreira. The current Attorney General of Mexico, Jesus Murillo Karam, was quoted as recently as March 9, 2013, stating that he was not aware of any finding about Mr. Moreira, because no investigation into his conduct had been requested. See [http://www.milenio.com/policia/Archiva-PGR-casos-Yarrington-Moreira\\_0\\_146985577.html](http://www.milenio.com/policia/Archiva-PGR-casos-Yarrington-Moreira_0_146985577.html)

Moreover, even assuming it is true that two Mexican government agencies' investigations *did* so conclude, those "findings" have done little, if anything, to remove the cloud of suspicion hovering over Mr. Moreira, within Mexico and beyond, as demonstrated by the above news reports that were published *subsequent to* those alleged governmental "findings."

Because Ms. Estevez' blog posting, identifying Mr. Moreira as among the people who are *reputedly* the most corrupt Mexicans in 2013, is substantially true -- he is unquestionably *widely reputed* to have engaged in corruption during his tenure as Governor -- the inclusion of his name on that list cannot serve as the basis for a claim of defamation under well-established United States law. See, e.g., *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 516 (1991) (holding that substantially true accounts are protected by the First Amendment to the Constitution of the United States and cannot give rise to civil liability); see also *Global Relief Found., Inc. v. New York Times Co.*, 390 F.3d 973, 987 (7th Cir. 2004) (affirming trial court's finding that articles were substantially true where they reported "that the President had issued a blocking order . . . against a number of organizations *suspected of* providing financial assistance to terrorist groups" because the articles do not state that the organizations were, in fact, providing such aid) (emphasis added).



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Mr. Christian F. Zinser

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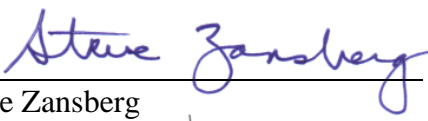
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Accordingly, Ms. Estevez respectfully declines your demand that Mr. Moreira's name be removed from her blog posting, and that she provide you with a detailed account of the methodology she used in preparing her blog posting.

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By:   
Steve Zansberg

SDZ/cdh

cc: Dolia Estevez

Bruce Brown, Esq., Reporters Committee for Freedom of the Press