

# News Organizations Seek Access To Documents In Cuban Spy Trial

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Two Miami news organizations asked a judge Thursday for permission to examine evidence in the Cuban spy trial, while two defendants argued public access should be denied or limited while the case is in progress.

At issue are many hundreds of documents, photographs, computer disks and personal belongings confiscated from the five men on trial. Prosecutors are using the items to prove their espionage case to the jury.

The Herald, El Nuevo Herald and NBC 6 asked U.S. District Judge Joan Lenard to make the evidence available for examination and copying outside the jury's presence. Lenard held a two-hour hearing and said she would rule as soon as possible.

Of particular interest: the contents of nearly 1,000 computer disks seized from the accused spies that contain communications between them and Cuban intelligence contacts. About 1,350 pages printed out in Spanish have been admitted into evidence but not yet shown to the jury. The English translation has not yet been admitted.

The printouts and other court documents are by law public records that can be withheld only for compelling reasons, none of which exist, argued Susan Aprill - lawyer for The Herald and El Nuevo Herald - and Karen Kammer, lawyer for NBC 6.

Making the records available will help reporters tell their stories more accurately, Aprill said.

Two defense lawyers disagreed. Joaquin Mendez, attorney for defendant Ruben Campa, argued that media reports on the evidence could inflame the community and taint jurors' deliberations. Paul McKenna, attorney for defendant Gerardo Hernandez, argued that the evidence should only be available for review after jurors see it.

More than 100 exhibits have been admitted into evidence, and many hundreds more are expected, said Assistant U.S. Attorney Caroline Heck Miller.

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