CUBA

POLITICAL UNREST IN CUBA[1]

837.00/2948 : Telegram

The Ambassador in Cuba (Guggenheim) to the Secretary of State

[Paraphrase]

HABANA, January 8, 1931—11 a. m.
[Received 2:45 p. m.]

3. Yesterday a meeting took place between President Machado and General Menocal[2] to discuss the possibility of reaching a solution to the Cuban political problem more or less along the lines suggested in my No. 164, December 12, 1930, sub-head 5.[3] The opposition had requested that I take part in such a conference but I refused on the grounds that there will be no interference from the United States, whose only desire is a Cuban solution of the present state of affairs. I do not think that my participation in a conference at this time would be helpful. I have endeavored privately to urge and help both sides to resolve their differences along reasonable lines which will aid rather than hinder Cuba's political and financial stability. It is extremely difficult to reach an accord, especially on account of the deluding elements of the opposition.

GUGGENHEIM

837.00/2951

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 493

HABANA, January 8, 1931.
[Received January 12.]

SIR: Referring to my telegrams No. 177 of December 29 and No. 178 of December 31, 1930,[4] I have the honor to report that the Habana Yacht Club was permitted to reopen last evening and that Colonel Puyol, as well as a number of other more or less well known persons arrested recently on charges of conspiracy to overthrow the Government, were released from jail in the course of the last few days.

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[1] Continued from *Foreign Relations*, 1930, vol. II, pp. 649–684.
[2] Mario G. Menocal, President of Cuba from 1913 to 1921, and leader of the non-cooperating faction of the Conservative Party.
[3] *Foreign Relations*, 1930, vol. II, p. 678.
[4] *Ibid.*, p. 684.

As already reported in my telegram No. 175,[5] the *Diario de la Marina* was allowed to resume publication on December 25 after a week's suspension. Another paper, the comic weekly *Karikato*, which had been suspended at about the same time, was permitted to resume publication last week.

While these events might possibly appear to indicate a more lenient attitude on the part of the Government, they are largely offset by other activities by the authorities who have in no way relaxed their vigilance to prevent disorders or their determination to punish persons involved in plans to create disturbance. Colonel Aurelio Hevia, accused of instigating a plot to seize the arsenal on Christmas Eve, is still a prisoner in Cabañas fortress and all efforts of his friends to secure his release on a writ of Habeas Corpus have been unavailing due to the suspension of constitutional guarantees. The entire directorate of the university students organization, including several young women, was arrested and imprisoned on January 4. It is further reported in the newspapers that scores of men and women who declared themselves to be in sympathy with the student movement have been ordered to appear in court to answer charges of sedition.

Yesterday a small number of students organized a demonstration of protest against the detention of their directorate and succeeded in creating a considerable disturbance in one of the city's principal shopping streets before the police could disperse them. The newspapers report that a good many shop windows were broken by missiles thrown by the students as they marched along the street and that 15 of the ringleaders were taken into custody.

In spite of the announcement by the authorities that extreme penalties would be meted out to persons found to be illegally in possession of explosive materials, hardly a night passes without the explosion of one or more small bombs in different parts of the city. On several occasions unidentified persons have dropped tear gas and stink bombs with effective results at large social gatherings.

The authorities have succeeded in apprehending very few of the persons responsible for these activities but they do not appear to be greatly perturbed by them. The Government continues to have the upper hand and there is as yet no question of the loyalty of the army and police force. President Machado replying to criticism of his administration in a speech on New Years Day once more announced that he had no intention of resigning, declaring that "presidents are not overthrown by scraps of paper".

Respectfully, HARRY F. GUGGENHEIM

[5] Dated December 27, 1930, *Foreign Relations*, 1930, vol. II, p. 683.

837.00/2958

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 513 HABANA, January 16, 1931.
[Received January 19.]

SIR: I have the honor to submit the following report of political events during the past week:

In addition to the newspapers closed on January 9, 1931, by Executive Resolution, several other journals have now been suspended, including *Siboney*, a third rate Habana Liberal daily, which the President informed me had been suspended on account of violent and indecent personal attacks that he could not countenance upon his political opponent, General Menocal; *Independencia*, of Santiago de Cuba, and two or three minor provincial papers. There is yet no indication as to when these newspapers will be permitted to resume publication although considerable credence is attached to a rather persistent report that their suspension will continue until a new Press Law, now in preparation, has been enacted.

The Government has taken further vigorous steps to ensure the maintenance of public order. As reported in despatch No. 507 of January 14, 1931,[6] a decree has been promulgated [7] placing all members of the armed forces on continuous active service and endowing each and every soldier and sailor with the attributes of an officer of the law.

On January 9, the President appointed a Committee of Public Order, composed of the Secretaries of Government and War and Navy and of high military and police officials, and empowered under the provisions of the Law of Public Order of 1870, which law is in full force and effect during the suspension of constitutional guarantees, to carry out measures for the prevention of disorders and other subversive activities.

The following day, the Subsecretary of Government announced that the male parents of minors engaging in subversive activities would be punished by enforced removal of their domicile to a point 120 kilometers distant from their actual place of residence, under authority derived from the provisions of the Law of Public Order and Article 41 of the Constitution.

In order to discourage further disorderly demonstrations in the vicinity of the Presidential Palace, of which there were several during the week ended January 10, the Commandant of the Palace police issued instructions to his subordinates to make free use of their firearms whenever occasion might appear to warrant it.

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[6] Not printed.

[7] Decree No. 57, January 9, 1931, published in the *Gaceta Oficial*, January 10, 1931, p. 422.

Whether because of the suppression of the anti-Government press or due to the extraordinary measures adopted by the authorities, there have undoubtedly been fewer surface indications of serious unrest during the last 6 days. This also appears to be true of the situation in the provinces judging by the absence of consular reports to the contrary.

The sugar grinding season began on January 15 and it is hoped that the resulting decrease in unemployment may exert a tranquilizing influence. There is, however, considerable apprehension that the prevailing anti-Government sentiment may find expression in the wholesale burning of standing cane and the authorities have announced that every possible measure will be taken to protect the cane fields from incendiarism.

There has been no satisfactory progress in the conciliatory negotiations referred to in my telegram No. 3 of January 8, and Ambassador Ferrara [8] who has acted as intermediator returned to his post on January 15 without being able to bring the President and the leaders of the Opposition into accord.

Senator José Manuel Cortina has taken Ambassador Ferrara's place but the President has sent word to the Opposition that negotiations must be suspended until there is a calmer atmosphere in the capital. The Opposition questions the President's good faith in this message.

According to information published yesterday in *La Lucha*, there were on that day 102 so-called political prisoners in the Habana jails. This is rather less than the generally accepted estimate which exceeds 200 and probably fails to take into account the persons incarcerated in the Cabañas military prison.

Respectfully, HARRY F. GUGGENHEIM

837.00/2961

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 517 HABANA, January 20, 1931.
[Received January 24.]

SIR: I have the honor to report that on January 16 I had a long conversation with the President of Cuba at his *finca*, during which, at his request, we discussed very frankly the political and economic situation. After expounding his theories that the troubles of Cuba were not economic and political, but economic and communistic, he asked me what my views were in regard to the situation. I told him that it was my information that under the outward calm in Cuba there was a very strong spirit of unrest and dissatisfaction in all of

[8] Orestes Ferrara, Cuban Ambassador at Washington.

the cities, but that on the farms people were not paying very much attention to politics. I told him that I could not agree with his analysis of the causes; that, while the basic trouble in Cuba was of course economic and while there was a certain amount of communistic activity, there was also a very serious political unrest throughout the country. The Liberal Party, by which I meant the Machadistas (including the Conservative elements in the coöperative movement), had been in power for five years; all the politicians without power and without jobs were in a desperate financial situation, and the Liberal Party was giving them no hope of returning to power for many years to come. This political opposition had thus taken advantage of the serious economic conditions to antagonize the country against the the Government, and the student demonstrations and communistic activities were some of the results of this agitation. The disturbances were stimulated by the fact that nearly all of the Cuban newspapers were opposed to the Government, partly because nearly everyone was opposed to the Government except those being paid by it, and partly because the press was not receiving the financial support from this Government which it had received from other Governments in the past.

I called attention to the fact that the situation had not greatly improved since our last conversation. At that time the constitutional guarantees had been suspended; the University had been closed; and the newspapers had been suppressed. After an intermission of normal conditions lasting for a week or so, all of these measures had been reimposed. I believed that it was impossible to carry on under these conditions. I pointed out that I had always advised him to find a means of making peace with the opposition, so that the people might enjoy a period of six or eight months of political calm in which to achieve their economic readjustment; but unless he could make some appeal for popular support, he might govern with the wisdom of Solomon and still fail to win any response from the people. It was apparent that he had not pursued a policy of reconciliation of late, either because he deemed it unwise or because he believed it impossible of achievement; I had avoided, however, any offer of advice or suggestions because I did not want to be an embarrassment to him or exert a weakening effect upon his actions. It now seemed evident that his policy had not been effective, and the constant tension had unfortunately resulted in a diminution in the tourist business, with a consequent further reduction in Cuban revenues.

Under these conditions it could only be a question of time before a situation might be engendered such as had developed in Peru.[9]

[9] See pp. 905 ff.

I called attention to the recent tax bill that had been railroaded through the Senate in a few hours, the contents of which the public had not even had an opportunity to read. I told him this had a very bad effect on the vested interests in the country, which had been among the few remaining friends of the Government.

Referring then to the negotiations that Ambassador Ferrara had been carrying on with the opposition, I informed him that the opposition had the impression that these negotiations had been definitely terminated; at the same time, I felt that the opposition had reached a point where it would respond to reasonable terms. The President stated that Cortina was now acting as negotiator and would continue to do so. It should be mentioned, in this connection, that yesterday I had a long conference with Cortina, who planned to see the President today and later to report to me the results of his conversation.

The President referred to the $20,000,000 obligation due the Chase Bank on March 31st, and stated that he would like to have my assistance in getting an extension of credit for a period of six months. I answered that this was a very inopportune time to discuss Cuban finances with the bankers, and he answered that he was not asking for any new money, but only a postponement of this commitment. I told him that I realized this, but that it would be better not to broach the matter until the situation developed a little more favorably.

The President concluded the conference by asking me if I would lunch with him again on Wednesday or Thursday of this week, and I replied that I would take great pleasure in doing so.

Respectfully yours, HARRY F. GUGGENHEIM

837.00/2963 : Telegram

The Ambassador in Cuba (Guggenheim) to the Secretary of State

HABANA, January 27, 1931—2 p. m.
[Received 4:10 p. m.]

22. Chamber of Representatives yesterday approved and Senate will probably approve today, a measure authorizing the President to suspend constitutional guarantees whenever and wherever he may consider it necessary and without limitation as to duration. There appears to be some question whether this measure is constitutional as article 40 of the constitution stipulates that guarantees may only be suspended temporarily although there is no indication what is meant by "temporarily". In the absence of new authorization present period of suspension would have terminated February 11th. In this general connection please refer to my strictly confidential despatch No. 517 of January 20th.

GUGGENHEIM

837.00/2968 : Telegram

The Ambassador in Cuba (Guggenheim) to the Secretary of State

HABANA, February 5, 1931—11 a. m.
[Received 12:40 p. m.]

31. My telegram No. 22, January 27, 2 p. m. The President yesterday approved law authorizing indefinite suspension of the constitutional guarantees.

GUGGENHEIM

837.00/2958 : Telegram

The Acting Secretary of State to the Ambassador in Cuba (Guggenheim)

WASHINGTON, February 7, 1931—7 p. m.

27. Your despatch No. 513 of January 16. Please investigate thoroughly and discreetly whether prisoners have been arrested without formality of law; whether prisoners are being detained without commitment or judgment of court; whether prisoners are being detained more than 10 days without delivery to court; whether citizens are being exiled or expelled from country; whether citizens are being compelled to reside greater distance than 120 kilometers from domicile; whether property of prisoners is being confiscated. Advise number of persons in several categories. See Articles 20 and 40 to 42 of Constitution [10] and Military Order No. 427 of October 15, 1900.[11]

Please cable reply as soon as possible.

CARR

837.00/2977 : Telegram

The Ambassador in Cuba (Guggenheim) to the Secretary of State

HABANA, February 13, 1931—noon.
[Received 2:40 p. m.]

38. Department's telegram No. 27, February 7, 7 p. m. Such limited investigation as nature of Department's inquiry permits seems to justify conclusion that as regards rights of individuals the Government has not exceeded powers derived from reasonable interpretation of constitutional provisions and law of public order of 1870 which is in effect during suspension of constitutional guarantees. No bona

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[10] Constitution of the Republic of Cuba, February 21, 1901 (Translation), *British and Foreign State Papers*, vol. XCIV, p. 554.

[11] *Translation of the Law of Criminal Procedure for Cuba and Porto Rico* (with Spanish text), etc. (Washington, Government Printing Office, 1901), p. 322.

fide case involving excesses of authority of the kinds enumerated in the Department's telegram have been brought to the attention of the Embassy.

It is true that many persons have been detained for more than 10 days without their cases having been determined by the courts, but responsibility for delays apparently rests with the courts which are not required to take definitive action with reference to release or formal commitment within any specified time. I shall forward by mail a memorandum on this point.

It is also true that courts have in many cases refused to grant writs of habeas corpus, throwing out applications therefor on technical grounds.

GUGGENHEIM

837.00/3016

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 596 HABANA, March 17, 1931.
[Received March 20.]

SIR: I have the honor to refer to my confidential despatch No. 517 of January 20, 1931, and to advise that Senator Cortina has been confidentially but persistently carrying on negotiations with the President on one side and the Menocalista and Mendietista leaders and other opposition elements on the other side. Cortina has informed me regularly of the vicissitudes in these negotiations, and the President has discussed the subject first a little passively, but latterly enthusiastically in my conferences with him.

The basis for the *rapprochment* to date is found in proposed changes in the Cuban Constitution which are to effect a "modified parliamentary system", which is at present in a rather vague and formative state, a strengthening of the power of the Supreme Court, a severe penalization for electoral frauds, and a shortening of the terms of the President, Senators and Congressmen. Certain proposed transitory provisions call for a general election in November, 1932, the new President taking office in May, 1933, and the reduction of the terms of Senators and Congressmen elected last November. Should an agreement be reached along these general lines, it is proposed to call a Constitutional Assembly, which, in accordance with the law, requires a six months' period to modify the constitution. In the interim, President Machado would appoint a Cabinet composed of elements of different factions in the country.

This proposed agreement would remove two of the underlying causes of political resentment against President Machado, namely, the extension of terms of office for himself and his party, and the seizure of all political machinery for the perpetuation of the Liberal Party. These acts have already been partly atoned for by the legislation recently enacted for a new census, reorganization of the parties, and return to the Crowder electoral code [12] in its pristine state. In addition, the aim of the "modified parliamentary system" is to divest the Cuban President of dictatorial powers and place greater responsibilities on the Cabinet.

At the moment, the reduction in the terms of Senators and Congressmen elected last November is the point at issue. The President by his conciliatory attitude apparently has eliminated the most difficult obstacle to the negotiations, namely, the termination of the Presidential term in 1933. The reduction by two years in the terms of Senators and Congressmen elected last November has been under discussion and, it was thought, would be acceptable to both sides. Menocal and Mendieta [13] have recently demanded, as an ultimatum, that the terms of all Senators and Congressmen elected last November should end with the Presidential term in 1933. The practical politics involved in this point which affects eighty-three legislators is obvious. Perhaps these demands of Menocal and Mendieta are offered as a basis for future bargaining in the hope of compromising on something better than a two year reduction. Or, perhaps, this is the first of a series of demands for impossible concessions which the opposition will advance with the intention of obstructing the negotiations. The greatest difficulty in reaching a political accord in Cuba continues to lie in the fact that the opposition is composed of factions which are not in agreement except in their opposition to Machado, and also the elements within the factions themselves are not united under strong leadership.

I hesitate to send this despatch on account of the uncertainty of the negotiations which have been patiently, persistently and, at times, wearily carried on over a very long period. They may have to be discontinued, as has happened for one reason or another in the past, and may come to naught.

Respectfully yours, HARRY F. GUGGENHEIM

[12] See *Foreign Relations*, 1919, vol. II, pp. 1 ff.
[13] Carlos Mendieta, leader of the Union Nacionalista Party.

837.00/3021 : Telegram

The Ambassador in Cuba (Guggenheim) to the Secretary of State

[Paraphrase]

HABANA, March 30, 1931—3 p. m.
[Received 8:30 p. m.]

64. My despatch No. 596, March 17, and telegram No. 63, March 30, last paragraph.[14] Upon being assured by President Machado personally that he would agree to the Cortina plan including some curtailment of congressional terms of office, I gave Mendieta an interview at the request of the latter. Mendieta asked me to influence President Machado to resign and suggested that new elections be held in November 1931. I replied that the first suggestion was impossible and the second impractical, and I urged reconsideration of the Cortina plan. After further discussions between Government and opposition, which continued for several days, negotiations have been reopened by Cortina and some headway is being made. If the negotiations fail, it is proposed to execute the reforms anyway and to secure the support of the press, leading citizens, and the public. A joint meeting is now planned with Vazquez Bello[15] representing the Liberals, Cortina representing the Populars, and representatives of Conservatives, of Menocal, and of Union Nacionalista.

GUGGENHEIM

837.00/3034

The Ambassador in Cuba (Guggenheim) to the Secretary of State

[Extract]

No. 637

HABANA, April 8, 1931.
[Received April 10.]

SIR: Referring to my despatch No. 618 of March 31, 1931,[16] I have the honor to report that the Military Court has exonerated Major Espinosa, President Machado's former Aide de Camp, of all responsibility in connection with the placing of a bomb in the palace on February 23. The soldier Camilo Valdés, who admitted placing the bomb and whose confession implicated Espinosa and led to the latter's indictment, has been condemned to death, but it is believed that his sentence will be commuted to life imprisonment.

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Respectfully yours, HARRY F. GUGGENHEIM

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[14] Telegram No. 63 not printed.
[15] President of the Senate and President of the Liberal Party.
[16] Not printed.

837.00/3044

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] April 10, 1931.

The Cuban Ambassador called on the Secretary on Friday, April 10. The Secretary said that he had asked the Ambassador to come in as the Ambassador is leaving shortly for Japan and he did not want to have him go so far away, breaking a close contact with Cuba, without discussing with him very frankly the Cuban situation. He asked if the Ambassador had any recent information or any light he could throw on the Cuban political situation.

The Ambassador said that he would talk very frankly to the Secretary. The situation is very difficult. He was in Cuba in January and had a chance to observe matters closely. The people in general are opposed to Machado but will not take any active measures against him. The upper classes are not only opposed to Machado but are very bitter against him and all the active opposition comes from the better elements in the Republic. This makes the situation of course very serious. The root of the whole matter is economic. Cuba has gone from great riches to poverty. It is not the fact of being poor that has affected the people so much as the change from affluence to poverty. A great many men who had been very wealthy before are now very poor.

The Ambassador said he thought President Machado had made a mistake last November when he indicated the possibility that he might resign. This stirred up the hopes of the Opposition and was, he thought, the direct cause of all the unrest that has occurred during the past winter. As soon as he heard of what Machado had done, the Ambassador had telegraphed him at once saying that there were three things that he should do: First, he should not give any indication whatsoever that there was any possibility of his getting out even a day before his term of office was over; secondly, he should immediately take strong measures to show that he had the situation in hand, and thirdly, he should then come out with a compromise solution.

The Ambassador remarked that during the War of Independence with Spain, Cuba never had more than about 25,000 men in the field. The day after the armistice with Spain was signed Cuba had an army of 100,000, which would have been enough to win the war had they not waited until after the armistice to join up. Also when there was a revolutionary movement against Palma, the revolutionists never had more than about 500 disorganized men in the field but the moment the armistice was declared the revolutionists numbered 12,000. The Secretary remarked that getting on the band-wagon was not confined

to Cuba. The Ambassador said he realized that but it was a Spanish trait, nevertheless, to wait to see how things were going and then jump in, and that any sign of weakness on Machado's part would make the situation much worse not only by encouraging the Opposition but by actually increasing its numbers. The Ambassador therefore thought that in the negotiations now going on between Machado and the Opposition the President should be very careful not to indicate what compromise settlement he would be willing to accept because if he should do so it would not solve the situation as the Opposition elements would immediately fall out among themselves. Mendieta and Menocal are very much opposed to one another and young Mariano Miguel Gomez is opposed to both. Torriente, Alvarez and Hevia are all hoping to be chosen as a compromise candidate. The Ambassador therefore thought that President Machado should insist first, that the Opposition leaders should get together and agree on the minimum terms they would accept and inform the President thereof, and secondly, they should make a definite declaration and promise at the same time that they would not undertake a revolutionary movement. When this is done, then the President can indicate whether he accepts their demands.

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The Secretary said that he was very glad to have the Ambassador's views so freely stated and that he would equally frankly tell the Ambassador how he looked at the matter and point out to him the difficulties from the Secretary's point of view on account of the pressure that is apt to be brought to bear on this Government. The Secretary said that in this country, with the background of a six hundred years' fight for constitutional liberties, the right of a man to be tried promptly is the one which most affects our people and that a denial of this right has an immediate reaction in this country. The right for a speedy trial or the right to sue out a writ of habeas corpus on behalf of anybody deprived of their liberty except by a judicial sentence is so fundamental with us that any infringement of that right immediately causes an outcry.

The Secretary said he remembered being told by Mr. Root[17] that when we went into Cuba in 1898 we found prisoners the Spaniards had held, despite a Constitution providing for a prompt trial, for a period of eleven years without their having been tried. The publication of these facts caused a profound impression in this country and if anything of the sort should happen again there would be immediate pressure brought to bear on the Secretary and he would be

[17] Elihu Root, Secretary of War, 1899–1904; Secretary of State, 1905–1909; U. S. Senator, 1909–1915.

charged with dereliction in that such a state of affairs would indicate that the Cuban Government was not adequate for the protection of life, property and individual liberty as provided in the Platt Amendment.[18]

The Secretary said that we had looked into the matter and we had found that there were certain individuals who had been held for some time, and mentioned the case of Colonel Hevia who had been denied six times at least a writ of habeas corpus. The Secretary said that what he was saying was not the result of anything that has just immediately come before the Department or any new incident that has just arisen, but that he has been watching the situation develop for some time and, knowing the point from which pressure would be brought to bear on him, he had had this phase of the situation particularly in mind. . . .

The Ambassador remarked that the Hevia case was one before the military tribunals and not the civil tribunal. . . . The Secretary remarked that Colonel Hevia, although a former officer, is not now an officer of the Army, and that under our jurisprudence he could not be court-martialed. He remembered a case that arose in our Army Engineer Corps just before the Spanish-American War, in which a Colonel of Engineers was charged with conspiracy with two civilians to defraud the Government. The case made quite a sensation at the time because it was the first instance in over a hundred years in the existence of the Army Engineer Corps in which there had been any such charges made against any member of the Corps. The officer was tried by court-martial in New York and sentenced to Leavenworth Penitentiary. His two civilian accomplices were tried by the civil courts. The Ambassador said that the Spanish system of jurisprudence is opposed to the trial of a single matter before two different tribunals and that it was a question for the Supreme Court in Cuba whether the matter should come before a civil or military court. It was the Ambassador's own feeling as a lawyer that the matter should only come before one court and that all the persons involved should be tried before the civil courts.

The Ambassador said that Colonel Hevia and not more than five or six others had been held in prison not more than three months. Apart from these five or six cases none of the others had been held more than a month. Some of them had been rearrested because after being released they had taken part in other riots or demonstrations or hostile acts against the Government, and the Secretary must remember that martial law was in effect in Cuba. Colonel Hevia has

[18] For text of the Platt Amendment (treaty of relations with the United States, May 22, 1903), see *Foreign Relations*, 1904, p. 243.

been released as have most of the others but nobody had been held more than three months and very often, in a case of this kind, in the ordinary course of events a person charged with such a crime is held for a period of much longer than three months while the formalities of the trial are taking place. They have in Cuban jurisprudence a provision regarding preventive detention for a period of six months, but that nevertheless a great many persons who have made demonstrations, et cetera, against the Palace, have been arrested, taken to the police station and then merely escorted home, and that this had hurt President Machado's prestige very much. The Cubans are not imbued with the sense of legality that prevails in this country and there are two means of governing successfully there—one is through force, and the other through prestige. Being lenient with these people was damaging to Machado's prestige. The Ambassador said that there was no question regarding the guilt of some of these people but it was impossible to get a conviction in the courts. The Secretary inquired whether the courts were acting against the Government and the Ambassador replied that, as he had already said, the upper classes were strongly against Machado and the whole influence of the wives and friends and social connections of the judges colored their views so that they would not convict a political offender.

The Secretary said he thought he had touched on the main points he had in mind in asking the Ambassador to come in and he hoped to show him the matter from our point of view. The Ambassador said he was very glad the Secretary had talked with him so frankly and that he wanted the Secretary also to consider the other side of the case and that Machado had really accomplished a great deal. He has worked hard for the good of Cuba; he has tried to maintain law and order and tranquillity; he has tried to increase the prosperity of the country through road building and public works; he has worked hard for the sugar interests and the tobacco interests, and he has really accomplished a great deal and a revolution would be most unfortunate.

The Secretary said he appreciated fully what President Machado had been up against and what he had accomplished, and that of course the thing that he most wanted to avoid was a revolution with its concomitant a possible intervention on our part.[19]

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[19] Two notations in ink in the Secretary's handwriting at the end of the memorandum read:

"Ferrara also said more than once that he would report what I said directly to Machado. HLS"

"The foregoing memorandum is an excellent statement of what took place. HLS"

837.00/3049

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 662 HABANA, April 21, 1931.
[Received April 24.]

SIR: I have the honor to report that direct negotiations between the opposition and the President towards solution of the country's political problems have been held in abeyance, due to the President's absence from Habana for about ten days until last evening, as reported in my telegram No. 73, April 15, 2 P. M.[20]

In the meanwhile I have had numerous conferences with leaders of both the Government and the opposition, who are in a position either to aid or hinder an agreement. For your information, I enclose copy of memoranda dictated after these conferences, which complete the record in your possession of these conferences since the memoranda forwarded as enclosure No. 1 to despatch No. 638 of April 8, 1931.[20]

Respectfully yours, HARRY F. GUGGENHEIM

[Enclosure—Extract]

Memorandum by the Ambassador in Cuba (Guggenheim)

HABANA, April 10, 1931.

. . . . . .

On April 9th, I lunched with President Machado at his *finca* and discussed with him the conferences that have been taking place in the past days regarding which I had sent him information through Doctor Fernández. After a great deal of discussion and repetition of the arguments that have been so frequently presented, the President reiterated his general approval and his readiness to acquiesce in the features of the plan including the date of presidential reelection, constitutional reforms and the Coalition Cabinet. In regard to the dates of Congressmen and Senators, he said that he was not in any position to go beyond the original Cortina plan for a reduction of two years for Senators and three years for Congressmen. Unfortunately, Cortina had not seen the President before my visit. Whether the President was merely trying to protect himself, or whether he was waiting for me to demand a further reduction in the terms of Congressmen and Senators, I do not know. I, of course, did not make any such demand. I used every argument at my command, however, to point out that, in the interests of Cuba and in his own personal interest and that of the Congressmen and Senators involved, a compromise should be found. The last word of the President was that he would send for

[20] Not printed.

Cortina and get him to work with Congressmen and Senators in order that a satisfactory compromise might be achieved.

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123 Guggenheim, Harry F./58 : Telegram

The Secretary of State to the Ambassador in Cuba (Guggenheim)

[Paraphrase]

WASHINGTON, April 24, 1931—5 p. m.

61. Your 83, April 24, 11 a. m.[22] I perceive no objection to your remaining in Cuba, until you feel it safe to leave, for the purpose of observing developments. Please exercise the utmost caution not to participate in any way in any negotiations between the Opposition and the Government. . . .

STIMSON

837.00/3056

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 672 HABANA, April 28, 1931.
[Received May 1.]

SIR: In order to complete the record of my conversations with various persons regarding the informal negotiations that have been in progress during the past few months for the purpose of exploring the possibilities of reaching an amicable solution of existing political difficulties in Cuba, I have the honor to enclose additional memoranda covering the period from April 22 to April 24, 1931.

In the future I shall, of course, be guided strictly by the views expressed in your confidential and personal telegram No. 61, April 24, 5 P. M.

Respectfully yours, HARRY F. GUGGENHEIM

[Enclosure—Extract]

Memorandum by the Ambassador in Cuba (Guggenheim)

HABANA, April 23, 1931.

. . . . . .

In the afternoon of April 22nd, I called at the Palace and, after fifteen or twenty minutes preparatory conversation, I told the President the following:

"I have a strong conviction that an attempt to settle the political problems in the Congress without prior agreement on the part of some

[22] Not printed.

elements in the opposition will not satisfy public opinion. I believe this because any laws that may be passed in the Congress without previous agreement will be bitterly attacked by the press, and no matter how liberal the legislation may be, public opinion will not be favorably disposed toward it, or have confidence in it. Any legislation passed under these circumstances will be subject to the same criticism that applies to recent legislation, abhorrent to the public, which was railroaded through the Congress.

"Apparently, it is proposed to pass all of the important reform measures demanded by the opposition with the exception of a reduction in the terms of Senators and Congressmen adequate to appease public opinion. An adequate reduction in these terms is vital to a happy solution of the Cuban political problem. Unless reasonable concessions are made at the present time, I feel confident that political troubles will continue in Cuba and that these Senators and Congressmen and those Liberal leaders who are unwilling to relax their political grip on the Republic will not, under any circumstances, enjoy the length of office and power which might otherwise be theirs.

"In the past year, on numerous occasions I have strongly urged that a political agreement be made with certain elements in the opposition so that they may have hope for the future, and that public confidence may be restored. On all these occasions my advice has been partially taken, but not enough of it to accomplish the object desired. However, at a later period, that part of the advice which was discarded was adopted but at a time when it was too late to be effective and satisfy public opinion. I have particular reference to the reorganization of the parties, the restoration of the Crowder electoral code, and the census. When these laws were finally passed, there was no enthusiasm or satisfaction. At the present moment, if laws were passed which include adequate reduction in the terms of Senators and Congressmen and guarantees for honest election in 1932, I believe public opinion will be satisfied. If they are not passed now, I feel very sure that several months hence these same terms will be unacceptable to any elements in the opposition and to public opinion.

"The advice which certain leaders in the Liberal Party have given in the past, with the first thought of their own political fortunes, has been very bad. Several months ago, Congress, instead of reducing the budget, passed an Emergency Tax Law. At the time I pointed out that the hopes of the Government for a large return from these additional taxes would not be realized, and that most of the remaining friends of the Government would be lost by this measure. In answer, I was told that the Compañia Cubana de Electricidad, (the subsidiary of the Electric Bond and Share Company, whose representative in Cuba is Henry Catlin) had been consulted and approved of the tax law. After several months, with the Emergency Tax Law in effect, the Government must now realize that little additional revenue has come in, and also that the law was a very important factor in alienating some of the few remaining friends of the Government.

"At the present time, I understand some of the Liberal leaders are now willing and ready to reduce the budget. This is another instance of a case where the action has been postponed too long. The Government has now lost friends through the tax law and, if they reduce the budget now, which is essential, they will lose more friends

who are affected by the reduction in the budget. If this budget reduction had been effected several months ago in place of the Emergency Tax Law, obviously, the Government would have lost the friendship of only those who must necessarily be estranged now. The finances of the Government should be an indication of the necessity of avoiding any further delay in gaining the support of the public and restoring confidence. In the month of March, the expenditures exceeded the revenues by over $600,000.00. The actual cash in the treasury on March 31 to meet future current budgetary obligations was slightly over $140,000.00. On June 1st, a $20,000,000.00 note is due to the Chase Bank.

"In the past, warnings of difficulty have been countered by leaders of the Liberal Party with the prediction that by the first of April sugar would be at 2 or 2½ cents a pound, and all the troubles would be over. I have on all occasions pointed out that no plans could be based on such optimistic hopes, as in all probability it would take many months for the Chadbourne Plan,[23] even if successful, to raise effectively the price of sugar.

"At the present time, there is a certain calm in the public mind; there is still hope that a Cuban solution will be found to the political problem. The newspapers have maintained a certain reserve following the reports of a possible Cuban solution and the end of the period of repressive measures. However, there is ample indication in the press that, on the slightest provocation, attacks will take place, and public opinion will be again inflamed against the government. Without the satisfaction of public opinion, agitations and demonstrations can be expected again in the near future. What will the Government's policy be at that time? If there will not be a renewal of highly repressive measures, how will the Government cope with the situation? The grinding season has about ended; the unemployment problem will be great and Cuba is about to enter a period of economic depression which impartial observers believe will be far worse than anything that she has undergone in the past six years.

"In my opinion, the only salvation in the present great emergency is for the President finally to put himself in a position that I have urged upon him so often—above party politics. He should reach an agreement with as many elements in the opposition as possible for reforms that will satisfy public opinion, which must include guarantees for an honest election in 1932. After such an agreement has been reached, he must convince Congress, which I have not the slightest doubt he can do, that these reforms are necessary, not only for the salvation of the country, but in order to save themselves."

The President said he had had a meeting in the morning with a group of Senators; that he had told them he would leave the carrying out of the constitutional reforms in the hands of the Congress; that, as far as he was concerned, he was willing to put his own destiny entirely in their hands. I told the President that I feared that leaving

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[23] Sugar stabilization plan; for text (in Spanish) of the so-called Chadbourne agreement, signed at Brussels, May 9, 1931, by Belgium, Cuba, Czechoslovakia, Germany, Hungary, Java, and Poland, see Republica de Cuba, *Boletin Oficial de la Secretaria de Estado*, Junio de 1931, p 321.

this matter entirely to Congress would not bring about the really satisfactory results that he anticipated.

In the course of the conversation he reiterated that the Senators were determined on not reducing their term below eight years—the length of term under the old Constitution. I told him, in my opinion, that would not satisfy the opposition or public opinion. I gave it as my opinion that the public would only be satisfied if there were some guarantees for an honest election in 1932; that these guarantees could be partially found in a national Cabinet including various members of the opposition. The President said that he could not include in his Cabinet every candidate proposed by various elements in the opposition. I agreed with him, of course, that this would be impossible, but that it should be possible to find a Cabinet that would be acceptable to him and to the opposition as well. He asked me who such men were. I told him I had not given the matter consideration, that I agreed it would be difficult, but that I did not think it was impossible. The President said that he would talk with the Senators and see what could be worked out. He asked if I had any objection if he told them of his conversation with me. I replied that he was at liberty to repeat it if he desired; that I was giving him the best advice I had to offer; that he was at liberty to make what use of it he desired.

. . . . . .

The President took occasion to point out what a great friend he had always been to the United States, and also expressed his gratitude for my helpfulness to Cuba in the past year.

NOTE: In this conversation with the President, it was my intention, not only to urge a final effort in an attempt to pacify as many of the contentious elements as possible in Cuba, but, in case it should become necessary for the Government to carry out by itself the reforms (which has already been anticipated as a probability) to urge that the reforms should be carried out in the most liberal manner possible so that public opinion would be satisfied.

. . . . . .

837.00/3058

The Chargé in Cuba (Reed) to the Secretary of State

No. 680 HABANA, May 6, 1931.
[Received May 8.]

SIR: I have the honor to report that the President yesterday signed decrees restoring the suspended constitutional guarantees in the provinces of Santa Clara and Camaguey.

Constitutional guarantees thus remain suspended only in the province of Habana, as they were restored in Oriente, Pinar del Rio and Matanzas on April 20.

Respectfully yours, EDWARD L. REED

837.00/3061 : Telegram

The Secretary of State to the Chargé in Cuba (Reed)

WASHINGTON, May 13, 1931—6 p. m.

64. Navy Department has received the following confidential telegram from the Commandant of the naval station at Guantánamo:

"Received reliable information from Havana, Cuba, stating that a well organized revolution is imminent, the local informant believes not later than the 20th."

STIMSON

837.00/3062 : Telegram

The Chargé in Cuba (Reed) to the Secretary of State

[Paraphrase]

HABANA, May 14, 1931—11 a. m.
[Received 1:05 p. m.]

90. Your 64, May 13, 6 p. m. Similar rumors have been current here since the fall of 1930, but they have been more persistent recently. Although the elements comprising the Opposition have been gaining steadily in strength, I do not think they are prepared to start a revolution now. There are no signs of disaffection in the Army.

REED

837.00/3075

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 712 HABANA, May 29, 1931.
[Received June 1.]

SIR: In conformity with the policy agreed upon in our recent conferences and embodied for my guidance in Assistant Secretary White's "Memorandum of Policy in Cuba" dated May 19, 1931,[24] I have the honor to report that since my return to Habana I have twice discussed the Cuban situation with President Machado and on both occasions alluded to the imperative necessity of finding a prompt and effective solution of the present political problem.

. . . . . .

[24] Not found in Department files.

With reference to the Department's view in favor of the adoption of a plan including the reduction of the terms of Senators and Representatives adequate to satisfy public opinion, the President stated that as far as Congress was concerned, the reduction of the terms of Representatives to four years was feasible, but the ten year senatorial term could not be reduced to less than eight years. A long discussion followed in which the President refused to be convinced on this point and in the course of which he threatened to resign immediately and let the Army run the country, a threat which I do not think he had or has the slightest intention of carrying out.

This was on May 23. Yesterday the President invited me to lunch at his country place and our discussion was resumed. His attitude on this occasion revealed that he had undergone a change of heart, for he assured me that he would immediately propose constitutional reforms, appoint a "national cabinet," and also use his influence to induce Congress to accept a reduction of terms to four years. I frankly do not know how much reliance can be reposed in this latter promise. The President's control over Congress is not to be questioned, but the opposition of individual Senators under the leadership of the President of the Liberal Party, Clemente Vazquez Bello, to any reduction in terms of office and to the other constitutional changes that have been proposed, will undoubtedly furnish an obstacle that can be surmounted only with the greatest difficulty and one which might conceivably provide a convenient excuse for the President's failure to secure the enactment of the necessary legislation.

I have had a few conversations with emissaries of the opposition in the course of which I explained to them that I could have nothing more to do with them unless they would put into writing what they will accept in the Cortina plan, and I sent word to this effect to General Menocal when it was intimated to me that he wished to continue conversations.

I see no present prospect of any agreement among the opposition leaders as to what they will accept. The Nacionalistas met the publication of the Cortina plan with a declaration that they would accept no solution which did not envisage the immediate retirement of the Government. They are undoubtedly encouraged to maintain this position by the hope that the Supreme Court will finally render a decision impugning the constitutionality of the amendments under which the Government and the majority of the Congressmen are now in office. Suits to determine this question were filed in the Supreme Court immediately following the decision regarding the legality of the establishment of the Federal District reported in the Embassy's despatch No. 695 [*696*] of May 19, 1931.[25]

[25] Not printed.

In view of the attitude of the opposition, in my opinion the wise course for the Government to pursue will be on its own initiative to pass reform measures adequate to satisfy public opinion. This may possibly compel at least a part of the opposition to adopt a less intransigent attitude.

I am enclosing herewith memoranda of my conversations with the President and others regarding political matters from May 22 to May 26.[26] A memorandum of the conversation which I had yesterday with President Machado will be transmitted at a later date.[27]

Respectfully yours, HARRY F. GUGGENHEIM

837.00/3085

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 722 HABANA, June 8, 1931.
[Received June 12.]

SIR: Supplementing my despatch No. 712 of May 29, 1931, I have the honor to transmit herewith memorandum of my conversation with President Machado of May 28.

Respectfully yours, HARRY F. GUGGENHEIM

[Enclosure]

Memorandum by the Ambassador in Cuba (Guggenheim)

HABANA, June 1, 1931.

On Thursday, May 28, I lunched with the President at his *finca*. He discussed everything but the political situation for about an hour before lunch. During lunch, at which two of his Aides and Senator Fernández were present, the President touched casually on some recent political events. In regard to the press, he mentioned that he had come to the conclusion that the only thing to do with the press was to let it enjoy the same freedom as it did in the United States, regardless of what it might say; at the present moment in Cuba the press is completely free.

After lunch, when alone with the President, I asked him what decision he had reached following my last conference with him. He said, "I have decided to carry out the constitutional reforms. During those days in which I am the quietest, I am working the hardest. In the past few days I have had several meetings for the purpose of carrying out these reforms. There have been innumerable reform plans proposed and a 'ponente', Juan Rodriguez Ramirez, has been

[26] Not printed.
[27] See despatch No. 722, June 8, *infra*.

appointed to consider the different plans. He, together with Hernández Cartaya and Averhof, has been considering the various proposals and I hope to have a plan following very closely the Cortina ideas." I asked him whether his plan would include the four year term for Senators. He said that he was still working on this question; that he had been unable to get the support of the Senators for this curtailment, but would continue his endeavors. I reiterated my plea that the only way he could hope to get the support of the country and the newspapers, even if not the opposition, to a reform plan would be to carry it out in a thoroughly sincere and unselfish manner; I thought that the public would require adequate sacrifices on the part of the Senate, in addition to a national cabinet. The President referred to the various proposals for a modified parliamentary form of government and said that he felt sure that the United States would not be in favor of Cuba's adoption of such a measure. I told him that my Government felt that this was a question for the Cubans to work out in their own way; that my personal opinion, as expressed to Cortina, was that it would seem to be the part of wisdom to place such safeguards on their parliamentary system so that the Government would not fall more than a few times—say, during a four year period. I made to the President the same suggestion that I gave to Cortina several weeks ago—that when the President's reform plan is finished, which I assumed would be in the form of a message to Congress, he call together representative elements of the Cuban people including the press and the opposition as well, and request them to coöperate with him in putting through the reform plan, those elements which would coöperate to be represented in the national cabinet. However, I pointed out that unless the plan were aboveboard and politically generous, such an appeal to public opinion would probably be useless.

I told the President that I would be very glad to hear more about his proposed plan as soon as completed, which he promised would be within a few days.

837.00/3097

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 754 HABANA, June 24, 1931.
[Received June 29.]

SIR: Referring to the Department's telegram No. 27 of February 7, 1931, 7 P. M., to my telegram No. 38 of February 8 [*13*], 1931, 12 M., and to my despatch No. 625 of April 2, 1931,[28] in relation to the detention of various civilians by Cuban military authorities, in possible

[28] Despatch No. 625 not printed.

violation of the Constitution, I have the honor to transmit herewith, as of possible interest to the Department, a copy and translation of the *considerandos* and of the dispositive part of the decision announced by the Supreme Court of Cuba on June 10, 1931,[29] upon a petition of unconstitutionality established on behalf of Sr. Aurelio Hevia against a decision of January 24, 1931, by which the Audiencia of Habana denied a writ of habeas corpus in favor of Sr. Hevia.

The decision has been received with enthusiasm by certain elements of the opposition, who regard it as extending the privilege of the writ of habeas corpus to all cases of unwarranted detention, by military as well as civil authorities. The decision was evidently reached in the face of logical difficulties. It was presumably the expectation of the framers of the Constitution of 1901 that a law or laws would be passed determining the form of summary procedure with a view to giving effect to the provision of the first paragraph of Article 20 of the Constitution. The paragraph of the Habeas Corpus Order of 1900 cited by the Supreme Court in the Hevia case was found applicable and continued to be applied in cases of persons detained by the civil authorities. This paragraph is quite obviously limited in its scope, but it has for thirty years presented no obstacle to the enactment by Congress of supplementary legislation with reference to detention by military authorities. It is hard to see how the order providing a remedy in certain cases falling under Article 20 could be held to restrict the rights guaranteed under that article because it did not provide a remedy for other cases contemplated therein. What the Court has done in the Hevia decision is in effect to legislate on a matter neglected by the Congress.

Respectfully yours, HARRY F. GUGGENHEIM

837.00/3099

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

No. 761 HABANA, July 1, 1931.
[Received July 2.]

SIR: I have the honor to report that the Cuban Supreme Court yesterday rendered decisions rejecting three recourses of unconstitutionality seeking to establish the illegality of the present executive and legislative branches of the Government.

In the first case, which was an appeal brought by Dr. Herrera Sotolongo against the constitutionality of the Emergency Tax Law of January 29, 1931, the Court held that the complainant had not proved

[29] Not printed.

any concrete injury. The other two appeals, also directed against the Emergency Tax Law, had been defended by Dr. Cosme de la Torriente, and were rejected on the ground that the Court was not competent to determine the illegality of the constituted powers of the Government. The texts of these decisions have not yet been made public, but they are reported by the newspapers to contain interesting dicta regarding the legal status of the amendments to the Constitution adopted in 1928. According to the press only one justice, Juan T. Edelmann, dissented from the Court's decisions.

While by no means unexpected, the refusal of the Supreme Court to declare the Government unconstitutional deprives the opposition elements of their last hope that the Machado administration might be supplanted by peaceful and legal methods. The only alternative would be for them to wait for the enactment of the proposed constitutional reforms and the elections in November, 1932. This, however, they have repeatedly announced that they will not do and it therefore seems likely that there will be a resumption in the near future of the anti-Government activities which caused so much uneasiness during the early months of this year.

The actions of the Government already indicate that this is what it expects and the strong measures it has adopted may reasonably be interpreted as a challenge to its adversaries. It has announced that its tolerance has reached its limits; censorship of the press has been established in apparent violation of Article 25 of the Constitution, and arrests on a large scale of suspected conspirators are once more the order of the day.

Yesterday the newspapers announced that the police had discovered a nation-wide plot for a rising against the Government on July 1. In order to frustrate this conspiracy the government agents arrested Horacio Martinez Tranque, President of the Unión Nacionalista in Matanzas; Sebastian Iturralde, brother of Rafael, former Secretary of War, who is well known to the Department; six supposed communist leaders in Habana, six students in Pinar del Rio who are alleged to be leaders of the so-called Caribbean Army, a radical student organization, and eight more or less prominent Unión Nacionalistas. Other arrests are also reported to have been made but the names of the prisoners have not been made public. The Secretary of Government announced yesterday that all of these persons had been confined in the Cabañas military prison and that they would be brought before the civil courts within the prescribed period of ten days.

The relations of the political parties now appear to be more clearly defined. The obstructionist tactics pursued by the Conservative groups in the Lower House in endeavoring to prevent the passage of

the budget aroused the ire of the Liberal-Popular majority which, in turn, did not hesitate to employ steam roller methods in order to expedite a vote on the measure. The resulting resentment of the Conservatives has apparently led to a partial reconciliation between the "official" and "orthodox" factions, both of which have declared that they will not resume their seats until they have received ample guarantees that what they consider to be the rights of the minority will be properly respected in the future.

The price exacted by the majority members for their loyalty to the administration on this occasion was a promise by the President that he would henceforth govern with the Liberal-Popular coalition. The President yesterday issued a formal announcement to this effect. As a consequence, the Conservatives are definitely forced into opposition. While their numbers in Congress are not sufficient to block ordinary legislation they can easily obstruct the passage of constitutional reforms requiring a two-thirds vote of all the members of each House.

Respectfully yours, HARRY F. GUGGENHEIM

837.00/3118

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

No. 804 HABANA, July 31, 1931.
[Received August 4.]

SIR: Supplementing my despatch No. 722 of June 8, 1931, I have the honor to transmit herewith additional memoranda of my conversations with various prominent Cubans, in order that the Department's records may be complete.

Respectfully yours, HARRY F. GUGGENHEIM

[Enclosure—Extract]

Memorandum by the Ambassador in Cuba (Guggenheim) of a Conversation With the President of Cuba (Machado)

HABANA, June 8, 1931.

. . . . . .

In the morning of June 8th, I asked for an audience with the President. The President, as usual, spent about an hour or an hour and a half discussing many subjects. I told him that I had advised my Government in regard to his decision to carry out the reforms and that I had called to inquire from him what the present situation was. He said that the House would consider this week the various

proposals; that he would back the *ponente's* plan, but was willing to listen to certain modifications. I reiterated my advice—that in order to effect the desired results he must carry out the plan in some manner that would appeal to the public and the newspapers, even if the opposition could not be satisfied. I pointed out that expeditious action was necessary; the political, economic and financial matters had reached a "low-water" mark, and that the political situation had better be rectified immediately so that the financial situation might be taken in hand. I told the President that I did not think the country could stand a $60,000,000 budget; that $50,000,000 was, in my opinion, the limit. He said he realized this, but was confronted with an impossible situation. He gave me a copy of the *ponente's* plan which I told him I would study.

. . . . . .

837.00 Revolutions/21

The Ambassador in Cuba (Guggenheim) to the Secretary of State

HABANA, August 10, 1931—10:40 a. m.[30]

Department: Absence from homes on Saturday of opposition leaders and interception of various shipments of arms to western end of island led to discovery of what appears to have been serious conspiracy to overthrow the Government. Military authorities yesterday arrested near Santa Lucia on north coast of Pinar del Rio Province two brothers and a son of ex-President Menocal, ex-Senator Ricardo Dolz, 2 conservative Representatives and 12 others. Ex-President Menocal, Carlos Mendieta, former Mayor Gomez and Mendez Peñate have disappeared. Outbreak was apparently intended to synchronize with arrival in Cuban waters of vessel supposed to be bringing armed expedition from abroad.

In Habana yesterday police besieged with machine guns for more than an hour a house in which considerable stores of arms and ammunition were found after capture. Three persons killed and 20 wounded most of them policemen.

Martial law declared yesterday in Habana and Pinar del Rio Provinces. Government has issued proclamation promising immunity to rebels, leaders excepted, who surrendered within 24 hours. Prisoners mentioned above and many others now confined in military prison. They will be tried by court martial.

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[30] Telephoned to the Department by the Counselor of Embassy (Reed) in confirmation of a telephone conversation.

The President, whom I have just seen, claims to have the situation entirely in hand. There are no reports of serious disturbances east of Habana.

Thus far revolutionary effort seems to have been a failure, although activity in Pinar del Rio may have been merely a feint to draw Government forces from real scene of proposed uprising. Opposition leaders were in my opinion prompted to take the field by fear that constitutional reforms which would probably have passed House tomorrow would have served to remove principal causes of political discontent and thus have left them without a following.

GUGGENHEIM

837.00 Revolutions/1 : Telegram

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

HABANA, August 11, 1931—5 p. m.
[Received 7:35 p. m.]

113. I saw the President again this morning, also Chief of Staff of Army and Commanding Officer of Navy all of whom as can be expected talk confidently. President predicts that he will have revolutionary movement completely stamped out within 48 hours. Several minor encounters between troops and insurgents were reported yesterday in Habana and Santa Clara Provinces. Six alleged rebels were killed last night when rural guards attacked a farmhouse near Guanabacoa. The Government announces that a number of prisoners have been taken. Congress yesterday enacted law authorizing suspension of the constitutional guarantees throughout the Republic and the President immediately issued a decree placing suspension in effect. Civil authorities in Habana and Pinar del Rio Provinces have been superseded by the military.

Personal friends in contact with leaders of Opposition are firmly of opinion that real revolution has not yet started. They claim that Menocal and Mendieta are aboard the gunboat *Baire* bound for Santiago, where the troops will go over to Menocal.

[Paraphrase.] President Machado tried to sound me out regarding the Department's attitude toward a possible request that the Government of the United States furnish arms and munitions in case of need, which is not at present. I said that when the request was made the matter would be considered. [End paraphrase.]

GUGGENHEIM

837.00 Revolutions/2 : Telegram

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

HABANA, August 12, 1931—5 p. m.
[Received 6:41 p. m.]

115. There have been several clashes between soldiers and small bands of insurgents in Pinar del Rio, Habana, Matanzas and Santa Clara Provinces. The Government reports that its troops have been uniformly successful in these engagements. Up to midnight last night 28 rebels reported killed including General Peraza, one of the seven directors of the Unión Nacionalista. The whole country has been under martial law since yesterday. As far as Embassy can ascertain rebels as yet have had no success anywhere. Whereabouts of Menocal and Mendieta still uncertain.

GUGGENHEIM

837.00 Revolutions/11 : Telegram

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

HABANA, August 14, 1931—4 p. m.
[Received 7:43 p. m.]

118. Although as yet the Opposition have made no headway and there has been no disloyalty in the Army or Navy, in spite of rumors to the contrary, in my opinion until the Opposition leaders in the field have been taken there remain possibilities of serious consequences. Menocal, Mendieta, Gomez, and Peñate have not been definitely located and their strategy undoubtedly is to attempt to create an uprising of the people simultaneously in all of the provinces. In view of the general poverty and dissatisfaction of the people with the Machado Government the execution of such a plan would be sanguinary, even though it might not be successful. There have been no overtures from Opposition leaders for peace although mutual friends have suggested my taking action. In my opinion this would be futile and harmful at this time. My policy will be to await definite word direct from opposition leaders and if it should seem possible to arrange terms do so privately before stepping into the breach publicly.

Newspapers here are taking every opportunity to interpret reports given out by the Department as indicative of American support of the Machado Government arousing a feeling of distrust of our Government among the Cuban people.

GUGGENHEIM

837.00 Revolutions/12 : Telegram

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

HABANA, August 15, 1931—10 a. m.
[Received 12:15 p. m.]

119. Confirming my telephone conversation with Acting Secretary Castle last night General Menocal and Colonel Mendieta and their staff have been taken prisoners. Chief of Staff General Herrera assured me that prisoners are not wounded and that they are on gunboat en route to Habana where they will be safely returned and jailed. Department will probably be importuned as I have been to intercede to save lives of prisoners. President Machado assured me a few days ago that his desire was to capture but not put to death these leaders. In view of public opinion any other course would be foolhardy and I think he realizes it. However, because there are still important leaders in the field, the fate of Menocal and Mendieta may probably not be known immediately.

GUGGENHEIM

837.113/436 : Telegram

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

[Paraphrase]

HABANA, August 17, 1931—10 a. m.
[Received 12:30 p. m.]

120. My telephone conversation with Walter C. Thurston.[31] After an informal conversation with the Cuban Secretary of State, he informed me that he would instruct the Cuban Chargé in the United States to withdraw the note regarding an arms embargo [32] because the revolutionary situation had changed. The Cuban Secretary of State understands that shipments of arms from the United States are being prohibited as effectively as they would be under a formal proclamation of an arms embargo.

GUGGENHEIM

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[31] Chief, Division of Latin American Affairs, Department of State.
[32] A notation in ink reads, "Note not yet sent by Cuban Chargé. H. F. M."

837.00 Revolutions/16 : Telegram

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

HABANA, August 17, 1931—4 p. m.
[Received 9 : 45 p. m.]

121. Military activities now limited almost exclusively to Santa Clara Province where troops are still engaging parties of insurgents. The Government has not yet succeeded in definitely locating Mendez Peñate, Hevia or Gomez.

Only destruction of American property thus far reported to the Embassy is that of a powder magazine attached to a quarry owned by N. A. Allen at Arrieta in Santa Clara Province which was blown up by insurgents on August 12th. Allen estimates damages including stolen horses and equipment at about $5000.

President Machado announced yesterday that he would continue program of constitutional reform.

GUGGENHEIM

837.00/3149

The Ambassador in Cuba (Guggenheim) to the Acting Secretary of State

No. 840 HABANA, September 2, 1931.
[Received September 8.]

SIR: I have the honor to report further in regard to my telegrams No. 132, August 25, 3 [4] PM, No. 143, September 1, 4 PM, and No. 144, September 2, 4 PM.[33]

On August 24, I called on the President to discuss with him the present Cuban crisis. I congratulated the President on his successful campaign against the revolutionists and on the efficiency and loyalty of the Army which, under his direction, had undoubtedly checked a movement which might have ended in most disastrous consequences for Cuba. I pointed out to him that although physical conflict had apparently been halted, at least for the moment, there still remained the far more difficult task of establishing moral peace without which, Cuba, in its present state of economic, political and financial exhaustion, could not recover. I took occasion to refer to the fact that in the past I had advised him to carry out certain political and financial policies—that some of the advice he had accepted—and that some that he had rejected, he had later wished to carry out, but, by that time, it was too late to be helpful.

[33] None printed.

I then asked him if he would state frankly to me, so that I might be helpful in this crisis, exactly what his personal ambitions and desires might be. He assured me that he had no further political ambitions or any desire to influence the appointment of his successor. I asked him whether it was his desire to supervise the proposed elections in November, 1932. He replied that it was not; that his sole desire was to reestablish peace and normality in Cuba. I told him that, under these circumstances, he had a final opportunity to save his country from collapse, to leave office with the good will of his fellow-citizens, and to assume a place in history as the greatest of Cuba's Presidents; that this would only be possible if he rejected the counsel of those political associates who are presidential aspirants, and whose advice in the past year had resulted in his failure to avert the present crisis. I recalled my advice to him upon my return from the United States a year ago, namely, that he put himself above politics. I recalled that he professed agreement with this advice and promised to carry it out. I suggested that, perhaps, on account of political considerations he had been unable to do so in the past, but that the situation had completely changed now and, at the moment, he could accomplish anything that he might desire, provided that it was in harmony with public opinion.

I pointed out that the opposition politicians, who were imprisoned, were out of the picture; that for the moment they enjoyed neither martyrdom nor popularity; also that the government politicians had neither the support nor the confidence of the people. The Army had just demonstrated its strength and the people had respect for it even though the government victory is unpopular throughout the country. I stated that he had the ability to impose his will on the politicians and bring about sweeping reforms that the awakened consciousness of the people is demanding and would acclaim. I told him that the formula, in my opinion, was nothing short of enacting the constitutional reforms, including the modification of the Congressional immunity provision, the choice of a Vice President by the Supreme Court with certain safeguards to prevent the appointment of a partisan, and the appointment of a Supreme Electoral Board with full powers to supervise elections. (See my despatch No. 830 of August 28, 1931.)[34] In addition to all this, and in view of his declaration that he did not desire to supervise the coming election, I told him that in order to restore confidence, the Vice President should assume the presidency two months before the elections, or September 1, 1932. I told him that the carrying out of such a program would, in my opinion, not only be a triumph for him; it represented the only way

[34] Not printed.

in which the present Liberal Party officeholders could retain their positions. They must appeal to the people in new elections. Without the carrying out of this program in good faith, there could be no moral peace in Cuba. Without moral peace, there could be no recovery from the present economic, political and financial crisis. Without this recovery, the present officeholders, who will be held accountable for the nation's difficulties, would lose office with the inevitable collapse of the government. With moral peace, these Liberal officeholders might be considered the deliverers, instead of the despoilers, of their country, and, on account of their strong political organization, they would have a fair opportunity to return to office. The carrying out of these reforms would discredit that portion of the opposition known to be office seeking politicians who rejected the reforms and plunged the country into revolution, and the President would be able to realize what he had told me was his dominant ambition—to tranquilize and make possible the return of prosperity to his country and retire from office.

The President professed agreement with everything that I had told him, and said that he was prepared to carry out this program. He said that it must be distinctly understood that this would not be done in the way of compromise, or by way of negotiation with the opposition. I told him I fully concurred in this viewpoint, and that the success of this plan depended upon his carrying it out in strength and not in weakness. We agreed that this plan should be disclosed to no one with the exception of the Secretary of Justice—Averhoff—whom he promised to send to me to work out the full details of this plan.

Doctor Averhoff and I conferred on the necessary projects of law, and I drafted a suggestion for the appropriate presentation of this program to the Cuban people, which would take the form of an address by the President to representatives of various industrial, financial, political and scientific organizations, as well as workmen's organizations and the Press, who we planned should be invited to the presidential Palace for the purpose.

I saw President Machado again on September 1, after his return from a short holiday. He was in a very aggressive mood and disavowed that he had been in agreement in regard to announcing at this time his intention of retiring in September, 1932. He said that, although he had every intention of so doing, he could not see his way clear to make the announcement; that immediately he would lose the support of the Army and his friends. We discussed the matter at some length, and I firmly impressed the President with the fact that I saw no way of establishing confidence at this time by half-measures. On the other hand, if he knew of some way to accomplish this and

put it into effect, the result would be awaited with great interest and applauded, if effected. I suggested to him that he consult with General Herrera, the Chief of Staff of the Army, and get his opinion on this subject. He agreed to do so, realizing that I was unable to change my opinion, and stating that he would defer his response to me.

This morning, General Herrera, who is a friend of long standing, asked for an interview with me. He did not refer to the fact that the President had discussed our conversation with him, or that he had been sent by the President to see me. He told me that the country needed, more than anything, a return to moral peace which was not dependent upon politicians, but on a financial and economic reconstruction. He expressed himself as entirely out of sympathy with the desires of the politicians at present in control to maintain, through unrighteous means, their grip on the country. He made a plea that I should help the President to have the reforms passed and bring about a return to normality. I told him that I agreed with his analysis of the political situation. However, I could see only one possible solution in the present crisis; perhaps there might be others, but I did not know what they might be. I pointed out to General Herrera that for the past year the country had been in a state of perturbation; that the public unrest, heightened by incident after incident, had terminated in the revolution, during which the Army had behaved with the greatest efficiency and tact in dealing with the revolutionists; that, at the present time and during the period of a year, there had been suppression of liberties of press and of speech. The high schools and University had been closed. There had been incessant agitation and demonstration, nightly bombings and destruction of property; that at the present time the jails were full of political prisoners; that business had steadily diminished and was now virtually at a standstill, and that the financial collapse of the government could not be long postponed; perhaps, within a period of a few months, the Army and police would not be paid, and interest and amortization on the foreign debt would have to be defaulted. General Herrera told me that he fully recognized all these facts. I then rehearsed at length my last two conferences with President Machado. At the conclusion, General Herrera told me that he entirely agreed with my advice and that, in his mind, it represented the only salvation for Cuba, and that I must urge and help the President to carry out this plan. I told General Herrera that he must fully realize that my plan included the announcement at this time of the President's retirement in September, 1932. He said that he understood this and, in reply to my specific inquiry, said

that he did not consider as a real danger the fears of the President of making the announcement at this time. In reply to my inquiry as to what course should be followed if the politicians refused to pass the reforms under these conditions, he answered that in an emergency of this kind, in which the life of the country is at stake, the politicians must be forced to pass these reforms.

After my conference with the President tomorrow, I shall report further to you.

Respectfully yours, HARRY F. GUGGENHEIM

837.00/3153

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 847 HABANA, September 9, 1931.
[Received September 14.]

SIR: I have the honor to report further in regard to the subject of my despatch No. 840 of September 2, 1931, and my telegram No. 146, September 4, 2 PM.[35]

On September 3, I had a final conference with President Machado, at which Doctor Averhoff was present, on the subject of the constitutional reforms and the President's proposed messages to the people and to Congress. After a very lengthy discussion in which the President and I failed to reconcile our different points of view, he informed me that he would carry out the plan as developed with the exception that he would not ask the Congress to include among the transitory provisions of the constitutional reforms his termination of office on September 1, 1932. I told the President that although I considered he was making a mistake in pursuing this course, in view of his intention and desire to retire, nevertheless, I wished him every success in his program and sincerely hoped that he would be able to restore moral peace quickly enough to save Cuba from financial disaster, and that I would be the first to congratulate him on the success of his efforts. Yesterday, in accordance with the plan agreed to, the President called to the Palace representatives of various organizations of the country and read to them a message, a copy and translation of which are enclosed herewith.[36] The only substantial variations from the suggestions I had made to him were the elimination of the reference to his own retirement and the addition of a provision for the security of tenure of members of the armed forces.

The President likewise sent yesterday afternoon a message to Congress, a copy and translation of which are enclosed herewith.[36]

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[35] Latter not printed.
[36] Not printed.

This message does not include the projects of law agreed to between Doctor Averhoff and myself, and referred to in my despatch No. 840 mentioned above. The President makes the following proposals in his message:

1. Definition of the scope of parliamentary immunity;
2. Prohibition of motions of lack of confidence in the Ministry during the first year following the taking of office by any one occupying the presidency by right of succession;
3. Selection by the full bench of the Supreme Court of the Vice President who shall hold office until the inauguration of the Vice President to be elected in 1932;
4. The parliamentary system of government not to go into effect until the inauguration of the next president, i. e., May 20, 1933.
5. Creation of a supreme electoral tribunal charged with supervising all electoral matters from the taking of the census of voters to the proclamation of the persons elected, this tribunal to be comprised of justices of the Supreme Court assisted by representatives of the political parties and groups. (The President suggests that special legislation to establish this tribunal be enacted immediately pending incorporation of the necessary provisions in the constitution.)
6. Security against arbitrary dismissal for political reasons of members of the armed forces.

Although some of these proposals are specific and do not allow much leeway to Congress for political chicanery, nevertheless, without definite projects of law, the Congress is in a somewhat easier position to deviate from the programme indicated by the President, and thus enact amendments which would fail to fulfill the spirit and intention of the original suggestions. I enclose herewith copies and translations of the projects of law agreed to by Doctor Averhoff and myself.[38]

There has always been uncertainty as to the action the Congress might take on the President's message. I have had some suspicion that the President, in collusion with his political associates in the Congress, might arrange for the modification of some of the proposed amendments. However, in view of the desperate situation, perhaps all interests may deem it wise not to attempt further to fight against the inevitable, but to save what they can of their political and material fortunes by bowing to public opinion. I think the fact that I am in the position of a spectator without too much confidence in the President's programme will act somewhat as an incentive to put through honest reforms, reestablish moral peace and, by that means, win our approval and good offices in an attempt at financial reconstruction.

Respectfully yours, HARRY F. GUGGENHEIM

[38] Not printed.

837.00/3203

The Chargé in Cuba (Reed) to the Secretary of State

No. 930 HABANA, November 12, 1931.
[Received November 16.]

SIR: I have the honor to report that a feeling of optimism as to the possibilities of reaching an understanding between the Government and the opposition elements has emerged from the acts and declarations of representative members of both factions during the last week or ten days.

President Machado and other spokesmen of his Administration, such as Senator Viriato Gutiérrez, have strongly emphasized in published statements the need for concerted action if the country is to be saved from an economic collapse, and these appeals have found a hearty response in all sectors of the Cuban press.

The Government's first really concrete gesture of conciliation toward the opposition was the release from prison of 4 Orthodox Conservative Congressmen on November 4, which I reported in my despatch No. 920 of November 5, 1931.[39] The succeeding day Ex-Senator Ricardo Dolz, one of the principal opposition leaders, was set at liberty, and subsequently a score or more of less important political prisoners were released.

When the House of Representatives met on November 9, the Orthodox Conservatives, with the exception of the 4 who had just been released from jail, were in their seats after an absence lasting since before the August insurrection, and while it is true that their leader Carlos Manuel de la Cruz, in a speech from the floor denied that the release of his colleagues constituted any really important step in the direction of a political *rapprochement*, he nevertheless laid great stress upon the imperative necessity of reaching an accord.

In the Senate, on November 10, the committees of the three parties held an informal meeting at which it was resolved to expedite consideration of the constitutional reform bill. Informal discussion of the provisions of the bill by the party groups began on November 11 and is expected to continue throughout the present week. It is announced that the formal debate on each article will probably commence next week.

The newspapers report from day to day meetings between persons representing the divergent political points of view and although the subjects discussed thereat are entirely a matter of conjecture, the fact that such conferences are taking place, coupled with the other factors already mentioned, creates an impression that a serious effort is now

[39] Not printed.

being made to arrive at some kind of an adjustment of the conflicting political interests.

The repeated failures of similar efforts during the past two years render it impossible to predict any measure of success in the present instance. It may, however, be said without risk of exaggeration that the desire for political peace is now stronger on both sides than it has been at any time during the last two years.

Respectfully yours, EDWARD L. REED

837.00/3204

The Chargé in Cuba (Reed) to the Secretary of State

No. 931 HABANA, November 13, 1931.
[Received November 16.]

SIR: With reference to my despatch No. 930 of November 12, 1931, I have the honor to report that Mr. Antonio Mendoza called upon me this morning and gave me the following account of his recent activities in behalf of facilitating a *rapprochement* between the Government and the Opposition.

He said that after the release of the four Orthodox Conservative Congressmen and ex-Senator Ricardo Dolz on November 4 and 5, Carlos Manuel de la Cruz, leader of the Orthodox group, went to see General Herrera, Chief of the General Staff, in order to explore the possibilities of obtaining the release from prison of General Menocal, Mendieta and Mendez Peñate. Cruz argued that the release of these Opposition leaders was an initial prerequisite to the establishment of confidence in the good faith of the Government, without which the Opposition elements could not be expected to enter seriously into any negotiations looking toward a reconciliation. General Herrera appeared to be convinced by Cruz's reasoning and discussed the matter with President Machado. He later informed Cruz that it seemed desirable as a preliminary step that some trusted person be designated to see the prisoners and sound them out in regard to their future attitude if released. The choice fell on Antonio Mendoza and he was informed that he would be permitted to visit them the end of this or the beginning of next week.

At this point, according to Mendoza, the matter was given publicity in the press. The Liberal politicians got the wind up and went to see the President. Mendoza did not say who these politicians were, but he intimated that Vazquez Bello was one of them. They succeeded in persuading the President that it would not be to the interests of the Liberal Party to release any more of the leaders of the August revolution and that it would also be futile to attempt to negotiate with the latter on the subject of a reconciliation which could only be

reached at the expense of that party's present organization. Furthermore, according to Mendoza, they told the President that if he took any steps toward making peace with the Opposition his action would be attributed exclusively to pressure from the American Government and the American banks and that he would, therefore, receive no personal credit for adopting a conciliatory attitude at this time.

Mendoza went on to say that as a result of the interposition of these politicians, he had been advised by General Herrera that the whole thing was off and that he, Mendoza, might as well carry out his plans to return to his sugar mill. He had, however, discussed the matter further with Herrera, who had undertaken to see the President again and to endeavor to persuade him to allow Mendoza to visit the prisoners.

In conclusion, Mendoza expressed the opinion that General Herrera was sincerely desirous of having a peaceful solution reached and that his attitude in the matter faithfully reflected that of the Army, which is anxious to avoid further internal strife.

I thanked Mr. Mendoza for his information, but did not express any comment on what he had imparted to me. He said he would let me know if he heard anything further from General Herrera.

Respectfully yours, EDWARD L. REED

837.00/3206

The Chargé in Cuba (Reed) to the Secretary of State

No. 937 HABANA, November 20, 1931.
[Received November 23.]

SIR: Referring to my despatches Nos. 930 and 931 of November 12 and 13, 1931, I have the honor to report that, in so far as I have been able to ascertain, there has been little, if any, actual progress during the past week toward bringing about a *rapprochement* between the Government and the Opposition.

Having received no word to the contrary from Mr. Antonio Mendoza, I assume that he has not yet been permitted to visit General Menocal, Colonel Mendieta and Mr. Mendez Peñate in the Cabañas military prison. The President has, however, continued to order the release from jail of small groups of political prisoners of minor importance.

Yesterday's newspapers report the sudden departure for the United States on November 18 of Senator Wilfredo Fernández and Representatives Evelio A. del Real and Fidel Alonzo Caiñas, all *coöperativista* Conservatives from the Province of Pinar del Rio, Fernández being the leader of his party in the Senate. It is commonly believed that these gentlemen have embarked upon a "mission of cordiality",

the purpose of their trip being to confer with the Opposition leaders now in New York. These latter include Domingo Mendez Capote, Cosme de la Torriente, Miguel Mariano Gomez, Rafael Iturralde, Fernando Ortiz, Ramon Zaydin, Aurelio Alvarez, Juan Espinosa and Rosendo Collazo.

The action of the Senate, as reported by telegram No. 185 of November 18, 10 a. m.,[41] in passing the House bill providing for the immediate creation of a Superior Electoral Tribunal has been well received. Editorial comment on the subject in the anti-Government press is favorable, without being enthusiastic, and points out that the powers to be conferred on this Tribunal for supervising all electoral operations should increase confidence in the fairness of future elections.

There has been no further progress in the consideration by the Senate of the Constitutional Reform Bill, in spite of President Machado's repeated assurances that its approval by that body would be expedited.

Respectfully yours, EDWARD L. REED

837.00/3215

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 969 HABANA, December 24, 1931.
[Received December 29.]

SIR: I have the honor to report that at a luncheon of political and military figures in Pinar del Rio on December 22, 1931, the President of Cuba announced his determination to stay in office until the end of his term, May 20, 1935.

The announcement has occasioned no particular surprise here. A few days ago a newspaper published a similar statement from the President, which was not confirmed, and some such official announcement has been currently rumored to be a possibility in the near future. The President's trip to Pinar del Rio was hailed as a visit of good will, which involved the release of some fifteen political prisoners, and his announcement at the luncheon was vigorously applauded by the other guests, consisting of officials of the General Staff and officers of the Army, the Governor of Pinar del Rio, the Mayor of the city of that name, the leader of the Conservative Party, and various Senators and politicians. The President's speech, the significant parts of which are attached in original and translation,[41] stated that a short time ago some Cubans had wished that he abandon his presidency, and he had therefore summoned his friends in Congress to suggest

[41] Not printed.

the enactment of a measure for political reform, which would give the opportunity of offering the presidency to another person; after a trip through the Republic, however, in which he perceived "the sentiment of a people," he decided that it would be mere cowardice on his part to resign before the fulfillment of his term. The President referred to the recent mortal shooting of a policeman attempting to apprehend an alleged bomb thrower as an indication of the fact that his efforts to achieve a cordial relationship with the opposition had not been received in kind.

As the Department has been informed, there is a very strict censorship imposed on the Cuban press, and no editorial comment on the President's speech appeared in any of the leading Habana papers. The speech itself was reprinted in full, but not on the front page.

In the meantime, there is no immediate indication of any reconciliation on the part of the Opposition. In the past four days, some seven or eight bombs have been discharged, all of which did some damage to property, but no damage to life. The so-called Orthodox or Menocal Conservatives have issued a proclamation, a copy of which is enclosed, in original and translation,[42] in which a committee headed by Carlos de la Cruz condemns the effort at reorganization of the parties. This committee believes that any political reorganization is futile at a time when so many political leaders are in jail, and points out that the Conservative Party, in particular, is suffering from the imprisonment of its principal figure, ex-President Mario G. Menocal.

Ferrara has returned to Habana for the holidays. His presence is reported to be linked with Torriente's mission, and, as the Department knows, Ferrara has claimed to be seeking to find a solution to the present unfortunate political situation. After Ferrara's first conference with President Machado, the former informed me that the President asked to be given "five or six days for consideration of the political problem." In my opinion, Ferrara's interest in Cuba's present problem is almost entirely self-centered like that of the other Cuban political personages. During the summer, he was wholly occupied with his mission to Japan and the League of Nations activities. The world drama is infinitely more inspiring to Ferrara's talents than the *opera bouffe* of Cuban politics. Ferrara has endeavored to maintain the *status quo* especially during this period of his absence. The means employed have been twofold (1) to alarm as far as he might be able the United States Government by predicting dire consequences in Cuba upon Machado's retirement, or even upon intimation of his retirement at some time in the future and (2) to advise Machado that he had

[42] Not printed.

nothing to fear from the United States Government, which was not interested in the internal political situation of Cuba.

At the present moment, in my opinion, Ferrara is looking over the ground to ascertain how any political changes may affect his future. In the meanwhile, I think Machado and Ferrara have one immediate problem in mind, which is to find some relief from the burdens of the foreign debt services. They may make conciliatory gestures to the opposition, if they believe that by so doing they will create a more sympathetic attitude on behalf of the United States Government when the Chase Bank reviews the Cuban Government Public Works Debt situation early in January.

Respectfully yours, HARRY F. GUGGENHEIM

837.00/3218

The Ambassador in Cuba (Guggenheim) to the Secretary of State

No. 973 HABANA, December 30, 1931.
[Received January 4, 1932.]

SIR: In the Embassy's despatches concerning the political situation occasional reference has been made to the existence of a conflict of jurisdiction between the civil courts and the military authorities as a consequence of the suspension of constitutional guarantees.

This conflict was greatly accentuated because of the procedure followed in several instances by the military authorities after martial law had been proclaimed throughout the republic in August of this year, but detailed reports of the various controversies that arose were unobtainable due to the strict censorship imposed on the press.

The Superior Court has, however, now broken its silence on the subject and has brought the dangers inherent in the present abnormal situation to the attention of the public by means of a communication addressed to the lower courts which was published in the Habana newspapers of December 27. A copy and English translation of this very interesting document are enclosed.[43]

After commenting on the activities of the military authorities and mentioning several cases in which the latter have interfered with the proper functioning of the civil courts, the Supreme Court goes on to say that the prolonged state of war has had the effect of removing the citizen from the jurisdiction of the regular judges, with the consequent malaise produced in any society when persons are tried by other institutions than those established by the Constitution for the ordinary administration of justice and that whenever this state of af-

[43] Not printed.

fairs has been brought to the attention of the President of the Republic he has shown unequivocal evidence of the best of intentions and a spirit of conciliation which, however, was not sufficient to remedy matters, owing, perhaps, to the lack of adequate legislation or regulations to ensure the integrity of civil justice. This situation might, suggests the Supreme Court, be remedied by the modification of certain existing laws, such as the Law of Public Order, the Law of Habeas Corpus, the Law of Military Procedure and the Organic Law of the Judiciary, in such a way as to clarify their provisions and to adapt them more closely to the precepts of the Constitution.

The Supreme Court further observes that justice requires that this abnormal state of affairs be terminated in order that penalties for violation of the law may be imposed, not by arbitrary authority, but through the regular channels of legal procedure. In other words, it advocates the reestablishment of the normal régime of the Courts of Justice. While the other branches of the Government attend to matters within their respective provinces, the Judiciary is enjoined to maintain its legitimate jurisdiction, proceeding with diligence, expediting trials, holding in prison no one against whom there is not sufficient evidence to warrant prosecution and ordering the arrest of those who should be imprisoned.

The opposition has undoubtedly derived a good deal of satisfaction from this confirmation by an incontestable authority of some of the accusations it has been making against the Machado administration.

Respectfully yours, HARRY F. GUGGENHEIM