

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
El Paso Division**

UNITED STATES OF AMERICA)	
)	Case N. EP-07-CR-87
v.)	
)	The Honorable Kathleen Cardone
LUIS POSADA CARRILES)	

**JOINT REPORT OF THE UNITED STATES AND DEFENDANT REGARDING
REDACTIONS OF THE TRANSCRIPT OF THE DEFENDANT’S RECORDED
INTERVIEWS WITH ANN LOUISE BARDACH**

1. On December 1, 2010, the United States and the defendant conferred via teleconference in compliance with an Order entered by the Court during a November 22, 2010 telephonic hearing with the parties. As a result of their negotiations on December 1, 2010, the United States and the defendant have agreed to redact a substantial number of parenthetical notations currently contained within the transcript of the defendant’s 1998 interviews with journalist Ann Louise Bardach. Indeed, the parties have agreed to redact parenthetical notations from sixty-three different portions of the transcript. Only five contested notations remain.

2. The parties, therefore, include herein two tables detailing the progress made thus far.¹ The first table provides the specific text (and its corresponding page number) which both parties agree should be redacted from the transcript. The second table details the two portions of the transcript where the parties remain in disagreement. To the best of their knowledge, the parties believe that these two tables encompass all of the parenthetical notations in the transcript relevant to the Court’s request.

¹ The defendant opposes the public filing of this Joint Report, and requested that the United States file the Report under seal.

3. The parties agree to redact the text described in the following table:

Page	Text to be redacted
SD-00002 (left column)	“[electronic clock chimes in background]”
SD-00003 (right column)	“[next to me]”
SD-00005 (right column)	“[He used ‘right’ when he means ‘privilege.’]”
SD-00008 (right column)	“[confusion of names]”
SD-00009 (right column)	“[Hispanized version of ‘destroyers’]”
SD-00010 (right column)	“[AB incorrectly repeats word with stress on first syllable.]”
SD-00012 (right column)	“[mountains in eastern Cuba]”
SD-00012 (right column)	“[Bardach misunderstands ‘gangsters’]”
SD-00014 (left column)	“[he spells it out on paper]”
SD-00014 (right column)	“[Anglicization of ‘votacion,’ ‘the voting’]”
SD-00014 (right column)	“[by vote]”
SD-00015 (right column)	“[Castro]”
SD-00061 (left column)	“[long silence]” and “[almost whispered]” and “[in a hushed voice]”
SD-00061 (right column)	“[movement]”
SD-00061 (right column)	“[Revolutionary Defense Committee]”
SD-00064 (right column)	“[very]” and “[one]”
SD-00065 (right column)	“[operation]”
SD-00066 (right column)	“[one]”
SD-00066 (left column)	“[Loud noise, then]” and “[momentarily] ”
SD-00067 (left column)	“[Cuba]”
SD-00070 (right column)	“[told him they]” and “[if]”
SD-00074 (left column)	“[the fax]”
SD-00077 (right column)	“[AB erroneously takes his response, ‘Que si estoy triste por eso’ to be a rephrasing of her questions, ‘are you concerned about Cruz Leon being in prison’]”
SD-00078 (left column)	“[must indicate ‘no’ with head]”
SD-00080 (right column)	“[AB has confused ‘hablo’ with ‘algo’ and is asking for clarification]”
SD-00081 (left column)	“[Es una]”
SD-00081 (right column)	“[He is a]”
SD-00093 (left column)	“[iano]”
SD-00103 (left column)	“[long silence]”
SD-00104 (right column)	“[female]”
SD-00105 (right column)	Delete the phrase that currently appears in brackets, and replace it with the phrase: “He’ll die to buy you and live to kill you.”
SD-00106 (right column)	“[Diary of a Survivor (St. Martin’s Press, 1995)]” and “[female]” and “[AB means ‘preso,’ ‘male prisoner’]”
SD-00107 (left column)	“[loud background noise, like distant uncontrolled laughter]”
SD-00109 (left column)	“[loud amplified guitar strum in background]”
SD-00111 (left column)	“[loudspeaker noise, with singing, in background]” and “[music/singing]” and “[momentarily]”
SD-00111 (right column)	“[province]” and “[province]” and “[AB confuses ‘poquito’ = not much ‘quantity’ with ‘pequenito’ = small’]”
SD-00112 (right column)	“[compartimentacion]”

SD-00113 (right column)	“[Que importa? What does it matter?]”
SD-00114 (left column)	“[very loud music in the background]” and “[very loud music in the background]”
SD-00119 (left column)	“[long silence]”
SD-00120 (left column)	“[long silence]” and “[loud speaking over loudspeakers]”
SD-00121 (right column)	“[There’ll be]”
SD-00139 (left column)	“[possibly shaking head ‘no’]” and “[loud saxophone music in background]” and “[in this order]” and “[long silence]”
SD-00140 (left column)	“[long silence]”
SD-00141 (left column)	“[long silence]” and “[short silence]”
SD-00146 (left column)	“[loud beep sound]” and “[slapping sound]”
SD-00148 (left column)	“[very dispersed and loud background noise]” and “[one-word question]”
SD-00150 (right column)	“[LP is translating ‘militares,’ ‘military men,’ as ‘militaries’]”
SD-00151 (left column)	“[mumbled]”
SD-00158 (right column)	“[this is a literal translation of a Cuban expression—‘No metas las pata’—which means ‘Don’t stick your foot in it or ‘Don’t mess it up’ in English]”
SD-00159 (left column)	“[long silence]”
SD-00161 (left column)	“[loud background noise]” and “[music with singing in background]”
SD-00165 (left column)	“[long silence]”
SD-00169 (left column)	“[long silence]” and “[intermittent noise]”
SD-00193 (left column)	“[what I look like]”
SD-00194 (right column)	“[AB may possible have meant to say ‘forty’ here, and not ‘four.’]”
SD-00202 (left column)	“[long silence]”
SD-00203 (left column)	“[long silence]”
SD-00205 (right column)	“[confided]”
SD-00219 (left column)	“[background chatter, possibly waiter]”
SD-00221 (left column)	“[Thank you-chatter to server]”
SD-00222 (left column)	“[Terrible interference noise on tape]” and “[terrible interference as Posada speaks. It is]” will be redacted. “[unintelligible]” will not be redacted.
Throughout transcript	Repeatedly throughout the transcript, the words “momentarily” and “abruptly” are used in connection with notations about the tape recorder being turned off. The parties agree that this qualifying language will be redacted throughout the transcript (e.g., the notation “[tape recorder turned off momentarily]” will be modified to read “[tape recorder turned off]”).
Throughout transcript	Repeatedly throughout the transcript, references to “long silence” or “short silence” appear. Although the parties have indicated some of those instances above, not every instance is listed. The parties agree that these references will be redacted.

4. The parties remain in disagreement regarding the text described in the following table. In each instance, the United States proposes to retain the language, and the defendant proposes to redact the language.

Page	Text in disagreement
Throughout transcript	The words “[laughter]” “[giggles]” and “[chuckles]” appear repeatedly throughout the transcript. The United States proposes to retain these references, and would be amenable to using one uniform term throughout the transcript to reference laughter (e.g., the word “laughter” would be used in every instance, and would replace the words “giggles” and “chuckles” when they are used). The defendant objects to the inclusion of any words describing laughter, including the length of the laughter.
SD-00013 (right column)	The United States proposes to redact the word “Guayaberas” and retain the words “[light material tropical shirts]”. The defendant proposes to redact the entire phrase.
SD-00062 (left column)	“[sigh]”
SD-00113a (right column)	The United States proposes to retain the entire notation “[Another, different idea. A different idea]”. Alternatively, the United States proposes to replace the notation with the phrase “[Another idea. Another idea.]” The defendant proposes to redact the entire notation.
SD-00144 (right column)	The United States proposes to redact the words “[Armando Manzanero, a famous Cuban popular music]” and to retain the word “composer.” The defendant proposes to redact the entire phrase.

5. The parties hereby submit the foregoing information for the Court’s consideration, and remain available to the Court for further discussions regarding this issue.

Respectfully submitted by:

/s/ T. J. Reardon, III
T. J. REARDON, III
 Trial Attorney
 Counterterrorism Section
 Nat’l Security Division
 United States Department of Justice
 10th Street & Constitution Avenue, NW
 Washington, D.C. 20530
 Tel.: (202) 514-0849
 Email: t.j.reardoniii@usdoj.gov

/s/ Jerome J. Teresinski
JEROME J. TERESINSKI
 Trial Attorney
 Counterterrorism Section
 Nat’l Security Division
 United States Department of Justice
 10th Street & Constitution Avenue, NW
 Washington, D.C. 20530
 Tel.: (202) 514-0849
 Email: jerome.teresinski@usdoj.gov

/s/ Bridget Behling

Bridget Behling

Trial Attorney
Counterterrorism Section
United States Department of Justice
10th Street & Constitution Avenue, NW
Washington, D.C. 20530
Email: bridget.behling@usdoj.gov

/s/ Arturo V. Hernandez

ARTURO V. HERNANDEZ, ESQ.

Attorney for Defendant
ARTURO V. HERNANDEZ, P.A.
2937 S.W. 27th Avenue, Suite 101
Miami, Florida 33133
Telephone: (305) 443-7527
Facsimile: (305) 446-6150
E-Mail: avhlaw@bellsouth.net

/s/ Rhonda A. Anderson

RHONDA A. ANDERSON, ESQ.

Attorney for Defendant
2655 Le Jeune Road, Suite 540
Coral Gables, FL 33134
Telephone: (305) 567-3004
Facsimile: (3035) 476-9837
E-Mail: randersonlaw@gmail.com

/s/ Felipe D.J. Millan

FELIPE D.J. MILLAN, ESQ.

Attorney for Defendant
2630 Montana Avenue
El Paso, Texas 79903
Telephone: (915) 566-9977
Facsimile: (915) 562-6837
E-Mail: fdjmillan@yahoo.com

Certificate of Service

I hereby certify that on the 1st day of December, 2010, I caused the foregoing to be filed with the Clerk of Court, and have sent a copy of the following via e-mail to:

ARTURO V. HERNANDEZ, ESQ.

Attorney for Defendant
ARTURO V. HERNANDEZ, P.A.
2937 S.W. 27th Avenue, Suite 101
Miami, Florida 33133
Telephone: (305) 443-7527
Facsimile: (305) 446-6150
E-Mail: avhlaw@bellsouth.net

FELIPE D.J. MILLAN, ESQ.

Attorney for Defendant
1147 Montana Avenue
El Paso, Texas 79902
Telephone: (915) 566-9977
Facsimile: (915) 562-6837
E-Mail: fdjmillan@yahoo.com

RHONDA A. ANDERSON, ESQ.

Attorney for Defendant
2655 Le Jeune Road, Suite 540
Coral Gables, FL 33134
Telephone: (305) 567-3004
Facsimile: (3035) 476-9837
E-Mail: randersonlaw@gmail.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

/s/ T. J. Reardon III

/s/ Jerome J. Teresinski

/s/ Bridget Behling

T. J. Reardon III

Jerome J. Teresinski

Bridget Behling

Trial Attorneys