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FOREIGN SERVICE DESPATCH

FROM : AMEMBASSY, HABANA

242  
DESP. NO.

August 11, 1953  
DATE

TO : THE DEPARTMENT OF STATE, WASHINGTON.

REF : D-227 (Weeka No. 32), August 7, 1953

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SUBJECT: Public Order Law; Its First Application Is Against Communists.

In an extraordinary edition of the Official Gazette dated August 6, 1953, there was published Law-Decree No. 997 of July 26, 1953. This so-called "Public Order Law" became effective on the date of its publication. Two copies of Law-Decree No. 997 are enclosed.

The first three chapters of the new law-decree deal, respectively, with false news reports and rumors and illicit propaganda; the falsification and improper use of motor vehicle license plates; and modifications of the Social Defense Code.

The first chapter imposes prison terms and/or fines on individuals and provides for closing and/or fining organizations guilty of publishing, having others publish or transmitting false rumors or news reports or of undertaking certain propaganda activities. The acts made punishable by this chapter are defined in an extremely broad way and in general can be said to be those that in almost any conceivable way could operate to upset or threaten the status quo. An example of the breadth of the definitions is that one of the forms of propaganda made punishable is that which would tend "to injure the national dignity or diminish the prestige of the authorities or the organs of the State, the Constitutional Statute, the laws or the acts of an authority." The provisions of this chapter are made applicable to both Cubans and nationals of other countries who may commit the offenses in question outside Cuban territory.

The second chapter penalizes the falsification of motor vehicle license plates, whether Cuban or foreign; the altering of motor vehicle serial numbers; the use of cars with such plates or altered numbers; possession of such plates; the use of a legitimate plate on a car for which it was not issued; and in certain circumstances the possession of legitimate plates by a person who does not have the vehicle for which they were issued.

Chapter three of Law-Decree No. 997 amends the sections of the Social Defense Code dealing with disrespect of authority,

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"defamation" (libel), "calumny" (slander involving a public felony), and "injury" (slander). In addition to specifying prison terms or fines or both for offenses under these headings, the law-decree creates an innovation by providing for "compensation in cash for the moral damage suffered by the victim of the crimes of defamation or calumny or injury or of disrespect of authority committed through defamation or calumny or injury."

Chapter five concerns itself with procedures.

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The Public Order Law was first applied on August 10 when the Havana Urgency Court accepted jurisdiction in a case brought by the Servicio de Inteligencia Militar (SIM) against Communists charged under Article II of the law which deals with illicit propaganda. The SIM had reportedly arrested Jaime MAS Hernández and Marcos Israel PERERA García, both alleged Communists, and charged them before the Court with possession of copies of the Communist publications Hoy and Ultima Hora (the former closed by the authorities and the latter presumably shut down) and with participating in a plan to engage in the activities now penalized by the Public Order Law. The Communist leaders, Juan MARINELLO, Blas ROCA and Aníbal ESCALANTE, were included in the charges under accusation of complicity in the plan.

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Comment

Law-Decree No. 997 and especially its first chapter place in the hands of the Government a powerful weapon with which to combat upsetting and disturbing rumors and curb opposition propaganda. If capriciously applied, the law could also serve to suppress legitimate criticism and limit even unobjectionable freedom of expression, once the suspension of constitutional guarantees is lifted. If and when censorship ends, some editors and other writers for publication will probably find it expedient to exercise considerably more restraint than was employed prior to the enacting of the Public Order Law.

Chapters two and three of Law-Decree No. 997 meet a need in Cuba where criminal use of motor vehicles has been hard to stop and where effective penalties for libel and slander have been practically non-existent. Here again, however, the efficacy of this legislation in meeting the needs and not becoming an instrument of repression will depend on its administration.

The immediate use of the Public Order Law against Communists may indicate that the Government has concluded that under the

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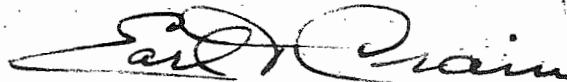
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circumstances created by the attacks on the armed forces in Oriente Province energetic and effective measures are necessary to combat the propaganda that the Communist party is still putting out against the regime by surreptitious means. A translation of one surreptitious propaganda sheet is enclosed. While the inclusion of Marinello, Roca and Escalante in the case brought under the new law is logical enough, it may also mean that the Government feels that a conviction under the broad terms of the Public Order Law is much more likely than in the sedition case before the Urgency Court at Santiago de Cuba in which Marinello and Roca were included.

For the Chargé d'Affaires, a.i.:



Earl T. Crain  
Acting Counselor of Embassy

Enclosures:

✓ 2 copies, Law-Decree No. 997  
Translation of propaganda sheet

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## TRANSLATION

In Información (rotogravure section) appears a picture of a book which is said to have been taken from one of the attackers of the Moncada Barracks, killed in action.

The authorities declare that the person in question carried this book with him.

The book is one of the selected works of Lenin, in two volumes. It must have more than 1,000 pages. It is a thick volume, which must weigh two pounds and is therefore difficult to carry.

Where would the so-called "attacker" carry the book? Perhaps in his pockets? Perhaps in his shoes or his probable cartridge belt?

This is a matter which should be cleared up by those who are engaged in mixing Communism in the events in Oriente in order to have a pretext for claiming the fulfilment of Washington's orders given openly through the recent letter of the Department of State against the Partido Socialista Popular.

Another question is the following:

The works of Lenin have been sold in thousands of copies to Communists and non-Communists.

The possession of one of these works or of other Communist books or pamphlets does not mean that the one who has it is a Communist or has anything whatever to do with the Communists.

In the offices of the S.I.M. and other repressive bodies there are many copies of such works which have been unlawfully seized from Popular Socialist offices and homes. No one would for this reason accuse such offices of being in complicity with the Communists. What is really possible is that such offices are using these books and pamphlets to have them appear wherever it suits them in accordance with their purpose to justify repression or accumulate "proofs" against a particular ideology or person.

The statement of the authorities concerning the finding of Communist literature in the hands of the attackers of the Moncada barracks was never more than a fraud and a slander aimed at giving an excuse for the closing of Hoy and the

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persecution of the Communists, publicly damaged by the Department of State in the well-known letter.

NATIONAL PROPAGANDA COMMISSION OF  
THE PARTIDO SOCIALISTA POPULAR

Reproduce it - Pass it along

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