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Justice Compromised In Florida: Journalistic Ethics And The Cuban Five

by Mike Leffert

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In July, Cuban President Fidel Castro visited Bolivia. At a press conference there, a reporter, Manuel Cao, asked Castro why Cuba was not letting one of its political dissidents leave the country. Castro asked who was paying him. Exactly how Castro knew Cao was being paid as an anti-Cuba propagandist remains an unanswered question, in some part because it went unasked.

But Cao, and many other Miami area journalists, was paid as a propagandist, even though he responded to Fidel, "Nobody pays me for asking questions; it's my job." The US government was, however, paying working reporters to work within their elaborate and expensive anti-Castro broadcast apparatus, Radio and TV Marti. The story broke in September.

This US government programming is beamed directly to Cuba and cannot be broadcast within the US because of anti-propaganda laws. The programming has received US\$37 million this year. Cuba has for years jammed the signal on the island, so the Bush administration spent a reported US\$10 million on a specially adapted airplane to transmit the broadcasts more effectively.

The story came to light as a result of a federal Freedom of Information Act (FOIA) request the Miami Herald (MH) filed on Aug. 15. The Herald was recently acquired by the McClatchy Co., along with the Nuevo Herald (NH), a Spanish-language newspaper widely read by the Miami Cuban-exile community. The McClatchy chain is the second-largest newspaper company in the US. Two of the ten journalists caught in this situation were Nuevo Herald writers and a third was on contract to the paper.

The mainstream media in the US has taken an ethics battering during the past few years, and this revelation is the latest of several revolving around the Bush administration's subversion of journalists for its policy aims. McClatchy may have used the FOIA request as a way to clear the decks upon taking over the newspapers. The story was assigned to Miami Herald reporter Oscar Corral, who broke it.

His story said the paper obtained the documents "as part of an ongoing two-year examination of federal spending on pro-democracy efforts in Cuba," but the FOIA request was not filed until July 13, and requested again on Aug. 15. This and subsequent reports said the Nuevo Herald reporters were the highest paid by the government. Pablo Alfonso, who reports on Cuba and writes an opinion column for the NH, has been paid almost US\$175,000 since 2001 to host shows on the Marti stations. NH freelancer Olga Connor, a Cuban culture writer, got about US\$71,000, and staff reporter Wilfredo Cancio Isla got around US\$15,000 during the five-year period. After questioning NH editors, the Herald fired the two staffers and severed the freelance relationship with Connor.

President of Miami Herald Media Co. Jesus Diaz Jr. told Corral, "Even the appearance that your objectivity or integrity might have been impaired is something we can't condone, not in our business. I personally don't believe that integrity and objectivity can be assured if any of our reporters receives monetary compensation from any entity that he or she may cover or have covered, but particularly if it's a government agency."

Other Miami journalists who received money from the Office of Cuba Broadcasting, the government agency running the Marti operations, included Cao, a local TV (CH.41) reporter who got US\$11,400 this year alone; Helen Aguirre Ferre, Diario Las Americas opinion-page editor; Ariel Remos, reporter and columnist; Channel 41 news director Miguel Cossio; and syndicated columnist Carlos Alberto Montaner, whose column is carried in the MH and the NH. Montaner, of the conservative Spanish newspaper ABC, is also president of a group called Union Liberal Cubana. These people are among the most popular journalists in South Florida, most reporting on issues involving the Marti project for their own employers while at the same time accepting the payments.

Proving prejudice against the Cuban Five

Coincidence or not, this story broke as the International Day of the Journalist was being celebrated in Cuba. Ricardo Alarcon, president of the Asamblea Nacional del Poder Popular, used the commemoration to denounce the scandal and, more important, link the events to the fate of the Cuban Five, who were arrested eight years ago, tried, and convicted in Miami for conspiracy to commit espionage and murder (see NotiCen, 2002-12-12).

The UN Working Group on Arbitrary Detentions has declared the trial unfair and in violation of international law. Their harsh treatment and long sentences three got multiple or single life sentences has drawn international criticism.

In August 2005, a three-judge panel of the Court of Appeals of the 11th Circuit in Atlanta reversed the verdict, ruling that the five did not receive a fair trial, and acknowledged trial evidence of terrorist actions by Miami exile groups against Cuba, groups the five had been sent to infiltrate (see NotiCen, 2005-08-11). In their 93-page decision, the judges noted "a perfect storm" of prejudice in Miami prevented them from having a fair trial.

In February 2006, the Bush administration appealed to all 12 judges of the court, and the decision was nullified pending the outcome of an en banc hearing. In August 2006, the court ruled: "Miami-Dade County is a widely diverse, multiracial community of more than two million people. Nothing in the trial record suggests that 12 fair and impartial jurors could not be assembled by the trial judge to try the defendants impartially and fairly." This, despite the jury foreman's open admission of anti-Castro bias and despite the five never having been charged with any espionage against the US.

In Cuba, these men are considered heroes for protecting their country against Miami-bred terrorism. In September, acting Cuban leader Raul Castro presented the Premio Internacional Benito Juarez to family members of the five for their "indefatigable battle for peace, justice, and against terrorism." A committee in Mexico authorizes the award.

Alarcon said the Miami media scandal spoke volumes about jurisprudence in Florida. "The accusers of our companeros are the same ones who invented with those they hired this hostile environment against them," he said in reference to the intense media campaign against the five before and during the trial. He said there was no doubt that this was misconduct on the part of the Justice Department and the government according to US law and was one more reason why, if US law is fairly applied, the prisoners must be freed. "I would like to see the faces of the magistrates of the Atlanta court who said that Miami was a proper place to judge these companeros."

Ethical vacuum in South Florida

A number of ethicists have commented on the matter, and agreement among them is universal that this was indeed a serious, fundamental, breach. Al Tompkins, who teaches ethics at the Poynter Institute for Media Studies in St. Petersburg, Florida, said, "It's all about credibility and independence. If you consider yourself a journalist, then it seems to me it's an obvious conflict of interest to take government dollars."

But there is evidence that these journalists, in the insular and peculiar ethical environment that is anti-Cuba South Florida, may not know that they have done wrong. Two of them, reported Voice of America (VOA) News, run by the US government's International Broadcasting Bureau, said they were merely sharing their opinions as part of a panel. Others said they did not believe the appearances were a conflict of interest. VOA did not identify any of them by name. The reporters' behavior is even reinforced by the Nuevo Herald readership.

The paper reported having received calls and emails from readers and from legislators criticizing the firings, the majority either canceling their subscriptions or threatening to do so. "I believe that this display of complicity with the communist government of Cuba will cause you the loss of many readers, among whom I include myself," read one of many of the messages the paper published. The paper also quoted Washington Congressman Lincoln Diaz-Balart (R-FL), who said, (translated from Spanish), "It is a very serious matter. First, because the fired journalists are very respected. Second, because to allege that there is a lack of professionalism and objectivity on Radio and TV Marti is untrue and unjust. And third, because there is a question about whether this was a request from the Cuban regime to the new parent company of the Herald."

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