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FOREIGN SERVICE DESPATCH

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FROM AMEMBASSY, HABANA

1496

DESP. NO.

JUN 11 1954

TO THE DEPARTMENT OF STATE, WASHINGTON.

June 10, 1954

DATE

REF D-1442, May 28, 1954

2 For Dept. Use Only	ACTION	DEPT.				
	REC'D	IN F O	OTHER			
	6-14	CLAR 7	USIA-10	0 CB-1	NAVY	

SUBJECT: Anti-Communist Law Approved

In the Official Gazette of June 4, 1954 there was published Law-Decree No. 1456 dated June 3, 1954, which is designed to prohibit Communists from holding public and other offices and to combat Communist propaganda. The law became effective from the date of its publication. A copy of Law-Decree No. 1456 and an informal translation thereof are enclosed.

As had been previously indicated when the Council of Ministers announced approval of the draft of the law, the Law-Decree makes Communist activity "incompatible" with service of the State, the Provinces, the Municipalities, autonomous agencies, and public utility companies. Foreign agents of Communism may be expelled from the country and may be denied admission. Communications facilities are made unavailable for Communist propaganda.

It has been announced that an "Internal Committee for Anti-Communist Activities" will be formed under the chairmanship of the Minister of the Interior.

For the Ambassador:

Carlos C. Hall
Carlos C. Hall
Counselor of Embassy

Enclosures - 2

1. Copy of Law-Decree No. 1456
2. Translation of Law-Decree

DEPARTMENT OF STATE
BUREAU OF
INTER-AMERICAN AFFAIRS
JUN 17 1954

FCFornes, Jr.:ep

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ACTION COPY — DEPARTMENT OF STATE

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TRANSLATION OF LAW-DECREE NO. 1456 OF JUNE 3, 1954

I, FULGENCIO BATISTA Y ZALDIVAR, President of the Republic of Cuba,

MAKE KNOWN: That the Council of Ministers has approved and I have sanctioned the following:

WHEREAS: Article I of Law-Decree No. 1170 of October 6, 1953, published in the Official Gazette of November 9, 1953, declared the intermeddling political action of international Communism unlawful as contrary to the system of democratic government of the Republic and the full exercise of national sovereignty, in accordance with the provisions established by the resolutions of the Ninth International American Conference held in Bogotá in 1948, as well as by the Eighth Resolution on the strengthening of internal security, adopted by the Fourth Meeting of Consultation of Ministers of Foreign Affairs held in Washington in 1951.

WHEREAS: By the said Article I of the aforementioned Law-Decree there were consequently declared prohibited organizations that aid or facilitate or have aided or facilitated in Cuba the said intermeddling political action of international Communism in Cuba, and by Article II of the said Law-Decree, the pertinent powers were conferred upon the Minister of the Interior to suspend the activities of such organizations, pursuant to the provisions of the Fourth of the Transitory Provisions of Title Four of the Constitutional Statute of the Republic.

WHEREAS: For the same ends, there should be prevented the penetration into the territory of the Republic of foreign agents of international Communism, the use of the systems of communication for the transmission of their intermeddling propaganda material, and their dangerous infiltration of the public service.

THEREFORE: In use of the powers conferred upon it by the Constitutional Statute of the Republic, the Council of Ministers resolves to issue the following:

LAW-DECREE NO. 1456

ARTICLE I. As a complement of the declaration of illegality of the intermeddling political action of international Communism, contained in Article I of Law-Decree No. 1170 of November 6, 1953, the development of Communist activity in any of its manifestations is declared incompatible with public service.

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ARTICLE II. For the purposes of the preceding Article, there shall be considered as public service not only that which is rendered to the State, the Provinces, the Municipalities and Autonomous Organizations, but also to public utility companies. In all these cases the formalities or proceedings for dismissal by reason of the incompatibility declared in the preceding Article shall be handled and decided upon in accordance with the dispositions on the subject contained in the laws in force. Said proceedings shall be instituted on information by those competent as soon as they have cognizance that there is cause therefor or whenever the Minister of the Interior so requests. Those called upon to order the institution of the proceedings are empowered to decree the immediate suspension of employment and salary of the person charged with cause for separation.

ARTICLE III. The Government may declare undesirable and, in the manner authorized by the dispositions in force, determine the expulsion of every foreigner devoted to Communist propaganda in Cuba or who receives orders or instructions for such purposes from abroad.

The immigration authorities shall not authorize the entry into the national territory of foreign agents and propagandists of international Communism. To that effect, the Minister of the Interior shall issue the pertinent instructions and dispositions.

ARTICLE IV. There are hereby declared prohibited, and therefore untransmittable, all postal matter or despatch or message by telegraph or of any other kind, in which Communism as a political or social system is defended or propagandized, or which is intended to be used for its activities, as well as that originating from international or foreign organizations of Communist tendencies, or which may be addressed to the same, without prejudice to the criminal liability involved.

ARTICLE V. There are repealed all laws and dispositions contrary to the execution of this Law-Decree, which shall be effective from the day of its publication in the OFFICIAL GAZETTE of the Republic.

THEREFORE: I order that the present Law-Decree be fulfilled and executed in all its parts.

Given at the Presidential Palace, Habana, the 3rd day of June, 1954.

FULGENCIO BATISTA

RAMON O. HERMIDA
Minister of the Interior

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GOBERNACION

FULGENCIO BATISTA Y ZALDIVAR, **Presidente de la República de Cuba,**

Hago Saber: Que el Consejo de Ministros ha aprobado y yo he sancionado lo siguiente:

Por Cuanto: El Artículo I de la Ley-Decreto Nro. 1170 de 6 de octubre de 1953, publicada en la GACETA OFICIAL de 9 de noviembre de 1953, declaró ilícita, por atentatoria al régimen de gobierno democrático de la República y a la plenitud de la soberanía nacional, la acción política ingerencista del comunismo internacional, haciéndose eco de los postulados establecidos en los acuerdos de la Novena Conferencia Internacional Americana celebrada en Bogotá en 1948, así como en la Resolución Octava, sobre el fortalecimiento de la seguridad interna, adoptada por la IV Reunión de Consulta de Ministros de Relaciones Exteriores, celebrada en Washington en 1951.

Por Cuanto: Por el citado Artículo I de la mencionada Ley-Decreto se declararon en consecuencia prohibidas las organizaciones que secunden o propicien, o que hayan venido secundando o propiciando en Cuba la referida acción política ingerencista del comunismo internacional, y por el Artículo II de esa Ley-Decreto se confirieron al Ministro de Gobernación las facultades oportunas para suspender las actividades de tales organizaciones, de acuerdo con lo preceptuado en la Cuarta de las Disposiciones Transitorias al Título Cuarto de la Ley Constitucional de la República.

Por Cuanto: A los mismos fines debe evitarse la penetración en el territorio de la República de los agentes extranjeros del comunismo internacional, la utilización de los sistemas de comunicación para la transmisión de su material de propaganda ingerencista, y su peligrosa infiltración en el servicio público.

Por Tanto: En uso de las facultades que le confiere la Ley Constitucional de la República, el Consejo de Ministros resuelve dictar la siguiente:

Ley-Decreto Nro. 1456

Artículo I.—Como complemento de la declaratoria de ilicitud de la acción política ingerencista del comunismo internacional, contenida en el artículo I de la Ley-Decreto Nro. 1170, de 6 de noviembre de 1953, se declara incompatible con el servicio público el desenvolvimiento de la actividad comunista en cualquiera de sus manifestaciones.

Artículo II.—A los efectos del Artículo anterior, se reputará servicio público tanto el que se preste al Estado, las Provincias, los Municipios y Organismos Autónomos, como a las empresas de servicios públicos, y en todos estos casos los expedientes o procedimientos de separación por causa de la incompatibilidad declarada en el Artículo precedente se tramitarán y resolverán conforme a las disposiciones que al respecto contienen las leyes vigentes. Dichos expedientes se iniciarán por quienes proceda, de oficio, tan pronto como tengan conocimiento de que concurre la causal, o siempre que lo solicite el Ministro de Gobernación. — Los llamados a disponer la formación del expediente quedan facultados para decretar de inmediato la suspensión de empleo y sueldo de la persona a quien se impute la causal de separación.

Artículo III.—El Gobierno podrá declarar indeseable y acordar en la forma que autorizan las disposiciones vigentes, la expulsión de todo extranjero que se dedique a la propaganda del comunismo en Cuba o que reciba del exterior órdenes o instrucciones con esos fines.

Las autoridades de inmigración no autorizarán la entrada en territorio nacional de los agentes y propagandistas extranjeros del comunismo internacional. El Ministro de Gobernación dictará al efecto las instrucciones y disposiciones pertinentes.

Artículo IV.—Se declara prohibido, y por consiguiente, intransmisible todo material postal, despacho o mensaje telegráfico o de otra clase, en que se haga la apología o la propaganda del comunismo como régimen político o social, o que se pretenda emplear para sus actividades, así como el que proceda de organismos internacionales o extranjeros de tendencias comunistas o sea dirigido a los mismos, sin perjuicio de la responsabilidad criminal exigible.

Artículo V.—Se derogan cuantas leyes y disposiciones se opongan al cumplimiento de esta Ley-Decreto, que comenzará a regir a partir de la fecha de su publicación en la GACETA OFICIAL de la República.

Por Tanto: Mando que se cumpla y ejecute la presente Ley-Decreto en todas sus partes.

Dada en el Palacio de la Presidencia, en La Habana, a 3 de junio de 1954.

FULGENCIO BATISTA.

Ramón O. Hermida,
Ministro de Gobernación.

S.— 6075—6286

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