

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

818.00/7-2948

RESTRICTED

Rec'd.
Aug. 3

No. 376

American Embassy,
San José, Costa Rica,
July 29, 1948.

EXUN

ACTION:
ARA

SUBJECT: Outlawing of Vanguardia Popular Party.

INFO:
DCR
EUR
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OLA
FC
ARMY
NAVY
AIR
CIA

THE HONORABLE

THE SECRETARY OF STATE,
WASHINGTON.



SIR:

I have the honor to refer to the Embassy's despatch No. 356 of July 19, 1948, transmitting the text of Decree-Law No. 105 of the Junta, by means of which VANGUARDIA POPULAR was proscribed in Costa Rica.

The Official Gazette for July 29th published Decree-Law No. 118 of July 27th, adding an eighth article to the original Law, a translation of which reads as follows:

"Article 8. Those articles of the Chapter on Individual Guarantees of the derogated Political Constitution, the provisional restoration of which was promulgated by virtue of Decree-Law No. 1 of May 8th of the current year, are hereby derogated insofar as they are opposed to the present Decree-Law".

The foregoing article appears to have been decreed for the specific purpose of counteracting a tendency which became evident during a session of the Supreme Court on July 27th in which the applications for writs of Habeas Corpus for former VANGUARDIA leaders mentioned in the Embassy's airgram 241 of July 23rd were being considered. Although the writs were denied by the Court by a majority decision, a minority decision by dissenting justices held that (a) while Decree-Law 105 prohibits militant membership in specified organizations, it does not prohibit the maintenance of any specific philosophy or ideology; and, (b) that the applicants could not, physically be delinquents because they had been under arrest since long before the promulgation of Decree-Law 105 and that hence their current arrest by order of the Court of Immediate Sanctions presupposed retroactiveness of Decree-Law No. 105.

As stated, while the applications were rejected by a majority vote of the Court, the dissenting opinions indicated a possible means of circumventing the intent and purpose

of Decree-

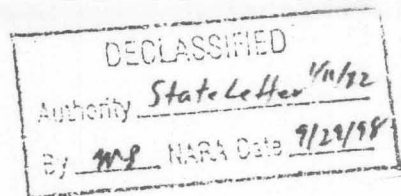
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ACTION COPY

RETURN TO DO/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

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of Decree-Law 105 and therefore this loophole was quickly plugged.

Respectfully yours,

For the Chargé d'Affaires, a.i.

Alex A. Cohen
American Vice Consul

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Copies to Central American Missions.

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