

Air Priority
PRIORITY

CONFIDENTIAL
SECURITY INFORMATION
(Security Classification)

DO NOT TYPE IN THIS SPACE

737.00(W)/8-2153

FOREIGN SERVICE DESPATCH

FROM AMEMBASSY, HABANA ^{AUG 21 1953} 298
DESP. NO.

TO THE DEPARTMENT OF STATE, WASHINGTON.

August 21, 1953
DATE

Assigned to

DC/R
Center
file

REF :

24 For Dept. Use Only RLS	ACTION OLI	DEPT. I N F O	ARA I IBS IFI IPS S/MSA	Action Taken
	REC'D AUG 22	OTHER	ARMY NAVY AIR CIA OSD PSB	

SUBJECT: Joint Weeka No. 34 for State, Army, Navy and Departments from SANA
Action 8-27-53

Action Office Symbol

Name of Officer

Direction to DC/R

Part I

Political

(UNCLASSIFIED) Court Rejects Unconstitutionality Appeal. In a decision dated August 17 and made public on August 20, the Court of Constitutional and Social Guarantees, by a vote of 10 magistrates to five, rejected the appeal to declare the Constitutional Statute of April 4, 1952, unconstitutional (see despatch No. 280, August 18, 1953). The Court considered that the coup of March 10, 1952, resulted in a de facto government which created a "new juridical order" to replace the existing Constitution and laws which thereupon lost their effect. It held that the jurisdiction of the Courts under the new body of law could not go beyond "its identification and the determination of its formal content". It decreed that the appeal contained no element of controversy subject to its jurisdiction and accordingly rejected it.

(RESTRICTED) Comment. The Court decision places the seal of approval of the highest constitutional judicial authority on the legitimate de facto character of Batista's government. On the other hand, especially since five of the magistrates issued dissenting opinions favoring the appeal to a greater or less degree, the Court action could be held by Batista's opponents to be a denial of the demands of the people who now have no recourse but to take matters into their own hands to regain their constitutional rights.

(RESTRICTED) Application of Public Order Law. The arrested University Student Federation (FEU) officers (see Weeka No. 33) were tried before the Habana Urgency Court under the Public Order Law. Because of insufficient evidence of possession of forbidden propaganda material, all

FCFornes, Jr.:rc
REPORTER

CONFIDENTIAL
SECURITY INFORMATION

ACTION COPY — DEPARTMENT OF STATE

The action office must return this permanent record copy to DC/R files with an endorsement of action taken.

737.00(W)/8-2153

CONFIDENTIAL FILE
737.00(W)/8-2153
FILED

were acquitted except the FEU President, Joaquín PELAEZ. The latter was fined \$125. The trial of the two minor alleged-Communists (see Weeka No. 33) was postponed due to the non-appearance in court of the three Communist leaders charged with them who are understood still to be at liberty. Throughout the island there have been an increasing number of arrests on charges made possible by the Public Order Law, and, judging from reports, possession of any kind of opposition propaganda, especially Communist or even Ortodoxo in origin, is sufficient reason for arrest. In many cases, however, the Urgency Court involved has ordered the release of prisoners, either pending trial or upon acquittal findings.

(CONFIDENTIAL) Seizure of Issue of "Visión". The August 21, 1953 issue of "Visión", the Spanish-language magazine published in New York, was seized by the Servicio de Inteligencia Militar (SIM). This action was taken because of an article in this issue which the SIM considered to be anti-Batista and presumably therefore banned by the recent Public Order Law. This article was entitled "The Sweet Cuban Regime Turns Sour" and purported to be an uncensored roundup of the current situation. It presented a picture of severe repressive measures following the Santiago de Cuba uprising, of continued possibility of revolutionary action and of a threatening economic situation. It was gloomy (as are most Cubans) regarding the possibility of a peaceful solution of the Cuban problem. (See despatch No. 271, August 17, 1953.)

(RESTRICTED) Broadcaster and Newspaper Reaction to Censorship. Officials of the Inter-American Association of Broadcasters, one American and the other Puerto Rican, spent three days in Habana discussing the Cuban censorship of information media with various representatives of local newspapers and broadcasters. The Embassy understands that the purpose of the conference was to assemble first-hand information with a view to its incorporation into a protest against censorship being considered for joint presentation by the Inter-American Association of Broadcasters and the Inter-American Press Association. (See despatch No. TOUSI 8, August 20, 1953.)

(CONFIDENTIAL) Campaign Depicting Batista as Pro-Communist. The efforts to depict Batista as pro-Communist assumed proportions of a campaign with the coming to light of mimeographed circulars directed to members of the armed forces and mailed to individuals from the United States. These circulars urged soldiers, sailors and policemen to

act to overthrow Batista and restore the Constitution and an "honestly elected government" as the only step to avert the threat to Cuba represented by Communist activities supported and protected by Batista and his regime. (See despatch No. 294, August 20, 1953.)

(CONFIDENTIAL) Communist Activities. The Embassy learns that officers of the Communist Party continue to hold meetings but with reduced attendance and top leaders absent, the main reason for the meetings being to reassure the lower echelons that the party continues active. It appears that the Communist Party expects that its prominent leaders such as Blas ROCA, Juan MARINELLO and Anibal ESCALANTE, even though not now under arrest, will eventually be brought to trial under the Public Order Law and probably sentenced to jail terms. The party is said to be planning a clandestine campaign of surreptitious handbills, wall slogans and the like to carry on its anti-Government and anti-American propaganda through various Communist-dominated organizations, and a campaign of rumors to create confusion, uneasiness and discontent.

Army

Negative.

Navy

(UNCLASSIFIED) Cuban Ship Sent to U. S. The 20 de Mayo (ATR) will arrive Norfolk, Virginia, on August 26. This visit is for the purpose of obtaining material which will enable more of the Navy's patrol craft to be operational, thereby increasing the effectiveness of the anti-revolution patrols.

The ship will depart Norfolk for Habana as soon as she is loaded. The commanding officer is Lt. José P. FERNANDEZ Saburit; 10 officers and 47 enlisted personnel are on board.

Air

(CONFIDENTIAL) Coastal Air Patrols Continue. The Air Attaché has been informed that although the Air Force is no longer on an alert status, the aerial patrols of the coast of Cuba are being continued.

(CONFIDENTIAL) Lt. Col. Matamoros Still Confined. Lt. Col. Miguel A. MATAMOROS y Valle (see Weeka No. 33) has not

Page 4 of
Desp. No. 298
From HABANA

CONFIDENTIAL
SECURITY INFORMATION
(Classification)

Page _____ of
Encl. No. _____
Desp. No. _____
From _____

been returned to duty nor has he been retired. He is reported to be under arrest at an unspecified location awaiting disposition of his case.

(CONFIDENTIAL) Comment. It is probable that the Army is aware of the possible effect on the morale of the younger pilots if he is retired. There is no indication that his case has been decided. However, he was one of the original Batista supporters and may still be able to convince Batista that his actions were not seditious but were simply an effort to prevent unnecessary additional aircraft accidents.

For the Chargé d'Affaires ad interim:



Earl T. Crain
Acting Counselor of Embassy

Participants:

ETCrain, FCFornes, Jr., ETerrell,
JCanter, Rakow (NA), Mason (AA)

Copies to:

Amembassies Ciudad Trujillo, Port-au-Prince

MA (4) for USARCARIB and USARFANT
AA (1)
NA (3) for Guantánamo

CONFIDENTIAL
SECURITY INFORMATION