



# MIT Western Hemisphere Project

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## Lori Berenson: Convicted by an Image

By Danny Schechter  
November 13, 2000

Picture this scene. The president of a Latin American country, said to be trying to redeem himself in Washington's eyes, races around the countryside in a motorcade and a helicopter, beating the bushes day and night in order to personally arrest a former advisor. He raids a supermarket and detains an army commander. And then he's off again on a nonstop, quixotic chase ...

That president is Alberto Fujimori of Peru, who recently announced, in the aftermath of a corrupt election that led to a mass rebellion in the streets, that he would quit office, then just as quickly un-quit.

His "Hollywood heroics" appeared in the usually staid pages of the October 27 *Financial Times*. "Peru's political crisis has lurched towards farce," reported Paul Keller in Lima, who described "a grave-looking president in a leather jacket shouting orders through a megaphone surrounded by police with sniffer dogs." Fujimori's obsessed hunt for his former spy chief Vladimir Montesinos is called "bizarre" and "surreal." You'd think the American networks would be all over it as another of those "reality" TV moments that provide entertaining substitutes for real news.

But, no, the story in Peru that interested CBS's "48 Hours" program on October 19 was not about a longtime U.S.-backed dictator clinging to power or his former chief torturer on the lam. It was about a young American serving a life sentence in Peru for allegedly being a terrorist leader. CBS "Evening News" anchor Dan Rather, who does double duty as host of the weekly hour-long "news" magazine, was pleased to bring us what he called "an extraordinary exclusive" and a "fabulous story."

As an activist and student in the late '80s, Lori, a young New Yorker, was drawn to the people and problems of Latin America. She worked in El Salvador in 1988 before traveling to Peru in 1994. CBS inaccurately reports: "During the war in El Salvador, there were two sides, the side of the government and the side of the FMLN, a Marxist guerilla group." Everyone who covered that conflict, including CBS itself, knows there was a third force: human rights groups and the Catholic church, who fought for justice for the poor. The leaders of the FMLN said he remembers Lori as someone who promoted peace. Supporting the fight for justice doesn't make you a terrorist, even if that's what repressive governments call you. Lori has never publicly endorsed violence, and she told that to "48 Hours," but CBS, for most of this flawed report implied that she was lying.

### Cooperative Jailers

On one level, Rather was right to call this an exclusive: His was the first U.S. TV outlet to win access to Lori in the prison. CBS correspondent Peter Van Sant was dispatched to do the interview, which was produced by Patti Aronofsky. Even though Lori's parents, Mark and Rhoda Berenson, claim the show's executive producer, Susan Zirinsky, had agreed to devote an hour to the case in December, the story, once it achieved "extraordinary exclusive" status, was moved up to October and compressed into a 15-minute segment. (Zaritsky told me that they were "exploring an hour" about the Berensons' fight to save their daughter — not on the case itself — "but the family would not provide adequate access.")

In his intro to the segment, Rather added: "Note, please, the military there insisted on being present during our interview." Not only was the military present, but they had the full interview videotaped. Rather does not disclose this. This is significant because it was this very military, with one of the worst human rights records in the world, that prosecuted and convicted Berenson in the first place. It was they who sentenced her to death after a quickie "trial" before hooded judges, where she had no right to cross-examine witnesses or even make a statement. (On August 28, these same military courts, after five years, nullified their own conviction; they then remanded Berenson for a new trial before civilian courts.) The Justice Ministry prosecutes such cases, so you won't be surprised to learn that it was the Justice Minister, Alberto Bustamante himself, who facilitated the CBS interview, and, in what clearly appears to be *quid pro quo*, was interviewed on camera.



Berenson at her "second trial" (March 2001), seen through a TV camera



A justice of the Peruvian Supreme Court caught on videotape accepting a bribe from the *de facto* head of Peruvian intelligence (who made the tape and is now himself in jail)

Note, please, that Lori's lawyer and parents were not allowed to be present. Here's a young woman who has been held in a high security prison under draconian conditions, with no press allowed (save one visit by Amy Goodman of Pacifica Radio's embattled "Democracy Now"), finally meeting a major media outlet permitted in by her prosecutor but without any legal advice. In the United States, cases have been thrown out of court when defendants were treated this way. Not surprisingly, Peru may use this carefully calculated interview for its own purposes in the next trial; unhappily, CBS already has.

Note, please, that what CBS labels an interview felt more like an interrogation, with an obviously opinionated Van Sant grilling Lori on issues that are central to the upcoming trial. According to Lori's parents, who spoke to her afterwards: "Lori felt she was forced to answer questions she was badgered on even though she felt them inappropriate. She said she felt she would look bad on camera if she didn't answer." The Berensons claim they had an understanding from the producer not to ask such legally delicate questions. The producer later denied that this conversation took place, telling them, she claims, that no journalist would agree on what to ask and what not to ask. In fact, many interviews with people facing trial take place in front of lawyers, even on CBS. Lawyers make deals all the time with journalists to ensure that their clients' rights will be protected.

The interview lasted 40 minutes, according to CBS, and an hour, according to Lori. Of that, seven minutes were shown in a 15-minute segment. In a desire to be tough and fair, Van Sant was unfair and functioned in effect as an arm of the prosecutors, who now have the transcript of the full exchange. CBS has so far not released their copy to Lori's parents, who want to see if it can help them mount a defense. That would be a violation of "CBS policy," they were told.

The day after the MediaChannel challenged a News executive about this, CBS released a 47-page transcript to the Berensons, "with the understanding that it will be used solely by her legal team for her defense." CBS News Vice President Betsy West then warned them not to make any other use of it. "As you know, this is copyrighted material belonging to CBS News; dissemination of any portion of it outside her defense in Peru is not authorized."

So much for CBS's desire to inform the public fully about what this young woman, who has been silenced for five years, had to say. In the letter, West says that the network is making an exception to the longstanding policy because of an "unusual circumstance in this case, specifically that the Peruvian authorities took it upon themselves to video the interview, putting your daughter at a potential disadvantage in the legal proceedings in Peru." A "potential disadvantage"? Are they kidding? This woman was railroaded into a life sentence without any rights to a defense. That's not a "potential disadvantage"? I would call it, as many human right groups do, a human rights crime and blatant violation. Why assume any trial there can be fair?

The letter cites Peru's videotaping as a reason to break this "longstanding policy" — so why wasn't that disclosed on the air, and, furthermore, why didn't CBS have the guts to just shut down its own camera when Peru turned its camera on? You can bet they would not allow a camera from the Free Lori Committee to shoot their interview. Why did they permit the Peruvian military to do so? What in the world were these people thinking? Or were they thinking at all? (Disclosure: I respect Betsy West as a fine journalist and a human rights supporter. I can't believe she wrote this legalistic blather!)

To the Berensons, this transcript is outrageous evidence, as her father Mark told me, that CBS's editing "ignored her as a human being" and left out comments in which she explained her reasons for going to Peru and what she experienced there, including exposure to torture. "Lori was brilliant in that interview, but the best parts were left out. Why?"

#### Collaborating With Dictatorship

What is "CBS policy?" Is it "CBS policy" to collaborate with a vicious military dictatorship? Is it "CBS policy" to stage one-sided cross-examinations with political prisoners, under guard, who are shown scraps of government evidence but not given adequate time to explain their views or challenge witnesses mustered by CBS? Is it "CBS policy" to not even attempt to mount an investigation or quote Peruvian government critics alongside its supporters? Is it "CBS policy" to quote unnamed high-level U.S. officials who think her guilty, but none of the prominent Americans or independent human-rights groups who have rallied to her defense? According to the Berensons, a high-level Peruvian official wrote them to directly contradict the source CBS relied on.

In any case, CBS practice has nothing to do with "CBS policy." This segment is another shameful example of one-sided propaganda posing as news and the first instance I've seen of an anonymous source quoting an anonymous source quoting a dead man. (The "high-ranking" American refers to another unnamed person, who claims he spoke with a "terrorist leader," later killed by the Peruvian military, who is said to have claimed that the Tupac Amaru Revolutionary Movement, or MRTA, "used" Lori in their armed struggle.) Try this type of sourcing at a journalism school and you are certain to get a D. Try it on CBS, and you may get an Emmy.

The whole thrust of the piece was to reinforce the link between Lori and a terrorist group, which just happens to be the thrust of what Fujimori and Co. have been trying to convince the world of as well. Van Sant righteously demands on camera that Lori "denounce" the MRTA, which it describes as the terrorist group she is accused of supporting. Ironically, Peru has since dropped its charge that she was a leader of the MRTA. But CBS has, in effect, not. Remember, Lori is in prison with MRTA prisoners. To turn against them could be suicidal.



Berenson at the time of her arrest in 1995

"If she answers yes [to Van Sant's request], then the MRTA who are providing testimony in her trial would likely turn on Lori and fabricate information that could convict her again," explains Rhoda Berenson. "On the other hand, an answer of no or a refusal to answer would also be sufficient for a guilty verdict." No lawyer would allow Lori to answer such a provocative question, and no ethical journalist would ask it, unless he was looking for heat, not light. This was a setup through and through.

"Journalism is intended to inform and to provide information accurately," say the Berensons in their own analysis of the "48 Hours" story, prepared for MediaChannel. "But in this case the viewer is unaware of the inaccuracies and may be unaware that the government of Peru is not democratic and is among the most egregious violators of human rights, freedom of expression and freedom of the press, and has a corrupt judicial system considered among the worst in the world."

I'm sure Dan Rather knows all about Peru's human rights record, because he is one of the patrons of the Committee to Protect Journalists, a leading human rights group. For the record, the executive producer of "48 Hours" called their report "incredibly balanced."

#### Other Media Setups

But Dan Rather and "48 Hours" are not the only media outlets to behave disgracefully toward Lori. ABC's "PrimeTime Live," which is about to reemerge with its old identity after being submerged for the past few years in the "20/20" magazine machine, did a very similar story in 1998. They couldn't get a reporter in to see Lori, so they sat her emotional father down on camera, telling him they wanted an "emotional moment," and showed him a tape of a "press conference" in which Lori, her face snarled in anger, talks about the plight of the poor in Peru, defends the MRTA, says they're not terrorists and appears to be a crazy fanatic. Watching, Mark Berenson broke down in tears on camera, repeating: "That's not my daughter." His outburst seems to confirm her guilt, as it appears as if he is embarrassed by his own child. It was a great "spontaneous" TV moment, but totally contrived. He later told me that Lori is a quiet, reflective person: "I didn't know what they had done to her to make her react that way." That may be what he felt, but it didn't come through on TV. "PrimeTime Live" milked his emotions without any explanation of the context of Lori's outburst.

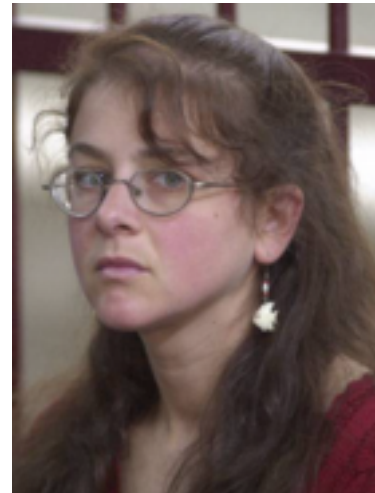
I happen to have seen that piece when it aired, and as a former ABC producer who did similar segments for "20/20" for many years, I could see that it was hyped up, poorly documented and clearly ideological. I decided to investigate and a year later produced a not-for-broadcast video (watch an excerpt here) with the Berensons called "Convicted by an Image." It argues that Lori Berenson was actually convicted twice, first by a kangaroo court in Peru and then, more effectively, in the media. When we obtained the tape of that press conference staged by the Peruvian government, which was shown worldwide at the time it occurred, and then again by both "PrimeTime Live" and "48 Hours," we noticed something that neither ABC or CBS did — or chose not to: It was not a press conference. Lori was hauled under guard before reporters and photographers, in a room with no podium or microphone, and told she had little time so she should speak quickly and shout if she wanted to be heard. She unwisely did. She was whisked away moments later. No questions by journalists were allowed. What kind of press conference is that?

Fujimori-supporting hecklers were even in the room shouting slogans like "Treason to the Motherland." (How do I know? I have the tape.) Berenson made a statement that her parents say reflected her exhaustion after taking care of a wounded prisoner who'd been writhing in pain in a dirty cell for 12 days, barely sleeping and being deprived of adequate counsel. She was 26 years old and hardly experienced in handling an intense situation. The incident took place in a charged political climate in which Lori was being used by Fujimori to score points in a dispute with the U.S. and show his independence from Washington. None of this background — or any context — was explained in U.S. media accounts except in the most superficial way.

#### The Court Of Public Opinion

But that image — of Lori as a hostile militant — convicted her in the most important court of all, the court of public opinion. The press conference was shown live in Peru in the midst of a Fujimori crackdown on the left and its supporters. A photo of her angry face was transmitted worldwide and used in virtually every story on her, including the front page of The New York Times. If a picture tells a thousand words, this photo only communicated one: "GUILTY!" The judge in the case, who the press reported was considering giving Lori a 30-year sentence, demanded life in prison instead, citing her remarks at the "press conference" as proof of her guilt. In January 1996 Lori was thrown into a high-security prison high in the freezing Andes, kept in a cell 23 hours a day with all media access blocked until human rights groups protested and she was transferred to a slightly less onerous hellhole. "48 Hours" showed up last month under the patronage of the injustice ministry. For years, the press was barred because the Peruvians wisely did not want other accounts to contradict the perception of Lori they had cleverly orchestrated with the complicity of most media outlets.

Recently, because of their sheer persistence in mobilizing a campaign to free their daughter, the Berensons have finally begun to get support in the U.S. Congress, from Jesse Jackson and from some media. Oprah Winfrey did a very sympathetic show with them. (CBS showed a clip of it but put it in a negative light.) Rhoda has also written a book about her daughter and their ordeal and is anxious to publicize it to recoup some of the large sums of money the Berensons have spent.



Berenson at her "second trial"

But just as the media climate seemed to be changing in their favor, and just as the brutal Fujimori government began to self-destruct, along comes "48 Hours" with the help of the Fujimori faithful and unnamed "high-ranking" Americans to discredit her in the public eye before she can even mount her own defense.

Why did CBS behave this way? Sadly, this piece was all too typical of how people with progressive politics are routinely treated by news outlets that promote world views liberal in form but conservative in content and prefer scoops to substance. Ironically, correspondent Van Sant gave press interviews expressing sympathy for Lori, but his story was anything but.

But the question also has to be asked: Why would the Berensons, given their experience, allow or encourage their daughter to appear on a show like this? What were they thinking, and why were they expecting fairness from the networks after all they've experienced? Clearly they were desperate for their daughter to get a chance to proclaim her innocence, and she did get to do that. At least that made news.

The truth is, getting in bed with big media can be seductive. Producers cultivate you, express sympathy and intimate that they will be supportive. Personally, some may want to be. But then classic formulas take over, as executives move in to massage and package stories with their distinctive way of giving the appearance of both balance and skepticism. Both the "48 Hours" and "PrimeTime" pieces followed the same approach, setting Lori up sympathetically then flipping the script to question her innocence and in the process show their even-handedness by raising tough questions. Yadda, yadda.

To be sure, a real investigation into what happened and continues to occur in Peru is needed. The human rights situation there deserves attention. As a gringa, Lori has not suffered as much as many Peruvian prisoners who have been tortured to death in that country's gulags, according to many human rights reports. U.S. interests in the region need to be uncovered, too. An explanation is needed of why political movements like the MRTA, which hoped to become a democratic opposition, were never allowed to move in that direction and felt forced into armed struggle. Many hostages in the Japanese embassy they took over to try to win the release of their prisoners ended up sympathetic to their cause. Ultimately, the Peruvian military, with U.S. help, forced their way into the embassy, killing the guerillas along with one of the hostages. Few media outlets paid much attention to the grievances and reasons for their desperate action. It is incredible, after all these years, that a network like CBS can go to a country like Peru and report on it as if it were basically a stable democracy that has had some rough patches.

#### Media Neglect And Distortions

Lori's own story is also far more interesting and nuanced than the caricatures that have been put forth on all sides. It has yet to be reported fully and fairly. Lori is clearly a sophisticated, political person who went to Peru in solidarity with people who were living in a climate of fear and fearsome repression and desperate for change. She connected with a movement determined to make a change. She may have been naive about what she was dealing with, and, perhaps, how she was being used, and the limits of what a North American like herself could or should do in a volatile Latin American confrontation. She may have gotten caught up in the romance of revolution. I don't know, but CBS, as well as ABC before that, didn't bother to find out. If she was used by the MRTA at one point, she has been used (and abused) far more insidiously by the Fujimori regime ever since.

When I visited Lima years ago, the poverty and pain of its people were dramatically visible, but that doesn't come through a network lens. As Uruguayan writer Eduardo Galeano says of the media's inattention to the plight of the majority of oppressed people on his continent: "Never have so few held so many incommunicado."

But their story and Lori's political ideas are, alas, not considered ready for primetime, live or dead. Infotainment shows like "48 Hours" are ultimately not about news or context, consciousness or caring. They are about drama and reinforcing audience perceptions. The real goal of every story is to get you to the next commercial, not challenge your thinking or engage you in the fight against injustice. It's pathetic when "free media" in a democratic country end up, in effect, giving comfort to dictatorships and more pain to those already in pain. CBS's Mike Wallace did it for China's Jiang Zemin. And now, the hapless, pathetic and isolated Alberto Fujimori has found new friends on West 57 Street, even if they did acknowledge some of his shortcomings.

Rhoda and Mark Berenson are crusading to free Lori. Maybe it is time to campaign to free Dan Rather.

*Danny Schechter is the executive editor of MediaChannel and the author of several books, including Falun Gong's Challenge to China (Akashicbooks.com).*

June 21, 2001 Update: Activist and indy journalist Lori Berenson was convicted yesterday by a Peruvian court for "terrorist collaboration" and received a 20-year sentence. She will be released in 2015, with credit given for the five years she has already served. She is appealing and continues to protest her innocence. (See [FreeLori.org](http://FreeLori.org) for her statement to the court.) While the facts are contested and muddled, most coverage of her conviction has included neither the many international indictments of Peru's judicial system nor the role the media, there and in the United States, played in convicting her earlier in the court of public opinion.



Berenson as an incoming first-year student at MIT

#### Credits:

This article, written by journalist Danny Schechter for his column *News Dissector*, is on the web at:

<http://www.mediachannel.org/views/dissector/lori.shtml>

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Photographs were made available by the Associated Press — except for the one on this page, which is the photograph Berenson posed for at MIT when she arrived as a freshman.