

CONFIDENTIAL

Rev 46

Office Memorandum • UNITED STATES GOVERNMENT

TO : ARA - Mr. Miller ✓

DATE: November 19, 1952

FROM : MID - Mr. Wellman *HW*

SUBJECT:

The attached factual statement has been prepared for your information prior to your conversation today with Luis Machado. The memorandum refers to reports received of the involvement of ex-President Prio in the purchase of arms and ammunition in the United States ostensibly for use against the Batista Government, and also summarizes the obligations of the United States Government under law and treaty to prevent and punish such activities.

If you have questions about the memorandum or desire further information, we will try to obtain the answers.

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ARA:MID:HRWellman:dwm

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*Rev.*

# Office Memorandum • UNITED STATES GOVERNMENT

TO : ARA - Mr. Miller

DATE: November 19, 1952

FROM : MID - Mr. Wellman *W*

SUBJECT: Activities in the United States of ex-President Carlos PRIO Socarrás of Cuba

## I) THE FACTS

Since leaving Cuba as a result of the events of last March 10, ex-President Prio has resided mostly in the United States, in Miami and New York, as have many of his associates in the former Cuban administration. The group has engaged in schemes for ousting President Batista and returning themselves to power. At least some of these schemes involve armed uprising in Cuba, assisted by arms obtained outside that country. Reports have been received that attempts have been and are being made to obtain arms in the United States for that purpose, and to ship them out of the country. These reports indicate that ex-President Prio is actively involved in such activities. At the time of the robbery on October 3, 1952 in Dallas, Texas, of \$240,000 from a group of Cubans, agents of the Federal Government were told by the Cubans that the money had been intended for the purchase of arms to be used in revolutionary activities in Cuba, and that it had been given to them for that purpose by ex-President Prio. Apparently, no arms had been obtained as a result of negotiations preceding the robbery. For some time past, agents of the Federal Government have been aware of activities by the Prio group in and around New York in an endeavor to obtain arms. Reports have now been received that some arms have been obtained, that they have been or will be moved to and stored near Miami pending shipment to Cuba, and that an unknown quantity of arms has already been shipped from this country to Cuba. These activities are also reportedly headed by ex-President Prio.

## II) OUR OBLIGATIONS

The Neutrality Act of 1939 (22 USC, Section 453) states that it shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war ....., without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor. Further, it is a crime for

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any person within the United States to knowingly begin or set on foot or furnish money for or take part in any military or naval expedition to be carried on from the United States against any foreign state or people with whom the United States is at peace (18 USC, Section 960). Finally, it is a crime to conspire to commit any offense against the United States or to violate its laws (18 USC, Section 371).

The United States also has certain international obligations to prevent activities within its jurisdiction such as those now being engaged in by ex-President Prio and his associates. Paragraphs (1) and (3) of Article I of the 1928 Convention on Duties and Rights of States in the Event of Civil Strife (the Habana Convention), to which the United States and Cuba, among others, are signatories, read:

Article 1.- The contracting states bind themselves to observe the following rules with regard to civil strife in another one of them:

1. To use all means at their disposal to prevent the inhabitants of their territory, nationals or aliens, from participating in, gathering elements, crossing the boundary or sailing from their territory for the purpose of starting or promoting civil strife.

3. To forbid the traffic in arms and war material, except when intended for the government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied.

On April 8, 1950 the COAS/OC, in the case of the Dominican Republic vs. Cuba, Guatemala and Haiti, resolved:

To request the Governments of Cuba and Guatemala to take effective measures to control war materials that may now be or may have been in the possession of revolutionary groups, and to prevent illegal traffic in arms and possible use of the aforementioned war materials for purposes incompatible with inter-American juridical commitments.

In this same resolution the following was also included:

To

To support the conclusions of the Inter-American Peace Committee, approved on September 14, 1949, relative to the situation existing in the Caribbean area, on the understanding that the said conclusions are applicable not merely to the aforesaid situation, but to all American States without exception.

### III) THE CONSEQUENCES

Activities such as those ex-President Prio and his associates are reportedly engaged in may, therefore, be considered to be in violation of the laws of the United States, of our treaty obligations, and of resolutions adopted by an international body of which the United States is a member, and the persons involved in them liable to prosecution. It would be most regrettable were it necessary to detain ex-President Prio, or any of his prominent associates, on charges arising from such activities. However, they requested permission to enter the United States and are enjoying our hospitality and protection as political refugees and as visitors, and are under the obligation to respect our laws. Should they continue to engage in activities such as have been reported to us, the agencies of the Federal Government charged with the enforcement of the pertinent laws may well be obliged, in the proper performance of their duties, to proceed against them.

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