

The Cuban Five: A Challenge to Journalism

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The US Government seriously violated the Constitution and the Law to guarantee the unfair sentences of the Five Cuban patriots who will soon arrive at 14 years of arbitrary and illegal punishment. This was not an isolated event, but rather a systematic effort during the whole process against the Five that cost millions of tax payers' money. There is only very limited information available on the duration, resources used, people involved, and other important aspects of the operation.

Disclosing this behavior would force the authorities – both the Court and the Executive- to arrange for the immediate release of our five compañeros and, consequently, Washington has also conspired to hide what it did thus committing an additional crime: cover up.

This is the essence of the affidavit just submitted to Florida's South District Judge, Joan Lenard, by Martin Garbus, Gerardo Hernández Nordelo's lawyer. The text supports his previous request demanding the annulment of Gerardo's sentence or, as an alternative, the Judge's order to release all the evidence the Government is hiding and the granting of an oral audience.

Although there are many other violations mentioned in the process of appeal – now in this last, extraordinary stage- this document focuses on the conspiracy of the Government with Miami media to condemn beforehand the accused and render a fair trial impossible.

The nature of the conspiracy was to use these media to unleash an unprecedented propaganda campaign of hatred and hostility. To this end they used a large group of "journalists" –in true fact Government cover agents- who published articles and comments time and again, day and night, to produce an authentic flood of misinformation. Between November 27, 2000 –when the trial started- and July 8, 2001 –when they were found guilty- The Miami Herald and El Nuevo Herald alone had published 1111 articles, an average of more than 5 per day. Something similar happened with the Diario de Las Américas, thus totally saturating the printed press.

The "journalists" were paid by Radio and TV Marti from the US Federal Budget. These guys did additional work for these two media and their items were disseminated in the Miami area where both anti-Cuban sources had at the time, and still have, direct broadcasting, and are also replicated through local media (this is another violation of US law that forbids official propaganda within the US territory).

These so called journalists not only acted through Radio and TV Marti and printed media, they also used local English and Spanish radio and TV stations as well as printed publications that circulate there, some of which are free.

It was impossible to escape the permanent flow of propaganda anywhere in South Florida.

But the criminal action of the “journalists” -and the Government that paid them- went beyond mere propaganda. During the trial the defense denounced several times that these journalists were seeking to influence the members of the jury by divulging materials whose presentation the Judge had forbidden. Obviously they could only have obtained the materials from the D.A.’s Office.

If all this were not enough, the “journalists” also harassed witnesses and jurors. The latter complained to the Judge saying they were frightened, because they were followed with cameras and microphones. This was acknowledged several times by Judge Lenard who asked the Government -obviously without success- to help her avoid situations that tarnished the image of the US Judicial System. (See Official Record of the Trial, pages 22, 23, 111, 112, 625, 14644-14646).

In August 2005, the three judges in the Court of Appeals unanimously ruled the mistrial of the Miami process because it had taken place under what they described as “a perfect storm of prejudice and hostility”, created by the local media. When the three judges gave their historical ruling they did not know -they or anybody else could not have known- that the orchestrator of the perfect storm was the DA’s Office that prevaricated openly and forfeited its constitutional duty to preserve legality and guarantee a fair trial.

The first news of the Government conspiracy with its “journalists” came out a year later in September 2006. Since then the Government has opposed the efforts of US civil society organizations to make it disclose -in compliance with the Freedom of Information Act (FOIA)- the extent of the payments and contracts. The DA’s Office has also opposed the requests included in the extraordinary appeals of our compatriots and has threatened to resort to “executive privileges” and “national security reasons” to maintain the cover up.

The case of The Cuban Five has a bizarre link with media and journalism. In Miami the media was a decisive tool to condemn them. Outside Miami they are punished with silence.

The unquestionable denunciation by Martin Garbus poses a challenge to professional journalists. Will they let this be covered up again and become accomplices of those who tarnished their noble profession? Or will they try to save the honor of their profession by demanding that the fakes be unmasked and that truth and justice prevail?

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