



THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

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No. 567

American Embassy  
Habana, Cuba, July 25, 1949

837.041/7-2549

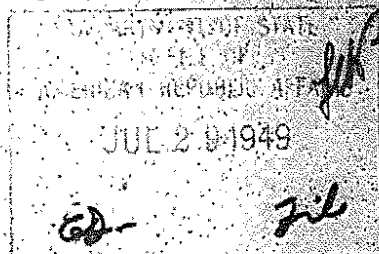
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Subject: President appoints eight of nine Judges to constitute Court of Constitutional and Social Guarantees set up under Article 182, Section Three of the 1940 Constitution of the Republic of Cuba.



The Honorable  
The Secretary of State,  
Washington.

Sir:

I have the honor to report that President Carlos PRIO Socarrás on July 19, 1949 appointed eight members of the Court of Constitutional and Social Guarantees (Sala de Garantías Constitucionales y Sociales) as provided in Article 182, Section Three of the 1940 Constitution of the Republic of Cuba. The ninth member of the Court, who will be the presiding officer, is to be appointed by the Supreme Court of Cuba.

This action constitutes a positive step towards implementation of Article 182 of the 1940 Constitution. However, the President of the Court has yet to be named by the Supreme Court and it will also be necessary for the President's appointments to be confirmed by the Senate. Provision must also be made in the Cuban budget for sufficient funds to cover the Court's expenses. The press reports that the newly appointed Judges called July 20 on officers of the Senate to request confirmation of their appointments prior to September 1, 1949, which, reportedly, is the day on which the Court is scheduled to convene. (The press states that the Court will open May 1950 and that the first case to be reviewed will be that of Sr. Eduardo R. CHIBAS vs. the Habana Tribunal de Urgencia which recently sentenced Chibás to six months' imprisonment for contempt. Chibás charges that both the Tribunal de Urgencia and its verdict are unconstitutional.)

The eight persons selected by the President for the Court are listed below:

Dr. Enrique RODRIGUEZ Narezco  
Dr. Emilio MENENDEZ Menendez  
Dr. Manuel R. ZALDIVAR y Cordero  
Dr. Luis Enrique CUERVO RUBIO

Dr. Miguel

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Dr. Miguel Angel BUSQUET y Hernandez  
Dr. Julio GARCERAN y Sousa  
Dr. José MORELL y Romero  
Dr. Aureliano FERNANDEZ Conchoso

Of those listed, the first five are prominent Judges from the District of Habana. Dr. Garcera is a well known Judge from Oriente and Dr. Morell is the Interventor of the United Railways as well as President of the Sugar Retirement Board (Caja de Jubilaciones del Retiro Azucarero). Dr. Fernández is an ex-Ambassador to Washington at present in the United States.

Biographic data reports on the new appointees are being prepared and will be forwarded to the Department at a later date.

The functions of the Court of Constitutional and Social Guarantees are set forth in Article 182, Section Three of the 1940 Constitution (quoted below in translation):

Article 182. The Court of Constitutional and Social Guarantees is competent to take cognizance of the following matters:

a) Unconstitutionality appeals against laws, decree-laws, decrees, resolutions or acts that deny, diminish, restrict or impair the rights and guarantees specified in this Constitution or that impede the unrestricted functioning of Government bodies.

b) Consultations of judges and courts as to the constitutionality of laws, decree-laws and other provisions that they have to apply in lawsuits.

c) Habeas Corpus proceedings, on appeal, or when a claim made against other authorities or tribunals is inefficacious.

d) The validity of constitutional modification and procedure.

e) Juridico-political questions and those of social legislation which the Constitution and the law submit to its consideration.

f) Appeals against abuse of power.

COMMENT:

The press has commented favorably on the high caliber of those chosen by the President (from lists submitted by the District Courts) to sit on the new Court.

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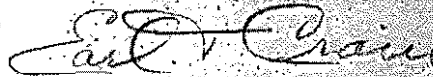
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While the Court is by no means functioning as yet, implementation of Article 182 of the Constitution will be welcomed by the vast majority of Cubans as strengthening Cuba's democratic institutions and as a further step in Cuba's progress towards the establishment of full social and political guarantees.

Respectfully yours,

For the Chargé d'Affaires ad interim:



Earl T. Crain  
First Secretary of Embassy



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