

TV MARTI HAS VIRTUALLY NO AUDIENCE, VIOLATES INTERNATIONAL LAW, AND SHOULD BE CLOSED

PREPARED STATEMENT OF JOHN S. NICHOLS

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Before the Subcommittee on International Organizations,
Human Rights and Oversight
Committee on Foreign Affairs
U.S. House of Representatives

Hearings on "TV Marti: A Station in Search of an Audience?"

June 17, 2009

Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify.

Television Marti has virtually no audience in Cuba and has little relevance in the Cuban domestic dialogue about the historic political transition currently taking place there. Although estimates vary, the total expenditures – including both direct federal appropriations and the substantial indirect costs -- to operate TV Marti since it went on the air in 1990 probably exceed a half-billion dollars of taxpayer money. Further, TV Marti has huge non-financial costs to the United States. The station currently is operating in violation of our international treaty obligations and is seriously undermining our foreign policy interests.

Therefore, in a time of financial hardship and sagging international reputation for the United States, to continue spending tens of millions of dollars per year on broadcasts that are ineffective, wasteful, and tarnish the U.S. image abroad is throwing good money after bad. Congress and the new Administration should close TV Marti at the earliest opportunity.

My conclusions are based on more than 30 years of research on Cuban communications issues, during which I was active in the longstanding congressional debate about TV Marti. I have taken the liberty of attaching my 1988 testimony to another subcommittee of the Foreign Relations Committee, in which I argued against the authorization of TV Marti because it probably would not be seen on the island,

would operate outside the bounds of international broadcast regulations, would compromise U.S. national self interest, and would accomplish nothing that could not be achieved more cheaply through other, less-confrontational means. Those predictions hold up pretty well in 2009.

In the summer of 2007, after the airborne version of TV Marti (dubbed AeroMarti) became operational, I had the opportunity to conduct extensive follow-up research in Cuba regarding the effectiveness of the plane and the whole range of communications issues related to Radio and TV Marti. The trip was arranged and funded by the Cuba Program of the Center of International Policy, and I was joined by the program's director, Dr. Wayne S. Smith, a leading expert on Cuba who formerly was director of Cuba Affairs in the Department of State and chief of the U.S. Interests Section in Havana, and his assistant, Jennifer Schuett.

I was given wide access to top Cuban officials and leading communications experts, including Ricardo Alarcon, President of the National Assembly; Josefina Vidal, Director of the North American section of the Ministry of Foreign Relations; Carlos Martinez Albuerne, Director General, Control and Supervision Agency, Ministry of Informatics and Communications; Luis Acosta Echeverria, First Vice President of the Cuban Institute of Radio and Television (ICRT); Fabio Fernandez, Director of Social Research for ICRT; and Arnaldo Coro Antich, academic, journalist, and leading Cuban expert on electronic communications. And the Cuban officials supplied me with substantial documentary evidence in support of their positions on these questions.

AUDIENCE OF TV MARTI

To answer the central question of the subcommittee (Does TV Marti have an audience on the island?), it is probably best to first tackle two sub-questions: Can TV Marti be seen in Cuba? And, to the extent that it can be seen, do people in Cuba choose to watch it?

The answer to the first sub-question is: the broadcast version of TV Marti is *not* seen in populated areas of Cuba and, almost without exception, has not been seen since the station went on the air in 1990. Despite the many expensive technological gimmicks funded by Congress, such moving from VHF to UHF broadcasts and changing the transmitter platform from an aerostat to an airplane, the basic physical properties of television broadcasting prevent TV Marti from delivering a signal to the island that is sufficiently strong to compete with Cuban counter-broadcasts and that can be seen by any significant number of people there.

The reason is that television is a short-distance, line-of-sight form of broadcasting. While putting the transmitter in an aerostat or airplane extends the potential distance that a TV signal can cover, the transmitter must have considerable power to push its complex and data-heavy signal over even short distances under ideal circumstances. The typical coverage area for a broadcast television station is roughly 50 miles, but the distance between the TV Marti transmitter and potential audiences in Cuba is double or triple that. Every time the distance that a TV signal must travel

doubles, the transmitter power must be quadrupled. But AeroMarti – TV Marti’s airborne transmitter -- carries a relatively small payload and, therefore, presumably has a transmitter that produces only a fraction of the power of a regular terrestrial TV transmitter. Consequently, the TV Marti signal is very weak after it traverses the Strait of Florida and reaches the Cuban coastline. All the Cuban government needs to do is fill the same channel with its own, low-power signal – which it has the legal right to do under international law – and the TV Marti signal is disrupted and cannot be seen in the surrounding area. As a rule of thumb, the TV Marti must be hundreds of times stronger at the point of reception than the Cuban counter-broadcasts simply to be seen. Given the power needs and distance limits, that is a level that TV Marti is incapable of reaching.

Therefore, unless TV Marti figures out a way to overcome the laws of physics (which I seriously doubt), its broadcasts cannot be seen on the island without the compliance of the Cuban government – no matter how many more expensive technologies the U.S. government invests in.

In sharp contrast, the transmissions of the two satellite services that simultaneously carry TV Marti programming can be seen in Cuba. The coverage area of the Hispasat satellite blankets the entire island, and Direct TV local spot beam reaches the North Central portion of the country with a high-grade signal. In addition, there are an unknown – but probably significant – number of satellite dishes in use in Cuba. As a result, TV Marti – along with scores of other television programming options – is easily available to those who are connected to these bootleg satellite reception networks. Although it is much easier to jam a satellite circuit than an over-the-air broadcast signal, to do the former would be a serious violation of international telecommunication regulations and, as a result, Cuba has not hindered the satellite transmission of TV Marti.

That leads to the second sub-question: Of those Cubans who can view U.S. programming via an illegal satellite dish connection, how many choose TV Marti over the wealth of programming options, including Spanish-language content from Miami commercial stations and other countries in the region? While it is nearly impossible to precisely quantify the number, the answer to the question is that the audience of the satellite version of TV Marti is very small. Surveys by both the U.S. and Cuban governments, in-country reporting by foreign journalists, and anecdotal evidence all indicate that the overwhelming majority of Cubans with access to satellite dish television strongly prefer other -- primarily entertainment -- programming. My Cuban friends, for example, regularly watch *House* and *CSI-Miami*. While most of them are intellectuals and clearly not representative of the larger Cuban population -- and regardless of their private opinions about the Cuban government -- they insist that TV Marti simply is not part of the larger political discourse and, consequently, is not relevant to the future of their country.

Therefore, the answer to the subcommittee’s central question in this hearing is that the audience for TV Marti in Cuba is extremely small. Virtually no one can see the broadcasts from AeroMarti, and Congress’ continued investment in that technology is a

complete and total waste of taxpayer dollars. The satellite transmissions of TV Marti, which cost only a small fraction of the roughly \$6 million per year to broadcast from AeroMarti, are marginally more cost efficient but still garner only tiny audiences. By any reasonably cost-benefit analysis, TV Marti is extremely wasteful and should be closed.

INTERNATIONAL TELECOMMUNICATION REGULATIONS

The U.S. government is in knowing and willful violation of its international treaty obligations by continuing to broadcast via AeroMarti, the airborne transmitter of TV Marti. Shortly after TV Marti went on the air in 1990, the International Telecommunication Union, the United Nations body responsible for implementing international broadcasting treaties and coordinating the use of the airwaves, notified the United States that TV Marti was not in compliance with provisions of the International Telecommunication Convention – to which both Cuba and the United States are signatories – and directed the United States to take corrective action. The United States obviously has not complied, and in the intervening years, the ITU has frequently repeated its determination to no avail.

The regulatory basis for the ITU's decision is detailed in my attached 1988 testimony and will not be repeated here; however, it is important to underline that the international telecommunication regulations in question – while arcane – are extremely important to U.S. interests. The very provisions that TV Marti flouts were adopted as international law in the late 1940s at the insistence of the United States – and over the stiff opposition of the Soviet Union – because they not only ensure the most efficient use of the international airwaves for the benefit of all countries but also are critical in protecting the U.S. domestic broadcast system from external interference. To violate such regulations is obviously counter-productive.

The responses of the U.S. government to the ITU's determination regarding TV Marti have ranged from silence to hostile rebukes of the UN agency. This is particularly unfortunate because the United States was the primary architect of the international framework that we rely on to tackle the many grave problems (such as human rights violations, nuclear proliferation, climate change and – in this case – misuse and degradation of the broadcast spectrum) that span borders and cannot be resolved by individual nations. The United States advocated an international legal system because it was the right thing to do and, at the same time, was in our national best interests. But, in recent years, Washington has grown contemptuous of this multi-lateral approach to solving collective problems and too often has selectively complied with only those treaty obligations that satisfy its short-term political needs.

President Obama campaigned on the promise that his administration would re-engage the United States in the world community and rebuild respect for the rule of law and international organizations. While TV Marti's disregard for international telecommunication regulations is nothing on the order of violations of -- for example -- the Geneva Conventions against torture, it is symptomatic of the same double standard by which the United States sets rules for the rest of the world and then breaks them. Such actions have serious long-term consequences. If the United States wants others

– such as the government of Cuba -- to obey international law, it must do so itself. (See Jorge I. Dominguez, "Unrepentant Power," Foreign Policy, January/February 2008, pp. 71-72, for an excellent explication of this point. Dominguez, vice provost for international affairs at Harvard University, is a distinguished scholar of Cuban affairs.)

Furthermore, it is at least ironic that, while TV Marti is supposedly about freedom of information for the Cuban people, the U.S. government has not been forthcoming in releasing information to the U.S. public about its operation of the station. I have filed numerous Freedom of Information Act requests for relevant unclassified documents, but almost all of those requests have been ignored or inappropriately denied. It is equally ironic that most of the three-way correspondence among the United States, Cuba, and the International Telecommunication Union was supplied to me by Cuban officials. (I wish to acknowledge in particular the cooperation of Carlos Martinez Albuerne, the director of the Cuban counterpart to the Federal Communications Commission, for releasing considerable documentary evidence to me. I also wish to thank Erika Polson, a soon-to-be graduate of Penn State's mass communications Ph.D. program who assisted me in my most-recent wave of failed FOIA requests to various federal agencies.) Dr. Benjamin Cramer, a recent Penn State Ph.D. specializing in communications law, and I currently are culling the documents released by the Cubans and using them to update my 1988 testimony. We would be pleased to share that more detailed legal analysis with the subcommittee when it is completed.

Conversely, I would like to applaud the Chairman for requesting the GAO report that is the focus of today's hearing. In my opinion, it is the best and most complete government study on TV Marti to be released to the public, and it has added greatly to the public dialogue on the topic.

In conclusion, it is important to emphasize that everything TV Marti claims to accomplish (or would if it was viewed in Cuba) can be easily achieved by other means that cost far less – in many cases, nothing – to the U.S. taxpayer; do not violate international law; and do not unnecessarily complicate U.S. foreign policy interests. For example, if Congress is serious about improving communication with Cuba, it would pass HR 874 (Freedom to Travel to Cuba Act) and restore the right of U.S. citizens to travel freely to the island and engage a meaningful and productive dialogue with the Cuban people. In addition, the recent announcement by the White House that it intends to authorize U.S. companies to expand modern telecommunication links with Cuba – seriously impeded by the U.S. embargo -- is an important step in the right direction.

In other words, there is nothing to lose by closing TV Marti and much to gain. The station is not needed – indeed, it is counterproductive – to expanding communication with and fostering democracy for the Cuban people.

Mr. Chairman, TV Marti is an embarrassing and expensive failure that undermines important domestic and international interests of the United States. Consequently, Congress should pull the plug on the station as soon as possible and open up real opportunities for effective communication with the Cuban people. Thank you.

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Monday Memo

A commentary on TV Marti from John Nichols, Pennsylvania State University

A word of caution about TV Marti

In the aftermath of the 1962 Cuban missile crisis, Edward R. Murrow, the legendary broadcast journalist and then-director of the U.S. Information Agency, reported in a secret memo to President Kennedy on a new weapon in the U.S. propaganda arsenal against Cuba. In collaboration with the Defense Department, USIA had developed the capability to beam television programs into Cuba from airborne transmitters.

The previously unpublished memo, declassified and released by the Kennedy Presidential Library, describes how taped television programs could be broadcast into Cuba from two specially equipped DC-6 aircraft flying at a maximum of 18,000 feet just outside Cuban airspace. USIA was responsible for the programing, but the "stratovision" planes were under the command of Gen. Edward G. Lansdale, America's prime psychological warrior.

Although the airborne transmitters were operational and Lansdale was eager to deploy them, Murrow counseled Kennedy: "We should not use this equipment to place television in Cuba under other than the most grave circumstances." Such circumstances, according to Murrow, were U.S. retaliatory air strikes or a full-blown invasion of Cuba. Murrow's reasons for caution were the ease with which the Cubans could jam the U.S. transmitters and what he referred to as the "general situation." Kennedy took Murrow's advice and, despite hostile relations with Cuba, never used the system.

Today, a quarter century later, Congress is poised to authorize Television Marti, a reincarnation of the Murrow-Lansdale stratovision project. The proposed USIA station would transmit six hours of daily television programing, including soap operas, music videos and a U.S. government version of the news, to Cuban audiences from a balloon floating 14,000 feet over the Florida Keys.

The project—backed by the Reagan administration—will cost an estimated \$40 million through 1990, when the television station is scheduled to be fully operational, and \$15.5 million annually thereafter. Although modern TV technology is more sophisticated than in Murrow's day, Cuba still can easily neutralize U.S. broadcasts with only a few thousand dollars of expenditures. Aside from this colossal waste of U.S. tax dollars, there is a more important reason for not implementing TV Marti.

Murrow, whose televised denunciation of Senator Joseph McCarthy helped to stem the anti-communist hysteria of the 1950's, appreciated the political uses of the medium, but he also recognized its potential for abuse. Although his memo to Kennedy does not elaborate on what he meant by the "gen-



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eral situation," it is clear from other declassified memos that many Kennedy administration officials involved in planning the anti-Cuban propaganda campaign were concerned about U.S. violations of international law and vulnerability to retaliation.

The U.S. government is party to numerous treaties and technical accords that clearly prohibit cross-national propaganda broadcasts. But lacking an international cop to enforce these regulations, the United States and other nations, including Cuba, have routinely ignored them.

For example, in 1985 the United States inaugurated Radio Marti, which broadcasts propaganda to Cuba via an AM radio transmitter in Florida. The start-up of this radio forerunner of TV Marti—named for 19th-century Cuban patriot Jose Marti—enraged the Cuban government. It immediately lashed back by suspending an important immigration agreement with the U.S. and briefly disrupting U.S. commercial radio broadcasts as a "test and demonstration" of its ability to respond on the airwaves.

Provoking a broadcasting war is not in the best interests of the United States. We are increasingly dependent on an increasingly vulnerable telecommunications system. Huge amounts of news, entertainment, busi-

ness data and other information critical in the daily lives of the American people are transmitted over the airwaves. During the Morrow era, the United States was just beginning experimental television transmissions via communication satellites, but now satellites routinely relay the bulk of cable and network television, news services, long-distance phone calls, stock quotations, banking transactions, etc., throughout the country. In fact, TV Marti programing would be carried from Miami studios to its balloon-transmitter via satellite.

Yet this complex U.S. telecommunications system has no technological protection from outside disruption. The only real safeguard for what is, in effect, our national nervous system is the international code of conduct that prohibits interference with domestic communications systems of other nations. But if the U.S. government insists on being an uninvited guest on Cuban airwaves, the Cuban government will probably respond in kind, causing serious disruption in the fragile U.S. broadcasting system.

"We cannot stand idle for these things," said Ramon Sanchez-Parodi, Cuba's top diplomat in the United States, in an interview earlier this month. "There will be response." However, he declined to elaborate on how the Cuban government would respond.

Last month, only days after the Senate Appropriations Committee approved start-up funding for TV Marti, Cuba turned up the power of two of its largest transmitters as an apparent warning. AM radio broadcasters in five southern states suffered interference as a result.

More ominous, however, is Cuba's recent introduction of satellite equipment. There is no technological impediment to Cuba overriding U.S. satellite circuits with its own television programing in the same way that, in a highly publicized 1986 incident, a Florida man known as Captain Midnight briefly wiped Home Box Office off U.S. television screens using only basic transmitting equipment. Although Cuba is unlikely to take such an extreme measure, the possibility should make U.S. policymakers think twice before escalating their propaganda war against Cuba to television.

Launching TV Marti is not only wasteful of U.S. tax dollars and prohibited under international law, it also would be self-destructive. The airwaves, like any scarce resource, must be protected from pollution. And, as in other environmental issues, the interests of all nations, even ideological adversaries such as Cuba and the United States, are best served by cooperation—rather than confrontation—in the use of that resource. By further polluting the airwaves with cross-national propaganda, TV Marti will hasten the deterioration of radio and television service in both countries.

Murrow's caution remains valid today.

FOREIGN POLICY IMPLICATIONS OF TV MARTI

HEARING
BEFORE THE
SUBCOMMITTEES ON
INTERNATIONAL OPERATIONS
AND ON
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PREPARED STATEMENT OF JOHN SPICER NICHOLS
Associate Professor of Communications
The Pennsylvania State University

before the
Subcommittees on Western Hemisphere Affairs
and International Operations
U.S. House of Representatives
Washington, D.C.
September 22, 1988

Mr. Chairman, members of the subcommittees, thank you for the invitation to discuss with you the feasibility and advisability of initiating U.S. government television broadcasts to Cuba. The subcommittee's staff has asked me to focus my comments on the intertwined legal and technical implications of such broadcasts.

First, the legal and regulatory issues: The proposal to authorize TV Marti is, in effect, an electronic Platt Amendment.

In the aftermath of the Spanish-American War, the United States forced Cuba to incorporate the Platt Amendment into its new constitution as a condition for the withdrawal of U.S. troops. The amendment, attached to an army appropriations bill by U.S. Senator Orville Platt, granted the United States the right to intervene at will in the domestic affairs of Cuba. Until it was negated in a 1934 treaty signed by the Roosevelt Administration, the Platt Amendment was the symbol of U.S. intervention in Latin America and the rallying cry for Cuban nationalists and revolutionaries.

Decades later, Congress is poised to authorize TV Marti, which would broadcast to Cuba on frequencies that have been designated by international treaty for Cuban domestic use and

with the stated purpose of affecting the internal affairs of that country. Ironically, the U.S. government station is named for Jose Marti, the 19th-century Cuban patriot who fought for his nation's independence from foreign control, including from the United States.

However, there are important differences between the Platt Amendment and its electronic sequel. As an economic and military superpower, the United States was easily able to enforce the Platt Amendment and its vestiges until the Cuban revolution in 1959. But in international broadcasting, there are no superpowers. The transmitters of a small, poor country can be equally disruptive as those of a neighboring giant. In the event of a radio war, in which nearby nations blast each other with unregulated, high-power broadcasts, a wealthy and powerful nation stands to lose at least as much as its weaker combatant. Consequently, the world community -- including nations with conflicting economic and political interests -- has established rules for the use of the electromagnetic spectrum and seeks meticulous compliance with them.

Both the United States and Cuba are signatories to the 1962 International Telecommunication Convention, the basic legal instrument governing the use of world airwaves. The convention, on one hand, recognizes "the sovereign right of each country to regulate its telecommunication" but, on the other hand, encourages cross-national communication in the interest of "peace and social and economic development of all countries." The

International Telecommunication Union (ITU) is the United Nations body responsible for implementing the convention and coordinating the use of the spectrum.

The convention attempts to balance the competing interests of international communication and the right of each nation to maintain sovereignty over its domestic broadcasting system by allocating portions of the spectrum for different uses. The Annexed Radio Regulations of the convention designate the standard radio and television frequencies for domestic use only. Section 1(2), Article 30, Paragraph 2666 of the regulations says: (B)roadcasting stations using (these) frequencies ... shall not employ power exceeding that necessary to maintain economically an effective national service of good quality within the frontiers of the country concerned." Those wishing to broadcast to foreign audiences must use short wave, the high-frequency band designated by the ITU for international broadcasting.

These regulations notwithstanding, an increasing number of government and private stations around the world use standard medium-wave frequencies to sneak into the domestic broadcasting services of foreign countries, where they can reach audiences that are unwilling or unable to tune into short-wave frequencies. According to the Congressional Research Service, Radio Marti, which broadcasts on an AM radio channel from Florida to Cuba, and Radio Taino, the Cuban station broadcasting to the United States in response, are among those stations not in compliance with the radio regulations. This troubling trend is

greatly contributing to the deterioration of the airwaves for all listeners and nations.

Despite the legal analysis of the Congressional Research Service and a substantial body of international telecommunications law, the U.S. State Department argued that Radio Marti would not violate the convention because the established practice of cross-national broadcasting on medium-wave frequencies outweighed the principle stated in the regulations. Now, the legal consultants commissioned by the U.S. Information Agency have concluded that TV Marti operating from U.S. territory might not be a violation of the international agreement because Radio Marti and other such broadcasters have established a precedent. That is akin to saying: Breaking and entering is committed with great frequency in Washington; therefore, the laws against that crime must not mean what they say, and a burglar is not obligated to obey them.

The Radio Regulations, Section 1(1), Article 30, Paragraph 2665, also prohibit the establishment of broadcast stations on ships, planes or other airborne objects outside national territory. This regulation was intended to stem the increase of pirate radio stations which operated from international waters to circumvent domestic licensing requirements and international prohibitions on broadcasting across national boundaries on standard frequencies. In 1987, the U.S. government used this regulation as partial authority to board a Honduran ship in international waters and close an unlicensed radio station

broadcasting from it to audiences in New York.

TV Marti, operating from a aerostat in U.S. airspace or from any of the other modes evaluated in the feasibility studies, would be in apparent violation of one of these regulations.

Article 44, Paragraphs 175 and 176, of the convention also obligates signatories to enforce the regulations on all public and private stations within their jurisdiction "which engage in international services or which are capable of causing harmful interference to radio services of other countries." The most basic purpose of the convention is avoid harmful interference, which is defined as any transmission that "seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations." In order to reduce harmful interference, the International Frequency Registration Board (IFRB) of the ITU maintains a master list of broadcasters that are authorized to use certain frequencies at a designated power, direction and time of day. In the event that two stations operating on the same frequency interfere with one another, the IFRB usually will assign priority to the station that has been on the air longest and is operating in accordance with the radio regulations.

All VHF television channels in Cuba (ie. channels 2 through 13) currently are occupied by at least one duly-registered Cuban station. Therefore, TV Marti probably will cause at least some harmful interference to Cuban broadcasters, no matter what channel it selects. This problem was confirmed by an independent

engineering study commissioned by USIA. Therefore, even if the aforementioned radio regulations do not apply to TV Marti (as some have erroneously argued), the proposed U.S. station still would not be in compliance with the ITU's most basic principle -- a member nation's obligation to avoid causing harmful interference to neighboring stations.

The ITU has no enforcement authority and, therefore, cannot prevent the U.S. government from launching TV Marti. Nonetheless, it is in our national interest to comply with the regulations that prohibit such activity. The United States is increasingly dependent on an increasingly vulnerable telecommunications system. Huge amounts of essential information are transmitted over our airwaves each day. Yet the U.S. telecommunications system has no technological protection from outside interference. The only real safeguard for what is, in effect, our national nervous system is the international convention that prohibits interference with the domestic telecommunications systems of other nations. If the United States insists on being an uninvited guest on Cuban airwaves, Cuba will be tempted, at the very least, to similarly ignore ITU regulations and operate its domestic broadcasting system without protecting Florida stations from harmful interference. Or Cuba could respond in kind by broadcasting with high power to U.S. audiences thereby causing interference to numerous North American broadcasters. In the worst case scenario, Cuba could purposely disrupt the fragile U.S. telecommunications system

escalating a broadcasting war that neither country can win. (I have attached an article I recently wrote for Broadcasting magazine elaborating on this issue.)

Let me turn briefly to some related engineering issues. Probably the most efficient option for delivering a clear TV signal to Havana would be from a ship just off Cuban shores. However, the legal advisors to USIA have said unequivocally that such an operation would not be in compliance with international regulations, to say nothing of being vulnerable to the Cuban navy. Therefore, a U.S.-based system was chosen. The problem is that television is line-of-sight, short-distance broadcasting, and the 90 miles of water between the Florida Keys and Havana is an unusually long distance for a television transmitter to deliver its signal. Consequently, in order for TV Marti to send its signal over the horizon to Cuba, it must broadcast from high-altitude and/or at high power. Such a system would not only be expensive and cumbersome, it also might interfere with the signals of licensed TV stations in Florida. The USIA-commissioned engineering studies confirm that this is a potential problem.

The engineering studies also note that because of the abnormally long distance from transmitter to receiver, the TV Marti signal would be highly vulnerable. By slightly increasing the power of existing stations or adding new low-power repeaters, Cuba could neutralize the U.S. TV signal for less than one-half of one percent of the estimated costs (by conservative estimates)

of TV Marti. In this regard, the Cuban government might hope that TV Marti is launched at considerable financial and technical costs to the United States.

If the true goal is to deliver television news and entertainment to the Cuban people rather than to provoke a confrontation with the Castro government, there are at least two other ways to achieve the goal without the expense and disruption certain to accompany TV Marti. The United States recently has entered into negotiations for broadcasting exchanges with both the Soviet Union and France. If successful, these negotiations would give the Soviet Union access to U.S. AM frequencies and the Voice of America access to French FM frequencies. Such bilateral arrangements are permissible under ITU regulations. The United States also agreed to similar negotiations with Cuba as a *quid pro quo* for restoration of the immigration agreement that was suspended by the Cuban government in retaliation for the start-up of Radio Marti. Information on those negotiations has been classified, but apparently they have faltered.

Recent statements by high Cuban officials indicate that their government is not opposed to receiving U.S. television signals in Cuba. They say that such broadcasts are inevitable because of the advances in communication technologies and the proximity of the two countries. However, they object to the unilateral introduction of Radio and TV Marti and express concern over the "political intention" of the stations. If these statements accurately describe the Cuban government position, the United

States might be able to negotiate the transmission of existing USIA television programming to Cuba, if the sovereignty of Cuban airwaves is respected.

Another possibility is to give U.S. television enterprises the green light to sell U.S. programming to Cuba, where audiences seem eager for higher-quality commercial programming. The Berman Amendment to the trade bill signed by President Reagan last month seemingly would permit commercial television transactions with Cuba for the first time in nearly three decades. (CNN's Ted Turner is reportedly a fishing buddy of Fidel Castro, and a modicum of television traffic between his network and Cuba is already under way.) Either approach could bring U.S. news and entertainment to Cuban television screens while averting a regional broadcasting war and reducing the hefty costs to the U.S. taxpayers.

In summary, Mr. Chairman, this is more than a question of whether the U.S. government should respect the sovereignty of Cuban airwaves. It is also a matter of U.S. self-interest. The airwaves are a scarce resource, and the laws of physics dictate that two transmitters broadcasting with equal power on the same portion of those airwaves will drown each other out. Therefore, to avoid an indecipherable jumble of competing signals, ideological adversaries such as the United States and Cuba must cooperate in the use of that resource. TV Marti would be operating outside the bounds of the International Telecommunication Convention and would cause harmful interference

to both Cuban and U.S. television stations, while accomplishing nothing that could not be achieved more cheaply through other, less-confrontational means. Thank you, Mr. Chairman.