

SECURITY : CONFIDENTIAL

PRIORITY: AIR POUCH

TO : Department of State

FROM : HABANA 2482 June 19, 1951 - 1 Enclosure

REF : Habana 445, August 28, 1950; ~~Week~~ June 24, June 15, 1951

SUBJECT : HABANA COURT ORDERS COMMUNIST NEWSPAPER HOY RETURNED TO ITS OWNERS. LEGAL DELIVERY MADE ON JUNE 18 DESPITE ADMINISTRATION'S APPEAL OF CASE.

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Dr. Agustin ELIZONDO Serize, Judge of the Court of First Instance of Habana, handed down a decision on June 14 ordering that the Communist newspaper Hoy, which has been intervened by the Government since August 24, 1950, be returned to its owners. The judge also ordered that indemnization for damages "caused by the intervention" and court costs be paid by the Government.

Immediately, Government officials and leaders of the non-Communist CTC indicated that the case would be appealed, and asserted that the paper would not be returned to the Communists meanwhile. Senator Eusebio MUJAL, Secretary General of the CTC, told the Embassy's labor reporting officer that the Administration was aware that the Ministry of Labor decree which authorized the intervention would not stand up legally, but that the Government felt it could drag the case out in the courts for three or four years and thus prevent the newspaper from being utilized by the Communists. Mujal was categorical in his assertion that the paper would not be returned to the Communists at this time.

Despite these statements by Administration leaders, the immediate appeal of the case by the Government, and the announcement that the question of Hoy would be considered in a cabinet meeting scheduled for June 21, the court proceeded to give force to its decision, and on June 18 formally delivered the paper to its Communist owners. The competent legal and court authorities, accompanied by Hoy editor Anibal ESCALANTE and PSP lawyers, proceeded to the premises of the newspaper, forced entrance by sawing the lock, and then drew up the necessary notarial act to cover the transfer. Police authorities apparently did not attempt to prevent the action after being shown the formal court order.

The Communist La Ultima Hora has, of course, hailed this as a tremendous victory "for the people and the workers". The paper carried headlines announcing the

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judge's decision, and the actual return to the Communists of the property. Not only did the Communists openly boast of their victory, but they also became very cocksure as to the final result. A front page story in the June 17 issue of La Ultima Hora contained a lengthy statement by Anibal Escalante in which he was quoted as saying that the paper inevitably had to be returned to its owners, because if the Government did not comply with the court decision a coup d'état (golpe de estado) would result. Escalante went on to vilify in the most rabid terms the Government, Mujal, SURI Castillo, VARONA, and others who had had anything to do with the intervention. Clippings from La Ultima Hora and other papers are enclosed. The non-Communist press, with the exception of Alerta, has, for the most part, treated the matter factually. Alerta has called the decision a triumph for editor Ramon VASCONCELOS' thesis that the intervention of Hoy was an illegal, dictatorial act against the freedom of the press. It will be recalled that Vasconcelos resigned as Minister Without Portfolio in the PRIO Cabinet as a direct result of his opposition to the intervention of Hoy, and his violent debate with the then Prime Minister, Antonio VARONA, on the issue (Embassy despatch 468 of August 29, 1950).

Meanwhile, the possibility that serious trouble may occur in connection with this matter cannot be overlooked. In addition to the categoric and violent statements made by Mujal and other CTC leaders on the issue, a group of Cuban World War II veterans are alleged to have issued a statement declaring, "If this paper is returned to the hands of the Communists, we warn that we shall blow it up with dynamite and we are already prepared for that purpose. Furthermore, we ask that the paper 'Ultima Hora' be taken over within 15 days or we shall treat it in a like manner". 1/

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1/ Senator Mujal told the labor reporting officer that the CTC is incensed at the continued appearance of the Communist paper La Ultima Hora and intends to initiate action in August to have the paper banned. He admitted that it will not be possible to obtain Congressional action against the newspaper because of the strong opposition in both the House and the Senate to such action. Mujal said that the CTC plans to wait until after Congress has adjourned and the legislators have scattered throughout the Island, and then to push through an executive decree banning La Ultima Hora.

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Should, as the press has already intimated, the police guards be withdrawn from the premises, it is not unlikely that anti-Communist groups will attempt to take matters into their own hands.

#### COMMENT

Due to the fact that the Communists have had La Ultima Hora to replace Hoy during recent months, the return of the latter is not necessarily of great significance to them from a journalistic standpoint. It does, however, constitute a very important moral victory for the Communists in Cuba. It also, in the opinion of the Embassy, is of considerable interest, and may be significant because it is one more instance in which the Cuban Government has failed in recent months to stand up to the Communists or to take action which would have proved a severe blow to their activities and prestige.

It is now apparent that Communist opposition and propaganda have been the most important factors in stopping the Cuban Government from complying with its promise to the United Nations to send troops to Korea. This, coupled with the admission by Senator Mujal that the Government cannot muster enough legislative support to close La Ultima Hora on a legal basis (see footnote no. 1), and the return of Hoy, are indications of the Cuban Government's apparent unwillingness to deal decisively with the Communists at this time. (The Embassy has also been reliably informed that the police have recently received word to continue to watch Communists and their activities, but not to molest them. This is in contrast to the situation in the past few months when police have broken up meetings, arrested Communist leaders and in general harassed the Communists at almost every turn)

Whether or not political considerations are entering into this picture is not yet clear. It is to be remembered, however, that a presidential campaign is underway and that the final alignment of political forces is far from decided. In the past, Administration leaders have been outspoken in their denunciation of the Communists and have used their opposition to the Communists and their devotion to democracy as important political weapons. This new trend is, therefore, disturbing and not fully explainable. Meanwhile, the moral victory gained by the Communists is undeniable, and will, naturally, be exploited by them to the fullest extent. It, of course,

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would have been much more preferable for the Government to have refrained from initiating any action whatsoever on the matter of sending troops to Korea and the intervention of Hoy than to now fail to follow through on these issues and thus let the Communists make a great deal of political "hay".

For the Chargé d'Affaires ad interim

*Henry A. Hoyt*

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Second Secretary of Embassy

Enclosure: *cut*  
Newspaper clippings

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