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## THE CUBAN PARLIAMENTARY SYSTEM IN ACTION, 1940 - 1947\*

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In 1940 Cuba climaxed long-smoldering discontent with the theory and practice of separation of powers under the Constitution of 1901 by the adoption of a semi-parliamentary system. Indeed, by the time the Constituent Convention met in 1939 opinion was almost unanimously in support of a fundamental revision of executive-legislative relations. The semi-parliamentary system of the Constitution of 1940, then, was not conceived as an ephemeral gesture toward modernization and reform but as a realistic approach to a fundamental problem. It is important, therefore, to examine the nature of the change effected and to evaluate its initial success or failure in accordance with criteria established by Cubans themselves.

José MANUEL CORTINA

### The Attack on the Presidential System and Defense of Parliamentary Government

Decades of penetrating analysis of the Cuban system of presidential government created the country's most distinguished protagonist of the parliamentary system. Eminent jurist, practicing politician, courageous liberal, Dr. Cortina had long enjoyed great respect, and by 1940 he personified the agreement the leaders and rank-and-file had gradually reached by step-by-step acceptance of his critique of the presidential system and defense of ministerial responsibility. His argument condemned further experimentation with presidential government for the following reasons:

1. The theory of separation of powers of the Constitution of 1901 had resulted in a compartmentalized trilogy characterized by an omnipotent, irresponsible executive and a fumbling, rubber-stamp legislature;
2. such executive domination of government had led directly to

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spiritually debasing, economically costly, and socially undesirable employment of force and violence as methods of expressing opposition to the unpopular acts of a chief executive;

3. Cubans had resorted to violence because Hispanic culture (colonial and modern carry-over) conditioned an acceptance and support of strong personal executive authority, which logically posited personal responsibility for governmental action. Without peaceful outlets for the expression of approval or disapproval of executive action, the politically-conscious citizenry translated their resulting frustration into violence against the President directly;

4. the legislature could not perform the function of a public opinion safety valve because of insufficient checks and controls over the President, either constitutionally conferred or developed through custom and usage. Isolated from effective liaison with the President, the legislature withered (and sometimes died) in the shade of strong executive government;

5. the fact that peaceful collective action for the realization of political objectives had atrophied through lack of use had permitted weak and poorly-trained chief executives to perform more functions and wield more authority than the public welfare dictated. Nepotism, "la botella" (governmental sinecure, partisan appointment), financial mismanagement, deprivation of individual rights and guarantees, strangulation of local government, and control of elections all resulted therefrom. On the other hand, a well-intentioned, patriotic, and competent chief executive usually performed below his potentialities when not subject to the toning effect of a continuing program of popular checks.

Without a positive program for reform, it is doubtful that Dr. Cortina's vigorous criticism of the functioning of the presidential system in Cuba would have excited more interest or stimulated more action than other no less brilliant analyses; but coupled with his conclusions on presidential government were his principles of what he called "a regulated parliamentary system." He campaigned throughout most of the history of the republic for the introduction of executive responsibility to the legislature through the mechanics of a presidentially-appointed cabinet representing and defending the President's program before the legislature, while submitting to the individual or collective sanction of interpellation and possible vote of censure. Along with this primary reform he urged as indispensable the guarantee of honest elections, the authorization of the Supreme

Court to sit with the Senate in impeachment proceedings, and the prohibition of presidential reelection without a specified time lapse. Dr. Cortina believed that his parliamentary system would:

1. Eliminate revolutions and most other force and violence in government and politics, for through the orderly organization of party strength in the legislature partisan passions would be equilibrated with words rather than bullets;

2. compel the executive to appoint superior political and administrative personnel to the ministerial portfolios, because the chief executive would be held responsible to the legislature for his actions;

3. utilize the political talent of the country far more intelligently than in the presidential system, because the majority would govern and the minority serve through checking and criticizing;

4. restore public confidence in governmental institutions, because the parliamentary system would be consistent with national psychology and governmental inheritance;

5. guarantee the liberty, freedom, and spiritual development of the citizenry, because its governmental agencies would be rendered more responsible.<sup>1</sup>

Dr. Cortina nowhere claims originality for his comparison and contrast of presidential and parliamentary government, and he can prescript no exclusive credit in Cuba for supporting the above concepts as many others reflect in whole or in part the same ideas.<sup>2</sup> It

<sup>1</sup>Dr. Cortina's views on the theory and functioning of both presidential and cabinet government along with his specific recommendations can be found in the following sources: *Presidentes y Parlamentarios, Reforma Constitucional de Cuba* (La Habana, 1931), pp. 74 ff.; *Proceso y Análisis del Régimen Parlamentario Cubano* (unpublished manuscript in my possession, dated, November 11, 1946); *Exposición de Motivos y Bases para Reformar la Constitución* (La Habana, 3ed., 1936), pp. 50 ff.; *Las Reformas de la Ley Electoral; La Reelección Presidencial*; Andrés María Lazcano y Mazón, *Constitución de Cuba* (La Habana, tomo 1, 1941), pp. xiii-xvi; República de Cuba, *Diario de Cuba de Sesiones de la Convención Constituyente* (La Habana 1940, tomo 1, Núm. 1, 9 de febrero de 1940), p. 13; (tomo 11, Núm. 70, 5 de junio de 1940), pp. 3, 6-7, 9, 11; *Diario de la Marina*, 27 de Mayo de 1942, p. 2.

<sup>2</sup>Gustavo Gutiérrez Sánchez, *Constitución de la República del Cuba* (La Habana, 1941), pp. 365 ff.; *Proyecto de Nueva Constitución para la República de Cuba* (La Habana, 1940), pp. 133 ff.; Guillermo Alonso Pujol, *El Parlamento* (La Habana, 1940), pp. 32 ff.; Ramón Grau San Martín, "Unidad Nacional," *Revista de la Habana* (noviembre de 1942), pp. 280-281; Conferencias de Orientación Ciudadana, *Los Partidos Políticos y la Asamblea Constituyente* (La Habana, 1939), pp. 161, 308; *Diario de la Marina*, 17 de marzo de 1940, p. 4; 9 de noviembre de 1940, p. 4; Alberto Sánchez Ocejo, *Proyecto de Reforma Constitucional* (La Habana, 1939), pp. 132 ff.

is fair, however, to acknowledge him as their main author and most devout champion.

#### THE CUBAN IDEA IN HISTORICAL PERSPECTIVE

Modest legal precedent for a parliamentary system in Cuba can be pried out of the constitutions of the monarchy and the revolutionary constitutions of the nineteenth century. A type of modified ministerial responsibility can be found in Articles 131 and 226 of the Spanish Constitution of 1812, for example, and the *Constitución Autónoma* of 1897 permitted ministers to be selected from the legislature and to attend its sessions.<sup>3</sup> Legislative supremacy characterized the revolutionary Constitution of Guáimaro of April 10, 1869 in that the executive officers were selected by the legislature and held responsible to it. The constituent assembly which met from June 20, 1927 to May 11, 1928 in Cuba debated the presidential-parliamentary issue at great length.

A more serious attempt to inaugurate a parliamentary system was made in 1930 when Dr. Cortina first published his "Explanation of Motives and Bases for Reforming the Constitution." The country was bitterly divided on the issue of continuance in power of President Machado, sporadic violence claimed lives almost daily, and the chief executive's administration progressively became more tyrannical. Dr. Cortina presented his Plan to the revolutionary parties, to President Machado himself, and to the Mediation Commission headed by United States Ambassador Sumner Welles. Ambassador Welles approved the Plan in its entirety, and his attitude was seconded by the revolutionary groups in the Commission. The legislature accepted the proposals in part, and when Machado fell, the majority of the parties and revolutionary organizations expressed their antipathy for uncontrolled executive power by inserting the "Bases" into their party platforms.<sup>4</sup>

In the 1930's several specific plans for a semi-parliamentary system made their appearance,<sup>5</sup> the constitutional reforms of 1935

<sup>3</sup>Antonio Barreras, *Textos de las Constituciones de Cuba, 1812-1940* (La Habana, 1940), p. 225.

<sup>4</sup>José Manuel Cortina, *Proceso y Análisis del Régimen Parlamentario Cubano, op. cit.*

<sup>5</sup>See especially, Alberto Sánchez Ocejo, *Proyecto de Reforma Constitucional* (La Habana, 1939), pp. 132 ff.; Gustavo Gutiérrez, *Proyecto de Nueva Constitución para la República de Cuba* (La Habana, 1940), pp. 133 ff.

(never put into effect) would have established such a system,<sup>6</sup> and several forms of ministerial responsibility were offered at the Constituent Convention of 1940. The Convention, however, after electing Dr. Cortina Leader of the Majority and President of the Committee which drafted the Constitution, accepted his revised plan. Articles 164-169, the heart of the reform, were approved without amendments,<sup>7</sup> and 29 out of the 36 "Bases" were included virtually word-for-word in the Constitution of 1940.

#### CRITIQUE OF MECHANICS

The Constitution of 1940 and the Electoral Code of 1943 encourage participation in the electoral process by making suffrage universal, equal, secret and obligatory for both sexes over twenty years of age<sup>8</sup> and endeavor to provide adequate safeguards against fraud through an elaborate system of registration and election control.<sup>9</sup> In order to guarantee maximum possibilities for making opinion effective, the Constitution permits parties to be formed by petition of two per cent of the voters in the last electoral census.<sup>10</sup> Moreover, segmentation and splintering of opinion is further encouraged through frequent reorganization of parties,<sup>11</sup> through the use of a type of proportional representation in voting, and through guaranteeing three out of the nine senatorial seats in each district to minority parties or coalitions thereof.<sup>12</sup> These provisions and the debates at the Constituent Assembly suggest that the framers contemplated a multi-party system as a base for semi-parliamentary government

<sup>6</sup>Barreras, *op. cit.*, Arts. 101-107, pp. 444-446.

<sup>7</sup>Andrés María Lazcano y Mazón, *Constitución de Cuba* (La Habana, 1941), pp. 110-112.

<sup>8</sup>República de Cuba, *Constitución de 1940*, Arts. 97, 99, pp. 33-34.

<sup>9</sup>Gustavo Gutiérrez Sánchez, *Código Electoral* (La Habana, 1943), pp. 132-196.

<sup>10</sup>*Ibid.*, pp. 26-49. See also Art. 102 of the Constitution.

<sup>11</sup>All political parties must reorganize six months before each presidential election. *Ibid.*, p. 63. Incidentally, the *Código Electoral* just cited refers to Art. 103 of the Constitution for its authority on the reorganization of parties whereas Art. 102 is correct.

<sup>12</sup>*Constitution of 1940*, Arts. 98, 103.

in Cuba.<sup>13</sup> However laudable the objectives of the framers in selecting a multi-party system, complicated problems of nominations and elections resulted. For example, the multi-party system immediately meant coalitions. The framers of the Electoral Code of 1943 concluded that all coalitions were obligated to nominate the same candidates for President and Vice-President in all the provinces,<sup>14</sup> which denied the flexibility of nomination and expression of opinion so ardently desired. Coalition agreement on senators and for provincial and municipal elections was likewise required. However, when the Constitution declares that the President shall be elected by "direct suffrage,"<sup>15</sup> what is meant is that the voter may vote for a presidential candidate representing one party or coalition and for senators and congressmen representing another. The result of the innovation is that the executive office may be captured by one group and the legislature by another, as was the case in the administration on President Grau San Martín from 1944 to 1946.

The extension of suffrage privileges and guarantees of effective use thereof along with encouragement in the development of political parties constitute essential foundations for the establishment of a system of ministerial responsibility. The Constitution states as a basic principle of the new system that "The Prime Minister and Council of Ministers are responsible for their acts of government before the House and Senate. The houses shall be able to grant or retire confidence in the Prime Minister, a minister or the entire Council in the manner specified in this Constitution."<sup>16</sup> If either house should vote lack of confidence, the minister is obliged to resign (*dimidir*) within forty-eight hours.<sup>17</sup>

Executive-legislative relations were not formalized by statute until October 25, 1946,<sup>18</sup> but the fundamentals of a *modus vivendi*

<sup>13</sup>Gutiérrez Sánchez, *op. cit.*, p. xxxviii. Dr. Carlos Márquez Sterling, "Un Régimen de Opinión Pública," *El Mundo*, 6 de junio de 1944, p. 2.

<sup>14</sup>See Art. 231. Gutiérrez Sánchez, *op. cit.*, p. 223.

<sup>15</sup>See Art. 140.

<sup>16</sup>Art. 164.

<sup>17</sup>Art. 168.

<sup>18</sup>República de Cuba, "Ley de Relaciones entre los Cuerpos Colegisladores y entre el Congreso y el Gobierno," *Gaceta Oficial* (2 de noviembre de 1946), pp. 21317-21323.

were laid down in the Constitution of 1940. The following provisions defined the authority of Congress to check the executive and render him and his Council of Ministers responsible for their actions: (1) Congress' power to formulate general policy through drafting appropriate legislation could not be delegated away;<sup>19</sup> (2) both Senate and House possessed power to summon (*citar*) ministers for questioning.<sup>20</sup> Such "questioning" constituted an oral or written request by a member of the legislature for information from a minister on a specific administrative matter;<sup>21</sup> (3) both houses were empowered to summon ministers for interpellation. "Interpellation" refers to the process of interrogating the Prime Minister on general policy and individual ministers on specific matters; (4) as a result of questioning, interpellation, or for other reasons either house may vote on the question of confidence in a particular minister or in the entire Council. A written motion for a vote of confidence must be signed by at least one third of the members of the house concerned followed by discussion and a vote within eight days. If no action is taken within fifteen days, the motion is regarded as having been defeated. Such a motion is approved by a vote of fifty per cent plus one of all the members of the legislative chamber;<sup>22</sup> (5) a cabinet member forced to resign by vote of lack of confidence is not eligible for reappointment to the same post;<sup>23</sup> (6) the cabinet is a legal body and must demonstrate its solidarity by having its general resolutions on policy and administration countersigned (*refrendados*) with each minister countersigning decrees emanating from his department;<sup>24</sup> (7) the Senate may appoint investigating committees, a two-thirds vote being required when the administration is the subject of investigation;<sup>25</sup> (8) the House may accuse and the Senate try impeachments against the President, ministers, or governors of the provinces;<sup>26</sup> (9)

<sup>19</sup>Art. 134.

<sup>20</sup>Constitution of 1940, Art. 120, Sec. (i), Art. 134, Sec. (m).

<sup>21</sup>República de Cuba, *op. cit.*, Art. 43, p. 21321.

<sup>22</sup>Constitution of 1940, Art. 165.

<sup>23</sup>*Ibid.*, Art. 169.

<sup>24</sup>*Ibid.*, Arts. 143, 156-158, 163.

<sup>25</sup>*Ibid.*, Art. 122.

<sup>26</sup>*Ibid.*, Arts. 122, 125.

the Senate has the power of confirming executive appointments to diplomatic posts and to the Tribunal of Accounts;<sup>27</sup> (10) Congress may override a presidential veto by a two-thirds vote in both houses, and the President does not have a pocket veto;<sup>28</sup> and finally, (11) the President cannot leave the country without the authorization of Congress.<sup>29</sup>

On the other hand, the Constitution of 1940 proclaims principles and procedures which are clear instructions to the aggressive chief executive in the art of isolating himself from the scrutiny and control of the legislature in the Cuban parliamentary system: (1) The President is elected directly and therefore can consider himself responsible directly to the people rather than to the legislature. When the legislative and executive branches are dominated by opposing parties or coalitions, this principle encourages conflict rather than cooperation with the Congress; (2) in addition, Article 138 declares that the President is Chief of State, and Article 142 delegates the executive powers of government to the President "assisted by the Council of Ministers." The clear implication is that the President personally possesses such authority and that his council merely assists him in the administration of it;<sup>30</sup> (3) although Article 162 declares that the Prime Minister shall ". . . discharge (*despachar*) with the President . . . the matters of general policy of the Government and with the Ministers the matters relating to the respective departments," actually the chief specific function of the Prime Minister is ". . . to represent the general policy of the Government before Congress;"<sup>31</sup> (4) the general policy just referred to is more likely to be formed by a President, assisted by ministers whose points of view and loyalty are to the President personally, than by a President and ministers who can command the confidence of the majority parties of the legislature. This arises out of the authority of the President, "To appoint and remove freely the Ministers of Government. . . ."<sup>32</sup> Thus, the President is under no compulsion

<sup>27</sup>*Ibid.*, Art. 122.

<sup>28</sup>*Ibid.*, Art. 137.

<sup>29</sup>*Ibid.*, Art. 144.

<sup>30</sup>See Gustavo Gutiérrez, "La Constitución Inoperante," *Ultra* (agosto de 1944), pp. 114-115.

<sup>31</sup>*Constitution of 1940*, Art. 154.

<sup>32</sup>*Ibid.*, Art. 142, Sec. (n).

to appoint ministers from the majority party or coalition in the legislature. Indeed, he is specifically ordered *not* to select more than half of his ministers from the legislature;<sup>33</sup> (5) Article 160 declares that, "The Ministries of Education, Health and Social Welfare, Agriculture, and Public Works shall act exclusively as Technical Organisms." This romantic attempt to separate politics from problems that are political weakens the power of the legislature to check administration in several significant areas of public policy; (6) the ministers are nowhere in the Constitution or in any law compelled to maintain a continuity of liaison between the President and the legislature. They may attend the Congress, and they can be forced to attend, but the Constitution contemplates sporadic not continuous attendance; (7) it is mechanically difficult for Congress as a whole and the members of the opposition in particular to institute interpellation and votes of confidence. The procedure is rigidified by the insistence on majority votes of all members of the legislative chamber concerned, not merely majority votes of quorums. Thus, Article 165 declares that a vote of confidence must be preceded by a written motion of one-third of the members of the house and approved by fifty per cent plus one of all the members. Parties or coalitions are in this way given a veto power over votes of confidence by the simple expedient of remaining away from the session in such numbers as to leave fewer than a quorum in attendance. Furthermore, Article 167 renders awkward the use of votes of confidence as a legislative device to stabilize and direct cabinet policy. A new Council and new ministers cannot be subjected to votes of confidence for six months. After a house has voted on confidence in respect to a particular issue, it is denied a second vote on the same problem for a year, and the other house may not proceed for six months. In no case can either house raise a vote of confidence within the last six months of the presidential term; (8) the Cuban parliamentary system does not contemplate legislative supremacy. Article 174 clearly extends to the Supreme Court the power of judicial review over all "laws, decree-laws, decrees, regulations, orders. . ."

#### INAUGURATION, 1940-1942

The general acceptance of the desirability of ministerial respon-

<sup>33</sup>*Ibid.*, Art. 126.

sibility and the crystallization of the objective in the Constitution of 1940 presaged a favorable political environment for the inauguration of the parliamentary system in Cuba. The election of General Batista in 1940 with a majority coalition supporting him in the Congress consolidated hopes for an early and successful orientation. On the other hand, neither executive nor legislative leaders could forget or insulate themselves completely from Cuba's inheritance of force and violence in organization and changing governments, of *caudillismo* and *personalismo* in the appointment of personnel and the formulation of policy, of outrageous misfeasance and malfeasance in office of some of the highest representatives of the state, of poorly organized and opportunistic parties, and an electorate that had had little experience under the colony or the republic in mobilizing and expressing collective opinion through peaceful procedures.

Nevertheless, the President and cabinet each responded to the will of the constituents of 1940 by making positive acts toward laying the foundation for a successful parliamentary system. The President's cooperation was particularly essential, for ministerial responsibility exposed the nerve of accountability to possibly painful handling by Congress. President Batista announced his cabinet early in October of 1940, and in addition to appointing Dr. Carlos Saladrigas Zayas to the important post of Prime Minister, he brought in Dr. José Manuel Cortina, distinguished architect of the Cuban parliamentary system, as Minister of State.<sup>34</sup> Even before this time, however, Batista sought to coagulate the frequently opposing objectives of the seven parties that made up the Democratic Socialist Coalition (hereafter referred to as the Coalition or the CSD) which he headed and which commanded a majority in both houses. On August 9, he held a unity luncheon for the members of the Coalition, and conferred at length with his congressional leaders.<sup>35</sup> One of the most significant issues, of course, was the budget. The budget of 1940 was based upon that of 1939 due to the failure of Congress to accept the new executive-proposed budget law.<sup>36</sup>

On January 28, 1941 President Batista summoned the Prime

<sup>34</sup>*Diario de la Marina*, 9 de octubre de 1940, p. 1.

<sup>35</sup>*Ibid.*, 10 de agosto de 1940, p. 1.

<sup>36</sup>*El País*, 2 de enero de 1940, p. 4. For a general study of the budget problem, see Dr. Rogelio Pina y Estrada and Luis V. de Abad, *Los Presupuestos del Estado* (La Habana, 1936), pp. 221 ff.

Minister, Minister of the Treasury, several ministers without portfolio, the Presidents of the Senate and House, and the parliamentary leaders of the CSD of both houses to debate the problem of the budget.<sup>37</sup> He also consulted from time to time with the leaders of the majority in both houses on other prime issues of public policy. The important meeting of August 1, 1941 to discuss the proposed \$25,000,000 Export-Import Bank loan is an excellent case in point.<sup>38</sup>

The first ministerial crisis of his administration appeared to proceed directly from congressional dissatisfaction with some of his ministers. Congress did not vote censure or lack of confidence, yet the bitterness was so evident that when the President on July 8 called in the Prime Minister, the Minister of the Treasury, three ministers without portfolio, the Secretary of the Council of Ministers, and the leaders of both houses, the public smiled at the government's insistence that a ministerial crisis had not been discussed.<sup>39</sup> On the morning of July 16 the President accepted the resignations of all members of the cabinet and the subsecretaries of the Departments, reappointing fewer than thirty per cent, including, however, Dr. Saladrigas as Prime Minister.<sup>40</sup>

From the start the Council showed no signs of intransigence. Quite the reverse is seen in Dr. Saladrigas' speech accepting the post of Prime Minister. He said in part:

I aspire to the complete fulfillment of another of my chief functions. Bound closely to the new Government of congressional opinion, it is a duty and a desire of those who make up the Council of President Batista to carry out the activities of the Executive Power in a manner in accord with the Parliament . . .<sup>41</sup>

Much evidence underlines the working of the Council as a body in the days following October 10, 1940. With Prime Minister Saladrigas presiding, a collective approach characterized the handling of various problems, including both workers' and employers'

<sup>37</sup>*Diario de la Marina*, 28 de enero de 1941, p. 1.

<sup>38</sup>*Ibid.*, 2 de agosto de 1941, p. 1.

<sup>39</sup>*Ibid.*, 9 de julio de 1941, p. 1; see also, 17 de julio de 1941, p. 1.

<sup>40</sup>"La Crisis del Gabinete," *Cuba Económica y Financiera* (julio de 1941), p. 1; see also, "Un Nuevo Ministro del Trabajo," *ibid.*, p. 13; and *Diario de la Marina*, 18 de julio de 1941, p. 1.

<sup>41</sup>*Ibid.*, 10 de octubre de 1940, p. 1.

demands.<sup>42</sup> On February 10, 1941, Prime Minister Saladrigas outlined the government's program in a long speech in the House instructing the majority in the order of priority for legislation and informing the minority of problem areas open to their investigation and possible check.<sup>43</sup> This first appearance was the prelude to others. He defended presidential decrees 2950 and 2665 confirming the elections of July, 1940, and urged congressional ratification of them. On March 18 he explained the government's view on sugar and financial matters to leaders of the opposition in the House and elicited their promise to abstain from obstruction of the government's bills, although they reserved the right to be adequately informed. The Prime Minister delivered the first formal report (*informe*) to the House on March 20,<sup>44</sup> and he was careful to be on hand to explain and defend the government's program on budget and other financial matters. The Minister of the Treasury, Dr. García Montes, appeared before the legislature in this connection.<sup>45</sup> The proposed \$25,000,000 Export-Import Bank loan dwarfed all other issues late in 1941 and excited considerable governmental and public interest. Prime Minister Saladrigas, Minister of State José Manuel Cortina, and Minister of the Treasury Oscar Montes defended the project in both House and Senate. The Senate passed the measure first (37-12), and although the House also later extended its authorization, it debated the proposal twenty-eight hours.<sup>46</sup>

The legislature, however, approached its new rôle timidly. When Congress convened in November, 1940, more or less nebulous majority and minority *blocs* took form with the "*lideres*" of the House organizing themselves into a group (on November 14th) to facilitate unanimity of action. From this point on, however, Congress employed its constitutional authority gingerly indeed. Some congressmen quite early explained the impotence of the legislative body on the grounds that the parliamentary system did not demand that cabinet posts be distributed according to party strength in the legislature which

<sup>42</sup>See particularly *ibid.*, 11 de noviembre de 1941, p. 1.

<sup>43</sup>*Ibid.*, 11 de febrero de 1941, p. 2.

<sup>44</sup>*Ibid.*, 12 de febrero de 1941, p. 1; 19 de marzo de 1941, p. 1; 21 de marzo de 1941, p. 1.

<sup>45</sup>*Ibid.*, 22 de julio de 1941, p. 1; 17 de septiembre de 1941, p. 1.

<sup>46</sup>*Ibid.*, 30 de septiembre de 1941, p. 1; 28 de octubre de 1941, p. 1; 5 de noviembre de 1941, p. 1; 21 de noviembre de 1941, p. 2.

would then encourage the parties to line up closely as such in Congress.<sup>47</sup>

Ample evidence points to the servility of Congress to the executive in the first two years of operation of the new system. Leaders of the majority *bloc* were reliably reported before the convening of Congress to be preparing a law delegating "absolute powers" to the executive for drafting a plan for public works. The majority in the House accepted and passed the executive budget without what appeared to be critical consideration of its provisions, and when the measure reached the Senate, the minority held it up with the simple statement that as approved by the House it was unconstitutional. Neither minority nor majority *blocs* attempted to secure additional data through their prerogatives of questions and interpellation. By June of 1941 cabinet-congressional relations were so strained as to be common topics for conversation, yet the issues of bureaucracy, the lowering of salaries of public employees, and personal feuds—all of which had contributed to the antagonism—had not been ventilated in public through the procedures established by law. This is all the more significant when it is noted that reporters covering the legislature were of the unanimous belief that many congressmen wanted to invoke interpellation and perhaps a ministerial crisis. The majority *bloc* proclaimed publicly that congressional ineffectiveness arose out the "obstructionism of the minority,"<sup>48</sup> but Dr. Grau, leader of the minority group, declared (and lamented) that the opposition had not been given its rightful place as an apposition.<sup>49</sup> Disturbances, heckling, absences, and even fist fights characterized the session of both houses. Dr. Gustavo Gutiérrez, one of the strongest and most able advocates of the parliamentary system, resigned as President of the House because of the difficulty of obtaining quorums and the general indifference of members to their congressional responsibilities. Dr. Carlos Márquez Sterling, who succeeded him, was confronted with the same problems.<sup>50</sup>

<sup>47</sup>*Ibid.*, 28 de diciembre de 1940, p. 2.

<sup>48</sup>*Ibid.*, 3 de octubre de 1940, p. 1; 18 de diciembre de 1940.

<sup>49</sup>Ramón Grau San Martín, "Unidad Nacional," *Revista de la Habana* (noviembre de 1942), pp. 280-281.

<sup>50</sup>*Diario de la Marina*, 13 de febrero de 1941, p. 4; 6 de julio de 1941, p. 1; 5 de agosto de 1941, p. 1; 25 de octubre de 1941; p. 1; 3 de octubre de 1941, p. 1; 4 de octubre de 1941, p. 4.

On the other hand, individual congressmen did make some timorous requests for information from council members and some half-hearted attempts at interpellation. Representative Almagro, for example, proposed interpellation of the Prime Minister and Minister of National Defense to ascertain why the executive had apparently permitted several colonels accused of sedition to leave the country. Representative Maristany supported the idea, but the motion died in the apathy of the minority *bloc* and in the opposition of the majority. Dr. Ichaso of the opposition and Prime Minister Saladrigas exchanged ideas briefly in the House session of February 12, 1941.<sup>51</sup> Over in the Senate an occasional request for information on trivia (such as Senator Moreno's query on sales of stamps, postcards, etc.) and one motion for interpellation made by Senator Manuel Caspestandy to bring in the Minister of Communications summarize that body's progress.<sup>52</sup>

#### THE INTERPELLATION OF MAY, 1942

*The Partido Revolucionario Cubano (Auténtico)*, long restive under the subordinate rôle being played by the opposition, initiated the first interpellation under Cuba's semi-parliamentary system. The PRC (A) authorized their president, the popular, aggressive Dr. Grau San Martín to meet with the Council of Ministers to raise the question as to whether a bill ought not to be introduced in the Senate to establish an investigating committee to check the executive's activities under the emergency legislation recently passed. The party went on to formalize its objections into a "cuestionario" demanding answers from the Prime Minister and Ministers of State, Commerce, Treasury, Government and Public Works and presented it to the President of the Senate. President Batista acknowledged the seriousness of the situation by meeting on May 22 with the Prime Minister and the majority leaders of the Senate. The President of the Senate was authorized to issue a public statement summarizing the government's attitude. The document declared that the "cuestionario" did not correspond to the "essentials" of the

<sup>51</sup>*Ibid.*, 6 de febrero de 1941, p. 1; 12 de febrero de 1941, p. 1; 13 de febrero de 1941, p. 4.

<sup>52</sup>República de Cuba, *Diario de Sesiones del Senado* (Sesión Ord. de 30 de abril de 1941), p. 26; *Diario de la Marina*, 5 de agosto de 1941, p. 11.

parliamentary system which the majority "defends and maintains" because it was too detailed and too partisan on some points. The report intimated that the parliamentary system ought to be limited to requests for written reports from the executive, but concluded by agreeing that the Senate had the right to vote on whether to summon the above-mentioned ministers to the chamber for interpellation.<sup>53</sup>

Accordingly, on May 23, after a six-hour session, the Senate voted for interpellation. Senator Suárez Fernández, senatorial leader of the PRC (A), opened the debate with questions which dealt with national and local issues, on the whole of sufficient importance to warrant serious answers. After the Prime Minister spoke for the government outlining the general economic policy of the administration before and after the war and particularly defending the Office of Price Controls, the ministers appeared one by one and from 4:00 P. M. until midnight they read their reports and answered questions. Several days later, on May 29, the Senate voted confidence in the Prime Minister and in the ministers who had been subjected to interpellation.<sup>54</sup>

There was justification for believing that this first interpellation had been successful, at least from the procedural standpoint. The public had expressed a lively interest in the proceedings and senators and ministers had conducted themselves with restraint. As an anticlimax, but no doubt influenced in part by the interpellation, the entire cabinet presented their resignations to the President on June 18. The President accepted the resignations of seven ministers, but one remained in the government as a minister without portfolio and Prime Minister Saladrigas retained his position despite the shakeup.<sup>55</sup>

#### PRESIDENT BATISTA AND CONGRESS, 1942-1944

The precedent of the interpellation of 1942 proved a weak stimulant to penetrating scrutiny and effective control of executive actions by the legislature in the years 1942-1944. Individual legislators occasionally fired motions of interpellation at members of the Presi-

<sup>53</sup>*Ibid.*, 23 de mayo de 1941, p. 1.

<sup>54</sup>*Ibid.*, 26 de mayo de 1942, p. 1; 30 de mayo de 1942, p. 1.

<sup>55</sup>*Ibid.*, 19 de junio de 1942, p. 1; 20 de junio de 1942, p. 1.

dent's cabinet, but such shots did not in any instance hit the target of general legislative action. Four senators (Dr. José Manuel Gutiérrez, Ing. Gustavo Moreno, Oscar Casas and Luis del Valle) presented a motion on October 27, 1942 to subject the Minister of Public Works to interpellation in respect to his alleged failure to use funds for purposes for which they had specifically been appropriated, but the majority in the Senate did not reciprocate the desire of the four for an accounting and nothing was done.<sup>56</sup> Senators Miguel A. Suárez Fernández and Agustín Cruz, both members of the PRC (A), hoped to question the Prime Minister and Ministers of Agriculture, Commerce and others on fiscal matters, including the use to which the \$25,000,000 Export-Import Bank loan was being put, but the upper house refused to be goaded into action. Eduardo R. Chibás and seventeen other representatives even signed a motion designed to impeach the President for allegedly acting against "the free functioning of the legislative power."<sup>57</sup> The motion died.

The legislature seemed unable to organize for effective action. Members shifted frequently from one party or coalition to another, and party leadership lacked both wisdom and stability.<sup>58</sup> Rumors of ministerial crises occasionally excited minor speculation, but in each instance such rumors were traced to personalistic factors rather than to executive-legislative debates on personnel or policy. For example, when it was announced in October, 1942 that Dr. Saladrigas was returning from Mexico some sources were so sure resignations were imminent that Prime Minister Zaydín had to announce publicly that the return of Saladrigas had no political significance.<sup>59</sup> Finally, neither majority nor minority groups evinced an aggressive interest in fulfilling their legislative responsibilities. They met so infrequently that one respected political reporter declared in exasperation, "The lack of a quorum is the rule, the holding of a session the exception."<sup>60</sup> The repeated failure to find a quorum can be ex-

<sup>56</sup>*El Mundo*, 28 de octubre de 1942, p. 1.

<sup>57</sup>*Ibid.*, 19 de septiembre de 1943, p. 1; 14 de diciembre de 1943, p. 1.

<sup>58</sup>See particularly *ibid.*, 7 de octubre de 1942, p. 1; 23 de octubre de 1942, p. 2; 28 de octubre de 1942, p. 1; 12 de septiembre de 1943, p. 2.

<sup>59</sup>*Ibid.*, 27 de octubre de 1942, p. 2; 28 de octubre de 1942, p. 2; 17 de septiembre de 1943, p. 2; 4 de noviembre de 1943, p. 1.

<sup>60</sup>Dr. Raoul Alfonso Gonsé, "La Nota Aguada del Actual Congreso," *ibid.*, 29 de septiembre de 1943, p. 2. See also *ibid.*, 28 de octubre de 1942, p. 2; 12 de octubre de 1943, p. 2; 15 de diciembre de 1943, p. 2.

plained and in part justified late in 1943 by the fact that the parties were being reorganized and the voters registered, activities which demanded much of the time of both senators and congressmen. Legislative inaction for the entire period of 1942-1944 cannot easily be defended, however.

In one significant sense, however, the semi-parliamentary system showed utilitarian development. The Prime Minister came more and more to act as a buffer between the President and the public and legislature and also to free the chief executive for consideration of the vital matters in government. On potentially explosive issues such as the wage demands made by the Federation of Public Employees in January, 1944, the Prime Minister performed the valuable function of reconnoitering a belligerent pressure group. When groups such as the National Maritime Federation wanted a bill to be considered they saw the Prime Minister. It was the Prime Minister who met with the Fuel Committee to work out interim rationing in the serious gas shortage late in 1942. Delegations from small communities could expect an audience with the Prime Minister to discuss their problems. Finally, the Prime Minister made many of the speeches and other public appearances the Chief Executive would normally be called upon to make.<sup>61</sup>

#### SIGNIFICANCE OF THE PRESIDENTIAL ELECTIONS OF 1944

The parliamentary system in Cuba was on trial in the presidential elections of 1944. But, after orderly nomination of candidates, relatively honest and fair electoral administration, acceptance by the opposing coalitions of the mandate of the electorate, and peaceful transference of power from one group to another, Miguel Coyula could editorialize exultantly, "Cuba has triumphed."<sup>62</sup> The parliamentary system assuredly was bolstered by the dignity and maturity of the elections, yet at the same time divisive and even destructive developments stood out in disharmonious relief. The parties continued to hover around personalities, the alignments and shifts in the coalitions responded to partisan profit rather than principle and program, the campaign featured wordy and windy defenses

<sup>61</sup>*Ibid.*, 1 de octubre de 1942, p. 1; 7 de octubre de 1942, p. 1; 8 de octubre de 1942, p. 1; 21 de septiembre de 1943, p. 1; 19 de enero de 1944, p. 1.

<sup>62</sup>*Ibid.*, 4 de junio de 1944, p. 1.

of individual and national honor rather than intelligent analyses of economic, political, and social issues,<sup>63</sup> and finally the electoral system permitted Dr. Grau San Martín to win the Presidency without controlling both houses of the legislature.

The crude political dictum, "He who counts the ballots last wins the election," sharpened the fears of many in late 1943 and early 1944 that President Batista would perpetuate his power through "imposición" (handpick a successor and control the election). Nevertheless, the parties organized for a genuine electoral contest. Batista, President of the Republic, President of the CSD, and the head of the Democratic Party, possessed sufficient political power to bludgeon through his own selections for the presidential and vice-presidential nominations on the ticket of the CSD. He supported Dr. Carlos Saladrigas, former Prime Minister and member of the Democratic Party, and insisted on his nomination. The Liberal Party, strongest numerically in the CSD, did not accept Batista's dictation in supine apathy. An important wing of the party declared in November, 1943 that either the candidate for the CSD be a Liberal or there would be no coalition.<sup>64</sup> The dilemma of the Liberal Party, however, was how to get the political spoils to which their heavy registration entitled them by bargaining through three rival leaders, each one of whom coveted the presidential nomination. It was a simple matter for Batista and the well-disciplined Democratic Party to prevent these three channels of political strength from merging, thus frustrating the dreams of the Liberal Party for a presidential nominee. With the presidential nomination apparently captured by the Democratic Party, it was good politics to balance the ticket with a vice-presidential candidate from the Liberal Party. Dr. Eduardo Suárez Rivas made a valiant and determined bid for the nomination, but Batista's candidate Dr. Ramón Zaydín (former Prime Minister in President Batista's cabinet) won. When it became certain that the Democratic and Liberal parties were committed to the Saladrigas-Zaydín ticket, the minor parties in the CSD enthusiastically boarded the bandwagon.

<sup>63</sup>See, for example, the final major speeches of the two presidential candidates. *Ibid.*, 1 de junio de 1944, pp. 1, 6.

<sup>64</sup>The Liberal Party out-registered the Democratic Party in totals of 584,440 to 562,756. *Ibid.*, 9 de noviembre de 1943, p. 2; 3 de diciembre de 1943, p. 1.

The legislative posts and local positions remained to be divided among the parties of the coalition. To overcome remaining Liberal intransigence, the Democratic Party agreed to allot to the Liberal Party three senators per province or eighteen in all. The Democratic Party took only twelve, and the ABC and Popular Socialist (Communist) parties were supposed to get three each. The ABC Party had wanted five senators, however, and in part to placate them, the CSD cut the Popular Socialists from three to two. The National Executive Committee of the Popular Socialists promptly voted to withdraw from the CSD. On March 15, 1944, however, the National Assemblies of the Liberal, Democratic, ABC, and Popular Socialist parties restored discipline within the CSD by nominating Drs. Saladrigas and Zaydín for the presidency and vice-presidency respectively.<sup>65</sup> The parties met separately but at the same hours and there was no contest on the nominations.

Organization of the opposition to the CSD required less political maneuvering and horsetrading. Dr. Grau San Martín, head of the popular PRC (A), personified the challenge to Batista, and his nomination for the presidency was assured. By late 1943 it appeared that the powerful, reactionary Republican Party would join the PRC (A) in a coalition against the CSD. Dr. Grau demanded not only the presidential but the vice-presidential nomination for the PRC (A), and for that reason the Republican Party had to content itself with as many congressional and local posts as it could exact. Even here Dr. Grau drove a hard bargain. He reportedly offered the Republicans two senators per province for all but Matanzas and Pinar del Río where they would get three. The National Executive Committee of the Republican Party met at the home of Senator Alonso Pujol in not-too-happy frame of mind on February 21, 1944, and after debating their problems at length they adjourned on agreement to sign a pact with the PRC (A) and fill in the details on divisions of positions later. In a few days Drs. Gustavo Cuervo Rubio and Grau San Martín of the Republican and *Auténtico* parties respectively formalized the agreement in an exchange of letters, and on March 18, both parties nominated Dr. Grau for the presidency. The *Auténtico*-Republican Alliance was completed by

<sup>65</sup>*Ibid.*, 7 de marzo de 1944, p. 1. See also Dr. Raoul Alfonso Gonsé, "La Verdad del Impasse Coalicionista," *ibid.*, 8 de marzo de 1944, p. 2; 16 de marzo de 1944, p. 2.

offering the vice-presidential nomination to Dr. Raoul de Cárdenas Echarte.<sup>66</sup>

The opposing coalitions were divided less by doctrinal considerations than by personal leadership (*personalismo*). The CSD contained elements of both conservative and radical strength (Democrats and Communists, for example), while the PRC (A), with great "common man" support, was allied with perhaps the most conservative party (Republican) in the country. The failure to establish parties which stood for something more than personal leadership weakened the parliamentary system, and the failure of the campaign to feature issues was a disappointment.

The mechanical provisions of the election functioned surprisingly well, however, despite 5,576 registration frauds, scattered evidence of inefficient election personnel, and confusion attendant on the first obligatory voting the country had had with women included within the electorate. President Batista in an address before the Rotary Club of Habana on May 18, 1944 promised clearly and emphatically that the elections would be free, and when he consummated his promise thousands of citizens paraded before the *Casa Presidencial* offering him homage for having guaranteed a free, fair election. The President and the defeated candidates of the CSD promptly issued a statement calling the election impartial and fair.<sup>67</sup>

In addition to traditional media of communication in Cuban politics—stump speaking, pamphlets and brochures, party symbols, "club" affiliation, and slogans—both coalitions jammed the air waves with frenzied exhortations to the electorate to support their candidates. The outstanding issue in all such efforts to condition and control the voter was the highly personalistic one of "ins versus outs." Thus, both presidential candidates assiduously cultivated the support of the National Association of Industrialists (Cuba's NAM), and support was accepted on condition of special favors to racial and other groups,<sup>68</sup> etc. The recognition of diverse pressure groups and the application of appropriate and varying techniques to each

<sup>66</sup>*Ibid.*, 16 de noviembre de 1943, p. 2; 22 de febrero de 1944, p. 1; 25 de febrero de 1944, p. 2; 19 de marzo de 1944, p. 3; 22 de marzo de 1944, p. 2.

<sup>67</sup>*Ibid.*, 12 de noviembre de 1943, p. 2; 3 de junio de 1944, pp. 1, 8; 4 de junio de 1944, p. 1.

<sup>68</sup>*Ibid.*, 14 de septiembre de 1943, p. 2; 19 de septiembre de 1943, p. 2; 20 de noviembre de 1943, p. 2; 25 de noviembre de 1943, p. 2.

to induce support represented realistic politics, yet an alert electorate could have demanded and mature parties given attention to national as well as personal and "special privilege" issues.

Sectionalism encouraged the coalitions to allocate their funds and political brains in accordance with the location of the largest concentrations of votes. As two provinces out of the six (Oriente and La Habana) possessed over a majority of the electoral votes required for victory, they were wooed almost hysterically. The CSD actually promised that if victorious in Oriente they would transfer the government there for about three months out of the year.<sup>69</sup>

The early attitude of skepticism of many people as to the honesty of the elections ("I believe Saladrigas will win but I am voting for Grau;" the slogan—"Con la gente y sin la gente, Saladrigas presidente") was replaced by confidence in electoral guarantees by May, and this political awakening coincided with growing food scarcities and rising prices. The timing of these developments seemed to help Grau. In any event, the voters cast their ballots for a change in administration. The victory was not an overwhelming triumph, however. Dr. Grau won by 181,890 popular votes out of 1,821,710 cast. Batista had won by a margin of 232,199 in 1940.<sup>70</sup>

#### PRESIDENT GRAU AND CONGRESS, 1944-1947

During President Grau's administration progress toward a parliamentary system slowed to a walk as a result of the effects of recalcitrant personalities, defective mechanics, and pressing public issues. Dr. Grau himself fractured the system with his hard-headed bumbling. The characteristics of aggressiveness and stubbornness that endeared him to the masses before election found poor orientation in the new scheme of executive-legislative relations. It was evident early in his administration that he viewed with a jaundiced eye congressional attempts to hold his ministers responsible. He asserted his leadership in an uncompromising and imperious fashion, and through his unipersonal rule he perpetuated administrative abuses he had promised to eradicate. The Cuban version of the spoils system, financial speculation, and administrative ineptitude were as characteristic of government under Grau as they had been

<sup>69</sup>*Ibid.*, 30 de abril de 1944, p. 2; 3 de mayo de 1944, p. 2.

<sup>70</sup>*Ibid.*, 1 de junio de 1944, p. 2.

under Batista. Grau's supporters seemed to think of public office as plunder to which they were entitled. In the Ministry of Education alone it was claimed that 10,000 changes in personnel had taken place by June, 1946. Some of those fired had served for ten years. Others were veterans of the wars of independence. The Minister of Education admitted publicly that he had 4,000 employees on the payroll for whom there were no duties to perform. The National Executive Committee of the Confederation of Public Employees protested, bills were drafted to introduce security into the civil service, and Congress sought interpellation of the President's ministers, but the public servants continued to be fired. The army and the police did not escape the shakeup. Protection of person and property was not more effective than before. Indeed, some members of the former administration were subjected to violence.<sup>71</sup>

On the other hand, it must be noted that Grau became President without control of either of the houses of the legislature. He was outvoted by 30 to 24 in the Senate and by 90 to 37 in the House.<sup>72</sup> However, although Cuba's semi-parliamentary system made no direct provision for such a situation, the spirit of the reform surely dictated that some consideration be given to the majority will of the legislative body. It would have been logical to include representation from the majority parties in the Council of Ministers. This Grau did not do. He appointed ministers of his own choice, mainly *Auténticos*, without regard to parliamentary majorities. It would have been logical to plan a program of legislation with the leaders of all parties in the legislature in order to guarantee action in those fields in which general agreement existed. This Grau did not do. He permitted the members of his coalition (*the Alliance*) to hamstring the legislature by absenting themselves from the sessions or by breaking the quorum when a bill came up for passage. This technique of producing a lack of quorum was particularly effective

<sup>71</sup>*Ibid.*, 6 de noviembre de 1945, p. 1; 15 de mayo de 1946; p. 1; 16 de mayo de 1946, p. 10; 14 de junio de 1946, p. 1; 26 de junio de 1946, p. 22; 15 de noviembre de 1944, p. 1; 21 de noviembre de 1944, p. 1; 12 de diciembre de 1944, p. 1; 19 de septiembre de 1945, p. 1; 2 de abril de 1946, p. 1; 7 de noviembre de 1944, p. 1; 15 de marzo de 1945, p. 1; 24 de marzo de 1945, p. 1; 25 de marzo de 1945, p. 1.

<sup>72</sup>*Ibid.*, 11 de julio de 1944, p. 1. The figures representing voting strength of the coalitions in the House varied with personal and party shifts, but at all times prior to the congressional elections of June, 1946 President Grau's *Alianza* was in a substantial minority.

in the Senate where the opposing coalitions were quite evenly divided. The *Auténticos* and Republicans broke up 14 out of 31 sessions of the Senate in 1945.<sup>73</sup>

Grau modified his unfavorable power position in the legislature by attracting some opposition members to his coalition. The Liberal Party, demoralized by the defeat of 1944, split into opposing groups with the Independents occasionally voting with Grau and the Alliance. By late 1945 the Communists (Popular Socialists) seemed ready to join the bandwagon. In January, 1946 the ABC Party came in. Dr. Gonsé, eminent Cuban political analyst, believed Grau had a working majority in the Senate by April, 1945. This was certainly true by September.<sup>74</sup> Grau's parties emerged from the congressional elections of June, 1946 with 78 of the 136 seats of the new House,<sup>75</sup> giving to the Alliance control over both branches of the legislature. When Grau did not have majorities in the House and Senate, he was in a position to defend the ruthless obstruction of the legislature's functions by his Alliance. Such an argument was no longer valid after June, 1946, yet from 1946 through 1947 even more legislative sessions failed because of lack of quorum.

Both majority and minority coalitions were parties to the retardation of the parliamentary system. Party leadership was weak and ineffective at the very time strong and intelligent guidance was needed. The defeat of the CSD in 1944 precipitated the departure from the country of its two major leaders, former President Batista and defeated candidate Saladrigas. Saladrigas to be sure urged the parties of the CSD to maintain a cohesive front of opposition to the newly-elected government, but he could not and did not give his coalition the unifying leadership it required while he was vacationing in the United States. When Saladrigas did return in February, 1945, however, the CSD stiffened perceptibly as an opposition body. Party shifts from the CSD to Grau's Alliance were

<sup>73</sup>*Ibid.*, 24 de noviembre de 1945, p. 1. See also, 16 de noviembre de 1944, p. 1; 29 de noviembre de 1944, p. 1; 19 de diciembre de 1944, p. 1; 20 de diciembre de 1944, p. 1; 22 de marzo de 1945, p. 1; 3 de octubre de 1945, p. 1; 4 de octubre de 1945, p. 1; 9 de octubre de 1945, p. 1; 29 de noviembre de 1945, p. 1.

<sup>74</sup>Dr. Raoul Alfonso Gonsé, "Realidad de Fuerzas Políticas en el Congreso," *ibid.*, 6 de abril de 1945, p. 2. See also issue of 6 de septiembre de 1945, p. 9.

<sup>75</sup>*Ibid.*, 26 de junio de 1946.

motivated in large part by the hope of political gain. The Liberal Party split, one splinter gravitating toward Grau, another circulating independently, and the main core continuing to support the CSD. In each instance, however, the maneuverings of the groups can fairly be described as opportunistic and chauvinistic. Dr. Joaquín Martínez Saénz, President of the ABC Party, who attacked the President vitriolically in November, 1945 ("centralizing obsession," "unconstitutional intervention in legislative functions," "personalistic regime," "government by decree"), led his party into Grau's Alliance in January, 1946 purportedly to provide the Government with a majority and thus permit passage of legislation. It was well-known, however, that the Government had made overtures to the ABC Party to get their support for Dr. Manuel Fernández Supervielle in the hotly-contested campaign for *alcalde* of Habana. The cartoonist Vergara acidly caricatured the party shift depicting "Chef" Grau, knife in hand, approaching a large leg of meat (*chivo*, graft) with a bloated, venal character labeled ABC leeringly inquiring, "Did you call me, Dr.?"<sup>76</sup> The ABC Party withdrew from the Alliance in February, 1947, accusing Grau of "national deceit" and planning to perpetuate his control over the government.<sup>77</sup> Dr. Juan Marinello brought his Communists (Popular Socialists) into the Alliance in 1945, and they were so successful in obtaining government appointments that Grau's own party (PRC [A]) split into opposing factions over the issue in the middle of 1947.

Leadership in the parties of the Alliance was scarcely more competent or inspired, nor were the parties themselves clearly identified with particular principles and programs. The leaders of the House vacationed when they were sorely needed by the legislature. The leader in the Senate resigned his position, but it was months before a successor was selected. The Republican Party was badly divided over whether to continue to support Grau and the Alliance. In almost incessant quarrels, the Republicans demanded a larger share of the jobs, from cabinet posts to low-paying sinecures. On one occasion the Republicans were reported to have insisted on 35% of all the posts in the nation that could be filled by executive appoint-

<sup>76</sup>*Ibid.*, 18 de noviembre de 1945, p. 1; 15 de enero de 1946, p. 1; 16 de enero de 1946, p. 6.

<sup>77</sup>*Diario de la Marina*, 16 de febrero de 1947, p. 1.

ment.<sup>78</sup> The President of the House undertook to solve the problem of lack of quorum, but although he ordered congressmen to attend sessions and then begged them to attend, the absenteeism continued.<sup>79</sup>

The most important single event to date in the development of the Cuban parliamentary system was the House's vote of lack of confidence in the Minister of Commerce in late 1945. In September, Major Mario Salabarría, Director of the Service of Investigations of Enemy Activities, accused the Minister of Commerce, Dr. Alberto Inocente Álvarez, and seven others (mainly manufacturers) of fraud in an exchange of Cuban sugar for Argentine fat. Among other things, Major Salabarría charged that Formula R-344 for the manufacture of soap had been manipulated to permit industrialists to reduce fat content and save 43 per cent in the cost of production without lowering prices to the consumer. Shortages, black markets, and high prices focused public attention on the charges, and when the House Committee on Commerce and Industry called upon Salabarría to testify,<sup>80</sup> it was evident that a bitter executive-legislative struggle was in the offing.

Dr. Francisco Lorié Bertot (Liberal) introduced a bill in the House calling for the interpellation of Dr. Inocente Álvarez. Only the *Auténticos* showed any disposition to defend the Minister, and it appeared certain that Dr. Bertot's motion would receive the 43 signatures required by the Constitution. Before the House could act, however, Dr. Inocente Álvarez, accompanied by technical advisors, entered the House and demanded the right to be heard. The House was unprepared to hear his defense and refused the request. The Minister then petitioned the Senate for the right to appear, and on September 26 the Senate listened to his two-hour defense of activities in the field of price control and allocation of foods. In the House, 78 representatives signed the motion calling for a vote of

<sup>78</sup>*El Mundo*, 3 de noviembre de 1945, p. 1; see also, 20 de enero de 1945, p. 1; 13 de octubre de 1945, pp. 1, 9; 14 de octubre de 1945, p. 1; 28 de octubre de 1945, p. 11; 10 de noviembre de 1945, p. 1; 11 de noviembre de 1945, pp. 1, 16; 7 de febrero de 1946, p. 1; 25 de junio de 1946, p. 11.

<sup>79</sup>*Ibid.*, 27 de marzo de 1946, p. 1; 19 de abril de 1946, p. 1.

<sup>80</sup>*Ibid.*, 21 de septiembre de 1945, p. 1; 27 de septiembre de 1945, pp. 1-2.

confidence, 35 more votes than were required by the Constitution.<sup>81</sup>

The House agreed by unanimous vote to call in the Minister of Commerce on October 3. At 4:30 P.M. on the appointed day, Dr. Inocente Álvarez began his statement to the House. The atmosphere was that of "glacial frigidity," and although he outlined his record until 11:30 that night, no congressman cared to speak to him. In his argument he denied he was guilty of any violation of the law, defended the profit taken by Cuban businessmen, advanced a legalistic argument to avoid direct responsibility for price control and rationing, and declared finally that he was sure that the President had confidence in him.<sup>82</sup>

President Grau made it abundantly clear through spokesmen that he supported his Minister of Commerce. Indeed, two days after Dr. Inocente Álvarez appeared before the House, a rumor emanated from the *Casa Presidencial* that President Grau would make Dr. Inocente Álvarez Prime Minister in the event Congress voted lack of confidence in him. The House debated the issue of confidence from 4:00 P.M. of October 8 to 2:30 A.M. of October 9. The final result was lack of confidence by the overwhelming vote of 79-13. The opposition followed the vote with a carefully-worded public statement explaining the action as a constitutional prerogative of the legislature under the Cuban parliamentary system to express lack of confidence in a member of the President's cabinet and to force his resignation. The statement specifically criticized the Government's policy in regard to food production and distribution and pointed to proven "grave irregularities" in the Minister of Commerce's performance of the functions of his position.<sup>83</sup>

The President reacted quickly to the challenge of the legislature by appointing Dr. Inocente Álvarez on October 11 to head the portfolio of State. In addition, on October 20, the Prime Minister (President Grau's personal friend for 18 years) declared that in the Cuban parliamentary system the Chief Executive did not need a congressional majority nor did he need to be bound by the opinions

<sup>81</sup>*Ibid.*, 23 de septiembre de 1945, p. 1; 25 de septiembre de 1945, p. 1; 26 de septiembre de 1945, p. 1; 27 de septiembre de 1945, p. 1; 29 de septiembre de 1945, p. 1.

<sup>82</sup>*Ibid.*, 4 de octubre de 1945, pp. 1, 12.

<sup>83</sup>*Ibid.*, 6 de octubre de 1945, p. 1; 9 de octubre de 1945, pp. 1, 8.

of such a majority. All the President needed, he declared, was "circumstantial majorities" to approve, from time to time, legislation which he desired. The newspapers strongly criticized the action and attitude of the President and Prime Minister,<sup>84</sup> but the legislature appeared stunned and defeated. This was the strongest reversal toward presidential government that had occurred since 1940. Individual congressmen and senators, before optimistic as to the success of the new procedure of executive-legislative relations, now expressed cynicism and bitterness in correspondence to me. Nevertheless, the idea of legislative checks did not die. On October 1, 1947, the Senate voted a motion of censure (31-12) against the Minister of Education, José M. Alemán, who promptly resigned and was replaced by Dr. Carlos F. Arazoza. It must be noted, however, that this action was taken at a time that the President's own party was split and his organized support weak. In addition, he did not accept the event as a threat to his interpretation of executive-legislative relations and hence did not make an issue of the vote of censure.

#### CONCLUSIONS

The semi-parliamentary system has not proved a panacea for Cuba's problems in executive-legislative relations. "The truth is," Dr. Marino López Blanco wrote to me in September, 1946, "that in practice the system does not work." Congressmen Martín Antonio Iglesias Abreu and Mario Pino Martínez and Senators Octavio Rivero and Santiago Verdeja Neyra are representative of those who concur in this harsh judgment.<sup>85</sup> The disappointment of a majority of Cuba's congressmen arises out of the recognition that the mechanical reform of semi-parliamentary government has not produced a flexible instrument for reflecting the group will in organizing, controlling, and changing governments. Instead, Cuban administration is still characterized by executive omnipotence. Senators and congressmen almost uniformly agree:

1. That Presidents Batista and Grau were ill-equipped by train-

<sup>84</sup>*Ibid.*, 11 de octubre de 1945, p. 1; 12 de octubre de 1945, p. 1; 21 de octubre de 1945, p. 1.

<sup>85</sup>Letters of Sept. 7, 1946; Nov. 8, 1946; Dec. 14, 1946; and Aug. 29, 1946.

ing,<sup>86</sup> experience and temperament to inaugurate the semi-parliamentary system;

2. that President Grau's thwarting of the will of the legislature by appointing his Minister of Commerce to a higher post after the vote of lack of confidence in the latter was a despicable and uncalled-for attack on the heart of the reform in executive-legislative relations; and

3. that "personalismo" in government and strong executive rule—heritages of Hispanic culture—remain deep-rooted obstacles to rapid progress.

It is true that some congressmen, such as Manuel Rivero Setién and Eusebio Mujal Barniol, are pleased with the progress to date.<sup>87</sup> A few outstanding public figures—such as the venerable Dr. José Manuel Cortina, author of the parliamentary system in Cuba—see achievement in the first few years of operation.<sup>88</sup> However important such individual views may be, they are minority views. On the other hand, congressional frustration with the semi-parliamentary system has not reawakened enthusiasm for presidential government of any type. There may be advocates for a return to the Constitution of 1901 or something akin to it, but in conversations and correspondence with almost all Cuban congressmen presently active on this issue I have not discovered a single one.

It seems clear that the experiment in semi-parliamentary government will continue, but it is also clear that the dangerous friction between executive and legislative branches in the years 1945-1947 presage further deterioration in the chances of ultimate successful operation unless both branches cooperate earnestly to give meaning to the Constitution. The Law of Executive-Legislative Relations of 1946 has demonstrated its need for revision. The failure of ministers to attend regularly the sessions of the legislature and congressional failure to achieve quorums were consistently vexatious problems. I believe legislative quorums could be encouraged by simplifying the conditions under which interpellation and vote of censure take place. Under present law, a majority of all the members of the

<sup>86</sup>The most lucid and detailed exposition of this point of view was presented to me in a letter dated September 13, 1946 in Dr. Emilio Núñez Portuondo.

<sup>87</sup>Letters dated September 2, 1946 and September 17, 1946.

<sup>88</sup>*Proceso y Análisis del Régimen Parlamentario Cubano, op. cit.*

legislature is required to initiate interpellation and vote of censure, a provision which is an open encouragement to obstructionism by minority groups. I believe that revision which would permit interpellation and vote of censure by majority vote of those present (assuming a quorum) would lead immediately to more regular attendance. This reform would also increase the responsibility of parties and *blocs* in the legislature and thus sharpen the discipline of such groups. It is hard to avoid the conclusion that the cabinet members should be compelled by law to attend the sessions of the legislature and be ready at all times to answer questions and debate issues of public policy and administration.

Most important of all, however, is the issue of whether the President should be compelled to appoint a cabinet which can command the confidence of the majority *bloc* in the legislature. It is my feeling that the position of the legislature needs to be strengthened in this fashion. The objection to the change is the contention that the strength in Cuban government is found in the executive branch and hence any weakening of the executive power through exposing the shortcomings of the President or his cabinet before Congress, through creating frequent shifts of the portfolios, and through advertising possible public scandals would impede orderly processes of government and diminish the chances for intelligent formulation and administration of public policy. I feel, however, that this argument is answered by the fact, first, that Cubans of almost all political groups have generally been critical of presidential government and have insisted on modifying the traditional concept of separation of powers, and second, that the shortcomings of the President's cabinet are publicized anyway, changes in ministries occur frequently, and public scandals have always figured prominently in Cuban politics. If the President and his cabinet should be compelled to govern through majorities in the legislature, the organization of political parties and the methods of selecting executive and legislative personnel would probably require revision in order to guarantee election of a President who was supported, initially at least, by the parties or coalition which dominated the legislature.

Other structural reorganization—such as presidential authority to dissolve the legislature and call for general elections—should be contemplated when the working system clearly exposes the need. Research in the nature of Cuban political parties and current electoral problems would help significantly to guide future mechanical

reorganization in executive-legislative relations. Reform in executive-legislative relations is only one part of the broader problem of encouraging democratic tendencies and retarding those leading to authoritarianism and dictatorship, but the slow progress Cuba has made under the semi-parliamentary system underlines the obstacles and suggests that at best Cubans can hope only for a halting and modest advancement toward the objectives they hope to realize.