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737.00/8-2952

FOREIGN SERVICE DESPATCH

FROM : AMEMBASSY, HABANA

TO : THE DEPARTMENT OF STATE, WASHINGTON. - 1 Enc. August 29, 1952
DATE

REF : Embtel 131 August 28; Habana 295 August 26, and 307 Aug. 28

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SUBJECT: Judicial Proceedings Against Arrested Ortodoxo Party Leaders

The Habana Urgency Court on August 27 considered the indictment against Emilio OCHOA brought by the Government for sedition and resolved that he should be kept in prison for trial on September 5. The decision was by vote of 2 to 1 of the 3 members of the tribunal. In the majority opinion two separate charges were considered: that arising from Ochoa's remarks on the "Meet the Press" program of August 24, and a conspiracy charge based on a SIM investigation in Oriente Province, according to the verdict published in the press. The latter charge accuses Ochoa of preparing a general revolution, scheduled to have taken place September 4, but postponed. In this connection the accusation includes acquisition and storage of arms in foreign countries and conspiracy with retired members of the armed forces and civilian elements. The dissenting vote was of the opinion that Ochoa should be charged only with contempt since the seditious statements imputed to him were made by him in his capacity of a recognized political leader, openly and "in the hearing of the authorities whose duty it is to prevent the acts he advocated from being carried out". The opinion further stated that the confidential investigations of the SIM were inadmissible as evidence of conspiracy.

In the meantime, in Santiago de Cuba the Urgency Court gave provisional liberty to Roberto AGRAMONTE and the other persons detained there (third reference). It is reported that some 50 persons were arrested in Santiago, charged with distributing subversive literature and meeting without permission.

José PARDO Llada and the other persons detained in connection with the attempted meeting at the Ortodoxo office in Habana (second reference) were charged with organizing an illicit manifestation and inciting the populace against the public forces. They reportedly were released provisionally on August 27, pending trial before the Urgency Court on September 22.

The National Directive Council of the PPC (Ortodoxo) issued a public statement August 27 declaring its "responsible,

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decided and unanimous" support for the declarations of Emilio Ochoa on the August 24 "Meet the Press" program. This statement said Ochoa's declarations reflect the party's viewpoint regarding the present political situation and the means which under the 1940 Constitution should be used for organizing civic resistance to the present regime. It also protested the arrest of Ochoa, Agramonte and other leaders and "solemnly declined all responsibility, placing it entirely on the usurper and dictatorial regime which will have to answer for such abuses and outrages".

In Pinar del Rio some 20 Ortodoxos were reportedly arrested on August 26 for "clandestine meeting and conspiracy against the stability of the state". According to radio reports, the Urgency Court there ruled that they should be kept in preventive confinement until trial. The date for the trial was not reported.

A press clipping reporting these events and the court ruling on Ochoa is enclosed.

COMMENT

There are a number of indications that the Ortodoxos who have been arrested during the past week have invited arrest, possibly as part of a campaign to marshal popular opinion behind their party as leader of active opposition to the BATISTA regime. An observer at the demonstrations at which Pardo Llada was arrested reported a revolutionary spirit among the participants such as has not been seen since Batista assumed power. An item in El Mundo of August 28 relates that even the usually ineffectual Dr. Agramonte called upon the group that gathered at the airport when he was arrested to resist (although it turned out that the members of the group belonged to the SIM). Max LESNICK, left-wing leader of the Ortodoxo youth group, reportedly has asked to be included in the indictment by the Urgency Court against Emilio Ochoa, the most obvious instance noted of attempted "martyrdom". The fact that most of the important leaders of the Ortodoxo party have been arrested this week, and the fact that the National Council of the party has given unequivocal support to Emilio Ochoa's statement, seem to indicate that the severe split within the party over the question of active or passive resistance has ended and that the party has begun an active resistance campaign against the Government.

While it is known that some Ortodoxo leaders have been in contact with exiled Autenticos reported to be conspiring for armed counter-revolution against Batista, the party has claimed that it will not make any "pact" with other parties. It cannot be stated with any certainty at this point whether this is

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merely for popular consumption or whether it represents the real policy of the party, in view of Ochoa's noticeable hedging on the question of cooperation on the "Meet the Press" broadcast.

For the Ambassador:



Earl T. Crain
Acting Counselor of Embassy

Enclosure: 6
Press clipping

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