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No. 914

American Embassy
Habana, Cuba, November 24, 1948

837.20/11-2448

CONFIDENTIAL

Subject: Charges Against Cuban Chief of Staff;
Repercussions

DEPARTMENT OF STATE
OFFICE OF
AMERICAN REPUBLIC AFFAIRS
DEC 1 - 1948
<i>file</i>

Rec'd
Nov 29

ACTION
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The Honorable
The Secretary of State,
Washington.

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Sir:

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I have the honor to refer to this Embassy's A-1296 of November 16, 1948 on the above subject and to various reports submitted by the Military Attaché to this Embassy regarding charges of embezzlement of Army retirement funds recently filed against Major General Genovevo PEREZ Damera, Cuban Chief of Staff, by Brigadier General Abelardo GOMEZ Gómez, retired. The purpose of this despatch is to summarize the development of this incident and to point out the rather important repercussions it has caused.

General Gómez' Charges

On November 10, 1948 it was prominently reported by the Habana press that the Minister of National Defense, Señor Román NODAL, had received from General Gómez Gómez a ten-page statement of charges against General Pérez, including the following points:

Based on the investigation of the Military Retirement Fund he had made while on active service, during the years 1926, 1927 and 1933 to 1945 there was an apparent shortage of some 2,790,000 pesos for which the Chiefs of Staff, both Military and Naval, were responsible. At the end of 1945 General Pérez had failed to pay into the fund some 62,749.33 pesos. On July 2, 1946 General Gómez presented to General Pérez a report showing that the deficit in the fund for 1946 alone had by May of that year reached a total of over 41,000 pesos. Other frauds had been perpetrated by collecting money for vacant positions in the Army and Navy. General Gómez referred to the illegal search of his home (presumably carried out at General Pérez' orders) during which copies of the documents of this case were stolen. (He had kept duplicates.) He attributed his retirement from the Army to the incriminating evidence he had obtained against General Pérez.

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The Minister of National Defense stated that the case had been referred to the Superior War Tribunal with the recommendation that a prompt investigation be made.

Tribunal Formed

On November 11 it was announced that the Superior War Tribunal would meet that afternoon under the presidency of Brigadier General Ruperto CABRERA. The following day, November 12, General Cabrera confirmed that he had been designated by the Tribunal as official investigator.

General Pérez' Statement

On November 13 General Pérez gave to the press a lengthy statement voicing his indignation that part of the press had made "strident, unfounded and false statements" about him which produced "a lack of confidence, uncertainty and alarm throughout the country". He strongly maintained his right to be respected at all times, and announced that he was at peace with his conscience and had nothing of which to repent. He went on to say that it was his duty to point out the indignation which the troops under his command had felt because of the "mountain of offenses, lies and calumnies which certain irresponsible publications" had heaped upon him. He said that he had great difficulty "in restraining spontaneous impulses of the soldiers who, without exception, had shown their desire to express their anger in the face of what they considered an unpardonable lack of respect". Although expressing his willingness to appear before the courts, if summoned, he concluded with this rather menacing statement: "We wish to warn once and for all those who remain deaf to this appeal that we will not in any way tolerate their playing with our prestige or reputation by putting forth false arguments of all kinds, for in such event we shall know how to demand the respect that we deserve without thought of the consequences which might result."

Strong Reaction of Press and Opposition

As was to be expected in a country which has enjoyed an unusually free press, General Pérez' angry remarks brought forth protests from many quarters. Newspapers of all shades of opinion - from the extreme Left represented by the Communist organ Hoy to the conservative Diario de la Marina - condemned the General's outburst. A group protest dated November 16 was signed by Alerta, Avance, Bohemia, Carteles, El Crisol, Diario de la Marina, Ellas, Havana Post, Mañana, Información, Prensa Libre, El País and Vanidades.

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This statement, pointing out that General Pérez had offended and menaced the Cuban press, characterized his pronouncements as an "aggression against the democratic regime and against the liberty of expression of thought as guaranteed by the Constitution." It was pointed out that any citizen, including the General, could resort to the courts when slandered by the press.

Other newspapers which did not sign the above-mentioned statement, including El Mundo and the Communist organ Hoy, criticized the Chief of Staff in editorials. Protests were also made by the National College of Newspapermen, the Provincial College of Newspapermen of Habana, the Habana Reporters' Association and the Press Association of Cuba.

On November 15, Senator MARTINEZ Fraga, Democratic leader, presented a motion in the Senate requesting that the Minister of National Defense appear before that body to testify regarding Pérez' statement. The Liberal Party condemned the General's declaration as "a menace to the liberty of thought, to social security and to the respect due the Government, especially the Executive."

Government Supports Pérez

On November 15, following a Cabinet meeting, the Prime Minister (Varona) announced that General Pérez had been authorized by the Executive to make the statement in question. At the same time he said that the Government guaranteed the freedom of the press.

In the face of this support from the Government, it was not surprising that on November 16 President Prío announced at the Palace in the presence of General Pérez, the Minister of National Defense and members of the Military Tribunal that General Pérez had been exonerated since on the basis of the investigation there was no proof of guilt and no basis for prosecution because of lack of evidence. The President added that there had been no abnormality in the entry of cash into the Retirement Fund during the past few years. He concluded by saying that he was pleased to confirm his confidence in General Pérez.

General Gómez Protests

From his exile in Miami General Gómez protested against Pérez' exoneration and on November 19 returned to Habana for the announced purpose of pressing his charges and of

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answering accusations that he had been responsible for the murder of one Isidoro MADRAZO. He sent a further communication to the Minister of National Defense pointing out that, in his opinion, the Military Tribunal had not been legally formed. On November 22 he was received by the Minister of National Defense. At that time he presented a statement requesting revocation of the Tribunal's verdict and the Minister's personal investigation of the Military Retirement Fund. It remains to be seen what further action, if any, will be taken by the Government. Probably the Government considers the case closed.


Repercussions

From information previously obtained by Third Army Headquarters, Miami, it seems likely that General Gómez' activities have been aided and abetted by Senator José M. ALEMAN in his efforts to embarrass the Prío Government. If this is the case, it is not surprising that the Government has fully supported General Pérez. The Embassy does not believe it likely that either the Minister of Defense or the President had prior knowledge of the statement by General Pérez which aroused such a storm of protest. Quite possibly the General was authorized to make a statement upholding the Army's dignity, etc., but it is considered extremely doubtful that the Government would have permitted the use of such violent language.

General Pérez' outburst has cost him the loss of considerable prestige in the eyes of the Cuban people - prestige gained by the Army's exemplary conduct during the elections and by his own vigorous handling of such difficult situations as the Marianao incident and the breaking up of the Cayo Confites expedition. The man in the street can no longer with confidence look to General Pérez as the guarantor of the Constitution, the calm voice of authority and stability.

Respectfully yours,

For the Ambassador:


Lester D. Mallory
Counselor of Embassy

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