

PRIVATE AND CONFIDENTIAL

SPANISH DEMOCRATS DEFENCE FUND

Report on visit to Madrid December 8 - 11th 1963
by Ernest Davies & John Lyttle

At the end of November news was received that the civil trial of a number of socialists, including Antonio Amat, former Secretary of the Spanish Socialist Society, was to be held December 9th to 11th, having been originally scheduled for the autumn of 1962. Later confirmation was received from the same sources and finally through The Times correspondent in Madrid. Because of the importance of the trial (in effect the accused were on trial for being socialists) it was decided to send observers. We left on Sunday, December 8th. At our hotel late Sunday evening Josefina Arrillaga, Amat's defence counsel, confirmed that the trial would start at 10 a.m. next morning.

Arriving at the Palace of Justice at 9.30 a.m., we were informed that the trial was to take place as arranged although some had their doubts. Of more than 100 originally charged, some had since died, others had left the country and cases against some had presumably been dropped. Consequently, the list contained only 45 names as follows:-

Barcelona

- | | |
|--------------------------------|---------------------------|
| Salvador Clot Urpi, Pastrycook | Pedro Ruiz Borrás, |
| Juan Garcia Garcia, Mason | Typographer |
| Juan Rio Tomas, Chemist | Juan Raventos Carner, |
| Miguel Casablanca Juanico, | Lawyer |
| Timber merchant | Edmundo Valles Perdrix, |
| Carlos Sampóns Salgado, | Writer |
| Medical student | Antonio Piferrer Sabater, |
| Mariano Solanas Checa, | Lawyer |
| Metalworker | Francisco Urena Torres, |
| Luis Torres Sole, Lawyer | Pastrycook |
| | Francisco Sanchez Garro, |
| | Draughtsman |
| | Sebastian Padros Benasco, |
| | Commercial employee |

Bilbao

- | | |
|----------------------|--------------------------|
| Manuel Garrido Diaz, | Fermin Onate Santamaria, |
| Shirtmaker | Baker |

Grenada

- | | |
|---------------------------|---------------------------|
| Herminio Narvaez Correal, | Jose Maria Arcos Soto, |
| Peasant | Peasant |
| Rafael Gutierrez Lopez, | Angel Rodriguez Castillo, |
| Mechanic | Carpenter |

Madrid

- | | |
|-------------------------|-----------------------------|
| Manuel Gonzalez Mendez, | Antonio Sampere Gomez, |
| Industrialist | Medical student |
| Antonio Villar Masso, | Jose Antonio Munoz Atienza, |
| Lawyer | Lawyer |

Malaga

Francisco Roman Diaz, Clerk	Juan Garcia Sanchez, Barber
Pedro Duenas Luque, Barker	Patricio Martin Vargas, Mechanic

Oviedo

Jenaro Fernandez Lopez, Industrialist	Cecilio Perez Castano, Retired miner
Emiliano Llanez Prieto, Mechanic	Fernando Cabal Pintado, Clerk
Amalio Alvarez Martinez, Clerk	Angel Valle Riestra, Industrialist
Jose Graciano Fernandez Garcia, Miner	Vicente Suarez Suarez, Miner

San Sebastian

Vicente Urcola Ansola, Doctor	Luis Martin Santos, Doctor
Celendonio Corcuera Pinto, Painter	Joaquin Pradera Machim- barrena, Lawyer

Seville

Horacio Hermoso Sierra, Commercial employee	Celestino Tejeiro Jimenez, Glazier
Urbano Orad de la Torre, Soldier	Alfonso Fernandez Torres, Lawyer

Vitoria

Antonio Amat Maiz, Lawyer

All had been arrested in 1958, held in prison for varying periods, and had since been on conditional liberty. Amat, for instance, arrested in 1958, was released in May 1961 and has been compelled to live in Vitoria under "house arrest".

The accusations in the charge sheet of 24th November 1958 were:-

"re-organising the Socialist Party in Spain, under orders received from Socialist exiles in France; disseminating propaganda received from France; distributing sums of money for the aid of families of prisoners; circulating the newspaper 'El Socialista' and 'U.G.T.' all of whose articles are written against the Spanish regime, and with a view to overthrowing the regime".

Sentences of up to six years plus fines were being demanded.

The courts are ranged round a large square central hall which soon filled with foreign journalists, the accused, relatives and friends, among whom were a number of intellectuals and a large number of lawyers. Many of the lawyers were not participating in the trial but were there, so we were told, as a gesture of protest, some wearing their chains of office or membership badges of

the college of lawyers. Uniformed civil guards and plain clothed security police were much in evidence. The only other observers we learnt of were M. Lallemand, representing the I.C.F.T.U., Mlle Braunschigg of the League of Rights of Men and a representative of the S.F.I.O. As far as we could ascertain, only the Italian and American Embassies were represented. (Later we learnt from the British Embassy that the decision taken some years previously not to be present at political trials was unchanged and that "in any case we receive full reports from British correspondents". This, of course, is no substitute for manifest disapproval of such trials which Embassy representation in the courts demonstrates).

By 10.30 a.m. the hall was crowded but few of the general public were present as news of the trial had not been disseminated and there had of course been no mention of it in the press. The scene was animated and the accused cheerful, expecting the sentences to be already covered by terms served and by the various amnesties, and that the trial would give them their freedom. Since they came from many parts of Spain there was much greeting of old friends and the hall had the air of a social occasion, a reception without the drinks. Rumour spread that the trial would be suspended and the crowd surged towards the entrance to the Court.

Names of the accused were shouted out by a court official and all but one responded. After further delay the lawyers were called into the court and shortly afterwards the accused, but no-one else, were admitted. As the prisoners filed through the crowd, the various walks of life from which they were drawn were apparent: lawyers (some defiantly wearing their long black satin robes), other professionals, industrial and agricultural workers, etc. Meanwhile the court official again shouted the name of the missing person, but there was no response. Within some 20 minutes the accused looking more despondent than before came out followed by their lawyers and it was learnt that at the instance of the Fiscal (the public prosecutor) the trial had been suspended indefinitely because of the failure of one of the accused to appear. We learnt that counsel had protested strongly and had suggested that the trial should proceed, or at any rate take place the next day by which time the absent defendant could have been apprehended by the police and brought to Madrid. The Tribunal of three apparently were willing to follow this procedure but the prosecution had vigorously protested that without all the accused present there could be no trial. He was adamant. During these deliberations payment of the expenses incurred by the accused in coming to Madrid was raised and the Court claimed it had no authority to meet them. Consulted by phone the Ministry of Justice confirmed this. For some this entails considerable hardship.

The absence of one of the accused was clearly not the real reason for suspension. In fact, since he had been the first to be arrested in 1958 and he had denounced some of the others, his non-appearance is highly suspicious. It could easily have been arranged. The Spanish police having tabs on all, it is hard to believe that they could not have assured his presence. The prosecution was clearly acting under instructions in insisting on the trial's suspension. There is probably no one reason for deciding not to hold the trial at this time but a combination of many. These could include Fraga Iribarne's visit to England and the salutary demonstration of opinion there,

"Le Monde's" interview with the Abbot of Montserrat, the visit of Von Papen to Madrid, which coincided with the trial, desire to transfer the trial to the special court being set up early in the New Year and international public opinion, the last having been made clear to Fraga Iribarne during his London visit and evidenced by the presence of observers in Madrid. All or any of the above might have convinced Franco that when he is seeking closer relations with the European community, it is inopportune to stage a trial of socialists. These conditions can persist in lesser or greater degree indefinitely so it is possible the trial may never take place.

The position now is that the accused will remain under the unsatisfactory and insecure state of conditional liberty. This makes it difficult for them to work or to travel beyond their place of residence and liable to be brought to trial at any time. All we spoke to would far rather the trial had taken place so that their position could be cleared up. Presumably all that can be done internationally is to represent to the Spanish authorities through the juridical bodies and otherwise that the accusations against the accused should be dropped or the trial be held.

The presence in Madrid of the leaders of the Socialist opposition inside Spain enabled us to have long talks with them - and others - concerning the situation. As ever, it is complex. The "Le Monde" interview created great interest and was the main topic of discussion, Fraga's London visit running a close second. Apparently some months ago a deputation from the Catalan Socialist Movement visited the Abbot and discussed the situation and made strong representations to him to make some protest. In Rome for the Council, he is said to have consulted the Pope who authorized the publication of the interview. Subsequently, General Munoz Grandes is said to have visited him at Montserrat and to have asked him to withdraw. He declined. He also refused to exile himself in Rome. There followed publication of the full interview in El Espanol with a lengthy and singularly inept editorial reply. This was accompanied by a picture of Franco during his visit to the Monastery in 1942. It also contained a list of the international organizations of which Spain is a member and the following comment:

"....(The Abbot) says that the regime has done nothing to forward the European movement.... On the contrary, the constant contacts between Spanish politicians, industrialists, trade unionists, church people and intellectuals and their colleagues in Europe is well known.. The relations between Spain and the countries of the West are friendly and cordial..."

It is difficult to fathom the reason for publication of the full interview, the detailed contents of which must have been known to only a comparative few. 'El Espanol' is the weekly Journal of the Ministry of Information and within Spain has a very poor circulation, probably a few thousand only. That it is distributed abroad by the

Ministry is one possible explanation, as it would seem to confirm the liberalization line that Fraga is shooting. But as El Espanol is on sale publicly it could have been foreseen that news of the interview's publication would spread and demand would rise. So it was, and one old woman news vendor said she could not understand why everyone was asking for El Espanol since she had previous weeks' issues which no-one wanted. Most kiosks had sold out but fresh piles appeared at some. Unquestionably the impact has been considerable, and the replies probably ineffectual, especially that of the Prior of the Valley of the Fallen (a Franco appointment to a recently created Priory) which was published in several papers but without any report of what the Abbot had actually said.

Generally Fraga's so-called liberalization is regarded as a facade although there has been some relaxation of press censorship and more news and information is published. We were told by someone working in his Ministry that Fraga regrets ever taking the job as it has killed his political chances. Dissociation with the regime would have been cleverer.

An interesting development is the decline of support for the Monarchy. This presumably stems from Don Juan's refusal to commit himself in any way to a constitutional or democratic regime. He has made no such statement since 1948. Further, Franco does not allow the Pretender's build-up. Whereas on previous visits it appeared that the Monarchy was looked to as a focal point when Franco goes, it is no longer so universally regarded. This tends to leave a vacuum, especially as attempts to create a united front of all opposition groups except the extreme right and left, which appeared hopeful a year or so ago, seem to have been abandoned.

The Socialist party is looked upon as the most natural opposition but they too are divided. Meanwhile the strongest manifestation of opposition continues among the workers in the North with the Asturian miners enjoying general support, and in Catalonia where many strikes not reported here take place from time to time.

In these circumstances Franco acts with great confidence as evidenced by his giving the highest VIP treatment to Von Papen who was in Madrid to lecture to the 'Ateneo'.

The atmosphere, without being one of complete defeatism was more discouraging than during some previous visits. Absence of unity among the opposition, with consequent lack of leadership and purposeful driving force gives the impression that the end of Franco's regime is awaited without any confidence in what can take its place to ensure the restoration of a democratic regime. Meanwhile all hopefully look towards the return of a Labour Government in Britain.