

## RAMÓN GRAU SAN MARTÍN: CUBA'S PROPHET OF DISAPPOINTMENT, 1944–1951

Ilan Ehrlich

In January of 1948, *Bohemia*, Cuba's most popular magazine, published an opinion poll regarding the attitudes of Cubans toward past and present leaders. One query asked residents of Las Villas province to name the best and worst president in the island's history. Ramón Grau San Martín topped the list as Cuba's greatest chief executive, with 36%. However, many factors tempered this seeming endorsement of the ex physiology professor. For one thing, 17% fingered him as the nation's most awful president, more than Fulgencio Batista and second only to Gerardo Machado. In addition, among Cubans in their 20s and 30s, Grau was the only president they had known who never ruled as a dictator, strongman or figurehead. Another possible indictment of Grau was the fact that Tomás Estrada Palma, elected as Cuba's first president in 1902, was deemed the best ever by 13% of respondents. Obviously, few Cubans remembered Estrada Palma's term in office but his reputation for probity emphasized the desire of many for honesty. Grau's tenure was also impugned by a question asked in four of the island's six provinces, namely whether Cubans intended to vote for the *Auténtico* coalition or an opposition candidate in the June elections. Respondents chose the latter in Havana, Oriente and Las Villas—the country's three most populous provinces. Furthermore, in Havana 36% said

they would vote for the opposition against only 19% for the government. At the same time, between 18% and 20% of the respondents confessed to being undecided.<sup>1</sup>

### FROM MESSIAH TO DISAPPOINTMENT

In 1944, Grau had won the presidency in what many considered the cleanest elections Cuba had ever held. During the campaign, Grau's adherents were so effusive and greeted him with such ebullience that he suffered broken bones in his right hand, which came to be known as the "hand made sick by popularity."<sup>2</sup> He was also inundated with brief, laudatory poems called *décimas*. In one, a female admirer from Santa Clara declared: "In the end, Grau, who could possibly arrive in your presence and explain the impatience with which the People await you?"<sup>3</sup> According to *Bohemia*, the new president's inauguration set off "an explosion of popular jubilation never before seen in Cuba."<sup>4</sup> Grau thus entered office a near mythic figure, almost more ethereal than human, and in this sense he was certain to disappoint. What no one expected, however, was for the ex physiology professor to prove so tolerant of corruption and contemptuous of the island's constitution. To start, Grau was quietly encouraging government functionaries to wage a low level re-election campaign on his behalf despite

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1. Raúl Gutiérrez. "El Pueblo Opina Sobre el Gobierno Actual y los Anteriores de Cuba," *Bohemia*, January 4, 1948: 28–29.

2. José Pardo Llada, "Gestos, manías y hábitos de nuestros hombres públicos," *Bohemia*, May 4, 1947: 10.

3. Quoted in Humberto Vázquez García, *El Gobierno de la Kubanidad* (Santiago de Cuba: Editorial Oriente, 2005), 62.

4. "En Cuba: Balance, *Bohemia*, October 10, 1948: 107.

the fact that Cuba's 1940 constitution forbid the practice. In fact, Grau's own *Auténtico* party had proposed the measure, which had been approved unanimously during the constituent assembly.<sup>5</sup>

Just as galling was Grau's toleration of corruption in the education and commerce ministries. José Manuel Alemán, who was in charge of Cuba's schools, had been a career civil servant in the ministry of education who supported Grau's opponent in 1944. Elevated to education minister in 1946, the erstwhile chief of budgets and accounts quickly padded his briefcase. When that was full, he employed a suitcase. With his ill-gotten gains, he acquired a *finca* 12 miles south of Havana and prime Miami real estate for starters.<sup>6</sup> Alemán was no garden-variety grafter, however. Besides lining his pockets, he used the ministry's funds to become a major power broker within the *Auténtico* party.<sup>7</sup> In this respect, the ministry of education proved an ideal plaything. Its budget was swollen beyond that of other ministries by a nine-centavo tax on each bag of sugar produced, the result of a law passed on April 5, 1943. Known as *inciso K* (clause K) for the section of the law's first article that mandated the tax, it was designed to finance the hiring of new professors, teachers and other necessary personnel. Alemán diverted a substantial portion of this money toward *Auténtico* candidates in 1946, helping the party gain a majority in congress and, fatefully, the mayoralty of Havana. With an eye toward the presidential poll in 1948, Alemán launched

an all-purpose political fund known as BAGA (Bloque Alemán-Grau Alsina) in conjunction with Grau's favorite nephew, Francisco Grau Alsina.

As a longtime bureaucrat, Alemán was adept at cultivating vastly different masters. During Fulgencio Batista's presidency (1940–1944), he served minister of education Anselmo Alliegro—helping him pillage *inciso K* from its inception. Under Grau, who loathed Batista for toppling his government of the “100 days” in 1934, Alemán radically changed course. References to Batista's civic-military schools were scrapped. He demolished the Cangrejas military barracks on the western edge of Havana and replaced it with a polytechnic school named for Paulina Alsina, Grau's widowed sister in law, who was Cuba's “First Lady.” Alemán also encouraged Grau's re-election hopes. This endeared him to the austere ex physiology professor who eschewed cigarettes, alcohol and even snacks between meals but devoured flattery with abandon. Alemán consolidated his position in the party by taking indirect control of the armed action group known as *Movimiento Socialista Revolucionario* (MSR). This outfit was one of numerous self-styled *grupos de acción* with ties to the *Auténticos*. After Grau won the presidency, these violent organizations sought government positions and pursued deadly rivalries among themselves. They also engaged in lucrative rackets, such as monopolizing the sale of textbooks at the University of Havana.<sup>8</sup> Alemán uti-

5. Although the constitution forbade consecutive re-election, ex presidents could run again after they had been out of office for eight years.

6. Alemán purchased the *finca* America, formerly the domain of ex president José Miguel Gómez (1909–1913)—another distinguished figure in the annals of Cuban political corruption. Gómez, affectionately known as *el tiburón* (the shark), was a general in the war of independence and dominated the island's Liberal party until his death in 1921. He entered the presidency with little money and exited a millionaire, albeit one who takes care of his friends. This gave rise to a refrain that played on his nickname, “El tiburón se baña pero salpica.” (The shark bathes but splashes.)

7. Alemán's rise within the party was nothing short of meteoric. Having joined the *Auténticos* only after Grau's victory in 1944, he had become the party's president in Havana by December of 1947 and won a senate seat in 1948. In the sort of irony that abounds in Cuban politics, Chibás occupied this seat two years later after Alemán's death from Hodgkin's disease.

8. Hugh Thomas, *Cuba or the Pursuit of Freedom* (New York: Harper & Row, 1971), 743. The University of Havana was an ideal place for the action groups as it was off limits to the police. In addition, Cuba's various police and security forces were themselves often run by members of action groups during Grau's presidency, so they flourished outside the university as well. For example, the chief of Cuba's *Servicio de Investigaciones* was Mario Salabarría, a friend of Grau and member of MSR. Havana's police chief, Fabio Ruiz, belonged to MSR's bitter rival, *Acción Revolucionaria Guiteras* (ARG). Ruiz was made police chief in exchange for ARG support in the 1944 elections.

lized the MSR as a private army to bully detractors<sup>9</sup> and forcibly shut down schools, especially out of the way rural institutions. In this manner, he increased the available resources for his own purposes.

On April 8, 1947, the senate voted to interpellate Alemán and Casas. Eduardo Chibás had prepared for this eventuality by asking listeners to his popular radio show to send examples of government corruption. One letter, signed by 31 parents and neighbors of two nearby rural schools in Las Villas province, declaimed their children's lack of paper, pencils, books, desks and blackboards. As "one of the purest men of our republic," the authors begged Chibás to tell the education minister to "SPEND MONEY ON SCHOOL MATERIALS" because local children "HUNGER FOR TEACHING."<sup>10</sup> Rolando Roque of Guara in Havana province claimed the right to an education in his town was a "sarcasm" given the absence of textbooks, seats, desks and water filters in the school.<sup>11</sup> Manuel Barruecos of Bayamo informed Chibás that the education minister was closing the Rural Normal School in order to rob the money designated for its upkeep. In addition, he described the recent visit of a group of MSR gangsters "pantomiming" the role of school inspectors.<sup>12</sup> In Calabazar de la Habana, the locale of Alemán's recently acquired *finca*, residents noticed that instead of finishing construction on a nearby school, workers and supplies were now being transported to the education minister's property. The author of this letter closed by urging Chibás to "fall with zeal upon the thieves."<sup>13</sup>

César Casas, the minister of commerce, was a less sinister figure than Alemán, but his toleration of Cuba's black market profoundly angered many citizens. The intermittent scarcity of goods such as rice, lard, flour, meat and milk had originally begun in 1942, when the United States entered World War II. Now, more than a year after the fight had ended, Cubans continued to endure shortages and black market prices. Responding to complaints, ministry officials denied the existence of a black market and, rather indelicately, grumbled that Cubans were "eating too much."<sup>14</sup> Casas qualified these assertions, saying no "organized" black market was in force.<sup>15</sup>

Everyday Cubans knew otherwise and eagerly detailed their experiences for Chibás. One letter described how a treasury ministry employee bought 350 sacks of cement at the officially controlled price of 98 *centavos* and subsequently sold them for three *pesos* each on the black market.<sup>16</sup> The man, named Andrés Plumas, was a recent hire and confessed to a friend that his longer serving colleagues were entitled to far more than that. Esther Pérez, a fervid Chibás supporter, lamented the scarcity of rice in the town of Carlos Rojas because of a common trick employed by wholesalers. This involved billing shopkeepers for one quantity while delivering a much smaller amount. As a result, local stores faced a dilemma: break the law and sell items at higher than the official price so as not to lose money or avoid vending them altogether. For good measure, Pérez added that the town's children did not receive their school breakfasts nor did they have sufficient educational materials.<sup>17</sup> Another missive reported that the chief of Santa

9. On November 20, 1946, Senator Emilio Ochoa of the *grupo ortodoxo* submitted a motion to investigate irregularities at the polytechnic school of Holguín, his hometown. Alemán responded by sending "employees" of the education ministry to the Capitolio building armed with pistols and machine guns. By a strange coincidence, the senate lacked a quorum on that day.

10. Fondo Eduardo R. Chibás. Legajo 35, Expediente 1097: 58, ANC.

11. *Ibid.*, 56.

12. *Ibid.*, 37.

13. *Ibid.*, 26.

14. Jacinto Torras, "¿Terminarán en 1947 la crisis de abastecimiento y la bolsa negra?," *Bohemia*, January 26, 1947: 29.

15. José Pardo Llada, "La bolsa negra," *Bohemia*, January 19, 1947: 42.

16. Fondo Eduardo R. Chibás. Legajo 35, Expediente 1097: 72–73, ANC.

17. Fondo Eduardo R. Chibás. Legajo 35, Expediente 1097: 12–13, ANC.

Clara's office of commerce and his second in command controlled supplies of the city's basic items and sold them for exorbitant rates on the black market. As a result, both rice and soap were unavailable at official prices. In a fit of understatement, the letter writer noted that the Grau administration had "turned out worse than we thought."<sup>18</sup>

Worst of all, the sordidness of Cuba's black market underbelly, teeming as it was with dodgy functionaries and wholesalers, was only half the story. The government's official policy of price controls for foodstuffs such as rice, lard and flour, all of which were largely imported, amounted to subsidies for foreign producers. Rather than assisting overseas farmers, a wiser tactic would have been to stimulate domestic markets—particularly for rice, a Cuban staple suitable to the island's terrain. This was especially imperative now, while sugar prices were high, so that Cuba would have other options when profits inevitably dropped. After all, sugar growing rivals such as the Philippines, whose capacity had been largely destroyed during World War II, would not stay down indefinitely. Many of these points were outlined in a memo drawn up for Chibás on April 12, four days after the interpellations were approved. The document also censured Alemán for sporadic distribution of school breakfasts and the building of showcase schools next to Cuba's Central Highway while rural inhabitants languished in want. Taking into account the gravity of these offenses and the vast resources at Alemán's disposal, it warned that the senate's obligation to examine and analyze the education ministry was "not to be delegated."<sup>19</sup> Chibás had no intention of shirking this responsibility, nor did many of his fellow legislators, especially those from other parties who were placed at a disadvantage by Alemán's campaign contributions.

At the same time, both ministers were determined to resist appearing before the senate. Prior to the vote,

Alemán and Casas informed the president they suffered from stage fright. Upon learning of the motion's approval, Grau refused to honor it but seemed far less concerned with protecting his ministers than ridding himself of congress altogether. Notified by senate president Miguelito Suárez Fernández that the upper chamber was exercising a constitutionally-sanctioned prerogative, Grau, wearing his characteristic smile, responded with the following anecdote:

Truly *amigos*, the constitution is charging me for more than the amount on the bill. At this moment, I'm remembering something very suggestive. A short while after assuming the presidency of the republic, I passed through Luyanó [a working class Havana neighborhood] on the way to Varadero [a beach resort 85 miles east of the capital] and noted a horrible smell emanating from a tallow factory. The next day, I called the minister of health and asked him to close it but he told me he couldn't do that because the factory was functioning in accordance with the constitution and the laws. A short time afterward, I again passed through Luyanó and the horrible odor still bothered me. This time, I called Lieutenant Colonel Hernández Nardo and instructed him to take some men along and close the factory immediately without any further explanation. Acting with great efficiency, he shut down the factory and said only that he was acting on orders from above. Right now, the congress is bothering me a great deal because it too smells horribly. It's a center of foul smells...<sup>20</sup>

The following Sunday, Chibás repeated this story on his radio show, spreading the "tallow factory of Luyanó" to an even wider audience than those who read about it in *Bohemia*. The island's cartoonists happily joined the fray as well. For example, a sketch by Juan David portrayed Grau and the Republican senator Guillermo Alonso Pujol speaking to each other behind gas masks.<sup>21</sup>

Tensions were exacerbated on April 21, when MSR gunmen loyal to Alemán fired shots into the *Capitolio* during an evening senate session dedicated to re-

18. *Ibid.*, 81.

19. *Ibid.*, 50. Entitled "Memorandum para el Sr. Chibás," this document contains minor editorial changes in Chibás' handwriting, suggesting he read it carefully.

20. "En Cuba, Crisis: Un Foco Pestilente," *Bohemia*, April 20, 1947: 45.

21. *Ibid.*, 48. The following week, David produced a cartoon entitled "Precaution" in which Grau sported a clothespin instead.

solving the crisis with Grau. Two days later, as the senate awaited him, Casas sent word that he would not attend his interpellation. In response, Chibás submitted a motion of no confidence against Grau's entire cabinet, which was duly approved, as the only way to defend the senate's "legislative sovereignty."<sup>22</sup> Even as this was humiliating, Grau was favored by a provision in the constitution excusing his new cabinet from interpellation for one year. Once again flouting the document he helped draft, Grau elevated deputies in each ministry and made no secret of his intention to restore the original cabinet when the senate recessed.

The president's high-handedness was nothing if not unpopular. As Chibás had attempted to collect signatures for his no confidence motion, Eduardo Suárez Rivas, a Liberal senator, exclaimed that those who refused would "look like idiots" before the public.<sup>23</sup> Grau, who once averred that his government represented "the combat of virtue against vice,"<sup>24</sup> now preferred to defy the constitution rather than surrendering two widely disliked and corrupt ministers.<sup>25</sup> Thus, an editorial in the weekly magazine *Carteles* declared, "Never has a government defrauded the faith of Cubans so rapidly and radically as that of Dr. Ramón Grau San Martín."<sup>26</sup>

### ORFILA

At 3 p.m. on September 15, 1947, a massive gunfight broke out in the Havana suburb of Marianao. The point of contention was an arrest warrant, delivered by Mario Salabarría, head of the Bureau of Special Investigations, and meant for Emilio Tro, director of the National Police Academy. Tro was wanted for the murder three days earlier of Raúl Avila, the chief of police for the health ministry. Even more so than Cuban politics, the island's myriad police forces were a repository of enmities and violent rivalries.

This was because Grau had filled their ranks with members of the island's thuggish action groups as a reward for their help during his election campaign. Salabarría and Avila, for example, were members of the *Movimiento Socialista Revolucionario* (MSR), which doubled as the personal army of Grau's pal Alemán. Tro, on the other hand, founded the *Unión Insurreccional Revolucionaria* (UIR) in 1946 after serving in the United States military during World War II—where he earned a Purple Heart. While Salabarría and Tro were friends of the president, they detested each other. Tro accused Salabarría of profiting from the black market. Salabarría viewed Tro as an upstart. On September 5, assailants had fired 60 bullets into Tro's automobile. The UIR leader was unhurt, as he had not been inside. Shortly thereafter, Avila was shot to death in a Vedado bodega. Afterward, Avila's widow testified that Tro and Luis Padierno, another UIR member, had appeared armed and on her doorstep in search of her husband. As a result, an arrest warrant for Tro was issued on September 13.

Two days later, Salabarría crammed a pair of cars with his men and headed toward the home of Antonio Morín Dopico, the Marianao police chief—who lived in a prosperous district known as Orfila, after a nearby store of that name. Tro, Padierno and a few other UIR deputies had arrived there earlier for lunch. As Salabarría's group approached, one of the cars crossed in front of the house and began firing. Thus began a pitched battle in which Salabarría's men buffeted Morín Dopico's residence with machine gun fire and those inside responded with their own weapons, hoping to buy time until help could be located. The Cuban public was aware of this ghastly incident from the beginning thanks to Germán Pinelli, a well-known reporter and radio an-

22. "En Cuba, Crisis: Casas no asiste al Senado," *Bohemia*, April 27, 1947: 45.

23. "En Cuba, Política: Vamos a Firmar Para Complacer al Presidente," *Bohemia*, May 4, 1947: 43.

24. Miguel de Marcos, "¡Se cansa uno!," *Bohemia*, January 5, 1947: 52.

25. The depth of anger against Casas in particular cannot be overestimated, particularly as shortages and exorbitant prices affected all Cubans. On January 21, 1947, an anti black market demonstration took place in front of the presidential palace. Grau, who addressed the crowd, was met with whistles, catcalls and insults when he referred to the government's policy of supplying basic goods.

26. "El Gobierno y la denuncia de Chibás," *Carteles*, January 19, 1947: 25.

nouncer, who provided listeners with a live blow-by-blow account from the scene. In addition, the cameraman Guayo Hernández of Cuba's *Noticiero Nacional* (National News) recorded everything on film.

Two hours into the clash, a UIR contingent secured an audience with Paulina Alsina, Grau's highly influential sister-in-law, who told them the president had ordered the army to intervene. Grau himself was not receiving visitors owing to an illness that had left him feverish and 20 pounds lighter than usual. Tro also telephoned another UIR lieutenant, instructing him to visit the Columbia military barracks on Havana's outskirts and request assistance. This led to the dispatch of a mechanized troop unit to the area. General Ruperto Cabrera promptly gave those inside 10 minutes to hand themselves over and pledged to safeguard their lives. Tro and his comrades rejected the offer, probably because Salabarría and his men remained present. After the house was bombarded with tear gas, figures appeared in the windows waving white cloths and shouting for the police to hold fire as women and children would be exiting. Morín Dopico was the first to emerge, carrying his injured 10-month-old daughter. They were immediately whisked away to the military hospital. It was now approaching 6 p.m. and Cubans were riveted by this ongoing spectacle as they returned home from work or milled about their living rooms. The next to appear was Morín Dopico's pregnant wife, Aurora Soler Amor, accompanied by Tro. As hundreds of thousands listened intently, expecting a reasonable finale to an unreasonable situation, they were shocked to find the police had murdered first Mrs. Morín and then Tro, whose body was riddled with 18 bullets. Hence, the man who was fond of boasting, "I don't ask any quarter because I don't give any quarter," ultimately received none. By day's end, Salabarría was

under arrest, the military was in control of the police and the *Auténtico* party's reputation was in tatters.

The following week, Grau was universally berated. Every major publication denounced the government and graphic photos of the dead were splashed across Cuba's newspapers and magazines. *El Mundo*,<sup>27</sup> one of Havana's most respected dailies wrote:

What has the president of the republic reaped with his ineffective behavior? Three years ago he was the popular idol, the smiling hope of a nation anxious for administrative honesty, a civilian government, the realization of the incomplete program genuinely drawn up in (the constitution of) 1940. Today, he contemplates unpopularity, he looks on as his powerful party has split, he must ponder the vibrant, admonitory voices raised against him in congress without a single member coming to his defense, he must confront how badly people react when they see his image during newsreels at the cinema and (ever since the events at Orfila) he should perceive how other forces are gaining popularity, ones in which the Cuban people previously never would have placed their faith.<sup>28</sup>

#### CAUSA 82

On January 18, 1949, just over four months after Grau left office, Pelayo Cuervo presented a 33 page accusation to Cuba's Supreme Tribunal alleging 174,241,840 pesos and 14 centavos had been purloined during his term.<sup>29</sup> The case was subsequently passed along, "like a hot potato," to the Court of Instruction—which was deemed a more appropriate forum by reluctant Supreme Tribunal judges.<sup>30</sup>

Lawsuit 82, as Cuervo's denunciation was officially known, provoked a flurry of speculation. Francisco Ichaso believed it contained "more than sufficient" evidence for criminal proceedings against Grau, some of his ex ministers and numerous government functionaries.<sup>31</sup> At the same time, he was realistic, assert-

27. *El Mundo*, for example, was honored in 1943 with the Maria Moors Cabot Prize for outstanding journalism in Latin America and the Caribbean. This prize, which has been offered since 1938, is the oldest international award in journalism. Within Cuba, *El Mundo*, *Diario de la Marina* (another Cabot prize winner) and *Alerta* were considered the nation's most prestigious newspapers.

28. "Ineludible Rectificación," *El Mundo*, September 19, 1947, reprinted in "Comentando la Actualidad," *Carteles*, September 28, 1947: 55.

29. The exact size of the deficit was a matter of great debate. For example, Treasury Minister Antonio Prío estimated it to be 85 million pesos.

30. Francisco Ichaso. "La Difícil Situación del Gobierno Actual Ante las Malversaciones del Anterior," *Bohemia*, January 31, 1949: 27.

ing that, “There is nothing more difficult in Cuba than punishing administrative corruption,” especially as many citizens believed that stealing from the state was relatively harmless.<sup>32</sup> At the same time, workaday Cubans were beginning to question whether the administration of Carlo Prío, who was Grau’s hand-picked successor, would be able to fund basic services. In a cartoon that encapsulated the fears of many, the satirist David portrayed a doubtful man telling his friend that, “There will be a budget! But...will there be money?”<sup>33</sup> Prío guaranteed both while asserting the shortfall had “nothing to do” with his administration.<sup>34</sup> At the same time, he followed Cuervo’s relentless accumulation of evidence with dread. The week before the senator submitted his complaint, a treasury ministry official called to ask whether he intended to denounce financial “irregularities” committed during the previous administration.<sup>35</sup> Cuervo, who responded affirmatively, saw this as evidence that the palace was monitoring his “steps.”<sup>36</sup>

Specifically, Prío desired to know if he should brace for a scandal. Just as Cuervo had been patiently amassing documents, Grau had been collecting a list of grievances against his onetime prime minister. Above all, the former physiology professor had explicitly told Prío of his wish to avoid embarrassment over the treasury deficit—which he blamed on the 1948 election campaign and Prío’s need to purchase the popularity he came by naturally. Prío had bent over backwards to accommodate Grau, appointing a compliant finance minister and scuttling Cuervo’s attempt at a senate hearing on the matter. However, he had been unwilling to prevent Cuervo’s complaint from reaching the courts. *El Viejo* extracted swift revenge for this broken promise during a *Bohemia* in-

terview published on January 31. To begin with, Grau dismissed Prío’s attentiveness to the semi-parliamentary system—claiming his erstwhile disciple bought congressional support with stacks of lottery tickets which were resold at a hefty profit. The former president, who had never needed to bribe the legislative branch since he ruled by decree, boasted of using lottery revenue for “superior objectives” such as hospitals.<sup>37</sup> He cast further aspersions on Cuba’s semi-parliamentary model by saying it was an “invention” of Batista, who had charged Colonel Jaime Mariné with the task of cajoling lawmakers.<sup>38</sup>

## INDICTMENT

On March 17, 1951 Judge Federico Justiniani announced the indictment of Ramón Grau San Martín as part of the *Causa 82* proceedings. As Justiniani had promised, the burglary of his office nine and a half months earlier had not derailed or even substantially delayed the case.

In November of 1950, he charged Eduardo Sánchez Alfonso, the former director of Havana’s customs house, with illegally transferring roughly 9.5 million *pesos* to the national treasury—where they were ultimately siphoned off under diverse guises. Unfortunately, Sánchez Alfonso had fled the country with his booty and was beyond the reach of justice. Grau, on the other hand, defiantly remained in his Miramar mansion and had refused to run for public office as a way of avoiding prosecution. Judge Justiniani answered his regular protestations of innocence with a carefully researched brief, covering 17 pages, offering Cubans extensive evidence to the contrary. Much space was devoted to Grau’s scandalous enablement of José Manuel Alemán. Ultimately, this was the crux of unprecedented and by now well publicized acts of

31. Ibid.

32. Ibid.

33. David, “No es lo mismo,” *Bohemia*, January 16, 1949: 54.

34. “Grafoentrevista exclusiva: Prío,” *Bohemia*, January 16, 1949: 60.

35. “En Cuba, Política: Diálogo Telefónico,” *Bohemia*, January 16, 1949: 55.

36. Ibid.

37. “Porque hice presidente a Carlos Prío,” *Bohemia*, January 31, 1949: 58.

38. Ibid.

shamelessness. These included a bacchanalia of thievery during the final ten days of Grau's term in which 20,765,872 *pesos*, or approximately 10% of the national budget, disappeared. Also documented was Alemán's habit of selling teaching positions in Cuba's public schools for up to 2000 *pesos* and generally using the education ministry as his own personal piggy bank even after he had been replaced. Judge Justiniani averred that Grau was "principally responsible" for this conduct given that he "could have and should have put a stop to these activities."<sup>39</sup>

This was the most spectacular story in Cuba and journalists descended upon Grau's home to hear what he had to say. Mostly, they were treated to a series of zany explanations and thinly veiled barbs. Among other things, he asserted that Cuba's polytechnic schools had been the "pride of the country" during his administration. He thus staunchly defended Alemán, insisting his erstwhile education minister had "left behind many beneficial things for the people."<sup>40</sup> Above all, Grau was incensed with Carlos Prío and though he never mentioned him directly, many of his remarks targeted his onetime disciple. For example, the erstwhile physiologist asserted that:

I am willing to demonstrate publicly how I acquired my properties. They are a product of my own hard work, in caring for my patients and through long nights of study. By the same token, I will demand on the radio, in the press and on the street that everyone does the same as I! Let them show how they entered into official positions without a *centavo* and later on, how they enjoy lots of money!<sup>41</sup>

Grau had been especially enraged during his arraignment, when Judge Justiniani informed him that Prío's presidency showed signs of dishonesty as well. This was precisely why the trial promised to be so tricky. Any investigation into corruption during

Grau's rule would shed light on Prío's foibles and implicate the *Auténtico* party as a whole. For this reason, the Grau stalwart Alberto Cruz lamented that, "We will no longer be able to campaign based on the positive advantages achieved during our government."<sup>42</sup> The party's ultimate pragmatist, Diego Vicente Tejera, spoke more bluntly when asked for his opinion—volunteering that, "There were only two ways out of this: resolving the matter by paying everyone off or letting things play out as they have. And here you see the consequences!"<sup>43</sup>

Later that day, a *Bohemia* reporter visited Chibás at home to hear his reaction. Not surprisingly, he was in a jovial mood and received him with alacrity. Rummaging through his collection of old press clippings Chibás withdrew a *Carteles* article from July 16, 1939, in which Grau was quoted as saying:

Cuba must do everything it can to change the prevailing mentality so that the public believes robbing the treasury is infinitely more dangerous than robbing a bank. We cannot continue with the same moral dissolution our country has suffered since it became independent, in which government employees, after occupying their posts for some time, become fabulously wealthy. Such overnight fortunes at the treasury's expense must be adequately sanctioned.<sup>44</sup>

Grau, of course, never acted upon his lofty oratory. To illustrate the abyss between word and deed, Chibás produced the transcript of a radio broadcast by Carlos Prío from May 30, 1950. He called this "the most forceful reply to the grand corruptor of Cuban politics."<sup>45</sup> At the time, Prío announced that:

When I took office, the treasury ministry was the scandal of Cuba. It took me more than a year to clean up the embarrassments there. I received a nation in debt so extreme that no supplier was willing to provide medicine to the sick, food for the impris-

39. "En Cuba, Tribunales: 'Lo Consentía Todo...,'" *Bohemia*, March 25, 1951: 78.

40. *Ibid.*

41. *Ibid.*, 78.

42. *Ibid.*

43. *Ibid.*, 79.

44. *Ibid.*

45. *Ibid.*

oned and cement or treenails for public works. I received a country divided by hatred in which men hunted each other with guns in the streets. Upon becoming president, I found 101 unfinished construction projects whose completion required 205 million *pesos*. The public works ministry owed suppliers and workers 20 million *pesos*, of which two million was for salaries. Everyone in Cuba knows that on October 10, 1948 there was no money in the register.<sup>46</sup>

On March 25, Grau appeared as the weekly guest on *Ante la Prensa* and offered another outlandish performance. Asked why he stubbornly defended a man like José Manuel Alemán, who had been “totally repudiated” by the Cuban public, Grau responded that his former education minister was, in fact, a darling of the masses. As proof, he cited Alemán’s election to the senate. He then mused rather wistfully that, “[Alemán] was accused of so many things but people showed up to his funeral, they came to be there with him!”<sup>47</sup>

Grau was wrong on both accounts but did not allow reality to besmirch his logic. Alemán obtained his senate seat because he was on a winning party slate in 1948 not due to personal popularity. Regarding his burial, it was modestly attended as befit a man known for depriving schoolchildren of their breakfasts. In any case, Grau offered equally unsatisfying answers to ensuing queries. When asked if Alemán had embezzled state funds, Grau stonewalled. As to how Alemán could have amassed so many properties without robbing the treasury, Grau changed the subject. Forced to contemplate the possibility of Alemán’s dishonesty, Grau waxed allegorical, saying, “It’s as if you allowed a friend to stay in your house and he kidnapped your child. I wouldn’t be responsible because I didn’t put him there to kidnap. In this case, it’s the same thing: I didn’t put Alemán in the educa-

tion ministry to enrich himself, I put him there to work.”<sup>48</sup>

Grau was no more forthcoming about other aspects of his administration. For example, questioned about gangsterism, he rambled about how, “Many of them, although they behaved badly, were not bad people,” and denied his administration maintained links with gangsters or allowed them to act with impunity.<sup>49</sup>

On April 3, the administration’s relentless harassment of the judiciary sparked debate in Cuba’s bar association. The topic was broached by Emilio Núñez Blanco, the recent *Ortodoxo* convert who urged his peers to pass a motion backing Judge Justiniani against “inconsiderate attacks.”<sup>50</sup> However, several members were reluctant to involve the organization in what they considered a partisan matter. Mario Lamar argued that Núñez Blanco’s statement should be shorn of its references to Judge Justiniani so as to be generic and apolitical in nature. Another lawyer named Ovidio Mañalich disagreed, saying:

What Justiniani has done is so exemplary that it has no parallel in the history of Latin America. The idea that the law should apply equally to the powerful as well as the weak will no longer be just another aspiration. This indictment means that Cuba can truly function as a complete and dynamic democracy. In defending Judge Justiniani, the judge who has tried for the first time in our hemisphere an ex president, we are giving a great lesson to our citizens. This being the case, we can mention him by name and I don’t have the slightest doubt the bar association will be fulfilling its duty by approving this motion.<sup>51</sup>

Humberto Sorí Marín added that the time was right to “define ourselves without half measures or euphemisms,” especially while government figures such as Tony Varona, himself a lawyer, was assailing the judiciary so aggressively.<sup>52</sup> The naïve Núñez Blanco proved more pliable. He allowed bar association

46. Ibid.

47. “En Cuba, Política: Grau San Martín Ante la Prensa,” *Bohemia*, April 1, 1951: 60.

48. Ibid.

49. Ibid.

50. “En Cuba, Abogados: ‘La Viva Estampa de la Inercia.’” *Bohemia*, April 22, 1951: 57.

51. Ibid.

52. Ibid.

president Gastón Godoy to alter the document if he promised not to alter its fundamental spirit. In fact, this led to a heated row as Godoy rendered his motion entirely neutral after it was approved by majority vote. Even Núñez Blanco's signature phrase about justice applying equally to the powerful as well as the weak was removed because, explained, Godoy, similar words appeared in the constitution. Sorí Marín tried to console his younger colleague by stoically saying, "This is the first time you have been disappointed here. I have suffered the same fate many times."<sup>53</sup>

This minor frustration would pale by comparison to what was in store. On April 27, Judge Justiniani received a complaint demanding that he recuse himself because a relative of his was among the defendants and contending this "intimate friendship" compromised judicial objectivity.<sup>54</sup> While this seemed a reasonable objection at first glance, its author was the infamous spoiler Froilán Núñez. The 90 year-old veteran of Cuba's liberation army, who maintained close ties to Carlos Prío, had already gained the recusal of one *Causa 82* judge on spurious grounds. A day later, Núñez added an additional charge—namely, that Judge Justiniani was an *Ortodoxo* "sympathizer" serving the interests of Pelayo Cuervo.<sup>55</sup> No one believed Núñez was acting alone, particularly as the Grau loyalist Carlos Estévez had been bragging between court sessions that he knew a way to save his political patron. Judge Justiniani responded that he was only distantly related to the man in question, Luis Arango Fumagalli, and claimed the two were not close. Even so, he had no recourse but to leave the case. An outraged Pelayo Cuervo observed that Núñez was a "front man" for the Prío family and a

convicted criminal as well, having once murdered a man only to be pardoned by President Alfredo Zayas in the early 1920s.<sup>56</sup>

Cuervo also derided Núñez's lawyer, Israel Algaze, who was on the public payroll as an agriculture ministry employee and always enthusiastic about serving his patrons. He concluded that, "All these tricks, in total, are little more than a new plan, devised with the consent of the president of the republic, to hinder the implementation of justice in the most scandalous trial in our history as a republic."<sup>57</sup> Ramón Vasconcelos wrote that, "Every time there is an honest judge, the government looks for a stooge whom it can maneuver from behind the scenes by a minister of injustice."<sup>58</sup> For his part, Froilán Núñez said nothing to dispel the idea that he was a government pawn. In an interview with a *Bohemia* correspondent he was asked to explain his decision to the Cuban public. Núñez replied:

Let me be frank. When I saw that the presidents of the senate, the Cuban Workers Confederation, the *Auténtico* party and other responsible people signaled that Judge Justiniani sympathized with the party of Chibás and that he and other leaders of his party defended him, I felt that Judge Justiniani should not continue because he appeared partial.<sup>59</sup>

Cuba's cartoonists saw things rather differently. One sketched a beaming Grau driving a truck bearing a sign saying, "Froilán: Available for Rent."<sup>60</sup> Another drew a walking billboard which read, "You Don't Have to Go to Prison! Froilán: He Does All Types of Recusals for Modest Prices!"<sup>61</sup> Regardless of these jibes, there was rejoicing in government circles but this was tempered by the Havana court's unanimous selection of Gilberto Mosquera as Justiniani's re-

53. *Ibid.*, 58.

54. "En Cuba, Poder Judicial: La Tercera Recusación," *Bohemia*, May 13, 1951: 62.

55. *Ibid.*

56. *Ibid.*

57. *Ibid.*

58. *Ibid.*

59. "Estoy Orgullosa de mi Conducta y no Tengo de que Arrepentirme," *Bohemia*, May 13, 1951: 69.

60. Niko, "Frase Comercial," *Bohemia*, May 13, 1951: 64.

61. Antonio, "Anuncios Clasificados," *Bohemia*, May 13, 1951: 61.

placement. Known as an honorable man cut from the same cloth as his predecessor, Judge Mosquera was certainly no flunky.

Grau's lawyers were nonetheless optimistic that Judge Mosquera would prove more sympathetic. In short order, they submitted a brief requesting that the charges against their client be dismissed. As Grau was represented by José Miró Cardona and Carlos Menció, both of whom were among Cuba's leading attorneys, many who were familiar with the case anticipated a favorable verdict. Essentially, their argument was threefold. First, they invoked Article 145 of the constitution—which stated that presidents could only be judged by the Supreme Tribunal. Second, they asserted that Grau himself had not committed any crime. Lastly, they reasoned he was innocent of malversation since no public money had been under his personal control. On May 18, however, Judge Mosquera rejected their appeal. José Miró Cardona's logic had relied heavily on a Supreme Tribunal precedent from 1935, whereby a mayor and his treasurer were tried for fraud but only the latter was convicted. Judge Mosquera ruled this was irrelevant since it was based on a statute from 1870 rather than the current Code of Social Defense. The updated law cast a wider net of culpability, which Judge Mosquera explained to a *Bohemia* reporter in the following terms:

The problem of profit is a question that should be very clear for a judge. From a popular point of view, profit suggests gaining material benefit from a deal regardless of whether the intent was good or bad, but for a judge, this concept has a wider meaning. If an individual, for example, steals a pair of glasses in order to make a gift to someone who really needs them, he's profiting from the interior satisfaction that comes from the act and even the good reputation he acquires for having done it. But it's a crime that should be punished even if people believe he was pursuing altruistic ends and not for his own private gain.<sup>62</sup>

Applying this to Grau, he allowed that the ex president may not have personally robbed the treasury but he certainly profited from Alemán's misbehavior. As for the contention that Grau was only subject to judgment by the Supreme Tribunal, Judge Mosquera noted this applied exclusively to sitting presidents.

The gravity of Grau's situation was beyond dispute, highlighted by a ruling stuffed with foreboding references. Point by point, Judge Mosquera demolished Grau's pleas, legal and otherwise, that he had stood aloof from the sordidness of his administration. He noted that Grau had re-appointed Alemán as education minister and subsequently as minister without portfolio despite the "public scandal" provoked by his "well known" thefts.<sup>63</sup> Judge Mosquera also observed that Grau continued to support his favorite minister in the face of day-by-day press accounts, both in Cuba and abroad, of his "real estate acquisitions worth millions of pesos."<sup>64</sup> In addition, he affirmed that Alemán had utilized a portion of his ill gotten gains to form BAGA along with the ex president's "close relative," Francisco Grau Alsina.<sup>65</sup> Judge Mosquera was all but saying Grau should reserve a cell in Havana's *Castillo del Príncipe*. The administration thus did not tarry in seeking to remove Judge Mosquera from the case. By early June, he became the third consecutive judge to be recused on flimsy pretenses.

## CONCLUSION

Despite obvious failings, Grau remained steadfast in the belief that his presidency had benefited Cuba. One reason was that his administration, regardless of its faults, proved resolutely civilian in nature. After ten years of Fulgencio Batista, who had governed behind the scenes as a military strongman after 1934 and as an elected president between 1940 and 1944, this did indeed represent progress. However, Cubans who had cast their votes for Grau expected far more than a reduced role for the army. In the words of

62. "En Cuba, Tribunales: 'Es un Digno Sucesor de Justiniani...'" *Bohemia*, May 27, 1951: 70.

63. Ibid.

64. Ibid.

65. Ibid.

Jorge Mañach, one of Cuba's most noted public intellectuals, they pined for:

...an end to incompetence and greedy public servants; they want the rule of law, that courts are respected and respectable, that someday a dishonest "big fish" goes to jail; they want indispensable public services which they've been asking for since the republic was founded: buses, schools, houses, land, hospitals, water; they want the education and health ministries to be administered transparently; they want a national bank and if possible a merchant marine; that our diplomats serve well and are well paid; that the state uses modern technology; they want true social justice rendered by the courts and commissions interested in equality and not a bribed oligarchy on one side and demagogic class warriors on the other; they want the political bureaucracy and useless army reduced to a minimum as both eat up too much of the national budget and decrease the

State's ability to invest and each individual Cuban's ability to work for his own financial independence; they want the salaries of some public servants reduced so that such work is no longer an avenue to riches and that other state employees, conversely, be paid more as their services are essential and their earnings an embarrassment; they want a revision of the tax system; they want an honest police force that can put an end to gangsters and drugs; they want to modify the electoral system so that those who represent the people in office are effective rather than mercenary...<sup>66</sup>

Such expectations were perhaps outsized or unrealistic and given Grau's messianic aura he was almost bound to disappoint. Nevertheless, Grau's transformation from savior in 1944 to the first Cuban ex president indicted for corruption seven years later represented an abrupt and jarring fall from grace.

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66. Jorge Mañach, "Carta a Chibás," *Bohemia*, May 18, 1947: 41.