

Puerto Rico's Gag Law

By: Tony "The Marine" Santiago



Censorship

Puerto Rico's Gag Law (Law 53), known in Spanish as **Ley 53 (Ley de La Mordaza)**, was a law enacted to suppress the independence movement in Puerto Rico. The law made it a crime to own or display a Puerto Rican flag, to sing a patriotic tune, to speak or write of independence, or meet with anyone, or hold any assembly, with regard to the political status of Puerto Rico. Law 53 was approved by the Puerto Rican legislature, which was presided over by Luis Muñoz Marín, on May 21, 1948. It was signed into law on June 10, 1948 by the United States appointed governor Jesús T. Piñero. Even though it abrogated the Freedom of Speech and violated the First Amendment of the US Constitution, Law 53 remained in force for nine years. It was finally repealed in 1957.

Prelude to Law 53

After the United States invaded Puerto Rico in 1898, some Puerto Rican leaders such as José de Diego and Eugenio María de Hostos expected the United States to grant the island its independence. However, this did not concur with the Monroe Doctrine, or the geopolitical interests of the United States. Under the terms of the Treaty of Paris of 1898 ratified on December 10, 1898, Puerto Rico was annexed by the United States. Spain had lost its last colony in the western hemisphere and the United States gained imperial strength and global presence. In 1917, the United States imposed a conditional US citizenship upon the people of Puerto Rico (Puerto Ricans did not ask for it nor had any say in the matter) with the approval of the Jones-Shafroth Act. A result of the Act was that Puerto Ricans were eligible to be drafted into the Armed Forces of the U.S. and serve in World War I, plus it made it clear that the United States had no intentions of granting Puerto Rico independence.

In the early 20th century the Puerto Rican independence movement was strong, growing, and embraced by multiple political parties. Among these were the Union Party of Puerto Rico founded in February 1904 by Luis Muñoz Rivera, Rosendo Matienzo Cintrón, Antonio R. Barceló, José de Diego; the Liberal Party of Puerto Rico founded by Antonio R. Barceló; and the Puerto Rican Nationalist Party founded by José Coll y Cuchí. Luis Muñoz Marín, who was a member of the Liberal Party, held an assembly in the town of Arecibo and with his followers Felisa Rincon de Gautier and Ernesto Ramos Antonini, founded the "Partido Liberal, Neto, Auténtico y Completo" (the "Clear, Authentic and Complete Liberal Party") which claimed to be the true Liberal Party. This party later became the Popular Democratic Party (PPD), abandoning its quest for independence and settling for a new colonial political status called the "Estado Libre Asociado" (Free Associated State).

In the 1930s, various incidents occurred between the Puerto Rican Nationalist Party, then presided by Pedro Albizu Campos and the representatives of the established colonial government of the United States in the island.

*On October 24, 1935, a confrontation with police at University of Puerto Rico campus in Río Piedras, killed 4 Nationalist partisans and one policeman. This and other events led the party to announce on December 12, 1935, a boycott of all elections held while Puerto Rico remained part of the United States. The event is known as the Río Piedras massacre.

*On February 23, 1936, in retaliation for the Río Piedras massacre, the insular police chief E. Francis Riggs was murdered in San Juan as he exited the Cathedral on Cristo Street. Two Nationalists named Hiram Rosado and Elías Beauchamp were immediately arrested, transported to police headquarters, and executed within hours without trial. No policeman was ever tried or indicted for their deaths, or for the Río Piedras massacre.



Police open fire on marchers, bystanders, women and children, on Palm Sunday. 19 were killed and over 200 wounded. Many of them, including a 7-year old girl, were shot in the back.

*On Palm Sunday on March 21, 1937, a peaceful march organized by the Puerto Rican Nationalist Party in the city of Ponce turned into a bloody police slaughter.

On that date the Insular Police force, trained and armed by the United States, was a force resembling the National Guard, which answered to the U.S.-appointed governor Blanton Winship.

The police surrounded, and opened fire upon, what a U.S. Congressman and others reported as unarmed and defenseless Puerto Ricans as they marched peacefully on Palm Sunday. Using rifles and tommy guns, the police shot marchers, bystanders, and Sunday worshippers. They killed 18 unarmed civilians (besides the civilians a police officer was also killed) and severely wounded over 200 more. Many of them were shot in the back, and killed, as they tried to run away.

A photo of the massacre, which ran in the newspaper "El Imparcial" and was shown to members of the U.S. Congress, showed policemen surrounding and firing on dozens of unarmed Puerto Ricans, and church ladies dressed in white, trying to run away. An ACLU report declared it a massacre and it has since been known as the Ponce massacre.

The march had been organized to commemorate the ending of slavery in Puerto Rico by the governing Spanish National Assembly in 1873, and to protest the incarceration by the U.S. Government of Nationalist leader Pedro Albizu Campos. Soon thereafter the leadership of the Nationalist party, including Pedro Albizu Campos, were arrested. After a second trial, they were incarcerated for conspiracy to overthrow the government of the United States.

In the 1940 election the PPD finished in a dead heat with the Liberal Party; Muñoz then brokered an alliance with minor Puerto Rican factions as to secure his position as Senate president. Later elections in 1944 and 1948 resulted in increasing victory margins for the PPD; and almost all legislative posts and mayoral races were won by PPD candidates. The PPD fostered the idea of the creation of a "new" political status. In accordance with PPD ideals, the U.S. Government allowed the people of Puerto Rico to elect their own governor. In exchange the United States would continue to control the island's monetary system, defense, custom duties and would not permit the island to enter into treaties with foreign nations.

The laws of Puerto Rico were also subject to the approval of the Federal government of the United States. This hybrid political status, called an "Estado Libre Asociado," was considered a colonial farce by both the advocates of Puerto Rican independence, and those who favored the island's becoming the 51st state of the U.S.

Passage of Law 53



The 1947 House Un-American Activities Committee (HUAC) hearings in session. A number of Hollywood filmmakers were summoned, blacklisted, and their careers were destroyed, in consequence of the Smith Act.

In 1947, the United States Congress approved Law 447, which permitted Puerto Ricans to elect their own governor. A Bill was introduced before the Puerto Rican Senate which would restrain the rights of the independence and Nationalist movements in the island. The Senate at the time was controlled by the PPD and presided by Luis Muñoz Marín. The Bill, also known as the "Ley de la Mordaza" (Gag Law), received the approval of the legislature on May 21, 1948. It made it illegal to display a Puerto Rican flag, to sing a patriotic tune, to talk of independence, and to fight for the liberation of the island. The Bill which resembled the anti-communist Smith Law passed in the United States, was signed into law on June 10, 1948, by the U.S.-appointed governor of Puerto Rico, Jesús T. Piñero and became known as "Ley 53" (Law 53).

Under this new law it would be a crime to print, publish, sell, or exhibit any material intended to paralyze or destroy the insular government; or to organize any society, group or assembly of people with a similar destructive intent. Anyone accused and found guilty of disobeying the law could be sentenced to ten years imprisonment, a fine of \$10,000 dollars (US), or both. According to Dr. Leopoldo Figueroa, member of the "Partido Estadista Puertorriqueño" (Puerto Rican Statehood Party) and the only member of the Puerto Rico House of Representatives who did not belong to the PPD, the law was repressive and was in violation of the First Amendment of the US Constitution which guarantees Freedom of Speech. He pointed out that the law as such was a violation of the civil rights of the people of Puerto Rico.

As a direct and immediate consequence of Law 53, hundreds of sympathizers with the independence movement were imprisoned. This included members of the Nationalist Party who opposed Luis Muñoz Marín, his party, and his political ambition to become Governor. Marín won the elections of November 2, 1948, and was sworn in as Puerto Rico's first elected governor on January 2, 1949.

Aftermath

Amongst those who opposed the "Gag Law" was Santos Primo Amadeo Semidey, a.k.a "The Champion of "Habeas Corpus"." Amadeo Semidey was an educator, lawyer and former Senator in the Puerto Rico legislature who confronted the government of Puerto Rico when the government approved and executed the laws of "La Mordaza." Amadeo Semidey, an expert in Constitutional Law, immediately filed a "habeas corpus" action with the U.S. Supreme Court which questioned the constitutionality of Law 53, and demanded the immediate release of Enrique Ayroa Abreu, of Ponce. Amadeo Semidey and other lawyers also defended 15 members of the Puerto Rican Nationalist Party, who were accused of breaking Gag Law 53.

Puerto Rican Nationalist Party Revolts of the 1950s



Pedro Albizu Campos

On June 21, 1948, Albizu Campos gave a speech in the town of Manati where nationalists from all over the island and Jayuya were gathered in case there was an attempt by the police to arrest him. Later that month Campos visited Blanca Canales and her cousins Elio and Griselio Torresola, the nationalist leaders of the town of Jayuya. Griselio soon moved to New York where he met and befriended Oscar Collazo. From 1949 to 1950, the nationalists in the island began to plan and prepare an armed revolution. The revolution was to take place in 1952, on the date the United States Congress was to approve the creation of the political status Free Associated State ("Estado Libre Asociado") for Puerto Rico. The reason behind Albizu Campos' call for an armed revolution was that he considered the "new" status a colonial farce. Albizu Campos picked the town of Jayuya as the headquarters of the revolution because of its location. Weapons were stored in the Canales residence.



Puerto Rican flag removed by an American soldier after the 1950 Jayuya Uprising

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The revolts, also known as the "Puerto Rican Nationalist Party Revolts of the 1950s," began on October 30, 1950, upon the orders of Nationalist leader Albizu Campos. Uprisings occurred in various towns, amongst them Peñuelas, Mayagüez, Naranjito, Arecibo and Ponce. Most notable were the Utuado Uprising, where the insurgents were massacred, and the Jayuya Uprising, in the town of the same name.

The "Free Republic of Puerto Rico" was declared in Jayuya and the Nationalists attempted to assassinate Governor Luis

Muñoz Marín in his residence at "La Fortaleza," as part of the Nationalist attack of San Juan. In response, the entire town of Jayuya was heavily damaged by the military.

By the end of the local revolts there were 28 dead - 7 police officers, 1 national guardsman, and 16 Nationalists. There were also 49 wounded - 23 police officers, 6 national guardsmen, 9 Nationalists and 11 non-participating bystanders.

The revolts were not limited to Puerto Rico. They included a plot to assassinate United States President Harry S. Truman in Washington, D.C.. On November 1, 1950, two Nationalists attacked the Blair House, where Truman was staying, while renovations were being made to the White House. The last major attempt by the Puerto Rican Nationalist Party to draw world attention to Puerto Rico's colonial situation occurred on March 1, 1954, when four nationalists - Lolita Lebrón, Rafael Cancel Miranda, Irving Flores and Andrés Figueroa Cordero - attacked the United States House of Representatives, and opened fire from the Congressional gallery.

Examples of suppression

Four tragic examples of the suppression inflicted upon followers of the independence movement, were Francisco Matos Paoli, Olga Viscal Garriga, Isabel Rosado and Vidal Santiago Díaz.



Student leader Olga Viscal Garriga was arrested and sentenced to eight years in prison for contempt of court.

Francisco Matos Paoli was a poet and member of the Nationalist Party. On November 2, 1950, the police invaded his home in Río Piedras and searched for guns and explosives. The only thing they found was a Puerto Rican flag. Because of Law 53 (the Gag Law), they were "authorized" to arrest and accuse him of treason against the United States. The evidence used against him was the Puerto Rican flag in his home, and four speeches he'd made in favor of Puerto Rican independence.

Olga Viscal Garriga was a student leader at the University of Puerto Rico. She was also known for her skills as an orator and an active political activist. Though not involved in any violent act, she was arrested in 1950 for participating in a demonstration that turned deadly in Old San Juan when U.S. forces opened fire, and one of the demonstrators was killed. Viscal Garriga was held without bail in "La Princesa" prison. During her trial in federal court, she was uncooperative with the U. S. Government prosecution, and refused to recognize the authority of the U.S. over Puerto Rico. She was sentenced to eight years for contempt of court (not for the initial "charges" regarding the demonstration), and released after serving five years.

Isabel Rosado was a social worker accused by the US Government in participating in the revolts, even though she did not. On the day that police arrested her, Rosado was busy in her job as a school social worker. Subsequently, the police produced no clear or convincing evidence for any of their "charges" against her. Nonetheless, Rosado was sentenced to fifteen months in jail and fired from her job. Upon her subsequent release, Rosado was unable to earn a living in the public school system, and obtained a position in a private school.



A wounded Vidal Santiago Díaz is carried out of his barbershop by the police

Vidal Santiago Díaz was Albizu Campo's barber. On October 31, he offered his services to the attorney general to serve as an intermediary in the event that they arrested Albizu Campos. That afternoon, while waiting alone in his barbershop "Salon Boricua" for an answer, his establishment was surrounded by 15 police officers and 25 National Guardsmen. A fire fight ensued between Santiago Díaz and the authorities which were transmitted via radio to the Puerto Rican public in general. The battle lasted 3 hours and came to an end after Santiago Díaz received five bullet wounds. Even though Santiago Díaz was not involved in the Nationalist revolts, he was sentenced to 17 years of prison after recovering from his wounds. He served only 2 years before he was set free on a conditioned parole.

The "Gag Law" is repealed

Law 53 (the Gag Law) or "La Ley de la Mordaza" as it is known in Puerto Rico, was repealed in 1957. In 1964, David M. Helfeld wrote in his article "Discrimination for Political Beliefs and Associations" that Law 53 was written with the explicit intent of eliminating the leaders of the Nationalist and other pro-independence movements, and to intimidate anyone who might follow them - even if their speeches were reasonable and orderly, and their activities were peaceful.

Further reading

*"La mordaza: Puerto Rico, 1948-1957"; By: Ivonne Acosta; Publisher: Editorial Edil (1987); ISBN-10: 8459984699; ISBN-13: 978-8459984690

*"Puerto Rico Under Colonial Rule: Political Persecution And The Quest For Human Rights"; By: Ramon Bosque-Perez (Editor) and Jose Javier Colon Morera (Editor); Publisher: State Univ of New York Pr; ISBN-10: 0791464172; ISBN-13: 978-0791464175

*"The Puerto Rican Movement: Voices from the Diaspora (Puerto Rican Studies)"; By: Andres Torres; Publisher: Temple University Press; ISBN-10: 1566396182; ISBN-13: 978-1566396189
