FRANCO'S JUSTICE
REPRESSION IN MADRID AFTER THE SPANISH CIVIL WAR

JULIUS RUIZ

OXFORD HISTORICAL MONOGRAPHS
This page intentionally left blank
On 31 July 1936 a Nationalist mixed column under the command of Captain Ramón Carranza entered the village of El Coronil (Seville). Soon afterwards, my great-grandfather, who had been the village’s Republican mayor, was murdered for being part of the ‘anti-Spain’. On the other hand, his son-in-law, my paternal grandfather, was part of the ‘true Spain’. A Falangist who fought in the Nationalist army during the civil war, he became a policeman in Madrid during the 1940s. My maternal grandfather too belonged to the ‘true Spain’. He was a farmer from the north-western region of Galicia who fought to defend Catholicism; he took part in the ‘liberation’ of Catalonia in the winter of 1938/9.

Conflicting memories of the civil war and post-civil war period are not unusual for most Spanish families. However, I had to confront them as a child growing up in the very different surroundings of southern England in the 1980s; my parents were part of the mass exodus of economic emigrants whose remittances helped modernize Spain from the 1960s. For a long time I was left bewildered by talk of Spain and the civil war and I preferred to forget my Spanish background. Fortunately, Lois Mitchison and Graham Thomas, my A-level teachers, helped to change my mind. I would also like to thank my tutors at Swansea University, in particular Jill Lewis and Eleanor Bruning, for encouraging me to read about Spanish history and do postgraduate study.

This book is a revised and corrected version of a doctoral thesis undertaken at Wolfson College, Oxford. The college’s decision to award me the Norman Hargreaves-Mawdsley studentship provided a financial lifeline. Archival research in Spain was made possible by funding from the Oxford Modern History Faculty, in particular two generous grants from the George Labouchère Fund. I am also indebted to the history department at King’s College London, and in particular to its head, Robert Frost, for the award of a one-year postdoctoral fellowship in 2002 that provided me with the ideal opportunity to revise my thesis for publication.

The book is based mainly on primary sources, and I would like to thank the staff at the Archivo General de la Administración (Alcalá de Henares), the Archivo Histórico Nacional (Madrid), the Archivo General de la Guerra Civil Española (Salamanca), and the Public Record Office (London). Thanks also to the staffs of the Bodleian Library, the British
Acknowledgements

Library, the Biblioteca Nacional de España, and the Hemeroteca Municipal de Madrid.

Intellectually, my biggest debt is to my supervisor and editor, Frances Lannon. Her constant encouragement and good advice were indispensable to the successful conclusion of my thesis. I am also extremely grateful for the comments of my examiners, Tom Buchanan and Sebastian Balfour. My work benefited from conversations with Mary Vincent, Tim Rees, Richard Vinen, and Stephen Jacobson. In Spain, Julio de la Cueva was an invaluable guide to the Spanish archives and Pedro Barruso patiently explained to me the mysteries of the catalogues at the Archivo General de la Administración in Alcalá de Henares.

This book would not have been possible without the financial and moral support of my parents. Despite initial reservations that I was unnecessarily raking up the past, they have always been there for me. The same can be said of my wife Cheryl. She has constantly changed jobs and addresses in order to remain at my side. She is my vital link with the world outside history.

This book is, however, dedicated to the memories of my ‘anti-Spanish’ great-grandfather and my ‘truly Spanish’ grandfathers. Thankfully, today there are no ‘anti’ or ‘true’ Spaniards, but simply Spaniards.
CONTENTS

List of Maps, Figures, and Tables viii

List of Abbreviations ix

Maps xi

Introduction 1

1. ‘They have passed!’ The Beginning of Francoist Rule in Madrid, April 1939 29

2. The Installation of Military Justice in Madrid 53

3. The Crisis and Liquidation of the Military Justicia al Reve’s System in the 1940s 85

4. The Law of Political Responsibilities and its Implementation in Madrid 131

5. The Decontamination of Madrid: The Purges of Civil Servants, Professionals, and Others 165

6. The Law for the Repression of Freemasonry and Communism and its Application in Madrid, 1940–1945 192

Conclusion 224

Bibliography 231

Index 245
LIST OF MAPS, FIGURES, AND TABLES

MAPS

1. Province of Madrid xi
2. Madrid city centre xii

FIGURE

3.1. Number of prisoners paroled in Spain, 1941–1949 (000s) 117

TABLES

3.2. Distribution of located death sentences in Madrid province, March 1939–April 1944 101
3.3. Distribution of located death sentences in Madrid province, 1939 102
3.4. Confirmed and commuted death sentences in Madrid province, March 1939–April 1944 104
3.5. Death sentences by occupational background 105
3.6. Commutation of death sentences by occupational background 106
3.7. Political and trade-union affiliation of those condemned to death in Madrid province, March 1939–April 1944 112
4.1. Occupational background of LPR defendants in Madrid, July 1939–March 1942 157
5.1. The purge of the Madrid Diputación, 1939–1940 183
5.2. The purge of Madrid primary schoolteachers, 1939–1941 184
6.1. Sentences imposed by the Special Tribunal on Madrid defendants 214
6.2. Occupational background of Madrid defendants 216
6.3. Political background of Madrid defendants before the Special Tribunal 217
## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGA, C</td>
<td>Archivo General de la Administración, Cultura</td>
</tr>
<tr>
<td>AGA, E</td>
<td>Archivo General de la Administración, Educación</td>
</tr>
<tr>
<td>AGA, I</td>
<td>Archivo General de la Administración, Interior</td>
</tr>
<tr>
<td>AGA, J</td>
<td>Archivo General de la Administración, Justicia</td>
</tr>
<tr>
<td>AGA, J(RP)</td>
<td>Archivo General de la Administración, Justicia (Fondo de Responsabilidades Políticas)</td>
</tr>
<tr>
<td>AGA, P</td>
<td>Archivo General de la Administración, Presidencia</td>
</tr>
<tr>
<td>AGA, P(SGM)</td>
<td>Archivo General de la Administración, Presidencia, (Fondo de la Secretaría General del Movimiento)</td>
</tr>
<tr>
<td>AGGCE, DNSD</td>
<td>Archivo General de la Guerra Civil Española, Delegación National del Servicio de Documentos</td>
</tr>
<tr>
<td>AGGCE, TERMC</td>
<td>Archivo General de la Guerra Civil Española, Salamanca, Tribunal Especial de la Represión de la Masonería y Comunismo</td>
</tr>
<tr>
<td>AHN CG-M</td>
<td>Archivo Histórico Nacional, Madrid, Causa General-Madrid</td>
</tr>
<tr>
<td>BODGP</td>
<td>Boletín Oficial de la Dirección General de Prisiones</td>
</tr>
<tr>
<td>BOE</td>
<td>Boletín Oficial del Estado</td>
</tr>
<tr>
<td>BOJDN</td>
<td>Boletín Oficial de la Junta de Defensa Nacional</td>
</tr>
<tr>
<td>BOPM</td>
<td>Boletín Oficial de la Provincia de Madrid</td>
</tr>
<tr>
<td>CEDA</td>
<td>Confederación Española de Derechas Autónomas</td>
</tr>
<tr>
<td>CNT</td>
<td>Conferación Nacional de Trabajo</td>
</tr>
<tr>
<td>FAI</td>
<td>Federación Anarquista Ibérica</td>
</tr>
<tr>
<td>IR</td>
<td>Izquierda Republicana</td>
</tr>
<tr>
<td>JSU</td>
<td>Juventudes Socialistas Unificadas</td>
</tr>
<tr>
<td>LPR</td>
<td>Law of Political Responsibilities</td>
</tr>
<tr>
<td>LRFC</td>
<td>Law for the Repression of Freemasonry and Communism</td>
</tr>
<tr>
<td>PCE</td>
<td>Partido Comunista de España</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Name</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>PRO/FO 371</td>
<td>Public Record Office, Foreign Office General Correspondence</td>
</tr>
<tr>
<td>PSOE</td>
<td>Partido Socialista Obrero Español</td>
</tr>
<tr>
<td>SRI</td>
<td>Socorro Rojo International</td>
</tr>
<tr>
<td>TERMC</td>
<td>Tribunal Especial de la Represión de la Masonería y Comunismo</td>
</tr>
<tr>
<td>UGT</td>
<td>Unión General de Trabajadores</td>
</tr>
<tr>
<td>UR</td>
<td>Unión Republicana</td>
</tr>
</tbody>
</table>
Map 1  Province of Madrid
Map 2  Madrid city centre
Introduction

On 22 December 1938, the day before the final Nationalist offensive in Catalonia began, Ramón Serrano Suñer, Franco’s brother-in-law and Interior Minister, announced the appointment of a special commission.  

Presided over by Ildefonso Bellón, the president of the Nationalist Supreme Court, its twenty-two members, including fifteen ex-parliamentary deputies and ten ex-ministers, reflected the diversity of the Spanish right in the civil war. The Falange was represented by an ‘old shirt’, Rafael Garcerán; the military by a captain of its juridical corps, José Luis Palau; and the Carlists by their spokesman on primary education during the Republic, Romualdo de Toledo y Robles. Alfonsine monarchists were not overlooked; Antonio Goicoechea, the ex-leader of Renovación Española, had also been appointed. Some had CEDA backgrounds; Rafael Aizpún Santafé was one of the three ministerial appointments that provoked the Socialist insurrection in October 1934. Others, like Eduardo Aunós, had served the Primo de Rivera dictatorship in the 1920s. However, the most distinguished figure on the Bellón Commission was undoubtedly Álvaro de Figueroa y Torres, count of Romanones. Three times prime minister under the liberal constitutional system that was overthrown by Primo de Rivera in 1923, Romanones had become a passionate supporter of Franco during the civil war.

The task assigned to the Bellón Commission was, in Serrano Suñer’s opinion, ‘not difficult’. It was ordered to assemble the evidence needed to ‘demonstrate clearly the illegitimacy of the current powers in the Spanish Republic on July 18 1936’. In other words, it was expected to prove that it was the democratically elected Republican government, rather than military, that had rebelled in July 1936. Such was Serrano Suñer’s optimism that this extraordinary claim would be easily confirmed that he gave the Bellón Commission less than six weeks to carry out its investigations; Bellón was ordered to publish the Commission’s findings by 30 January 1939.

1 BOE, 22 Dec. 1938.
3 Aunós, Primo’s Labour Minister, would later become Justice Minister under Franco in 1943.
In the event, the report was not handed to Serrano Suñer until 15 February 1939. Its conclusions, passed by ‘unanimous acclamation’, did not fail to disappoint Franco’s brother-in-law. The military rising of July 1936, it declared, ‘cannot in any sense be defined as rebellion’; the Republican government was ‘fundamentally and strictly illegitimate’. In barely one hundred pages, the Commission attempted to justify its judgement. It asserted that the illegality of the Republican government was patent before the military rising in July 1936. Indeed, the legitimacy of the Republic was deemed questionable from its inception in April 1931; King Alfonso XIII was ‘overthrown’ after monarchists had won the municipal elections. Moreover, it claimed that the left-wing Popular Front had faked the results of the February 1936 elections; instead of a narrow but clear Popular Front victory, the right had really ‘won’ by a margin of over 400,000 votes.

Underlying the Commission’s analysis was the conviction that Republican organizations were essentially ‘criminal’ and ‘anti-national’. The 1932 Catalan statute of autonomy was denounced as the ‘denial of all national history’. The revolutionary insurrection of October 1934 was an attempt to ‘dissolve’ Spain. Republican criminality was demonstrated again by the assassination of the rightist leader Calvo Sotelo on 13 July 1936. This murder, the Commission asserted, was carried out on the direct orders of the Republican government in order to remove a dangerous opponent to the ‘imminent’ Communist revolution. The military rebellion of 18 July 1936 was therefore depicted as a movement that not only ‘restored’ the rule of law but ‘saved Spain and maybe Human [sic] civilization’. It was contrasted to the ‘illegal’ Republican government, which was not only held responsible for the ‘anarchy’ of the Republican zone in the summer of 1936 but also for the murders of ‘over 500,000’ Spaniards, including 60,000 in Madrid.

Few, if any, historians will see the Bellón Commission’s interpretation of 1930s Spain as anything other than a travesty of the truth. It is curious that Romanones, a leading figure in Alfonso XIII’s last government under Admiral Aznar, overlooked his own role in the monarch’s departure in April 1931 following the municipal election results: he had advised the king to leave Spain immediately when it became known that Republicans had won overwhelmingly in the towns. There is no doubt that the

---

5 Estado Español, Ministerio de Gobernación, Dictamen de la Comisión sobre ilegitimidad de poderes actuantes en 18 de julio de 1936 (Barcelona, 1939), 104, 18, 21–4, 33–46.
6 Ibid. 19, 24, 28–9; 69–75, 77–102.
Popular Front won the February 1936 elections, albeit narrowly in terms of votes.\(^8\)

The Bellón Commission’s attempts to associate the Republican government with murder were also mendacious. It is of course true that the assassination of Calvo Sotelo was a shocking crime; it was not just that a leader of the parliamentary opposition was murdered, but also that it was carried out by left-wing policemen in reprisal for the earlier murder of one of their colleagues, Lieutenant Castillo. Nevertheless, there is little evidence to suggest that the Republican government, which publicly condemned the murder, was implicated in the crime, still less that it was a prelude to a ‘communist revolution’.\(^9\) The government also repeatedly condemned the murders carried out in the Republican zone during the civil war; its failure to prevent such killings was a direct consequence of the collapse of state authority following the partial failure of the military rebellion. When state authority was restored in the winter of 1936/7, arbitrary executions, which did not exceed 50,000, largely came to an end.\(^10\)

It would be easy to dismiss the Bellón Commission as a ridiculous propaganda exercise. Yet it only proved to be the prologue to a more detailed post-war inquiry into the ‘illegality’ of the Republic. On 26 April 1940, the General Cause (Causa General) was instituted by the Francoist Attorney-General. The objective was to provide ‘History and the Government…a definitive and complete account of the criminality that existed under the Marxist rule [el dominio marxista]’.\(^11\) The initial findings of this investigation were published in 1943.\(^12\) Although there were a few changes of emphasis—for example, stress was laid on the alleged involvement of Freemasons in the murder of Calvo Sotelo—\(^13\) the General Cause echoed the conclusions of the Bellón Commission. Typical was the claim that on ‘July 18th 1936 when, under the leadership of General

\(^8\) The most detailed study of the February 1936 elections is J. Tusell et al., Las elecciones del Frente Popular en España, 2 vols. (Madrid, 1971). This states that the Popular Front beat the right by 150,000 votes out of around 9,250,000 cast.

\(^9\) I. Gibson, La noche en que mataron a Calvo Sotelo (Barcelona, 1982). The documents produced to demonstrate that the communists were planning to seize power in July 1936 were exposed as fakes by H. Southworth in El mito de la cruzada de Franco (Paris, 1963).

\(^10\) For a recent account of the Republican repression see S. Juliá Diaz (ed.), Víctimas de la guerra civil (Madrid, 1999).

\(^11\) BOE, 4 May 1940.

\(^12\) Ministerio de Justicia, Causa general. La dominación roja en España. Avance de la información instruida por el ministerio público (Madrid, 1943). See also the English translation, published as The Red Domination in Spain (Madrid, 1953).

Franco [sic] this [military] rising in legitimate self-defence took place, the “red” government carried out acts of such inhumanity that it is difficult to imagine them.  

The significance of these investigations does not lie in their ‘analysis’ of the Republic but in their detailed exposition of the ‘common sense’ assumptions of the Franco regime. The assertion that the military rebellion of July 1936 was legal dated from the very first proclamation issued by rebel military National Defence Council (Junta de Defensa Nacional) in Burgos on July 28 1936. This decree declared martial law not just in those areas where the rising had triumphed but also throughout the whole of Spain. It warned that any resistance to Nationalist (later Francoist) forces would be punished by military tribunals for the crime of ‘military rebellion’.  

This was no idle threat. By the time the Bellón Commission issued its report, military courts were the central feature of Francoist justice. Immediately following the occupation of Barcelona on 26 January 1939, for example, the military authorities reiterated the validity of the original 28 July 1936 martial law decree. The first military investigation in the Catalan capital would be against nine prominent officers of Catalonia’s pre-war Civil Guard, including its then commander General Aranguren, who stayed loyal to the Republic in July 1936. They would all later be found guilty of ‘military rebellion’; only one defendant, Commandant Espinosa, escaped a firing squad immediately before or after the end of the civil war. Aranguren was shot on 21 April, barely three weeks into Franco’s ‘peace’.  

Republican defeat did not bring the end of martial law. Indeed, it would not be derogated throughout Spain until April 1948. Military justice was the primary legal mechanism for the punishment of civil war ‘criminality’ in the post-war period. There would be no reconciliation. ‘Justice’, Franco declared in his first post-war New Year’s speech, ‘demands that the terrible assassinations [carried out in the Republican zone]…should be avenged’. Punishment was inevitable because the Republic had caused ‘so much damage to the Patria [and] such devasta-

15 BOJDN, 30 July 1936.
16 *La Vanguardia Española*, 27 Jan. 1939.
tion within families’. But, given the Francoist inversion of legality, justice would not be confined to those with ‘blood on their hands’—anyone in the Republican zone during the civil war was potentially criminal. This mass redefinition of criminality would necessarily entail tens of thousands of military investigations. In May 1940 Franco was informed that military tribunals had already convicted 40,000 people for ‘rebellion’ since April 1939. Ironically, the best description of Francoist military justice has come from Serrano Suñer, the architect of the 1938 Bellón Commission. Writing in his memoirs in 1977, two years after the death of Franco, the ex-Interior and Foreign Minister admitted that the punishment of Republicans for the crime of military rebellion was ‘absurd’; it was justicia al revés, or ‘justice turned on its head’.

Serrano Suñer’s belated admission of the reality of Francoist military justice was nevertheless accompanied by a refusal to accept any responsibility for the post-war repression. Since the repression was a military affair, he asserted, he played no part in it. While this is utterly incongruous, if only because, as Franco’s first post-war Interior Minister, Serrano Suñer was responsible for the feared and brutal political police, the Brigada Polí tico-Social, he also omitted to mention that military justice was but one feature of a multifaceted state-directed repression implemented throughout Spain following the defeat of the Republic in 1939.

The other elements of the post-war repression were also based on the logic of justicia al revés. If the military justice system determined civil war criminality, convicted prisoners could ‘redeem’ their crimes by forced labour under a ‘Redemption of Sentences through Work’ (Redención de Penas por el Trabajo) scheme operational from 1 January 1939. The principle of reparation is also evident in the special jurisdiction of political responsibilities, created by decree on 9 February 1939 (the Law of Political Responsibilities; LPR). Guilt under the LPR was even more ill defined than under military justice; the Francoist state demanded economic compensation not only from those who had actually opposed the regime in the civil war, but also from anyone who had made the so-called ‘National Movement’—or the military rising—’necessary’.

In addition to execution, imprisonment, and fines, the Franco regime also instituted a sweeping purge of work, the professions, and the civil service; a 10

---

19 ABC, 2 Jan. 1940.  
21 R. Serrano Suñer, Entre el silencio y la propaganda. La historia como fue: Memorias (Barcelona, 1977), 245.  
23 BOE, 13 Feb. 1939.
February 1939 decree stipulated dismissal for any civil servant guilty under the nebulous criteria established under the LPR. The Law for the Repression of Freemasonry and Communism (LRFC) completed this network of special repressive jurisdictions on 1 March 1940. These two international organizations were specifically criminalized, according to the preamble, because they were held most responsible for the ‘decadence of Spain...that culminated in the terrible atheist, materialistic, anti-militarist and anti-Spanish campaign’. For the regime, Freemasonry and communism formed part of a secret international conspiracy with Jewry, although actual punishment of the latter was unnecessary given that few Jews remained in Spain following the expulsion of 1492.

As we can clearly see, underlying the inverted logic was an exclusionist vision of the Spanish ‘nation’. In their espousal of liberal-democratic or revolutionary ideas, Republicans had placed themselves outside the Francoist national community. They represented an ‘anti-Spanish’ tradition that had caused the ‘decline’ of Spain since the imperial grandeur of the sixteenth and seventeenth centuries. When Franco explained to the pretender to the Spanish throne, Juan of Bourbon, why the monarchy could not be restored in 1943, he emphasized that the Bourbon monarchy of the eighteenth century had sponsored the entry of enlightened and ‘Masonic’ ideas that were directly responsible for the fall of the monarchy and the proclamation of the Republic in 1931, the growth of Marxism and communism, and the subsequent ‘revolt of the masses’. Franco believed that such a tradition needed to be purged from Spanish society if victory in the civil war was not to be in vain. In January 1939 he told Manuel Aznar, a sympathetic journalist who would later become his press chief in Madrid, that it was impossible to permit ‘damaged, perverted elements, poisoned politically and morally’ to return to society without taking ‘precautions’, as they would represent ‘a danger of corruption and contagion for all, as well as the historic failure of a victory obtained at the cost of such sacrifice’.

Turning Republicans into Spaniards was an important aspect of the repressive phenomenon. In this the participation of the Catholic Church was fundamental. It was the Spanish bishops, of course, who turned a failed military rising into a ‘Crusade’ in the summer of 1936. As Dr Pla y

24 BOE, 14 Feb. 1939. 25 BOE, 2 Mar. 1940.
26 J. A. Ferrer Benimeli, El contubernio judeo-maso´nico-comunista (Madrid, 1982).
28 Informaciones, 11 Apr. 1939.
Deniel, bishop of Salamanca, declared in his pastoral letter ‘The Two Cities’, issued on 30 September, the military rebels were not conducting a war but ‘a Crusade against communism to save religion, the Patria and the family’. The Crusade was taken into Francoist prisons by chaplains determined to re-Catholicize ‘anti-Spaniards’. Even those sentenced to death were expected to confess on the eve of their execution. Recantation would also be a feature of the persecution of Freemasonry. Indeed, in 1941 the bishop of Madrid-Alcalá produced pre-printed confessions that suspected Freemasons could sign before trial in the hope of obtaining a lighter sentence. Episcopal involvement in the persecution of Freemasonry is of course entirely logical if we recall that from the eighteenth century the papacy saw Freemasons as the most dangerous of heretics. Anti-Masonic investigators in 1938 felt obliged to request special dispensation from Bishop Pla y Deniel to collate and read heretical Masonic material.

The self-imposed task of punishing and purging Republicans from Spanish society was immense. There were around 50,000 post-war executions, over 280,000 prisoners by November 1940, and 226,726 LPR cases by October 1941. The cleansing of entire professions produced thousands of investigations: around 60,000 schoolteachers had to prove their loyalty to the regime in order to teach in Franco’s Spain. Using confiscated documents and confessions, the regime compiled a register of 80,000 suspected Freemasons liable for punishment (in fact there were not more than 5,000 Freemasons in Spain in July 1936). Cold statistics, of course, can only serve as a rough barometer of the degree of exclusion suffered by Republicans after defeat in the civil war. ‘Reds’ were even barred from joining sport and leisure associations. As a sports journalist for the Falangist newspaper Arriba put it in June 1939, the purge of sport was necessary to eliminate ‘those elements who do not deserve to mingle with us because of their disloyal behaviour during the “Red Rule”’.

30 According to a register kept for this purpose, between 60% and 90% of prisoners repented before execution. The most obstinate were apparently Communists and Socialists from Murcia, Valencia, Asturias, and Barcelona. Sabin, Prisión y muerte, 113–16.
31 AGGCE, TERMC, 1257.
33 AGGCE, DNSD (Secretaria), 23.
34 AGA, P, 4022.
35 Arriba, 8 June 1939. The elimination of Republicans from sporting bodies was carried out in December 1939 under the aegis of the Spanish Olympic Committee headed by General Moscardo, the ‘hero’ of the Toledo Alcazar siege in 1936. Arriba, 21 Dec. 1939.
All this must sound depressingly familiar to students of mid-twentieth-century Europe. The symbiosis of the state and ‘nation’, the conflation of political opposition with criminality, the existence of special jurisdictions to judge ill-defined political criminality, and the social as well as physical exclusion of ‘enemies’ of the national community: these were common characteristics of right-wing authoritarian and fascist regimes. In Vichy France, for instance, Jews, Freemasons, and communists were held responsible by the regime for a process of national ‘decline’ that culminated in military defeat in 1940. They were punished and excluded from national life by purges, arbitrary arrest by special police brigades, and trial by emergency special tribunals.36

What is striking about post-war Spain is the number of ‘anti-Spaniards’. Repression elsewhere was more selective. The Salazar dictatorship in Portugal ‘only’ convicted 18,714 people for political offences between 1932 and 1948.37 Special courts created under the 1926 State Defence Law in fascist Italy to punish ‘antinational’ political activity issued 3,596 sentences between 1927 and 1939.38 Concentration camps in Nazi Germany held around 25,000 people under ‘protective custody’ in September 1939.39 Moreover, Nazi Special Courts, created in March 1933 to protect the ‘national uprising’ after the Reichstag fire, and the People’s Court, established in April 1934 to judge the most serious crimes of ‘treason’, rarely utilized capital punishment in the 1930s despite its easy availability.40 Until 1941, less than 5 per cent of cases brought before the People’s Court ended with a death sentence.41 Of course, in the cases of fascist Italy and (especially) Nazi Germany, terror was primarily expressed outwards. The construction of the Italian empire in North Africa involved the use of poison gas in Libya and Abyssinia during the 1920s and 1930s and caused the deaths of tens of thousands; the German

38 D. Thompson, State Control in Fascist Italy: Culture and Conformity, 1925–43 (Manchester, 1991), 35–6.
40 For example, from December 1934 capital punishment was extended to any ‘hateful’ remark against a party or state official.
national community only saw a glimpse of the large-scale terror used in the attempt to construct a new racial order in eastern Europe when the Nazi regime collapsed in 1944–5. Comparisons with other authoritarian or fascist regimes raise all sorts of questions about the post-war Francoist repression. Did it represent a kind of inverse colonialism? Did post-war executions reflect a policy of ‘extermination’ of ideological enemies? Given that the Franco regime survived the Second World War, when did mass repression come to an end and why? What was the role of the single party, the Falange? To what degree were ‘ordinary’ Spaniards complicit? But when thinking about the post-war repression, the fact that it was based on victory in a prolonged and fratricidal civil war can hardly be forgotten. How important were vengeance and memories of Republican terror?

This book aims to address these issues by examining the implementation of the post-war repression in Madrid province. The fact that Madrid was only fully occupied by the Nationalist army days before the end of the civil war on 28 March 1939 allows us to analyse how Francoist inverted logic was put into practice in a province that had been under Republican or ‘rebel’ rule. On the outbreak of civil war in July 1936, Madrid was one of the most populous and urbanized provinces in Spain. In 1930, it had 1,383,951 inhabitants, of whom 952,832 lived in the capital. As well as being the administrative centre of Spain, the capital also had large financial and commercial sectors. According to the 1930 census, Madrid’s army of civil servants, clerks, and traders made up at least 35 per cent of the active working population. On the other hand, the first quarter of the twentieth century saw the rapid growth of the capital’s working class as the booming construction industry attracted migrant workers. By 1934 the construction industry was the capital’s biggest employer, with an estimated 85,066 workers. By contrast, much of the rest of the province was agricultural, and, in the mountainous north, sparsely populated and isolated. Indeed, by 1939 ninety-five villages still lacked any telephone or telegraph connection with the capital.

44 Ibid. 425.
46 According to the 1939 annual report of the province’s provincial administration, the Diputación Provincial found in AGA, I, 3120.
Despite its origins as Philip II’s imperial capital in the sixteenth century, Madrid had a long-standing reputation for being ‘Red’. The first-ever Socialist Party (PSOE) parliamentary deputy, Pablo Iglesias, was elected in the city in 1910. During the Republic, Madrid remained, in electoral terms, a PSOE stronghold; it was victorious either on its own or in coalition in all three general elections held under the Second Republic. During the civil war, this radical reputation evolved in two ways. First, Madrid was the symbol of Republican resistance and the scene of Nationalist failure. Not only did the military rising fail miserably in the capital but the seemingly unstoppable Nationalist advance was halted at the gates of the city in the winter of 1936/7. The stubborn refusal of madrileños to accept ‘liberation’ from the besieging Nationalist forces until resistance finally collapsed in March 1939 only reinforced the ‘anti-Spanish’ image of Madrid that had already been seared in Nationalist consciousness by the ‘Red Terror’ in 1936. While the number of executions did not reach the 60,000 claimed by the Bellón Commission in 1939, the province may have witnessed as many as 8,815 murders.

Notwithstanding the obvious significance of Madrid, the capital’s turbulent history in the 1930s and 1940s has been surprisingly ill served in Spanish historiography. The best study of the city in the early 1930s remains Santos Juliá’s magisterial account of the breakdown of cross-class support for the Republic; nevertheless, this book, published in 1984, ends in the spring of 1934. Research on Madrid during the civil war is still decidedly patchy. While the first scholarly study of the clandestine ‘Fifth

---

49 Of course, Madrid became an ‘anti-fascist’ symbol not just in Republican Spain but throughout the world. Thus the slogan first used by the communist leader, Dolores Ibárruri, Pasionaria, on Madrid radio on the evening of 18 July 1936 to incite resistance—¡No pasarán!—was employed by demonstrators obstructing the British Union of Fascists’ march on Cable Street in the East End of London that October. T. Buchanan, *Britain and the Spanish Civil War* (Cambridge, 1997), 3.
Column’ appeared in 1998, the Republican repression still awaits its historian.

For a long time the same could also be said of the consequences of Franco’s victory in Madrid. The only published study (to date) on the post-war repression in Madrid, *Consejo de guerra* (Military Tribunal) by Mirta Núñez Díaz-Belart and Antonio Rojas, appeared only in 1997. As the title of this book suggests, it concentrates on military justice and specifically on executions at the capital’s main cemetery, the Eastern.

Indeed, 160 out of its 251 pages contain a transcription of the names of 2,663 people shot following court martial between May 1939 and February 1944.

The lack of research on Madrid cannot be attributed to any pacto del olvido or ‘pact of oblivion’ in which Spaniards agreed to forget the past in order to safeguard the transition to democracy following Franco’s death in 1975. The nature of the transition affected research in a more obvious way—it hindered access to the archives. The ‘pact’ between the Francoist political elite and the democratic opposition that saw the emergence of a democratic system from the entrails of the Francoist state was partly based on the acceptance of the former opposition not to hold the elites responsible for actions carried out under the regime. Until 1985, access to state archives was dependent on the whim of an unreconstructed state bureaucracy. For whatever reasons—fear of reprisals undoubtedly


53 Although the aforementioned book by Casas de la Vega, an ex-Francoist general, has valuable statistical material, it provides little in the way of analysis, save for a reiteration of Francoist arguments given by the Bellón Commission and the Causa General.


55 On the sixtieth anniversary of the civil war in July 1996, a *Times* journalist went as far as to claim that Spaniards needed to turn to the work of British Hispanists to find out what happened in Spain in the 1930s as the ‘Civil War taboo keeps Spanish historians cowed’ (*The Times*, 18 July 1996). Much has been made of the failure of the socialist government to officially commemorate the fiftieth anniversary of the civil war in 1986. See e.g. P. Preston, *The Politics of Revenge: Fascism and the Military in Twentieth-Century Spain* (London, 1990), 33–5. But, as Santos Juliá points out (*Victimas*, 48–9), the civil war was commemorated in 1986 by dozens of private and public institutions. The publication of hundreds of books on all aspects of the civil war since Franco’s death in November 1975 hardly suggests that Spaniards are ‘cowed’ by their recent history.


57 Current Spanish rules of access to state archives are based on the legislation passed in June 1985. While in theory all state documents over thirty years old are open to
being one—historians’ efforts to see Francoist documents were regularly frustrated in the late 1970s and the 1980s. Alberto Reig Tapia’s applications to enter the Madrid military archive were rejected. 58 Josep Solé i Sabaté was informed by the governor at Barcelona’s Model Prison that its 1940s records were closed to investigation because ‘they are full of shit’. 59

Still, at least Reig and Solé i Sabaté could console themselves with the thought that the files had not been destroyed. Historians during the transition to democracy were acutely conscious of the fact that Francoist officials were destroying documents en masse. 60 Mysterious fires devastated some archives, such as the one at the Madrid Model Prison. 61 Many police and Falangist records have simply disappeared. 62 The scale of destruction has been vast: there are few surviving documents of the Falange’s security section, the Information and Investigation Service, but we know that this organization had, by the end of 1940, accumulated information on the political background of a staggering 2,962,853 people. 63

All this helps to explain why the outstanding characteristic of post-Franco Spanish historiography has been the desire to quantify the numbers executed in Nationalist Spain after July 1936. This has usually taken the form of a detailed local monograph, with a methodology based on cemetery and death registers. 64 By April 1999, when a synthesis of this research was published, twenty-four provinces (just under half but including the most populous provinces) had been subject to a detailed

investigators, those that affect the ‘privacy’ of an individual can be retained for twenty-five years from the date of the individual’s death, if it is known, or for fifty years (counted from the date of the document) if it is not. BOE, 29 June 1985. This law has eased, but not eliminated, obstacles to research as its qualifications give officials scope to restrict access to documents, especially in the military archives. I have had requests to see files dating from the 1930s and 1940s rejected because they are continually ‘pending catalogization’, or because the last document in the file breaches the fifty-year rule. For similar complaints see F. Espinosa Maestre, La columna de la muerte: El avance del ejército franquista de Sevilla a Badajoz (Madrid, 2003), pp. xxvi–xxvii.

58 A. Reig Tapia, Ideología e historia: Sobre la represión franquista y la guerra civil (Madrid, 1984), 23–4.
60 Reig, Ideología, 22.
61 Solé i Sabate, La repressió, 17.
63 AGA, P(SGM), 5.
64 See Solé i Sabate, La repressió, 19, for a discussion of the methodology.
investigation by a local historian. The emphasis on quantification is all the more understandable given the determination of the regime to shroud in mystery the numbers of executions. In July 1937 Franco, in an interview with the Special Correspondent of the United Press news agency, claimed that only 4,500 executions had taken place to that date in Nationalist Spain. Local research suggests a figure in excess of 70,000. As late as 1972, Ricardo de la Cierva, head of the so-called ‘Centre of Civil War Studies’ within the Ministry of Information and Tourism, argued in an official biography of Franco that a maximum of 10,000 people were shot in post-war Spain. As I remarked earlier, the latest estimate is 50,000.

Despite their narrow focus, then, quantitative local studies have served to rebut forty years of Francoist propaganda. Given that many historians list the names of victims in annexes, they also serve as a memorial to the dead. Yet in the last decade Spanish historians have taken advantage of easier access to the archives and have produced work on all aspects of the repression. We now know, for example, much more about the gruesome march of the Army of Africa through southern Spain in the summer of 1936, concentration camps, prisons, the use of forced labour, the purge of schoolteachers, and the experiences of women. This suggests that the destruction of documents in the 1970s remains a serious, but not an insuperable, obstacle to research.

This book takes advantage of archival material made available in the 1990s. The most important single source for the study of the post-war repression in Madrid is the Archivo General de la Administración

---

65 Juliá (ed.), *Víctimas*. Other authors include Julián Casanova, Josep María Solé i Sabaté, and Francisco Moreno, who have researched the repression in Zaragoza, Catalonia, and Córdoba respectively.


67 Juliá (ed.), *Víctimas*, 64–5.


69 See e.g. Solé i Sabaté, *La represió*, where the names of 3,386 victims are listed in 300 pages.

70 Espinosa, *La columna de la muerte*.

71 J. Rodrigo, *Los campos de concentración franquistas, entre la historia y la memoria* (Madrid, 2003).

72 C. Molinero et al., *Una inmensa prisión* (Barcelona, 2003).

73 I. Lafuente, *Esclavos por la patria: La explotación de los presos bajo el franquismo* (Madrid, 2002).


(AGA), in the university city of Alcalá de Henares near Madrid. Its significance partly derives from the interlocking nature of the repressive process. A criminal conviction by a military tribunal for civil war offences automatically led to an LPR investigation. This meant that the LPR authorities were deluged with copies of military sentences. By July 1942, Madrid military tribunals had remitted over 25,000 sentences. Many of these sentences have survived and, together with Madrid case files and the papers of the National Tribunal of Political Responsibilities, form part of an immense LPR collection held in the AGA. Records of other special jurisdictions are also located in the Alcalá archive. This is because of the institutional structure of the repression. The punishment of Republicans was of such importance to the regime that responsibility for the special jurisdictions of political responsibilities and the repression of Freemasonry and Communism was not given to the Justice or Interior Ministries but to Franco’s personal department, the Presidencia del Gobierno. It is from the Presidencia section of AGA, therefore, that I collated 677 sentences issued against madrileños by the Special Tribunal for the Repression of Freemasonry and Communism between 1941, its first year of operation, and February 1945. These sentences have been used in conjunction with material obtained from the main LRFC collection, including the papers of the Special Tribunal, located in the Civil War Archive in Salamanca.

This study has also benefited from the use of other primary sources that have supplemented the main body of original material. The papers of the national organizations of the Falange, and its Secretary-General (also held in the Presidencia section of the AGA), have proved extremely useful despite the fact that they were obviously purged before they reached the state archive. The ‘General Cause’, the aforementioned post-war Francoist investigation into Republican ‘criminality’ now deposited in the Archivo Histórico Nacional in Madrid, contains extensive details of military investigations carried out against many Republican

---

76 Article 4, clause (a) of the LPR. The purpose of this investigation was not to determine guilt but to ascertain the financial background of the victim in order to issue the ‘appropriate’ fine.


78 This collection, located in the Justice Ministry section, contains nearly 2,000 boxes.

79 Responsibility for the LPR would be transferred to the Justice Ministry in February 1942.

80 These sentences were remitted by the Special Tribunal to Luis Carrero Blanco, who as Franco’s deputy in the Presidencia del Gobierno had *de facto* responsibility for the LRFC.
leaders including the socialist Julián Besteiro.\textsuperscript{81} And the Madrid-based press, despite censorship, is another valuable source of information, especially on the first weeks of Nationalist rule in Madrid where documentary material is rather exiguous.\textsuperscript{82}

Underlying this methodology is the assumption that the post-war repression was based on a bureaucratic pseudo-legalistic apparatus. But was this really the case? In Nazi Germany, the extra-judicial activities of the Gestapo-SS ran parallel to, and increasingly supplanted, the actions of regular and special courts.\textsuperscript{83} Did a similar parallel system of extra-judicial punishment exist in post-war Spain? One way of answering this question is through discussion of the vexed issue of post-war executions in Madrid. Estimates have varied wildly. A. V. Phillips, an English journalist who spent several months in Madrid prisons in 1940, wrote that around 100,000 people had been executed in the capital by that March.\textsuperscript{84} The Francoist general, Ramón Salas Larrazábal, claimed in 1977 that there were ‘only’ 2,488 post-war executions in Madrid.\textsuperscript{85} A recent estimate, based on anecdotal sources such as British diplomatic reports, suggests a figure in excess of 15,000.\textsuperscript{86} As we noted earlier, Núñez and Rojas, the authors of the only research that has so far been carried out, show that 2,663 judicial executions were carried out at Madrid’s Eastern Cemetery between May 1939 and February 1944. Although this figure is higher than Salas’s estimate, the authors stress that it excludes judicial executions in the towns and villages surrounding Madrid.\textsuperscript{87}

It should be stressed that anyone expecting to find an ‘exact’ number of post-war executions in this book will be disappointed. This study is more concerned with the criteria employed by military tribunals when sentencing people to death. Its analysis is based on 3,189 death sentences dictated in the period 1939–44, as well as a random sample of 2,000 other verdicts, for, when considering the nature of military justice, the

\textsuperscript{81} For a full transcript of Besteiro’s court martial in July 1939 see AHN CG-M, 1524.
\textsuperscript{82} The problem of censorship can, to some extent, be overcome by examination of the papers of the propaganda department within the Interior Ministry which gives details for the period 1939–42 of what information newspapers were forbidden to publish. These papers can be found in the ‘Culture’ section of AGA.
\textsuperscript{83} Evans, \textit{Rituals of Retribution}, 640.
\textsuperscript{85} R. Salas Larrazábal, \textit{Perdidas en la guerra} (Barcelona, 1977), 371.
\textsuperscript{87} Núñez and Rojas, \textit{Consejo de guerra}, 90.
failure to issue the death penalty is as significant as the death penalty itself. One cannot pretend that the former represents the totality of death sentences issued in Madrid province after the end of the civil war; a comparison with the Eastern Cemetery records shows the collection of military sentences in the Alcalá de Henares archives to be incomplete. But, at the very least, information from the AGA collection means that we can raise the minimum figure to 3,113 judicial executions in Madrid between April 1939 and February 1944. It includes the aforementioned 2,663 executions at the Eastern Cemetery, seventy-two carried out in the capital in April 1939, and 378 executions in the rest of the province.\(^{88}\)

Our figure is still a long way from estimates of 15,000, let alone 100,000. Is this because thousands of extra-judicial executions took place? It is true that arbitrary murders took place in the weeks immediately after the Nationalist occupation of Madrid in March 1939. This is admitted even in internal Francoist sources.\(^{89}\) It is also the case that the widespread use of torture by the security forces led to deaths. The police stations in Almagro Street, Alcalá Street, and Núñez del Balboa Street, as well as police headquarters in the Puerta del Sol, had a particularly grisly reputation in this regard.\(^{90}\) But there is no hard evidence that extra-judicial executions systematically took place over a prolonged period of time. This impression is strengthened by the remarkable testimony of Cipriano Mera.\(^{91}\) An anarchist commander of Republican forces in the civil war, Mera fled to French North Africa in March 1939. Extradited by Vichy France to Spain in February 1942, he was sentenced to death by a military tribunal in Madrid in April 1943 (although he was reprieved that July). From January 1942 to July 1943, Mera was imprisoned in the largest male prison in Madrid, Porlier. While in Porlier he collated the names of all those taken out of the prison and executed (around 500 inmates). Over 90 per cent are listed in Eastern Cemetery records that are included in our minimum figure.\(^{92}\)

---

\(^{88}\) The last figure breaks down as follows: 151 executions in Alcalá de Henares, 67 in Aranjuez, 94 in Colmenar Viejo, 23 in Getafe, 37 in El Escorial, and 6 in Torrelaguna.

\(^{89}\) See Chapter 1.

\(^{90}\) Appalling accounts of torture can be found in many (but by no means all) memoirs of ex-Francoist prisoners. See e.g. J. Doña, *Desde la noche y la niebla (mujeres en las cárceles franquistas)* (Madrid, 1978); T. Cuevas, *Mujeres en las cárceles franquistas* (Madrid, 1984); and J. E. Leiva, *En nombre de Dios, de España y de Franco: Memorias de un condenado a muerte* (Buenos Aires, 1948).


\(^{92}\) For the list of names see ibid. 288–92.
In any case, while those arbitrarily murdered do not leave a trail of paper, they do at least leave their remains. Our knowledge of the location of common graves has been immeasurably enhanced by the tireless efforts of the grassroots Association of the Recuperation of Historic Memory, created in 2000 by Emilio Silva and Santiago Macías. The principal objective of this association is to identify and excavate the sites of mass graves while at the same time putting pressure on the then conservative Popular Party government, led by José María Aznar (grandson of the aforementioned Francoist journalist Manuel Aznar) to take charge of the whole process. In the summer of 2002 the association organized the excavation of fifty bodies of Republican army soldiers shot at Piedrafita de Babia (León) following the collapse of the northern front in 1937. It has also recently published a list of seventeen mass graves located throughout Spain that have yet to be exhumed and contain an estimated 35,000 victims. Only one is given for Madrid province, the cemetery in the town of Colmenar Viejo. On reading the testimony of victims’ relatives, it becomes apparent that their deaths were as a result of a death sentence. One has to conclude, therefore, that on the basis of the available evidence elevated contemporary anecdotal estimates for executions in post-war Madrid are (to use Santos Juliá’s term), ‘impressionistic’ and unreliable. This is also the conclusion of most Spanish local historians; in the Basque province of Guipúzcoa, for example, the British consul reported in January 1945 that 4,596 executions took place in the period 1936–44. The current estimate is around 600.

Local studies also suggest a clear correlation between the bureaucratization by the regime of the killing process and a decline in the number of executions. In those provinces under Nationalist rule from the outset, the vast majority of executions took place before the military justice system began to be institutionalized in the winter of 1936/7. For example, more than 90 per cent of the 2,789 executions and 80 per cent of the nearly 35,000 executions occurred in the months of January and February of 1936.

94 El País, 1 July 2002.
95 Silva and Macías, Las fosas de Franco, 285–93.
97 PRO/FO 371/49575/Z18/93/89/41.
7,000 executions in the provinces of Navarre and Zaragoza respectively took place in 1936. In absolute terms, executions were generally greater in those provinces where arbitrary killings were the norm in the summer of 1936, than those occupied near or at the end of the civil war, irrespective of factors such as size of population or strength of Republican organizations. As I have just remarked, Navarre, the one province where the military rising had popular support witnessed 2,789 executions; this can be compared with the 1,716 that took place in Barcelona after January 1939.

The evolution from arbitrary to judicial execution is mirrored by a modification in rationale. In the summer of 1936 association with a Popular Front organization was sufficient motive for murder; but a careful analysis of death sentences issued in Madrid after March 1939 suggests that executions were reserved primarily for those the military authorities held responsible for ‘crimes of blood’ committed in the province during the civil war. This assertion does not give credence to Francoist propaganda that its justice was restricted to those with ‘blood on their hands’. Executions were, after all, only one aspect of the multi-faceted repression. Moreover, the standard of evidence required to secure the death penalty was appallingly low, especially in 1939. Teodoro Barrero, a 40-year-old blacksmith, was sentenced to death and executed in Madrid in May 1939 for ‘boasting’ of having taken part in murders. The sentence noted that on ‘one occasion’, Barrero was ‘in a bad mood’ because one of fifteen rightist prisoners he had tried to kill had escaped.

While post-war military justice was harsh it was not exterminatory. Convictions for ‘blood crimes’ did not act as a façade to liquidate physically

---

100 Ibid. 65. See also the case of Seville. In the period July 1936 to January 1937, Francisco Espinosa has calculated that there were at least 3,028 murders in the city. By contrast, from February to October 1937 there were ‘only’ 137. A. Braojos et al., Sevilla, 36: Sublevación fascista y represión (Málaga, 1990), 252–7, 262.

101 For an extremely useful summary of the statistical findings of local studies see Juliá (ed.), Victimas, 41 1–12.

102 AGA, J(RP), 541.

103 For many historians it is almost axiomatic that executions in the post-war period reflected a determination by the Franco regime to physically exterminate its political and class enemies. Local quantitative studies of the post-war repression have tended to offer interpretations based on a priori assumptions of military justice. For example, Vicent Gabarda argues in the conclusion of his study of the repression in Levante that executions were a reflection of an objective to exterminate the ideological enemy. However, nowhere in his main text does he actually demonstrate that political or class criteria were the sole determinant of executions as it is mainly composed of quantitative data. V. Gabarda Cebellán, Els afusellaments al país Valencia (1938–1956) (Valencia, 1993). A similar assumption characterizes most general accounts of the post-war repression. Michael Richards, for
enemies defined by such impersonal criteria as class. Military tribunals did not always accept accusations of murder or persecution of rightists made against individuals whose political background clearly marked them out as ‘Red’. To give just one example, Bernardo Espejo, a 43-year-old agricultural day labourer was the deputy mayor and the local vice-president of the Socialist Party in the village of Alcobendas during the civil war. Despite being accused of persecuting a rightist, a military tribunal in Colmenar Viejo acquitted him in November 1939. Yet the military authorities did see murders in the Republican zone as confirmation of the essentially criminal nature of ‘Red’ ideology. A military report detailing ‘Red crimes’ from 1938 explained that ‘only Marxist doctrine . . . could have produced in Spain, after years of tolerated preparation, the awful havoc represented by the poisoning and subversion of so many consciences and conducts, turning respectable citizens into barbarous criminals’.105

Focus on executions does carry the danger of neglecting the wider significance of military justice. As we shall see in Chapter 3, only a minority of cases ended with a death sentence. What makes post-war military justice such a singular phenomenon is the attempted enforcement of the claim that the rebels represented the legitimate government of Spain from July 1936. The military authorities in Madrid—whose official title in 1939 was, revealingly, the Army of Occupation—took this inverse rationale to its logical conclusion. The martial law decree of 29 March 1939 declared that military tribunals would prosecute anyone who had committed ‘crimes’ during the civil war. In addition to this open-ended commitment, the military authorities ordered in a series of subsequent decrees the compulsory military investigation for rebellion of entire occupational groups such as civil servants and public transport example, argues forcefully that executions reflected a pathological exterminationist ideology. His thesis is, however, largely based on wide-ranging but essentially indirect evidence—there is noticeably little detailed analysis of military justice. This has led him to conclude that there were 200,000 post-war executions when local research indicates a maximum of 50,000. M. Richards, A Time of Silence: Civil War and the Culture of Repression in Franco’s Spain, 1936–1945 (Cambridge, 1998). See also his articles ‘Civil War’, in Preston and Mackenzie (eds.), The Republic Besieged, and ‘Constructing the Nationalist State’, in C. Mar–Molinero and A. Smith (eds.), Nationalism and the Nation in the Iberian Peninsula: Competing and Conflicting Identities (Oxford and Washington, DC, 1996).

104 AGA, J(RP), 30327.
105 AGGCE, DNSD (Presidencia), 35. The report, entitled ‘The First Provisional Catalogue of Red Crimes’, was produced in summer or autumn 1938 by the army information service.
106 ABC, 30 Mar. 1939.
workers. The choice of these occupations was anything but accidental: it was grounded on their perceived utility in aiding and sustaining the ‘military rebellion’. Still, this meant investigating an immense swath of Madrid society. The transport sector alone employed 30,000 workers in the province in 1933.\textsuperscript{107}

The punishment of madrileños for the crime of ‘rebellion’ transcended class and political left–right divisions in Madrid. While working-class and peasant Popular Front supporters were undoubtedly the chief victims, military tribunals not only convicted individuals from all socioeconomic backgrounds but also systematically prosecuted rightists who secretly served the Nationalist cause from positions within the Republican state. One example is Julián Vidal Torres, the first Nationalist Civil Governor of Guadalajara in March 1939. Vidal, a lawyer, was a Republican military prosecutor in Madrid during the civil war. However, he was also an agent for the Nationalist military information service, the Servicio de Información y Policía Militar (SIPM), and attempted to sabotage the work of the military tribunal. By March 1939, he had become leader of a clandestine Falangist group in Guadalajara, and he negotiated with the local Republican commander the peaceful surrender of the province. Nevertheless, because he had served on a Republican military tribunal, he was found guilty of rebellion and given a twelve-year gaol sentence in June 1941. He died in July 1942.\textsuperscript{108}

Francoist military justice reflected—albeit in an exaggerated form—a long-standing tradition of army interference in civilian affairs. The primary purpose of the army was ‘the defence of the Patria against external and internal enemies’. This claim did not originate in July 1936 but was enshrined in Article 2 of the Army Constitutive Law of 1878.\textsuperscript{109} Intervention took place in a number of ways. First, as in July 1936, the army—or a section of the officer corps—claiming to represent the ‘national will’, ‘pronounced’ against a government. What is less well known, perhaps, is that the military, even during the Second Republic, also had broad powers to punish civilians for the crime of ‘rebellion’.\textsuperscript{110} It is not accidental therefore that post-war military tribunals not only frequently

\textsuperscript{107} Juliá, Madrid 1931–1934, 437.
\textsuperscript{108} AGA, J(RP), 524.
\textsuperscript{110} On this see the unsurpassed study by Ballbé, Orden público.
quoted the 1878 law as the basis of their legitimacy but were regulated by a legal code that dated from 1890.

Military justice was but one aspect of the army’s dominance of the repressive process. Investigation of political responsibilities cases was the exclusive concern of the Military Juridical Corps until February 1942. General Saliquet, the Captain-General of the First Military Region (and thus the highest military authority in Madrid), also held the presidency of the Special Tribunal for the Repression of Freemasonry and Communism from 1941. Above all, the army occupied the key position of the vice-presidency of the government which, following administrative reorganization in August 1939, became the under-secretariat of the presidency. From this post General Jordana, and his successors Colonel Galarza (August 1939) and Captain Carrero Blanco (May 1941), controlled the special jurisdictions of the LPR and LRFC. Military ascendancy meant Falangist weakness. One of the themes of this book is the failure of Falangist attempts to assert control over the repressive process. This reflected the party’s inability to carry out a ‘judicial revolution’ in the late 1930s and early 1940s. Proposals to make the Falange the sole basis of justice in the Francoist state were stillborn. The party even failed to secure for its leaders immunity from prosecution under the Law for the Repression of Freemasonry. In October 1941 the Falangist trade union leader Gerardo Salvador Merino was convicted for Freemasonry. As we shall see in Chapter 6, he would not be the only Falangist to fall foul of the Special Tribunal.

If the military marginalized the Falange in the punishment of the regime’s ideological opponents, the Church usurped the party’s role in their ‘re-education’. The title of the official prison journal was Redención. Chaplains, not party ideologues, were responsible for inculcating regime values in Republican prisoners. Inmates obtained reduced sentences by passing religious examinations, not by demonstrating knowledge of Falangist doctrine. The influence of the Church on Francoist penal policy is hardly surprising given that members of the Asociación Católica Nacional de Propagandistas (ACNP; National Association of Catholic Propagandists), an elitist Catholic lay association, monopolized key positions within the penal system. Tomás Rodríguez, count of Rodezno, and

111 The LPR would, however, be transferred to the Justice Ministry in February 1942.
113 According to a law passed in November 1940, successful prisoners would get half a day off their sentence for every day of religious study. BOE, 23 Nov. 1940.
Esteban Bilbao, both Ministers of Justice in the late 1930s and early 1940s, were both *propagandistas*. So too was the first post-war Director-General of Prisons, Máximo Cuervo, and the editor of *Redención*, José Sánchez de Muniain.\(^\text{114}\) The post-war repression was primarily therefore ‘the combination of the mentality of the barracks with that of the sacristy’\(^\text{115}\).

In the end, the Falange’s inability to assume control over the post-war repression proved to be a blessing in disguise. It extricated the party from sole responsibility for the crisis in the repressive system that became evident as early as the winter of 1939/40. Madrid military tribunals struggled to process the thousands of investigations opened in 1939 for ‘military rebellion’; the problem was exacerbated by the wave of denunciations of ‘crimes’ received by the military authorities from the populace in the weeks following the Nationalist occupation of Madrid. The inevitable result was overcrowded prisons. It has been estimated that, by 1940, there were 50,000 prisoners in the capital.\(^\text{116}\) The Justice Ministry later admitted that there were only 20,000 prison places available nationally in 1939.\(^\text{117}\) But this was a national, not just a Madrid, crisis; Franco was informed in May 1940 that at the current rate of sentencing it would take military tribunals three years just to deal with the existing backlog of cases.\(^\text{118}\)

The LPR authorities were in a similar, if not worse, predicament because the scope of the LPR was potentially even greater than that of military justice. Conviction by a military tribunal was only one of seventeen determinants of political responsibility.\(^\text{119}\) The outstanding feature of the LPR was the determination of the regime to punish anyone who might have contributed to the ‘rebellion’. Thus Article 1 famously declared that even a ‘passive’ attitude between 1 October 1934—the date of the failed revolutionary insurrection—and 18 July 1936 was deserving of sanction.\(^\text{120}\)

\(^\text{114}\) Juliá (ed.), *Victimas*, 352.

\(^\text{115}\) This was the description of Nationalist terror in the summer of 1936 by the philosopher and writer Miguel Unamuno, quoted in Juliá, ‘Nueva luz sobre el pasado’, *El País*, 24 May 2003.

\(^\text{116}\) J. E. Leiva, *En nombre de Dios*, 165.


\(^\text{118}\) FNFF, vol. 2(i), 176–7.

\(^\text{119}\) These are listed in Article 4.

\(^\text{120}\) The decision to establish responsibility from October 1934 is revealing of Francoist assumptions regarding the causes of the civil war. Thus the insurrection was believed to have provided a ‘warning’ of the intentions of the Popular Front that were ‘confirmed’ by
had opened 6,629 investigations with 17,498 pending cases. At national level, while 125,286 cases had been initiated by the same date, 101,440 were pending investigation.\textsuperscript{121}

This crisis was therefore the inevitable consequence of the implementation of ill-defined retrospective justice. Interestingly, the Francoist experience would in many ways foreshadow the post-war experiences of Western democratic governments who attempted to punish collaborators following liberation from the Germans in 1944–5. This is not to draw any kind of moral equivalence between the post-civil war Francoist repression and the post-war purges of collaborators but to emphasize that the objective of punishing ‘collaboration’ entailed the utilization of ill-defined retrospective law. In France for example, General de Gaulle, sentenced to death \textit{in absentia} by a French military court on 2 August 1940 for desertion, presided as president of the provisional government over a purge of supporters of the legally constituted Vichy government and German collaborators in 1944–6.\textsuperscript{122} Civil servants who had served the Vichy regime could be held criminally responsible if they had wilfully participated ‘in anti-national activity’.\textsuperscript{123} In addition, the French provisional government created by order on 26 August 1944 the crime of ‘national indignity’. With a rationale strikingly similar to that of the LPR, this offence was to be applied to those Frenchmen who, although they had not committed specific criminal acts of collaboration, were guilty of activity defined as ‘antinational’. Specific acts of ‘national indignity’ included passive membership of collaborationist organizations and publication of writings favouring collaboration. These offences were to be punished by a parallel system of courts—\textit{chambres civiques}—to those that judged criminal acts of ‘collaboration’—\textit{cours de justice}. The sanctions available to the former were restricted, however, to a range of civil disqualifications intended to bar the guilty from positions of political influence. They included a ban on public employment; exclusion from

the red terror during the civil war. On this see L. Benitez de Lugo y Reymundo, \textit{Responsabilidades civiles y políticas: Indemnización de los daños y perjuicios ocasionados por el Frente Popular y sus afines en España y su exigibilidad jurídica por el Estado Nacional} (Barcelona, 1939), 6–7.

\textsuperscript{121} AGA, P, 4022. These figures refer to cases rather than individuals. The latter figure is even larger as many LPR cases were collective.


\textsuperscript{123} Ibid. 144.
directing functions in semi-public corporations; and exclusion from the legal, teaching, and journalistic professions.\textsuperscript{124}

Other countries that combined retrospective criminal punishment for collaboration with ‘national indignity’-type legislation included Belgium, Denmark, Norway, and Holland.\textsuperscript{125} In Holland, for example, not only membership of Nazi or fascist groups was deemed to constitute national indignity, but also ‘sympathy’ for Nazism or a ‘Nazi state of mind’. The results of these ill-defined retrospective systems of punishment, as in Francoist Spain, were thousands of investigations. In France, the \textit{cours de justice} and the \textit{chambres civiques} initiated 163,077 cases between them by the end of 1948.\textsuperscript{126} In Holland, courts opened a staggering 300,000 cases, including those of 60,000 citizens who were to lose both their Dutch nationality and property for having been members of German-sponsored military and police organizations.

As in post-war Francoist Spain, the bureaucratic legal mechanisms employed to purge collaborators could not cope with the numbers of cases. At one point in Holland there were 250,000 people awaiting trial. In Norway, there were 60,000 incomplete cases in 1946. In France there was ‘a judicial log jam of unprecedented dimensions’, and it took nearly two years before the backlog of cases pending trial before the \textit{cours de justice} numbered less than 20,000.\textsuperscript{127} The solution adopted to meet this crisis was amnesty: in France, for example, a series of amnesties introduced following the return of right-wing deputies to parliament in June 1951 reduced the number of prisoners from 4,000 in January 1951 to nineteen in 1958.\textsuperscript{128}

Franco, on the other hand, vowed in his 1940 New Year speech not to ‘liquidate the hatred and passions of the [civil] war... with monstrous, suicidal amnesties in the liberal manner’.\textsuperscript{129} The regime responded to the crisis of the post-war repression from 1940 to 1941 by revising sentences downwards and the mass parole of prisoners. From nearly 300,000 in 1940, the number of civil war prisoners fell to 4,052 by September

\textsuperscript{124} Ibid. 144–9.

\textsuperscript{125} Information regarding the purges in these countries is taken from ibid., appendix D: ‘Comparative Purge Legislation and Court Systems’.

\textsuperscript{126} Ibid. 218–19.

\textsuperscript{127} Ibid. 160.


\textsuperscript{129} \textit{ABC}, 2 Jan. 1940.
The scope of the Law of Political Responsibilities was reduced in February 1942; it would be abolished in April 1945. Yet the Law for the Repression of Freemasonry and Communism would not be derogated until 1963; and there would be no amnesty for civil war ‘crimes’ until the thirtieth anniversary of the end of the conflict in 1969. Even then, the preamble of the latter decree still referred to the civil war as the ‘War of Liberation’; the fundamental division between ‘Spaniards’ and ‘anti-Spaniards’ still remained in place.

While the liquidation of the repression had little to do with genuine reconciliation, it is still noteworthy in a number of respects. First, in the face of mounting difficulties, the regime did not abandon judicial process but decided to wind up the whole process of prosecuting civil war criminal and political responsibilities. Secondly, the process of liquidation responded to internal rather than external pressures. Revision of sentences began in January 1940; the first major parole decree was issued in June 1940; and the reform of the LPR took place in February 1942. Most tellingly of all perhaps was the fact that executions in Madrid and elsewhere fell rapidly from 1941. It is difficult therefore to see the end of mass repression in Francoist Spain as a direct consequence of the impending defeat of Franco’s civil war backers, Nazi Germany and Fascist Italy in the Second World War (still less, given the subordinate role of the Falange in the repression, as an attempt by the regime to shed its ‘fascist’ past before the Western powers).

But we are now approaching the end of the period under study. Chapter 1 returns to March 1939 and the imposition of Nationalist authority. This was based on two contradictory conceptions of Madrid. On the one hand, Madrid had suffered the ‘Red Terror’ during the civil war. While modern research indicates that around 8,815 people were murdered in Madrid during the civil war, the Nationalists believed the figure to be far higher in March 1939. In this sense, memories of Republican violence during the civil war played a significant role in the repression. Yet it was also true that Madrid became the capital of the

\[1947.\]

\[130\] AGA, J(RP), 456. This box contains a series of reports issued by the Directorate-General of Prisons detailing the decongestion of Spanish prisons in the early and mid-1940s.

\[131\] Thus 1939–40 accounts for 72.5% of all post-war executions at Madrid’s eastern cemetery (Núñez and Rojas, *Consejo de guerra*, 109, 113); 74.2% in Levante (Gabarda, *Els afusellaments*, 74); and 84.5% of the total number of executions in Barcelona (Sóle i Sabaté, *Represió*, 9).
‘rebellion’ in July 1936 and resisted Nationalist forces for over two years. In other words, the regime simultaneously conceived itself to be the ‘liberator’ and the ‘occupier’ of Madrid, a contradiction that marked the implementation of the repression in the province. Thus, even those who enthusiastically welcomed the arrival of Nationalist troops on 28 March had to answer for their activities during the civil war.

Chapters 2 and 3 examine the repressive jurisdiction that prosecuted civil war criminal ‘responsibilities’, the military justice system. Chapter 2 traces the historical reasons why the military could arrogate to itself such powers. It stresses that the military authorities accepted, and acted upon, the assumption that everyone who remained in Madrid during the civil war could be guilty of ‘military rebellion’. Chapter 3 discusses how the regime confronted the inevitable consequences of inverse military justice. It argues that from 1940 the regime increasingly saw the prosecution of civil war criminal ‘responsibilities’ as a ‘problem’ and proceeded to wind it up by moderating the sentencing policies adopted by military tribunals and paroling prisoners convicted of civil war offences.

Chapter 4 analyses the implementation of the Law of Political Responsibilities, the repressive jurisdiction that attempted to wrest economic compensation from those considered guilty of causing the prolonged civil war. After discussing its civil war antecedents, it examines the LPR’s ill-defined political responsibility clauses that laid primary responsibility for the civil war on the Popular Front, and its complex bureaucratic structure. It suggests that, as a means to extract compensation from individuals, the LPR was inherently flawed. This was demonstrated by the crisis that faced the LPR authorities in Madrid by 1941, as little money had been collected because thousands of investigations remained unopened or unfinished. This crisis, which was not confined to Madrid, prompted the regime to undertake a sweeping reform of the LPR in 1942. The chapter discusses both the reasons why the 1942 reform was a failure in Madrid and elsewhere, and the eventual derogation of the LPR in April 1945.

Chapter 5 discusses the implementation of the meticulously planned occupational purges in Madrid after 28 March 1939. The influence of the LPR in this ‘cleansing’ process is evident as commissions established in such diverse sectors as public transport and sport adopted the same definitions of political responsibility to purge the workforce. Such purges were central to the regime’s conceptions of ‘security’ and ‘reconstruction’. Nevertheless, their role was specific: they determined whether an individual could continue in his pre-war profession or employment.
Finally, Chapter 6 considers the Law of the Repression of Freemasonry and Communism. One can ask why this law was needed at all, because the other repressions already facilitated the punishment of Freemasons and Communists. The answer lies in the regime’s fear of the nebulous power of the ‘Judaeo–Masonic–Communist’ world conspiracy. The regime not only believed that this conspiracy had helped cause the ‘rebellion’ but that it continued to threaten Spain even after victory in 1939. However, this chapter reveals that the LRFC dealt almost exclusively with Freemasons; LRFC investigators paid considerable attention to Madrid as it was the home of the second largest Masonic community in Spain after Andalucia before the civil war.

This study’s focus on Madrid facilitates a wide-ranging analysis of the post-war repression in Spain. While not exterminatory, its impact should not be underestimated. Given the nature of Madrid’s role in the civil war, the inverse logic of justicia al revés meant that all sectors were affected to some degree by the repression. Moreover, the interrelated structure of the repressive process meant that individuals were often subject to multiple investigations. The case of Antonio Vidal y Moya was not untypical in this regard. Vidal y Moya was the subject of a letter sent on 17 June 1943 by his friend Julio de Rentería, the managing director of the company Elizalde SA, to Wenceslao González Oliveros, president of the National Tribunal of Political Responsibilities and member of the Special Tribunal for the Repression of Freemasonry and Communism. Julio de Rentería explained to González that Vidal y Moya had been subject to no fewer than four investigations since March 1939. He faced a mandatory military investigation because he had been a pre-war captain of engineers; he was investigated under the LRFC for being a suspected Freemason; he was subject to the LPR because he was being investigated under the LRFC, and as he was also a lawyer he was investigated by the Madrid College of Lawyers to determine his eligibility to practise in Francoist Spain. González was informed that, while Vidal y Moya’s military and LRFC cases had recently been shelved, the investigator of the Madrid College of Lawyers had refused to shelve his purge investigation until he had received official confirmation that Vidal y Moya’s LRFC case had been shelved. Julio de Rentería therefore urged

132 Article 8 of the LRFC stated that all those under investigation were automatically subject to the LPR.
González, as a member of the LRFC Special Tribunal, to expedite such a communication, as ‘hunger is a poor counsellor and this man has been waiting for *three years* for rulings that he needs in order to feed his five children’.

Such was Francoist justice.

---

133 AGA, J(RP), 456. The emphasis is in the original. It is doubtful whether González acceded to his friend’s request since this letter was found in his ‘pending’ file for 1943.
At eight o’clock on Tuesday, 28 March 1939, O. D. Gallagher, the Daily Express war correspondent, was woken by deafening screaming outside his Hotel Ritz room window in central Madrid. Crowds were shouting ‘¡Franco-Franco-Franco!’ Venturing out into the streets, Gallagher saw that the yellow and red Nationalist flag was being hung from windows and balconies. Although he could hardly believe it, he was witnessing the end of Republican rule in Madrid.1

Madrid did not ‘fall’ in the conventional military sense of occupation by elements of the opposing army. No Nationalist troops formally entered the capital before the surrender by the commander of Republican forces in central Spain, Lieutenant-Colonel Prada, to Colonel Losas, head of Nationalist forces in the University City, at one o’clock in the afternoon.2 Farce rather than heroism marked the formal entry of Nationalists into the capital. The first organized party to leave Nationalist lines for Madrid following the surrender, according to Wing Commander A. W. H. James, a British Conservative MP who visited Madrid on the 29th, contained ‘some 30 journalists, accompanied by one charming lady’. When this party became tired of ‘stumbling over the defences and across no man’s land’, it took the Metro to get to the city centre.3

The capital was taken from within. As Gallagher puts it, ‘Franco’s Fifth Column took the city.’4 The ‘Fifth Column’ was a clandestine

---

1 O. D. Gallagher, ‘Five Waited for a City to Die’, in Frank C. Hanighan (ed.), Nothing but Danger: Thrilling Adventures of Ten Correspondents in the Spanish War (London, 1949). As the chapter title suggests, Gallagher was one of only five foreign journalists left in Madrid by late March 1939.
2 Á. Bahamonde Magro and J. Cervera, Así terminó la guerra en España (Madrid, 1999), 493. Contemporary Nationalist accounts indicate that troops began to march into the city some time before 2 o’clock. See e.g. La Vanguardia Española, 29 Mar. 1939.
3 The Times, 6 Apr. 1939. Curiously, Gallagher also noted that Nationalist soldiers also used the Metro to enter the capital, the only people ‘to hold them up were the ticket girls. After giving the Fascist salute they actually made the conquering heroes buy tickets for the short journey to the occupation’. Gallagher, ‘Five Waited for a City to Die’, 234.
4 Gallagher, ‘Five Waited for a City to Die’, 234.
network of Nationalist groups that had operated in Madrid from the spring of 1937. In fact, it had already taken de facto control of much of the city before Gallagher was rudely awakened by the hullabaloo outside the Hotel Ritz. On 26–27 March, the gas, electricity, water, and communications networks had all been secured and Nationalist political prisoners were released. Covert patrols were even disarming Republican troops leaving the front lines and carrying out checks in the sewers and underground tunnels to prevent possible sabotage attempts.

The trigger that prompted the Fifth Column to come out of the shadows on that Tuesday morning was the definitive collapse of Republican resistance caused by the mass desertion of troops from the Republican trenches on the previous evening. Although some returned home, many fraternized in ‘no man’s land’ with Nationalist soldiers. By 9 p.m., such was the collapse of Republican army discipline that Colonel Zulueta, the commander of the Republican II Corps, asked Colonel Losas, the Nationalist commander, to order troops on both sides to return to their respective trenches. Losas’ reply was laconic: ‘The soldiers have already made peace.’

When Nationalist troops finally marched into the capital in the afternoon of the 28th, Losas noted in his diary the joy of the crowds that greeted their entrance. A British nurse working with the Nationalist army, Priscilla Scott-Ellis, wrote that the ‘enthusiasm was unbelievable, a thing I shall never forget in my life’. Even Republican militants were struck by the reaction of the crowds. Simón Sánchez, a Republican army political commissar, recalls that the streets were filled with people screaming ‘¡Viva Franco!’ Undoubtedly, this welcome was particularly warm in the traditionally smart district of Salamanca. Of course, not

5 For this see Cervera, Madrid en guerra.
6 A detailed account of the activities of the ‘Fifth Column’ in the days leading up to the fall of Madrid is given in a Nationalist military intelligence report compiled just after the end of the civil war and cited in Cervera, Madrid en guerra, 420–1.
7 Bahamonde and Cervera, Así terminó la guerra, 492–3.
8 Cited in S. Juliá et al., Madrid: Historia de una capital (Madrid, 1994), 427. O. D. Gallagher reported that the ‘crowds that filled Madrid’s streets numbered five times as many as any crowds seen during the war’: Daily Express, 3 Apr. 1939.
11 See e.g. The Times, 29 Mar. 1939.
everyone was celebrating. José Antonio Torres Muñoz, an anarchist waiter, struck retired infantry captain Benjamin García Fernández in the face after the latter saluted a Nationalist flag being flown by a passing lorry.\(^{12}\)

Other Republicans attempted to mitigate the psychological shock of defeat by turning to drink. On 1 April Ignacio Rato García, a 32-year-old cobbler, cried ‘¡Viva la República!’ and gave the clenched fist salute while drunk in a bar off the Plaza Mayor. Still drunk, he repeated his cries in support of the Republic while being held in police custody.\(^{13}\) Some reacted to defeat by simply locking their doors and pulling down the shutters. Pedro Gutiérrez Martín, a member of the Popular Front Control Committee that ran the state communications company Telefónica during the civil war, shut his front door after finishing his last shift on 27–8 March; he remained at home until he was arrested six weeks later on 16 May.\(^{14}\) But a few undoubtedly took their own lives rather than live under Francoist rule. Julián Cocho Méndez, a pre-war NCO who became a Republican captain, left the front to return to his flat in central Madrid immediately prior to the Nationalist army’s occupation of the capital. He then shot himself through the temple. His wife and son were later arrested for being ‘dangerous extremists’.\(^{15}\)

Many madrileños chose not to witness the Nationalist entry into the capital at all. An estimated 15,000 Republicans fled to Alicante in the hope of taking a ship into exile, but it never arrived.\(^{16}\) This dispirited crowd contained many of Madrid’s Republican elite—including the last mayor and Civil Governor of Republican Madrid, Rafael Henche de la Plata and José Gómez Ossorio, respectively—but also many women and children.\(^{17}\) After being taken prisoner, the majority were taken to the

\(^{12}\) AGA, J(RP), 677. Torres was arrested and given twelve years and a day imprisonment by a military tribunal on 30 Nov. 1939. This sentence was later commuted to six years and a day.

\(^{13}\) AGA, J(RP), 841. He received a six-year and one-day prison sentence that July for his drunken outbursts.

\(^{14}\) AGA, J(RP), 30415. Gutiérrez was sentenced to thirty years’ gaol on 22 June 1939, later reduced to six years and a day in 1941.

\(^{15}\) AGA, J(RP), 30415.

\(^{16}\) Saturnino Carod, an anarchist propaganda delegate, told the historian Ronald Fraser that ‘suicides spread like an epidemic’ when people started to realize that there would be no ships to take them out of Spain. R. Fraser, Blood of Spain: An Oral History of the Spanish Civil War, 2nd edn. (London, 1986), 502–3.

\(^{17}\) There have been numerous eyewitness accounts of this tragic end to the civil war. See e.g. Leiva, En nombre de Dios.
infamous Albatera concentration camp. The following months would see a steady stream of these prisoners return to Madrid to face Francoist justice.\textsuperscript{18}

The flight of Madrid’s last Republican mayor to Alicante prompted one of the more curious episodes of 28 March. Among the troops that entered the capital was a lieutenant in the Military Judicial Corps. Instead of taking the acclaim of the crowds he entered the Amboage Palace, the seat of the Ayuntamiento de Madrid, nominated himself Madrid’s mayor, and left.\textsuperscript{19} But Madrid’s first Francoist mayor did not hold his post very long, for the official nominee of the Franco regime, Alberto Alcocer, arrived from Burgos on the evening of the 28th.\textsuperscript{20}

The prior appointment of the mayor is indicative of the planning that was made for the eventual occupation of the capital. The regime was kept well informed about general conditions in Republican Madrid during the civil war. This was partly due to the sheer physical proximity of the besieging Nationalist troops after the winter of 1936/7. José León Encinas, a Republican army captain, recalls that one side of General Ricardos Street in south-western Madrid was Nationalist while the other was Republican.\textsuperscript{21} Inevitably, despite the warnings of their superiors, troops of both sides would chat.\textsuperscript{22} However, a far more important source of information was the Fifth Column, which acted in liaison with the Nationalist military secret service, the SIPM, under the command of Colonel José Ungría.\textsuperscript{23} These clandestine Nationalists not only facilitated the escape of anti-Republicans to the Nationalist zone, but also provided reports on the Republican army and administration in the

\begin{itemize}
\item \textsuperscript{18} The transfer of many Republican leaders, including Gómez Ossorio, took place in July 1939. Leiva, \textit{En nombre de Dios}, 126.
\item \textsuperscript{19} He left a minute of his nomination in Ayuntamiento records, which has been recently uncovered by José del Coral, a student in 1936 who is currently a Cronista Oficial de la Villa de Madrid. Montoliu, \textit{Madrid: Las protagonistas}, 144–5.
\item \textsuperscript{20} Informaciones, 30 Mar. 1939.
\item \textsuperscript{21} Montoliu, \textit{Madrid: Las protagonistas}, 35.
\item \textsuperscript{22} Ibid. León tells of a madrileño in the Nationalist lines who asked his Republican opponents to call on his mother to check if she was well. His request was granted. This would not be the only instance of fraternization between Nationalist and Francoist troops on the Madrid front during the civil war. For further details on the ‘live-and-let-live’ attitude of opposing soldiers see M. Seidman, \textit{The Republic of Egos: A Social History of the Spanish Civil War} (Madison, 2002).
\item \textsuperscript{23} The SIPM replaced the original Servicio de Información Militar (SIM; not to be confused with the Republican organization of the same name) and the civilian organized and financed Servicios de Información de la Frontera Nordeste de España (SIFNE) in February 1938. Cervera, \textit{Madrid en guerra}, 214–17.
\end{itemize}
capital. It was this clandestine network that the Socialist leader, Julián Bestiero, and the commander of the Republican Army of the Centre, Colonel Casado, turned to in 1938 to discover Franco’s conditions for an end to the civil war.

As a result, the besiegers were well aware of the deteriorating socio-economic conditions in the capital in 1938–9. The population’s will to resist had dissipated by 1939 due to increasing shortages of basic items, above all food. On 13 March 1939 the International Commission for the Assistance of Child Refugees in Spain issued a report in Paris on the dire conditions in the capital. It stated that the child death rate was twelve times above the pre-war average; children were fainting while waiting in bread lines. It also observed that the civil population were receiving no more than 800 calories per person daily; such a meagre diet would entail a daily weight loss of 11 lb and death after two or three months. An accompanying report stated that civilian deaths in the capital had risen to 400 a day by February.

Not surprisingly, the Nationalists attempted to undermine further the morale of a population tired of eating ‘Dr Negrín’s resistance pills’ (lentils). In January 1939, the air force dropped bread rather than bombs. Yet preparations were made to meet the needs of the starving population when the Republican army finally surrendered. Behind the victorious troops arrived convoys carrying over 800,000 lb of bread and some 200,000 lb of fish. By the evening of the 29th, some 15,000 lorries carrying food had apparently entered Madrid. As well as food supplies, the regime sent a large squad of stray cats recruited throughout the Nationalist zone to tackle a plague of rats caused by the decline of urban sanitary conditions.

The besiegers were also systematically collecting information on the atrocities carried out in Madrid since July 1936. News of the ‘Red Terror’ was carried into the Nationalist zone by escapees from Madrid who were

---

24 It appears that Fifth Columnists were able to infiltrate the Republican army and administration by taking advantage of the anarchist CNT’s lax admissions policy. For example, Major Urzaiz, a member of the CNT’s Madrid Defence Committee, was in fact a Fifth Columnist. Cervera, Madrid en guerra, 337.

25 See ibid., ch. 12.

26 The Times, 14 Mar. 1939.

27 According to Santiago Carrillo, the then leader of the United Socialist Youth (JSU), communists were ordered to collect all the bread and burn it. Montoliu, Madrid: Las protagonistas, 93.

28 The Times, 29 Mar. 1939.

29 The Times, 30 Mar. 1939.

30 Ibid.
not reluctant to tell of their experiences. Some of these accounts appeared in print. The playwright Adelardo Fernández Arias, ‘El Duende de la Colegiata’, left Madrid with the wife of Franco’s brother-in-law, Ramón Serrano Suñer, in February 1937. Soon afterwards, he published his story in Zaragoza.\(^{31}\)

The regime drew up blacklists of those suspected of ‘crimes’ from escapees and Fifth Column reports.\(^{32}\) The scale of this operation is suggested by the fact that, as early as February 1938, information on over 500,000 Republicans had already been collated nationally.\(^{33}\) Among the victorious Nationalist troops of 28 March were 200 officers of the Military Juridical Corps, with lorry-loads of documents.\(^{34}\) It can hardly be accidental that the first case to be tried by the Nationalist military authorities in the capital concerned Manuel Alcázar Monte, a 42-year-old butcher from Carabanchel Bajo, a working-class district in the south of the city. Arrested on 28 March with his wife, he was sentenced to death two days later for taking part in the horrific murder of the man formally responsible for the suppression of the revolution in Asturias in October 1934, Lieutenant-General López Ochoa, in August 1936. In particular, Alcázar was held responsible for his decapitation. He was shot on 25 April.\(^{35}\)

As we have seen, the Nationalists were convinced in 1939 that, out of an estimated 500,000 Republican victims, over 60,000 had been murdered in Madrid.\(^{36}\) This conviction was reflected by the reports on the ‘Red Terror’ and estimates of the number of victims given by the controlled Nationalist press in the months following the end of the civil war. On 10 April the evening newspaper Madrid described a mass held for the souls of the ‘more than 7,000’ victims of the worst single Republican massacre of the civil war, the systematic execution of rightist prisoners at mass graves dug near the villages of Paracuellos de Jarama and Torrejón de

32 Cervera, Madrid en guerra, 295.
33 AGGCE, DNSD (Presidencia), 115. The figure is quoted in an internal report issued by Franco’s HQ in Salamanca.
35 AGA, J(RP), 30293.
36 See the February 1939 Bellón Commission report quoted in the Introduction (n. 53).
Ardoz in eastern Madrid province in November and December 1936. Modern research suggests a figure of 2,000–2,400 victims. Eight days later, it announced the capture by police of two ‘monsters’ who had allegedly carried out ‘1,300 murders’. On 27 June the Falangist newspaper *Arriba* informed its readers that Carlos Escañilla Simón, allegedly the president of the Communist-organized revolutionary tribunal, or *checa*, that operated from the church in 72 San Bernardo Street hunting down ‘fascists’ in 1936, had been arrested. It claimed that this *checa*, just one of the over 200 revolutionary tribunals that existed in the capital in 1936, had carried out ‘over 25,000 murders’.

These figures bear little relation to reality. In 1977 Salas Larrazábal, a Francoist general, could find no more than 16,449 victims. Even this is likely to be exaggerated. As we have seen, the current estimate, given by Casas de la Vega in 1994, is 8,815. However, statistics should not obscure the context in which executions took place in Madrid. Only 4.3 per cent were carried out between 1937 and 1939. This reflects the fact they were never officially sanctioned by the Republican government and came to end in the winter of 1936/7 following the restoration of state authority.

Even so, contemporary non-Francoist foreign observers found the Nationalists’ grossly exaggerated claims credible. Frederick Voigt, the *Manchester Guardian*’s Spain correspondent, was in London in June 1937 and discussed conditions in the Republican zone with his friend, the

---

37 Madrid, 10 Apr. 1939. In the context of the approach of Nationalist forces on the capital, the flight of the Caballero government to Valencia and the creation of the Madrid Junta de Defensa under General Miaja, prisoners were taken in a series of ‘expeditions’ by bus from Madrid’s prisons between 7 November and 4 December 1936 under the pretext of being evacuated ‘east’, and were shot in mass graves. For over sixty years debate has raged over who was responsible for this atrocity, and especially the role of Santiago Carrillo, who as the Junta’s Delegate for Public Order was responsible for Madrid’s prisons. What is incontestable, however, is that it was the energetic actions of the Director-General of Prisons, the anarchist Melchor Rodríguez, that put an end to the mass execution of prisoners. See e.g. I. Gibson, *Paracuellos: Cómo fue* (Barcelona, 1983). For a more recent account see Cervera, *Madrid en guerra*, 84–103.

38 Ibid. 88–9.

39 Madrid, 18 Apr. 1939.

40 *Arriba*, 27 June 1939. In fact, Agapito Escanilla de Simón was the president of this *checa* that shared its address with two battalions of the Communist Fifth Regiment. According to Cervera, Dolores Ibárruri, ‘Pasionaria’, was a frequent visitor. Cervera, *Madrid en guerra*, 62.


Conservative MP Harold Nicholson. Voigt, a self-confessed supporter of the Republic, nevertheless told Nicholson that, following his discreet enquiries with the Republican police in Madrid, he had become convinced that at least 45,000 people had been murdered in the capital. He added that, during a general tour of villages in the Republican zone, he had found evidence that ‘hundreds of thousands’ had been killed since July 1936. Similarly, when the British ambassador, Sir Maurice Peterson, reported in June 1939 that executions were taking place daily in Madrid, a Foreign Office official minuted that it should be remembered that ‘40–50,000 people’ were murdered in Republican Madrid.

Belief in a murderous ‘Red Terror’ was strengthened by the systematic excavation of corpses from mass graves dotted around the province. Irregular executions in 1936 not only took place at cemeteries but often on open ground away from the capital. During the spring and summer of 1939, the newly installed Francoist municipal authorities of Vallecas, Carabanchel Bajo, Vicálvaro, Fuencarral, Aravaca, El Pardo, Ribas de Jarama, and Vaciamadrid all reported the existence of mass graves that they claimed each held more than 200 bodies. The excavation of these burial sites was a painfully slow process. The exhumation of the mass grave in swampy ground near the St Carolina Hill in Vallecas containing the victims of the so-called ‘train of death’ in 1936 was not started until March 4 1940. Excavations in the province had still not been completed by the summer of 1941, when digging was temporarily suspended due to the hot weather and fears for public health.

43 PRO/FO 371/21296/W12905. Voigt turned to Nicholson after the Manchester Guardian refused to publish his estimates. Nicholson then informed Viscount Cranbourne, Under-Secretary of State at the Foreign Office. Anthony Eden, the Foreign Secretary, noted that this report was ‘most interesting’.

44 PRO/FO 371/24160/W9548. The British in 1939 believed the overall Francoist figure of 500,000 Republican victims. See e.g. the British embassy’s 1939 Annual Review in PRO/FO 371/24507/C380.

45 For a geographical analysis of bodies that were found and registered by the Republican authorities in 1936, see Cervera, Madrid en guerra, 75–9.

46 ‘This is in addition to the claim made by the Paracuellos de Jarama local authorities that ‘8,000–9,000’ corpses lay in mass graves in the village. AHN, CG-M, 1508–10.

47 Ya, 5 Mar. 1940. The ‘train of death’ contained over a hundred rightists from Jaén, including its bishop, Manuel Basulto Jiménez. The victims were being transferred from Jaén to prisons in Madrid on 11 August 1936 when the train was attacked by a mob as it reached Villaverde (Madrid), and when the train diverted to a siding in Vallecas. The victims were then forced to leave the train before being shot by the local militias. For this see A. Moreno, La persecución religiosa en España 1936–1939 (Madrid, 1961), 390–5.

48 ABC, 8 July 1941.
The reason for the ponderous pace of excavations lies in the insistence of the authorities that no private individual disinterment of bodies by victims’ relatives could take place. While this was justified in terms of the necessity of identifying all corpses, it is clear that the authorities were not unaware of the propaganda benefits of the continuous publicized exhumation of Republican victims. Public commemoration of the fallen took place everywhere in the province. On 1 October 1939, the anniversary of Franco’s accession to full power in 1936, the burials of thirty-eight victims took place in Cercedilla after a solemn procession of local Falangist dignitaries and victims’ relatives through the village. This type of mass eulogy was the local counterpart to the national commemoration that focused on the burial with full military honours of the Falangist leader, José Antonio Primo de Rivera. His remains were transferred from Alicante to his (temporary) resting place among the Spanish monarchs in El Escorial on the anniversary of his 1936 execution in November 1939.

Masses for the ‘fallen’ were also held on the anniversaries of each Republican massacre. Nationalist leaders were prominent in such commemorations as they had often been witnesses to such murders. The third anniversary of the assault by workers’ militias on the Model Prison on 22 August 1936 and the subsequent murder of rightist prisoners was commemorated by a mass attended by Ramón Serrano Suñer, the Interior Minister, Manuel Valdés, the Falangist jefe in the capital, and General Espinosa de los Monteros, Madrid’s Military Governor, all former inmates. They permeated every type of social activity. On 22 October 1939, Real Madrid Football Club played its first post-war match at its Charmartin ground against its local rivals, Athletic de Aviación, winning 2–1. A mass for club directors and members murdered during the civil war was held beforehand.

49 However, this did not stop illegal excavations. In the village of Hortaleza in June 1940, for example, twenty-nine bodies were dug up on the authority of the local bishop. AHN, CG-M, 1508.

50 Arriba, 2 Oct. 1939.

51 His body was carried by successive teams of Falangists on the 500-kilometre journey to El Escorial. Details of this journey, taking ten days, can be found in all Nationalist newspapers, but see e.g. ABC, 19 Nov. 1939 to 1 Dec. 1939. Primo de Rivera was later reburied in Franco’s monument to the Nationalist dead, the Valley of the Fallen, near El Escorial.

52 Arriba, 22 Aug. 1939.

53 Arriba, 22 and 23 Oct. 1939. Athletic de Aviación was the result of a merger in September 1939 between the Vallecas-based Athletic and Aviación Nacional, a Nationalist air-force side that had the pick of Nationalist Spain’s best football players. The aim of the merger was to create a ‘dream team’ that would symbolize the martial values of the Francoist
‘They have passed!’

But we must resist the temptation to ascribe the frequent public commemoration of the ‘fallen’ or the ‘Red Terror’ solely to regime manipulation, as there was undoubtedly genuine popular support for keeping alive memories of Republican persecutions. Obviously, this is not the case for those who had actively identified with the Republican cause. For example, Julia Moreno Tabares, a 43-year-old widow from the working-class Madrid district of Tetuán de las Victorias, apparently remarked after learning on 4 May 1939 that pensions were to be paid to the relations of Republican victims that ‘they [the victims’ relatives] were all dogs...and [it should be remembered that] the Nationalists also murdered children, women and old people’.

A rather different reaction was given to a request made by the newspaper Informaciones on 24 April 1939. It asked its readers for personal experiences of Republican persecution in Madrid. It warned that only ‘exceptional’ accounts that told of events above ‘the general level of terror’ would be published. The next day it reported that its offices had been inundated with replies; the first story was printed on 26 April.

Moreover, the maintenance of ‘Red Terror’ memories was not solely the preserve of the regime. It was also manifested by organizations representing ex-prisoners and victims’ relatives. The former set up a national organization, the Brotherhood of Ex-Prisoners of Spain (Hermandad de Ex-Cautivos de España). Perhaps the most significant of the victim relatives’ associations was the Relatives’ Association for the Martyrs of Paracuellos de Jarama y Torrejón de Ardoz, headed by Admiral Francisco Bastarreche, with offices in central Madrid. Its influence can be seen from the manner in which the Falange at national level responded to a complaint it received from Bastarreche in January 1940 concerning the apparent lack of co-operation from the local Falange in Paracuellos and Torrejón in the mass excavation of bodies. A full internal investigation was ordered, and it was carried out the following April. It discovered that the current mayor of Paracuellos, Guillermo Mesa Velázquez, not only

New State. Its president was Commandant Vives and the team was subsidized by the Air Minister, General Yague. Despite the adverse result against Real Madrid, Athletic de Aviación dominated Spanish football in the early 1940s. In 1946 the team changed its name to Atlético de Madrid. A. Bahamonde Magro, El Real Madrid en la historia de España (Madrid, 2002), 195.

54 Moreno was denounced for this remark and was given three years’ gaol on 30 May 1939. AGA, J(RP), 30473.

55 Informaciones, 24–6 Apr. 1939.
took part in the digging of mass graves in November 1936, but that he was appointed the local secretary of the anarchist Conferación Nacional de Trabajo (CNT) in early 1937.56

Of course, the Nationalists were not only concerned with keeping alive the memories of what, according to them, had happened in Republican Madrid. They also determined to establish criminal responsibilities. As far as individual criminal responsibility was concerned, General Franco, in a broadcast to Republican troops on 26 March, vowed justice to those with ‘blood on their hands’.57 As everywhere else in Nationalist Spain, this justice would be military: at just after nine o’clock on the evening of 29 March, General Espinosa de los Monteros, commander of the occupying Nationalist I Corps, declared martial law throughout the province.58 This proclamation immediately brought to an end the large crowds celebrating the end of the war in the capital.59 It is easy to see why. Arrogating power to the military supreme legal authority, it contained severe provisions for anyone who threatened military rule. The definition of a ‘threat’ was wide and ill-defined. Thus as well as snipers, saboteurs, and looters, anyone who failed to surrender firearms within forty-eight hours was liable to be court-martialled and shot; anyone who ‘insulted’ military personnel, spread false rumours or printed clandestine material, held unauthorized meetings of three people or more, or failed to disclose the existence of arms dumps would be arrested.60 An early sign of the occupying authorities’ complete intolerance of any signs of insubordination was seen on 1 April, when a man who attempted to ambush two soldiers was arrested, court-martialled, and shot within twenty-four hours.61

The martial law decree also stipulated that all civil war crimes would be investigated under the 1890 Military Justice Code. It made clear that the definition of such crimes would not be limited to murder. Everyone holding property ‘unjustifiably’ acquired during the civil war was ordered to present a list of such items to the authorities in order to prevent a

56 AGA, P(SGM), 40.
57 A translated version of this broadcast can be found in Manchester Guardian, 27 Mar. 1939.
58 ABC, 30 Mar. 1939.
59 This was one of the last observations of Daily Express correspondent O. D. Gallagher before his expulsion from Madrid by the military authorities. Daily Express, 3 Apr. 1939.
60 ABC, 30 Mar. 1939. A later order of 15 April extended summary military justice to anyone accused of or caught ripping down Nationalist propaganda posters. BOPM, 15 Apr. 1939.
61 The Times, 5 Apr. 1939.
possible prosecution for robbery. It concluded, in chillingly imprecise terms, that ‘anyone who committed crimes from 18 July 1936 onwards will be prosecuted by the military authorities’.

A military decree issued the following day laid down the first stages of the ‘inescapable’ process to punish those guilty of offences during the civil war. As the preamble made clear: ‘Apart from the Fatherland [Patria] and bread, the Caudillo of Spain-Franco brings you justice... Those who have committed a crime will get the punishment they deserve...’.

Thus anyone with knowledge of any crime committed during the civil war had to report to the military authorities. Furthermore, the two oldest residents (with no previous connections to any Popular Front organization) of any building where ‘crimes’ had taken place during the civil war also had to give a statement. Failure by anyone to do their ‘patriotic’ duty of denouncing ‘criminals’ would result in a summary court martial.

The regime was also resolved to punish two kinds of collective responsibility through the military courts. The first was for the ‘Red Terror’. As we saw earlier, both the Bellon Commission in 1939 and the General Cause, in its interim 1943 report on the ‘criminality’ of the Republic, laid responsibility at the door of the leaders of the Popular Front. Military tribunals enforced this claim. On 20 February 1940 Ángel Pedrero, the Socialist chief of the Madrid section of the Republican military police Servicio de Información Militar (SIM) was tried by a Madrid military tribunal. Before giving the specific reasons for its decision to sentence Pedrero to death, the tribunal noted that it was:

of public knowledge that the organizations of the Popular Front, when preparing to seize power, planned... the campaign of terror that was to culminate after 18 July 1936. Their criminal plans—developed principally after the fraud of the parliamentary elections of 16 February 1936—were complete when the Spanish army, providentially led by the Caudillo of Spain, General Franco, began the glorious and victorious crusade of the liberation of Catholic and Immortal Spain... The Marxist parties—whose criminal capacity and desire for revenge is in no doubt—were the organizers of the ruthless and horrifying campaign that covered with martyrs’ blood the red zone. In order to take part in this campaign, the Socialist Party Executive in the first few days of the Glorious National Rising called to its headquarters in Madrid a cold-blooded

62 ABC, 1 Apr. 1939.
and depraved individual, the common criminal and now defendant Angel Pedrero Garcia...63

The second type of collective responsibility was more general, as certain classes of individuals were automatically potentially liable for punishment for actively supporting, in a civil or military capacity, the so-called ‘rebel’ Republican state after 18 July 1936. These groups were defined in a series of decrees in late March and April, and were based on occupational background. Thus the aforementioned 30 March decree stipulated that all civil servants (including employees in state-funded companies and teachers), pre-war members of the armed forces, and police were subject to a compulsory military investigation.64 A decree issued the following day added company managers and directors.65 Finally, on 27 April all public transport workers were ordered to appear before a special military court.66

The selection of these occupations for punishment was deliberate; they were all held to have played an important part in causing and maintaining the military ‘rebellion’, irrespective of whether they took part in any ‘crimes’. Thus pre-war members of the armed forces, apart from any service they might have given the Republican army, could be guilty because they failed to actively support the military rising in Madrid in July 1936; civil servants because they worked for a rebel state; company directors because the failure to close their businesses could be seen as willingness to contribute to the rebel war effort; and public transport workers for sustaining the means to resist. Such were the logical consequences of an inverse criminal justice system.

To give substance to the regime’s provision of law and order, the capital witnessed the entry of the ‘Order Column and Occupation Police’ led by Colonel Emilio Mayoral Fernández on 30 March and 1 April.67 This militarized column, together with two others for Barcelona and Valencia, had been created by the Public Order Minister, General Martínez Anido in July 1938.68 With squads covering Madrid’s ten districts,

63 AGA, J(RP), 468. Pedrero was garrotted on 4 March 1940.  
64 ABC, 1 Apr. 1939. 
65 Ibid.  
66 ABC, 2 May 1939.  
67 Arriba, 4 Apr. 1939.  
its primary objective was the restoration of ‘normality’: this meant (among other things) the creation of camps to hold prisoners, the recovery of confiscated property, and the location of wanted ‘criminals’. 69

Also active in tracking down ‘Red criminals’ was the Madrid Falange. The Fifth Column had always been dominated numerically and organizationally by the clandestine Falange, and its leader, Manuel Valdés. 70 Its Women’s Section, Auxilio Azul María Paz, was one of the largest organizations within the Fifth Column, with 6,000 members by 1939. 71 The Falange, out in the open after 28 March, wasted no time in turning the tables on its former Republican persecutors and created an Information and Investigation Service, led by Gregorio Miranda, to arrest and detain suspected ‘criminals’. 72 Its activities in April 1939 were not hampered by the fact that under martial law only the militarized police were supposed to have the authority to effect arrests; indeed, during the first month of Nationalist rule, its exploits were occasionally lauded by the press. 73

The intensive search for ‘Red criminals’ produced a wave of arrests. The detention of Julián Besteiro, the socialist leader and Foreign Minister in Colonel Casado’s Defence Junta, and Rafael Sánchez Guerra, the Catholic Republican politician and Secretary to the Casado Junta, at the Finance Ministry building on 28 March, is only the best known out of the thousands of arrests in the first month of Nationalist rule. 74 A report from the Reuter news agency claimed that the first week of Nationalist control in the capital saw 1,700 arrests. 75 The commander of the newly arrived squad of police detectives, Eduardo Roldán, told the press on 3 April that his men had been ‘overwhelmed’ with work since their entry into the

69 Ibid. See also the decree announcing its arrival in Madrid in Arriba, 4 Apr. 1939.
71 Cervera, Madrid en guerra, 270. While the Auxilio Azul organization was founded in November 1936 by María Paz Martínez before the clandestine Falange was organized in early 1937, it put itself at the disposal of Valdés in May 1937. Ibid. 265.
72 Arriba, 4 Apr. 1939. This organization was the local counterpart to the National Information and Investigation Service originally created in December 1936 to investigate the political background of applicants for party posts. However, during the civil war, and especially after 1937, it widened its remit to compile information on all party members and increasingly, non-party members. See J. L. Rodríguez Jiménez, Historia de Falange Española de las JONS (Madrid, 2000).
73 Especialmente in the party’s newspaper Arriba. See e.g. its edition of 8 Apr. 1939.
74 For the arrest see Rafael Sánchez Guerra’s military investigation file in AHN, CG-M, 1525. See also his memoirs: R. Sánchez Guerra, Mis prisiones (Buenos Aires, 1946).
75 Quoted in the Manchester Guardian, 5 Apr. 1939.
capital and that they had already detained ‘hundreds’.76 The result of the combined labours of this assorted police force was the daily transfer in April 1939 of over 150 cases of civil war ‘crimes’ from the police to the military courts.77

The obvious consequence of mass arrests was a burgeoning prison population. By June 1939 there were at least twelve gaols in the capital with more than 700 inmates each.78 Since Francoist security agencies rounded up suspects as soon as Republican control of the city collapsed, the authorities utilized prisons that had originally been opened in 1936–7 to hold enemies of the Republic.79 The only prison left vacant was Madrid’s largest and most modern gaol in July 1936, the Model Prison in western Madrid. This gaol, evacuated by the Republicans in late 1936 due to the proximity of the Nationalist army, was too closely identified with the murders of rightist prisoners in 1936, and the order for its demolition was given as early as July 1939.80

The use of the Model Prison would have only slightly eased the immense problem of overcrowding that was becoming evident by the end of April. For example, the largest gaol for male prisoners in the immediate post-war period was Porlier, a female religious college converted into a prison in August 1936. On 30 March it held about 300 prisoners; by the end of April the number of inmates had swelled to over 3,000.81 Ventas, Madrid’s main post-war female prison built during the Second Republic to hold 650 inmates, also held more than 3,000 by 21 April.82

76 ABC, 4 Apr. 1939.
77 AGA, J, 254, ‘Libro de Diligencias Practicadas durante la Guardia de los Juzgados Militares, Abril 1939’. Cases were sent to local military courts (Juzgados Militares de Guardia) to examine the accusations of the police and to judge whether or not they fell within the remit of military jurisdiction. If so (and in April 1939 there were few exceptions), the accused would cease to be under police authority. However, there was no legal requirement in this period to transfer prisoners to military jurisdiction, and the police could hold individuals indefinitely pending ‘enquiries’. The daily figure therefore should be treated as the absolute minimum for arrests.
78 A. Suárez, Colectivo 36, Libro blanco sobre las cárcel blankistas (Paris, 1976), 70.
79 For the Republican origins of post-war gaols see AHN, CG-M, 1526, and Cervera, Madrid en guerra, 79–81.
80 BOPM, 25 July 1939.
81 Sánchez Guerra, Mis prisiones, 69 and 81. As one of Porlier’s earliest and politically most prominent Republican prisoners, Sánchez had access to Amancio Tomé Ruiz, the prison governor.
Not all those detained in the first month of Nationalist rule in Madrid made their way into prison. Although the evidence is necessarily scanty, it is clear that corpses soon began to appear on the city’s streets. On 9 April, three unidentified bodies were found and reported to the military authorities in the Retiro Park; an unidentified female body was found the next day in Castelar Street, near the Ventas bullring. Moreover, the military authorities were also informed of ‘suicides’ and deaths of individuals in police custody. For example, on 29 April the Civil Guard reported the death in its cells of Carmen Chaves.

Brutality characterized some agents of the Falangist Information and Investigation Service. As early as 3 April, the service reported to the military authorities the death in its custody of a prisoner called Alejandro Rodríguez. Javier Bueno, the editor of the Socialist paper Claridad, also had the misfortune to fall into the clutches of the Falange. Caught in Madrid when Republican resistance collapsed, Bueno attempted to elude Francoist justice by taking refuge in the Panamanian embassy. Although foreign embassies had protected over 6,000 rightists during the civil war, the Republican police had, with exceptions, respected their extraterritoriality. Unfortunately for Bueno, the Falange did not exhibit similar restraint. It assaulted the embassy building and arrested him. When the journalist was finally handed over to military jurisdiction at the end of April and put in Porlier, his face was, to use the description of a fellow inmate, Sánchez Guerra, ‘beaten black and blue’. Bueno was later sentenced to death, and was shot in September 1939.

Yet the people of Madrid were not passive victims or onlookers. Gregorio Miranda, the head of the Falangist Information and Investigation Service, was at pains to point out when interviewed by Arriba on 7 April that its work of locating ‘criminals’ was much facilitated by the assistance of the public. Indeed, he added that he had been ‘overwhelmed’ with messages of support and congratulations for the actions

83 AGA, J, 254, ‘Libro de Diligencias Practicadas durante la Guardia de los Juzgados Militares, Abril 1939’. The military authorities were responsible for the collection and burial of the bodies.
84 Ibid. Strange deaths in police custody were slow to disappear. On 26 September 1939, police headquarters at the Puerta del Sol Interior Ministry building reported the ‘suicide’ of a prisoner. AGA, J, 254, ‘Libro de Diligencias Practicadas durante la Guardia de los Juzgados Militares, Septiembre 1939’.
87 Sánchez Guerra, Mis prisiones, 75.
88 AGA, J(RP), 30354.
of his organization.\textsuperscript{89} It soon became apparent that the response from the public to demands for information on ‘Red crimes’ published in the military proclamations of 29–30 March was so positive that the police struggled to process all denunciations and statements. Already on 4 April Colonel Ungria, the head of the National Police Service (Servicio Nacional de Seguridad) stated that, while the police were ‘working around the clock’, the ‘wave’ of denunciations of robberies that had arrived at police stations required a police force ‘ten times larger than that currently available’ to investigate. He even suggested that the victims themselves carry out ‘preliminary investigations’ of thefts to save police time.\textsuperscript{90} Despite the warnings of Ungria about the limited ability of the police to act on the denunciations they were receiving, police statements on 21 and 26 April reveal that ‘numerous’ denunciations concerning murders and robberies were still being made.\textsuperscript{91}

While many of these denunciations were doubtless malicious in intention, it would be impossible to discount an underlying popular demand for justice for persecution in Republican Madrid. This would not have simply emanated from ex-prisoners or the relatives of Republican victims but also from those who had property appropriated during the civil war. In the ‘hot’ summer of 1936, the seizure of property was a habitual accompaniment to the arrest and ‘disappearance’ of rightists. The Socialist Agapito García Atadell, head of a so-called ‘brigade of criminal investigation’ that carried his name in central Madrid, became so rich from this activity that in October 1936 he attempted to escape from Spain with some of the booty he had stolen. Unfortunately for him, the ship that was taking him to Cuba docked in the Nationalist-held Canary Islands. Atadell was arrested and later executed in Seville.\textsuperscript{92}

The restoration of the authority of the Republican state in the winter of 1936–7 did not see the end but the systematization of the confiscation of property of ‘enemies of the Republic’. A September 1936 decree established a Special Tribunal for Civil Responsibilities to decide the level of financial compensation that those convicted by popular tribunals should pay the state. Compensation would then be collected by an enforcement agency, the Caja de Reparaciones, led by the Socialist Amaro del Rosal. By 1937, Rosal also had the specific remit of recovering property arbitrarily

\textsuperscript{89} Arriba, 8 Apr. 1939.
\textsuperscript{90} ABC, 5 Apr. 1939.
\textsuperscript{91} Arriba, 21 and 26 Apr. 1939.
\textsuperscript{92} Thomas, The Spanish Civil War, 233–4. Atadell’s own account of his arrest can be found in AHN, CG-M, 1532.
stolen in 1936 by workers’ militias for the state. By 1939, the Caja had financial reserves totalling at least 640 million pesetas. In addition, the Caja held 2,302 unvalued items of artistic value. Many had originally been confiscated from churches.  

No wonder, then, that in August 1940, when the Francoist commission which dealt with the property of the liquidated Caja invited the public to apply to have property returned, it was deluged with replies, and the deadline for applications was extended to mid-1941. By that time, of course, those who had owned real estate in Madrid in July 1936 had long had it returned to them; a decree was issued on 10 April 1939 annulling all changes in real estate ownership during the civil war. Nevertheless, since barely 1.3 per cent of the Caja de Reparaciones’ moveable property remained in Republican Spain by the end of the civil war in April 1939, few ever saw stolen possessions again and had to be content in pursuing those they held personally responsible.

But for all the Nationalist determination to punish the authors of ‘Red crimes’, and the undoubted positive response to the offer of ‘Franco’s justice’ among sectors of the population, Madrid was still a city under military occupation. After all, the official title of the armed forces garrisoned in Madrid after 28 March was the ‘Army of the Occupation’. The military nature of Francoist administration in Madrid was underlined by the appointment of Lieutenant-Colonel Luis de Alarcón as the province’s Civil Governor on 29 March. Unsurprisingly, the occupation army put its needs above those of the population. In order to accommodate the wave of officers and officials that were arriving in the capital, a notice was issued on 12 April ordering all boarding establishments to give notice to any guests who had served the Republican army in a civil or military

94 Ibid. 179.
95 BOPM, 11 Apr. 1939.
96 Sánchez Recio, La República, 154–5. The Caja’s civil servants had managed to spirit its reserves out of Spain in 1938–9 in order to provide financial assistance for Republican refugees.
97 Hundreds of statements sent in 1939 to the government agency responsible for recovering confiscated property, the Delegación del Estado para Recuperación de Documentos, can be found in AGGCE, DNSD (Secretaría), 10. Among the few that received a positive response were the relatives of the (now dead) General Mola. On 9 May 1939, 148 books from his library, including seven volumes on fashion in the Middle Ages by the German writer Max von Boehm, were recovered and returned to his family. AGGCE, DNSD (Secretaría), 11.
98 BOPM, 8 Apr. 1939.
The military also unilaterally confiscated buildings it required for administration purposes. For example, 8 O’Donnell Street, a block of flats that belonged to Alejandro Lerroux, the veteran Republican leader, was occupied and converted into army offices. But not all confiscated property went to the military. Although the Order Column and Occupation Police were under strict instructions to prevent irregular appropriations, they were so common that the military authorities felt obliged to issue a decree on 5 April declaring null and void all confiscations of property from 28 March. It stipulated that any abandoned property should be seized and administered by a military-led requisitions committee (junta de requisa) pending the clarification of the current whereabouts of the occupier. Thus, on 25 April, requisitions committee representatives entered the abandoned flat of Juan Negrín, the ex-Republican premier, in 85 Serrano Street and seized all the items left in the flat, including a Strauss piano.

Of course, military occupation was hardly unique to Madrid; martial law was imposed in all areas occupied at the end of the civil war. But Madrid did present a number of distinct problems. The first was the question of the thousands of refugees from other provinces who had congregated in the capital during the Nationalist drive to Madrid in the autumn of 1936. A decree of 10 April ordered those who had not been resident in Madrid on 18 July 1936 to return to their home province.

The second was more deep-seated. Madrid was the national capital, which, as the regime was acutely aware despite the liberationist rhetoric, had been the scene of the ignominious failure of the July 1936 rising and a protracted defiance of Nationalist forces. Informaciones stated in a leading article on 30 March that ‘Madrid had not been heroic’;

99 ABC, 12 Apr. 1939.
100 In November 1939 Lerroux wrote a letter to the Madrid Military Governor, Eduardo Saenz, from Estoril (Portugal) pleading for the return of his property. AGA, J(RP), 626.
101 AGGCE, DNSD (Secretaria), 22, ‘Columna de Orden y Policia de Ocupación. Misión, funcionamiento instrucciones’. Unauthorized house searches and appropriation of property were to be ‘implacably and energetically prosecuted’. Interestingly, this was to avoid a repeat of the ‘shameful spectacle of the occupation of the North and Catalonia’ (in 1937–8).
102 ABC, 8 and 15 Apr. 1939.
103 AGA, J(RP), 30479. These items were formally confiscated by the state as part payment of the 100 million peseta fine imposed on Negrín in absentia by the Madrid regional LPR tribunal in July 1941.
104 Between 200,000 and 500,000 refugees had arrived in the capital by mid-October 1936. Montoliú, Madrid: La historia, 183–4.
105 BOPM, 11 Apr. 1939.
106 Informaciones, 30 Mar. 1939.
first anniversary of Nationalist rule on 28 March 1940, reflected that ‘Madrid presented us with a gigantic problem’.107

One of the issues facing the regime as Nationalist troops marched into Madrid, therefore, was whether the city, with such ‘Red’ connotations, should remain the Spanish capital at all. Discussions of alternative candidates took place at governmental level throughout 1939.108 Serrano Suñer claims that he was the prime advocate of moving the capital, his favoured candidate being Seville.109 However, according to Valdés, the first Falangist chief in post-war Madrid, the favourite was apparently Valladolid, awarded the highest decoration of the Spanish army, the Cruz Laureada de San Fernando, for its ‘exemplary behaviour on the 18 July [1936]’ in July 1939.110 At any rate, how seriously the regime considered changing the capital of Spain can be seen by the length of time it took governmental institutions to move back to Madrid. On 11 April, the Toledo-based El Alcázar stated that according to ‘reliable sources’, government ministries would be transferred to Madrid by early May.111 In fact, the first ministries were not moved into Madrid until early August; even so, the official announcement emphasized that the seat of government remained Burgos.112 The process of transferring the central institutions of the Francoist ‘New State’ was not completed until October: the Army Ministry did not return until September 30;113 General Muñoz Grandes, the Falangist Secretary-General, did not move into the party’s new central headquarters in Alcalá Street until 11 October.114 Indeed, we can say that Madrid only replaced Burgos as the seat of government on 18 October, when Franco finally left Burgos to take up (temporary) residence at Viñuelas Castle outside Madrid.115

107 ABC, 28 Mar. 1940.
108 Valdés, De la Falange al movimiento, 118–19. Valdés was appointed under-secretary in the Labour Ministry in August 1939. See also Serrano Suñer, Entre el silencio y la propaganda, 247–8.
109 Serrano Suñer, Entre el silencio y la propaganda, 247–8.
110 BOPM, 17 July 1939. Valdés also claims that Valladolid’s main rival was (somewhat bizarrely) Barcelona.
111 El Alcázar, 11 Apr. 1939.
112 Ya, 12 Aug. 1939.
113 Ya, 24 Sept. 1939.
114 Ya, 11 Oct. 1939.
115 Serrano Suñer, the Interior Minister, also left Burgos at this time. Arriba, 19 Oct. 1939. Franco stayed at Viñuelas Castle, the former home of the Duque de Infantado while the royal palace in El Pardo was being restored for his use. P. Preston, Franco: A Biography (London, 1995), 345–6.
It seems that the eventual decision to keep Madrid as Spain’s capital was based on its imperial past. However, this decision only meant that increased importance was attached to the ideological priority of purging Madrid of the ‘decadence’ that made the ‘Red revolution’ and the murder of ‘tens of thousands’ possible. As Franco—in his first visit to Madrid since the end of the civil war—warned in his Victory Day Parade speech on May 19: ‘People of Madrid, examine your conscience. Do you believe that without your past decadence you would have suffered Red rule? . . . I assure you that . . . the triumph of the Anti-Spanish revolution was possible due to the passivity of many Spaniards.’

Theories of the frivolous or anti-national nature of Madrid did not date from the civil war. Indeed, pessimism regarding the likelihood of success of a military rising in Madrid marked General Mola’s plans in 1936. He wrote to his fellow conspirators on 25 May 1936 that he regarded the quick seizure of Madrid as central to the success of the rising. However, he admitted that they would not obtain sufficient support in the capital. Therefore, he proposed a series of risings throughout Spain, followed by a rapid march on Madrid. Tragic defeatism characterized the actions of the military rebels in Madrid on 18–20 July 1936. The confidence of General Fanjul, the designated head of the rebellion in Madrid, can be gauged by the fact that on the morning of 19 July he changed into civilian dress and prepared to flee to Burgos. He had to be persuaded by a fellow conspirator to do his duty and lead the rising. The rebels, in the futile hope that Mola would march from Burgos to save them, stayed in their barracks until they were assaulted by loyalist forces and armed workers on the night of the 19th/20th.

Mola’s pessimism reflected the strength of the left in the capital. The right was, in electoral terms, always a minority in the capital after April 1931. Madrid witnessed, for example, one of the Socialist Party’s rare victories in the November 1933 general election. In the February 1936 parliamentary election, the Popular Front slate triumphed not only in the

---

117 ABC, 20 May 1939. The movements of Franco in 1939 are indicative of official attitudes towards Madrid. Despite frequent reports that Franco’s entry into Madrid was ‘imminent’ after 28 March, he only arrived for the victory parade on 19 May. He left the city soon afterwards.
119 Cervera, Madrid en guerra, 45.
121 Tusell, La Segunda República.
122 Ibid. 106.
capital but also in the province, as workers in municipalities formally outside the capital, such as Vallecas, Carabanchel Bajo, and Charmartín voted massively for the left. However, the presence of the left was not just felt in electoral terms but also in industrial relations through the activities of the socialist trade union organization, the UGT, and the anarchist CNT. From late 1933, the capital suffered a wave of strikes from its construction, hotel, printing, and metal workers that culminated in the revolutionary general strike aimed at preventing the entry of the Catholic CEDA into government in October 1934. The election victory of the Popular Front in February 1936 was the prelude to further strike action, and Madrid was in the middle of another construction strike when the military rising erupted in July 1936.

The determination to eliminate ‘Red Madrid’ is evident upon examination of leading articles on the future of Madrid in the controlled press in the first months of Francoist rule. The evening newspaper Madrid warned in an 11 April leading article that those who believe that ‘what has happened is like losing parliamentary elections or a strike’ were seriously mistaken; no return to the ‘criminal’ past was possible.

Underlying this ideological conception of Madrid was antipathy towards urbanism, seen as a direct consequence of political liberalism, which was believed to have caused the moral debasement of the individual. Under the headline ‘A Vile Belt’, a leading article in Informaciones on 15 April discussed the relationship between the shanty towns erected in Madrid’s outer limits and the crimes of the civil war: ‘In this belt which suffocates Madrid live monsters and criminals, the scum of illiterate and barbaric Spain that have been expelled from the countryside.... These infected suburbs are a consequence of the weaknesses of failed systems’.

In Francoist eyes, therefore, the post-war reconstruction of Madrid necessarily had to consist of three interrelated components: physical, moral, and political. Put another way, changes to the physical landscape of the capital were to be part of the general process of ‘cleansing’ moral and political life. On 19 May Serrano Suñer, the Interior Minister, discussed the reconstruction of the capital with the new Ayuntamiento. In a press conference afterwards, he stressed the need to ‘make a new Madrid, not the Greater Madrid in the materialist and proletarian sense

123 BOPM, 18 Feb. 1936.
124 For this see Julia, ‘Economic Crisis’, and Madrid, 1931–1934.
125 Ibid.
126 Madrid, 11 Apr. 1939.
127 Informaciones, 15 Apr. 1939.
that the Republican–Socialist city councils had in mind [before the civil war] but one that alludes to the capital’s moral greatness, one befitting a capital of heroic Spain’. He concluded by stating that the ultimate goal was to ‘finish with decadent Madrid, even if it is necessary to demolish the Puerta del Sol [the famous central Madrid square] that is the breeding ground of the worst political germs’. 

Yet of all the post-war schemes to change the physical landscape of the capital, only the rather straightforward policy of purging the names of streets and buildings was fully implemented. In April 1939 the city council decided not only to reverse all name changes that had occurred under the Republic, but also to change some of the names of Madrid’s main thoroughfares. Thus the Paseo de la Castellana became the Avenida del Generalísimo Franco; the Gran Vía, the Avenida de José Antonio.

On the other hand, the numerous grandiose architectural projects of a new ‘imperial Madrid’, remained largely on the drawing board. We shall never know, for example, whether the architect Manuel Palacios’ post-war plan to construct on the Puerta del Sol two raised floors made of reinforced glass capable of holding 52,000 people would have worked.

The main obstacle to the creation of an architecturally new Madrid was financial. One of the few glimpses of the stark, neoclassical monumentalist style that could have characterized Madrid, the Victory Arch, was only opened by Franco in the University City on 18 July 1956.

In the immediate post-war period, the physical reconstruction of Madrid was slow and piecemeal. As late as December 1942, the president of the Madrid Provincial Council (Diputación), Luis Nieto Antúnez, wrote to all ministers in Franco’s government. He reminded them that the material damage in the province at the end of the civil war was ‘incalculable’. Reconstruction was a ‘titanic effort from which the State cannot exclude itself’. He therefore pleaded for an increase in the council’s budget. This increase was, in a separate letter to the Falangist Secretary-General, José Luis de Arrese, ‘a question of life and death for the council’.

---

128 Informaciones, 20 May 1939. The heart of Madrid, the Puerta del Sol, was the traditional meeting point of the left in the capital. For an expression of satisfaction that the Puerta del Sol was apparently losing popularity among madrileños see Informaciones, 7 July 1939.

129 Boletín del Ayuntamiento de Madrid, 29 Apr. 1939.


131 Ibid. 9.

132 AGA, P(SGM), 13. In a reply sent ten days later on 14 December, Arrese informed Nieto that he had his unqualified support. Whether the Provincial Council received any extra funding is, however, unknown.
The failure to fully execute plans for the full physical reconstruction contrasts with the immediate implementation of the moral and political cleansing of Madrid. On 5 April the Civil Governor outlawed blasphemy. He warned that not only would blasphemers be punished by heavy fines, but parents would be held responsible for blasphemous comments made by their children. The first fine for swearing in a public highway (500 pesetas) was imposed on 12 April. Madrid bookshops remained closed until their stock of ‘Red books’ had been thoroughly purged by the National Propaganda Service. The exercise of cleansing was not confined to cursing or books. It was also systematically applied to work. For example, all schoolteachers and civil servants in the Education Ministry interested in keeping their jobs had to provide a statement from 13–16 April. They would be investigated under the terms of a decree of 10 February 1939 that deemed ‘the evident passivity of those who could have contributed to the triumph of the National Movement but failed to do so’ as possible grounds of dismissal.

But in the context of April 1939 worries about future employment prospects would have been secondary to more immediate fears of arrest, imprisonment, and conviction by military tribunals. By the end of the month, there were at least twelve military tribunals working daily in the Palacio de Justicia in Salesas Square (located appropriately enough near the Army Ministry in central Madrid). Outside the capital, military tribunals were already operating in the towns of Aranjuez, Torrelaguna, Navalcarnero, Getafe, Alcalá de Henares, El Escorial, and Colmenar Viejo. Between all of them, they had issued at least 125 death sentences by the end of April. These include ten death sentences issued on just one day (22 April) in Colmenar Viejo; all the condemned were shot at the local cemetery at 6 a.m. just over two weeks later on 9 May. The work of Francoist military justice had begun.

133 Arriba, 9 Apr. 1939.
134 Arriba, 13 Apr. 1939.
135 On May 20, this Interior Ministry department issued a public notice admitting that its purge had still not been completed. ABC, 20 May 1939.
136 ABC, 12 Apr. 1939.
137 On the purges of civil servants and schoolteachers see Ch. 5.
138 AGA, J(RP), 677, 30360, 30361, 30373, 30398, 30438, 30440, 30460, 30531.
The Installation of Military Justice in Madrid

In the early afternoon of 19 July 1936, General Fanjul arrived at the Montaña barracks to direct the military rising in the Spanish capital. One of his first orders concerned the printing of the martial law decree that was to be declared in the city. Its preamble stated that the objective of the rising was to ‘save Spain from the ignominy of rule by murderers and international organizations’. Yet the proclamation was never issued. On 20 July loyalists stormed the barracks and crushed the rebellion.\(^1\) Eight days later, the insurgent military leadership in Burgos, the National Defence Council (Junta de Defensa Nacional de España) officially declared martial law in Spain.\(^2\) Its first Article stated that the ‘declaration of martial law, already made in some provinces, is extended to the whole country’. In other words, the rebels asserted their authority in areas, such as Madrid, where the rising had failed. Nationalist martial law would not be a reality on the streets of Madrid until 29 March 1939, when the military authorities reissued the martial law decree. Yet post-war military justice would take July 1936 and not March 1939 as its point of reference; as the military jurist Eugenio Fernández Asain put it in 1943, ‘the defence of the old [Republican] political order constituted the true rebellion’.\(^3\)

Military justice would not be the only legal expression of the rebels’ assertions of legitimacy. One of the first decrees of the National Defence Council issued on 24 July declared it to be the rightful custodian of all assets, properties, and rights of the Spanish state.\(^4\) After the end of the civil war, the Franco regime systematically annulled all decisions made by Republican authorities during the conflict. All verdicts issued by Republican civil, penal, and administrative courts after 18 July 1936 were

---

\(^1\) Montoliú, *Madrid: La historia*, 62.
\(^2\) *BOJDN*, 30 July 1936.
\(^3\) E. Fernández Asain, *El delito de rebelión militar* (Madrid, 1943), 13. Fernández was writing from personal experience: he had been a military prosecutor in Bilbao, San Sebastián, and Badajoz.
\(^4\) *BOJDN*, 25 July 1936.
declared void. Similarly, all changes to the Property Register and all entries of births, deaths, and marriages in the Civil Register by the Republican authorities were invalidated. It was therefore not uncommon for children to have their names changed by administrative order. In July 1939 the local authorities in the Madrid district of Chamberi changed Pasionaria Fernández’s first name to the more ideologically respectable Juliana.

Yet military justice was the principal means by which the rebels enforced their extraordinary claims of legitimacy. How could such assertions be justified? In its declaration of martial law in July 1936, the National Defence Council pointedly did not refer to its rebellion against the legally constituted government. Rather, it proclaimed a determination to carry out ‘its duties in such solemn times’. Martial law—and the military rising itself—derived from a long-standing tradition of military intervention in civilian affairs. Not only did the military have the normal duty of defending the sovereign state against its external enemies but it also had the task of maintaining internal order. As early as 1812, the ‘liberal’ Cádiz Constitution envisaged the existence of a standing army and navy whose task would be ‘external defence and the conservation of internal order’.

This duality of function was legally enshrined in the Army Constitutive Law of 1878. Article 2 stipulated that ‘the first and most important mission of the army is the preservation of the independence of the patria and her defence against external and internal enemies’. Francoist military tribunals would habitually quote the 1878 text as the basis of their authority to judge civilians. When the socialist leader Julián Besteiro requested at his military trial in July 1939 that he should be tried by a civil court, his appeal was rejected on the grounds that in July 1936 the Spanish army took ‘the legitimate powers of the Nation, on the authority of its Constitutive Law [to] defend [the patria] against her internal and external enemies, then represented by elements of the so-called Popular Front that occupied [detentar] the Spanish government and [as a consequence] the new Nationalist State was born’. On this rationale, ‘armed

---

5 BOE, 8 May 1939.
6 BOE, 13 Mar. 1939. In the case of births, marriages, and deaths, these had to be re-registered by a Nationalist municipal judge to be legally valid.
7 Ya, 11 July 1939.
8 BOJDN, 30 July 1936.
10 Ibid. 142.
opposition [to the Nationalist state] represents a crime of military rebellion’. Besteiro was given a thirty-year jail sentence.\(^\text{11}\)

The Popular Front was not the first manifestation of the internal enemy. For much of the nineteenth century, the internal foe was the traditionalist Carlist movement. In the civil wars of the 1830s and 1870s, the military acted not as the gravedigger but as the protector of the liberal state. The frequent military *pronunciamientos* of the period 1820–74 sought to preserve rather than destroy liberal constitutional government; indeed, nineteenth-century liberals did not see the military as a threat but as a mechanism to effect desired political change.\(^\text{12}\)

Military representations of the internal enemy began to shift by the end of the nineteenth century. This was partly due to the social tensions generated by modernization. The army was increasingly used to subdue popular discontent. Its participation in internal policing duties was not in itself new—the Civil Guard, created in 1844 to maintain law and order in the countryside, was subject to military discipline and headed by military officers. From 1878 to 1932, it was even officially part of the Spanish army.\(^\text{13}\) But it is still the case that, by 1900, it was becoming increasingly common for Civil Governors to suspend constitutional guarantees, declare martial law, and summon regular army units to quell strikes and demonstrations. For instance, in the period June–October 1899, martial law was used to quell disturbances in Valencia, Zaragoza, Barcelona, and El Ferrol.\(^\text{14}\)

However, the loss of empire in 1898 made the military question whether constitutional politics itself might constitute an internal threat to the nation. In the aftermath of the 1898 disaster, an insecure military officer corps blamed civilian government for its defeat; moreover, it saw in the growing Catalanist movement enough to fear that the end of the empire would soon be followed by the disintegration of Spain.\(^\text{15}\) Assuming the mantle of sole guardian of the nation against separatism, the military was granted, in the Law of Jurisdictions of 1906, the right to punish civilians for ‘insults’ against the ‘nation’ after the ¡Cu Cut! affair of November 1905 when officers sacked the offices of a Catalanist satirical

---

\(^{11}\) AGA J(RP), 30338.


\(^{13}\) A. Morales Villanueva, *Las fuerzas de orden público* (Madrid, 1980), 119. A similar militarized structure existed for the urban police forces.


Yet the 1906 Law of Jurisdictions did not establish but only extended military jurisdiction over civilians. Even when martial law was not in force, military courts were already able to punish civilians for offences committed against the army under the 1890 Military Justice Code. Indeed, it included so many ‘civilian crimes’ that it was unique in Europe. The 1890 Code would prove to be such a useful legal mechanism in the punishment of internal enemies that it was retained by the Franco regime until July 1945.

The emergence of an exclusionist military nationalism was accelerated by Spanish intervention in northern Morocco following a series of international agreements with Britain and France after 1904. Tragic Week—the riots in Barcelona in July 1909 sparked by the call-up of working-class reservists to serve in Morocco—heightened military fears of the enemy within. The prolonged and bloody pacification of the Moroccan Protectorate produced a brutalized colonial officer corps who not only saw civilian government as an obstacle to the ‘crusade’ against the infidel Moors but also as a threat to a ‘regeneration’ of the Spanish nation itself. In September 1923 most colonial officers (or Africanistas) supported General Primo de Rivera’s pronunciamiento. On this occasion, martial law was not directed against strikers or demonstrators but against parliamentary government itself.

Although Africanistas were involved in the 1923 military coup, they did not dominate its planning and execution. Indeed, General Primo de Rivera was known to have favoured withdrawal from Morocco. This was not the case in July 1936, when most of the principal figures involved in the military rising were Africanistas. Not only did this include General Mola, the director of the conspiracy, General Sanjurjo, the nominal head

---

16 For full details see ibid. 178–83.
17 M. Alpert, La reforma militar de Azaña (1931–1933) (Madrid, 1982), 280. For details of the introduction of the 1890 Military Justice Code see Payne, Politics and the Military, 58. For a full copy of the Code see F. Alarcón Roldán, Código de Justicia Militar Vigente (Madrid, 1940).
18 See BOE, 20 July 1945 for the promulgation of the new Code.
20 Balfour, The End of the Spanish Empire, 185. Typically, suspected rioters were punished by military tribunals. Between August 1909 and May 1910, 216 courts martial sentenced 1,725 civilians for military rebellion. Ballbé, Orden, 283.
21 On this see Balfour’s recent study, Deadly Embrace.
23 Balfour, Deadly Embrace, 93.
of the rising, and General Franco, but also General Cabanillas, the first president of the rebel Burgos Junta, and General Saliquet, the leader of the rebels in Valladolid. Saliquet would of course eventually become captain-general in Madrid after the civil war and responsible for the implementation of military justice in the capital.  

Therefore, to understand Francoist military justice in Madrid, we need to consider how the colonial experience shaped visions of the internal enemy by 1936. The suppression of the socialist-led revolutionary insurrection in Asturias in October 1934 was crucial. The use of Moorish troops under the direction of Franco in a region of Spain that had never been under Arab domination marked an inversion of the reconquest. The infidel Moor was transformed into an ally against the greater internal threat of the Spanish left. The prosecution of the ‘frontier war’ (to use Franco’s telling phrase), foreshadowed how the Nationalists would punish their enemies after July 1936: a brutal initial phase followed by mass military justice. As many as 30,000 civilians were subject to charges of military rebellion after October 1934.  

The role of the military in the suppression of the October 1934 rising is indicative of the fact that the Republic did not fundamentally reduce its ability to punish internal enemies. Indeed, the articles of the December 1931 Constitution guaranteeing civil liberties were suspended by declarations of martial law more often than they were in force. From late 1933 to July 1936 Spain was permanently under one of the various states of emergency defined by the Republican–Socialist government’s Public Order Law of July 1933. This law—not derogated by the Franco regime until 1959—laid down three different types of states of emergency, the most serious giving the military full powers when the civilian authorities ‘were unable to re-establish order within a brief period’.  

---

24 Like Franco and other Africanistas, Saliquet earned rapid promotion due to participation in the Moroccan campaigns. A commandant when posted to Melilla in 1911, he was a brigadier general by the time he left Morocco for the last time in 1922. He would serve Primo de Rivera as Military Governor in Santander and Cádiz in the 1920s before being put into the reserve following the proclamation of the Republic in 1931. R. Pérez Olivares, Heroes de España: Siluetas biográficas de las figuras más destacadas del movimiento salvador. Excmo Sr. General Andrés Saliquet Zulueta (Avila, 1937). For Saliquet’s role in the rising in Valladolid see the recent study by I. Martín Jiménez, La guerra civil en Valladolid (1936–1939): Amaneceres ensangrentados (Valladolid, 2000).

25 Balfour, Deadly Embrace, 251–2.


27 Ballbé, Orden, 362–3.
Military tribunals even continued to enjoy wide powers to punish civilians in periods of Republican constitutional normality. Although the 1906 Jurisdictions Law was derogated in April 1931, a decree a month later reaffirmed the right of military tribunals to judge civilian crimes listed under the 1890 Military Justice Code. Although the Civil Guard ceased to be part of the Army Ministry in 1932, it remained militarized. This was also the case for the Assault Guards, an urban force created by the Republican–Socialist coalition governments of 1931–3. Little wonder, then, that prominent Africanistas who took part in the military rising of July 1936 had held prominent police posts under the Republic. General Sanjurjo was Director-General of the Civil Guard from 1928 to 1932. His replacement was General Cabanellas. Similarly, the first commander of the Assault Guards was the Africanista Agustín Muñoz Grandes, the future Falangist commander of the Blue Division.

This tradition of military intervention in civilian affairs makes it easier to understand how the 1936 conspirators could see their rebellion as ‘the re-establishment of the principle of authority’. However, the mastermind behind the military rising, General Mola, never expected that he could repeat the bloodless coup d’État of General Primo de Rivera in 1923. In his first directive of April 1936, Mola advised his fellow plotters that a period of ‘exemplary violence’ against Popular Front supporters would be required to ensure the success of the rising. However, Mola did expect a swift victory that would give the conspirators control of the existing Republican state apparatus and facilitate the punishment of resistance in the time-honoured fashion of military tribunals.

The failure to seize control of the Republican state did not, however, lead to an admission by those who rose on 18 July that they were rebels against a legally constituted state. What it meant was that the implementation of military justice was chaotic and localized until a national structure was slowly reconstructed in the winter of 1936/7. In the summer of

---

28 Ibid. 349–50.
29 Ibid. 339.
30 Ibid. 343.
31 Ibid. 339.
32 Taken from the preamble to Franco’s declaration of martial law in Spanish Morocco on 18 July 1936; repr. in Fraser, Blood of Spain, 60–1.
34 While Mola’s future plans for Spain were rather sketchy, the intention that a proposed interim military dictatorship would eliminate any threat from left-wing organizations is clear enough from his proposals. Ibid. 89–90; Balfour, Deadly Embrace, 262.
1936, the ‘re-establishment of the principle of authority’ in the Nationalist zone was a brutal exercise of political cleansing where most executions and imprisonments were carried out without any formal legal sanction, often by civilians.\textsuperscript{35} During this period military tribunals were primarily reserved for leading military and political figures who did not accept the legality of the Nationalist rising.\textsuperscript{36} For example, in Valladolid on 14 August 1936, fourteen men were tried by a Nationalist military tribunal, representing ‘the legitimate authority...represented by the National Defence Council’. Among them were Luis Lavín, the Republican Civil Governor, and Jose Maestro and Juan Lozano, Socialist parliamentary deputies sent by the Republican government in Madrid to put down the rising in Valladolid. Without a trace of irony, the military tribunal found them guilty of ‘conspiring against the National Military Movement...to produce among Marxist elements [of Valladolid] a violent reaction against that movement’. They were sentenced to death under Article 237 of the 1890 Military Justice Code as ‘rebels who carry out an armed rising...against the legitimate government’.\textsuperscript{37}

Efforts were made in the autumn of 1936 to provide an expanded and more uniform system of military justice. This partly reflected the general trend towards the centralization of power in the Nationalist zone following General Franco’s investiture as commander-in-chief of the Nationalist army and head of state, and the creation of a new administration, the Junta Técnica, in October.\textsuperscript{38} It was also indicative of the widespread optimism, given the rapid advances of Nationalist forces, that the fall of Madrid—and therefore the possible end of the civil war—was imminent. Thus, on 24 October, Decrees 42 and 43 were issued, creating the Military Supreme Court under General Jordana (later to be Franco’s Foreign Minister in 1938).\textsuperscript{39} On 5 November, Decree 55 created eight

\textsuperscript{35} For a synopsis of local research for this period see Juliá (ed.), \textit{Victimas}, pt. I, ch. 2.

\textsuperscript{36} One should stress that this was not the implementation of a formal decision taken by the Junta de Defensa in Burgos. In the summer of 1936 Nationalist commanders had complete autonomy in their respective area of operations over matters of military justice, a reality recognized by an August 1936 decree. \textit{BOJDN}, 25 Aug. 1936. Thus Franco, as head of the rising in Spanish Morocco, could not intervene in the decision taken by General Queipo de Llano in Seville to approve the death sentence given against his friend General Campins. Preston, \textit{Franco}, 167.

\textsuperscript{37} A copy of the sentence can be found in Lozano’s LPR file in AGA, J(RP), 30443. Lozano was shot at 5 a.m. on 18 August. General Saliquet approved his death sentence. For another example of the selectivity of military justice in the summer of 1936, see J. Ortiz Villalba, \textit{Sevilla 1936: Del golpe militar a la guerra civil} (Seville, 1998), ch. 6.

\textsuperscript{38} \textit{BOE}, 2 Oct. 1936.

\textsuperscript{39} \textit{BOE}, 24 Oct. 1936.
military tribunals, sixteen examining magistrates, and the Auditoria del Ejército de Ocupación (Office of the Judge Advocacy General of the Army of Occupation) to direct the implementation of military justice in ‘liberated’ Madrid.\textsuperscript{40} This legal column, led by Colonel Ángel Manzaneque y Feltrer, was assembled in Navalcarnero (30 kilometres from Madrid) and told to await the entry of Nationalist troops in the capital.\textsuperscript{41} In the event, of course, Franco never did enter Madrid on a white horse in 1936.\textsuperscript{42} Manzaneque y Feltrer’s legal column was withdrawn to Talavera de la Reina (Toledo), where it spent the winter of 1936/7 compiling information taken from the Republican newspapers and the state bulletin, the \textit{Gaceta de Madrid}. This material would later be utilized by Madrid military courts after the civil war.\textsuperscript{43}

When it was apparent that the initial Nationalist assault on Madrid had failed and that a prolonged civil war was likely, Decree 191 was issued on 26 January 1937 ordering that the procedures for the rapid mass implementation of military justice envisaged for Madrid be applied in areas after their occupation by the Nationalist army.\textsuperscript{44} The Auditoria del Ejército de Ocupación was to provide the nucleus of the Francoist military

\textsuperscript{40} \textit{BOE}, 5 Nov. 1936. It also amended existing military investigation procedures, with the creation of an ‘urgent summary procedure’ (\textit{procedimiento sumario de urgencia}) to facilitate the rapid termination of cases. The 1890 Military Justice Code stipulated that investigations could take place under two different sets of procedures: ordinary or summary procedure (Article 649). As its title suggests, summary procedure aimed to minimize the length of a military investigation. Not surprisingly, it was automatically instituted in all military investigations in the Nationalist zone in August 1936. Still, even this procedure was obviously too elaborate for the military authorities planning a mass implementation of military justice in November 1936. The emergency procedures introduced in November 1936 were only abolished in June 1940. Fernández, \textit{El delito}, 187.

\textsuperscript{41} I. Arenillas de Chaves, Marques de Gracia Real, \textit{El proceso del Besteiro} (Madrid, 1976), 292. Arenillas, who was later to serve as the defence for the socialist leader Julián Besteiro at his courts martial in July 1939, was a civilian lawyer militarized and assigned to the Auditoria in November 1936.

\textsuperscript{42} Radio Lisbon announced somewhat prematurely in early November that Madrid had already fallen and gave a description of Franco’s equestrian entrance into the capital. Thomas, \textit{The Spanish Civil War}, 403.

\textsuperscript{43} Arenillas de Chaves, \textit{El proceso}, 292. The legal column was also active in punishing captured International Brigaders. Donald Renton, a Scottish Communist taken prisoner with fellow Scots Jimmy Rutherford and George Watters during the battle of Jarama in early 1937, has recalled that they were taken to Talavera de la Reina and tried by a military tribunal for military rebellion. While Renton and Watters received a thirty-year sentence, Rutherford was condemned to death. All three would later be exchanged, although Rutherford was shot after he was captured once again by the Nationalists. I. MacDougall (ed.), \textit{Voices from the Spanish Civil War: Personal Recollections of Scottish Volunteers in Republican Spain 1936–39} (Edinburgh, 1986), 27–30.

\textsuperscript{44} \textit{BOE}, 27/1 1937.
justice system. In February 1937 it was transferred to Málaga immediately following the fall of the city to an assorted force of Italian troops, Carlist and Falangist militias, and regular troops under the command of Queipo de Llano. It processed 200 cases a day for 100 days. In June 1937 it was sent north to Bilbao to punish the defeated Basques for military rebellion.

This is not to say that the institutionalization of Francoist military justice in the Nationalist zone from 1937 was unproblematic. Not only were extra-judicial executions by Carlist and Falangist militias common in the first weeks of the occupation of Málaga, but the Auditoría del Ejército de Ocupación also had to face competing claims of authority from the Italians and another legal column responsible only to Queipo de Llano. Arbitrary executions continued as military victory brought thousands of prisoners and large areas of well-populated territory under Nationalist control. Following the final collapse of Republican resistance in the north in October 1937, Falangist squads in Asturias took captured Republican prisoners for ‘walks’ which ended down a well, in a ditch, or off a cliff. Yet local studies suggest that extra-judicial executions increasingly took place at the margins of an ever-expanding military justice system; in Granada province for instance, the increase of the number of military tribunals from three in 1937 to twenty-eight in 1939 largely brought to an end mass arbitrary executions that were so common in the province in 1936.

The main features that would characterize military justice in Madrid in 1939 were therefore in place by the end of the civil war. The legal supremacy of the all-encompassing military jurisdiction was established by the national declaration of martial law on 28 July 1936. Each territorial Nationalist army group had a legal section, the office of the Judge Advocate (Auditoria de Guerra), headed by a Judge Advocate

---

45 Arenillas de Chaves, El proceso, 299. For the repression in Málaga see A. Nadal, Guerra civil en Málaga (Málaga, 1984), and E. Barranquero Texeira, Málaga entre la guerra y la posguerra: El Franquismo (Málaga, 1994). At least 3,027 people had been executed in the city by January 1938.
46 Arenillas de Chaves, El proceso, 292.
50 ‘The Auditoria of the ‘Army of the Occupation’ that took Madrid in March 1939 also covered the provinces of Toledo, Cuenca, Ciudad Real, Cáceres, Badajoz, Segovia, and Ávila.
The role of the Judge Advocate was to assess whether a suspected ‘crime’ fell within the remit of military jurisdiction. If so, the case would be remitted to a military judge or examining magistrate (juez instructor), who was a professional officer. The military judge then investigated the allegations, with the brief of terminating his inquiries as soon as possible, by (for example) only taking statements from ‘the most important’ witnesses. The completed case file was then sent to a military tribunal, comprising five officers, who fixed the trial date. It is only then that the defendant had access to a defence lawyer, who in any case could not be a civilian and could only examine the case file for a maximum of three hours before the trial. The defence lawyer, together with the prosecutor, would then present their arguments before the military tribunal at the trial, who, if they so wished, could call witnesses before pronouncing sentence.

A significant feature of the military justice system before 1936 was the autonomy a military tribunal enjoyed in sentencing. Articles 172 and 173 of the 1890 Military Justice Code not only gave tribunals the right to promulgate sentences that they considered ‘just’ but also the ability to determine a sentence based on whether there were any ‘attenuating’ or ‘aggravating’ factors in the case. The inverse nature of post-1936 military justice only strengthened their autonomy. All individuals condemned by military tribunal were found guilty of a legal definition of military rebellion defined in the 1890 Military Justice Code. These were listed in articles 238–41 and 252. Those most commonly used by military tribunals were (in order of seriousness) ‘adhesion to the rebellion’ (which carried the death penalty or thirty years’ imprisonment), ‘help to the rebellion’, and ‘incitement to the rebellion’. In addition, the offence of ‘negligence’ was applied to pre-war members of the armed forces deemed to have ‘failed in their duties’ in July 1936 (i.e. a failure to

---

51 This territorial form of military justice was stipulated in Articles 38 and 39 of the 1890 Military Justice Code and reaffirmed in Article 2 of the January 1937 decree. BOE, 27 Jan. 1937.
52 In fact, according to a 31 Aug. 1936 decree reproduced in Alarcón, Código, 657–60, all personnel involved in the military justice system had to be professional officers and members of the Military Juridical Corps.
53 Articles 654–9 of the 1890 Military Justice Code; Article 6 of Decree 55.
54 Article 4, clause (b), of Decree 55.
55 Articles 2 and 4, clause (b), of Decree 55. See also R. Díaz-Llanos Lecuona, Manual de justicia militar (La Coruña, 1941), appendix I: ‘diligencias imprescindibles en las causas y expedientes judiciales’.
56 Article 4, clauses (b) and (c), of Decree 55.
actively support the Nationalist rising).\textsuperscript{57} However, military jurisdiction was massively expanded after the declaration of martial law in July 1936 without providing guidelines to the relationship between newly created ‘crimes’ and existing legal definitions of military rebellion. In this situation, military tribunals were dependent on the periodical issuing of guidance from the Military Supreme Court.\textsuperscript{58} These instructions, given the inverse logic of Francoist military justice, were necessarily so broad as to be almost meaningless. In March 1937 a circular explained the difference between the offences of ‘adhesion to the rebellion’ (which potentially meant death) and ‘help to the rebellion’ (a maximum twenty-year prison sentence). For the former, the defendant ‘not only aids or co-operates with the rebellion, but identifies with its objectives... and is united in spirit with the rebels’.\textsuperscript{59}

Legal generalities put military tribunals in a powerful position to formulate their own interpretation of what precisely constituted the different legal kinds of military rebellion. The only check on military tribunals under military law was the Judge Advocate.\textsuperscript{60} All prison sentences issued by military tribunals were provisional until the maximum territorial military authority (i.e. the army group commander) confirmed or rejected them.\textsuperscript{61} Generally, the latter authority would act on the advice of his Judge Advocate, who would examine the sentence first to ensure that the military tribunal had acted in accordance with military law and the evidence presented in the case file. But even if these higher authorities disagreed with a military tribunal, they could not overturn the sentence and impose another one; instead, the case would have to be sent to the Military Supreme Court for a retrial and a definitive decision.\textsuperscript{62}

The failure to provide detailed legal guidelines of what exactly constituted a crime of ‘military rebellion’ meant that the scope of the military juridical bureaucracy’s ability to prosecute was unclear. This lack of clarity facilitated the expansion without precedent of military justice in Madrid after 28 March 1939. The eight military tribunals and sixteen investigative courts originally envisaged in the 5 November 1936 decree to meet the demands of justice in Madrid were insufficient. By the end of

\textsuperscript{57} Article 277 of the Military Justice Code.
\textsuperscript{58} The Military Supreme Court created in October 1936 was reorganized in September 1939 to have exactly the same powers as its predecessors before April 1931. BOE, 7 Sept. 1939.
\textsuperscript{59} Fernández, \textit{El delito}, 55–6.
\textsuperscript{60} A convicted defendant could not appeal against a sentence. BOE, 23 Nov. 1936.
\textsuperscript{61} Decree 191, Article 3.
\textsuperscript{62} Díaz-Llanos, \textit{Manual}, appendix I.
1939, seventeen military tribunals were operational in the capital, and seven in the provincial towns of Aranjuez, Alcalá de Henares, Colmenar Viejo, El Escorial, Getafe, Torrelaguna, and Navalcarnero. To carry out military investigations, there were at least fifty temporary and permanent examining magistrates. These were not solely organized geographically, but also by occupation: examining magistrates were specifically appointed to investigate civil servants, railwaymen, journalists, and businessmen, as well as pre-war professional officers and men.

Concomitant with this was the massive expansion of the Military Juridical Corps. As early as 8 April 1939 all professional officers in Madrid who had served on pre-war military tribunals were required to report for service. Some military judges, such as Colonel Ricardo Monet y Taboada in Colmenar Viejo, had been invalided out of the Nationalist army. Others, especially in the villages, were relatives of Republican victims. On 26 November 1942, Miguel Martínez Martínez, a 24-year-old day labourer, faced a Madrid military tribunal for taking part in the murder of the local boss (cacique) of Brea de Tajo, Jaime Díaz Conthe, and his wife in 1936. The military judge who had carried out the investigation in the village was a relative of Díaz. The prosecutor admitted to the military tribunal that the military judge had put pressure on some witnesses to identify Martínez. Nevertheless, he was successful in his demand for the death penalty. Martínez was shot on 27 January 1943.

The demand for officers with a legal background was so acute that even officers who had served with the Republican army and had been convicted by military tribunals were subsequently drafted into service. Captain Lucas López Massot was the Republican commander in the El Escorial sector in November 1936. Although it was accepted that López was a rightist, he was given one year’s gaol by the Military Supreme Court in February 1940 and paroled. By March 1941 López was a member of military tribunal number 4 in Tarancón (Toledo).

63 Fifteen military tribunals were created to judge civilians and two to judge army officers, privates, and NCOs. The navy and air force had their own central tribunals based in Madrid.
64 Arriba, 8 Apr. 1939.
65 AGA, J(RP), 30314.
66 AGA, J(RP), 782.
67 AGA, J(RP), 30439. López’s case went to the Military Supreme Court after the Judge Advocate disagreed with the acquittal given by the original court martial in Madrid in December 1939. López’s later job as a military judge was not enough to prevent him being investigated under the Law of Political Responsibilities, although the case was shelved in 1944.
theless, it seems that the main source of recruitment came from the conscription of civilian lawyers and judges. Yet these conscripts were not enough—although all military personnel working in the military justice system were supposed to be officers, this requirement was dropped for the lower ranks of the system, especially clerical posts in the military investigative courts (juzgados militares). Thus the secretary of the temporary military investigative court, number 4, on 5 January 1942 was Private Melchor Gallardo Fernández. The acute shortage of staff also led to frequent transfers of personnel: by 22 January, Private Santiago Valiente Hernández had taken over from Gallardo.

Staff shortages and transfers only promoted a chaotic and arbitrary implementation of military justice. José Méndez Leyra, a 20-year-old shop assistant, was sentenced to death on 9 November 1939 for taking part in executions held in the Montaña barracks after it had surrendered on 20 July 1936. His case file was then lost. Because of the constant changes of court personnel, the file was not located until October 1942. Méndez was finally reprieved on 30 May 1943.

Just how many cases were processed by the military justice behemoth for civil war crimes in Madrid after 28 March 1939 is an extremely difficult question to answer. The only previous estimate (over 130,000 cases) was made over fifty years ago. This figure of 130,000 cases is almost certainly a gross overestimate. We can follow the evolution of military justice in Madrid province with reference to the indictment numbers listed in sentences. For instance, the very first indictment number allotted by the military authorities in Madrid was to Julián Besteiro and Rafael Sánchez Guerra, the only members of Colonel Casado’s National Defence Council who chose to remain in Madrid to witness the entry of Nationalist troops. By December 1939 military conscription was initiated during the civil war by an order of 8 Nov. 1936. For an account of how the organs of ordinary justice were stripped of functionaries to meet the demands of military justice see Lanero, *Una milicia de la justicia*.


The joint case was later split, and Sánchez Guerra case was given indictment number 2150; Besteiro 1449.
Tribunals were sentencing individuals with indictment numbers over 50,000. On 29 December Placido Arensio García, the mayor of the village of Chozas de la Sierra in July 1936, was sentenced to death in Colmenar Viejo under indictment number 55612. By 1943 indictment numbers routinely were into six figures. For example, the case against Manuel Muñoz Martínez, the Republican Director-General of Security between 28 July 1936 and March 1937, which was tried in Madrid on 28 November 1942, carried the case number 114328.

The approximation of Muñoz’s indictment number to the original estimate of 130,000 is in fact an illusion. This is because, as noted earlier, the territorial organization of military justice did not correspond to the provincial administrative division of Spain. In other words, the jurisdiction of the Office of the Judge Advocate of the Occupation Army (later renamed the First Military Region after the military territorial reorganization of July 1939) had within its jurisdiction not just Madrid but also the other central Spanish provinces of Toledo, Cuenca, Ciudad Real, Cáceres, Badajoz, Segovia, and Ávila. Thus from March 1939 to 8 November 1939, when two further Judge Advocate offices were created in Aranjuez and Mérida to ease the workload in the provinces of Toledo, Cuenca, Ciudad Real, Badajoz, and Cáceres, the Judge Advocate responsible for Madrid also initiated cases for other provinces. Therefore, many of the over 100,000 investigations registered were not Madrid cases.

It has to be said that numbers of cases were not equivalent to the numbers of individuals investigated. That is to say, individuals were investigated and tried collectively. It appears that the prevalence of this practice varied according to province. In Albacete an average of four people were investigated per case. On the other hand, people were generally investigated individually in La Rioja.

---

74 AGA, J(RP), 356.
75 AGA J(RP), 541. Muñoz was sentenced to death and shot three days later on 1 December.
76 Details of the 7 July 1939 order reorganizing the Spanish army can be found in ABC, 6 July 1939.
77 BOPM, 16 Nov. 1939.
78 In Toledo alone, for example, there were over 24,000 cases of military rebellion. Sabin, Prisión y muerte, 107.
79 M. Ortiz Heras, Violencia política en la II República y el primer franquismo (Madrid, 1996), 369.
concerned, collective cases were not uncommon. Indeed, some cases involved large numbers of defendants. On 3 February 1940, sixty-five employees of the Spanish subsidiary of the International Sleeper Carriage Company were tried in the capital.\footnote{AGA J(RP), 196.} One consequence of collective investigations was the frequent appearance of families in the dock. On 3 June 1939 members of two separate families were on trial in the capital under the same indictment number, 7390. Agustín Fidel Trinidad, his wife María Encarnación, and their son Isidro were one family. The other contained Juan José Barnadillo Cerrada and his son Juan José Barnadillo López. They were all accused of taking part in some degree in arrests and murders in 1936. All were sentenced to death except María Encarnación and Juan José Barnadillo Cerrada.\footnote{AGA J(RP), 355.}

Yet the collective nature of military justice should not be exaggerated. A list of 6,000 military sentences compiled by the LPR authorities in Madrid in 1944 contained 8,041 names or 1.34 per sentence.\footnote{AGA, J(RP), 276.} In any case, it appears that collective investigations were generally not randomly selected but based on a single general accusation. Thus, on 17 May 1939, sixteen villagers from Yepes (Toledo) were tried under indictment number 12358 in Madrid. They were all accused of being members of the village’s so-called ‘Public Health Committee’, that ordered murders in the summer of 1936.\footnote{AGA, J(RP), 392.}

To make any precise estimate even more problematic, the military justice system was riddled with duplicate investigations, a consequence of the existence of multiple denunciations by individuals and state agencies against one individual. Gerardo Cadenas Fernández faced a Getafe court martial on 9 September 1939 after being the subject of no fewer than ten investigations.\footnote{AGA, J(RP), 1374.} Furthermore, many were judged \textit{in absentia}. In this type of case, the relevant military judge would order the absent individual to present himself by means of a notice in the local press. In many cases, of course, the accused would never actually physically face a military tribunal, owing to their death or exile. On 3 March 1940 Mariano Juan Castro appeared before a military tribunal without six of his fellow defendants in indictment 2126. While Castro received a death sentence for taking part in the assault on the Montaña barracks in July 1936, his absent
co-defendants were declared fugitives.\textsuperscript{86} How common this type of case was can be gauged by an order sent to all Madrid newspaper editors by the official in charge of censorship, the Press Secretary-General, in April 1941. He instructed all editors that they must print all notices issued by military judges despite complaints about the amount of column inches they were occupying. His only concession was that notices could appear in small type.\textsuperscript{87}

In any case, the wide, ill-defined scope of military jurisdiction after the civil war makes any general estimate deceptive. The military did not only arrogate to itself ‘crimes’ associated with the civil war but also the right to try ‘public order’ offences committed after the civil war. To be sure, the military traditionally confused political dissidence with ‘public order’, and the March 1939 martial law decree was no exception—it defined such actions as ‘spreading subversive ideas’ or producing and distributing clandestine material as rebellion.\textsuperscript{88} Nevertheless, a range of common crimes, such as armed theft, were also defined as ‘rebellion’.\textsuperscript{89} In fact, for the first months of the military occupation of Madrid, military justice was the only fully functioning criminal justice system. Regular civilian courts, deprived not only of the competence to try many civilian crimes but also of trained personnel by the military justice system, were only slowly reconstituted. Appointments of judges to the Madrid provincial high court (Audiencia Territorial) were made as late as August 1939,\textsuperscript{90} district magistrates a month later.\textsuperscript{91}

The gradual reconstitution of the ordinary court system in 1939 did not necessarily signify a reduction of military jurisdiction over civilians as post-war decrees placed newly criminalized actions within the remit of military tribunals. The crime of black-marketeering, regulated by a decree of 26 October 1939, was placed under military jurisdiction.\textsuperscript{92} Similarly, the task of investigating and determining criminal responsibility for railway accidents was also given to the military in February 1941 as the smooth running of the railway network was seen as a matter of national security.\textsuperscript{93} Indictment number 107485 was opened against two

\textsuperscript{86} AGA, J(RP), 896. Castro’s death sentence was commuted in November 1940. There is no evidence to suggest that his co-defendants ever faced a court martial.
\textsuperscript{87} AGA, C, Consignas, 7.
\textsuperscript{88} Article 5, clauses (b) and (c).
\textsuperscript{89} Article 4, clause (b).
\textsuperscript{90} BOPM, 8 Aug. 1939.
\textsuperscript{91} BOPM, 9 Sept. 1939.
\textsuperscript{92} BOE, 3 Nov. 1939.
\textsuperscript{93} BOE, 18 Feb. 1941.
railwaymen, Higinio Cid López and Miguel Martínez Huedo, who were held responsible for the derailment of a Madrid to Aranjuez train on 11 August 1941 at Atocha station. In November 1942, they were given a sentence of six months and one day for negligence.⁹⁴

One should also remember that military justice also continued to investigate, as it had always done, infringements of military discipline by soldiers. On 14 December 1942, the 18-year-old conscript Clemente Gamelia Diport was tried for desertion after going absent without leave in November 1940.⁹⁵ It also dealt with incidents concerning military personnel and civilians. Private Emilio Soto Rojo was investigated under indictment number 22716 after he knocked down and killed a child called Teresa Mira Verdullas on 11 December 1939. The case was shelved after witnesses supported his version that the child ran in front of his military vehicle.⁹⁶

Despite all these qualifications, it cannot be doubted that thousands of individuals faced a military investigation to determine their civil war criminal responsibility. After all, the series of decrees issued in the first weeks of the occupation made all civil servants, professional officers and men, businessmen, and transport workers automatically liable for military investigation for their perceived utility to the ‘rebellion’. This was a massive undertaking; public transport was one of the largest employers of labour in Madrid.⁹⁷

The decision to use occupation as the only ‘objective’ base of civil war criminality inevitably meant that social and political groups associated with the regime fell foul of military tribunals. Nothing demonstrates this better than the prosecution of all members of the pre-war armed and security forces.⁹⁸ Again, this occupational group was not insignificant in numerical terms: not only was Madrid the pre-war headquarters of the military and police bureaucracy, but the Azaña and Casares Quiroga Republican governments had, by July 1936, amassed in Madrid the largest concentration of military and police units in Spain to deter a rising from either the left or right.⁹⁹ It has been asserted that the members

⁹⁴ AGA, J(RP), 1094.
⁹⁵ AGA, J(RP), 541. Gamelia was given a further two years of military service and four months’ gaol.
⁹⁶ AGA, J(RP), 308.
⁹⁷ For example, the Madrid Trams Company employed 3,435 workers in December 1932. Juliá, Madrid 1931–1934, 443.
⁹⁸ 30 Mar. 1939 decree. ABC, 1 Apr. 1939.
⁹⁹ On 18 July 1936 around 6,700 officers and men were posted in eight army barracks and airfields in the province, the largest being the Montaña in central Madrid. In addition to
of these units, chosen for their political reliability, were generally loyal to the Republic after July 1936. However, post-war military investigations indicate that many pre-war professionals, especially officers, only served the Republican army out of fear or necessity and subsequently enlisted in anti-Republican clandestine activity.

Not even assistance to the Nationalist cause behind enemy lines expunged criminal responsibility of service to a ‘rebel’ army. Infantry Commandant Emilio Sánchez Caballero faced an officers’ tribunal on 29 August 1939. In July 1936 he was posted in the army’s General Staff in Madrid, but managed to evade military service to the Republic until October 1936. From this date he served in a supply section of the Popular Army, where he was able to disrupt the organization of supplies to the front. Despite the fact that the military tribunal praised his civil war record, it asserted that ‘those who have served in the Red army despite not sharing or opposing its ideology and revolutionary methods have undoubtedly contributed to the maintenance of the rebellion’. Sánchez was sentenced to a year of prison for ‘help to the military rebellion’.

The implementation of this unbending principle caused considerable friction in 1939 between military tribunals and their superiors as verdicts were being overturned by the Judge Advocate and the Military Supreme Court for being too lenient. Military tribunals were often reluctant to convict. Artillery Commandant Gonzalo Zabaleta Galván was posted in the army’s General Staff in July 1936 but remained in hiding until October, when he was forced to present himself to the Republican War Ministry. Appointed head of the Republican Army of the Centre’s Munitions Supply Section, he was able, until his retirement in 1938, to facilitate the transmission of information concerning Republican munitions supplies to Nationalist military intelligence. Moreover, in January 1937 he ensured that a supply of 50 mm mortars to Republican units on the Guadalajara front was rendered harmless. Not surprisingly perhaps, Zabaleta was acquitted by an officers’ tribunal on 14 December 1939. However, the Judge Advocate disagreed with the sentence and the case

---

100 Cervera, Madrid en guerra, 154–5.

101 AGA, J(RP), 30518.
went to the Military Supreme Court in March 1940. It overruled the acquittal and imposed a three-year prison sentence for ‘help to the rebellion’. The ruling stated that the fact of two years’ service for the Republican army could not be erased by his clandestine Nationalist activities. In particular, the sabotage he carried out in January 1937 was ‘of little significance if it is compared to what he could have carried out given the nature and complexity of the service that he was entrusted with, in which it would have been relatively easy to produce confusion in the supply of munitions given the diversity of models and calibres’.

Not even participation in the failed military rising in Madrid could expunge legal responsibility for serving the Republic. Colonel Pérez, as Chief of the General Staff of the First Division in July 1936, was in constant contact with General Mola concerning the planning of the rising in the capital. Nevertheless, following its failure, he managed to convince a Republican military tribunal in November 1936 that he had been loyal to the Republic. After his acquittal, he attempted, unsuccessfully, to use the good offices of the Swedish embassy to escape to the Nationalist zone. He spent the rest of the war in hiding, leading a clandestine Falangist column. Despite the fact that he produced references from various Nationalist leaders, including General Muñoz Grandes, at his trial in February 1941, the military tribunal noted that he had been acquitted by a Republican court and had said on his acquittal ‘¡Viva la República!’ As a result, he was given a six-month, one-day prison sentence for negligence in his military duties.

One wonders why, in the context of the mass implementation of military justice, the higher military authorities were so determined to uphold this principle even against the regime’s own supporters. Perhaps the answer can be found in the January 1940 Military Supreme Court ruling in the case against Commandant Albarrán Ordóñez. After failing to escape to the Nationalist zone in the summer of 1936, Albarrán was forced to organize Republican forces on the Somosierra front before securing a discharge after feigning illness in November 1936. After becoming involved in Fifth Columnist activities, he was arrested by the police in October 1937 and sentenced to death, which was later commuted. Liberated from a Republican gaol on 28 March 1939, he faced a Nationalist military tribunal on 8 September 1939. When he was

---

102 AGA, J(RP), 30558.
103 AGA, J(RP), 743. The Judge Advocate dissented from the verdict, recommending a three-year prison sentence. But on this occasion the Military Supreme Court upheld the original verdict in May 1941.
acquitted, the case was sent to the Military Supreme Court after the Judge Advocate disagreed with the verdict. Ruling that Albarrán should receive a prison sentence of two years for ‘help to the rebellion’, the Supreme Court reminded the unfortunate Fifth Columnist that every professional officer ‘had the duty to sacrifice his life before serving the enemies of the Patria’.  

The inverted logic of military justice is evident in the general manner in which service in the Republican army was interpreted. Francoist jurisprudence was based, as the jurist Fernández Asaín put it, ‘in the denial of the quality of army to the rebel mass’. Rank in the Republican army was not recognized by military tribunals. Civilians who earned commissions in the Republican army after July 1936 had no right to be tried in separate officer tribunals; pre-war professionals were tried under their July 1936 rank. Thus Adolfo Prada, the last commander of the Republican Army of the Centre, was convicted under his July 1936 rank of infantry captain. Similarly, desertion to the Republican army was not punished under the normal offence of treason (Article 222 of the Military Justice Code) because this would have implied the existence of an opposing conventional army. When Luis Aparicio Ibáñez, who deserted Nationalist army lines in Madrid’s University City on 26 May 1937, was convicted by a military tribunal in Alcalá de Henares in September 1939, he was sentenced for the general offence of ‘adhesion to the rebellion’. 

Still, the Nationalist denial that their opponents ever constituted an army in the conventional sense in some ways helped to delineate the crime of military rebellion and exempt civilian volunteers or conscripts in the lower ranks of the defeated Republican army from military justice. Following the surrender of 28 March, all members of the former Republican army garrison in Madrid were ordered to report to concentration camps established in Carabanchel, El Pardo, Rivas de Jarama, Perales de Tajuña, Tielmes, Chinchón, and the football grounds of Charmartín and Vallecas on 31 March. There were also camps in El Escorial, Alcalá de Henares, Aranjuez, and at the Madrid school ‘Miguel de Unamuno’.

104 AGA, J(RP), 30310.
105 Fernández, El delito, 58.
106 AGA, J(RP), 441.
107 For this point see Fernández, El delito, 57–8.
108 AGA, J(RP), 594. Aparicio received a death sentence, although this was commuted in May 1940.
109 El Alcázar, 1 Apr. 1939.
110 Rodrigo, Campos de concentración, 167–8, 217–18.
These camps quickly became full: a military report sent to Franco on 5 April mentions a figure of ‘at least’ 48,900 prisoners, including 17,000 at Charmartín alone. Overcrowding became so severe that a new camp had to be quickly instituted in Guzmán el Bueno. These camps were not exterminatory. Doubtless there were irregular murders, committed both by camp guards and rightist (mainly Falangist) groups that toured the camps in search of wanted Republicans who, once identified, were taken out and never seen again. And it is also true that camp conditions were, generally speaking, appalling. Yet it remains the case that their primary role was the classification of prisoners of war. Regular concentration camps emerged in the spring of 1937 as a response to large numbers of POWs captured in the northern offensive on Vizcaya. The classification criteria for prisoners—a mixture of socio-political as well as military factors—were established by military order in March 1937. This stipulated (in very general and indistinct terms) that those who could prove their allegiance to the Nationalist cause would be paroled; those who had volunteered for the Republican army but carried no criminal responsibility would be classified as prisoners of war and held in detention. Finally, commissioned officers ‘who had clearly demonstrated their hostility to Nationalist troops’, and anyone implicated in ‘crimes’, were transferred to military courts for investigation.

Wartime concentration camps therefore served a triple purpose. As well as being a mechanism to identify ‘Red criminals’, they provided fresh troops for the Nationalist army (as those who passed the classification process would invariably be expected to fight against the Republic) and forced labour (those classified as POWs). Indicative of the significance of the camp system was the creation, in July 1937, of the Inspectorate of

112 Arriba, 5 Apr. 1939.
113 For details see Juliá (ed.), Víctimas, 281–2.
114 A brief perusal of the numerous accounts left by ex-prisoners is enough to confirm this point. See e.g. E. de Guzmán, El año de la Victoria (Madrid, 1974). The conditions in Madrid camps can be gauged from an official Nationalist press statement made to foreign news agencies on 5 April. It proudly stated that blankets were beginning to be distributed among the prisoners. The Times, 6 Apr. 1939.
115 Ad hoc camps did exist in the Nationalist rearguard from the beginning of the civil war, although it was all too common in 1936 for military units, especially the Army of Africa in its brutal march towards Madrid, to shoot Republican prisoners out of hand. For early camps see J. Rodrigo, ‘Campos en tiempos de guerra: Historia del mundo concentracionario franquista (1936–1939)’, in Molinero et al., Una inmensa prisión, 21–2. For the Army of Africa’s attitude to POWs see Balfour, Deadly Embrace, ch. 10.
Prisoner Concentration Camps (IPCC) under Colonel Martín Pinillos y Blanco de Bustamente, the military governor of Cáceres.\(^{117}\) The IPCC, established for the duration of the conflict, took camps away from the jurisdiction of territorial army commanders and placed them in an organization under the direct control of Franco. By the end of 1937, 106,822 prisoners in over sixty camps had been classified.\(^{118}\)

The main consequence of classification was new recruits for the Nationalist army: 59,000 POWs (55 per cent) were deemed ideologically reliable enough in 1937 to fight for Franco.\(^{119}\) That is not to say that the camp system failed in 1937 to produce forced labour: 34,143 POWs toiled in sixty-six militarized work battalions throughout the Nationalist zone.\(^{120}\) These POWs worked under the Francoist definition of ‘reparation’ that would also characterize the post-war period. According to the May 1937 decree that regulated work battalions, forced labourers were given the ‘right/obligation’ to work. In other words, they were given the right to take part in the material reconstruction of Spain but also the obligation, since as Republicans they were ‘guilty’ of causing the civil war.\(^{121}\)

Yet the IPCC never formed the basis of a permanent concentration camp system. Incessant military demands for extra troops, and the huge numbers of prisoners taken in Nationalist offensives—at the end of the conquest of Catalonia in February 1939, the IPCC had jurisdiction over 237,103 POWs\(^{122}\)—frustrated Martín Pinillos’ hopes of a stable camp structure based on the ‘duty/obligation’ principle of forced labour.\(^{123}\) Rudimentary post-war concentration camps were rapidly closed. In Madrid, the sole remaining camp in 1940 was at the Miguel de Unamuno school;\(^{124}\) the others were apparently disbanded by the summer of 1939 as ex-Republican soldiers (but not officers) were released pending their final classification by district prisoner classification commissions.\(^{125}\)

\(^{117}\) BOE, 8 July 1937.

\(^{118}\) Rodrigo, _Campos de concentración_, 72, 214–15.

\(^{119}\) Ibid. 76.

\(^{120}\) Ibid. 130–1.

\(^{121}\) BOE, 25 May 1937. Since working for the Francoist state was meant to be regarded as a ‘privilege’, POWs classified as suspected criminals were excluded from work battalions.

\(^{122}\) Rodrigo, ‘Campos en tiempos de guerra’, 31–2. This figure excludes 40,000 held in temporary Catalan holding camps and prisons.

\(^{123}\) Ibid. 26–31.

\(^{124}\) Rodrigo, _Campos de concentración_, 167–8. By 1941 this camp dealt exclusively with foreign internees.

\(^{125}\) The Times, 2 May 1939; ABC, 29 June and 7 July 1939.
This distinction in processing the remnants of the Republican army was based on the premiss that only commissioned officers could be tried and convicted as criminals by virtue of their rank. This can be seen by the different verdicts against two Republican army volunteers given by Madrid military tribunals in the first weeks of the military occupation. On 19 May 1939, Fernando Cueto Blanco, a baker, was tried with his lover Francisca Jiménez after being denounced for robbing the bodies of rightist victims during the summer of 1936. Cueto was acquitted as the military tribunal rejected the denunciation against him, despite the fact that, as a member of the UGT, the socialist trade union, he had volunteered for the Republican army. A week earlier on 12 May, Álvaro Aparicio López, a 27-year-old industrial technician, faced trial. Aparicio had, in Nationalist terms, a more impressive political background than Cueto. A member of the Juntas de Ofensiva Nacional Sindicalista (JONS), the tiny fascist party led by Ramiro Ledesma Ramos and Onésimo Redondo Ortega, he followed the leadership into the Falange in 1934. Arrested in Madrid in July 1936, he managed to escape from gaol the following November with a false identity and went into hiding until February 1937, when a lack of resources forced Aparicio to join the anarchist CNT and enlist in the Republican army. By the spring of 1938 Aparicio had become a captain of the General Staff, and used his position to aid rightist conscripts and facilitate the transmission of military secrets to Nationalist military intelligence. Nevertheless, he was found guilty of ‘help to the rebellion’.

Civilians who obtained commissions in the Republican army were criminalized, as the Nationalists refused to countenance the possibility that promotion within the Republican army could be the result of anything other than an ideological commitment to the ‘rebel cause’. On 4 July 1939 Julio Martínez del Olmo, a 23-year-old mechanical electrician, was court-martialed in Alcalá de Henares and sentenced to prison for thirty years for being a ‘person of leftist origins who volunteered for the so-called Red Army on July 19 1936 and reached the rank of captain in the same year’; such rapid promotion reflected the fact that he was a ‘leading extremist’.

---

126 On this see Fernández, *El delito*, 113–14. It should be emphasized that this only applies to civilians who had volunteered or had been conscripted into the Republican army after 18 July 1936. As we saw earlier, pre-war military professionals were automatically investigated irrespective of rank.
127 AGA, J(RP), 392. His lover was less fortunate as she received thirty years’ gaol.
128 AGA, J(RP), 388. He was given the minimum sentence available, six months and one day.
129 AGA, J(RP), 276.
While the distinction in treatment by the military authorities in 1939 between officers and men of the defeated Republican army garrison in Madrid did exist, its actual impact was circumscribed by the ill-defined scope of inverse Francoist justice. Since the Republican government was deemed illegal from 18 July 1936, service in the Republican army did not count towards an individual’s compulsory military service obligation: at Christmas in 1939, the annual draft for the years 1936–41 was called up in Madrid province.\textsuperscript{130} Those who did the ‘mili de Franco’ (Franco’s military service) were placed in work battalions alongside those POWs outside the 1936–41 class declared ‘opponents’ (desafectos) by a prisoner classification commission.\textsuperscript{131} At least 150 worker battalions, each containing an average of 600 people, laboured to rebuild Spain in the early 1940s.\textsuperscript{132}

Moreover, since Nationalist military jurisprudence did not recognize its opponent as an army in the conventional sense, procedures considered normal within an army to maintain its fighting ability, such as punishment for infringements of military discipline, were deemed murderous. The military authorities established four special courts to investigate the actions of Republican military tribunals and police.\textsuperscript{133} Those who participated to some degree in executions of deserters were potentially liable to be convicted for homicide. Antonio Navacerrada Arias, a 20-year-old peasant, was sentenced to death by the military tribunal in Torrelaguna in December 1939 for the murder of Manuel Ramos, a fellow private in his Republican army company. Navacerrada had supposedly denounced Ramos to his company lieutenant after the former had revealed his plans to desert to Nationalist lines; Ramos was shot as a result.\textsuperscript{134} Similarly, Republican army guerrillas who made raids into the Nationalist zone to destroy military targets were treated as terrorists by post-war military tribunals. Nine members of the 300 Guerrillas Division based in El Escorial during the civil war were tried by the military tribunal in that town on 21 September 1939. All were sentenced to death for carrying out raids into Segovia in 1938–9.\textsuperscript{135}

\textsuperscript{130} Informaciones, 28 Dec. 1939.
\textsuperscript{131} The latter were forced to serve for a minimum of four months. Rodrigo, \textit{Campos de concentración}, 167.
\textsuperscript{133} See e.g. \textit{BOPM}, 29 Apr. 1939, in which special military courts ‘A’ and ‘D’ requested information on members of Republican military tribunals and the military police, the SIM.
\textsuperscript{134} AGA, J(RP), 541. Navacerrada was reprieved in July 1940.
\textsuperscript{135} AGA, J(RP), 1067. All but two were executed.
In any case, Republican army prisoners were as liable as anyone else to be investigated under accusations of ‘crimes’ committed during the Republican ‘occupation’ of Madrid. Apart from the investigations of their own military police, who entered Madrid in the days following the occupation, the military authorities received accusations from a variety of sources. Among other official agencies, the most important source was the reconstituted regular police. As Ballbé notes, the Francoist police force was traditional in nature in that it remained militarized. The only substantial reforms after the civil war concerned the formal abolition of the urban police force created under the Republic, the Assault Guards, and its replacement by the Armed Police (Policia Armada) and the absorption by the Civil Guard of the customs police, the Carabineros.136

In general terms, the police had the auxiliary task of locating and carrying out the preliminary questioning of suspected ‘criminals’ before transferring them to the military justice system to face investigation and trial. I say ‘in general terms’ because the institutional relationship between the police and military justice was marked by a complete lack of regulation in 1939. This legally vague—even chaotic—relationship is illustrated by the case of the Republican writer and poet Miguel Hernández. Arrested by the Portuguese police on 30 April 1939 as he tried to flee Spain, he was handed over to the Spanish frontier police in Rosal de la Frontera (Huelva). After a brief interrogation, the Civil Governor of Huelva—who was responsible for the police in the province—transferred Hernández to the jurisdiction of the Madrid office of the Judge Advocate. However, unknown to the examining magistrate who investigated Hernández under indictment number 21001 throughout the summer of 1939, Hernández arrived at Torrijos prison in Madrid from Huelva in May 1939 without any documentation stating the reasons for arrest or that he was being detained under military authority. As a result, the prison governor requested the Madrid police to take responsibility for his detention while they ascertained the circumstances of his original detention. Although the police contacted their colleagues in Huelva, they were only told that Hernández had been arrested attempting to illegally enter Portugal and that he had been a writer for Republican newspapers; no mention was made of his transfer to military jurisdiction. As a result, and after receiving a favourable reference (aval) from the rightist writer José

136 Ballbé, Orden, 400–1. Of course, although the police structure remained much the same, its personnel did not. Aspirants to the 7,000 places in the new Policia Armada had to prove their ‘patriotism’ with reference to their actions in the civil war. BOE, 16 Sept. 1939.
Maria Cosio concerning Hernández’s conduct during the civil war and giving information that Hernández’s father-in-law, a Civil Guard, had been murdered by Republican militias in 1936, the police decided to release Hernández from prison in August 1939. Incredibly, the military authorities only discovered that he had been released when he failed to appear at his court martial on 7 October 1939. After some rather desperate enquiries, Hernández was found in his home village of Orihuela (Alicante). He was arrested and transferred to the Conde de Torreno prison in Madrid. Finally court-martialled in January 1940, he was sentenced to death for being a political commissar and, as the military tribunal mockingly put it, being the ‘so-called poet of the revolution’.  

The ability of the police to unilaterally take responsibility for and then release Hernández without reference to any legal authority shows the extent of their arbitrary powers. However, Spain was always a nation where *habeas corpus* had been a liberal aspiration rather than a concrete reality. Even during the Republic, the Republican-Socialist government passed a law for ‘idlers and evildoers’ (*ley de vagos y maleantes*) that permitted the arrest and indefinite detention by police of those they suspected of being ‘dangerous’. These included the ‘workshy’, ‘ruffians’, professional beggars, habitual drunks and addicts, anyone whose conduct revealed an ‘inclination’ to commit crimes, and ‘habitual’ criminals. This law, not repealed until 1978, was regularly used by the Francoist police in the early post-war period. On 5 May 1942, for example, a police notice announced the arrest of ten ‘evildoers’.

The degree of confusion created by the absence of formal rules concerning the arrest and detention of prisoners in 1939 was such that the regime had no idea of the number of prisoners inside its gaols. On 9 January 1940 an order was issued creating provincial classification commissions (headed by an army colonel) that would enter prisons and classify inmates according to the following criteria: those inmates without a detention order; those being held by order of the police; and those held

137 Hernández’s military case file has been reproduced in its entirety in J. Guerrero Zamora, *Proceso a Miguel Hernández. El sumario 21.001* (Madrid, 1990). Hernández was reprieved in June 1940.


139 Articles 2 and 3 of the 4 Aug. 1933 decree. The 1935 reform added pimps and those who lived on ‘immoral activities’.

140 *ABC*, 28 May 1942.
under military jurisdiction. Those prisoners in the first two categories were to be released.\textsuperscript{141}

Tension, as well as confusion, characterized the relationship between the single party, the Falange, and military justice. Formally, the role of the Falange (and its Information and Investigation Service), in the punishment of civil war ‘criminals’ was limited to forwarding information to the military authorities. It had no specific powers to arrest and detain individuals, and could only open investigations against party members for purging purposes. We have seen in the previous chapter how the Falange’s activities in April 1939 exceeded this theoretically limited role. Moreover, the reluctance of Falangists to accept subordinate status to the military was not restricted to the first weeks of Nationalist rule. In September 1939 the National leadership of the Falangist Information and Investigation Service felt obliged to issue an order to agents in the capital reminding them that they could not carry out arrests or house searches.\textsuperscript{142}

In the villages outside Madrid, Falangist unwillingness to respect military authority was also manifest. The 21-year-old local jefe of the Falange in Barajas, Gregorio Nájera Sevillano, treated the village as his own private fiefdom after his appointment in 1939. Among other things, he ordered arbitrary arrests and extorted money from villagers, illegally confiscated property, and organized unauthorized night patrols. What finally caused his downfall was his rather foolhardy decision to send three young Falangists to arrest the local head of the Civil Guard at his home during the early hours of 5 January 1940. But, instead of detaining him, the Falangists burst into tears and begged forgiveness after the Civil Guard commander curtly informed them that they were under arrest. While this demonstration of humility secured the release of the three Falangists, Nájera was not so fortunate—he was arrested and imprisoned in the nearby town of Alcalá de Henares.\textsuperscript{143}

At times the lack of co-operation between the party and state public order agencies was so serious as to potentially risk the security of the head of state, General Franco. On 16 July 1941, the Director-General of

\textsuperscript{141} BOE, 11/1 1940. Whether this occurred was another matter. In May 1940, the Director-General of Prisons received reports that Judge Advocates were ratifying the detention of prisoners en bloc, irrespective of their personal circumstances. The matter only came to light because some of those included had already been sentenced to death and executed. AGA, P, 4020.

\textsuperscript{142} ABC, 6 Sept. 1939.

\textsuperscript{143} AGA, P(SGM), 40.
Security, Lieutenant-Colonel Caballero, wrote to his superior, the Interior Minister Colonel Galarza, complaining that the Falange were not informing the police in advance of the itineraries followed by Franco during his functions as head of the Falange. He was particularly worried about the lack of information concerning Franco’s visit to the railway workshops in the village of Villaverde on the following 18 July given ‘the social group [el sector social] that lives and works daily there’.

Yet one can exaggerate Falangist unwillingness to collaborate with military authority. Party reports on the ‘socio-political’ background of defendants were an essential feature of a military investigation. In January 1941 the Madrid branch of the Falangist Information and Investigation Service sent 4,168 reports to military courts. These were extracted from its archive, which in 1940 contained a card index with a staggering 529,875 names (nearly half the total population of the province) as well as 174,000 files that held more details of an individual’s ‘socio-political’ profile. What is more remarkable is that this arsenal of information was compiled by an organization that only employed 339 agents (including thirty-five office staff) in 1940; the number of agents would actually decline in 1941 as some volunteered to fight with the Blue Division on the eastern front.

The limited resources of the Madrid Information and Investigation Service suggest its degree of dependence on the public for information. Indeed, when considering why there were so many post-war military investigations in Madrid, we cannot ignore pressures from below as ‘ordinary’ Spaniards took advantage of the ill-defined, inverse nature of military justice. Of course, it was the regime itself that opened the Pandora’s box. The military authorities issued a decree on 30 March stipulating that all those with information concerning ‘crimes’ committed in Madrid during the civil war had to report to them. Still, as the wave of the denunciations to the Francoist police in the first weeks of the

---

144 AGA, P(SGM), 5. The Interior Under-Secretary then forwarded this complaint to Jose Luis de Arrese, Secretary-General of Falange, demanding that ‘for the good of the national interest, this state of affairs must cease’.
145 AGA, P(SGM), 41.
146 AGA, P(SGM), 5. In total, the service had 5,092,748 names on card indexes, with files on 2,962,853 people. It employed 3,804 agents. The decline of agent numbers in 1941 is reported in Ya, 8 May 1942.
148 ABC, 1 Apr. 1939.
military occupation demonstrated, many were willing to co-operate with this order immediately.

The significance of personal denunciation can be seen by the existence of duplicate investigations. It was not uncommon for individuals, arrested by the police or subject to automatic military legal proceedings, to face further investigation as the result of a denunciation. Rafael Sánchez Guerra, the Catholic Republican politician and subject of the very first military investigation, was prosecuted and sentenced to thirty years' imprisonment in June 1939. He was also investigated under indictment number 1030, initiated after Asunción Muñoz denounced him on 30 April 1939 for failing to protect her father who disappeared during the civil war. While that accusation against Sánchez Guerra was shelved, the existence of multiple denunciations could lead to repeated appearances in a military court. This fate befell Julián Barbajosa Parrilla, a 62-year-old court official. Court-martialed on 13 April 1939 because of his occupation under indictment number 146, he was acquitted. He then faced a military tribunal under case number 17093 on 10 February 1940 after being denounced for taking part in arrests in 1936. He was acquitted again. Finally, after being denounced by Guadalupe Fernández, he reappeared in a military court under case number 64555 on 6 August 1941 on the charge that he had reported Fernández to the militias in 1936. He was acquitted for the third time.

Given the context of mass arrests and regular executions, it would be tempting to attribute public co-operation with Francoist justice agencies to fear and terror. Yet this would be an inadequate explanation, even in the first months of Nationalist rule. There are many examples of individuals who refused to co-operate with the military authorities. Staff at the Madrid Press Library, the Hemeroteca Municipal, for example, refused military police requests to take volumes of Republican newspapers out of the library on the basis of municipal law. Thus military investigators in their hunt for photographs or information on 'Red criminals' were forced, like ordinary readers, to request copies of newspapers. The employees at the Madrid Press Library were not the only civil servants unperturbed before the demands made by the military

---

149 AHN, CG-M, 1525.
150 AGA, J(RP), 356.
151 See the response to the request made by Sánchez Guerra's juez instructor in May 1939 for original articles written by the Catholic Republican politician. This can be found on p. 55 of Sánchez Guerra's investigation file, AHN, CG-M, 1525.
authorities. Many of those subject to an automatic military investigation refused to name prominent ‘Reds’ within their sphere of work.\footnote{All civil servants, as part of their military investigation, had to provide a statement containing the answers to a series of questions about their civil war activities. Question 8 demanded: ‘Tell us who were the leading Leftists [in your work] and what you know about their activities’. For complaints about the failure to answer this question see military notices published in Arriba, 15 May 1939 and ABC, 15 July 1939.}

Of course, one might well question the impact of these acts of non-co-operation on the overall implementation of military justice in 1939, especially compared to those who used denunciations for instrumental reasons. Military tribunals had to deal with scores of cases based on banal denunciations. On 19 June 1939 Manuel Bueno Fernández was in the dock in Madrid because his neighbour in 34 Vallehermoso Street, María de la Cruz, denounced him at the end of the war for apparently denouncing her in the summer of 1936 to a group of militiamen. Although nothing nasty actually happened to María de la Cruz, Bueno had apparently advised the militiamen to give her ‘a couple of shots’ as ‘she’s not worth anything’.\footnote{AGA, J(RP), 1179.} Two weeks later on 4 July Dominica de la Peña Soria, a 44-year-old housewife, was tried by a Madrid military tribunal for having ‘threatened’ neighbours during the civil war and saying that ‘much [political] cleansing needs to take place’.\footnote{AGA, J(RP), 276.}

Military tribunals also commonly dealt with cases concerning minor thefts of property after 18 July 1936. María Jesús Rubio Sánchez and her three children, wartime evacuees at 3 Florida Street, were tried in Madrid on 26 June 1939. The property’s owner, Fernando Sanz, denounced them for stealing his clothing despite the fact that most of the stolen items had been returned to him at the end of the war.\footnote{AGA, J(RP), 1179.} It has to be stressed that in all of these examples, the defendants were found guilty;\footnote{They all received the relatively short gaol sentence of six years and one day for the least serious offence, ‘incitement to the rebellion’.} the reversed logic of military justice made these actions criminal. Banal cases such as these were irretrievably entangled with cases involving serious accusations such as murder within the military justice system. There is no evidence to suggest that cases were processed in order of seriousness. For example, on 5 May 1939 Miguel Torres Guerrero, a 32-year-old carpenter, and 28-year-old Inocencia Crespo Crespo, both sat in the dock of military tribunal number 8 in Madrid. While Crespo received a six-year prison sentence for ‘insulting’ rightists by calling them ‘fascists’
during the civil war under indictment number 10357, Torres was condemned to death under indictment number 10359 for murder. He had allegedly taken part in the assault on the Montaña barracks on 20 July 1936, and detained a sergeant whom he handed over to some Assault Guards to be executed.\textsuperscript{157}

By 1940 Madrid’s prisons were still full to bursting point. If exact figures are difficult to come by—as we have seen, even the regime was not sure how many it held in detention—prisoner testimony can leave us with no other conclusion. One such prisoner, José Leiva, an anarchist journalist who was later to become a member of Giral’s non-Communist Republican government-in-exile in 1945, wrote that overcrowding was so bad that some prisons were turning away new arrivals.\textsuperscript{158} He estimates that around 50,000 people were crammed inside the capital’s gaols by 1940.\textsuperscript{159} Prison overcrowding is an excellent indicator of the lack of progress made by the military justice system in 1939 in resolving cases, since the regime was determined to ease congestion in Madrid’s gaols by dispersing the convicted throughout Spain. Rafael Sánchez Guerra was transferred from Cisne gaol in Madrid to the Central Prison at Cuellar (Segovia) on 19 June 1939 following his thirty-year prison sentence on 9 June\textsuperscript{160}. Julián Besteiro was confined in Carmona (Seville) following his trial in July 1939.\textsuperscript{161} Ironically, many prisoners in 1939 welcomed the long wait for a military tribunal, since they assumed that the Franco regime would fall before their case was completed. In November 1939, a rumour circulated the poor districts and the prisons of Madrid that the restoration of the monarchy, with a declaration of a general amnesty, was imminent.\textsuperscript{162} This gossip became so widespread that the Director-General of Security had to issue a formal warning in the controlled press that the spreading of rumours would be severely punished.\textsuperscript{163}

Not all inmates or their families were content to wait for the fall of the Franco regime. Some were prepared to offer money or even sex to secure an early conclusion of a case, as military judges and their assistants had considerable power in delaying or expediting investigations and

\begin{itemize}
  \item\textsuperscript{157} Torres, who later became a commandant in the Republican army, commanded a battalion in 1938. He was shot on 24 July. AGA, J(RP), 1034. For Crespo’s sentence, see AGA, J(RP), 392.
  \item\textsuperscript{158} Leiva, \textit{En nombre de Dios}, 165.
  \item\textsuperscript{159} Ibid.
  \item\textsuperscript{160} AHN, CG-M, 1525.
  \item\textsuperscript{161} AGA, J(RP), 30338.
  \item\textsuperscript{162} PRO/FO 371/23168/Ci9131.
  \item\textsuperscript{163} \textit{ABC}, 26 Nov. 1939.
\end{itemize}
facilitating parole. 164 Some of them used this power to gain financial or sexual favours from defendants’ relatives. Pablo Cruz, a clerk in Madrid military court 6 during the summer of 1939, had secured the release of Luis Fernández, a prisoner under investigation, in exchange for money and sex with his wife. Unfortunately for Fernández’s wife, María Ven-toso, she became pregnant by Cruz and died during an illegal backstreet abortion on 1 September. When the military police investigated Cruz’s activities, they discovered that female relatives of prisoners often visited Cruz in his office; they also found a long list of names of prisoners that he was attempting to get released in his desk. Cruz was sentenced to death on 13 September 1939. 165

The Nationalists entered Madrid on 28 March 1939 determined to prosecute ill-defined crimes of ‘rebellion’ through the traditional means of punishing ‘internal enemies’ of Spain, the military justice system. Such determination caused the incongruous—but logical—prosecution of rightists who had clandestinely aided the Nationalist cause while formally serving with the Republican army. They knew that the implementation of the inverse logic of military justice would result in thousands of cases and attempted to provide the necessary institutional framework. By the end of 1939 these efforts were not enough; as well as dealing with those the regime perceived to have caused and sustained the ‘rebellion’, military justice had to meet popular demands for ‘justice’. Nine months into Franco’s ‘peace’, military tribunals were still working at full capacity to punish civil war enemies.

164 During the normal course of an investigation, examining magistrates could recommend to the Judge Advocate that the accused be released from prison during the investigation if he was not considered ‘dangerous’. The recommendation was usually, but not always, followed. In May 1939 Sánchez Guerra wrote to the Auditor asking to be released from Cisne prison to be with his (Falangist) son who had fractured his arm. Although the military judge supported his application, it was rejected. AHN, CG-M, 1525.

165 AGA, J(RP), 30277. Cruz was shot exactly two weeks later.
On 8 May 1940 the Director-General of Prisons, Máximo Cuervo, sent Franco a report on the performance of the military justice system. It stated that, excluding acquittals, military tribunals had convicted 103,000 people, including 40,000 since the end of the civil war. However, he warned that, at the current rate of investigation and sentencing, it would take three years to judge all those awaiting trial. Moreover, this estimate did not include any future denunciations.\(^1\) In a progress report five months later, Cuervo informed the Caudillo that, on 29 October, Spanish prisons held 242,778 inmates. Of these, military tribunals had convicted 106,130 people, including 8,340 condemned to death, 33,896 whose sentence was unconfirmed. A further 94,286 were awaiting trial, and 8,466 were being ‘detained’.\(^2\) The national prison population in 1933 was 12,807.\(^3\) The message to Franco was therefore clear: inverse military justice had produced unprecedented numbers of prisoners and there appeared to be no foreseeable end to the work of the military tribunals. Nearly seven years later, in September 1947, the Prisons Department reported that only 4,052 people were still serving sentences for civil war offences throughout Spain.\(^4\) By February 1952, an internal Justice Ministry survey revealed that this figure had declined to 829 inmates.\(^5\) This

\(^1\) FNFF, vol. ii(i), 176–7.

\(^2\) Ibid. 386–7.

\(^3\) R. Tamames, *La República. La Era de Franco* (Madrid, 1973), 353. The year 1933 is the last before the civil war for which there are reliable figures.


\(^5\) AGA, J(RP), 174 and 456. It appears that this survey, carried out between 19 January and 8 February 1952, was prompted by pressure by the Commission Internationale Contre le Régime Concentrationnaire, a French-based ex-Nazi deportees’ association, to investigate conditions in Francoist prisons. When, after much delay, the Francoist authorities agreed to their request, the investigative team was handed an official Justice Ministry notice which stated that, on 21 February 1952, there were 793 prisoners serving sentences for civil war offences. The small discrepancy in figures is puzzling, although it might be due to the slight differences in dates. More seriously, the investigative team, on its return from Spain, alleged that the Justice Ministry underestimated the true figure by excluding those held in small
dramatic fall was mirrored in Madrid province. In September 1943 the number of prisoners serving sentences for civil war offences stood at 6,890. By February 1952 this figure had fallen to forty-four. In penal terms, the legacy of the civil war had virtually disappeared in thirteen years.

The liquidation of the issue of civil war criminality was based in the reassertion of central control over military justice from 1940. In contrast to 1939, when it adopted a more or less laissez-faire attitude towards military justice and left its implementation to the military judicial bureaucracy, the centre consistently intervened in the military justice process to secure two objectives. The first was the curtailment of new denunciations for investigation, and less punitive sentences. The second was the early release of prisoners by a revision of sentences issued in 1939 and a system of parole. The pursuit of these objectives—which culminated in the proscription of civil war crimes in October 1945—provoked the veiled opposition of the military bureaucracy. Indeed Cuervo, in his 8 May 1940 report to Franco, railed against the Military Juridical Corps since it failed to recognize ‘the extremely grave problem that it has in its hands and the pressing and serious need to bring to an end its liquidation’.

The first and most significant step in the liquidation process of this ‘extremely grave problem’ was the order issued by Franco’s personal department, the Government Presidency (Presidencia de Gobierno), on 25 January 1940 that codified for the first time the crime of military rebellion in the civil war context. As the preamble makes clear, this codification was to end the confusion in sentencing:

It is the fundamental intention of the New State to liquidate the responsibilities contracted on occasion of the criminal betrayal against the Patria that was carried out by Marxism when it opposed the Military Rising and the National Cause with the aim to avoid, as much as humanly possible, inequalities that may have occurred and have occurred in many cases, given . . . the lack of uniformity of criteria to judge and punish similar crimes of equal seriousness.

district prisons (prisión de partido), and those involved in forced labour projects. Commission Internationale Contre le Régime Concentrationnaire, Livre blanc sur le système pénitentiaire espagnol (Paris, 1953), 44–5. However, according to the internal correspondence of the January 1952 survey, these charges lack foundation; our figure includes four prisoners assigned to a penal work unit in the Madrid village of Buitrago.

6 BODGP, 11 Nov. 1943.
7 AGA, J(RP), 456 and 174.
8 BOE, 20 Oct. 1945. Exempted from this decree, however, were those accused or convicted of ‘blood crimes’.
9 BOE, 26 Jan. 1940.
Discussing this order in 1943, the military jurist Fernández Asaín blamed these inequalities in sentencing on the wide autonomy given by the Military Justice Code and martial law decrees; this ‘made possible that the same acts were judged in a different manner by different Spanish military tribunals’.10

We can illustrate this by comparing two sentences issued on the same day, 3 July 1939, by different military tribunals in Madrid. The military tribunal in Alcalá de Henares gave a thirty-year prison sentence for ‘adhesion to the rebellion’ to Pedro Ayra, a pre-war member of Izquierda Republicana. Although the military tribunal considered it proven that Ayra had been a member of the revolutionary committee in Torrejón de Ardoz during the civil war, it rejected accusations that he had taken part in any crimes committed in the village, noting his ‘moderate behaviour’.11

By contrast, Petra Martínez, the leader of the Communist Party’s Women’s Section in Torrejón de Ardoz, received a six-year one-day prison sentence for the lesser offence of ‘incitement to the rebellion’ from a military tribunal in the capital. This is despite the fact that the military tribunal noted with disapproval that she took part in propaganda activities and the confiscation of property.12

So what were the new criteria for military rebellion? Some eighty-two different types of ‘rebellion’, divided into six general groups, were listed in an annex. The predominance of ‘blood crimes’ among the most serious offences is clear. Thirteen of the seventeen offences listed as warranting an automatic death penalty in group I are for participation in murders.13

Of the sixteen offences that carried a death sentence ‘depending on the circumstances’ in group II, only three were unconnected with blood crimes.14 The annex also makes apparent the inverse nature of Francoist justice; pre-war professional officers who served the Republic could be

10 Fernández, El delito, 175.
11 AGA, J(RP), 392.
12 AGA, J(RP), 841.
13 The four offences in group 1 unconnected with direct or indirect participation in murders include two which were reserved for the ‘leaders of the Red revolution’, who as such, carried general responsibility for the murders in the Republican zone. The other offences named military professionals whose ‘hatred for the National Movement was well known’ and Freemasons who had taken ‘an active role in the Red revolution’, a reflection of the particularly pernicious role Freemasons played in the Francoist ideological world view.
14 These included those who carried out espionage in the Nationalist zone in the civil war; those who had illegally kept weapons with the intention to use them ‘against the National Cause’; and professional officers whose pre-war ideas and conduct ‘in favour of the Red revolution were the soul [alma] of the Marxist Movement’.
found guilty, depending on the circumstances, of an offence in each of the six groups.

However, the vague wording of many listed offences in the annex is also manifest. Although pre-1939 membership of a Popular Front organization is not listed as ‘rebellion’, individuals could be sentenced to twenty years and a day for having been ‘agitators or propagandists of the Marxist or revolutionary parties against the Movement’. Therefore, the significance of the annex lies not just in the text itself but also in the spin that the regime gave to it. The other sections of the order imply that military tribunals had generally been too harsh in sentencing. Article 1

established in every province a revision commission to re-examine all sentences issued before the order according to the new sentencing criteria. These commissions, whose work, according to Article 4, was of the highest priority, were forbidden to recommend higher sentences than those originally imposed. The message that the sentencing criteria were essentially a means of revising sentences downwards was underlined in the Press Director-General’s instructions on 25 January to the controlled media as to how to interpret this order. He told Arriba that it was forbidden to publish the annex itself, but that it should admit that some sentences had been dictated ‘rashly’ and were ‘disproportionate’ to the seriousness of the crimes.

It appears that the revision commissions—composed of military bureaucrats—may have been slow to appreciate the objective of their work. On 15 March 1940 the Air Minister, General Yagüe, reported to Franco on the progress made by the commission dealing with sentences involving airmen. The person responsible for the infamous massacre of militiamen in the Badajoz bullring in August 1936 complained rather incongruously that the commission’s recommendations were generally ‘too harsh’, especially in comparison with the commission that dealt with the army. He stated that, out of 957 sentences examined by the commission by 15 March, 603 (63 per cent) had been upheld, and 354 (37 per cent) had been revised downwards. Interestingly, of the latter,

15 Group 3, no. 9.
16 Article 3. The revision commissions would make their recommendations, based solely on an examination of the sentence, to the relevant higher juridical military authorities, who then took the final decision.
17 AGA, C, Consignas 75.
18 AGA, P, 4036. An abbreviated form of this report can be found in FNFF, vol. ii(i), 115–23.
182 (51 per cent) were sentences originally of over twenty years, including four commuted death sentences; sixty-two revised sentences entailed the early release of prisoners. He concluded his report by stating that the commission should consider its decisions ‘[in] relation to the necessity to resolve the general penitentiary problem in harmony with national needs’.

Whether because of bureaucratic inertia or the sheer number of cases, the process of revising 1939 sentences downwards was painfully slow. Gabino Castelo Miguel, a 50-year-old carpenter and wartime councillor in the village of Guadarrama, was given thirty years’ imprisonment for the persecution of rightists and the confiscation of property by the military tribunal in El Escorial on 3 May 1939. His sentence was only revised to twelve years on Christmas Eve 1943.19 Sometimes the delay was just too long. As we saw earlier, the Republican poet Miguel Hernández’s 18 January 1940 death sentence was commuted in June 1940 to thirty years’ imprisonment. This sentence was further revised to twenty years and one day by a revision commission in October 1944. Hernández had died in Alicante gaol in March 1942.20

Although disappointing in the short term, the significance of the work of the revision commissions cannot be exaggerated. In conjunction with post-war parole legislation, which will be examined in detail later, it was an essential mechanism to release prisoners. This was true even of those prisoners whose 1939 death sentence was commuted. Thus Eduardo Haro Delace, deputy editor of the Republican paper La Libertad and father of the El País columnist Eduardo Haro Tecglen, was sentenced to death in July 1939 and reprieved in October of that year. A revision commission later changed his prison sentence to fourteen years; by September 1944 he had been paroled and was working in Madrid for a company called Mercurio Films, earning 800 pesetas a month.21

Neither the spirit nor the terms of the January 1940 order were restricted to the revision of past sentences. Article 6 made it clear that the sentencing criteria were to be applied to the assessment of new denunciations for investigation and cases still under investigation. As regards the former, this signified that the scope for denouncing civil war ‘crimes’ was to be restricted; a decree issued days later on 6 February prohibited, from 1 April 1941, investigation into crimes that were likely to be punishable by a sentence of twelve years and one day or less under the new criteria.22

19 AGA. J(RP), 392.  
20 Guerrero, Proceso, 106.  
21 AGA. J(RP), 1069.  
22 BOE, 6 Feb. 1940.
The likelihood of denunciations being investigated was further diminished by a September 1941 decree that stipulated that all denunciations had to be ratified. Until that date, the military authorities could and did accept anonymous denunciations. In 1940 the police received an anonymous denunciation against Benito Atochero. It stated that Atochero had been a Communist Party member who had been gaoled in 1934 for defrauding his employer, the Madrid Ayuntamiento, of 11,000 pesetas but released by the ‘Red scum’ in July 1936. For good measure, it concluded by claiming that Atochero had taken part in thirty-three murders and had become a captain in the Republican army. Despite the fact that the denouncer was never traced, a military investigation was carried out and discovered that Atochero had been a pre-war member of Falange who had been persecuted during the civil war and forced to enlist in the Republican army where, due to a military background, he was promoted to the rank of major. Because of his Republican army rank, Atochero was given six years and a day imprisonment by a Madrid military tribunal on 17 November 1941.

It appears that the most significant consequence of the January 1940 order on military investigations was the mass shelving of cases where the evidence against a defendant was considered insufficient to secure a conviction under the new sentencing criteria. An examination of the collection of military documents in Alcalá de Henares suggests that, from mid-1940, cases were sent en masse from military investigators to the Judge Advocate. He would then recommend to his superior and highest military authority in the region, the captain-general, that each individual case be shelved for the generic reason that ‘considering these actions in the context of the volume of responsibilities derived from the rebellion [i.e. the civil war] and taking into consideration the penal policy regulations currently in force, one does not find in this present case enough merit to impute responsibility to the defendant...[therefore it is recommended] that Your Excellency agrees the termination of this case without a declaration of responsibility’.

Of all military cases, those most affected by this policy were the mandatory investigations initiated by virtue of occupation under the March and April 1939 decrees. Interestingly, these habitually involved individuals whose Popular Front background had been, according to military investigators, clearly established but who did not face any further accusation. Thus Manuel Calles, a train driver for the Northern Railway

---

23 BOE, 5 Sept. 1941. 24 AGA, J(RP), 594.
Company, was accused under indictment number 30635 by the official reports of being a pre-war member of both the Socialist Party and the socialist railwaymen’s union, the Sindicato Nacional Ferroviario (SNF). However, there were no other accusations apart from a statement that Calles had contributed to the ‘Red cause’ by being responsible for the maintenance of the railway track between Torrejón de Ardoz (Madrid) and Tarancón (Toledo) during the civil war. The case was shelved in February 1941. Similarly, Dolores Cebrián y Fernández de Villegas, the wife of the Socialist leader Julián Besteiro, was subject to military investigation under indictment number 30229 for being the head at the teacher-training college in Madrid in July 1936. Although she was formally dismissed from the profession by the Nationalist education authorities in August 1937, her military investigation was shelved in April 1941. While the Judge Advocate accepted that Cebrián was a ‘leftist’ (she had been a pre-war member of the UGT although not (it appears) the Socialist Party), he recommended the case be shelved as there was no clear accusation against her.

Yet mass shelving was not confined to mandatory occupational cases. Cases initiated by a denunciation from whatever source, including the police, were also affected. Julio Fernández López was transferred from the jurisdiction of the secret police, the Brigada Polí-tico Social, to the military justice authorities with the charges that he had been Secretary of the Socialist Party in Puente de Vallecas in 1936, that he had taken part in pre-war skirmishes with Falangists, and that (finding himself in the Nationalist zone in July 1936), he had failed to enlist in the Nationalist army. However, his case was shelved in July 1941. What was critical to this decision was the existence of the testimony of numerous people during the investigation supporting Fernández’s denial of all police allegations.

In fact, it appears that, in the Judge Advocate’s decision to shelve cases because of lack of evidence, the existence of references (avales) was of crucial significance. That is not to say that individuals did not voluntarily engage with military justice before 1940. In this respect, the case of Manuel Ovin Cortés in September 1939 is exceptional only in its audacity. Ovin, a lawyer, was an acquaintance of Joaquin Morán González who was under investigation by Madrid military court 15 headed by

25 AGA, J(RP), 524.
26 AGA, J(RP), 1038. The order to dismiss Cebrián from the teaching profession can be found in BOE, 6 Aug. 1937.
27 AGA, J(RP), 743.
Lieutenant Carasa. On 19 September Ovin, wearing a false judicial corps captain’s uniform, entered the court’s offices posing as a court inspector. He ordered Carasa to release Morán on parole. Carasa replied that this was impossible, but promised a swift conclusion to Morán’s investigation. Only when Carasa related the incident to the Judge Advocate did he realize that he had been tricked. Ovin was located and appeared before a military tribunal three days later on 22 September. He was given a twenty-month prison term and a 1,000-peseta fine.28

In fact, support from ‘ordinary’ individuals for defendants was a habitual feature of a military investigation. In the capital, neighbours often issued collective avales. One defendant to benefit from this was Maria Alonso Corral, arrested in 1939 by José Camacho Noblejas, an agent of the Brigada Político Social. He accused her of being a member of the Socorro Rojo Internacional (SRI) provincial committee in Ciudad Real during the war, and of organizing a conference entitled ‘Antifascist Solidarity’ in November 1938. Her Madrid neighbours, in a collective statement, told her military investigator that she had been forced to leave the capital to work for the SRI in 1938, that she had been arrested by the Republican police after her boyfriend had deserted to the Nationalist zone, and that she had lived in a ‘moral Christian manner’ during the war. Her case was shelved in July 1941.29

Collective support for defendants was also evident in the villages, especially in those where the local Republican authorities had actively prevented or attempted to restrain revolutionary violence in 1936. Eleuterio Miranda Martín, a day labourer, was mayor and member of the Popular Front Committee in Becerril de la Sierra, north-east of Madrid, in July 1936. However, he ‘only’ received a six-year gaol sentence from a military tribunal in 1939 and was quickly released. The reason for the light sentence was the unanimous support of local villagers, who emphasized that Miranda protected local rightists from the revolutionary militias who periodically visited the village during the civil war.30 Miranda’s successor as mayor in February 1937 was Primitivo Sanz Fernández, the president of the local ‘Investigative Committee’. He was not as fortunate as Miranda in 1939—he was sentenced to thirty years’ imprisonment. Nevertheless, he was released from gaol as early as May 1941. His unusually early release was undoubtedly due to the efforts of

---

28 AGA, J(RP), 388.
29 AGA, J(RP), 1378.
30 AGA, J(RP), 30466.
local villagers, including the Falangist mayor, Gaspar Montalvo Sanz. Montalvo continued to defend Sanz in 1943 when the latter was subject to a Law of Political Responsibilities investigation. He told investigators that Sanz had ‘risked his life’ to defend rightists while he was mayor. The LPR case was shelved in 1945.\(^{31}\)

Of course, popular participation did not always favour defendants. As we have seen, personal denunciation was an elementary feature of military justice. However, the presentation of the denunciation was only the beginning of the accuser’s involvement in military justice. Witnesses would have to be produced. This only widened popular complicity with military justice. Felipe Gutiérrez Martín was a 24-year-old driver (conductor) from Getafe. He was sentenced to death in March 1943 as a result of the denunciation of a neighbour, Andrés Vergara, in October 1939, who accused Gutiérrez of taking part in the arrest of six neighbours in Getafe, and being ‘a constant companion’ of those who had assaulted the artillery barracks (the main army barracks in Getafe before the war) in July 1936. When the examining magistrate subsequently interviewed all six of them—they had not been murdered—they told him that they ‘considered it possible’ that Gutiérrez also took part in a massacre of Getafe prisoners on 23 August 1936. Indeed, one went so far as to say that Gutiérrez had ‘admitted’ that much to him. Based on this ‘evidence’, the military investigator interviewed the relatives of the victims of the massacre, who confirmed that they had ‘seen’ Gutiérrez at the prison on that day. Meanwhile, the reports solicited from the local authorities (the Guardia Civil, Falange, and Ayuntamiento), repeated the claims made by the original denouncer and victims’ relatives—that is, Gutiérrez took part in the Getafe barracks assault in July 1936 and the Getafe gaol murders on August 23 1936. Gutiérrez on the other hand, maintained his complete innocence throughout the investigation and in the following court martial. His death sentence was commuted on 28 July 1943.\(^{32}\)

Gutiérrez’s case, demonstrating the frightening persistence of a defendant’s accusers, and the widespread existence of avalantes are two aspects of the same phenomenon: they suggest not the ‘passivity’ of the population towards military justice but the reverse. Even the principal official sources of information available to the military investigator—reports from the police (if the suspect lived in the capital), the Civil

\(^{31}\) AGA, J(RP), 30531.
\(^{32}\) AGA, J(RP), 242.
Guard (if the suspect resided in rural areas), the municipal authorities, and the relevant section of the Falangist Information and Investigation Service—were also generally dependent on the populace for information. This often meant, in terms of a military investigation, that the source of an official report was the accuser or an avalante. In July 1936, Mercedes Davalina Suárez was a housemaid in the Utilla family hostel in the Madrid district of Cuatro Caminos. In April 1939 she was denounced by Luis Obregon for being involved in the murder of his brother Joaquín, a lodger, in 1936. During the investigation on 13 December 1939, her employer, Señora Utilla, gave her an aval saying that she had nothing to do with the denunciation, arrest, and murder of Joaquín Obregon. Utilla’s version was repeated five days later in the local police report. This was hardly surprising as their source was Señora Utilla herself.

Prisoners were aware that the military authorities were dependent on the local population for information, and it is clear that some deliberately attempted to manipulate this fact to their own advantage at the expense of others. During the summer of 1936 in Fuencarral, the local revolutionary committee ordered—with death threats—known Catholics to take part in the destruction of the local church and forced them to bury rightist victims in the local cemetery. Among those forced to take part in revolutionary violence was Julián Santos Ramírez, a 41-year-old construction worker, who (it appears) was present at the murder of his neighbour Claudio García in August 1936. As a result, Santos was

---

33 It has been claimed that parish priests were an official source of information for military investigators in Madrid. Núñez and Rojas, *Consejo de guerra*, 56. There is little evidence among military documents to support this view. When priests sent reports, it was more likely to be in support of a defendant. For example, José Alcalde was a Madrid schoolteacher and thus automatically subject to military investigation. The main charge against him was that he had joined the socialist teaching union, FETE, in 1937, and had shown himself to be a ‘moderate leftist’ while teaching in Murcia during the war. However, local priests Teodosio Martínez Pardo and Juan Espinosa supported Alcalde’s argument that he had continued his ‘Catholic and moral duties’ throughout the civil war and had not taught his pupils ‘ideas against religion or the Patria’. The case was shelved in April 1941. AGA, J(RP), 1038. But we should not exaggerate the assistance given by Madrid priests; generally, it was restricted to practising Catholics or those who had aided persecuted priests or religious during the civil war.

34 AHN, CG-M, 1525.

35 AHN, CG-M, 1508. The deliberate humiliation of rightists was not limited to Fuencarral. In Ciempozuelos, a village to the south of Madrid, local Catholics were made to take part in a mock-procession on 13 September 1936, the feast-day of Our Lady of Consolation. They were forced to carry the patroness in procession while militiamen, wearing priestly robes, uttered profanities. J. de la Cueva, ‘Atrocities against the Clergy during the Spanish Civil War’, *Journal of Contemporary History*, 33/3 (1998), 362.
sentenced to death for murder in Madrid in December 1941. However, the Judge Advocate then ordered a further investigation, as he had noticed irregularities in the original investigation. It transpired that two men whom the Nationalists suspected of organizing the revolutionary violence in Fuencarral—an individual called Ibáñez ‘The Hand’ and Juan Gómez Casi, the local Izquierda Republicana president—had not only told military investigators that Santos was directly responsible for the García murder, but had managed to spread rumours to this effect around the village after the civil war. After this new investigation, Santos’ death sentence was commuted in March 1942.36

Given the number of military investigations, the degree of popular engagement makes it easy to understand why the military justice system was unable to process investigations in a summary manner. Delay was also caused by bureaucratic difficulties, particularly the failure of the local authorities to send their reports on defendants. Indeed, Cuervo, in his May 1940 report to Franco, specifically noted that this was one of the major causes of protracted investigations.37 This argument was undoubtedly accurate as far as the Falangist Information and Investigation Service in Madrid was concerned. In October 1940 the service took on more staff to process the immense numbers of report requests.38

In this sense, the spirit of the January 1940 order probably did not improve matters; indeed, it may have made them worse as it appears that, from 1940 to 1941, military tribunals and the Judge Advocate were frequently sending cases back to military judges for further investigation due to insufficient or ambiguous evidence.39 During the course of 1940 and early 1941, the indictment number 19022 was twice returned against

36 AGA, J(RP), 879. Interestingly, the commutation was based on doubts (caused by the spread of malicious rumours) whether Santos directly took part in murder rather than the fact that as a rightist he was forced to do so to save his life. The Judge Advocate noted that that defence was ‘frequent’ but it did not take away personal responsibility for murder. As for Gómez and ‘The Hand’, we know that Gómez was sentenced to death in June 1940 and executed the following October. AGA, J(RP), 30405. We have less information on the fate of ‘The Hand’, but it is highly probable that he too was executed as his 18-year-old daughter, María Ibáñez Martínez, was sentenced to death and shot in December 1939 for taking part in murders with her father. AGA, J(RP), 879. We also know that the three men—Santos, ‘The Hand’, and Gómez—were held in the same prison and (not surprisingly) came to blows. AGA, J(RP), 879.

38 AGA, P(SGM), 41.
39 Article 5, clause (b), of Decree 55 of November 1936 stipulated that military tribunals could send cases back for investigation. After June 1940, this decision was referred to the Judge Advocate. Díaz-Llanos, Manual, appendix I: ‘diligencias imprescindibles en las causas y expedientes judiciales’.
Basilisa Pérez, a housemaid, to the military judge for further investigation. The Judge Advocate wanted clarification of Pérez’s precise role in the plundering of the flat of her employers, the Carlos family, by the militias during the civil war. In the event, when the case finally reached a Madrid military tribunal in July 1941, Pérez was acquitted.\textsuperscript{40} Cases opened in 1939 were still being tried by Madrid tribunals as late as 1943–44. Liberato Sevilla González was the council secretary in Fuente de Pedro Naharro (Cuenca) before moving to Madrid during the civil war. He was arrested in April 1939 on suspicion of taking part in murders in that village in the summer of 1936. His case only reached a military tribunal in October 1943.\textsuperscript{41} Some defendants even died before their ‘summary’ military investigation had been completed. Alfonso Izquierdo’s 1939 investigation remained uncompleted until December 1943, when it was shelved due to his death.\textsuperscript{42}

But perhaps the most important consequence of the January 1940 order was the marked decline of punitive sentencing. This can be seen by a detailed examination of the most punitive sentence of all—the death sentence. Much ex-prisoner testimony suggests that military tribunal sentencing was quasi-extirpatory. Melquesidez Rodríguez, an inmate at Yeserías, estimates that over half of its prisoners received a death sentence.\textsuperscript{43} Juana Doña, a Communist imprisoned in the women’s prison of Ventas, has written that the most common sentences were death or a thirty-year gaol sentence; shorter sentences were so rare as to constitute a real ‘bargain’ (*gangas*).\textsuperscript{44} On the basis of such testimony, one historian has written that those given prison sentences were ‘survivors who had managed to free themselves from death sentences’.\textsuperscript{45}

Of course, we can hardly deny that we are dealing with ‘victors’ justice’. Republicans, faced with charges of ‘rebellion’, were given little opportunity to defend themselves before a military tribunal. A single defence lawyer (even in cases involving multiple defendants) was only

\textsuperscript{40} AGA, J(RP), 1242. Yet we cannot say without qualification that military judges generally broadened their investigations during this period. The investigation of indictment no. 5091, against Felipe Llanos Iglesias, a pre-war policeman, was completed in the summer of 1940. It took up less than twenty-eight pages of the case file despite the seriousness of the charge—Llanos was accused of membership of a murder squad that arrested (among others) Franco’s Interior Minister and brother-in-law, Ramón Serrano Suñer in 1936. AGA, J(RP), 996.

\textsuperscript{41} AGA, J(RP), 392. Sevilla was given twenty years’ imprisonment.

\textsuperscript{42} AGA, J(RP), 242.

\textsuperscript{43} M. Rodríguez Chaos, *24 años en la cárcel* (Madrid, 1977), 67.

\textsuperscript{44} Doña, *Desde la noche*, 264.

\textsuperscript{45} Mirta Núñez, in the prologue to R. Torres, *Los esclavos de Franco* (Madrid, 2001), 8.
allocated the day before trial; moreover, this lawyer was unlikely to sympathize with his client given that he was always a military officer.\textsuperscript{46} Even in the best of cases, a defence lawyer made clear his deep ideological antipathies to the Republic. Hence Ignacio Arenillas de Chaves, who was to mount a vigorous defence of Julián Besteiro, only agreed to defend him once he was convinced that the Socialist leader had never been a Freemason.\textsuperscript{47} More common was the attitude of José Leiva’s lawyer. He even failed to look at the details of the investigation against the anarchist journalist before his trial in March 1940.\textsuperscript{48} This is perhaps less surprising given that defence lawyers only had three hours with the case file before the military tribunal.\textsuperscript{49}

Defendants fared little better when they appeared before a military tribunal. We know most about those that took place in the capital at the Palace of Justice at Salesas Square. Courts martial were generally held in public, and relatives of the accused often filled the public gallery.\textsuperscript{50} They usually began at about ten o’clock in the morning\textsuperscript{51} following the entrance of the five members of the military tribunal.\textsuperscript{52} Given the numbers processed by military justice, courts martial tended to be collective: not only were collective cases tried together, but also unrelated individual cases. Thus, on 20 December 1939, Lucas Nieto Castaneda (case number 12459), Joaquín de la Concepción Jiménez (case number 32709), and Natalia Román Sánchez (case number 45276) all sat together in the same dock in Madrid court number 4.\textsuperscript{53}

Courts martial generally proceeded along the following lines. First, the clerk of the court read out the names and the main charges against all those in the dock. Since trials were collective, this could take some time. Eduardo de Guzmán, an anarchist journalist who was on trial with the poet Miguel Hernández and twenty-eight others on 18 January 1940, says it took twenty minutes.\textsuperscript{54} Both the defence and the prosecutor could then

\textsuperscript{46} Díaz-Llanos, Manual, appendix I: ‘deligencias imprescindibles en las causas y expedientes judiciales’.
\textsuperscript{47} Arenillas, El proceso, 17.
\textsuperscript{48} Leiva, En nombre de Dios.
\textsuperscript{49} Díaz-Llanos, Manual, appendix I: ‘deligencias imprescindibles en las causas y expedientes judiciales’.
\textsuperscript{50} On this point, see Doña, Desde la noche, 100; Leiva, En nombre de Dios, 173.
\textsuperscript{51} For example, trials against Julián Besteiro (July 1939), Rafael Sánchez Guerra (August 1939), and José Leiva (March 1940), all began at this time.
\textsuperscript{52} All members of the tribunal held the rank of captain or above.
\textsuperscript{53} AGA, J(RP), 276.
call witnesses, although not everyone called turned up: Luis de Sosa, a Fifth Columnist summoned to speak on behalf of Julián Besteiro at his trial in July 1939, never showed.\footnote{Arenillas, \textit{El proceso}, 202.} Then the prosecutor gave his speech outlining the charges and presented his demands. Juana Doña remembers that, after the prosecutor gave a ‘brutal’ speech in her trial, he demanded the death sentence.\footnote{Doña, \textit{Desde la noche}, 191.} The defence attorney gave his reply afterwards. José Leiva remembers that, after the prosecutor’s demand for his head, his attorney made a brief plea for mercy.\footnote{Leiva, \textit{En nombre de Dios}, 74.} Eduardo de Guzmán says his attorney simply repeated the arguments made by the prosecutor.\footnote{Guzmán, ‘1940’, 82.}

Finally, members of the military tribunal had the opportunity to question any of the defendants. Ciprano de Rivas Cherif, the ex-Republican consul at the League of Nations, who was on trial with Julián Zugazagoitia, the Republican Interior Minister in 1937 and Francisco Cruz Salido, a member of the Socialist Party’s Executive Committee in October 1940, recalled that the president of the tribunal, the duke of Seville, asked Zugazagoitia a question. When Zugazagoitia attempted to speak, the president cut him off almost immediately.\footnote{C. de Rivas Cherif, ‘Tres mártires: Companys, Zugazagoitia y Cruz Salido’, \textit{Tiempo de Historia}, 42 (1978), 73.} The military tribunal then retired to consider its verdict in closed session and the court was cleared.\footnote{Doña, \textit{Desde la noche}, 191.} Interestingly, the average length of a collective court martial seems to remain reasonably constant in all accounts. Including breaks, Eduardo de Guzmán estimated that his trial with twenty-eight others took just under two hours.\footnote{Guzmán, ‘1940’, 82.} The trial against José Leiva and twenty-nine others took some three hours.\footnote{Leiva, \textit{En nombre de Dios}, 175.} Juana Doña’s trial with nine others took three hours ten minutes.\footnote{Doña, \textit{Desde la noche}, 191.} It seems reasonable to assume, then, that the trial against Julián Besteiro, which lasted nearly five hours, was exceptional in length.\footnote{Arenillas, \textit{El proceso}, 233.}

It will be noticed that military tribunals did not reconvene in public to pronounce sentence. According to military regulations, the sentence was to be communicated individually by the relevant examining magistrate to the defendant the following day following its formal approval by the Judge Advocate.\footnote{Díaz-Llanos, \textit{Manual}, appendix I: ‘deligencias imprescindibles en las causas y expedientes judiciales’.} While this certainly occurred in the high-profile
cases such as Sánchez Guerra and Besteiro, it appears that others only found out their sentences through the official prison journal, ‘Redemption’. Thus the total disregard for defendants is evident throughout the trial and judgment. Things would not improve during the 1940s. In March 1945, when the large-scale ‘problem’ of civil war cases had largely ended and the numbers of military trials had declined, a colonel attached to the American embassy was invited to a Madrid military trial by the authorities, ostensibly to improve diplomatic relations near the end of the Second World War. Unfortunately, the American did not share his hosts’ assertion about the impartiality of the military tribunal and interrupted the trial several times with complaints that the defendants had not been properly heard.

Yet this does not necessarily make military justice exterminatory. A sample of 947 verdicts issued by Madrid tribunals in the period 1939–1942 suggests that, although harsh, military justice was not exterminatory (see Table 3.1). The results of the sample do support memoir testimony in two respects. First, death sentences were common, making up 38 per cent of the annual total of sentences in 1939. Secondly, few cases ended in an acquittal. In all, only 9 per cent of defendants were

<table>
<thead>
<tr>
<th>Year</th>
<th>Death 14–30 years</th>
<th>8–12 years 1 day</th>
<th>3–6 years 1 day</th>
<th>4 months 1 day–2 years</th>
<th>Acquittal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>135</td>
<td>92</td>
<td>75</td>
<td>26</td>
<td>8</td>
</tr>
<tr>
<td>1940</td>
<td>58</td>
<td>102</td>
<td>124</td>
<td>75</td>
<td>16</td>
</tr>
<tr>
<td>1941</td>
<td>5</td>
<td>20</td>
<td>29</td>
<td>26</td>
<td>8</td>
</tr>
<tr>
<td>1942</td>
<td>2</td>
<td>9</td>
<td>22</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>200</td>
<td>223</td>
<td>250</td>
<td>145</td>
<td>42</td>
</tr>
</tbody>
</table>

Source: AGA, J(RP), 276 and 392.

66 Á. Cenarro, ‘La institucionalización del universo penitenciario’, in Molinero et al., Una inmensa prisión, 144.

67 However, what really enraged the American, according to our Falangist informant, was the president of the tribunal’s decision to wear an Iron Cross. AGA, C, 1382, ‘Informe de Delegación Nacional de Información e Investigación. [Falange] Boletín “B” Secreto No. 120 Madrid, 4/5/45’.
acquitted; this figure was as low as 6 per cent in 1939. Yet it is also evident that the death penalty was used sparingly after 1940—in only 4.5 per cent of sentences in 1941. Moreover, this sample excludes cases that never reached trial. As noted earlier, many cases were shelved before trial by military tribunals and the Judge Advocate because they considered that there was insufficient evidence to secure a conviction.

There is also other evidence to suggest that military justice was harsh but not exterminatory. Many reports sent from the Prisons Director-General to the Presidencia del Gobierno detailing numbers of prisoners awaiting confirmation or commutation of their death sentences have survived. The earliest dates from October 1940. It states that, in the first fortnight of that month, 1,148 prisoners were on ‘death row’ in the province, comprising 14 per cent of the national total of 8,169 condemned inmates. We have no further information until 1942, but a complete set of reports has survived for the period February 1942–June 1943. During this period, an average of 188 prisoners were awaiting a final decision on their death sentences. While these statistics are an appalling indication of the nature of Franco’s ‘peace’ after the civil war, they do not suggest, in the context of the mass implementation of military justice, a death-sentencing rate indicative of a policy of extermination.

This impression is strengthened by my estimate of the number of judicial executions in Madrid province for the period 1939–44. As discussed in the Introduction, at least 3,113 people were executed in cemeteries both in and outside the capital. Again, cold figures cannot convey the human tragedy of executions. Our minimum figure of 3,113 executions would mean that twelve people were executed weekly between April 1939 and April 1944. The terrible reality of continuous executions can be seen from an anecdote reported by an ex-prisoner in Madrid to the British Foreign Office in 1941: ‘I was told that despite the great housing shortages in Madrid, there are empty dwellings in one place—near the [Eastern] cemetery; people keep moving away because they cannot stand the nightly screams.

Yet the punitive nature of the military justice system clearly declined over time. This can be seen by an analysis of 3,189 death sentences issued in the province between 28 March 1939 and 17 April 1944. These represent—apart from a number of sentences located in the General

---

68 Archivo de la Presidencia del Gobierno (Moncloa), JTE, Leg. 20, no. 22. I am indebted to Dr Pedro Barruso for a copy of this document.
69 AGA, P. 4022.
70 PRO/FO 371/26890/C6120/3/41, 28 May 1941.
Cause\textsuperscript{71}—all the death sentences sent from military courts to the Madrid Tribunal of Political Responsibilities (as required by Article 4 of the Law of Political Responsibilities) that have been located in the state archives in Alcalá de Henares.

The use of the death penalty by military tribunals was frequent in 1939 (see Table 3.2). The first nine months of Nationalist rule account for 57 per cent of all death sentences; the period 1939–40 makes up 82 per cent of the total. The impression that military tribunals were exceptionally harsh when sentencing in the early days of Nationalist rule is reinforced when we look a little closer at 1939 (see Table 3.3). The period May–August 1939 accounts for 67 per cent of all 1939 sentences; May 1939, with an average of seventeen daily death sentences, accounts for 29 per cent of the yearly total alone. Each of the monthly totals in the period May–June 1939 is greater than any annual total after 1940. The monthly total for May 1939 is greater than the combined figure for 1941–3.

It is clear, then, that 1940 marks the watershed as far as the frequency of use of the death penalty is concerned. This is confirmed if we examine the chronology of the 804 death sentences issued in that year in more detail. The period January–June 1940 accounts for 682 (85 per cent of the yearly total) while July–December 1940 sees only 122 (15 per cent) death sentences issued. The total for December 1940 (10) is only 10 per cent of

\begin{table}[h]
\centering
\caption{Distribution of located death sentences in Madrid province, March 1939–April 1944}
\begin{tabular}{ll}
\hline
Year & No. of death sentences \\
\hline
1939 (from 28 March) & 1,806 \\
1940 & 804 \\
1941 & 179 \\
1942 & 186 \\
1943 & 147 \\
1944 & 9 \\
Unknown (sentences missing dates) & 58 \\
\hline
\end{tabular}
\end{table}

\textit{Source: AGA, J(RP); AHN, CG-M.}

\textsuperscript{71} These sentences can be found in AHN, CG-M, 1525.
that for June 1940 (101), which is the last month when the number of death sentences reaches three figures.

Of course, death sentences tell only half the story; they still had to be confirmed or commuted. In 1939 the procedure for processing death sentences was similar to that for ordinary prison sentences with one crucial exception: the final decision was not taken by the captain-general but Franco himself, in his capacity as commander-in-chief of the armed forces rather than as head of state. However, this procedure was reformed by a remarkable but generally unknown May 1940 order. It effectively eased Franco of the burdensome duty of deciding whether fellow Spaniards would live or die by allowing captains-general to take the decision to proceed with the execution of death sentences passed after May 1940 on the recommendation of the Judge Advocate. In general terms, only when the Judge Advocate recommended a commutation of a death sentence was the case forwarded to Franco for a final decision.

Table 3.3. Distribution of located death sentences in Madrid province, 1939

<table>
<thead>
<tr>
<th>Month</th>
<th>No. of death sentences</th>
</tr>
</thead>
<tbody>
<tr>
<td>March</td>
<td>1</td>
</tr>
<tr>
<td>April</td>
<td>127</td>
</tr>
<tr>
<td>May</td>
<td>525</td>
</tr>
<tr>
<td>June</td>
<td>247</td>
</tr>
<tr>
<td>July</td>
<td>184</td>
</tr>
<tr>
<td>August</td>
<td>251</td>
</tr>
<tr>
<td>September</td>
<td>103</td>
</tr>
<tr>
<td>October</td>
<td>92</td>
</tr>
<tr>
<td>November</td>
<td>147</td>
</tr>
<tr>
<td>December</td>
<td>129</td>
</tr>
</tbody>
</table>

Source: AGA, J(RP); AHN, CG-M.

This decree, issued by the Presidencia del Gobierno on 25 May 1940, does not appear in the official state bulletin, Boletín Oficial del Estado, or the official army bulletin, Diario Oficial del Ministerio de Ejército. This is perhaps not surprising when we consider that Francoist propaganda insisted that the Caudillo took his responsibilities towards prisoners seriously, agonizing over decisions concerning death sentences. Preston, *Franco*, 226–7. Since I have no copy of this order, I have reconstructed its contents from military documents.

I say ‘generally speaking’ as there are examples where the captain-general disagreed with the Judge Advocate’s recommendation to commute a sentence and the case was then sent to Franco for resolution. Fernando González Amador, a commandant in the Engineers
Julían Zugazagoitia was sentenced to death in Madrid on 21 October 1940 after being handed over by the Gestapo. After this sentence was approved by the Judge Advocate, the captain-general of the First Military Region, Saliquet, ordered the execution to proceed on 7 November on the basis of ‘the powers given to me by Article 1 of the order of the Presidencia del Gobierno [25 May 1940]’. Zugazagoitia was executed at 6.45 a.m. on 9 November 1940 in the Eastern Cemetery without Franco ever looking at his case.\textsuperscript{74}

The reason for this extraordinary derogation of authority was similar to the rationale of the January 1940 order: the impracticality of using pre-war military procedure to implement inverse military justice. Simply put, Franco—or perhaps more accurately his personal legal office, headed by Lieutenant-Colonel Martínez Fuset, who forwarded death sentences in a succinct manner for the Caudillo’s consideration\textsuperscript{75}—was unable to deal with the large number of death sentences quickly. As a result, condemned prisoners could wait months, and in some cases years, for a final decision. In April 1939 the vast majority of death sentences in the province were confirmed or commuted within a month; by September 1939 only a minority of cases would have had a final decision within three months of a death sentence, a delay of one year being far more likely. For one condemned prisoner, Joaquín Torres de la Torre, a 45-year-old waiter from Puente de Vallecas, the delay was too long. Sentenced to death for the murder of a ‘cowherd from Do Barrera district’ in March 1940, he died on 10 December 1940 at 10 p.m. in Yeserías prison still awaiting the resolution of his case.\textsuperscript{76} The longest wait on ‘death row’ in a Madrid prison after the war, thirty-eight months, was endured by Alfonso López de Letona. Condemned to death in November 1939, his death sentence was not confirmed until January 1943.\textsuperscript{77}

in July 1936 and promoted by the Republicans to lieutenant-colonel, was sentenced to death in September 1940, but the Judge Advocate recommended a commutation. Nevertheless, this was rejected, possibly because González was a Mason, and the case sent to Franco, who gave the feared enterado. González was executed at 6.05 a.m. on 25 January 1941 at the East Cemetery. AGA, J(RP), 30396.

\textsuperscript{74} AHN, CG-M, 1524.
\textsuperscript{75} R. Garriga, Los validos de Franco (Barcelona, 1981), 70. By 1941 the task of preparing reports was transferred from Martínez Fuset, head of the Asesoría Jurídica del Cuartel General del Generalísimo, to Cirilo Genovés Amorós, head of the Asesoría del Ministerio del Ejército.
\textsuperscript{76} AGA, J(RP), 879. According to his death certificate, he died of ‘natural causes’.
\textsuperscript{77} AGA, J(RP), 276. In this case the delay may have been more political than bureaucratic as López de Letona was a close pre-war friend and secretary of the monarchist leader Goicoechea, who nevertheless used his rightist reputation to entrap Fifth Columnists for the Republican police during the civil war. He is perhaps best known for his involvement in the
The agonizing protracted wait of condemned prisoners and Franco’s decision to abbreviate the legal procedures regarding death sentences clearly demonstrates, at the very least, that the military justice was an illiberal legal system. Nevertheless, it does not necessarily follow that it was a ‘ruthless machine for dealing death’. Out of the 3,189 death sentences examined, 1,874 (59 per cent) were carried out; 1,220 (38 per cent) were commuted. Furthermore, the chances of a commutation dramatically improved with time (see Table 3.4). In 1940–41, the odds of having a death sentence commuted were about even; from 1942 the likelihood of commutation was much greater.

It also appears that a death sentence was more strongly linked to date than to occupational background (see Table 3.5). While the majority of those condemned to death had a manual or agricultural background, 38 per cent did not. Yet it is the case that those with a middle-class background were more likely to have their death sentence commuted (see Table 3.6). While those with a professional, business or military background had around a 50 per cent chance of being reprieved, less than a third of condemned agricultural workers avoided the firing squad.

### Table 3.4. Confirmed and commuted death sentences in Madrid province, March 1939–April 1944*

<table>
<thead>
<tr>
<th>Year</th>
<th>Confirmed</th>
<th>Commuted</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>1,214</td>
<td>568</td>
<td>24</td>
</tr>
<tr>
<td>1940</td>
<td>405</td>
<td>363</td>
<td>35</td>
</tr>
<tr>
<td>1941</td>
<td>96</td>
<td>77</td>
<td>6</td>
</tr>
<tr>
<td>1942</td>
<td>72</td>
<td>106</td>
<td>8</td>
</tr>
<tr>
<td>1943</td>
<td>49</td>
<td>89</td>
<td>9</td>
</tr>
<tr>
<td>1944</td>
<td>2</td>
<td>7</td>
<td>0</td>
</tr>
</tbody>
</table>

*The total number of cases examined was 3,130 as 58 lack dates and one condemned prisoner died awaiting a final decision.

Source: AGA, J(RP); AHN, CG-M.

‘Siam embassy’ affair of December 1936, when he acted as a front man for a fictitious embassy offering protection to rightists, which was set up by the police. See Cervera, Madrid en guerra, 366–7.

78 Gallo, Spain under Franco, 68.

79 The final decision is unknown in ninety-four cases (3%).
It is also striking that nearly 70 per cent of those without occupation had their sentences commuted. This is because 82 out of 84 such cases were housewives. Women were far less likely to be condemned to death and shot. Only 166 out of the 3,189 death sentences (5.2 per cent) concerned women, and of these 93 (57 per cent) had their sentences commuted. The commutation rate for men was 37 per cent.

Yet even those from the most disadvantaged backgrounds saw their chance of survival improve dramatically after 1940. Of those death sentences involving agricultural workers, 81 per cent were issued before 1941; only 29 per cent escaped the firing squad in this period. So 1940 marks the watershed for military justice. Our evidence therefore casts doubt on the argument that the decline in the number of executions is primarily associated with the decline of Axis fortunes in the Second World War from late 1942.80 It suggests that the most likely explanation for the decline in the number of death sentences is the impact of the January 1940 order on sentencing. To be sure, the statistics indicate that

---

### Table 3.5. Death sentences by occupational background*

<table>
<thead>
<tr>
<th>Occupational background</th>
<th>No. of death sentences</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manual</td>
<td>992</td>
<td>36</td>
</tr>
<tr>
<td>Agricultural</td>
<td>731</td>
<td>26</td>
</tr>
<tr>
<td>Service</td>
<td>378</td>
<td>14</td>
</tr>
<tr>
<td>White-collar</td>
<td>163</td>
<td>6</td>
</tr>
<tr>
<td>Civil Service/professional</td>
<td>149</td>
<td>5</td>
</tr>
<tr>
<td>Military</td>
<td>138</td>
<td>5</td>
</tr>
<tr>
<td>Business/commercial</td>
<td>131</td>
<td>5</td>
</tr>
<tr>
<td>No occupation</td>
<td>84</td>
<td>3</td>
</tr>
</tbody>
</table>

*The total number of cases examined was 2,766, as 423 have no occupational details. Occupations have been classified as follows: manual (skilled and unskilled workers, printers, construction workers, etc.); agricultural (day labourers, farmers, shepherds, etc.); service (barbers, taxi drivers, house porters, shop assistants, etc.); white-collar (clerks, bank staff, etc.); Civil Service/professional (civil servants and teachers, lawyers, doctors, journalists, etc.); military (pre-war officers and men, Civil Guards, Assault Guards, etc.); business/commercial (shopkeepers, commercial agents, businessmen, etc.) no occupation (housewife, unemployed).

Source: AGA, J(RP); AHN, CG-M.

80 This is one of the conclusions in Solé i Sabaté’s study of Catalonia: La repressió, 263.
its effect was not instantaneous; it was easier to change law than the attitudes of the military juridical bureaucracy. As part of his criticism of the Military Juridical Corps proffered to Franco in May 1940, Cuervo, the Director-General of Prisons, mentioned its failure to ‘give life to the laws dictated in the last months, that have been less effective than they should have been’.81

To fully comprehend how the January 1940 criteria introduced a practice of less punitive sentencing, we need to make a crucial preliminary qualification. Apart from the possession of illegal weapons, the January 1940 guidelines did not encompass post-war clandestine Francoist anti-political activity. Since military justice traditionally confused political dissidence with public disorder or rebellion, the former came under military jurisdiction. Listed as military rebellion under the original July 1936 martial law decree was not only resistance or ‘disrespect’ to members of the armed forces but also any unauthorized public meeting or propaganda.82 Even the possession of a radio set was classed as rebellion.83

Identical provisions, including the ban on radio sets, were included in the declaration of martial law in Madrid in March 1939.84

<table>
<thead>
<tr>
<th>Occupational background</th>
<th>No. of death sentences</th>
<th>Confirmed</th>
<th>Commuted</th>
<th>Not known</th>
<th>Commuted (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No occupation</td>
<td>84</td>
<td>25</td>
<td>57</td>
<td>2</td>
<td>68</td>
</tr>
<tr>
<td>Civil Service/ professional</td>
<td>149</td>
<td>65</td>
<td>80</td>
<td>4</td>
<td>54</td>
</tr>
<tr>
<td>Business/commerce</td>
<td>131</td>
<td>62</td>
<td>65</td>
<td>4</td>
<td>50</td>
</tr>
<tr>
<td>White-collar</td>
<td>163</td>
<td>83</td>
<td>76</td>
<td>4</td>
<td>47</td>
</tr>
<tr>
<td>Military</td>
<td>138</td>
<td>64</td>
<td>64</td>
<td>10</td>
<td>46</td>
</tr>
<tr>
<td>Manual</td>
<td>992</td>
<td>565</td>
<td>404</td>
<td>23</td>
<td>41</td>
</tr>
<tr>
<td>Service</td>
<td>378</td>
<td>214</td>
<td>148</td>
<td>16</td>
<td>39</td>
</tr>
<tr>
<td>Agricultural</td>
<td>731</td>
<td>482</td>
<td>232</td>
<td>17</td>
<td>32</td>
</tr>
</tbody>
</table>

*The total number of cases examined was 2,766, as 423 have no occupational details.

Source: AGA, J(RP); AHNS, CG-M.

82 Article 5, clauses (a) and (d), and Article 6, clauses (a), (b), and (c).
83 Article 7.
84 See Articles 5 and 6.
Thus the post-war prosecution of anti-Francoist political activity came under the jurisdiction of military justice within the general remit of maintaining public order. This means that a small but not insignificant minority of death sentences issued in Madrid during the period 1939–44—a maximum of 200 out of 3,189 cases—were for post-war political, rather than civil war, offences. This includes eighty-seven members of the United Socialist Youth (Juventudes Socialistas Unificadas; JSU) condemned to death in the spring and summer of 1939 for attempting to reorganize resistance to the Francoist authorities in the capital.85

However, we can apply our analysis about the decline of punitive sentencing in this sphere since military tribunals had complete autonomy in sentencing until national sentencing guidelines concerning political offences were issued in the State Security Law on 29 March 1941. This law was harsh—the death penalty was made available for fourteen different offences.86 Yet the end of military tribunal autonomy undoubtedly made the persecution of anti-Francoists less punitive. This can be seen by the prosecution of members of a clandestine organization called Bloque Antifascista Español (BAE). The BAE was created in Madrid in July 1939 to circulate propaganda and to provide financial assistance to Republican prisoners. However, it was uncovered by the police, and thirty-three members were tried in Madrid on 16 July 1940. The military tribunal handed out five death sentences, and the rest received thirty-year gaol terms. The condemned would undoubtedly have been executed had it not been for a legal technicality: the Judge Advocate disagreed with the length of four prison sentences. Therefore, the whole case was referred to the Military Supreme Court. Since the court gave its judgment on 23 September 1942—over two years after the original court martial—the defendants were retried on the basis of the 1941 State Security Law. The final sentences were completely different. No one received a death sentence; only six received thirty years, the rest being given gaol terms

85 There were three major collective trials of JSU members in 1939. The first, taking place on 17 May, saw eight condemned to death; the third, on 12 August, resulted in fourteen death sentences. The best known was the ‘Thirteen Roses’ case of 3 August. This saw the largest number of death sentences in a collective case—fifty-seven—in Madrid. The victims were mainly youths under the age of 23, including thirteen women under 21, the ‘Thirteen Roses’. The sentences can be found in AGA, J(RP), 320, 276, and 356. See also Núñez and Rojas, Consejo de guerra, 72–3, and C. Fernández Rodríguez, Madrid clandestino: La reestructuración del PCE, 1939–1945 (Madrid, 2002), for the clandestine attempt to rebuild the Madrid Communist Party.
86 BOPM, 8 Apr. 1941.
ranging from twenty years to twelve years and one day, except three, who were acquitted.  

In contrast to post-war ‘crimes’, death sentences for civil war offences were always issued according to the inverse assumptions of military justice. This can be demonstrated by the fate of the province’s Republican political leadership, the majority of whom were trapped in Spain after the sudden collapse of Republican resistance in March 1939. At first sight, it appears that a premeditated process of political ‘cleansing’ took place after the civil war. Nationally prominent Republicans sentenced to death in Madrid included the last-ever Republican Civil Governor in the capital, José Gómez Ossorio. Also condemned were over eighty Republican mayors and deputy mayors (including the Madrid mayor, Rafael Henche de la Plata) and at least 120 councillors.

However, the exceptions are not as infrequent or insignificant as to be easily ignored. On 12 April 1939, for example, a military tribunal in El Escorial ruled that being a Popular Front mayor in the town did not warrant a death sentence as both the socialist mayor in July 1936, Vicente González Carrizo, and the PCE-appointed mayor during the Casado coup in March 1939, Aureo Segoviano Ótero, received prison sentences. Equally, the pre-war leader of the CNT Waiters’ Union and Madrid councillor from 1938, Eusebio Pedro Landaburu Mazarías, avoided the death penalty in June 1941.

How can one explain this? It is only in the context of general responsibility for ‘blood crimes’ that the fate of the Republican political class can be understood. In other words, the contrasts in sentencing can primarily be explained with reference to differential evaluations by military tribunals of individual responsibility for ‘blood crimes’. While the General Cause assigned general responsibility for murders in the Republican zone to the ‘criminal’ Republican government, military tribunals evaluated individual responsibility of those Republicans in responsible positions on the principle of subsidiary penal responsibility. This principle, laid down in Article 242 of the Military Justice Code, established that if the authors of a murder were not known and could not be located, then their

---

87 AGA, J(RP), 1933.
88 The swift collapse of Republican resistance in March 1939 and the refusal of the Western democratic powers to facilitate a programme of mass evacuation by sea prevented a mass exodus of Republicans from Madrid. Even the Spanish Communist Party, which never believed Franco’s assurances of justice, could only manage to evacuate its top leaders. H. Heine, La oposición política al franquismo: De 1939 a 1952 (Barcelona, 1983), 62.
89 Both received thirty year sentences, although we know that Segoviano was paroled before July 1944. AGA, J(RP), 846 and 1059.
90 Landaburu was given a twenty year sentence. AGA, J(RP), 191.
direct superiors should take responsibility. This would only be nullified if the military tribunal accepted that the defendant had exerted every effort to prevent the murder.\textsuperscript{91}

The implementation of this can be seen in the following case from the northern Madrid district of Charmartín de la Rosa. In September 1939 one deputy mayor of the district, Joaquín García Rodríguez, was sentenced to death for murders committed in the municipality in 1936.\textsuperscript{92} The other deputy mayor, the anarchist Ramón Benito Fernández, was only given twelve years and one day in prison in August 1939 after the military tribunal accepted that he had protected rightists who had joined the CNT.\textsuperscript{93}

Similarly, in areas where few murders took place and the suspects were already detained, it appears that military tribunals rarely issued death sentences against the relevant Republican authorities. Luis Hernández Casado was the Izquierda Republicana mayor of the village in Navalga-mella, west of Madrid, during the civil war. Although the local prosecutor, Julián Blasco, ‘disappeared’ in November 1936, Hernández was not held responsible for his murder as it had been previously established that Esteban Hernández, a militiaman from the neighbouring village of San Martín de Valdeiglesias, had carried out the murder. Hernández Casado received a three-year prison sentence from the military tribunal in El Escorial in August 1939 for the wartime confiscation of farms.\textsuperscript{94} On 22 July 1939, the entire Republican elite in the village of Valdepielagos went on trial in Colmenar Viejo. Only two death sentences were issued against the local councillor Victoriano González Anton and Juan Pérez Chicharro, the local president of the UGT. Both were accused of the murder of the local Falangist jefe, José Fuentes, in 1936. The others, including the communist mayor Cecilio Calleja, received gaol sentences for the confiscation of property.\textsuperscript{95}

Sometimes an active Popular Front political background alone was not enough even to secure a conviction, let alone a death sentence. Francisco Figuerola Torres was found not guilty by a military tribunal in June 1939 despite being a member of the Socialist Party and Secretary of the UGT.

\textsuperscript{91} For a detailed explanation of this see Fernández, \textit{El delito}, 86.
\textsuperscript{92} AGA, J(RP), 841. The death sentence was later commuted.
\textsuperscript{93} AGA, J(RP), 242.
\textsuperscript{94} AGA, J(RP), 392. For Esteban Hernández’s responsibility for the murder of Blasco see AHN, CG-M, 1510.
\textsuperscript{95} AGA, J(RP), 356. The death sentences of both men were later commuted in October 1939.
union in the state communications company, Telefónica. Anunciación García Armas, a local Socialist Party leader in Fuencarral, was acquitted in December 1939. José Casanova Mateo was acquitted ‘of any crime against the National Movement’ in September 1940 despite being a CNT member from 1932 and Secretary of the Madrid Delegation of the National Railway Council.

To state the prevalence of death sentences for ‘blood crimes’ does not make them non-political. Given the inverse logic of military justice, tribunals did not distinguish between murders carried out by revolutionary tribunals or workers’ militias and executions carried out after a sentence issued by a legally constituted Republican criminal court. Rafael Marín, president from March 1938 of a Republican civil court that issued death sentences against rightists, was himself condemned to death in May 1940. Similarly, Gregorio Peces-Barba, a Socialist lawyer who was later to form part of the committee that drew up the 1978 Constitution, was given the death penalty in September 1942 for his activities as prosecutor and president of various Republican civil and military tribunals.

In a wider sense, Francoist military tribunals saw murders in the Republican zone as the confirmation of the essential criminality of Popular Front. When Enrique Melero Medrazo, member of the Socialist Party’s Provincial Committee during the civil war, was sentenced to death in Madrid on 20 June 1939, the tribunal stated as a matter of course that ‘those crimes that bloodied the major part of the national soil [were] the material consecration of the principles and ideas sustained and defended by those in posts of leadership and authority in organizations of the pseudo-rebel state’.

Consequently, military tribunals often interpreted association with the Popular Front as evidence of a defendant’s disposition to murder. This was especially the case in 1939 when the supporting evidence was pitifully thin. On 26 April 1939 Eulalia Rodríguez Vázquez, a 67-year-old pensioner, was sentenced to death for saying on one occasion that she had trouble getting to sleep at night because she once gave the coup de grâce to three rightist victims. The sentence noted that she was a pre-war member of the Socialist Party. Apolinario Sáez Montes was a 56-year-old day

96 AGA, J(RP), 30387. 97 Ibid. 98 AGA, J(RP), 743.
99 AGA, J(RP), 1328. The death sentence was commuted in March 1941. By February 1944 Marín was out of prison and practising law in Madrid. 100 AGA, J(RP), 782. The sentence was commuted in December 1942. 101 AGA, J(RP), 846. Melero was later reprieved. 102 AGA, J(RP), 677. Her death sentence was commuted a month later.
labourer from the village of Cadalso de los Vidrios and pre-war member of the anarchist trade union, the CNT. According to his June 1939 death sentence, he always demonstrated his leftist ideas and violent character... he boasted before his neighbours of having murdered various rightists, showing his alparagatas that were covered in blood.... He also said that his victims generally said to him 'Little old man [viejecito] don't kill me' but he replied saying that all [fascists] must be killed.

He was shot on 18 October 1939 in Madrid.¹⁰³

Yet it was never inevitable that those with a left-wing political background accused of 'blood crimes' would receive the death penalty, even in 1939. This can be seen by the trial of four railwaymen in Madrid on 15 May 1939. All four were accused of taking part in the Jaén train murders of 12 August 1936.¹⁰⁴ Of the defendants, only one, Vicente Díaz Heredero López, was named by the military tribunal as having a formal political background: he had been a member of the CNT since May 1935. However, he was acquitted of murder while his co-defendants were sentenced to death.¹⁰⁵ Indeed, if we examine the political or trade-union affiliation of all defendants then we discover that, in at least 38 per cent of death sentences, military tribunals did not mention that the defendant had a formal political attachment to a Popular Front organization. (see Table 3.7).

One of the ways in which the January 1940 order discouraged the issuing of death sentences was that it raised the threshold of evidence needed to convict a defendant of a 'blood crime'. It did so by creating a graded system of punishments. Military tribunals were presented with the alternative of issuing a prison sentence for those cases where it remained unclear whether the defendant had directly taken part in a murder. For example, the group III section of punishments (which carried a twenty-year prison sentence) included those ‘who were present’ at executions or took part in the transfer of the victim to the execution site.¹⁰⁶ The significant drop in death sentences during the course of 1940 suggests that many tribunals did exercise this option and desisted from using the death penalty. An examination of specific cases also supports this interpretation. For example, it appears that after January 1940 a

¹⁰³ AGA, J(RP), 392.
¹⁰⁴ For a description of this massacre see Chapter 1.
¹⁰⁵ AGA, J(RP), 1236. They were shot on 14 June 1939.
¹⁰⁶ Group III, no. 1.
The Crisis of the Justicia al Revés System

Table 3.7. Political and trade-union affiliation of those condemned to death in Madrid province, March 1939–April 1944

<table>
<thead>
<tr>
<th>Party/trade union*</th>
<th>No. of death sentences</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>1,426</td>
<td>38</td>
</tr>
<tr>
<td>Socialist trade union (UGT)</td>
<td>758</td>
<td>21</td>
</tr>
<tr>
<td>Communist</td>
<td>447</td>
<td>12</td>
</tr>
<tr>
<td>Anarchist (CNT-FAI)</td>
<td>300</td>
<td>8</td>
</tr>
<tr>
<td>Socialist (PSOE)</td>
<td>290</td>
<td>8</td>
</tr>
<tr>
<td>Unified Socialist Youth (JSU)</td>
<td>231</td>
<td>6</td>
</tr>
<tr>
<td>Republican (IR/UR)</td>
<td>101</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>94</td>
<td>3</td>
</tr>
<tr>
<td>Unclear**</td>
<td>50</td>
<td>1</td>
</tr>
</tbody>
</table>

*The table understates the percentage of those with no political background since some defendants were members of more than one party or union.

**When the sentence uses vague terminology like member of a ‘workers organization’.

Source: AGA, J(RP); AHN, CG-M.

‘confession’ of murder obtained by the secret police was not enough to convince a military tribunal. Thus indictment number 49448 was initiated by the military authorities after Luis Negrache, a 21-year-old up-holsterer, confessed to the police that he carried out, ‘with others’ of the JSU southern Madrid section, four murders in the summer of 1936. During the military investigation, he withdrew his confession, informing the military judge that it had been extracted from him through (in the words of the report) ‘mistreatment’. When the case reached trial in Madrid in June 1941, the military tribunal found him guilty of being a ‘Red’ militiaman and policeman although his activities in these positions ‘were unknown’. In other words, the tribunal had rejected the validity of the original confession.107

If a military tribunal chose to impose a death sentence, it was conscious that the Judge Advocate could disagree with its interpretation of the evidence and recommend a prison sentence based on the January 1940 order. It appears that, in some cases, this prompted members of military tribunals who disagreed with the majority decision to promulgate a death sentence to issue a minority report to the Judge Advocate expressing the reasons, on the legal basis of the January 1940 order, for their dissent.

107 Negrache was given a sentence of twelve years and one day under group II of the January 1940 guidelines. He was released by October 1944. AGA, J(RP), 743.
This is illustrated by indictment number 106686, tried on 6 September 1941. The importance of this case lies in the fact that its two defendants, Manuel Rascón Ramírez and Eloy Moya Izquierdo, were accused of the murder in October 1936 of José and Fernando Serrano Suñer, the brothers of Franco’s brother-in-law. The case against Rascón was relatively clear-cut. An anarchist leader of the infamous Fomento revolutionary tribunal, he ordered and personally supervised the executions of the Serrano Suñer brothers. At the end of the war he went into hiding, only to be arrested in Barcelona in July 1941.\(^{108}\) Sentenced to death, he was executed two days later.

It is the fate of Rascón’s long-time anarchist driver Eloy Moya that should concern us. He too was sentenced to death for driving the victims to the execution site. However, a member of the tribunal, Captain Jesús Dapena Mosquera, cast a dissenting vote against the death sentence, arguing that the evidence proved Moya had not taken direct part in the actual executions. Dapena’s interpretation was supported by the Judge Advocate and the death sentence was commuted by Franco a month later, despite the obvious family and political interest in this case.\(^ {109}\)

The Judge Advocate was the biggest obstacle to the confirmation of a death sentence after January 1940.\(^ {110}\) It was rare—though not impossible—for the Judge Advocate’s interpretation of the evidence in a case (based on a full examination of the case file) to be rejected by his superiors, Captain-General Saliquet and Franco himself.\(^ {111}\) Consequently, the rise in the commutation rate after January 1940 must be in large part due to the Judge Advocate and his rejection, on the basis of insufficient evidence, of the interpretations of the January 1940 order by military tribunals. A specific example of this is indictment number 104375, tried on 13 October 1941 in Madrid. In this case, Fernando Pardo de Atín, a sergeant in the

\(^{108}\) Newspapers were forbidden to report his arrest. AGA, C, Consignas, 76.

\(^{109}\) The prison sentence was later revised to twenty years and one day. AGA, J(RP), 632.

\(^{110}\) It is important to emphasize again that this does not signify that the Judge Advocate was in any way ‘liberal’. His task was to ensure that military law was being interpreted correctly. He could—and did—recommend higher sentences, and even overturn acquittals, if he believed the military tribunal’s interpretation of the January 1940 guidelines was too lenient. In October 1941 Ángel Montero Prado, an infantry sergeant in the Montaña barracks in July 1936, was acquitted after the military tribunal accepted that he had taken a rearguard bureaucratic post in the Republican army out of fear for his life. However, the Judge Advocate overturned the acquittal on the basis that he should have been given a six-year sentence under the 1940 rules. He was finally given a six-month sentence by the Supreme Court in May 1942. AGA, J(RP), 782.

\(^{111}\) Of 1,210 death sentences issued after January 1940, only ten had a final outcome that differed from the Judge Advocate’s recommendation.
Madrid Second Infantry Regiment in July 1936, was condemned to
death for being a member of the regiment’s revolutionary committee,
which ordered the murders of its regimental officers. However, the
military tribunal was unable to establish the names of the murdered
officers, and it was on this basis that the Judge Advocate recommended
that the sentence be commuted. Pardo de Atín was reprieved in
January 1942.112

Moreover, the Judge Advocate’s threshold for evidence in civil war
murder cases became so demanding by June 1943 that none of the forty-
two death sentences issued by military tribunals for civil war murders in
the period June 1943–March 1944 was confirmed. Thus Eusebio Carrillo
Raigada, a pre-war anarchist, was reprieved after the Judge Advocate
rejected a military tribunal’s decision on 19 January 1944 to sentence him
to death for ‘boasting’ (jactarse) that he took part in twenty-five murders
during the siege of the Alcázar in Toledo in 1936. The Judge Advocate
rejected the sentence as he argued that ‘boasts’ could not form the sole
basis of a death sentence for murder.113

However vaguely drafted certain clauses of the January 1940 national
sentencing guidelines were, they also discouraged the imposition of the
death penalty by excluding certain actions or positions that military
tribunals previously believed warranted a death sentence. This can be
seen from the differential treatment of Republican army political com-
missars after January 1940. Modern historians now stress that political
commissars in the Republican army played a different role to their Soviet
counterparts: their task was primarily raising educational standards and
morale among the troops rather than ensuring the political (Communist)
reliability of the Republican army.114 But the Franco regime did not see
them in this way. Rather, political commissars were perceived as a
reflection of the subservience of the Republican government to the Soviet
Union.115 Moreover, in the sense that political commissars took part in
the maintenance of military discipline by, on occasions, co-operating in
the execution of deserters, they were seen as possible murderers.116

112 AGA, J(RP), 896.
113 AGA, J(RP), 594.
114 M. Alpert, El ejército republicano en la guerra civil (Madrid, 1986), ch. 7. Jason Gurney,
an English International Brigader, has written that the purpose of political commissars was
‘very similar to that of a Chaplain in the British Army’. J. Gurney, Crusade in Spain
115 See the chapter on the ‘Red Army’ in the annex ‘Manifestations of Soviet Influence’ in
Ministero de Justicia, The Red Domination.
116 Ibid. 294–310.
Indeed, it was only in relation to executions at the front that the January 1940 guidelines authorized the execution of political commissars. However, to many Madrid military tribunals in 1939, the mere possession of such a post was enough to guarantee a death sentence. On 21 June 1939, the fact that Antonio García Carpintero, a 47-year-old businessman, had been a political commissar in the 112 Mixed Brigade on the Madrid front was enough for a Madrid military tribunal to sentence him to death. Being a company political commissar (the lowest rank) was sufficient for the Alcalá de Henares military tribunal to give Perfecto Linares Ramírez, a 32-year-old day labourer, the same sentence.

It must be emphasized that the Franco regime—in contrast to the Nazis—never officially sanctioned the automatic execution of political commissars. The fact that military tribunals’ exterminatory sentencing policy against political commissars met with disapproval from the higher military authorities even in 1939 can be seen from the unusually high commutation rate in these cases. Of ninety-two political commissars sentenced to death in Madrid in 1939, fifty-three (57 per cent) had their sentences commuted. Many of these commutations would later be amended downwards by revision commissions after January 1940. Thus Ignacio Fernández Álvarez, sentenced to death for being a Brigade political commissar by an Alcalá de Henares tribunal in October 1939, saw his death sentence commuted in November 1940, then revised to twenty years’ imprisonment in October 1941.

Yet the January 1940 sentencing guidelines were the most significant measure affecting political commissars. These clearly dissuaded military tribunals from habitually using the death penalty. Only forty-nine (33 per cent) out of the 148 known death sentences against political commissars in Madrid occurred after January 1940. In these cases, military tribunals stressed that it was murder, rather than being a political commissar, that prompted a death sentence. Nevertheless, their superiors were clearly

---

117 Group I, no. 12.
118 AGA, J(RP), 765. The tribunal added that he had managed ‘to raise the morale’ in his unit (i.e. that he had done his job properly).
119 AGA, J(RP), 1394.
120 That is, the so-called ‘Commissar Order’ of June 1941 in which members of the German armed forces were instructed to execute Soviet political commissars on the spot.
121 These include the two cases cited earlier. The commutation rate was therefore over 20 per cent higher than the overall 1939 rate.
122 AGA, J(RP), 1328. No doubt the relevant revision commission was influenced by the admission of the military tribunal in 1939 that no other information was available on the defendant, as he had ‘given a false address’.
unconvinced: of those forty-nine cases, thirty-four (69 per cent) had their death sentences commuted. But the basic point remains that after January 1940 military tribunals generally sentenced political commissars to a prison sentence, not to death. Thus a sample of fifty-eight political commissars sentenced to gaol in the period 1939–44 indicates that only seven (12 per cent) were tried before January 1940.

Few, if any, of those political commissars sentenced to long prison sentences for civil war offences after March 1939 would have served their prison term in full. Concomitant with the centrally imposed change in sentencing policy was the parole of prisoners. The very first parole decree was issued on 28 September 1939 to commemorate Franco’s ascension as head of the Nationalist state on 1 October 1936. It only paroled pre-war officers, NCOs, and men sentenced to less than six years and a day by a military tribunal for military rebellion. Moreover, this ‘mercy’ was restricted to those who could prove their ideological allegiance to the Franco regime.

Although extremely limited, this decree did initiate a process that was to lead to the release of virtually all prisoners convicted of civil war offences by the early 1950s. In June 1940 a decree was promulgated facilitating the parole of all prisoners guilty of civil war offences and sentenced to six years and a day. This threshold was increased to twelve years in April 1941, then to fourteen years and eight months in October 1942, to twenty years in March 1943, to all prisoners over 70 years of age; and finally to those prisoners with sentences up to and including the maximum, thirty years, providing that in their sentence they did not appear as authors or instigators of ‘blood crimes’. Individuals convicted of civil war offences, except those excluded for parole for ‘blood crimes’,

123 Of course, there are exceptions. On 3 May 1941 six high-ranking political commissars were sentenced to death; they were shot in July 1941. However, the main charge against them was not of being a political commissar but of having organized the so-called communist ‘coup’ against the Casado Defence Council in March 1939. Those tried included a member of the PCE Provincial Committee, Domingo Girón, who had previously been sentenced to death by a Casado military tribunal in March 1939. AGA, J(RP), 782.

124 The text of this order can be found in Fernández, El delito, 151–2. Curiously, it does not appear in the official state bulletin.

125 BOE, 6 June 1940.
126 BOE, 1 Apr. 1941.
128 BOE, 31 Mar. 1943.
129 BOE, 3 Oct. 1943.
130 BOE, 20 Dec. 1943.
were pardoned by decree in October 1945. At least 187,038 people were released from Spanish gaols in the period 1941–9 (see Figure 3.1).

The Franco regime employed Catholic themes of redemption and charity to justify publicly this massive process of liquidating the penal legacy of the civil war. Paroled prisoners, having expiated their ‘sin’ of supporting the Republic, were ready to re-enter the national community. The preamble of the December 1943 decree depicted a benevolent ‘Patria, a great family shaped in its spirituality by the most pure Christian principles, [which] induces us [the regime] to extend generously the legal precepts of forgiveness . . . [and] to incorporate to national and family life

\[131\] BOE, 20 Dec. 1945.
a considerable number of Spaniards who induced by foolish propagandists abandoned the roads of good.’

‘Redemption’ was not just the key feature of the parole process but of Nationalist penal policy in general. Prisoners could be ‘reformed’, it was believed, through religious regeneration. Aspirants to the prison service were expected to learn that ‘the importance of religious sentiment [in prisoners] is great because the man that finds Grace is always on the road to reform and salvation’. Essential to this project of ‘reform’ was the participation of the clergy and religious orders in the administration of prisons. The post of prison chaplain, abolished in August 1931, was re-established by order in October 1938. After the civil war, the capital’s prisons had a rota of twenty-five volunteer priests working to redeem its prison population. The chaplain’s most important duties, apart from giving the last rites to those condemned to death, was the provision of religious and moral education. Indeed, under a ‘Redemption of Sentences’ programme created by decree in November 1940, prisoners could earn time off their sentence by excelling in religious examinations.

The punishment and ‘reform’ of civil war ‘criminals’ in Francoist prisons was not simply a matter of forcing inmates to sit examinations. Women prisoners saw their own young children being taken away from them in the interests of preventing the spread of ‘Marxist fanaticism’.

132 BOE, 20 Dec. 1943.
135 Sabin, Prisión y muerte, 113.
136 Ibid. 114–16.
137 BOE, 23 Nov. 1940.
138 By passing religious tests, prisoners would get half a day off their sentence for every day of study. AGA, J(RP), 456, ‘Temas de oposiciones’.
139 One man who was particularly interested in researching female ‘criminality’ during the civil war was the military psychiatrist Antonio Vallejo. Around 1939 he carried out an investigation of fifty ‘female Marxist delinquents’ in Málaga gaol. While not particularly surprised to discover that 44% were either ‘anti-social psychopaths’ or ‘social imbeciles’, he was perturbed by the remaining 56%, whom he classified as of above-average intelligence and from relatively comfortable backgrounds. This was partly explained, Vallejo believed, by the innately malleable nature of women. For Vallejo’s work, including an earlier investigation of International Brigaders, see R. Vinyes et al., Los niños perdidos del franquismo.
This was not a small-scale exercise. In Madrid, the number of pregnant prisoners or those with babies in the main women’s prison at Ventas was so great that the prison authorities felt obliged in 1940 to open a ‘Prison of Lactating Mothers’ in South Madrid on the banks of the river Manzanares. In 1943, 12,042 children with parents in gaol were in state and religious institutions. The board of the Redemption of Sentences through Work scheme proclaimed in 1944 that these children had been ‘torn from material and moral misery’ and parents ‘politically distant from the New Spanish State...[should be] thankful for this transcendental work of protection’.

The Redemption of Sentences through Work scheme was created by decree in May 1937. Based on the same ‘right–obligation’ principle of work that underlay the creation of work battalions for POWs in the same month, it became operational on 1 January 1939. Through their labour, prisoners with sentences in excess of two years would not only repay the ‘damage’ they had done to Spain but would be able to work off their sentences. Moreover, the redemption of sentences through work was to serve several moral purposes. On the one hand, it eliminated the ‘grave moral dangers’ of physical inactivity. These included the prisoner indulging in ‘sexual aberrations’, which were apparently previously endemic in Spanish prisons. On the other, the system of payment meant that prisoners could sustain their families. For every half a peseta a prisoner received for his daily toil, his relatives would get three.

While Francoist propaganda without declared irony that this scheme made the Spanish penal system the most advanced in the world, the (Barcelona, 2002), and Richards, A Time of Silence. See also Richards’s recent article, ‘Morality and Biology in the Spanish Civil War: Psychiatrists, Revolution, and Women Prisoners in Málaga’, Contemporary European History, 10/3 (2001), 395–421.

140 See Vinyes et al., Los niños perdidos, 121–33.
141 Ibid. 59. The separation of children from their parents for ideological reasons was also a feature—on a smaller scale—of the Greek civil war. M. Dalianis and M. Mazower, ‘Children in Turmoil during the Civil War: Today’s Adults’, in M. Mazower (ed.), After the War Was Over: Reconstructing the Family, Nation and State in Greece 1943–1960 (Princeton, 2000), 91–104.
142 Sabin, Prisión y muerte, 160. Its national board reflected the power bases of the Franco regime. Headed by the Justice Minister with the Director-General of Prisons as his deputy, it contained members of the armed forces, a priest, and the National Delegate of the Women’s Section of Falange, Pilar Primo de Rivera.
143 AGA, J(RP), 456, ‘Temas de oposiciones’.
144 Sabin Prisión y muerte, 189–90. Payment to prisoners’ families was organized via local boards comprising a Justice Ministry functionary, a Falangist, and a priest. In this way, of course, the moral health of prisoners’ families could be regularly scrutinized.
145 See e.g. the editorials in Ya on 26 Jan. and 6 Mar. 1942.
reality was that it was a mechanism of social control over prisoners’ families. Payment to these families was organized via local boards comprising a Justice Ministry functionary, a Falangist, and a priest. In this way, of course, families would not only be reminded of Franco’s ‘generosity’ but their ‘moral’ health could be regularly scrutinized.\(^{146}\) Above all, the Redemption of Sentences through Work scheme provided the Francoist state and private industry with a cheap source of labour. Some work was carried out in prison workshops. The first such workshop under the scheme was opened by Father Pérez del Pulgar, a member of its National Board, in the Central Prison in Alcalá de Henares in August 1939. Fittingly, the first items produced were church benches and 15,000 school crucifixes.\(^{147}\) By September 1943, 800 prisoners were redeeming their sentences in this workshop.\(^{148}\) Others redeemed their sentences by taking posts within the prison administration. Yeserías was one of three prisons in Spain where surgery was carried out by incarcerated doctors.\(^{149}\)

Much more work was carried outside the prison walls. In September 1939, ‘Militarized Penal Columns’ were created to work on state reconstruction projects or be contracted out to private companies.\(^{150}\) In Madrid the largest state project was the construction of the new gaol at Carabanchel. Around 600 prisoners toiled monthly to ensure its completion in 1944.\(^{151}\) The most significant private project in the province, although under overall state control, was the construction of the ‘Valley of the Fallen’ at Cuelgamuros near El Escorial. Three private companies, San Román, Molán, and Banús, carried the construction of Franco’s memorial to the Nationalist dead; in 1943 they employed 250 prisoners.\(^{152}\)

However, the redemption of sentences scheme did not prove to be the basis of a stable mass forced labour programme. On the one hand, only a relatively small percentage of the prison population ever took part in these schemes. For example, the 1939 annual report of the national board stated that, in December 1939, 12,781 prisoners were redeeming their

\(^{146}\) Sabin, Prisión, 189–90.
\(^{147}\) Ibid. 197.
\(^{148}\) BODGP, 11 Nov. 1943.
\(^{149}\) Lafuente, Esclavos, 210.
\(^{150}\) BOE, 17 Sept. 1939. These should not be confused with the separate POW work battalions discussed in the previous chapter.
\(^{151}\) Lafuente, Esclavos, 99.
sentences. Since (according to this report) the convicted prisoner population that month stood at 83,750, only 15.2 per cent of convicted prisoners took part. Of course, if the thousands of prisoners awaiting trial and sentence are taken into account, the percentage is certain to be much lower.\textsuperscript{153}

Moreover, the revision of sentences and the promulgation of mass parole decrees in the early 1940s undercut the basic attraction of these schemes: the prospect of an early release. The original June 1940 parole decree, which facilitated the release of prisoners serving sentences of six years and a day, did attempt to reward those who had redeemed part of their sentences. Thus Article 2 stated that those prisoners with sentences of up to twelve years who had managed to serve or redeem half of their sentence could also be paroled.\textsuperscript{154} However, this reward was dropped in later parole decrees, which simply paroled prisoners according to length of sentence. In this sense, the work of the little-discussed sentence revision commissions was more significant than the better-known redemption schemes in releasing prisoners. Thus Alberto Maizanada Gómez, a 36-year-old waiter, was given thirty years’ gaol in February 1940 for demanding 250 pesetas from a rightist victim’s father, which was then spent ‘in an orgy’. However, the sentence was revised to just one year in May 1941, making Maizanada eligible for release under the June 1940 decree.\textsuperscript{155}

In fact, the original raison d’être of the redemption scheme was effectively marginalized by the decision, taken in June 1940, to make the scheme responsible for the implementation of the mass parole policy.\textsuperscript{156} Thus the national board oversaw a policy that undermined its own much-publicized work projects. By the end of 1943, common prisoners were drafted in large numbers to complete projects threatened by the shortage of labour caused by the parole of civil war prisoners.\textsuperscript{157} In the 1950s penal labour units were mainly made up of common prisoners.\textsuperscript{158}

The policy of mass parole made the principle of release through redemption increasingly peripheral. While it has been argued that a favourable report from the prison chaplain was essential in securing

\textsuperscript{153} Sabin, \textit{Prisión y muerte}, 169.
\textsuperscript{154} BOE, 6 June 1940. This was extended to those with sentences of twelve years and a day in October 1940. BOE, 1 Oct. 1940.
\textsuperscript{155} AGA, J(RP), 392.
\textsuperscript{156} BOE, 11 June 1940.
\textsuperscript{157} Sabin, \textit{Prisión y muerte}, 209.
\textsuperscript{158} Lafuente, \textit{Esclavos}, 69.
parole, the reality is that the prison chaplain’s role in the mass parole process can be exaggerated. It is true that early parole decrees appeared to give prison chaplains a veto over parole applications. Thus the 6 June 1940 decree established that only those with an excellent disciplinary record within prison would be eligible. Yet prison disciplinary boards would only issue a positive report if the chaplain believed that the inmate had received sufficient religious instruction. However, this veto was undermined by an order issued four days later on 10 June. It stated that prisons should forward parole applications to provincial parole commissions (which were then forwarded to the national board) even in ‘exceptional circumstances’ when a prisoner legally eligible for parole (i.e. with a sentence of less than six years and a day) had a negative disciplinary report. The prison chaplain’s veto was effectively ended by a circular sent by the Director-General of Prisons, Ángel Sanz, to prison governors on 21 December 1943. Issued four days after the decree paroling prisoners with sentences of between twenty years and a day and thirty years, it ordered the immediate release of prisoners with sentences of less than twenty years who had previously been denied parole due to unfavourable disciplinary reports. By March 1946 no civil war prisoner (except those who had previously escaped from prison) had his parole application rejected because of a poor disciplinary report.

Other, non-religious, obstacles instituted by the regime were more significant in stymieing parole for civil war prisoners. Among these was the systematic rejection of parole for Communists and Freemasons. Interestingly, it appears that the regime penalized Masonic inmates far earlier than Communist ones. Thus it was expressly forbidden by a January 1940 order that Freemasons should occupy posts in prison administration (such as prison doctor) that potentially carried a 50 per cent reduction in sentence. This ban was only extended to Communists in March 1943. Both Freemasons and Communists were specifically excluded from the aforementioned order of the Director-General of

---

159 See e.g. Juliá (ed.), *Victimas*, 359.
160 Alfonsi, ‘Recatholicisation’, 60.
161 *BOE*, 11 June 1940.
162 This circular can be found in AGA, J(RP), 456.
163 According to a Justice Ministry register, 1,816 inmates escaped from Francoist gaols between 1936 and 1945. Over 80% were recaptured. AGGCE, DNSD (Presidencia) 87.
164 See a March 1946 letter from the Director-General of Prisons, now Francisco Aylagas, to the Justice Minister, Raimundo Fernández Cuesta, outlining the reasons why 10,500 inmates had had their parole applications rejected. AGA, J(RP), 456.
166 The text of this order from the Director-General of Prisons to prison governors can be found in AGGCE, DNSD (Presidencia), 87.
Prisons in December 1943 to release all prisoners with a sentence of less than twenty years and a day.

An internal memorandum compiled by the parole section of the Justice Ministry detailing its work shows how Masonic and Communist inmates were systemically discriminated against in the parole process. Parole applications, containing the original sentence of the inmate, were sent from prisons via provincial commissions to the parole section for consideration by the national board. This section would then check applicants’ names against a Masonic register; if an applicant was found to have been a Freemason, his application would automatically be rejected. It would then examine the sentence to see if the military tribunal made any reference to Communist Party membership. If so, then police headquarters in Madrid would be contacted to obtain further details. If police records indicated that the applicant had joined the Communist Party before the civil war or was ‘dangerous’, his application too would be rejected. Nevertheless, this attitude softened in the late 1940s. In November 1947 the ban on Communist prisoners holding posts within the prison administration was lifted. In January 1952 only seventy-six inmates convicted of civil war offences were still in gaol throughout Spain because they had a Communist background.

The most significant long-term barrier to parole for civil war prisoners was that publicly stated in the December 1943 decree and reiterated in the October 1945 pardon decree: participation in ‘blood crimes’. In March 1946, the Director-General of Prisons wrote that the ‘vast majority’ of 10,500 rejected parole applications involved civil war murderers; 463 prisoners remained in gaol for this reason in January 1952. However, as for Communists and Freemasons, the means by which the parole authorities identified those guilty of ‘blood crimes’ was through their original military sentence. This created an embarrassing problem for the parole authorities as it was discovered that, by 1945, the sentences of 481 prisoners were missing, paralysing their parole application. Although a special investigative team within the Justice Ministry was created to locate misplaced sentences, twenty-eight had still not been found by 1947.

167 Undated memorandum (probably 1944), AGA, J(RP), 456. Lists containing thousands of names sent to police headquarters in Madrid during the 1940s for screening can be found in AGA, J(RP), 431.
168 See a 1948 Justice Ministry memorandum in AGA, J(RP), 456.
169 Ibid.
170 Ibid.
171 Ibid.
172 As these sentences could not be found, a special investigation by three military judges of the First Military Region was ordered to uncover the reasons for their imprisonment. AGA, J(RP), 456.
In any case, religious, moral, or ideological safeguards were clearly subordinated to the general objective of a rapid decongestion of Spanish gaols. We have seen that an average of 33,743 prisoners were paroled annually in the period 1941–5 (Figure 3.1). The Directorate-General of Prisons adopted permissive interpretations of parole decrees in order to facilitate the parole of as many prisoners as possible. Thus Ángel Sanz, the Director-General of Prisons, informed prison governors that the September 1943 decree which ordered the parole of all inmates above the age of 70 was also to be applied to all prisoners suffering from a significant illness.\footnote{This secret circular can be found in AGA, J(RP), 456.}

Indeed, a striking aspect of the whole parole process in the 1940s is the determination of the regime to force through the mass release of civil war prisoners in the face of local ‘public opinion’. By this I mean the opposition of local Francoist elites. Initially, ex-Republicans and their families were largely indifferent to a process that benefited them. In 1939–40, Republicans saw salvation in the imminent fall of the Franco regime and the promulgation of a general amnesty. Thus Carlos Rubiera, Socialist president of the Madrid provincial administration, the Diputación, in 1936 and wartime Madrid Civil Governor, assured Melquesidez Rodríguez in Yeserías prison in the early summer of 1939 that he would be Interior Minister in a coalition government by that September. He was shot in April 1942.\footnote{Rodríguez, 24 años en la cárcel, 88. Rubiera’s Law of Political Responsibility file can be found in AGA, J(RP), 30517.}

It appears that early parole decrees were dismissed by ex-Republicans as being both insufficient and a propaganda gesture. A June 1941 police report informed Franco that, in the working-class areas of Madrid, ‘The latest decrees regulating parole have been badly received, with prisoners’ relatives commenting that [parole] will not reach the workers. Another comment is that these measures reflect a system of propaganda of the National-Sindicalist State.’\footnote{FNFF, vol. ii(ii), 160.} When later decrees raised the parole sentence threshold in 1942–3, these were interpreted as being an imposition on Franco by the Western Allies.\footnote{See e.g. December 1943 reports of the Falangist Information and Investigation Service found in AGA, C, 1352.} Unsurprisingly, ex-Republicans saw the increasingly likely victory of the Allies in the Second World War as heralding the end of the Franco regime, making Franco’s ‘generosity’ irrelevant. When the fall of Mussolini in July 1943 became common
knowledge in Madrid, rumours swept through working-class districts and the prisons that the restoration of the Alfonsine monarchy, together with a general amnesty, was imminent.\(^{177}\) Only the bitter experiences of the next few years would disabuse them of these hopes.

Supporters of the regime, on the other hand, were consistently opposed to the parole of civil war prisoners. The regime was keenly aware of local susceptibilities and was concerned to secure support for its policy by making concessions. Thus the 6 June 1940 decree made parole conditional on whether the inmate’s local community was prepared to accept his release; this took the form of favourable reports from the prisoner’s local police, mayor, and Falangist jefe.\(^{178}\) Nevertheless, the regime was determined that this consultation exercise would not derail the whole process—the accompanying order of 11 June emphasized that the local authorities could only object to parole applications in ‘exceptional circumstances’, and that a failure to reply to a request for reports within thirty days would end their right to veto an application.\(^{179}\)

The regime was forced to make further concessions in a November 1940 decree. Its preamble makes clear that, despite the fact that the June 1940 decree had only proposed the release of prisoners convicted of minor offences to sentences of less than six years and a day, many ‘local authorities...had resolutely opposed on several occasions the release of prisoners on licence’.\(^{180}\) Although under general parole regulations the regime could, irrespective of local wishes, have released prisoners who had completed 75 per cent of their sentence, it proposed a number of compromises to end the impasse. First, local authorities would be consulted to discover if they also objected to prisoners being paroled in another area. If so, then these prisoners were to be placed in penal battalions administered by the redemption of sentences national board for the rest of their sentence.\(^{181}\)

When the regime raised the sentence threshold for parole to twelve years in April 1941, it attempted to quell any potential local opposition by establishing a blanket 250-kilometre ban on parolees living near their habitual place of residence.\(^{182}\) This measure in turn provoked a barrage of complaints from inmates’ local parish priests.\(^{183}\) Remarkably, this campaign had the desired effect: a September 1941 decree softened the

\(^{177}\) AGA, C, 1351.  
\(^{178}\) Article 4, BOE, 6 June 1940.  
\(^{179}\) Articles 1 and 3, BOE, 11 June 1940.  
\(^{180}\) BOE, 29 Nov. 1940.  
\(^{181}\) Articles 2 and 3.  
\(^{182}\) BOE, 1 Apr. 1941.  
\(^{183}\) Sabin, *Prisión y muerte*, 208.
250-kilometre internal exile rule by giving the Justice Ministry the right to impose a shorter distance, if the circumstances of the parolee so demanded.\footnote{BOE, 8 Sept. 1941.}

Given the decrees which lowered the sentence threshold for parole to twenty years in 1942–3 and the subsequent rise in the number of parolees, the Parole Service (Servicio de Libertad Vigilada) was created within the Directorate-General of Prisons in May 1943 to regularize the provision of internal exile.\footnote{BOE, 10 June 1943.} This measure was accompanied by a further softening of the internal exile rules. A Justice Ministry order of July 1943 emphasized that, while parolees were banned from living in their ‘locality’, they could reside in their home province. For this see AGA, J(RP), 456.

Each province and municipality had its own board, composed of local Falangist, police, and government representatives charged with supervising parolees in its area. If the parolee transgressed he could be sent back to gaol.\footnote{Although this was rare. In February 1947 the number of civil war prisoners in Spain stood at 5,267. Of these only seventy-two had had their parole revoked. Of course, this figure does not include those parolees arrested for clandestine political activity and given new sentences.}

Yet opposition to the parole of civil war prisoners continued when it was observed that the safeguard of internal exile was habitually being breached. In May 1943 the Falangist Information and Investigation Service reported that parolees had ‘frequently’ managed to return to their home district, causing ‘a series of incidents’ that in some cases ‘were extremely serious’.\footnote{AGA, C, 1351.} In December 1943 a conference of Falangist provincial leaders in Madrid described the inability to prevent parolees from returning home as ‘a problem that produces alarm’ and called for tougher punishment for those who broke their parole terms.\footnote{AGA, P(SGM), 3.}

Local resistance to the regime’s parole policy could still, of course, be expressed by a refusal to issue the favourable reports necessary for a successful parole application.\footnote{After May 1943, the local Parole Service committees (Juntas de Libertad Vigilada) processed these reports.} This partly explains why the regime stipulated in its December 1943 decree that those who committed ‘blood crimes’ should be excluded from parole. Despite this, local authorities still issued negative reports to inmates legally eligible for parole. As late as January 1952, 159 civil war prisoners were being detained because of the local veto.\footnote{AGA, J(RP), 456.} What powers local authorities had to prevent
the release of civil war prisoners were definitively swept away by the pardon decree issued on the twenty-fifth anniversary of the end of the Spanish civil war, 1 April 1964. It lifted all the restrictions stipulated in the previous pardon decree of October 1945. However, this decree did not mark the formal legal end of the liquidation process, since it was only on 31 March 1969 that a decree declared it legally impossible to be investigated and convicted of civil war offences.

But why did the Franco regime draw back in 1940 from the logical consequence of implementing a retrospective criminal justice system—a burgeoning prison population? Why was the regime so keen to secure the liquidation of civil war criminal responsibilities? Since the crucial decisions were taken well before the end of Nazi Germany’s triumphs in Europe, the changing international situation is an unsatisfactory explanation. In any case, the historiographical consensus is that overcrowding ‘obliged’ the regime to release prisoners. But there is nothing ‘inevitable’ about the decline of the huge prison population in the 1940s. Mass prison labour proved to be very profitable for the Francoist state. The Inspectorate of Prisoner Concentration Camps, responsible for POW work battalions, had made a 3.1 million peseta profit by June 1939. In 1962, Dr José María López de Riocerzo, a Francoist penal lawyer, estimated that contracting prisoners out to private companies made a profit of over 100 million pesetas in the period 1939–43. Spanish forced labour was certainly more lucrative than the Soviet gulags, which had become so unprofitable by 1952 that a state subsidy of 2.3 billion roubles (16 per cent of the state budget) was required to avert its collapse. Yet Stalin, unlike Franco, presided over a stable and mass forced labour system that reached its zenith not in the 1930s but in the early 1950s.

There were certainly strong practical reasons favouring a reduction of the prison population. In particular, the regime was certainly aware that overcrowding carried the risk of epidemics, which could potentially decimate prisoners and the surrounding population. In April 1941, following an outbreak of typhus in Madrid, the Inspector-General of Health Dr Rey Stolle warned of the potentially catastrophic consequences if it
spread into prisons.198 There were also powerful political considerations suggesting the same course. The regime feared that overcrowded prisons would pose a threat to public order. This fear became reality as early as New Year's Day 1940, when a revolt in Almodovar del Real prison in Ciudad Real led to an attempted prisoner breakout and the deaths of a prison guard and fifty prisoners.199 Furthermore, overcrowded prisons provided an excellent opportunity (and cover) for the clandestine reorganization of Republican organizations inside Spain. Communists were extremely active in the Madrid prisons of Yeserías and Conde de Toreno in 1939–40, despite the precautionary measures taken by the prison authorities.200 This conjured up the fear that a large, disaffected prison population, organized and directed by political cadres, could constitute a serious internal threat to the regime. We noted earlier how the regime attempted to prevent those prisoners perceived to be the greatest threat—Freemasons and Communists—from occupying positions of influence within a prison; it also attempted to isolate ‘politically dangerous’ inmates from other prisoners by transferring them to the central gaols at Burgos and Alcalá de Henares.201

In a deeper sense, the liquidation process reflected a lack of the ideological purpose that characterized the elimination of racial enemies in Nazi Germany and class enemies in Soviet Russia. The prosecution of the ill-defined concept of ‘military rebellion’ cannot be reduced simply to the political repression of the left. Not only was military justice far too diffuse but the procedures employed to implement it, although lacking any legal guarantees for defendants, were too bureaucratic to facilitate a thorough physical elimination of any ‘ideological enemy’.

198 Sabin, Prisión y muerte, 127. Irrespective of epidemics, overcrowding and poor food and sanitary conditions meant high mortality rates among prisoners. Investigation in just fifteen provinces has already produced a figure of 4,663 deaths. Lafuente, Esclavos, 155.
199 Various accounts of this incident exist. An internal report was sent by the local Falange (via Muñoz Grandes, the Falangist Secretary-General), to Franco on 30 January 1940. It states that the prison governor, Calvo, was found responsible for the revolt, and sentenced to death. Extremely alarmist in tone, it asserted that the province only had 450 Civil Guards to contain a successful mass breakout of prisoners. AGA, P(SGM), 227. Also see the British naval attache’s report on conditions in Spain sent to London in the same month. It estimated that ‘several thousand’ prisoners took part. PRO/FO371/24507/C389/40/41.
201 Sabin, Prisión y muerte, 119, 142, 147.
Nevertheless, the winding up of civil war criminal responsibilities had little to do with any genuine desire for ‘reconciliation’. Such a desire would have been incompatible with the regime’s claims to legitimacy from July 1936. On the contrary, the regime saw the enormous implications of wartime ‘military rebellion’ and opted to restore ‘normality’ in the justice system with the non-negotiable condition that its legitimacy should not be challenged. Thus the liquidation process coexisted with a reorganization of military justice intended to meet the post-war threats of the ‘internal enemies’. The State Security Law of March 1941 provided the first significant post-war definitions of the ‘internal enemy’. In time-honoured fashion, it confused public disorder with political dissidence. The key definitional articles of military rebellion—Articles 237–42 of the 1890 Military Justice Code—were amended by decree on 2 March 1943 to make them reflect the realities of the immediate post-war period. Its preamble declared that the time was right for such amendments:

As the majority of [criminal] responsibilities derived from the National Uprising [Alzamiento Nacional] have been judged and those legal cases still pending are near their end, the moment has arrived to modify the precepts of the Military Justice Code . . . that define and punish the crime of rebellion . . . [the purpose of which] is to adapt it to present times with the necessary flexibility that permits its best application to those acts that in the future will seriously threaten Public Order or damage the prestige of the State.

Military rebellion was defined as an armed rising against ‘the Head of State, his Government and the fundamental institutions of the Nation’. The March 1943 decree marked the beginning of the end for the 1890 Military Justice Code; it was finally replaced on 17 July 1945. On the same day, the regime promulgated the Fuero de los Españoles, Franco’s Bill of Rights. The simultaneous publication of a law code allowing (for example) military tribunals to prosecute anyone who

---

202 BOPM, 18 Apr. 1941. Thus Article 28 defined as military rebellion any act where the objective was ‘violent subversion or the destruction of the political, social, economic or juridical organization of the state’.

203 Reproduced in Fernández, El delito, 198–202. Article 3 makes it clear that this reform was not to be applied retrospectively to cases involving civil war crimes.

204 Article 1.

205 BOE, 20 July 1945. The preamble of the 1945 Code states that it was based on the principles laid down in the March 1943 decree.
‘insults’ the armed forces206 and a text ‘guaranteeing’ civil liberties is not as incongruous as it sounds; Article 33 of the Fuero declared that the exercise of civil rights could not imperil ‘the spiritual, national and social unity’ of Spain while Article 25 permitted the Fuero to be ‘temporarily’ suspended during ‘an emergency’.207 Such were the limits of normality in Francoist Spain.

206 Article 317.
207 BOE, 18 July 1945.
The Law of Political Responsibilities and its Implementation in Madrid

On 28 February 1939, in the House of Commons debate on the joint Franco–British official recognition of the Franco regime the previous day, the British prime minister, Neville Chamberlain, insisted that he had received sufficient guarantees from Franco that no political reprisals would take place against Republicans following a Nationalist victory. As proof, he read a telegram sent from General Franco on 22 February. It asserted that

the spirit of equity and justice that inspires all the National Government’s actions, constitutes a firm guarantee for all Spaniards who are not criminals. The courts of justice, applying the established laws and procedure promulgated before 16th July 1936 . . . are restricted to bringing to judgment within the framework of those laws the authors of crimes.

The response from the benches of the Labour Opposition was laughter. Chamberlain’s acceptance of Franco’s promise would have provoked more than hilarity if opposition politicians had been aware of the contents of a telegram sent on 15 February by the British agent in Nationalist Spain, Sir Robert Hodgson. This telegram contained a summary of a law that had been promulgated by the Franco regime on 9 February which suggested that Franco’s guarantee was hollow. D. F. Howard, a Foreign Office official, minuted after reading this telegram that it came as ‘rather a shock’. He had just read a summary of the Law of Political Responsibilities.

Howard’s reaction was unsurprising, as the LPR was an affront to liberal legal principles. A retrospective piece of legislation, it declared that anyone incurring political responsibilities was liable to face punishment for the ‘damage’ they had caused Spain from special tribunals directly appointed by the government and containing a member of the single party, the Falange. Who held political responsibilities was

1 The Times, 1 Mar. 1939.
2 PRO/FO 371/24128/W3032.
singly wide and ill defined. It varied from all those convicted by military tribunals to rank-and-file members of Popular Front organizations and anyone who had not actively supported the ‘National Movement’ from October 1934, the date of revolutionary insurrection. It was, in the words of one Foreign Office official who read a full translation a month later in March, ‘terrifyingly comprehensive’.3

The publication of the LPR would have come as less of a shock to any intelligent observer of Nationalist justice in the civil war. It did not herald any radical departure in policy; rather, its aim was to enforce existing legal principles more effectively in the post-war period that, after the fall of Barcelona in January 1939, was seen as imminent. The LPR replaced a piecemeal wartime institutional system in a crucial area of justice: civil responsibilities. The Nationalists did not only put in place a criminal military framework to punish ‘military rebellion’ but also a parallel civil responsibilities system to obtain reparation from those it held as generally responsible for producing the ‘Marxist rebellion’. Of course, those found guilty by military courts were automatically liable for civil responsibilities. However, as we have seen, although military courts interpreted a Popular Front political background as a sign of criminality, martial law did not retrospectively criminalize simple membership of a Popular Front organization. The civil responsibilities system, on the other hand, was (on paper at least) far more sweeping. As the September 1936 decree establishing the principles of the system made clear, Popular Front organizations and their members had to pay for the economic damage they were causing Spain.4

The Nationalist use of civil responsibility was not in itself a radical departure from Spanish legal tradition. The principle that a convicted criminal should, in some manner, compensate the victim for the injury he had caused had been a traditional feature of Spanish law since the Penal Code was revised in 1850.5 The 1932 Penal Code, for example, stated in Article 19 that ‘every criminally responsible person is also civilly responsible’.6

3 The official in question was M. S. Williams of the Western Department, the Foreign Office section that covered Spanish affairs. The Foreign Office’s only full English translation was sent on 21 March from J. J. de Lizaso, a delegate of the exiled Basque government in London, not by British diplomats in Spain. PRO/FO 371/24128/W5038.
4 BOE, 13 Sept. 1936.
How deep-seated the legal principle of civil responsibility was in Spanish justice can also be seen by the fact that the legally constituted Republican government created a parallel civil responsibility framework during the civil war to punish those seen as guilty of military rebellion. An October 1936 decree facilitated the creation of Civil Responsibilities Tribunals, although such a tribunal was only to appear in Madrid in May 1937. The order creating the Madrid tribunal indicated the wide-ranging nature of civil responsibilities. It stated that the tribunal would not only declare the civil responsibilities of those convicted in criminal courts (such as popular tribunals), but also those who through their ‘acts or omissions’ had demonstrated their hostility to the Republic. Only a minority of tribunal members were professional magistrates, the rest being members of Popular Front organizations. It appears that the Madrid tribunal, like other tribunals subsequently established in the other provinces of the Republican zone, was never fully operational. In the period March–December 1938, only 835 sentences were passed throughout Republican Spain.\(^7\) These did include, however, sentences in absentia against many of the July 1936 military rebels. Thus Colonel Moscardó, the leader of the rebels besieged in the Toledo Alcázar until liberated by Nationalist troops in September 1936, was fined 100 million pesetas in March 1938 for rebellion.\(^8\)

Nevertheless, an appreciation that the Franco regime did not invent the principle of civil responsibility does not detract from the significance of its system. As with military justice, what was unique about its application of civil responsibilities both during and after the civil war was the insistence that the Nationalists constituted the legal authority in Spain on 18 July 1936. An examination of the decree which initiated the civil responsibilities process in September 1936, Decree 108, reveals how this interpretation translated into the civil responsibilities sphere. According to the preamble, the Popular Front was the culmination of ‘that anti-patriotism . . . which . . . while taking political form, poisoned the people with the offer to satisfy supposed social demands’. The supposed objective of Popular Front leaders was to exploit the ‘working masses to perpetrate all kinds of disorder’. The logical consequence of this was the ‘absurd resistance against the National Movement [from 18 July 1936]’. Therefore, it was Popular Front organizations and their

---

\(^7\) El Código Penal, 97.

leaders, not the military rebels, who were responsible for the ‘damages suffered by the State and individuals’ from the start of the civil war.\(^9\)

Consequently, Decree 108 declared in Articles 1 and 2 the official proscription of Popular Front organizations and ordered the confiscation of their assets by the state. As far as individual responsibilities were concerned, and pending the creation of an institutional framework, the army had the right to take ‘precautionary’ measures against the assets of those persons ‘who by their actions, were logically responsible...for the damages...occasioned by the resistance to the triumph of the National Movement’.\(^10\)

Of course, the confiscation of property belonging to Popular Front organizations, leaders or followers, did not start in September 1936. In the chaotic first months of the civil war, the conquest of territory by Nationalist forces was generally accompanied by the arbitrary seizure of property. Disregarding the activities of Moorish mercenaries—who pillaged towns and villages on their march towards Madrid in the summer of 1936 without reference to political ideology\(^11\)—it was carried mainly by civilian rightists, especially Falangists. Indeed, in many Nationalist towns, the local headquarters and newspapers of the Falange were previously owned by Republican organizations. In León, the Falangist newspaper *Proa* was edited in the Socialist Casa del Pueblo and printed in the old premises of the Republican daily *La Democracia*.\(^12\)

The arbitrary confiscation of property was not confined to Republican organizations. In Seville, the pillage of houses in poor working-class areas by Falangist squads ‘searching’ for arms reached such a level that the local Falangist leadership had to issue an order in September 1936 prohibiting any unauthorized confiscations of items.\(^13\) Falangists used the tactic of seizing the assets of relatives to intimidate political targets who had managed to elude their grasp into turning themselves in. The business of the father of the Republican Civil Governor in Cáceres, Ignacio Mateos Guija, was confiscated after the Civil Governor went into hiding after the military rising on 18 July 1936.\(^14\)

\(^9\) *BOE*, 13 Sept. 1936.  
\(^10\) Articles 5 and 6.  
\(^11\) In the ‘liberation’ of Badajoz in August 1936, for example, Moorish troops destroyed the bakery owned by the local Carlist Requeté leader. A. Bahamonde, *Memoirs of a Spanish Nationalist* (London 1939), 106–7.  
\(^12\) S. Serrano, *La guerrilla antifranquista en León (1936–1951)* (Salamanca, 1988), 87.  
\(^13\) Ortiz Villalba, *Sevilla 1936*, 173.  
\(^14\) Juliá (ed.), *Victimas*, 90. This tactic was combined with the imprisonment or murder of family members. The unfortunate Cáceres Civil Governor lost four relatives, who were shot and thrown into the River Tajo in July 1936.
The importance of Decree 108 lies therefore in the fact that it initiated the process of the institutionalization of the confiscation of property of political opponents by the emerging Nationalist state. Paralleling the development of the military justice system in the winter of 1936/7, the first institutional framework to determine civil responsibilities was created by decree on 10 January 1937. A central commission had the task of systematically locating and administering the assets of Popular Front organizations; its provincial counterparts would investigate individual civil responsibilities. Significantly, and as a logical consequence of the civil responsibility principle, this decree established that those convicted in military tribunals would automatically be liable for investigation.

Although research on the wartime civil responsibilities system is exiguous, it appears that many of those investigated were (logically) closely identified with the Popular Front, including many Republican and Popular Front leaders who were shot in the summer of 1936, absent from their home province on 18 July 1936, or had managed to flee the Nationalist zone. Yet it also is clear that the work of the provincial commissions was not restricted to prominent members of the Popular Front but affected thousands of people. For example, when the Oviedo provincial commission was abolished following the promulgation of the LPR in 1939, it handed its LPR successor a register containing the names of over 12,000 people. Similarly, in Cáceres, the public auctions of assets to implement fines had to be suspended because of the number of items available. In the end, tables and chairs were given away to the poor: they had lost all value because so many had been confiscated.

The regime also used other mechanisms to control or seize financial assets. Regulations issued on the replacement of the pre-war currency by a new peseta in December 1936 forced anyone who wished to exchange the former to prove ‘legitimate’ possession to the authorities; failure to do

---

15 BOE, 11 Jan. 1937.
16 Articles 1–7.
17 Article 8.
18 See e.g. the president of the Popular Front in León, Félix Sampedro Giménez, who was shot in 1936; his relatives were ordered to pay a fine of 250 pesetas in December 1937. Serrano, La guerrilla antifranquista, 84–5. See also Juliá (ed.), Víctimas, 346.
19 For example in Cáceres, the local Communist leader Antonio Villaroel Villaroel, who had fled the Nationalist zone in July 1936, had his assets, worth 6,583 pesetas, confiscated after an investigation in March 1937. J. Chaves Palacios, La represión en la provincia de Cáceres (1936–39) (Cáceres, 1996), 86–7.
20 AGA, J(RP), 626.
21 Chaves, La represión en la provincia de Cáceres, 82.
so would lead to fines and imprisonment. Unsurprisingly, Republican banknotes issued after 18 July 1936 were not honoured; indeed, mere possession in the Nationalist zone was made a criminal offence in August 1938. But this did not mean that they were worthless; confiscated Republican currency was sent to a special account in the Nationalist Bank of Spain for use by the state.

But such was the Nationalists’ zeal to ensure that all Spaniards, even those still resident in the Republican zone, were subject to civil responsibilities that they elaborated a complex credit intervention scheme in May 1937. The provincial commissions created in January 1937, which hitherto had had the task of investigating civil responsibilities, now had to force individuals or organizations in the Nationalist zone to declare all their debts on 18 July 1936 to creditors resident in the Republican zone. These credits would then be frozen while the provincial commission (determined by the debtor’s address in the Nationalist zone) investigated the political background of the creditor (who was still resident in the Republican zone). If, after investigation, the creditor did not incur ‘responsibility’ then state intervention would be lifted. But if the creditor did incur ‘responsibility’ then the credits would become the property of the state as compensation.

The introduction of the credit intervention process to the whole of the Nationalist zone after May 1937 exhibited some of the features that would characterize the LPR. First, credit intervention affected all sections of society irrespective of political background. The whole process was, after all, based on the premiss that all creditors in the Republican zone were ‘Reds’ unless it was proved otherwise. Rightist businessmen and industrialists, often penniless, who managed to flee the Republican zone found their accounts in Nationalist Spain frozen and were forced to wait until they were cleared after investigation before regaining control of their finances. Secondly, the task of investigating creditors overwhelmed

22 BOE, 13 Dec. 1936. 23 BOE, 17 Sept. 1938. 24 Ibid. 25 Order, 3 May 1937. BOE, 4 May 1937. 26 Funds held in bank accounts were classed as ‘credits’ and thus liable to credit intervention. Ibid. Article 1. 27 If a provincial commission could not determine responsibility because of lack of evidence the case would be sent to the higher body, the central commission, for resolution. Article 5 of the May 1937 order. For full details of the credit intervention process see M. Álvaro Dueñas, ‘“La Palanca de Papel”. La intervención de créditos: Un mecanismo de represión económica durante la guerra civil española’, Revista de Estudios Políticos (Nueva Época), 86 (1994), 345–85. 28 Ibid. 353–4.
The Law of Political Responsibilities

provincial commissions, who, let us not forget, also had the task of investigating individual responsibilities of those in the Nationalist zone. Apart from the sheer number of creditors, the job of determining the political background of individuals not even in the Nationalist zone caused insuperable problems. Faced with the inability to obtain definite evidence, provincial commissions invariably sent a case to the central commission for resolution. Confronted with an ‘avalanche’ of cases, the central commission petitioned the Nationalist government in March 1938 demanding, without success, the derogation of the credit intervention process.

But by March 1938 the drafting process that was to lead to the promulgation of the LPR in February 1939 had begun. Curiously, it appears that the earliest project was produced in February 1938 by Luis Pérez del Río y Valdepeñas, a magistrate from Pola de Siero (Oviedo) acting on his own initiative. These proposals were then sent on 15 March 1938 to the count of Rodezno, the Justice Minister, with an explanation that they were based on his own experiences of the wartime civil responsibilities system. Unfortunately for Pérez del Río, the task of elaborating a post-war civil responsibilities scheme was already in the hands of the military. The head of the Drafting Committee was General Jordana, vice-president of the Nationalist government after the Nationalist state was reorganized in January 1938. All the other members were army officers.

This committee completed its draft by June 1938, two months after Nationalist forces had split the Republican zone in two after reaching the Mediterranean. The draft excluded civilians from the whole civil responsibilities process in the projected post-war organization. Such exclusion was natural, according to the military Drafting Committee, as the ‘Army’s Constitutive Law of 1878 established that the military’s first and most important mission was to maintain the independence of the Patria and defend her against external and internal enemies, and in carrying out its duty in July 1936, it rose against her internal enemies, that having usurped power, wanted to hand over Spain to Marxism and international Freemasonry’.  

29 By March 1938 an estimated 175,000 cases had been opened. Ibid. 377–8.
30 Ibid. 368.
31 AGA, P, 4022.
32 Ibid. See also Álvaro Duenas, ‘Los militares en la represión política de la posguerra’.
33 Several copies can be found in AGA, P, 4022.
34 Ibid.
35 Ibid.
In the event, the exclusively military structure for judging political responsibilities envisaged in the draft was never implemented. Despite the Drafting Committee’s belief that it had the full support of Franco, it was subjected to a barrage of criticism from Falangist ministers, who demanded a role for the Falange in the projected organization. When the draft reached Cabinet in November 1938, it was rejected and the text revised. The revised draft finally became law on 9 February 1939, despite the reservations of the Education Minister, Pedro Sainz Rodríguez, who feared that it would harden Republican resistance. It was a lengthy and complex text. Consisting of a preamble, eighty-nine articles and eight temporary dispositions, it was divided into three parts. The first section, the ‘Substantive Part’, explained which actions incurred ‘responsibility’ and established the penalties. The second section, the ‘Organic Part’, established the institutional framework by which responsibilities were determined and punishments enforced. The final section, the ‘Procedural Part’, listed the procedures that would regulate the institutional framework.

The preamble sketched the main features of the LPR and demonstrates how the final text differed from its previous draft. It stated that the regional tribunals charged with determining political responsibilities would be mixed, composed of representatives of the army, the judiciary, and the Falange. These tribunals were responsible to a higher National Tribunal unconnected to the armed forces ministries.

The preamble also made clear that the reversed logic that had underlain the original military draft—and indeed the whole wartime civil responsibilities system—remained central to the rationale of the LPR. It emphasized the need for reparation by those who ‘contributed by acts or grave omissions to cause and maintain the Red subversion for more than two years and hinder the providential and historically inevitable triumph of the National Movement’.

Articles 1 and 4 laid down who was responsible individually. Article 1 delivered a general declaration:

36 A Falangist counter-proposal can be found in AGA, P, 4022. According to its preamble, the single party had the right to judge political responsibilities as only the Falange had ‘the passion and the revolutionary fervour’ to carry out such a task.
37 The amendments to the original military proposal were made by Jordana and Franco on the former’s copy of the text. This is in AGA, P, 4022.
38 BOE, 13 Feb. 1939.
39 AGA, P, 4022.
The political responsibility is declared of those persons... who from 1 October 1934 and before 18 July 1936 contributed to create or aggravate the subversion... and those others from the second of these dates [18 July 1936] oppose or opposed the National Movement with concrete actions or by grave passivity.

In other words, the watershed was the date of the revolutionary insurrection—that is, over eighteen months before the Nationalist movement existed!

Article 4 attempted to give substance to such vague terms as ‘grave passivity’ by listing seventeen definitions of ‘responsible’ behaviour or ‘omissions’. The first definition was numerically the most significant. Restating the jurisdictional connection between military justice and civil responsibilities originally made in the January 1937 decree, it ordered that those condemned by a military tribunal should be automatically subject to reinvestigation. This second investigation could not reconsider the judgment of the military court and was confined to assessing the economic background of the accused in order to determine the appropriate fine.

The other sixteen interpretations cover actions or omissions that might not incur criminal responsibility under military justice but which constituted political responsibility. These sixteen classifications were a combination of clauses detailing specific actions and ill-defined catch-all clauses that could encompass a wide range of actions or omissions. The common thread running through these clauses was the Nationalist interpretation of the causes of the civil war. Members of Popular Front organizations (after 1 October 1934), from parliamentary deputies to rank-and-file affiliates, were politically responsible. But responsibility was not restricted to members. Anyone who had taken part in the Popular Front 1936 election campaign, or who had simply taken part in actions ‘in favour of the Popular Front’, were also responsible. Consonant with the LPR’s wide definition of the ‘Popular Front’, all Freemasons were automatically guilty.

Not even Francoists could accuse members of the caretaker Portela Valledares administration which oversaw the February 1936 elections of being Popular Front sympathizers. The ex-monarchist politician Portela headed a new ‘Centre Party’ that obtained barely twenty seats in the February 1936 elections.

40 If evidence appeared suggesting criminal responsibility during an investigation, the investigating judge was obliged to inform the relevant military authorities. M. Cajar, La ley de responsabilidades politicas: Comentada y seguida de un apéndice de disposiciones legales (Madrid, 1939), 124–5.
41 Article 4, clauses (b)–(f).
42 Article 4, clause (h).
43 The ex-monarchist politician Portela headed a new ‘Centre Party’ that obtained barely twenty seats in the February 1936 elections.
politically responsible.\textsuperscript{44} Doubtless this was due to the Nationalist conviction that the Valledares government should take responsibility for the handover of power to the Popular Front, despite the fact the latter had ‘faked’ the election results.\textsuperscript{45} Still, since the Portela Valledares government was composed of radicals and rightist Republicans who had previously served in the so-called ‘two black years’ (\textit{bienio negro}) governments, they were hardly sympathetic to the Popular Front as some members prosecuted under the LPR had earlier been persecuted in the Republican zone. For example, Cirilo del Río Rodríguez, who (according to his LPR case file), had argued within the Portela Cabinet against the handover of power to the Popular Front, was a convinced Catholic anti-Marxist who supported the Nationalist cause from July 1936. As a result of his rightist political reputation, leftist militias confiscated his assets during the civil war and several relatives were murdered. But because he was a member of the Portela government, the Madrid LPR tribunal found him guilty on 24 January 1942, issued a fine of 4,500 pesetas, and barred him from holding political office for three years.\textsuperscript{46}

 Nonetheless, the determination of the drafters of the LPR to punish all those who made the military rising ‘necessary’ meant that an ‘all-inclusive’ general clause was introduced just in case any guilty action or omission was not covered by the preceding specific clauses of responsibility. This clause was so general and imprecise as to render it almost meaningless. Individuals were responsible if they had ‘carried out any other acts intended to promote the anarchic situation [of July 1936]...that made the National Movement essential’.\textsuperscript{47}

 The remainder of the ‘responsibility’ clauses of Article 4 dealt with the civil war itself. First, there was another general ‘catch-all’ clause that stated that anyone who had ‘actively opposed’ the ‘Nationalist Movement’ was responsible.\textsuperscript{48} Secondly, while there was an unsurprising clause that anyone involved in Republican terror incurred responsibility,\textsuperscript{49} a subsequent clause made it clear that those who ‘publicized’ their support for the repressive process by ‘any means of diffusion’, including private letters, were also guilty.\textsuperscript{50} Finally, there were a number of clauses

\textsuperscript{44} Article 4, clause (f).
\textsuperscript{45} See e.g. Ministerio de Justicia, \textit{The Red Domination}, 7, 13–14.
\textsuperscript{46} AGA, J(RP), 679.
\textsuperscript{47} Article 4, clause (k).
\textsuperscript{48} Article 4, clause (l).
\textsuperscript{49} Article 4, clause (i).
\textsuperscript{50} Article 4, clause (j). According to the jurist Cajal, letters to two different people constituted ‘publicity’ and thus guilt. Cajal, \textit{La ley}, 31.
that aimed to penalize those who had the opportunity to enlist in the Nationalist cause during the civil war but failed to do so. The wording of these clauses—reflecting a refusal to recognize the exceptional circumstances of a civil war—ensured that many committed Nationalists would be investigated under this law. For instance, clause (g) stated that any Spaniard whose ‘normal residence’ was in Spain but who was abroad on 18 July 1936 had to have returned to Nationalist Spain within two months to avoid incurring responsibility. Fernando Morán Moranda, a monarchist who fled to Argentina in 1931 rather than accept the Republic and who devoted much of his fortune to the Nationalist cause during the civil war, was prosecuted in Madrid under this clause. His ‘crime’ was to own property—subsequently donated to the Nationalist movement—in Madrid in July 1936, making him, according to the denunciation, ‘normally’ resident in Spain. He was acquitted on 10 July 1941 not because of his exemplary actions during the civil war but because the Madrid tribunal believed his habitual residence to be in Argentina in July 1936, rather than Madrid.  

Subsequent articles determined those exempt from political responsibilities. The number of exemptions is remarkably small. Only minors under 14 years of age, holders of the highest military medal, the Cruz Laureada de San Fernando, and seriously wounded Nationalist volunteers (i.e. those who joined the Nationalist army six months before the call-up of their class) were exempt. Those specifically not exempt were lunatics and (despite the traditional principle in penal law that death ends the responsibility of the individual) the dead. In the case of death before or during the investigation, the heirs of the accused were liable to pay any sanction.

The sanctions applied under the LPR were listed in Articles 8–17 of the ‘Substantive Part’. Since the LPR determined civil, not criminal, responsibility, formal imprisonment, despite Payne’s assertion to the contrary, could not be imposed. Instead, three types of sanction—fine (including the complete confiscation of assets), limitations on residence

51 AGA, J(RP), 30471.
52 Article 5.
53 Article 16. During the drafting of the LPR, the Justice Ministry objected to the failure to exclude the insane. This was partly rejected by the drafting committee on the grounds that suspects could feign madness to escape punishment. But the main reason given was that the insane should be held liable for their actions. Any exemption, according to the committee, would leave them free to work against Spain. AGA, P, 4022.
54 Article 15.
55 Payne, The Franco Regime, 222.
(internal and external exile), and restrictions on employment (principally to practise one’s profession or to hold state posts)—were available.\textsuperscript{56} Since the basis of the LPR was the demand for reparation for damage caused to Spain, a fine was a compulsory element of all guilty sentences; the other sanctions were accessories according to the seriousness of the case.\textsuperscript{57} Still, it must be remarked that these were traditional punishments for civil responsibilities that were listed in both the 1890 Military Justice Code and the 1932 Penal Code.\textsuperscript{58}

One legal innovation was that, in ‘special’ cases, a further punishment was available: the loss of Spanish nationality. Its exceptional nature was underlined by the fact that tribunals could only propose it; the Council of Ministers made the final decision.\textsuperscript{59} In the event, use of this punishment was restricted to cases involving the national leaders of Popular Front organizations. For example, on 28 April 1941 the Madrid tribunal proposed that, as well as paying a 100,000,000 peseta fine, Manuel Azaña, the (by now dead) president of the Second Republic in July 1936, be stripped of his Spanish nationality.\textsuperscript{60} Of course, this was a logical consequence of the recognition contained in Decree 108 in September 1936 that Popular Front leaders were specifically responsible for fomenting ‘military rebellion’.

The institutional framework needed to judge post-war political responsibilities was determined in the second main section of the LPR, the ‘Organic Part’. A careful analysis of this section reveals that the concessions achieved by the Falange after the military draft was rejected in November 1938 were more apparent than real. Although the LPR did not come under the formal jurisdiction of the military, its personnel were appointed by and subject to a department that was always in the hands of the military, the Government Vice-Presidency (Vicepresidencia del Gobierno), which became the Under-Secretariat of the Government Presidency (Subsecretaría de la Presidencia del Gobierno) in August 1939. The first holder of this post, General Jordana, was replaced by Colonel Galarza in August 1939.\textsuperscript{61} After the Cabinet reshuffle of May

\begin{itemize}
\item \textsuperscript{56} Article 8.
\item \textsuperscript{57} Article 10.
\item \textsuperscript{58} According to Cajal, the LPR’s definition of employment restrictions was less punitive than those listed under the Military Justice Code and the Penal Code because it specifically ruled out a life ban. Cajal, \textit{La ley}, 48.
\item \textsuperscript{59} Article 10.
\item \textsuperscript{60} \textit{BOPM}, 4 June 1941. It is not known when the Council of Ministers confirmed this proposal.
\item \textsuperscript{61} Payne, \textit{The Franco Regime}, 235.
\end{itemize}
1941, Galarza was succeeded by Franco’s long-term confidant, Captain Carrero Blanco. Moreover, while the eighteen regional LPR tribunals were mixed, the military representative always took the presidency. Military dominance was underlined by the fact that magistrates appointed to investigate cases of political responsibility were always members of the Military Juridical Corps. These LPR investigations were regulated by the 1890 Military Justice Code as it was stipulated that they had to be completed within a month. Nevertheless, despite the wide-ranging clauses of political responsibility, it was stipulated that there was to be just one investigative magistrate for each provincial capital. In other words, while in 1939 there existed over fifty investigative magistrates working in the military justice system in Madrid, just one was appointed under the LPR to open cases on all those convicted by military tribunals and on others suspected under the sixteen other classifications of political responsibility. There are several reasons why the allocation of just one investigative magistrate per province was thought sufficient in February 1939. The first was overconfidence. The military, in order to obtain exclusive jurisdiction over the political responsibilities process during the drafting of the LPR emphasized the expeditiousness of its justice procedures. But fundamentally it was, in the context of an acute shortage of trained legal personnel, an indication of the higher priority given to the prosecution of criminal responsibilities by military tribunals. In any case, we can already discern what was to be the fatal flaw of the LPR.

The organization that supervised regional tribunals and investigative magistrates and acted as the final court of appeal was the National Tribunal. This tribunal, like its regional counterparts, was mixed. Although the presidency was always in the hands of a civilian, he was never a Falangist. The first president, appointed in February 1939, was Enrique Suñer, a professor of medicine at Madrid University.

---

62 Ibid. 287.
63 Article 24.
64 Article 27.
65 Articles 29 and 52.
66 Article 28.
67 See e.g. (an undated) reply by the military drafting committee to criticisms of its original draft by ministers. It stated that military justice was ‘more rapid, rigid and expeditious than ordinary [justice]’. AGA, P, 4022.
68 Article 20. It was composed of two generals, two Falangist national councillors, and two professional magistrates.
69 BOE, 22 Feb. 1939.
He was, as we shall see later, responsible for the purge of the teaching profession in the Nationalist zone during the civil war.\(^{70}\) Suñer resigned in December 1940 due to illness\(^{71}\) and was replaced by Wenceslao González Oliveros, a law professor at Salamanca University.\(^{72}\) González was a logical choice as Suñer’s successor. He had been a civil governor during the Primo de Rivera dictatorship of the 1920s and held high-profile positions within the Franco regime before his appointment. Not only was he part of the Bellón Commission that ‘demonstrated’ the illegality of the Republican government in July 1936, he was also the first civil governor of Barcelona in July 1939.\(^{73}\) He would later combine the presidency of the National Tribunal with membership of the special tribunal which tried communist and Masonic crimes under the March 1940 decree.\(^{74}\)

The *modus operandi* of the investigation and enforcement processes was given in the final section of the LPR, the ‘Procedural Part’. Investigations would be initiated by order of the regional tribunal to the relevant provincial investigative magistrate.\(^{75}\) They were very similar in nature to those carried out by the military courts; they were regulated by the 1890 Military Justice Code. However, there were several differences, the most significant being that the local priest, as well as the police, Falange, and mayor was expected to provide reports on defendants.\(^{76}\) In the event, the local priest’s report only infrequently provided any useful information to an investigation in Madrid.\(^{77}\) This was not due to any reluctance to take part; rather, it was a reflection of the complete disorganization of the Church in a province that saw the massacre of many diocesan clergy and the systematic destruction of churches, with

\(^{70}\) See Chapter 5.

\(^{71}\) *ABC*, 17 Dec. 1940. He died in May 1941.

\(^{72}\) For a recent biographical profile of both Suñer and González Oliveros see M. Álvaro Duenas, ‘El decoro de nuestro aire de familia: Perfil político e ideológico de los presidentes del Tribunal Nacional de Responsabilidades Políticas’, *Revista de Estudios Políticos*, 105 (1999), 147–173.


\(^{74}\) The appointment of González to the Special Tribunal can be found in *ABC*, 1 Apr. 1941.

\(^{75}\) Article 35.

\(^{76}\) Articles 29, 48, and 52.

\(^{77}\) Although the information they do provide gives a fascinating insight into the mentality of the ordinary parish priest in the immediate post-war period. For example, in March 1940 the Our Lady of the Conception parish priest in Madrid described his absent parishioner, Manuel Azaña, as the man who introduced the ‘germs of decomposition [*disolución*] and anarchy into the masses which produced the abominations of blood, robbery, and destruction that we all lament’. AGA, J(RP), 30529.
their archives. In August 1941, the priest of the Madrid San Lorenzo parish bemoaned the fact that he could not provide any information on Juan Rodriguez Fuentes, a Bank of Spain official accused of taking part in the transfer of the Republican gold reserves to the Soviet Union in October 1936. The parish church and records, he lamented in his report, had been ‘burnt by the Reds’.

Secondly, all defendants were required to provide a list of their assets. They were not allowed to dispose of assets during the investigation. If they owned a business, the regional tribunal would appoint an administrator to oversee the running of the establishment until sentence was proclaimed. Of course, not everyone could give an asset statement—many defendants were dead, in exile, or simply ‘missing’. But, as we have seen, death did not signify exemption. Similarly, non-appearance before the investigating judge did not halt an investigation. In cases where defendants were unable or unwilling to appear, they (or, if they were dead, their relatives) were notified that they were under investigation by means of an official announcement in the official state and provincial bulletins.

These announcements also served to inform the public in general and banking and financial institutions in particular that the assets of the absent defendant were frozen. This caused acute embarrassment to the Bank of Spain as it mistakenly froze the assets of depositors not subject to political responsibilities who shared an identical name with those under investigation. The problem was so serious that the deputy governor of the bank wrote to the president of the National Tribunal in October 1940. He requested that the bank’s legal obligation to automatically freeze the assets of those whose names appeared in official notices be suspended while the bank sought clarification in cases of people with common names. In order to emphasize the gravity of the problem, he enclosed examples where confusion had taken place, including eight different cases of ‘Jose García García’. Suner refused this request, informing the bank that affected depositors would have to obtain

78 For a detailed account of the transfer of the Republic’s gold reserves—the fourth largest in the world—to the Soviet Union see A. Vinas, El Oro de Musk: Alfa y omega de un mito franquista (Barcelona, 1979).
79 AGA, J(RP), 30512.
80 Ibid. Article 49. If the defendant were in prison, he would give his statements to the prison governor.
81 Articles 47 and 49.
82 Article 50.
83 See Article 49 and Cajal, La ley, 126–7.
certificates that they were not subject to investigation before the embargo on their assets could be lifted. Consequently, the National Tribunal received a steady stream of requests for such certificates. In June 1942, for example, Francisco González López, a depositor from Madrid, complained that the Bank of Spain had frozen his account because two people with identical names were being investigated in Seville and Cáceres.

Public announcements were also used for other purposes under the LPR. In fact, the names and personal details of all defendants under investigation were to be officially published. The purpose of this was to obtain information on a defendant’s background and assets from the general public. Public notices were also essential to collect unpaid fines. The LPR created an elaborate framework designed to ensure that the ‘guilty’ did not escape their ‘responsibilities’. A Higher Administrative Central Office (Jefatura Superior Administrativa) was created to supervise regional special civil judges, whose task was to discover and seize for the state assets (to the value of the fine) of those who failed to pay. Special civil judges used public notices to enable third parties to state their claims to the assets of defaulters before the state took its share.

Since the LPR established a complex institutional framework, a transitional period was fixed to facilitate both the actual creation of these institutions and the abolition of the wartime civil responsibilities system. The LPR did not become operational until the summer of 1939. The appointment of members of regional tribunals and provincial investigative magistrates took place on 2 June; the formal swearing in of Commandant Manuel Jiménez Ruiz, the president of the Madrid regional tribunal (which covered the provinces of Madrid, Toledo, Segovia, Ávila, and Guadalajara), took place in San Sebastián on 21 June.

84 AGA, J(RP), 626.
85 AGA, J(RP), 600.
86 Article 45.
87 Article 46.
88 Articles 23, 33–4, and 61–75.
89 Article 61. In order to prevent any attempt by a defendant to protect his assets by temporarily transferring them to a third party, the LPR retrospectively dated all sentences to 18 July 1936. Therefore any transactions after that date were declared null and void. Article 72.
90 Temporary Dispositions 1–8. The central and provincial commissions established in the January 1937 decree had to transfer all their unfinished investigations to the LPR within six months.
91 BOPM, 10 June 1939.
92 Jiménez pledged to Enrique Suñer, the president of the National Tribunal, his ‘unconditional adhesion to Spain and the Caudillo’. AGA, J(RP), 142.
The first investigation in Madrid province, and also case number 1 of the Madrid regional tribunal, was opened by Lieutenant Carlos Múzquiz y Ayala, the provincial investigating magistrate, on 8 July, against Antonio Radao Arribas, a married bricklayer from El Escorial. The origins of cases subsequently initiated by the Madrid regional tribunal after July 1939 reflected the multifaceted nature of the Francoist repression. The first, and potentially most significant source numerically, was of course military sentences sent by the military courts. By October 1941, the Madrid regional tribunal was receiving an average of 600 sentences a month. Military investigators also sent reports of those cases that had been shelved due to insignificant evidence of criminal activity but where political responsibility was evident. For instance, Pedro Herrera joined the National Republican Guard (the name given to the Civil Guard in the Republican zone) in August 1936 and was thus automatically subject to an investigation by the military court that dealt with civil servants. This was shelved after it was established that Herrera had organized a clandestine Falangist column within the Madrid police and was an agent for the Nationalist espionage service, SIPM, from 1938. However, since Herrera had been a member of the proscribed bourgeois Republican party Izquierda Republicana in January 1936 and the anarchist CNT from 1937, he incurred political responsibility, and his case file was sent to the Madrid regional tribunal in 1939. He was found guilty in August 1940 and fined 150 pesetas.

Despite the large numbers of military sentences received by the Madrid regional tribunal, they made up less than a third of all cases that were sent for investigation in the period July 1939–October 1941. The remaining two-thirds came from a variety of other sources. Unsurprisingly, the police were a frequent source of information, especially when documents of ‘anti-Spanish’ pre-war associations came into their possession. On 6 March 1940 Madrid police headquarters sent the Madrid regional tribunal lists containing the names of the provincial leadership of the ‘Friends of the Soviet Union’ and (more surprisingly perhaps) those of the national leadership of the ‘Friends of the USA’.

93 BOPM, 11 July 1939.
94 AGA, J(RP), 1279. Since many sentences were collective, the actual number of individuals liable for investigation under the LPR was higher.
95 AGA, J(RP), 30420.
96 AGA, P, 4022.
97 AGA, J(RP), 906.
The other repressive jurisdictions were more significant sources of cases. In 1939–40, the purging commissions which were instituted in April 1939 to ‘cleanse’ Madrid’s workforce were a habitual source of investigations. Since the purging criteria were similar to those of the LPR, it was logical that those who had been demoted or dismissed from their jobs would have to face a further investigation to determine the financial penalties they were liable for under the LPR. For example, one of Madrid’s largest pre-war employers, the state-owned monopoly tobacco company, forwarded lists of workers who had been punished in its internal purge.\textsuperscript{98} The commission that purged the Madrid business community, the Incorporation Committee of Industry and Trade Number 1, was also a habitual source of cases. It denounced Nicolás Moya Blondel, a bookseller, in March 1941 after it uncovered that he was a pre-war member of Izquierda Republicana. He was a rank-and-file member who had only joined the party, according to his defence statement, out of respect for a Republican doctor who had saved his life. Despite his Catholic background and a petition signed by the Spanish army bookshop in Arenal Street, he was found guilty in November 1941 and fined 1,000 pesetas.\textsuperscript{99}

The thorough purge of the professions also produced accusations. José Zorrilla Monasterio and his son Antonio Zorrilla y Ondovilla were denounced by the Madrid College of Lawyers in May 1940 for being part of this legal body’s executive council in Madrid during the civil war. Nevertheless, the support of powerful friends within the Spanish legal profession, including reference reports from the then Attorney General and later Interior Minister, Blas Pérez González, cast enough doubt on the original denunciation to ensure acquittal in September 1941.\textsuperscript{100}

Government departments habitually notified the Madrid regional tribunal of civil servants sacked under the terms of the 10 February 1939 decree.\textsuperscript{101} Thus the Interior Ministry’s decision to dismiss Juan Sánchez Cerezo, a social worker, in December 1939 was sent to the LPR authorities by 1941. Sánchez was sacked for being both a pre-war member of the socialist union UGT and Izquierda Republicana. He had also apparently held a celebratory dinner for the Republican commander ‘El Campesino’ while director of a hospice during the civil war. Although these charges

\textsuperscript{98} AGA, J(RP), 679.
\textsuperscript{99} AGA, J(RP), 30474.
\textsuperscript{100} AGA, J(RP), 30561.
\textsuperscript{101} For further information on this decree see Chapter 5.
were not criminal—Sánchez was acquitted by a military tribunal in September 1939—they clearly suggested his political responsibility.\footnote{AGA, J(RP), 30525.}

From March 1940, the Madrid regional tribunal could expect to receive denunciations from another source—the magistrates appointed to investigate Communist and Masonic crimes under the LRFC. This law stipulated that all those subject to this special criminal jurisdiction were to have their civil responsibilities determined by the LPR.\footnote{BOE, 2 Mar. 1940. Article 8.} In September 1941 the president of the Madrid regional tribunal, Jiménez Ruiz, received a list containing the names of prominent Popular Front leaders, including the socialist leader Largo Caballero, who were subject to LRFC. He was asked to take ‘precautionary measures’ against the assets of these individuals to avoid them ‘eluding their civil responsibilities’.\footnote{AGA, J(RP), 871.}

This is a good example of how repressive jurisdictions overlapped, for Freemasons and Communists were already automatically liable under the LPR. In November 1941 Jiménez Ruiz wrote to the president of the National Tribunal pointing out that those subject for investigation under Article 8 of the LRFC were likely to have LPR cases against them.\footnote{Ibid.} He might have added that most of those Popular Front leaders mentioned in the September list forwarded to him by the LRFC authorities were already under LPR investigation following orders from the National Tribunal itself. Thus the cases against the ex-president of the Second Republic, Azaña, and ex-Republican premiers José Giral and Manuel Portela Villadares, began on 26 August 1939.\footnote{BOPM, 9 and 11 Sept. 1939.}

The LPR was also the primary means by which the appropriation of property by state authorities immediately following the occupation of Madrid could be retrospectively legalized. Thus the Requisition Committee (junta de requisa), the organization created in April 1939 to administer property that had not been reclaimed by its owners after the end of the civil war, was a common source of investigations. Considering the vagueness of some of the clauses that defined political responsibility, it was logical that the LPR authorities construed as ‘guilt’ the continued absence of the owner. Maria Álverez Ordóñez was investigated in 1940 solely on the basis that she left Madrid during the war to join her lover, a civil servant, in Barcelona and had (presumably) fled abroad with
As regards anti-Nationalist political activity, the investigative magistrate could only assert that ‘she expressed leftist ideas’. Nevertheless, on 27 October 1941 she was found guilty and sentenced to ten years of external exile and the loss of all her assets.\textsuperscript{107}

Nevertheless, prolonged absence from one’s residence was not always a reliable indicator of responsibility. Raul Aliphat Manzadois was a French businessman who worked before the civil war in Madrid. However, he was on holiday in France in July 1936, and he chose to remain in France until the autumn of 1939. When he returned, he found himself under investigation and his apartment requisitioned. He was acquitted in August 1941 because he did not have a leftist political past.\textsuperscript{108}

Considering the wide-ranging nature of the LPR, it appears that denunciations from the general public were a surprisingly minor cause of LPR investigations. This probably had much to do with the lack of incentive offered by the LPR. Informers could not expect to see their target face imprisonment nor could they hope for a financial reward in the event of a successful prosecution, as all fines issued by regional tribunals went to the state.\textsuperscript{109} Consequently, some of those who did denounce individuals to the LPR authorities did so after their original denunciation to the military authorities did not achieve the objective they had desired. Manuel María Palacios Gómez was a Falangist employee at the Osram Electrical Company in Madrid. In December 1939 he denounced the deputy manager of the firm, Martín Arrúe Astiazaran, for having supplied the Republican war effort with electrical goods. Unfortunately for Palacios, not only was the military investigation shelved but he was sacked by the company in March 1940 for having made a malicious denunciation against a manager. Thus, in his denunciation to the Madrid regional tribunal in March 1941, he wrote that this was his ‘last chance’ to get his job back.\textsuperscript{110}

Still, the fact that investigation under the LPR entailed the loss of control over assets and a possible heavy fine encouraged some businessmen to denounce troublesome rivals. In July 1940 José del Valle García, son of the owner of the Hotel Inglés, denounced, with the support of the managers or owners of the hotels Gaylords, Alonso, Continental, and Capital, Juan Utrera Rosado and Gonzalo Pardo, owners of the Hotel

\textsuperscript{107} AGA, J(RP), 679.
\textsuperscript{108} Ibid.\textsuperscript{.}
\textsuperscript{109} Article 67.
\textsuperscript{110} AGA, J(RP), 30326. Palacios seems to have had little success, for the case against Arrúe was later shelved.
Londres, and Salustino Doñaiturria, owner of the Hotel Doñaiturria, for being Freemasons.\footnote{I shall concentrate on Doñaiturria’s case because the LPR files of Utrera and Pardo are still closed.} Although the charge against Doñaiturria was rejected by the investigative magistrate—he was head of the Incorporation Commission section that purged the hostelry sector—his business remained under the control of state administrators until his case was shelved in early 1942.\footnote{AGA, J(RP), 39374.}

Not only businessmen attempted to use the sanctions available under the LPR to remove competition. Professionals denounced their colleagues, surely aware that a guilty sentence could lead to disqualification from holding any state position. Thus, in April 1940, an investigation against Dr Carlos Jiménez Díaz was opened following a denunciation by Dr Leonardo de la Peña, a colleague in the Medicine Faculty of Madrid University. Jiménez was accused (amongst other things) of going to Britain in September 1936 without entering the Nationalist zone until the civil war was clearly won. Jiménez rebutted these allegations by stating that he had served the Nationalist cause in England by working with British Catholic organizations which had, for example, persuaded Lady Chamberlain, the sister-in-law of the prime minister, to visit Nationalist Spain.\footnote{For her visit to Nationalist Spain in September 1938 see her appeal for the Relief Fund for the Repressed Women and Children of Spain published in The Times, 12 Nov. 38.} He added that the University’s Purge Commission had readmitted him without sanction in January 1940. The investigative magistrate shelved the case, noting that he had been appointed a member of the National Educational Council a month earlier by the Education Minister, José Ibáñez Martín.

Still, perhaps we should be amazed that anyone made the effort to present a denunciation considering that the chances of it being investigated were quite small. The LPR had originally envisaged just one investigative magistrate per province to process the potentially huge number of cases. Predictably enough, this proved to be patently inadequate for Madrid, and two further investigative magistrates were appointed in January and April 1940.\footnote{They were Enrique Amado and Guillermo González-Arnao.} Yet their appointment did little to alleviate the growing backlog of unopened cases or substantially increase the number of completed investigations. According to the Madrid regional tribunal’s own figures, from July 1939 to October 1941, the three Madrid investigative magistrates had initiated between them just 6,629
cases. Of these, only 1,129 (17 per cent) had been completed, despite the fact that the LPR stipulated that all investigations should be completed in one month.\textsuperscript{115} Worse still was the number of pending cases. By mid-1942, the regional tribunal had a further 36,000 cases awaiting investigation.\textsuperscript{116}

The physical lack of investigators was not the only cause for this disastrous state of affairs, since the limited number of investigative magistrates who were actually appointed lacked the basic material resources for carrying out their duties effectively. In the Madrid tribunal’s annual report for 1939, Carlos Múzquiz pleaded for an increase in support staff and the use of a motor car to carry out inquiries.\textsuperscript{117} He continually repeated these requests to his superiors throughout 1940 and 1941.\textsuperscript{118} His colleague, the investigative magistrate appointed in January 1940, Enrique Amado, echoed these complaints. Explaining his poor performance (only 254 cases completed out of 2,473 opened), to Carrero Blanco in September 1941, he emphasized that he did not receive any funds to purchase materials or pay his two typists until November 1940.\textsuperscript{119} Yet Múzquiz and Amado were fortunate in comparison to the third investigative magistrate, Guillermo González. On 5 January 1941 a fire at a nearby carpentry workshop badly damaged the roof of his offices at 7 San Mateo Street, rendering the whole premises unusable for over two months.\textsuperscript{120}

Yet it is probable that a substantial increase in both investigators and the resources available to them would not have averted the crisis that was enveloping the political responsibilities system by 1941. The investigative process itself was flawed, in particular the statutory requirement that no investigation could be terminated until a public announcement of its initiation appeared in the official state bulletin and reports from the police, Falange, mayor, and the local priest had been received. Although these reports were supposed to be sent within five working days of the original request, it often took months for investigators to receive a reply, making a mockery of the LPR’s stipulation that all investigations should be finished within a month. Enrique Amado complained, for example, to

\textsuperscript{115} AGA, P, 4022. The original investigative magistrate, Carlos Múzquiz, cleared the most cases—729 out of 2,235 (or 32%).

\textsuperscript{116} Memoria fiscal de 1943, quoted in Lanero, \textit{Una milicia de la justicia}, 399.

\textsuperscript{117} The actual report is missing, but a summary of its contents has been accidentally stapled to the 1939 annual report of the Mallorca regional tribunal. AGA, J(RP), 314.

\textsuperscript{118} See e.g. a letter sent to Luis Carrero Blanco, the minister responsible for the political responsibilities system on 26 September 1941. AGA, P, 4022.

\textsuperscript{119} AGA, P, 4022.

\textsuperscript{120} ABC, 7 Jan. 1941. For an assessment of the damage see AGA, J(RP), 626.
the president of the National Tribunal on 11 October 1941 that many reports took over six months to arrive.\textsuperscript{121}

These basic flaws can best be appreciated when one examines the investigations instituted against the leaders of the Popular Front.\textsuperscript{122} Since these cases were initiated on the order of the government itself, one would assume that these investigations at least would be completed within a month, especially since the president of the National Tribunal regularly demanded progress reports.\textsuperscript{123} But nothing of the sort happened. The bulk of cases against prominent Republican leaders began in August or September 1939.\textsuperscript{124} This meant that all sentences should have been promulgated by November 1939. In fact, the first sentences against Republican leaders only appeared in December 1940; the sentence against José Giral was issued as late as 25 November 1941.\textsuperscript{125}

According to the progress reports sent to the president of the National Tribunal by Carlos Múzquiz Ayala in February and March 1940, the main cause of the delay was the absence of reports by the local authorities. Amazingly, reports (which should have been sent within five days) were still missing even in particularly crucial investigations, for example those against the two presidents of the Republic, Azanúa and Alcalá Zamora. The biggest culprit was the Falangist Information and Investigation Service.\textsuperscript{126} The situation became so serious that Múzquiz demanded a full investigation of the Madrid postal service in June 1940 to determine whether reports had been mislaid.\textsuperscript{127} However, rapid progress in terminating cases against ex-Republican leaders was only made when Carrero Blanco issued an order on 31 July 1941 that investigative magistrates could close the cases of those whose political activities were well known.\textsuperscript{128}

\textsuperscript{121} AGA, J(RP), 196.
\textsuperscript{122} The centralized nature of the pre-war Republican political system meant that the majority of Republican and Popular Front national leaders were normally resident in Madrid before July 1936. Thus, for example, all members of Casares Quiroga’s government of May 1936 were investigated by the Madrid tribunal.
\textsuperscript{123} The correspondence can be found in AGA, J(RP), 944. The investigative magistrate was always Carlos Múzquiz Ayala.
\textsuperscript{124} The cases against Juan Negrín and Niceto Alcalá Zamora, for example, were both opened on 21 September 1939. \textit{BOPM}, 4 Oct. 1939.
\textsuperscript{125} \textit{BOPM}, 2 Jan. 1942.
\textsuperscript{126} AGA, J(RP), 944.
\textsuperscript{127} AGA, J(RP), 871. Correspondence between Madrid investigative magistrate number 1 to the president of the National Tribunal. Múzquiz Ayala’s complaints were passed on to the head of the Madrid postal service in July 1940. Characteristically, there was a five-month delay before a reply, stating that such mail was handled with care and processed rapidly, was received.
\textsuperscript{128} AGA, J(RP), 1176.
The inability of the local authorities to send in their reports on time was an inevitable consequence of the insatiable demand for reports exhibited by not only the LPR authorities but also institutions of other repressive jurisdictions, especially military justice. The Madrid section of the Falangist Information and Investigation Service, for example, processed 65,826 requests for reports from various organizations during 1940. In addition to this, it vetted 12,599 potential members of the Falange. These statistics are made all the more remarkable by the fact that it employed only thirty-five administrative staff.\(^{129}\)

The crisis affecting LPR investigations was not confined to Madrid. On 23 October 1939, for example, the president of the Oviedo regional tribunal informed the National Tribunal president Suñer that no LPR case had been formally completed in Asturias because the official state bulletin had failed to publish any notices announcing the initiation of cases in the area.\(^{130}\) In the summer of 1941, Suñer’s successor González Oliveros presented a bleak report about the state of the LPR system to his superior, Carrero Blanco. He bluntly stated that, with 250,000 unopened or unfinished cases, it would take five years to ‘liquidate this national problem’.\(^{131}\)

Obviously, the inability to open or finish investigations undermined the supposed raison d’être of LPR—that politically responsible individuals should pay for the damage that they had inflicted on Spain. By October 1941, the Madrid regional tribunal (which, apart from Madrid, covered the provinces of Guadalajara, Avila, Toledo, and Segovia) issued a meagre 1,334 sentences.\(^{132}\) These included verdicts of staggering severity against those the regime held most responsible for the damage that the Popular Front had caused Spain. On 28 April 1941 the two presidents of the Republic, Azaña and Alcalá Zamora, together with the Republican politician Felipe Sánchez Román, were sentenced in absentia to fines totalling 155 million pesetas.\(^{133}\) To put this into perspective, the highest fine imposed in Guipúzcoa was only 75,000 pesetas.\(^{134}\)

Of course, it was one thing to impose a fine but quite another to collect it. The process against those unwilling or unable to pay their fines was

129 AGA, P(SGM), 5.
130 AGA, J(RP), 600.
131 Undated memorandum (probably June or July 1941), AGA, J(RP), 712.
132 AGA, P, 4022.
133 BOPM, 4 June 1941.
cumbersome and time-consuming as the regional special civil judge not only had to locate and value property liable for confiscation but also had to take the interests of third-party creditors into account. By July 1940, the LPR system had only collected 12.5 million pesetas in fines.\(^{135}\) The record of the Madrid special civil judge was particularly mediocre: by October 1941, he had only collected 69,109 pesetas.\(^{136}\) By contrast, by the end of 1937 the Republican civil responsibilities system had confiscated nearly 370 million pesetas worth of assets.\(^{137}\)

However, these figures can give a misleading impression of the inefficiency of the Francoist state in expropriating the property of its political opponents. For example, the value of the assets of proscribed organizations confiscated under the LPR is not included in these reports. The process of locating and confiscating these assets for the state was in the hands of the Higher Administrative Office.\(^{138}\) This property would then be redistributed to state or party organizations. Thus a September 1939 decree allocated to the National Housing Institute (NHI) the assets of cheap housing co-operatives in Madrid which had previously belonged to Socialist organizations.\(^{139}\) The NHI was a common source of LPR investigations, as the September 1939 decree gave it the right to evict those tenants and co-operative cheap mortgage-holders convicted under the LPR.\(^{140}\) Yet it appears that in many cases the NHI did not wait for a formal LPR sentence before seizing property. Taking advantage of the fact that many tenants or owners were in gaol and thus physically absent from their homes, the NHI arbitrarily reallocated their property to others in late 1939. This was how Rafael Henche de la Plata, the wartime Socialist mayor of Madrid, lost his house in Alfonso XIII Street, despite having his LPR case later shelved in 1943.\(^{141}\)

\(^{135}\) AGA, J(RP), 944.

\(^{136}\) AGA, J(RP), 196.

\(^{137}\) Sánchez Recio, *La República*, 184. The Republican figure does not simply refer to fines obtained by the formal civil responsibilities system created in 1936–7 but also to booty taken by workers’ militias in 1936 that was then appropriated by the reparations agency, the Caja de Reparaciones, for the Republican state.

\(^{138}\) Article 23.

\(^{139}\) *BOE*, 8 Oct. 1939.

\(^{140}\) See e.g. the case against Antonio Mairal Peralles, a PSOE deputy for Madrid in the 1933–5 parliament. This investigation was initiated following an NHI report as Mairal had a mortgage with a socialist co-operative for property in northern Madrid. Mairal had been shot ‘while trying to escape’ from a concentration camp in Orihuela (Alicante) on 15 June 1939. AGA, J(RP), 30447.

\(^{141}\) AGA, J(RP), 30294. In July 1948 Henche appealed to NHI, apparently without success, for the return of his property. AGA, J(RP), 30417.
But while it is important to recognize that not all personal property seized in Madrid in the post-war period followed LPR procedures, it still remains the case that the LPR was the primary mechanism by which appropriations took place. Although this is necessarily difficult to prove conclusively, the evidence suggests that arbitrary or ‘illegal’ confiscation of property did not take place on a large scale following the introduction of the LPR in the province in July 1939. LPR investigations reveal cases of ‘Reds’ whose identification with the Republican cause or ‘crimes of blood’ would have made them easy targets for any systematic process of arbitrary confiscation but who nonetheless continued to have substantial property holdings in the mid-1940s. At the end of the civil war, Ignacio Gil San Juan and his son Ignacio Gil Álvaro were arrested for participation in murders and membership of the Popular Front committee in the Madrid village of Los Santos de la Humosa. All were found guilty, and Gil Álvaro was executed. Yet in March 1944, with Gil San Juan also dead and his wife still in prison, the Civil Guard in Los Santos de la Humosa reported that the family still owned property worth 11,000 pesetas in the village.\footnote{AGA, J(RP), 1351.}

The argument that the LPR was the principal means of obtaining reparation from the ‘guilty’ is reinforced when one considers the regime’s response to the poor performance of the LPR system. In an attempt to increase the amount of money collected from individuals as reparation, the National Tribunal issued an order in 1940 that provided guidance for the first time on how regional tribunals should prioritize the processing of the ever-growing number of cases.\footnote{While no copy of this order exists in the archives, its contents were frequently referred to in correspondence between the national and regional tribunals.} It ordered that regional tribunals should concentrate on the prosecution of two types of cases. Predictably, the first was cases against prominent leaders of the Popular Front. The second, however, was based on financial rather than political criteria. Regional tribunals were ordered to provisionally shelve cases where the defendant earned less than 15 pesetas daily or had assets of less than 15,000 pesetas. How high this threshold was in 1940 can be gauged by the fact that the president of the National Tribunal only earned 17,500 pesetas per annum.\footnote{AGA, J(RP), 599.}

How this order affected the implementation of the LPR in Madrid can be seen by an analysis of the social background of defendants (see Table 4.1). This analysis is based on the information provided in public
announcements of LPR cases given in the official provincial bulletin in the period July 1939–March 1942. The figures given in Table 4.1 are by no means definitive—although we know that 6,629 cases were opened in Madrid by October 1941, only 1,941 names were published in the official provincial bulletin by March 1942. The difference is doubtless due to the delays both in the order by the investigative magistrate to publish a notice and the actual publication of the notice in the official bulletin. The accuracy of the figures is also circumscribed by the fact that, in 877 notices (45 per cent) no occupation is listed. Still, it clearly suggests that those from non-manual or professional backgrounds were likelier to face an investigation under the LPR than were manual workers or peasants.

Yet it would be misleading to conclude that the LPR primarily affected an urban liberal bourgeoisie. The fact that those with a military background were most likely to face an LPR investigation suggests that the potential ability to pay, rather than a defendant’s political background, was the key factor in the order to investigate in many cases. After all, all

<table>
<thead>
<tr>
<th>Occupation</th>
<th>No. of defendants</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military</td>
<td>288</td>
<td>27</td>
</tr>
<tr>
<td>Civil Service/professional</td>
<td>240</td>
<td>23</td>
</tr>
<tr>
<td>Service</td>
<td>138</td>
<td>13</td>
</tr>
<tr>
<td>Manual</td>
<td>131</td>
<td>12</td>
</tr>
<tr>
<td>Business/commerce</td>
<td>124</td>
<td>12</td>
</tr>
<tr>
<td>White-collar</td>
<td>93</td>
<td>9</td>
</tr>
<tr>
<td>Agricultural</td>
<td>38</td>
<td>3</td>
</tr>
<tr>
<td>No occupation</td>
<td>12</td>
<td>1</td>
</tr>
</tbody>
</table>

Occupations are classified as follows: military (pre-war officers and men, Civil Guards, Assault Guards, etc.); Civil Service/professional (civil servants and teachers, lawyers, doctors, journalists, etc.); service (barbers, taxi drivers, house porters, shop assistants, etc.); manual (skilled and unskilled workers, printers, construction workers, etc.); business/commerce (shopkeepers, commercial agents, businessmen, etc.); white-collar (clerks, bank staff, etc.); agricultural (day labourers, farmers, shepherds, etc.); no occupation (housewife, unemployed).

Source: BOPM.
pre-war members of the armed forces and police were automatically subject to a military investigation and many were anything but committed Republicans. In other words, rightists who suffered persecution in the Republican zone or who clandestinely aided the Nationalist war effort faced every likelihood of another ordeal in the shape of an LPR investigation. Commandant Albarrán Ordóñez, who as we saw earlier was condemned to death by a Republican court in October 1937 but who received a two-year prison sentence in January 1940, faced an LPR investigation in July 1940. Although this uncovered that his incarceration in a Republican gaol had led to a permanent deterioration in his health, and that his army pension of 625 pesetas a year was consumed by wartime debts of over 3,000 pesetas, Albarrán was fined 350 pesetas in December 1940.145

Yet it is important to point out that the actual impact of the LPR on all sections of Madrid society between 1939 and 1942 was substantially greater than the information in Table 4.1 or the number of investigations seems to suggest. Formally at least, all those convicted by military tribunals automatically lost control over their assets until an LPR tribunal fixed the level of reparation for their crimes.146 This meant, for example, that the wills of all those executed by military tribunals were invalid until their political responsibilities had been established. Pedro Iglesias Expósito was executed in May 1939 after being convicted of membership of a revolutionary committee in the working-class district of Carabanchel Bajo which allegedly ordered arrests and murders. During the course of his LPR investigation it was discovered, in July 1940, that his death certificate did not state that he had been shot under military authority. As a result of this error, his daughter had inherited his estate, worth 65,000 pesetas. She immediately had her assets frozen and did not regain control of them until August 1941, when she paid her dead father’s fine, which had been set at 10,000 pesetas by the Madrid regional tribunal.147

Moreover, the mere possibility of an investigation was a sword of Damocles that could worsen the already precarious economic situation

145 AGA, J(RP), 30310. Despite his debts, Albarrán paid the fine in March 1941.
146 But not beforehand. In March 1941 Carmen Parra, wife of Joaquin Piquer Ronda, an inmate at Yeserías gaol since October 1940, wrote to the Justice Ministry asking for assets in her husband’s name to be transferred to her. Her request was passed to the president of the National Tribunal, who approved her request as Piquer was being held on remand and had not yet been convicted by a military tribunal. AGA, J(RP), 626.
147 AGA, J(RP), 30416.
in which prisoners’ families, deprived of their main breadwinner, found themselves after 28 March 1939. The potentially catastrophic economic consequences of being subject to an LPR investigation can be seen in the tragic case of Luisa Calleja Coca, wife of Gabriel Delgado Macías, a pre-war municipal policeman. In May 1939, Delgado was shot after being convicted of denouncing two of his work colleagues, who were later murdered in August 1936. During the course of his LPR investigation in the autumn of 1939, it was discovered that Delgado held a joint bank account with his wife in the Hispano Americano Bank, which contained nearly 8,000 pesetas. This money had been Calleja’s sole means of financial support since her husband’s execution. However, as a result of this discovery this account was frozen in 1940 pending sentencing of her dead husband. Yet, as I have noted, LPR investigations were not noted for their alacrity and Delgado’s was no exception. In March 1942, an increasingly desperate Calleja wrote to the president of the regional tribunal pleading for the embargo on her bank account to be lifted:

I have not participated, Sir, in the misdeeds of my husband! Please do not increase my pain with the prospect of the most appalling misery! With all or part of these assets and my work I would be able to maintain myself and rebuild my life. Since the amount involved is so modest, a merciful decision would not damage the sacred interests of the Patria . . .

On 18 May 1943, with her dead husband’s case still unresolved, it was recorded in his case file that Calleja had died on 5 May. We know that she left rent arrears of 477 pesetas, because a report of her landlord’s lawsuit against her estate is included in the case file. Delgado’s LPR case was eventually shelved without sentence in December 1943.148

It should be emphasized again that such prolonged delays were not an intentional means to punish ‘Reds’ but the consequence of an ill-designed and poorly resourced justice system. In the spring of 1941, and under the pretext of the second anniversary of the end of the civil war, González Oliveros presented to Valentín Galarza, the Under-Secretary to the Presidency, and Franco a series of far-reaching proposals that would have transformed the political responsibilities system. The overriding objective was to wind up the LPR within two years. His suggested reforms included a pardon on the second anniversary of the beginning of the civil war that would encompass those who had few assets or whose crimes were deemed slight. This pardon, González estimated, would

148 AGA, J(RP), 30367.
shelve at least 50,000 cases. His other proposals centred on reducing the time taken to complete investigations and sentencing. These included dividing the caseload between existing LPR institutions and the ordinary (i.e. non-military) courts; the publication of a daily twenty-four-page supplement in the official state bulletin for LPR notices; and allowing investigators access to the records of the relevant local authorities to obtain reports. These suggestions were (it seems), accepted in principle by Franco, who demanded only slight modifications.\textsuperscript{149}

González’s hopes for a swift resolution of the ‘national problem’ of LPR were frustrated by the May 1941 political crisis that saw the departure of Galarza to the Interior Ministry and the appointment of Carrero Blanco as Under-Secretary to the Presidency.\textsuperscript{150} However, the arrival of Carrero Blanco was to ensure that González’s hopes for a radical reform of the LPR would materialize. Carrero took up his post in May 1941 with the determination, as he put it in his first report to Franco in August 1941, to carry out a ‘national plan’ that would bring to an end the ‘administrative disorganization’ of the state.\textsuperscript{151} There could be no better example of administrative disorganization than the LPR system, and the urgent need for reform was underlined by Carrero’s decision to order a complete survey of the state of the system on 25 September 1941.\textsuperscript{152}

This survey showed that the situation was even worse than had been thought. The figures sent from Madrid have already been quoted, so let us pass immediately to the general conclusions of this survey given by an unnamed civil servant within Carrero’s department:

In two years of operation, the Tribunals had dictated 38,055 sentences. There are 87,231 cases awaiting sentence and 101,440 cases awaiting investigation, making a total of 188,671. Given the yearly average of sentence, 19,027, it will take \textit{nine years and ten months} [to clear the backlog]. One would have to add to this military tribunal sentences that will create new cases... these will surely be more than 30,000 or a \textit{further two years} [to clear]. Taking into account the enforcement of sentences and the resolution of third-party claims [on assets], this would add an additional \textit{three years} [of work] following the final sentence.\textsuperscript{153}

\textsuperscript{149} Undated memorandum (probably June or July 1941) from González Oliveros to Galarza’s successor Carrero Blanco. AGA, J(RP), 712.

\textsuperscript{150} For an account of the May 1941 political crisis see Payne, \textit{The Franco Regime}, 285–98.

\textsuperscript{151} FNPF, vol. iii(ii), 316–31.

\textsuperscript{152} The order to all regional tribunals and provincial investigative magistrates to provide statistics on the number of cases awaiting investigation, under investigation, and closed can be found in AGA, P, 4022.

\textsuperscript{153} The emphasis is mine. Unsigned memorandum, AGA, P, 4022.
In other words, the implementation of a law designed to punish actions or ‘omissions’ in the period 1934–9 was threatening to continue to 1956, twenty years after the start of the civil war. It was precisely to avoid such an outcome that the regime promulgated a reform decree five months later, on 19 February 1942.\textsuperscript{154} Far from being ‘cosmetic’,\textsuperscript{155} it began the process of liquidating the Law of Political Responsibilities. Learning ‘from experience’,\textsuperscript{156} the decree incorporated many of González’s original 1941 proposals. Whole groups were exempted from political responsibilities—anyone sentenced by military tribunals to under six years and a day’s gaol, those sentenced to under twelve years whose political significance was ‘minimal’, and rank-and-file members of proscribed organizations.\textsuperscript{157} More importantly still, it stipulated that anyone under investigation whose wage was less than double that of the average peasant or whose assets were worth less than 25,000 pesetas—an extremely high threshold given the standards of the time—was to have their case shelved.\textsuperscript{158}

González’s recommendation that ordinary courts should participate in the LPR was also adopted. But instead of working in partnership with the existing LPR system, the reform decree opted to abolish the LPR institutional framework altogether, with the important exception of the National Tribunal. The functions of the regional tribunals were transferred to the provincial high courts (Audiencias Territoriales) and investigations given to local magistrates.\textsuperscript{159} They were also reformed to prevent the mass initiation of new cases and expedite the investigation process. The heads of the high courts could only automatically inaugurate an investigation following a sentence from another jurisdiction (such as military justice); any denunciations had to be examined and approved by the provincial chief prosecutor.\textsuperscript{160} Local magistrates were no longer forced to wait until they had received all local authority reports to close

\textsuperscript{154} BOE, 7 Mar. 1942.

\textsuperscript{155} Richards, \textit{A Time of Silence}, 221.

\textsuperscript{156} According to the preamble.

\textsuperscript{157} Article 2. This law was not retrospective—i.e. those already convicted who met the exemption criteria could not apply to have their sentences overturned.

\textsuperscript{158} Article 8.

\textsuperscript{159} Article 5. The National Tribunal (which kept its powers) was transferred to the jurisdiction of the Justice Ministry, and it was granted two special courts to process appeals more rapidly. Articles 12 and 13.

\textsuperscript{160} Article 6.
an investigation; the police report alone was sufficient to terminate a case.161

In a temporary disposition, the decree gave regional tribunals two months to process cases awaiting sentencing; it set aside a further three months for regional tribunals and provincial investigative magistrates to transfer their files and registers to ordinary courts.162 Such was the immense quantity of documents that the Madrid regional tribunal (amongst others) requested on 6 June an extension to 30 June to wind itself up.163 By July 1942, the Madrid high court had received 6,081 uncompleted investigations, 25,000 sentences from military tribunals, and 11,168 unopened reports from other sources to investigate: a total of 42,249 cases.164

A circular issued on 22 July 1942 by the National Tribunal to all high courts reminded them of the government’s conviction that all political responsibility cases should ‘be liquidated as soon as possible’.165 Yet the onerous task was well beyond the capacities of the ordinary justice system. As we saw in an earlier chapter, the demands of military justice in 1939 meant that large numbers of investigative magistrates and prosecutors were drafted into the Military’s Juridical Corps. Although demobilization was initiated in 1941, the civilian high courts suffered from an acute shortage of personnel until 1948.166 In 1942, 38 per cent had no vacancies; by 1944, this figure had only increased to 44 per cent.167 Worse still, although the jurisdiction of ordinary courts had originally been truncated by martial law in 1939, the investigation and prosecution of new crimes, such as abandoning the family (criminalized by a March 1942 decree), was allocated to the ordinary courts.168

In short, the ordinary courts had neither the personnel nor the time to liquidate the LPR rapidly. In the short term, the transfer of the LPR to ordinary jurisdiction worsened the situation in Madrid. In 1943 the Madrid high court processed just 269 cases—55 by sentence and 214 by shelving.169 This tiny improvement was easily overturned by the constant

161 Article 7.
162 Temporary disposition 1.
163 AGA, J(RP), 320.
164 Memoria fiscal de 1943, quoted in Lanero, Una milicia de la justicia, 399.
165 AGA, J(RP), 232.
166 Lanero, Una milicia de la justicia, 382.
167 Ibid. 381.
168 Ortiz Heras, Violencia politica, 414.
169 Lanero, Una milicia de la justicia, 399.
arrival of sentences from other jurisdictions requiring investigation, such as military justice and the Law for the Repression of Freemasonry and Communism.\textsuperscript{170}

Consequently, two new courts were created within the National Tribunal in June 1943 to investigate unopened cases.\textsuperscript{171} This finally produced what the regime had always wanted—a rapid completion of cases—but only in the sense that it provided the legal mechanism for the mass shelving of cases without a peseta ever reaching the coffers of the state in payment of reparation. On 16 November 1943 González Oliveros ordered the head of the Madrid high court to transfer all uninvestigated military sentences to the National Tribunal for processing. By 5 December 1944 the National Tribunal had received 15,700 sentences, with the names of 20,148 people, from Madrid.\textsuperscript{172} These cases were then examined by the courts created in June 1943 according to the exemption criteria established in the February 1942 decree. Reports regarding the solvency of defendants were requested from the local police and mayor. If these reported that they were unable to provide any information, or suggested that the defendant did not meet the 25,000-peseta threshold, the case was declared shelved. Thus the case against Ángel Pedrero, the head of the Republican military police, SIM, who represented, according to the military tribunal that sentenced him to death in 1940, ‘the embodiment of evil’, had his LPR case shelved in March 1945 as the Madrid police were unable to supply any details.\textsuperscript{173} However, in the very few cases where reports indicated that defendants’ assets did exceed the 25,000 pesetas, no one (it appears) was ever tried.\textsuperscript{174} This only serves to underline how desperate the regime was by 1944 to rid itself of the self-imposed political responsibilities problem.

In the event, the political responsibilities system lingered on for another twenty years. Although an April 1945 decree derogated the LPR, it did not wind up outstanding cases. Rather, it ordered that the National Tribunal, now converted into a liquidatory commission, and the high courts should process incomplete investigations and collect unpaid fines

\textsuperscript{170} An examination of the case files suggests that very few post-1942 dossiers were ever opened for investigation.

\textsuperscript{171} BOE, 11 July 1943.

\textsuperscript{172} AGA, J(RP), 654.

\textsuperscript{173} AGA, J(RP), 468.

\textsuperscript{174} See e.g. the case of Mariano Prados. He was executed in November 1939 for being a member of the revolutionary committee in the village of Moralzarzal. Although the Civil Guard reported to the National Tribunal in March 1944 that he had property worth 40,000 pesetas in the village, this was never followed up. AGA, J(RP), 1351.
promptly.\textsuperscript{175} This was no small assignment, as in February 1945 the Madrid high court still had 4,415 cases pending completion of investigation or sentencing.\textsuperscript{176} Moreover, the complex business of attempting to enforce the astronomical fines levied on leading Republicans in the early 1940s continued. For example, the attempt to collect the 100 million peseta fine imposed on Manuel Azan˜a was only abandoned in February 1959 when the heirs to the Aza˜n a estate (including his wife), finally convinced investigators of their loyalty to the ‘principles of the National Movement’.\textsuperscript{177} When a pardon was finally issued for anyone subject to political responsibilities in November 1966,\textsuperscript{178} many investigations opened in the early 1940s had still not been closed. Indeed, the case of Andrés Arenas de la Cruz, a married commercial agent subject to the LPR since 1940, was not formally shelved by the Madrid high court until June 1989, just months before the collection of Madrid LPR court files was transferred to the state archive in Alcalá de Henares!\textsuperscript{179}

Yet the rather disordered manner in which the LPR was both implemented and abolished should not necessarily lead to the conclusion that it was a ‘failure’. It is the case that the LPR, flawed from its inception by the application of traditional legal procedures to extraordinary retrospective ends, was more likely to produce unopened or incomplete cases than reparation from individuals held responsible for the civil war. Yet bureaucratic chaos did not diminish the significant consequences of an LPR investigation; indeed, it made them worse. The spectre of investigation, with the prospect of losing control over assets or earnings for a prolonged period of time, haunted all sections of society in the province. In any case, the ill-defined criteria that established political responsibility were not confined to the determination of compensation to the state. They were utilized, as we shall now see, in an even wider purge.

\textsuperscript{175} BOE, 25 Apr. 1945.  
\textsuperscript{176} AGA, J(RP), 468.  
\textsuperscript{177} AGA, J(RP), 30329.  
\textsuperscript{178} BOE, 12 Nov. 66.  
\textsuperscript{179} AGA, J(RP), 30323.
The Decontamination of Madrid: The Purges of Civil Servants, Professionals, and Others

The occupation of Madrid by Nationalist forces on 28 March 1939 received a generally warm reception from a hungry population weary of living on ‘Dr Negrín’s resistance pills’, lentils. But if madrileños thought that the end of the civil war would bring an end to hunger they were very much mistaken. Between May and October 1939, the Falangist welfare organization Auxilio Azul distributed nearly 33 million meals throughout the province; around 16 per cent of the population was being fed by the organization.\(^1\) Of course, the regime disclaimed any responsibility for such levels of deprivation; it was the inevitable consequence of the ‘Marxist rebellion’. As the leading article of the Madrid newspaper \(\textit{Ya}\) put it on 3 May 1940, ‘we cannot forget the terrible chaos caused in our \(\textit{Patria}\) by the Red madness… the difficulties and restrictions that we have to put up with are the result of the work of the Reds’.\(^2\)

Yet such Francoist protestations of innocence were starting to wear thin by 1941–2 as shortages began to affect all areas of daily life in Madrid. In February 1942, Madrid city council suspended its refuse collection service due to a lack of serviceable dustcarts.\(^3\) However, the most serious shortages concerned food. In April 1941 a shortage of milk prompted a ban on making cream;\(^4\) in February 1942 four people were arrested for selling dog meat for human consumption.\(^5\) The dearth of food helped to encourage disease. In March and April 1941 an outbreak of

\(^1\) According to a report issued by the Madrid branch of Auxilio Azul and reproduced in \textit{Arriba}, 29 Oct. 1939. Those in working-class areas were more likely to have turned to the Auxilio Azul. In Vallecas and Vicálvaro over 30\% of the population had received food from the organization.

\(^2\) \(\textit{Ya}\), 3 May 1940.

\(^3\) \(\textit{ABC}\), 5 Feb. 1942.

\(^4\) \(\textit{ABC}\), 17 Apr. 1941.

\(^5\) \(\textit{ABC}\), 12 Feb. 1942.
typhus caused at least 1,800 cases; the mortality rate was, according to the British ambassador, Samuel Hoare, ‘exceptionally high’.6

Of course, madrileños were not alone in suffering economic hardship; the 1940s are still popularly known in Spain as the ‘years of hunger’. Most historians now agree that the post-war economic crisis had more to do with the Franco regime’s pursuit of autarky than with the destruction wrought by the civil war.7 In particular, the decline in agricultural production—1929 levels were not reached again until 1950—was caused by the lack of imported machinery and fertilizers, as well as the switch from cash-earning export crops such as citrus fruits to staple crops.8 Moreover, the regime’s disastrous attempts to regulate wheat prices through the National Wheat Service (Servicio Nacional de Trigo), created in August 1937, helped to stimulate the black market (known as estraperlo). Indeed, the attraction of obtaining higher prices meant that the unofficial wheat market was often larger than the official one. For example, in 1940–1 the black market accounted for 60 per cent of all wheat sales.9

Access to and participation in the black market were other ways in which the defeated were marginalized in Madrid after the end of the civil war. Officially, the Franco regime criminalized the black market; indeed, a decree issued on 26 October 1939 placed all illegal trading under military jurisdiction.10 Yet some were more likely to be punished than others. In December 1939 the British embassy reported that well-connected civil servants did not suffer the shortages of eggs, oil, sugar, and butter that affected other madrileños.11 The winter of 1939/40 even produced rumours that General Saliquet, the captain-general of Madrid, was using black-market suppliers for his soap factory.12 At the other end

6 PRO/FO 371/26890/C3251/3/41.
7 See J. L. García Delgado and J. C. Jiménez, Un siglo de España: La economía (Madrid, 1999), for a recent general study as to how the Franco regime’s autarkic policies retarded the process of economic growth and modernization that had been evident in Spain before 1936. See also Richards, A Time of Silence, for a detailed account of the implementation and consequences of autarky.
10 BOE, 3 Nov. 1939.
12 R. Abella, Por el imperio hacia Dios: Crónica de una posguerra 1939–1955 (Barcelona, 1978), 82.
of the scale, Amacio Rodríguez Velasco, Mariano López Zazaro, and Julián López Herrador, three construction workers from the poor municipalities of Carabanchel Bajo and Cercedilla, were sentenced by a military tribunal in June 1942 to four months and a day imprisonment and a fine of 1,035 pesetas for stealing scrap metal to sell on the black market. The prison sentences would have undoubtedly been longer had the military tribunal not accepted that the defendants carried out the theft in order to feed their families.13

What made the daily struggle for survival in Madrid in the early post-war period even more difficult was the purge of the workforce carried out following the military occupation. This purge ran in parallel with the other special jurisdictions designed to punish ‘Republican rebels’. In this sense, the experiences of Isabel Crispín Fernández, a 28-year-old primary schoolteacher in 1939, were not untypical. In June 1936, Crispín returned to live with her family in Madrid from Asturias with her husband and their baby. Both she and her husband were schoolteachers, and Crispín took up a position at a private primary school in Madrid. The civil war saw her two brothers and husband join the Republican army; her brothers became officers while her husband became a culture militiaman. Crispín, however, continued to teach privately until the Republican government, in the winter of 1936/7, decreed that any teacher not working for the state would lose their professional status unless they volunteered for state service. Consequently, Crispín became a supply teacher in a state primary school in the village of Arganda in February 1937, returning to teach in Madrid in June 1938. She held this job for the rest of the civil war, and presented herself to the Nationalist military authorities for compulsory investigation on 3 April 1939. This military case was shelved, although reports suggested she probably had ‘leftist tendencies’ because her relatives served in the Republican army. These reports, and the fact that Crispín had entered state service in 1937, were enough evidence for her dossier to be sent to the Madrid LPR regional tribunal; an investigation was initiated in November 1939. After receiving official reports and character witness statements stressing that Crispín was apolitical and of ‘good conduct’, the LPR investigative magistrate recommended that the case should be dismissed in October 1940. Given the protracted delays that characterized the whole LPR process, her case file was not closed until May 1944. Yet the LPR case was not the last formal investigation

13 AGA, J(RP), 879. A fifth defendant, Apolinar López Yagüe, the 17-year-old son of Mariano López, was given a fine of 250 pesetas.
into Crispín’s background and civil war activities. Crispín submitted herself in January 1940 to investigation by officials of the Nationalist Education Ministry in order to remain in the teaching profession. According to a November 1936 decree amended in March 1939, all teachers had to apply to have their professional status revalidated; in particular, state schoolteachers had to reapply to keep their job.\textsuperscript{14} In the event, the conclusions of Crispín’s professional purge investigation were identical to those of her LPR case and she was formally readmitted into the teaching profession in October 1940. By this time, on account of her father’s death and serious financial problems, she had left Madrid with her family and moved to the village of Orbigo (León).\textsuperscript{15}

Crispin is an unlikely candidate to be included in a history of the Francoist repression. She was never even imprisoned—let alone shot—and she was able to resume her teaching career after the civil war. Yet the significance of her case lies in its banality. Crispín was essentially apolitical—she had never even joined a trade union—but she nevertheless faced three (virtually simultaneous) investigations. While Crispín was more fortunate than others, her experiences were characteristic of the first years of Francoist rule in Madrid. Not only were individuals liable to be punished for criminal or political responsibilities, but also potentially faced losing their livelihood in a separate but parallel purge investigation. This prospect was not restricted to teachers like Crispín or to civil servants in general; even tobacco hawkers were obliged to explain themselves to the Francoist authorities to continue in the trade.\textsuperscript{16}

The fact that investigators in both Crispín’s LPR and professional purge cases reached identical conclusions was not coincidental. They were operating essentially under the same ill-defined political criteria employed in the LPR to determine individual civil responsibilities for the ‘damage’ that had been caused to Spain by the ‘Marxist rebellion’. By being readmitted to her profession without any sanction, Crispín was found not to have demonstrated by ‘acts or omissions’ any hostility to the movement before March 1939.\textsuperscript{17} The concurrence in criteria was general and not confined to teaching. In December 1939 the two organizations that ran Spanish sport, the Olympic Committee and the National Sports Council, announced the official start of their purge; reproducing verba-

\textsuperscript{14} \textit{BOE}, 11 Nov. 1936 and 23 Mar. 1939.

\textsuperscript{15} This biography is based on Crispín’s LPR file in AGA, J(RP), 30364, and her application to rejoin the teaching profession in AGA, E, 471.

\textsuperscript{16} \textit{Arriba}, 31 Aug. 1939.

\textsuperscript{17} \textit{BOE}, 23 Mar. 1939.
tim Article 1 of the LPR, those sportsmen and women who ‘had opposed or oppose the National Movement through voluntary actions or grave passivity’ were to be punished.\(^{18}\)

Like the promulgation of the LPR in February 1939, the post-war occupational purges were a culmination of processes instituted in the very first months of the Nationalist regime in 1936. Indeed, the institutional development of the civil responsibilities system and the purge of the civil service were intrinsically connected. Decree 108 of September 1936, which, as we have seen, outlawed Popular Front organizations, also declared the necessity of suspending or dismissing civil servants for ‘antipatriotic actions’.\(^{19}\) Similarly, the drafting of the decree that would purge the Civil Service after the civil war was carried out in parallel to the LPR under the auspices of General Jordana, vice-president of the Nationalist government, in the winter of 1938/9.\(^{20}\) It was no coincidence that the former was promulgated on 10 February 1939, the day after the LPR.\(^{21}\)

Therefore, the distinctions made earlier between criminal and political responsibilities can be equally applied to the occupational purges. In other words, acquittal by a military tribunal might not prevent dismissal from employment. In March 1940, a military tribunal exonerated Teófilo Ruiz, a customs official and member of the Madrid Izquierda Republicana provincial committee from July 1934 to January 1936. It declared that Ruiz had not ‘committed any crime against the National Movement’. By then he had already been sacked from his Civil Service post for being ‘an enemy of the National Movement’.\(^{22}\)

Although the LPR and the post-war occupational purges derived from the same ideological assumption—that responsibility for the civil war lay

---

\(^{18}\) *Arriba*, 21 Dec. 1939. Unfortunately there is no detailed account of how this purge affected sporting life in the capital. However, in his excellent account of the history of Real Madrid, Bahamonde recounts how club employees were largely unaffected by the purge. This was not due to a benevolent attitude towards the club by the regime—its president was the Catholic politician Rafael Sánchez Guerra who, as we have seen, was given thirty years’ imprisonment in 1939—but because of the club’s inactivity during the civil war. In October 1936 Barcelona vetoed an attempt by Real Madrid to play in a wartime Catalan league. As a result, the club was mothballed until the end of the civil war. Bahamonde Magro, *El Real Madrid*, 179–93.

\(^{19}\) Articles 3 and 4. *BOE*, 16 Sept. 1936.

\(^{20}\) Several draft copies of the decree, annotated by the military jurist Cirilo Genovés, Jordana’s deputy, can be found among LPR documents in AGA, P, 4023.

\(^{21}\) *BOE*, 14 Feb. 1939.

\(^{22}\) AGA, J(RP), 30518. Ruiz also faced an LPR investigation in 1942, but this was shelved in 1944.
with the ‘Marxist rebellion’—the latter had subtly distinct objectives. This was a consequence of the different punishments available. Punishment under the LPR was primarily by fines or confiscation of property of those who had generally caused the ‘rebellion’. It was therefore presented as a mechanism to provide reparation to the Francoist state. The post-war occupational purges, on the other hand, by definition centred on the temporary or permanent withdrawal of employment or professional status from individuals.\textsuperscript{23} Their purpose was to a large degree negative, although no less important for the Francoist reconstruction of Spain. The aim of these purges was not simply to punish but also to prevent the circumstances that caused the formation of the ‘criminal’ Popular Front and the consequent ‘terror’ from occurring again. The sense that the occupational purges were not just a question of punishment but also a matter of ‘security’ against the possible resurgence of ‘anti-Spanish’ enemies can be found in a report detailing the purge that took place in Madrid’s provincial administration (Diputación Provincial) in 1939. Written by its President Narciso M. Cabezas to his superiors in the Interior Ministry, it asserted that the main objective of the depuración was ‘the security of the New State’; the punishment of ‘collaboration and participation in the development of the Marxist movement’ was secondary. Cabezas then pointed to the ‘lessons’ of the repression of the revolutionary insurrection of October 1934 to explain how ‘necessary’ the purges were:

due to the scruples and lack of energy of the authorities, Marxism was not strangled or broken in Spain...[as a result it reappeared] in 1936 with all its monstrosity of murder, looting and destruction. Given its responsibility to Spain, the provincial administration now considers its highest duty to ensure that its employees...are really and truly loyal [afectos] and Spanish in the strict meaning of these words, avoiding those who, by their conduct or political beliefs, do not deserve this description...\textsuperscript{24}

Concomitant to the ideological necessity of purging all those who were not ‘truly Spanish and loyal’ to the regime was their replacement by people who were. In August 1939 a decree was issued reserving 80 per cent of vacancies in the Francoist state administration to ex-Nationalist soldiers, wounded, prisoners, and relatives of victims of the Republican

\textsuperscript{23} This distinction is not absolute. Article 8 of the LPR laid down that its tribunals could bar convicted individuals from state employment. This punishment was, however, an accessory to a fine and the tribunals could not dismiss civil servants, only suspend them.

\textsuperscript{24} AGA, I, 3120. The emphasis is in the original.
repression. A month later, this 80 per cent reserved quota for ex-Nationalist soldiers and supporters was extended to vacancies in private firms. It was no coincidence that the occupational purges took place at the same time as the mass demobilization of the Nationalist army. By the spring of 1940, the size of the army (which totalled over 900,000 by the end of the civil war), had declined to around 250,000. Clearly, the purges were also an essential means for the regime to reward its followers.

However, the Francoist utilization of political criteria to deny or grant employment was not unprecedented in Madrid. Indeed, it would not be inaccurate to state that the post-war occupational purges were the last of a series that took place in Madrid in the 1930s following or during periods of political upheaval or crisis. The failure of the October 1934 revolutionary insurrection in the capital led to the mass dismissal of militant workers. This was reserved after the Popular Front won power in February 1936 and non-unionized workers employed after October 1934 were sacked. The cycle of purges continued after July 1936 when ‘fascists’ or ‘enemies of the Republic’ were targeted instead and concluded with the post-war dismissal of Republicans. Perhaps a specific example can better illustrate this process. Ricardo Palacios de Pablo had been a bank official in the Madrid branch of the Banco Zaragozano from 1928 until he was sacked for taking part in the insurrection of October 1934. After being readmitted following the Popular Front victory in February 1936, he was a UGT representative on the bank’s workers’ committee, which purged the staff of rightists after July 1936. When the Republican army called him up in 1937, he served in a rearguard supply unit until the end of the civil war, when he was again dismissed from the bank.

—*

25 BOE, 1 Sept. 1939.
26 BOE, 16 Sept. 1939. Curiously, the Falange only established an 80% quota for party vacancies in December 1939. Informaciones, 20 Dec. 1939.
27 Payne, The Franco Regime, 244.
28 Indeed, the preamble of the aforementioned 25 August 1939 decree links the army demobilization with the reserved 80% quota.
30 Ibid. 152. The decree ordering the readmission of sacked militants can be found in Gaceta de la República, 1 Mar. 1936.
31 AGA, J(RP), 743. To make matters worse, Palacios’ employers also denounced him to the military authorities. However, the military investigation was dropped in April 1941 after rightist work colleagues testified that Palacios had protected them while a member of the bank’s committee.
It should be noted that post-October 1934 dismissals were generally acts of private revenge by employers rather than the systematic pursuit of any ideological objective. This was not the case after July 1936 as purges in wartime Republican Madrid were marked by an ill-defined desire to punish ‘fascists’ or ‘enemies of the Republic’. On the one hand, the workers’ committees that were created in confiscated businesses following the failure of the military rising purged the workforce. On 28 July 1936 The Times reported that the first acts of the committees that took over the Northern and Southern railway companies in the capital was to dismiss their entire management. After the civil war, it was claimed that the workers’ committee that took over the telecommunications company Telefónica sacked 182 employees.

On the other hand, the Republican government dismissed suspected Nationalist sympathizers from the Civil Service. On 22 July 1936 a decree was issued announcing the dismissal of those civil servants who had cooperated with the ‘subversive movement’ or were simply ‘enemies of the government’. The extent to which ‘Republican enemies’ were dismissed from the Civil Service is suggested by the purge of the provincial administration, the Diputación. In all, 213 out of around 1,000 employees were dismissed. This included 42.5 per cent of the administrative staff and 51 per cent of medical personnel.

This is not to suggest, of course, that post-war dismissals in Madrid were in any way a ‘reaction’ to wartime events. Purges were a feature of Nationalist Spain from its inception. The ‘cleansing’ of local administration took place immediately in many areas where the military rebellion was successful. In many cases these purges also replicated an earlier purge of left-wing civil servants that had been carried out following the failed revolutionary insurrection of October 1934 but reversed when the Popular Front won power in February 1936. In Seville for example, over 130 city council employees sacked after October 1934 but readmitted in February 1936 were again dismissed on 29 July 1936. Nevertheless, consonant with the implementation of military justice, the administrative

33 The Times, 28 July 1936.
34 This claim was made at the military trial of Francisco Carrasco, a member of the Telefónica Committee, in June 1939. Carrasco was sentenced to death for allegedly participating in murders of company staff in the summer of 1936 and shot that December. AGA, J(RP), 30207.
35 Gaceta de la República, 22 July 1936.
36 AGA, I, 3120.
37 Ortiz Villalba, Sevilla 1936, 172.
purges were at first localized and lacked any central procedures or mechanisms. That was to change in the winter of 1936/7, when the institutional development of the administrative purges was a reflection of the general development of the Francoist ‘New State’. The decree that initiated this process was Decree 108 of 16 September; the legal mechanisms to implement this objective in the different branches of the Civil Service were introduced in the following months.

It was not accidental that the first purging framework was created for the teaching profession by Decree 66 on 10 November 1936. This was a reflection of the specifically pernicious role that liberal or left-wing teachers were held to have played in the diffusion of ‘anti-Spanish’ ideas throughout society. As the preamble stated:

The fact that for decades the teaching profession at all levels and with increasingly fewer exceptions has been influenced and virtually monopolized by dissolvent ideologies and institutions, in open opposition with the national temper [genio] and tradition, makes it necessary that... sweeping changes are made to the personnel of the state school system...[the result being] the extirpation of these false doctrines, that with their apostles have been the principal causes of the Patria’s tragic situation.38

Although blunt, such arguments were hardly original. Indeed, the theory that Spain’s ‘decline’ could be attributed to the invasion of foreign influences was a long-standing theme among Catholic writers such as the polymath Marcelino Menéndez y Pelayo, in the late nineteenth century.39 A particular target for their invective was the Free Institute of Education (Institución Libre de Enseñanza), a progressive lay educational institute established in 1876 by the educationist Francisco Giner de los Rios.40 Giner’s ‘neutrality’ on the question of religious education was seen as a serious attack on Spain’s Catholic identity.41

The depuración of teachers was initiated by Catholics who had long campaigned to maintain the teaching of religious orthodoxy in Spain’s schools. Franco appointed the playwright José María Pemán, to the ‘Culture and Education’ portfolio in his first administration of October 1936. Pemán, contributor to the ultra-conservative journal published in the early 1930s, Acción Española, was also a member of the elitist and Jesuit-influenced lay association, the Asociación Católica Nacional de

38 BOE, 11 Nov. 1936.
41 Lannon, Privilege, Persecution and Prophecy, 39–41.
Propagandistas. However, in reality Pemán devoted little time to ministerial duties, preferring propaganda work, and de facto control was in the hands of Enrique Suñer, his deputy and the future president of the LPR National Tribunal. Suñer was obsessed with the damage progressive intellectuals, especially those educated by the Free Institute of Education, had allegedly caused Spain, and in 1937 published a book on that theme.

Suñer, then, was primarily responsible for Decree 66, which established in its essentials the purging process that was to be applied to Madrid’s educators after March 1939. It created purging commissions in every ‘liberated’ province. Commission C investigated those in teacher training institutions. However, in terms of numbers, by far the most important was Commission D, which investigated primary and secondary schoolteachers. The latter provincial commissions were made up during the civil war of five members, all directly appointed by the state. These included a secondary school head, a primary school inspector, the president of the local parents’ association (asociación de padres de familia) and two individuals of ‘the highest moral and technical reliability’.

It is important to bear in mind that everyone who wished to teach, or continue to teach, in a state institution at whatever level had to face a purge investigation. The options available to a purging commission after the conclusion of an investigation were initially laid out in a supplementary order to Decree 66. It could confirm an individual in his post, or order a transfer, suspension, or dismissal. This order also stipulated that investigations should be carried out in a period not exceeding three months. This turned out to be ridiculously optimistic; the purge of teachers in Burgos, for instance, began in November 1936. It was not finished until December 1943.

The precise political criteria that regulated the purge were laid down in an order of 7 December 1936. The dual purpose of the depuración—punishment and prevention—is made clear in the preamble:

42 For the significance of Acción Española for Francoism see R. Morodo, Acción Española: Orígenes ideológicos del franquismo (Madrid, 1980).
43 Morente, La escuela, 97–9.
44 E. Suñer, Los intelectuales y la tragedia española (Burgos, 1937). For his articles in Acción Española, see Álvaro Dueñas, ‘El Decoro’, 151.
45 The letter assigned to each commission reflected its relevant clause in Article 1 of Decree 66.
46 The number of commissioners was later increased to seven by the inclusion of two Falangists by decree in November 1939. BOE, 8 Nov. 1939.
47 BOE, 11 Nov. 1936. 48 Article 8.
49 Morente, La escuela, 230. 50 BOE, 10 Dec. 1936.
It is necessary to guarantee Spaniards... that those poisoners of the popular soul and those most responsible for all crimes and destruction are not tolerated let alone protected and subsidized... The purging commissions cannot impose punishments that are the preserve of the courts, but they can propose dismissal of those [teachers] who directly or indirectly had contributed to sustain and further the parties, ideas, and institutions of the so-called ‘Popular Front’.

The criteria were extremely harsh: they ordered automatic dismissal of those teachers who were Freemasons and members or mere sympathizers of Popular Front organizations from the revolutionary insurrection of October 1934. They also stipulated that those teachers with sympathies towards Basque, Catalan, or Galician nationalist parties should be subject to a forced transfer even if they could prove that they had never directly or indirectly taken part in the ‘communist-separatist subversion’. As Morente notes, a strict implementation of this order could have led to the destruction of the teaching profession in the Nationalist zone.\footnote{Morente, \textit{La escuela}, 196.} The Nationalist government belatedly thought the same, for the impact of the December 1936 circular was diminished after 1937 by a series of measures including the publication of alternative sanctions to dismissal such as a ban on promotion, or on holding ‘posts of confidence’.\footnote{See e.g. the order of 17 Feb. 1937. \textit{BOE}, 27 Feb. 1937.} Furthermore, and foreshadowing what was to occur to the military justice system after 1940, the purge was alleviated by tighter central control of the purge process. In March 1938 a Technical-Administrative Office was created within the Education Ministry with the task of confirming or rejecting decisions made by provincial purge commissions. This office considered, for the first time, appeals made against the decisions of purge commissions; it also allowed for pre-1938 decisions to be revised.\footnote{Morente, \textit{La escuela}, 199–200.}

The importance of the purge of the teaching profession to the ‘security’ of the Francoist state is indicated by the fact that the only other branch of civil administration to have its own purging mechanism was the diplomatic service. On 11 January 1937, the Francoist New State formally created its own Diplomatic Corps.\footnote{M. Casanova Gómez, ‘Tribunales de depuración de funcionarios diplomáticos durante la guerra civil en la zona franquista’, in Archivo Histórico Nacional, \textit{La justicia en guerra} (Madrid, 1990), 374.} Two days later, a notice was published with the names of 146 diplomats given automatic entry into the new diplomatic service because of their unquestionable loyalty to the regime. It also stipulated that any other diplomat who wanted to join
the diplomatic service had to submit himself to an investigation by a purging commission composed of fellow diplomats.\textsuperscript{55} A total of 292 diplomats applied for readmission by the end of 1938.\textsuperscript{56} Despite the fact that membership of Popular Front organizations was an automatic cause for an application to be rejected, only sixty-two diplomats were unsuccessful in rejoining the Diplomatic Corps.\textsuperscript{57} That this result reflected the inherently conservative nature of the diplomatic service is shown by the fact the vast majority of those readmitted diplomats had openly committed themselves to the Nationalist cause when Largo Caballero became the Republican prime minister in September 1936.\textsuperscript{58}

Other civil servants were subject to the purge framework established by decree on 5 December 1936.\textsuperscript{59} Article 1 ordered the dismissal of those civil servants ‘who by their conduct before or after the National Movement are considered its enemies’.\textsuperscript{60} Central control over this purge was maintained by the requirement that the political head of the relevant government department had to approve every dismissal.\textsuperscript{61} Significantly, and foreshadowing the purges in the post-war period, the decree also ordered in Article 2 that any employee of a state-owned or -financed company could be sacked if they were considered ‘unsuited, opposed to or dangerous for the National Movement’.

As with the civil responsibilities system, the imminent Nationalist victory in the civil war brought significant changes to the depuración of the Civil Service. The preamble of the 10 February 1939 decree that regulated the post-war purge explained that reform was necessary as the ‘liberation of new territories, especially Barcelona [which fell on 26 January 1939], the city that had been the headquarters of the Red Committee [sic]…raises the urgent problem of the depuración of civil servants’.\textsuperscript{62} Of course, the depiction of the Republican government as little more than a ‘Red Committee’ was hardly casual; it reflected the basic assumption of the Nationalist inverse interpretation of history. A key feature of the decree was the harmonization, in the four clauses

\textsuperscript{55} BOE, 13 Jan. 1937.
\textsuperscript{57} Ibid. A further eighteen were forced into compulsory retirement, and thirty-six were admitted but not given a diplomatic post.
\textsuperscript{58} Ibid. 377.
\textsuperscript{59} BOE, 9 Dec. 1936.
\textsuperscript{60} However, during the course of 1937 alternatives such as forced transfer were introduced.
\textsuperscript{61} Article 3.
\textsuperscript{62} BOE, 14 Feb. 1939.
of Article 9, of the criteria of the post-war purge with those of the recently published Law of Political Responsibilities. The first clause stated that all those found guilty under military justice or the LPR were to be automatically sanctioned—another example of the interlocking, complementary nature of the repression. The second clause ordered punishment against all those who had enjoyed rapid promotion within the Republican administration—the implication being that their promotion was due to their political allegiance to the Republican cause. The last two clauses were catch-all, invoking the very first article of the LPR. The third clause made punishable the ‘evident passivity of those who could have aided the triumph of the National Movement but failed to do so’, while the final clause sanctioned any ‘anti-patriotic action or omission not covered by the previous clauses’. These criteria were to be applied to all civil servants found in the ‘liberated territories’ by purge commissions established in all government departments (Articles 1 and 3). The punishments available to these commissions were laid down in Article 10. In contrast to the original 1936 legislation, a scale of punishments was available, the most serious being dismissal from service and the least being a forced transfer to another province.\(^{63}\)

The regime’s systematic preparations for the post-war purge in civil administration were replicated in other areas, notably in private business and commerce. A thorough ‘cleansing’ was integral to the regime’s wartime plans to ‘normalize’ industrial and commercial activity in those areas under Republican control after victory in the civil war. On 5 May 1938, the Industry Ministry promulgated a decree detailing this normalization process.\(^{64}\) It created trade and industry incorporation commissions (Comisiones de Incorporación Industrial y Mercantil) for those regions still under Republican rule. In general, these incorporation commissions had the task of restoring businesses to their pre-war owners while minimizing the disruption to industrial and commercial activity following the occupation of these territories by the Nationalist army.\(^{65}\) However, their activity was not limited to restoring the *status quo ante*. Article 3, clause (b), established that they had to ensure the continuity of industrial and commercial activity ‘under the control and discipline of

---

\(^{63}\) The other two penalties were the inability to obtain a promotion in a period of between one and five years and the permanent inability to hold ‘posts of confidence’ (*puestos de mando o de confianza*).

\(^{64}\) *BOE*, 5 May 1938.

\(^{65}\) For example, they were to administer abandoned businesses pending their return to their original proprietors. Article 3, clause (d).
their legitimate owners, *supporters of the National Movement and free of [criminal or political] responsibilities*. In other words, evidence of pre-war ownership was not enough to retain control over a business; proprietors also had to demonstrate their loyalty to the regime.

An order issued a month later on 13 June determined that Madrid would be under the jurisdiction of trade and industry incorporation commission number 1, headed, characteristically, by an army officer—Lieutenant-Colonel Ruiz del Portal. This commission was also to cover the provinces of Guadalajara, Cuenca, Ciudad Real, Jáen, and Albacete. Apart from representatives from the industry, national defence, labour, justice, and interior ministries, the commission contained exiled representatives of the Madrid business community. One example was Salustino Doñaiturria, owner of the Hotel Doñaiturria in central Madrid, who was on holiday with his family in Cáceres in July 1936. Doñaiturria was appointed a member of the sub-section that purged hoteliers.

Although all businessmen were to be subject to investigation, they were given a free hand to dismiss their own employees for political reasons. According to a supplementary order to the 5 May decree, employers could sack workers for the following: actions openly opposed to the national movement committed from leading military, civil, or union positions; being union representatives or leaders in factories, workshops or industry; actions that incurred criminal responsibility; threats made against the employer, managers, directors, or other workers or their families and any actions against their property and that of the company. The only qualification was that dismissals could only take place within the first three months of Nationalist rule.

These carefully prepared plans to normalize economic activity were instituted immediately after the Nationalist occupation of Madrid. On 31 March, the military authorities and the Industry Ministry issued the first detailed guidelines for the return to work. Characteristically, the Industry Ministry notice declared the simultaneous annulment of all labour legislation promulgated by the Republican government after 18 July 1936 and the legality of all Nationalist decrees in this area. The

---

66 The emphasis is mine.

67 *BOE*, 16 June 1938. Two other incorporation commissions were created for the regions of Catalonia and Levante.

68 AGA, J(RP), 30374. Doñaiturria was also appointed to the accommodation commission before March 1939, which was to organize lodgings and supplies for military and police personnel after the Republican surrender of the capital. This is the same individual who was investigated under the LPR in 1940 after a malicious denunciation. See Chapter 4.

69 *BOE*, 5 May 1938.
military proclamation ordered all employers and employees to return to work by 3 April or face possible punishment by a military tribunal. It stipulated that employers could only sack staff on the basis of the aforementioned May 1938 order. On 1 April the Madrid incorporation commission, newly installed in offices in 13 Huertas Street, issued a press notice warning all employers that they were forbidden to make any business decisions until they had applied for ‘incorporation’. Such petitions had to contain a favourable reference from the Falange or two fellow employers whose ‘adhesion to the national movement is sufficiently proven’. Failure to comply would incur ‘serious responsibilities’. One should not underestimate the task the incorporation commission had set itself, as there were 57,615 tax-registered businesses in the province in 1930.

The purge of the civil servants in Madrid also began within days of the Nationalist occupation. This was a consequence of Article 2 of the 10 February 1939 law, which ordered all civil servants to present a sworn statement detailing their political activities during the civil war within eight days of being ‘liberated’. Thus the depuración began immediately. As early as 29 March, the first full day of the occupation, for example, Federico F. Castán was appointed to carry out the purge investigations of all city police detectives. The press soon carried notices placed by commissions requesting information. On 10 April, for example, investigators from the Madrid provincial administration solicited information on fifty-eight employees.

For purging purposes, employees of state-owned or -financed companies were treated as civil servants. A decree of 27 February 1939 extended the terms of the 10 February Civil Service purge decree to ‘those functionaries and employees of corporations and their subsidiaries, funded or guaranteed by the state’. Even the personnel of state-funded charitable institutions were not exempt. The scale of these purges should not be underestimated, given the size of many of these national companies. For example, the state tobacco company, whose workers were

70 Both proclamations can be found in Informaciones, 1 Apr. 1939.
71 ABC, 2 Apr. 1939.
73 Information taken from the purge case file of detective Emeterio Albiach Mauricio. Albiach was later investigated under the Law for the Repression of Freemasonry and communism. AGGCE, TERMC, 172.
74 BOPM, 10 Apr. 1939.
75 BOE, 28 Feb. 1939.
76 BOE, 2 Mar. 1939.
ordered to give a statement on 5–6 April, employed over 3,000 workers in Madrid before the civil war.

The systematic nature of this process in Madrid after March 1939 is underlined when we consider the *depuración* of the professions. These too were directed by the state. Hence an Interior Ministry order of May 1939 stipulated that all recently ‘liberated’ journalists who wished to continue to work had to give a sworn statement to the Interior Ministry for investigation. Some professions attempted to anticipate the state and carried out their own purge. The Madrid College of Architecture created a junta de depuración in 1939 which investigated its members with reference to its pre-war disciplinary code of conduct. However, the Directorate-General of Architecture (which was part of the Interior Ministry), considered this disciplinary code to be ‘insufficient’ and ordered, in the February 1940 order, a fresh purge under its control. State control over all areas of the occupational purges ensured that the purging criteria remained constant. Thus the influence of the LPR is evident in the aforementioned February 1940 order, as it stipulated that any architect who had given any service ‘to the Judaizing, anarchistic Marxist action … before or after the National Movement’ should face punishment.

Considering the protracted nature of the LPR and military justice investigations, it appears that the purge process was completed in a comparatively short period of time. Despite the fact that Madrid, as well as being relatively densely populated, was the administrative centre of Spain, and therefore contained large numbers of civil servants, it seems that the purge of the Civil Service was largely completed by 1942. That is not to say that it always proceeded smoothly; Madrid city council had only completed six out of 7,624 investigations by June 1939. Moreover, since civil servants were suspended during their investigation and were only entitled to 50 per cent of their salary while suspended, complaints

77 *ABC*, 4 Apr. 1939.
79 *Arriba*, 26 May 1939. This order was an enabling piece of legislation, designed to implement the April 1938 Press Law in areas occupied by Nationalist forces at the end of the civil war.
80 See the preamble of the February 1940 order. *BOPM*, 7 Mar. 1940.
81 Article 6, clause (f). *BOPM*, 7 Mar. 1940. As we shall see in the next chapter, the association of Jewry with the regime’s other ideological enemies is not accidental.
82 *Ya*, 28 June 1939.
83 Article 7 of the 10 February 1939 decree.
84 *BOE*, 30 Apr. 1939.
from civil servants that unequivocally identified themselves with the Franco regime were not uncommon despite the fact that their cases were always processed first. Quirino Sahelices Otero, a pre-war prison officer who was also a Falangist block leader in the Palacio district in Madrid, wrote an indignant letter addressed to Franco in August 1939. He complained that his purge investigation had not ended despite the fact that he had presented his sworn statement in April. He then asked why he should be in the same legal situation as ‘Red’ civil servants when he had spent the entire civil war in Madrid either in hiding or in prison.

Still, this should not detract from the fact that the occupational purges never constituted a ‘problem’ for the regime in the same manner as the LPR or the military justice system. Narciso M. Cabezas, the president of the Madrid Diputación, boasted to his superiors in the Interior Ministry that the purge of the 939 employees within his institution had been completed before the first anniversary of the fall of Madrid. The provincial purge of the teaching profession, initiated on 12 April 1939 when all schoolteachers and civil servants in the (Republican) Education Ministry interested in keeping their jobs were ordered to present themselves in the following three days, was largely completed by the spring of 1941. Equally, the Madrid incorporation commission was wound up in September 1941, despite the scale of the task which it had undertaken.

One probable reason for the relative brevity of the occupational purges was the summary nature of the investigative process. This is certainly the case for civil servants since, in order to save resources and time, it appears that the regime placed the burden of supplying information during a purge investigation on colleagues whose political attachment to the regime had already been established. Indeed, this was the reason why those deemed most ‘sympathetic’ to the regime had their cases completed first; their co-operation was necessary to uncover their leftist colleagues. Thus the 1939 annual report of the Madrid Diputación stressed that its

---

85 This was laid down in Article 4 of the 10 February decree.
86 AGA, P(SGM), 41. The letter never reached Franco but was sent to the bureaucratic headquarters of the Falange in Burgos in September 1939 (as Sahelices was a Falangist), where it was shelved.
87 AGA, I, 3120.
88 ABC, 12 Apr. 1939.
89 The results of 2,595 investigations were published in BOPM between 14 May and 20 June 1941.
90 According to a letter by the Madrid Chamber of Commerce found in AGA, J(RP), 30374.
purging commission was assisted by those civil servants with ‘unquestionable loyalty to the Movement and love for Spain’.  

The complicity of work colleagues can also be seen in the work of the purge commission of the Bank of Spain. In April 1940 this commission sent a dossier on Juan Rodríguez Fuentes, an employee sacked by the bank on 10 May 1939, to the Madrid LPR regional tribunal. It contained accusations that Rodríguez, a UGT official, had taken part in the transfer to the Soviet Union of gold held in the bank’s deposits in October 1936.  

It also stated that Rodríguez ‘might’ have taken part in the murder of fellow colleagues. These accusations were based on the statements of seven bank employees, whose names were listed in the report.  

Undoubtedly, some took advantage of a purge investigation to get a colleague dismissed. The Urquijo Bank sacked Gumersindo Gil Charca when fellow clerks accused him of ‘leftist ideas’ and of being an active member of the bank’s Popular Front Control Committee during the civil war. To add insult to injury, five of them later repeated the same accusations to the military authorities. The ensuing military investigation revealed that Gil had held a minor role in the Control Committee and that he had hidden Nationalist sympathizers. While the case was dismissed in May 1941, Gil did not get his job back.  

Still, reliance on information from fellow workers offered in some instances a degree of protection to those under investigation. Narciso M. Cabezas complained in the 1939 annual report that the participation of fellow civil servants in the purge of the Madrid Diputación proved to be an ‘unhappy experience given that many references [avales] and witness statements given during investigations were based most times on motives of friendship or gratitude towards the defendant’. This only reaffirms the fact that the repression was not simply imposed by the state on a passive society; popular co-operation with repressive agencies could constrain as well as amplify the effects of the purge.  

Perhaps the extent to which civil servants within the Diputación protected each other can partly explain the final results of the labours of the purging commission (see Table 5.1). Although harsh—nearly one-

---

91 AGA, I, 3120.  
92 We have already seen in Chapter 4 that Rodriguez faced an LPR investigation because of these accusations.  
93 AGA, J(RP), 30512. These civil servants gave testimony in the LPR investigation opened against Rodriguez in 1940. The LPR case was shelved due to insolvency in 1944.  
94 AGA, J(RP), 524.  
95 AGA, I, 3120.
fifth of employees were sacked—it is nevertheless surprising that the all-encompassing criteria of the February 1939 decree did not produce more dismissals. Of course, these results may be a reflection of the fact that employees, who had a variety of different occupations, from doctors to gardeners, were politically conservative. The fact that 213 out of nearly 1,000 Diputación civil servants were dismissed for being ‘enemies of the Republic’ during the civil war suggests this.96

A similar explanation can be applied to the results of the purge of nearly 2,600 schoolteachers in Madrid, published in 1941 (see Table 5.2). The percentage of teachers readmitted without sanction (72 per cent) is similar to that for the Diputación (68 per cent). Only 14 per cent were dismissed, scarcely 2 per cent more than that of the Diputación. While these results are striking, they are unremarkable in the general purge of schoolteachers in Spain; the historian Francisco Morente, who has examined the results of 20,435 purge investigations in thirteen different provinces, discovered that nearly 75 per cent of all schoolteachers were readmitted without any punishment. He concludes that these results were a reflection of the conservative nature of the teaching profession, a reality that contrasts with the original rationale of the purge decree that

---

96 Ibid.

**Table 5.1. The purge of the Madrid Diputación, 1939–1940**

<table>
<thead>
<tr>
<th>Decision of purging commission</th>
<th>No. of civil servants</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Readmission without sanction</td>
<td>639</td>
<td>68</td>
</tr>
<tr>
<td>Dismissal from employment</td>
<td>151</td>
<td>16</td>
</tr>
<tr>
<td>Dismissal but able to apply for work in other Diputaciones</td>
<td>27</td>
<td>3</td>
</tr>
<tr>
<td>Readmission but suspension of employment and pay for one month–two years</td>
<td>52</td>
<td>5</td>
</tr>
<tr>
<td>Readmission but ban on obtaining promotion for one–five years</td>
<td>17</td>
<td>2</td>
</tr>
<tr>
<td>Readmission but ban on holding directive ‘posts of confidence’</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Unresolved cases in December 1940</td>
<td>37</td>
<td>4</td>
</tr>
</tbody>
</table>

*Source: 1939 annual report of the Madrid Diputación (issued December 1940), in AGA, I, 3120.*
was published in November 1936, which contended that the profession had been contaminated by leftist ideas.  

Slightly different results can be seen from the purge of the architectural profession which was completed in March 1942. In total 1,076 architects were investigated, of whom 441 belonged to the Madrid College of Architecture. The purge concluded with 358 (81 per cent) of architects in Madrid being readmitted to the profession without any punishment. This was almost identical to the national figure (83 per cent). In fact, only three architects were expelled from the profession in Spain. They were all based in Madrid. One was the exiled centrist Republican politician Bernardo Giner de los Rios. As well as being one of the founders of the Popular Front, Giner was guilty because of his

---

**Table 5.2. The purge of Madrid primary schoolteachers, 1939–1941**

<table>
<thead>
<tr>
<th>Decision of purging commission</th>
<th>No. of teachers</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Readmission without sanction</td>
<td>1,874</td>
<td>72</td>
</tr>
<tr>
<td>Dismissal</td>
<td>365</td>
<td>14</td>
</tr>
<tr>
<td>Readmission with temporary suspension of employment and pay for up to five years</td>
<td>81</td>
<td>3</td>
</tr>
<tr>
<td>Readmission but with forced transfer</td>
<td>148</td>
<td>6</td>
</tr>
<tr>
<td>Readmission but ban on holding directive ‘posts of confidence’</td>
<td>114</td>
<td>4</td>
</tr>
<tr>
<td>Forced retirement</td>
<td>1</td>
<td>Less than 1</td>
</tr>
<tr>
<td>Unresolved cases</td>
<td>12</td>
<td>Less than 1</td>
</tr>
</tbody>
</table>


---


98 This account is based on a copy of the official report of the purge commission sent to Falangist secretary-general José Luis de Arrese y Magra in May 1942; it can be found in AGA, P(SGM), 14. Arrese was an architect by profession who, unsurprisingly, passed his own purge investigation without difficulty.

99 This figure constitutes the total number of qualified Spanish architects in 1942, as those who had fled abroad were also investigated.

100 The complete regional breakdown is as follows: Madrid, 441 (41%); Catalonia and the Balearic Islands, 250 (23%); the Basque country, 97 (9%); Valencia and Murcia, 89 (8%); Andalucia, Canary Islands, and Spanish Morocco, 85 (8%); León, Asturias, and Galicia, 80 (7.5%); Aragon and La Rioja, 34 (3.5%).

101 Giner represented his party, Unión Republicana, in the inter-party negotiations over the Popular Front manifesto for the February 1936 elections. Preston, *The Coming of the Spanish Civil War*, 236.
familial association with the progressive Free Institute of Education, dubbed ‘extremely pernicious’ by the purge commission.\textsuperscript{102}

Given the ill-defined purge criteria, it would not be unreasonable to suggest that these results reflected an extremely conservative profession. But this is not necessarily the case. A July \textit{1941} internal report sent from the purge commission to the Directorate-General of Architecture explained how they adopted a permissive attitude towards the purging criteria of the February \textit{1940} order. Architects with ‘leftist origins’ were readmitted with sanctions when they had ‘redeemed’ themselves by aiding the Nationalist cause (in some manner) during the civil war.\textsuperscript{103} Furthermore, the purging commission bluntly stated that it was unwilling to invoke the most serious punishment—temporary or permanent expulsion from the profession. Composed of three architects, it felt uncomfortable about judging its colleagues and denying them the right to earn a living; it was also acutely aware that many architects had already been investigated and punished by other tribunals. It concluded that it was their objective that ‘in virtually all cases, punished colleagues should be able to carry out . . . the private exercise of their profession, in order to earn enough to liverespectably’.\textsuperscript{104} Just as we saw in the purge of the Madrid Diputación, it seems that professional loyalties palliated the draconian nature of the purging criteria.

Obviously we should refrain from making any generalizations concerning the results of the occupational purges in Madrid society based solely on civil servants, schoolteachers, and architects. But the lack of research makes the evaluation of the purges in other areas difficult. We have little knowledge of the activities of the trade and industry incorporation commissions despite the fact that a refusal to ‘incorporate’ a business due to the political background of its owners would lead to its confiscation. Indeed, just the mere threat of appropriation could spell doom. Ángel Ruiz was a leather merchant who was forced to leave his premises in south-western Madrid when the area was declared a war zone in late 1936. He was able to relocate to northern Madrid, taking over a vacant wholesaler’s, where he remained until the end of the civil war. During Ruiz’s post-war application for incorporation, rumours circulated that he had arbitrarily confiscated the property. In addition, it was claimed that he was a ‘leftist’ who by exploiting a close relationship with Republican leaders made huge wartime profits. The consequence of these rumours

\textsuperscript{102} He was also tried under the LPR and received a staggering 5 million peseta fine on \textit{16 June 1941}. For the sentence see AGA, J(RP), 679.
\textsuperscript{103} AGA, P(SGM), 14.
\textsuperscript{104} Ibid.
was a military investigation, which was shelved after it was demonstrated that the accusations were without foundation. However, the fact that Ruiz was being investigated for military rebellion led his suppliers to boycott the business, as they feared its imminent confiscation by the incorporation commission. While this did not in the end happen, Ruiz had to sell up in order to pay off rapidly increasing debt. By March 1943, Ruiz was a street hawker in Madrid’s flea market, the Rastro.  

Anecdotal evidence suggests that the purges in far more unionized sectors were more thorough. This is certainly the case in the transport sector. Traditionally well unionized—the Socialist National Union of Railwaymen alone had over 5,000 members in the province in 1931—it was the scene of five major strikes in 1934, involving 1,316 workers. Given this background, once the purge was formally initiated by decree on 1 September 1939, management effectively had carte blanche to punish its workforce as the purge criteria were identical to those of the 10 February Civil Service purge decree. So, for example, Fernando Rodríguez was dismissed from his job in the Northern Railway Company for his leftist activities before the civil war, including ‘insulting’ the Civil Guard, taking part in the Popular Front election campaign in 1936 and collecting money for Socorro Rojo Internacional. Another

105 Despite the incorporation of his business, accusations that Ruiz was a ‘leftist’ led the incorporation commission to send details to the LPR authorities. A case was opened in December 1942, although it was later dismissed in January 1945 due to insolvency. AGA, J(RP), 30518.
106 Apart from the commercial sector, only the construction industry employed more workers than transport in the province during the early 1930s. Julià, Madrid 1931–1934, 437.
107 Ibid. 459–60.
108 Ibid. 487.
109 BOE, 10 Sept. 1939. The fact that the regime issued the purge criteria is a reflection of the fact that the transport industry had been formally militarized by order of 15 Oct. 1937. According to the preamble, it appears that the delay was caused by the previous purge of management. It also noted that the delay had caused much ‘unease’ within the industry. Nevertheless, it appears that an interim purge had taken place immediately following the end of the civil war. For example, Manuel Gómez de Travesedo Infiesta, an employee of the MZA Railway Company and founding member of the Catholic Parents’ Association, was suspended on 5 April because of his membership of the company’s Workers’ Committee. He was, however, reinstated on 22 September 1939 and had his compulsory military investigation shelved in March 1941. AGA, J(RP), 541.
110 Article 3. Let us recall that the 10 February decree stipulated that a ‘passive’ attitude towards the victory of the regime in the civil war was a punishable offence.
111 AGA, J(RP), 524. After losing his job, Rodríguez obtained a position in a company called Impex by concealing the political reasons for his dismissal. However, these were revealed to the company by the military judge investigating Rodríguez for the crime of military rebellion. The latter case was shelved in 1941; whether Rodríguez lost his job at Impex is unknown.
Northern Railway employee, Victoriano Aguado, was forcibly transferred to Alsasua (Pamplona) and banned from obtaining promotion for five years for being a member of the National Union of Railwaymen from 1931.\textsuperscript{112}

It also appears that there was much cleansing of the banking and insurance sector. This sector was not an insignificant provider of employment in the 1930s: a Labour Ministry survey in December 1933 found over 20,000 people working in it.\textsuperscript{113} Although the sector was largely non-unionized before the Republic, the 1930s saw an influx of financial workers into the Socialist trade union movement.\textsuperscript{114} The results of this purge are suggested by such cases as that of Ricardo Castro, a clerk at the Central Bank. He was dismissed from his position for being a member of PSOE and the UGT.\textsuperscript{115} A similar fate befell the messenger boy at the Urquijo Bank, Jesús Parrondo Mata. Although only 15 at the time, he appeared in a 1936 photograph printed in the Republican paper \textit{Heraldo de Madrid} with ‘revolutionary elements’. He was also a wartime member of the UGT and JSU, although he claimed that he left both organizations in 1938 when he was ordered to volunteer for the front.\textsuperscript{116}

But not all industries underwent a formal bureaucratic purging process. This seems to be the case for construction, the largest and most unionized sector of the local economy before July 1936.\textsuperscript{117} This is only because the construction industry had employed thousands of unskilled and semi-skilled workers with traditionally few labour rights. Thus when the long construction boom in the capital petered out in the early 1930s, construction companies simply laid off workers \textit{en masse}. A labour survey of January 1934 revealed that 56 per cent of construction workers were unemployed.\textsuperscript{118} In this sense, therefore, a formal purge after the civil war was completely unnecessary; with the disappearance of independent trade unions that had attempted to provide a degree of job security in the

\textsuperscript{112} AGA, J(RP), 524. Aguado’s military case was shelved in 1941 after the investigative magistrate suggested that, while he was a leftist, he was ‘incapable of committing criminal acts’.

\textsuperscript{113} Julià, \textit{Madrid 1931–1934}, 437.

\textsuperscript{114} Julià, ‘Economic Crisis’, 147.

\textsuperscript{115} AGA, J(RP), 524. Investigated by the military authorities, his case was dismissed in 1941 as the loss of his job was deemed sufficient punishment.

\textsuperscript{116} AGA, J(RP), 524. Parrando also faced a military investigation, although it too was shelved in 1941.

\textsuperscript{117} In the early 1930s, over 85,000 people worked in the construction industry. Perhaps as many as 68,000 construction workers were members of the UGT in 1931. Julià, \textit{Madrid 1931–1934}, 437. 464.

\textsuperscript{118} Ibid. 453.
1930s, employers could simply select workers from a reserve pool of labour. That this pool of labour existed in 1939–40 despite the overcrowded prisons is suggested by internal reports from the regime authorities. The 1939 annual report from the Madrid Diputación talked of an ‘alarming’ level of unemployment among 12,000 construction workers living in the municipalities of Carabanchel Bajo and Villaverde.120 Miguel Primo de Rivera, the Falangist jefe in Madrid, informed his superiors in November 1940 of the ‘great, urgent problem’ of unemployment within the construction industry.121

The existence of unemployment in the construction industry of a province that had been physically ravaged by three years of warfare is indicative of the regime’s priorities in the task of reconstruction. The Madrid Diputación reported that, excluding the villages of Brunete, Villanueva de la Cañada, and Quijorna, which were completely devastated in the fighting, 300 public and 10,000 private buildings in 130 villages in the province had been destroyed.122 The capital also suffered extensive damage: its university district, for example, was laid waste after over two years of trench warfare. Yet in contrast to the elaborate and systematic process of the ideological reordering of Madrid’s workforce, the physical reconstruction of the province was piecemeal and starved of funds. Miguel Primo de Rivera complained in the aforementioned November 1940 report that the construction companies were unable to obtain state credit. He added that there was an acute shortage of school buildings in the province.123 Madrid was not alone; nationally, a million children lacked school places.124 Obviously, this brings into question the regime’s ability to socialize youth in its values, irrespective of the depuración of the teaching profession. In 1951, when eighty-two army conscripts were asked the question ‘Who was Jesus Christ?’, fourteen could not provide an answer.125

Still, the consequences of the occupational purges should not be underestimated. They established the primacy of political criteria in

119 Conflict within the construction industry was incessant in the period 1931–6. Indeed, the fourth and longest general strike of construction workers in Madrid was still unresolved when civil war broke out in July 1936. Julià, ‘Economic Crisis’, 137.
120 AGA, I, 3120.
121 AGA, P(SGM), 41.
122 AGA, I, 3120.
123 AGA, P(SGM), 41.
124 J. Crespo Redondo et al., Purga de maestros en la guerra civil: La depuración del magisterio nacional de la provincia de Burgos (Valladolid, 1987), 41.
acquiring and keeping employment. On the one hand, they provided job opportunities to regime supporters. Thus Nationalist war-disabled were rewarded with concierge positions in apartment blocks vacated by a purge undertaken in 1939–40.\(^{126}\) They also granted a degree of job security. In early 1942 María Natividad, a typist, was sacked by the dean of the Medical Faculty of Madrid University for incompetence. Natividad, who apart from being a Falangist had two brothers serving with the Blue Division on the eastern front and a father murdered by the militias in 1936, turned to her local party for assistance. The case even went as far as José Luna, the Vice-Secretary of the Falange.\(^{127}\)

Conversely, those who fell foul of ill-defined LPR-inspired political criteria were pushed to the margins of the labour market, even after the conclusion of the initial purge process by 1942. This is underlined by an examination of the experiences of paroled prisoners in the early 1940s who sought work in Madrid. Such analysis is possible due to the fact that, as we saw earlier, the individuals named in military sentences held in the state archive in Alcalá de Henares were subject to a perfunctory LPR investigation in 1943–4 to establish if they had any assets. As a result, many contain reports from the police and the municipal authorities revealing their circumstances following release from gaol.\(^{128}\)

The most prevalent experience was not unemployment but under-employment. Of course, there were ex-prisoners unable to obtain employment upon release. Juan Antonio Aresté, a pre-war postman who rose to be the political commissar for the entire Republican XXIII army corps in Andalucia, was released by March 1944 despite being sentenced to death in October 1939. Unable to find work, and with a wife and child to support, he was dependent on his mother-in-law’s small pension to survive.\(^{129}\) But it appears that the spectacle of ex-prisoners being forced to take low-paid employment was more common. For example, Carlos Pérez, a pre-war telegraphs official, earned only \(9\) pesetas daily as a messenger for the state aviation company, Iberia, in February 1944 after his early release from a twelve-year prison sentence.\(^{130}\) To put this figure into perspective, despite high levels of inflation, it was still

\(^{126}\) See the notices in *ABC*, 14 Aug. 1939 and 18 Mar. 1940.

\(^{127}\) AGA, P(SGM), 96. After demanding a report from the dean, Luna was informed ‘verbally’ by the Madrid Falange that the matter had been ‘resolved’.

\(^{128}\) In addition to this collection, of course, there are the actual LPR investigation case files.

\(^{129}\) AGA, J(RP), 1069.

\(^{130}\) AGA, J(RP), 388. Pérez was convicted in June 1939 for denouncing rightists in 1936.
lower than the minimum daily wage for a day labourer in Córdoba before
the civil war—12 pesetas. Similarly, Avelino Mota Montero, a pre-war
municipal policeman who became the Secretary-General of Socorro Rojo
Internacional in Madrid during the civil war, worked after being paroled
for 9 1/2 pesetas daily as a construction labourer in July 1944. In this
context, it was essential that other family members supplemented a
meagre income. Mota’s two daughters both worked. Sometimes it
was not enough. Emilio León was a construction worker who was accused
at a military trial in June 1941 of having persecuted rightists while a
member of the anarchist Ateneo Libertario de la Ventilla. Although he
avoided a death sentence—the military tribunal considered that there was
insufficient evidence connecting him with murders—he received a thirty-
year prison sentence. After being paroled in 1944 he returned to working
on building sites and earned a daily wage of 10 pesetas. Although this was
supplemented with income from two of his six children, it was inadequate
to pay the rent on a room; it was only through the generosity of the
landlord, who in the words of the September 1944 police report, ‘saw the
misery that the family was living in’, that they had a roof over their
heads.

The post-war occupational purges served a dual purpose: to punish
resistance to the Nationalists during the civil war and to ‘protect’ society
from ideological enemies. These were generally ill defined; this is pre-
cisely what contributed to the sweeping nature of the purges. However,
there was one exception: Freemasonry. All those subject to a purge
investigation had to declare whether they were or had been Free-
masons. Evidently, some Freemasons, especially civil servants, were
aware of the consequences of admitting membership and attempted to
hide their Masonic past, despite the fact that this meant instant dis-
missal. Thus Esteban José Comthe de Camacho was automatically
dismissed from the prison service after it was discovered that he had

131 F. Moreno Gómez, ‘La represión en la España campesina’, in J. L. García Delgado
132 AGA, J(RP), 276. Mota had been sentenced to twelve years and one day of impris-
onment in July 1939.
133 For equally miserable wages, it has to be said.
134 AGA, J(RP), 1034 León was given thirty years’ imprisonment in June 1941 for
persecuting rightists while a member of the anarchist Ateneo Libertario de la Ventilla. He
avoided the death penalty as the military tribunal considered that there was insufficient
evidence connecting him with murders.
135 See Article 1, clause (k), of the 10 February 1939 civil service purge decree for
example.
136 Ibid., Article 12.
falsified his sworn statement. This was despite the fact that he had protected Nationalist sympathizers while serving in Porlier during the civil war.\textsuperscript{137} Still, Comthe was right to take the risk; at least as far as civil servants were concerned, it appears that Masonic membership meant instant dismissal irrespective of civil war actions or experiences. For example, Heracilio Valiente García, a telegraphs official, was sacked despite spending the civil war in a Republican prison.\textsuperscript{138} Indeed, the regime regarded Freemasons as so ‘dangerous’ that these purges were considered insufficient; as a result they were criminalized by decree in March 1940. Why this was so will be considered in the next chapter.

\textsuperscript{137} AGA, P, 4030.  
\textsuperscript{138} AGA, P, 4031.
The Law for the Repression of Freemasonry and Communism and its Application in Madrid, 1940–1945

On 25 February 1940 an editorial in the Madrid daily *Ya* reported with enthusiasm that the government had just approved the final text of a decree that responded not only to the needs of ‘today’s justice’ but also of ‘history’. While it could not comment on its exact contents, readers were assured that it was a law against an enemy that had ‘made its presence felt amongst us’ as early as the eighteenth century. This enemy brought about the ‘decomposition’ of Spain by the late nineteenth century and had ‘taken power’ by July 1936. The enemy was Freemasonry.\(^1\) The decree in question was the Law for the Repression of Freemasonry and Communism (LRFC), promulgated on 1 March.\(^2\)

This editorial is indicative of the implementation of the LRFC in a number of respects. Despite the fact that LRFC created a Special Tribunal to impose a maximum penalty of thirty years’ imprisonment for membership of Masonic and communist organizations, no mention is made of communism. Given the controlled nature of the press, this was no oversight on the editors’ part. This can be seen by an order, given eighteen months later in September 1941, by the body then in charge of press and propaganda, the Falangist Vice-Secretariat of Popular Education (Vicesecretaría de Educación Popular) to all Spanish newspaper editors.\(^3\) They were instructed to publish the first sentences issued under the LRFC. It stated that publication of these sentences ‘issued by the Anti-Masonic Tribunal’ (*sic*) should be accompanied by detailed commentaries stressing the ‘singular prejudice that members of the [Masonic] sect have inflicted on Spain’.\(^4\)

---

1 Ya, 25 Feb. 1940. 2 BOE, 2 Mar. 1940.
3 Press and propaganda had been transferred from the Interior Ministry to the Falange in May 1941. Cazorla, *Las políticas de la victoria*, 40.
4 AGA, C, Consignas de propaganda (1939–42), 76. It originally stipulated that the sentences should be published on 1 October. However, when it was realized that this was
Ya’s editorial also addresses the question of why the LRFC was needed at all. After all, various legal mechanisms already existed to punish Freemasonry for its alleged special responsibility for the civil war. So why another special jurisdiction? Ya explained to its readers that, while Freemasonry was defeated in the civil war, ‘we find ourselves against a devious enemy, accustomed to trickery and shadow...With enemies of this kind the measures taken against others are useless...With it [the LRFC] the great task of the moral and social cleansing of Spain under the firm hand of the Caudillo continues.’ Wartime defeat, in other words, did not render Freemasonry impotent; on the contrary, it constituted such a dangerous ‘threat’ that a special jurisdiction was required to combat its uniquely pernicious nature.

Fear of the insidious powers of Freemasonry was not restricted to Nationalist Spain in 1940. In fact, many ‘national’ regimes in Europe had taken measures against Freemasonry as part of their plans to revitalize the nation. Mussolini banned Freemasonry in Fascist Italy in 1925. Hitler, who in Mein Kampf denounced Freemasonry as an ‘excellent instrument’ for international Jewry to spread its influence, did the same when he took power in 1933. Two years later, in May 1935, the Portuguese dictator Salazar criminalized Freemasonry and ordered the confiscation of Masonic property.

The Franco regime was not oblivious to action taken against Freemasonry in other countries and its press commented favourably on such developments, since they gave credence to their claims of a secret Masonic conspiracy. ABC, in a September 1940 article, interpreted a recent purge of Masonic civil servants carried out by General Antonescu in Romania as being a ‘defensive’ measure to safeguard the ‘national spirit’. It also welcomed the fact that part of Vichy France’s ‘National Revolution’ after the defeat by Germany in June 1940 was the persecution of Freemasonry. The previous month saw the abolition of all French ‘secret
societies’ and the dismissal of Freemasons from state employment. Some 14,600 civil servants were affected, including at least 1,328 teachers. In total, 60,000 suspected French Freemasons were registered, 6,000 detained, 989 deported, and 549 were shot or died following deportation.

There are parallels between the persecution of Freemasonry in Vichy France and Francoist Spain. Both would be justified in terms of the defence of Catholicism, an argument easily made when the papacy, in six encyclicals in the eighteenth and nineteenth centuries, condemned it as an attack on the foundations of the established religious and civil order. The last, *Humanum genus*, issued by Leo XIII in 1884, denounced Freemasonry as a secret society conspiring ‘in detriment to the Church and the powers of the State’. For many French Catholics, Freemasons were the secret driving force behind secular and anticlerical Republicanism, especially in the Third Republic. It is no accident that, despite their different views on collaboration with the Germans, all French bishops supported the purge of Freemasons. Given the association between Freemasonry and the Third Republic, it was predictable that the former was held partly responsible by the Vichy authorities for the defeat of June 1940. Not only were Freemasons purged from public service, but the director of the Bibliothèque nationale, the devout Catholic Bernard Fay, was appointed to investigate the relationship between Freemasonry and the defeated Third Republic. From October 1941 Fay edited the monthly journal *Les Documents Maçoniques*; as its title suggests, it contained confiscated Masonic documents that purported to show how Freemasons really ‘ran’ the Third Republic.

The association between pernicious international forces, national ‘decline’, and a defeated secularizing Republic is also evident in the unusually long preamble to the LRFC. This stated that the Spanish civil war was only the culmination of the ‘decline’ of Spain that began with the loss of the colonies in the early nineteenth century. This process of

---

13 Ferrer, ‘La Iglesia Católica y la Masonería’, 191. Papal hostility can also be deduced by the fact that Leo XIII, and his predecessor, Pius IX, between them wrote or spoke against Freemasonry over two thousand times.
decline or ‘decadence’, accelerated by the civil wars of the nineteenth century and the political instability of the early twentieth century, had a principal cause: the machinations of a secret Masonic–communist conspiracy. According to this ‘analysis’, the military rebellion of July 1936 was a popular revolt to prevent the conspiracy’s criminal attempt to make Spain a slave of Soviet tyranny. It concluded that the prolonged resistance given to the ‘true Spain’ was a reflection of the power of this international conspiracy.17

The conviction that Freemasonry had caused Spain’s decline from Great Power status was hardly new; it had long been established in Catholic integrist circles. For instance, a fierce press campaign by Catholic organizations in the 1890s, including the Spanish Anti-Masonic Union created in 1897, blamed Freemasonry both for stoking discontent in the remaining Spanish colonies and then for the disastrous defeat in the war of 1898. This campaign almost brought about the collapse of Spain’s Masonic movement, which was already weakened by internal organizational divisions in its heartlands of Madrid, Andalucia, Catalonia, Levante, and the Balearic and Canary Islands.18

The identification of Freemasonry with communism was also a familiar theme on the Spanish right before the civil war.19 Indeed, the only puzzling feature about the preamble to the LRFC is its failure to mention the third element of the conspiracy: international Jewry. Even before the Russian Revolution, attacks on Spanish Freemasonry were frequently framed in terms of a ‘Judaico-Masonic’ conspiracy; the traditional imaginary Jewish threat to Spanish Catholic unity was given more potency by the addition of the rather more real one of Freemasons.20 By the early 1930s, the conspiracy would frequently be a ‘Judaico-Masonic-communist’ one; General Mola, chief of police when the Alfonsine monarchy fell in April

---

17 BOE, 2 Mar. 1940.
18 J. A. Ferrer Benimeli, Masonería española contemporánea, vol. ii: Desde 1868 hasta nuestros días (Madrid, 1980), 52; F. Márquez et al., La Masonería en Madrid (Madrid, 1987), 98–100. It is impossible to give complete statistics about the numbers of Freemasons in this period. However, according to Márquez et al., there were a minimum of 754 Freemasons in Madrid in the period 1871–96.
19 Of course, the relationship between Freemasonry and Communism was fantasy. After 1945 the only European states to systematically persecute Freemasons were Francoist Spain and the Communist bloc of eastern Europe. The latter saw Freemasonry as reactionary, a means used by capitalists to camouflage the class struggle. For communist attitudes towards Freemasonry see Ferrer, Masoneria española, ii, 175–80.
1931, attributed the coming of the Republic in his memoirs to a worldwide international Jewish conspiracy that controlled Freemasonry and ‘international workers’ organizations’. 21 Similarly, the existence of a three-pronged international conspiracy was a common feature of the Catholic CEDA’s campaign against the Second Republic. In the run-up to the February 1936 election, the JAP, CEDA’s youth section, declared that the battle was between Gil Robles, CEDA’s leader, and the triangle (the symbol of Freemasonry), the sickle, and the Star of David. 22

The absence of Jewry from the LRFC did not signify a rejection of anti-Semitism by the Franco regime. From November 1936, Juan Tusquets, a Jesuit priest and self-proclaimed ‘expert’ on sects and secret conspiracies, published a series of books in an ‘Ediciones Antisectarias’ collection with the blessing of Franco and the Church hierarchy. Among the books that Tusquets wrote himself was ‘Masons and Pacifists’ published in 1939. Not only did this book claim that Freemasonry was founded by Jews to crush Christianity, but that Freemasons in the Republican government intended to convert Spain into a ‘slave of Judaism’. 23 Carrero Blanco echoed these sentiments in his first report to Franco in August 1941 on the domestic situation following his appointment as Under-Secretary to the Presidency that May. He reminded the Caudillo that Freemasonry and communism were but ‘tricks’ of Judaism; in particular, the Popular Front was at the ‘service of Jewish power’. 24

The absence of Jewry from the terms of the LRFC no doubt derived from the simple fact that there were few Jews physically in Spain. At the end of the civil war, the main Jewish communities on the Spanish mainland—Seville, Madrid, and Barcelona—contained fewer than 1,000 Jews. 25 This did not stop LRFC investigators emphasizing the significant role that Spain’s few remaining Jews played within Freemasonry. The Special Tribunal, in its 1942 annual report to Franco, reported that it was ‘interesting to note . . . the great number of Jewish Masons. Taking into account the few followers of Moses that, thankfully, live in Spain, one can state that virtually all Jewish residents . . . were Masons. 26 Such comments reflect the peculiar nature of Spanish anti-

---

22 Preston, The Coming of the Spanish Civil War, 206.
23 Álvarez Chillida, El antisemitismo en España, 355.
25 Álvarez Chillida, El antisemitismo en España, 402. This figure obviously does not include c.10,000 Sephardi Jews—Jews of Spanish origin—in Spanish Morocco in 1940.
26 AGGCE, TERMC, 1257. Despite this, none of the Freemasons from Madrid convicted by the Special Tribunal in the period 1941–5 were Jews.
Semitism. It was not directed against the tiny Spanish Jewish community but against ‘international Jewry’; an abstract ideological concept that nevertheless threatened the Catholic unity of Spain achieved in 1492.27

These considerations did not apply to Freemasons. In April 1931 there were around 5,000 Freemasons in 167 lodges.28 Although hardly a mass movement, Freemasons were prominent in the Constituent Cortes that approved the controversial Republican constitution that separated Church and state. According to the careful work of Ferrer Benimeli, 39 per cent of Socialist, 54 per cent of Radical, 62 per cent of Radical-Socialist and 68 per cent of Acción Republicana deputies were Freemasons. In particular, nine out of twenty-one members of the all-party commission that drew up the Constitution, including the President, Luis Jiménez de Asúa, were Freemasons.29

The large number of Masonic Republican deputies in 1931 reflected both the traditionally elitist nature of Spanish Freemasonry and the identification of its secular and rational values with those of political Republicanism. Only seven Masonic deputies had a manual background; this can be compared to sixty-seven lawyers, twenty journalists, and fifteen doctors.30 Freemasonry in Madrid was no exception. Barely 7 per cent of individuals who joined Masonic lodges in the late nineteenth century came from a manual background.31 Social elitism was partly cultural. Potential initiates had to prove they had had sufficient education to enable them to join the Masonic struggle to ‘enlighten’ society.32 However, the main reason was economic. Masonic lodges placed substantial financial burdens on their members, requiring them not only to contribute to the upkeep of the lodge but also to make regular donations to funds established to support fellow Masonic brothers in distress.33 The

27 This is the central theme of Álvarez Chillida, El antisemitismo en España. See e.g. his discussion of the Franco regime’s attitude to the Holocaust: between 20,000 and 37,000 Jews escaped extermination by leaving Nazi-occupied Europe through Spain. However, Jews were prohibited from taking Spanish residence; moreover, Franco refused to repatriate Sephardi Jews from France, Greece, and Hungary despite being aware that the alternative was deportation to the death camps—such repatriation would threaten Franco Spain’s ‘Jew-free’ status. Ibid. 406–13.
28 Ferrer, Masonería española, ii. 103.
29 Ibid. 222–4. This is not to suggest, of course, that all Freemasons were members of Republican organizations. As we shall see later, the majority of madrileños convicted of Freemasonry by the Special Tribunal after 1941 had no formal affiliation.
30 Ibid. 102.
31 Márquez et al., La Masonería, 128.
32 Ibid. 56.
33 Ibid. 81–96.
economic cost of being a Freemason explains why many left Madrid’s lodges after a short period of time.\textsuperscript{34}

The prominence of Masonic Republicans predictably led Catholic opponents to the new regime to depict the Second Republic as a creation of Freemasonry. The Jesuit priest Juan Tusquets, in his campaign against Freemasonry, published in 1932 a book analysing the origins of the ‘Spanish Revolution’ of April 1931. His conclusion, not surprisingly, was that the Republic was the product of Masonic (and Jewish) conspiracy.\textsuperscript{35} CEDA’s campaign to have the Constitution’s religious clauses removed emphasized the involvement of Freemasonry. As its 1933 election manifesto put it, Freemasons, in co-operation of course with ‘Marxist sectarianism’ and ‘international Jewry’, had broken the ‘sacred links’ between Church and state.\textsuperscript{36} The CEDA leader, Gil Robles, showed his anti-Masonic credentials when as War Minister in 1935 he dismissed suspected Freemasons from the armed forces.\textsuperscript{37}

Following the military rising of July 1936, Freemasons had more than hostile rhetoric to worry about. In 1936 the majority of the approximately 5,000 Freemasons were based in Andalucia (especially the provinces of Cádiz, Huelva, and Seville) and Spanish Morocco.\textsuperscript{38} These areas came under Nationalist control in the summer of 1936. It was previously thought that all Freemasons who could not escape from Nationalist Spain in 1936 were murdered.\textsuperscript{39} However, recent research indicates that those Freemasons who were not leading figures in Popular Front organizations escaped execution. In Granada, for example, the largest and most important lodge in the city in July 1936 was the ‘Alhambra Number 39’ with over seventy brothers. Although a contemporary report issued by the Republican Madrid College of Lawyers on the Nationalist repression suggested that all lodge brothers were shot,\textsuperscript{40} it now appears that ‘only’ seventeen were murdered, all of whom were prominent leaders of the local Socialist Party or the bourgeois Republican party Izquierda

\textsuperscript{34} Ibid. 184.

\textsuperscript{35} J. Tusquets, \textit{Orígenes de la revolución española} (Barcelona, 1932). Tusquets’s book, produced with the aid of Manuel Irurita, the bishop of Barcelona, was such a popular success that it prompted the Republican president, Alcalá Zamora, to complain to the archbishop of Tarragona, Cardinal Vidal i Barraquer. Álvarez Chillida, \textit{El antisemitismo en España}, 316.

\textsuperscript{36} Ferrer, \textit{Masonería española}, ii. 122.

\textsuperscript{37} Ibid. 134–6.

\textsuperscript{38} Madrid came second. Ibid. 117–19.

\textsuperscript{39} See e.g. ibid. 144–5; Thomas, \textit{Spanish Civil War}, 218.

\textsuperscript{40} Details of this report can be found in A. Koestler, \textit{Spanish Testament} (London, 1937), 84–90.
Republicana. Moreover, some brothers supported the military rising and served in the Nationalist army, although this did not save them from a post-war LPR or LRFC investigation.\textsuperscript{41}

Even if many Freemasons avoided execution in 1936, many were rounded up and imprisoned from 1937 after being identified in confiscated Masonic documents.\textsuperscript{42} While the seizure of documents took place from the beginning of the civil war,\textsuperscript{43} the systematic collection of Masonic documentation began when the militarized ‘Documents Recovery’ organization was created in June 1937, by Marcelino de Ulibarri, a personal friend of Franco since the late 1920s, following the fall of Bilbao to Nationalist forces in June 1937.\textsuperscript{44} This organization, responsible directly to Franco, had the task of confiscating any item or document related to Spanish Freemasonry found in areas under Nationalist control. In January 1938 Franco ordered all Nationalist military and civilian authorities to co-operate with the work of the organization.\textsuperscript{45} By December 1938, Marcelino de Ulibarri reported that his organization had collected more than 5 million documents and thousands of Masonic books and pamphlets, as well as collections of official bulletins published by Masonic organizations, such as the Great Spanish Orient.\textsuperscript{46} The Franco regime made this astonishing arsenal of documentation, which has always been based in Salamanca,\textsuperscript{47} available to other anti-Masonic regimes. In


\textsuperscript{42} In Huelva, for instance, there was a wave of arrests in 1937. Many would remain imprisoned in the provincial gaol until early 1941, when they were transferred to Madrid to be tried under the LRFC. See the articles by F. Espinosa Maestre: ‘La represión de la Masonería en la provincia de Huelva’, in Ferrer (ed.), \textit{Masonería, política y sociedad. III symposium}, 697–706, and ‘Los Masones Onubenses ante el tribunal’ in J. A. Ferrer Benimeli (ed.), \textit{Masonería, revolución y reacción. IV symposium internacional de historia de la Masonería española}. Alicante, 27–30 de septiembre de 1989 (Alicante, 1990), 513–31.

\textsuperscript{43} For example, the entire local archive of the Rotary Club in San Sebastián was seized by a Carlist squad following the Nationalist occupation of the Basque city in September 1936. The Rotary Club movement was seen as a ‘front’ organization for Freemasonry. For further details see M. del M González de la Peña, ‘Masonería y rotarismo en España’ in J. A. Ferrer Benimeli (ed.), \textit{La masonería en la España del siglo XX. VII symposium internacional de historia de la Masonería española}. Toledo, del 17 al 20 de abril de 1995 (Toledo, 1996), 37–48.

\textsuperscript{44} AGGCE, DNSD (Presidencia), 115, ‘Sobre el archivo de servicios documentales de Salamanca’. Marcelino de Ulibarri worked with Franco when the latter was head of the Military Academy in Zaragoza.

\textsuperscript{45} Ferrer, \textit{Masonería española}, ii. 244.

\textsuperscript{46} Ibid. 244–5.

\textsuperscript{47} Given the long-standing crusade by the Catholic Church against Freemasonry, it was fitting that the archive has always been based in religious establishments. At first,
November 1940 a delegation from the SD, the Nazi Party’s Security Service, arrived in Salamanca to investigate the activities of international Freemasonry. It was reported to Marcelino de Ulibarri that the delegation’s leader, Werner Haas, was ‘amazed’ by the sheer size of the Salamanca archive.\footnote{I. Schulze Schneider, ‘La cooperación de la Alemania Nazi en la lucha franquista contra la Masonería’, in Ferrer (ed.), La Masonería en la España del siglo XX. VII symposium, 1179.}

The legislative noose around Spanish Freemasonry’s neck tightened further in the year preceding the promulgation of the LRFC in March 1940. As we have seen, Freemasonry was among the organizations proscribed under the LPR; not only was membership of a Masonic lodge a determinant of political responsibility, but the tenure of a high-ranking position within a Masonic organization was regarded as an aggravating factor when deciding sentence.\footnote{Article 7, BOE, 13 Feb. 1939.} In January 1940, the order that codified the crime of military rebellion stated that any Freemason who ‘actively took part in the red revolution’ should be shot.\footnote{Group I, number 3, of the annex to the 25 Jan. 1940 order. BOE, 26 Jan. 1940. It should be emphasized that no members of any other organization (including the Communist Party) faced such a draconian provision.}

Thus the repressive framework before March 1940 provided the Franco regime with the legal mechanism to kill, imprison, or fine Freemasons, as well as the means to confiscate Masonic property. The purpose of the LRFC, therefore, was to meet an imagined and irrational need—the subjugation of the nebulous ‘international conspiracy’ within Spain. The regime’s irrational belief in this conspiracy was shown by the existence of a special ‘Anti-Marxist’ police unit dedicated to combating it. Despite its title, it appears that this unit, created in Valladolid in 1937, dedicated much of its activity to Freemasonry. In particular, it was active in the confiscation of Masonic documents in 1937–8.\footnote{J. Ortiz Villalba, ‘La persecución contra la Masonería durante la Guerra Civil y la Post-guerra’, in J. A. Ferrer Benimeli (ed.), Masonería, política y sociedad. III symposium de metodología aplicada a la historia de la Masonería española. Córdoba, 15–20 de junio de 1987 (Zaragoza, 1987), 666.} Two of the leading figures of this unit were conspiracy ‘specialists’ Mauricio Carlavilla del

confiscated material was classified in the San Esteban convent (donated by the Dominicans) and placed at the city’s seminary (donated by its rector). However, owing to the sheer number of confiscated documents, and the creation of a separate ‘socio-political’ section of confiscated Popular Front material, the archive was moved to the half-abandoned San Ambrosio college in Gibraltar Street near the cathedral. It is currently placed in a building on the same street that was previously part-owned by the bishop of Salamanca. AGGCE, DNSD (Presidencia), 115, ‘Sobre el archivo de servicios documentales de Salamanca’.
Barrio (better known as Mauricio Karl) and Eduardo Comín Colomer. Karl, an associate of General Mola when the latter was chief of police in 1930–1, was dismissed from the police force in 1935 and was in Portugal in July 1936 after being implicated in a failed assassination attempt on President Azáñ. Comín was a prolific author on the threats that international conspiracies posed Spain; from 1949 he took an active part in the training of Franco’s budding secret policemen.

Comín and Karl were the editors of the Bulletin of Anti-Marxist Information, an internal information bulletin published from July 1941 to give details of the international conspiracy uncovered by the special ‘Anti-Marxist’ police unit. The bulletin dedicated much of its coverage to the supposed activities of Freemasons within the ‘Judaeo-Masonic-communist’ conspiracy. Thus its second number in August 1941 was dedicated to the question of ‘Freemasonry. The legal basis of the struggle against Marxism and Secret Societies’. Communism, despite the real threat it posed the regime after the civil war, was often portrayed as marginal within the ‘international conspiracy’ in the writings of regime ‘experts’. Comín wrote in 1942 that ‘Masons and Jews are the authors and directors of socialism and communism’. In this he echoed Tusquets, who in his November 1936 book ‘Freemasonry, a Crime of Treason’, a work that sold 300,000 copies in the Nationalist zone, claimed that the vast majority of ‘Bolsheviks’ were Freemasons and Jews.

How the Franco regime defined a ‘communist’ or ‘Freemason’ was often as nebulous as the conspiracy itself. Thus a not insignificant part of the Anti-Marxist police unit’s activity against communists was in reality directed against anarchists. The vague nature of the putative

---

52 Álvarez Chillida, El antisemitismo en España, 356.
53 ‘The tone of Comín’s books can be gauged by such titles as André Marty, máson y comunista (Madrid, 1944), and Lo que España debe a la Masonería (Madrid, 1952).
55 Ferrer, Masonería española, ii. 159. In total, 44% of articles published in the bulletin were anti-Masonic, 30% anti-communist, and 17% anti-Semitic. Sebastián, ‘Una fuente policial’, 328.
56 Estado Español, La Masonería en acción. ¿Cómo exterminarla? (Madrid, 1942). Although this pamphlet was published anonymously, Comín was identified as the author in Ferrer, Masonería española, ii. 262.
57 J. Tusquets, La Francmasonería, crimen de lesa patria (Burgos, 1936), quoted in Álvarez Chillida, El antisemitismo en España, 354.
international conspiracy was also reflected in the legal definitions given in the text of the LRFC. This text was based on a draft produced in the winter of 1938/9. Article 1 criminalized membership of Freemasonry, the Communist Party, and ‘other clandestine organizations’. After consultation with the government, the LRFC authorities established in 1941 that so-called Masonic ‘front’ organizations such as the Rotary Club and the League for the Rights of Man were also included in this article. Communists were defined in Article 4 of the LRFC as ‘agitators [inductores], leaders, and active collaborators of Soviet, Trotskyite, anarchist or similar propaganda or activity.’

The overlapping nature of Francoist repressive jurisdictions is suggested again in Articles 2 and 8. These decreed that all assets of Masonic-communist organizations were to be confiscated and those of individuals were to be investigated, despite the fact that this had already been ordered under the LPR. But, unlike the LPR, imprisonment was available under the LRFC. Article 6 established that the Special Tribunal for the Repression of Freemasonry and Communism (created to judge such crimes in Article 12), could impose a prison sentence of up to thirty years.

Belief in the enduring power of the ‘Masonic-communist’ conspiracy marked the structure of the LRFC. The regime claimed that the LRFC was not a retrospective measure. The LRFC prosecutor Leopoldo Huidobro, a Jesuit-educated lawyer from Santander, complained in 1942 that he had heard criticisms that the Special Tribunal violated the principle Nullem crimen, nulla pena sine lege. The critics, he asserted,

59 Characteristically, it was entitled ‘Draft of a Law against Freemasonry’.
60 AGA, P, 4022.
61 AGGCE, TERMC, 1257.
62 According to Pedro Sainz Rodriguez, the Education Minister in 1938–9, Franco appeared at a 1939 Cabinet meeting with a draft proposing that all Freemasons should be shot. Sainz, claims that it was only after the determined opposition of himself, Count Rodezno, the Justice Minister, and the papal nuncio, Monsignor Cicognani, that the proposal was dropped. P. Sainz Rodriguez, Testimonios y recuerdos (Barcelona, 1978), 329–32. However, the aforementioned 1938–9 draft decree makes no reference to execution but to a maximum thirty-year prison sentence. Of course, this might simply reflect the compromise that was forced on Franco.
63 Caught in Madrid in July 1936, Huidobro was arrested and imprisoned until being released in December 1936. He escaped to the Nationalist zone in April 1938. See L. Huidobro, Memorias de un finlandés (del Madrid rojo) (Madrid, 1939). See also id., El predestinado o Un crimen en Valderredible (episodio del Santander rojo) (Madrid, 1941), where Huidobro relates the murder of his brother Jesús in Republican Santander. Interestingly, in this book he recalls that he was educated by a ‘rabid integrist’ called Solero Polanco at the Jesuit school in Orduña. Following the proclamation of the Republic, Solero would denounce from the pulpit the ‘hidden enemies of Holy Religion’ who supposedly controlled the Republic.
‘knew nothing about the work of the Special Tribunal and perhaps the actual text of the Law itself’. The LRFC did ‘not punish any crime perpetrated before the Law was promulgated; the crimes created under the Law could only be committed after its promulgation’.

Huidobro was referring to Article 5 of the LRFC, which stipulated that Masonic and communist crimes were criminalized ‘from the promulgation of this Law’. However, he did not mean that all those who had joined Freemasonry, the Communist Party, or ‘other clandestine organisations’ before March 1940 were not subject to the LRFC. On the contrary, these individuals had to give the authorities a written ‘retraction’ of their membership of these criminalized organizations (Article 7). Exact details of what this ‘retraction’ had to contain were only given for Freemasons in a supplementary order of 30 March.

It stipulated that Freemasons had to retract by 3 June 1940. This retraction had to include an abjuration of their ‘error’ in joining Freemasonry and full details of their entry and activities within the ‘sect’. Moreover, they were expected to provide names of other Freemasons and information on their past or current Masonic activities.

The retraction was central to the determination of guilt and length of sentence under the LRFC. The failure or refusal to provide a retraction not only made a guilty sentence certain but was also an aggravating factor in sentencing (Articles 6 and 9). In the former case, evidence from confiscated documents in the Salamanca archive was sufficient to open an LRFC investigation. Thus Francoist investigators found a reference that in 1888 a 48-year-old telegraphs official called Francisco Ramón Moncada y Ortiz had joined the ‘Love and Science’ Masonic lodge in Madrid. Despite the fact that no further evidence on Moncada was uncovered, and no retraction had been received (of course, given Moncada’s age he was unlikely to have been alive in 1940), Moncada was tried in absentia in January 1945 when he would have been 104 years old. He was given the maximum sentence of thirty years’ imprisonment.

\textcolor{red}{64} AGGCE, TERMC, 1257. The emphasis is his.

\textcolor{red}{65} BOE, 3 Apr. 1940. No equivalent order was ever issued for communists.

\textcolor{red}{66} The order also stipulated that all foreign Freemasons must provide a retraction. This prompted the British ambassador in Madrid, Sir Maurice Peterson, to cable London in March 1940 expressing his acute fears for the safety of British Freemasons resident in Spain. PRO/FO 371/24507/C4109.

\textcolor{red}{67} AGA, P, 4034. The other aggravating factors listed in Article 6 reflected the belief in the existence of a secret ‘international conspiracy.’ Thus the tenure of leading positions in Masonic or communist organizations and participation in national or international Masonic or communist assemblies was regarded as particularly pernicious.
Yet the LRFC set the standard of proof for a ‘sincere’ retraction so high as to make denials of the retrospective nature of the law irrelevant. Article 10 listed the grounds for an acquittal. The act of retracting membership or supplying the LRFC authorities with information was not enough; a defendant also had to demonstrate that he had either given ‘exceptional’ service to the Nationalist army during the civil war, taken part in the planning of the 1936 rising, or performed some ‘extraordinary’ service for the Patria. Moreover, and to underline that such acquittals were meant to be exceptional, they were subject to confirmation by the Council of Ministers (Article 12).

The establishment of an impossibly high threshold for an acquittal reflected the regime’s conception of the nebulous power of the ‘Masonic-communist’ conspiracy. Simply put, it was innately suspicious of anything said by someone who had been part of the conspiracy; a retraction might just be a ruse to protect its secrets. Huidobro bitterly remarked in 1941 that Freemasons were ‘disposed to anything, to renounce outwardly the sect, to retract, to abjure, to do everything but reveal the secrets learnt in the Lodges’.\(^{68}\) Therefore, Freemasons who retracted their membership remained a threat. As Franco warned the National Council of Falange in July 1943, although he had liberated Spain from Freemasonry, ‘these insignificant political agitators [Freemasons within Spain], however much they disguise themselves, obey...the hidden influence of exiled Masons’.\(^{69}\)

While a retraction and co-operation with the LRFC authorities was extremely unlikely to result in an acquittal, it could affect the type of sentence a defendant received. Although Article 5 established that the normal sentence for the crime of Freemasonry or communism was twelve years and one day imprisonment, an alternative to a prison term was available in Article 8. This punishment was administrative: being forbidden to work for the state in any capacity or to hold directive posts in private organizations. It was to be applied in those cases where it was judged that the retraction and co-operation with the LRFC authorities, while not justifying an acquittal, nevertheless merited recognition and reward. Huidobro explained that truly repentant Freemasons could be excluded from public employment because ‘an anti-Masonic state does not want to entrust its august responsibilities to those who had belonged to an enemy sect...It is the minimum precaution that an anti-Masonic state can take.’\(^{70}\)

\(^{68}\) AGGCE, TERMC, 1257. The emphasis is his.

\(^{69}\) Quoted in Ferrer, *Masonería española*, ii. 166.

\(^{70}\) Ibid.
It is noticeable that Huidobro refers only to the Masonic, not the communist enemy. The impression that the LRFC was fundamentally about the repression of Freemasonry is reinforced by the law’s institutional structure. Not only were no detailed procedures established for communists to retract their membership, but the number of courts created under the law were clearly insufficient to punish anything more than a token number of communists. Unlike the LPR, which had eighteen regional tribunals to try cases, the LRFC only had one court, the Special Tribunal based in Madrid. Like other courts, the Special Tribunal was appointed by the government and comprised a president, a vice-president, and two professional lawyers. It had two prosecutors. Consonant with the LPR, it was subordinate to Franco’s personal Cabinet Office (Presidencia del Gobierno) rather than the Justice Ministry. The original members of the Special Tribunal were appointed by decree in June 1940. The president was Marcelino de Ulibarri, creator of the Document Recovery organization in 1937; other members included General de Borbón y de la Torre and Falangist National Councillor Granel Pascual. However, this Special Tribunal never met as it was replaced in March 1941. The reconstituted Special Tribunal had as its main protagonists two figures already familiar to us: General Saliquet, the Captain-General of Madrid, was its president and Wenceslao González Oliveros, the president of the National Tribunal for Political Responsibilities from December 1940, was its vice-president. The Special Tribunal also had its own secretariat. This was particularly needed since the Special Tribunal not only promulgated sentences but initiated all investigations under the LRFC (Article 12). While the LPR had over fifty provincial investigative magistrates, only two Madrid-based special investigative magistrates were appointed under the LRFC in 1940. A third was only added in late 1941.

---

71 Article 12 and a supplementary decree issued on 15 Mar. 1941. BOE, 16 Mar. 1941. The political nature of the court was reflected by the fact that two members had to be an army general and a Falangist.
72 BOE, 16 Mar. 1941.
73 BOPM, 17 June 1940.
74 ABC, 1 Apr. 1941. Saliquet was to remain president until his death in 1959.
75 BOE, 16 Mar. 1941.
76 These judges did not have to be military.
77 AGGCE, TERMC, 1257.
Outside the remit of the Special Tribunal, however, were serving officers of the armed forces. Article 11 ordered that those officers who fell foul of the LRFC criteria within the armed forces would be subject to honour tribunals rather than the Special Tribunal. Subsequent orders laid down the operating procedures for honour tribunals for the navy, army, and air force. Members of these tribunals had to be of officer rank without ‘the slightest suspicion’ of being a member of or sympathizer with Freemasonry or communism. More surprising perhaps was the stipulation that officers with a Masonic relative could not in any circumstances serve on an honour tribunal. Again, it appears that these tribunals’ main role was to root out Freemasonry, as only Freemasons were expected to provide a retraction.

Why were the armed forces not subject to the Special Tribunal? In one sense, this was a reflection of the special legal status of the armed forces under the regime. Thus honour tribunals, as a means of punishing unacceptable behaviour within the army, were instituted by decree in November 1936. Secondly, the regime attached particular importance to the elimination of Freemasonry within the armed forces. This is partly due to the fact that many high-ranking officers had been Freemasons before the civil war. Indeed, considering the ruthless repression of Freemasonry after July 1936, it is ironic that the first head of the rebel Burgos National Council, General Cabanellas, was a Freemason. The regime feared that Freemasons would attempt to turn the armed forces against the regime. For example, on 17 July 1943, the Under-Secretary to the Presidency, Luis Carrero Blanco, on orders from Franco himself, sent leading generals a secret missive containing information of a ‘vast plan of action’ drawn up by international Freemasonry with the objective of promoting instability in Spain and the overthrow of the regime. Integral to this ‘plan’ was subversive activity within the armed forces. Lastly,

78 BOE, 14 June 1940. 79 BOE, 28 Oct. 1940. 80 BOE, 29 Jan. 1941.
81 See e.g. Article 1 of the October 1940 order for Tribunales de Honor in the army. This meant that, theoretically, Franco himself could not serve as a member as his brother Ramón had been a Freemason.
82 All retractions were to be based on the 30 Mar. 1940 order.
83 BOE, 21 Nov. 1936.
84 Spanish historians have long speculated whether Franco’s hatred of Freemasonry was caused by the rejection of his attempts to join a Masonic lodge in the late 1920s and early 1930s. For a discussion of the evidence, including a claim that his attempt to join a lodge in Madrid in 1932 was blackballed by General Cabanellas and his own brother, Commandant Ramón Franco, see Ferrer, Masonería española, ii. 168–70.
85 Ibid. 252–3.
and for reasons that are not given in either the LRFC or in subsequent orders, honour tribunals could not impose prison sentences on convicted officers. Article 11 of LRFC specifically stipulated that the only sanction available to these tribunals was Article 8, which in this context meant dismissal from the armed forces.

Because honour tribunals did not operate under the jurisdiction of the Special Tribunal, the results of their labours are not found in LRFC records in Salamanca. However, Mariano Aguilar, in a recent account of the Spanish army under the Franco regime, states that honour tribunals within the army dismissed 150 serving members, including 1 brigadier-general, 4 colonels, 8 lieutenant-colonels, 24 majors, 41 captains, and 26 lieutenants. Fortunately, however, we can examine the implementation of the LRFC by the Special Tribunal far more closely. A complete report of the activities of the Special Tribunal in the first year of its operation can be found in its 1941 annual report to the Cabinet Office in February 1942. This states that the Special Tribunal formally became operative on 1 April 1941 when it received files with the details of 6,919 people for investigation from a section created within the Documents Recovery organization in Salamanca to supply the Special Tribunal with information. This section, the Special Tribunal Auxiliary Office, processed the retraction declarations that were made by Freemasons in the months following the promulgation of the LRFC in March 1940. Out of the 6,919 cases sent to the Special Tribunal for investigation, 2,001 were against those who made a retraction declaration. In addition to these, the Special Tribunal Auxiliary Office sent a further 2,820 names of those who had not given a retraction declaration but had been denounced by others, 392 names listed in confiscated documents, 44 given in police reports, and 1,662 received from other repressive jurisdictions such as military justice.

86 Special Tribunal records, however, contain instances where cases have been transferred under Article 11. In 1942, for example, eleven of such cases were sent to Honour Tribunals. AGGCE, TERMC, 1257.
87 M. Aguilar Olivencia, El ejército español durante el franquismo (Madrid, 1999), 21.
88 AGGCE, TERMC, 1257. Only the 1941 and 1942 annual reports can be found in the Salamanca archive. They were, however, both read and annotated by General Franco.
89 The 30 Mar. 1941 order set the deadline for the presentation of Masonic retraction-declarations as June 1 1941. These statements had to made before representatives of the provincial Civil Governor, who then sent them to the Auxiliary Office in Salamanca. BOPM, 4 Apr. 1941.
90 AGGCE, TERMC, 1257.
Few of these 6,919 suspects were accused of communism. As we saw earlier, only Freemasons were ordered to present their retraction declarations following the publication of the LRFC; the staff of the Special Tribunal Auxiliary Office in Salamanca had been seconded from the ‘Special Section’ (or the Masonic section of the Salamanca archive). In fact, no arrangements had been made to transfer information concerning communist suspects from Salamanca to the Special Tribunal in 1941. It was only during the course of 1942 that the names of 2,000 communists were forwarded to the Special Tribunal. But by the end of that year, the Special Tribunal Auxiliary Office had also remitted details of a further 5,724 Freemasons for investigation, including 4,102 names taken from confiscated Masonic records.91

Yet a token number of individuals were investigated and tried for communism in 1941. The two special investigative magistrates received their first cases for investigation from the Special Tribunal in June 1941, and among the first sentences promulgated in September 1941 there were a number of convictions for communism. These convictions were anything but accidental, since they concerned exiled or dead prominent Republican leaders and were intended to demonstrate the Masonic-communist conspiracy thesis. Thus, on 16 September, the Republican premier, Juan Negrín, who was neither a Freemason nor a Communist, was found guilty in absentia of communism. His sentence declared that he had carried out the ‘bolshevization’ of Republican Spain with the aid of Freemasons.92 A few others were convicted of Freemasonry and communism on the same day. For example, Julio Álvarez del Vayo, the Socialist wartime Foreign Minister, was found guilty of having ‘sold the Patria to communism’ and for being a member of the Madrid lodge ‘Iberia’ since July 1918.93 Similarly, Luis Jiménez de Asúa, the Socialist who headed the drafting committee of the 1931 Constitution, was convicted on both charges. Although he was undoubtedly a Freemason, the Special Tribunal also convicted him of communism on the rather tenuous grounds that he had ‘worked in favour of communism’.94

The symbolic prosecution of communism becomes more evident when we examine the cases of those madrileños investigated and sentenced by the Special Tribunal in the period September 1941 to February

91 AGGCE, TERMC, 1257.  
92 The sentence can be found in AGA, P, 4026.  
93 AGA, P, 4022.  
94 Ibid.
1945. Out of over 4,000 sentences issued by the Special Tribunal in this period, 677 concerned individuals from Madrid. In contrast to other repressive jurisdictions, the number of sentences against Madrid defendants increased as the 1940s progressed. In 1941 and 1942 the Special Tribunal dictated 39 (6 per cent) and 105 (15 per cent) sentences respectively; in 1944 the number of sentences against Madrid defendants had risen to 290 (42 per cent). However, it would be unwise to generalize from this the chronological implementation of the LRFC as for logistical reasons cases were processed according to geographical origin. Despite the wealth of material in the Salamanca archive, the Madrid-based special investigative magistrates travelled to the different regions of Spain to carry out investigations. Thus between late 1941 and early 1942 they toured the Masonic heartland of Andalucia; the vast majority of the 1,305 sentences promulgated by the Special Tribunal in 1942 concerned defendants from that region.

More significant is the fact that these sentences demonstrate conclusively that the LRFC was primarily an anti-Masonic measure. Thus 654 (96.6 per cent) defendants were convicted of Freemasonry; 14 (2.1 per cent) were acquitted of Freemasonry; 7 (1 per cent) were convicted of Freemasonry and communism; just 2 (0.3 per cent) were convicted just for communism. Curiously, apart from Juan Negrín, the only other individual from Madrid convicted only of communism was a schoolteacher from the village of Ciempozuelos, called Bernardo A. Mathias. Moreover, the Special Tribunal did not mention that Mathias had any formal link with the Communist Party, although he was held responsible for ‘all the crimes committed in the village’ during the civil war and given (in absentia) twelve years and a day’s imprisonment in February 1944. Compounding the irony that few if any actual Communists from Madrid were convicted of the crime of communism under the LRFC is the fact that, out of the seven defendants convicted of Freemasonry and communism, only one, José Salgado, had any formal link with the Communist Party. The other six were prominent Socialists or Republicans. We have already mentioned Álvarez del Vayo and Jiménez de Asúa. The others were Largo Caballero, the Republican prime minister between September 1936 and May 1937; Victoria Kent, a left Republican parliamentary candidate in 1933. AGA, P, 4029.

---

95 The sentences issued by the Special Tribunal in this period can be found in the Presidencia section of the state archive in Alcalá de Henares: P, 4026–34.
96 AGGCE, TERMC, 1257.
97 AGA, P 4026 and 4027.
98 AGA, P, 4032.
99 According to his sentence (again in absentia) of 23 October 1942, Salgado had been a PCE parliamentary candidate in 1933. AGA, P, 4029.
deputy and lawyer; Manuel Torres, a centrist Republican under-secretary at the Transport Ministry during the civil war; and Antonio Jaén, a left Republican plenipotentiary in Japan and the Philippines.  

The inability of the LRFC to go beyond the symbolic prosecution of communism can also be seen from the fate of the 2,000 cases that were sent to the Special Tribunal for investigation for communism in 1942. After all, the fact that these cases were sent at all reflected the regime’s intention of prosecuting communism, however subordinate this priority was to the repression of Freemasonry. Indeed, a third special investigative magistrate was appointed in late 1941 exclusively to investigate suspected communists. By mid-August 1942, this magistrate had opened 992 investigations for communism before he was instructed to investigate Freemasons. In the end, of the 992 communist cases, barely fifty-one were sent to the Special Tribunal for judgment; the rest were shelved.  

Bureaucratic incompetence partly caused the decision to abandon the repression of communism in 1942. It was soon discovered that the two organizations which sent details of communists to the Special Tribunal, the Prisons’ Inspectorate and the ‘Politico-Social’ (or the non-Masonic) section of the Salamanca archive had not prioritized their lists. In other words, the Prisons’ Inspectorate had forwarded any report received from prisons that indicated they had ‘communist’ inmates; the Politico-Social section sent names of communists in alphabetical order, not in order of importance or influence. As a result, the special investigative magistrate complained that he was being forced to shelve many cases when it became apparent that suspects had held little or no influence within the Communist Party.

However, the fundamental problem was legal, reflecting the overlapping nature of the repressive jurisdictions and the difficulties associated with implementing retrospective justice. The prosecutors of the Special Tribunal recommended that cases involving communists who had been previously convicted by military tribunals be dismissed, as prosecution infringed the ‘double jeopardy’ principle. This, as the prosecutors

---

100 All were sentenced in absentia—Kent on 16 September 1941, Jaén on 9 January 1942, Largo on 16 January 1942, and Torres on 19 January 1942. AGA, P, 4026.
101 AGGCE, TERMC, 1257. The annual report does not specify how many of these fifty-one cases ended with a sentence; the only examples from Madrid are José Salgado, (convicted by the Special Tribunal on 23 October 1942) and Bernardo A. Mathias.
102 That is, no one should be convicted twice for the same criminal actions. We must remember that, in contrast to the LPR, military tribunals and the LRFC Special Tribunal were both criminal courts.
themselves recognized, rendered the whole exercise of prosecuting communists null. Ramón de Oche, the second LRFC prosecutor, noted in 1942 that, were prosecutions to proceed under the LRFC, it could produce an illogical situation where communists who had their military cases dismissed would be potentially subject to greater criminal penalties than those convicted by military tribunals.\textsuperscript{103} Therefore, the Special Tribunal in the 1942 annual report specifically asked the Cabinet Office for clarification of this legal situation as ‘the State Security Law [March 1941], the Penal and Military Justice Codes, and the Law of 1 March 1940 [LRFC] have ill-defined jurisdiction over the special area that concerns us’.\textsuperscript{104}

Despite the Special Tribunal’s request for guidance, it appears that the problem was never resolved. Thus the third special investigative magistrate originally appointed to investigate communists continued to deal with Masonic cases in 1943–4.\textsuperscript{105} That the persecution of communism never went beyond the symbolic is also strongly suggested by a study of all the sentences issued \textit{in absentia} by the Special Tribunal before its dissolution in 1964.\textsuperscript{106} Out of 2,307 sentences, 2,269 (98.4 per cent) were convicted for Freemasonry, 26 (1.1 per cent) for Freemasonry and communism, and only 12 (0.5 per cent) for communism. Of course, this does not signify that the Franco regime was somehow ‘soft’ on the persecution of communism; the legal problems stemmed precisely from the fact that military tribunals already punished communist activity.

Legal technicalities did not hinder the repression of Freemasonry. After March 1940, military tribunals did not convict Freemasons if the only accusation against them was Masonic membership. Instead, they were to send such cases to the jurisdiction of the LRFC. In November 1942 a military tribunal in Madrid acquitted Pablo Sancho Romero, Under-Secretary of Finance in Casado’s National Defence Council in March 1939. The verdict was due to the fact that Sancho, who had joined the CNT during the civil war and had been a Madrid city councillor, was a Nationalist agent who accepted the post in Casado’s Defence Council on orders from Burgos. However, military investigators uncovered evidence

\textsuperscript{103} AGGCE, TERMC, 1257.

\textsuperscript{104} Ibid. The italicized text is underlined in the original, with the word ‘correct’ (cierto) written by Franco in the left-hand margin.

\textsuperscript{105} According to sentences found in AGA, P, 4026–7.

that Sancho was a Freemason and his details were sent to the Special Tribunal.107

Although Sancho’s fate under the LRFC is unknown, it is highly unlikely that the Special Tribunal would have issued a similar verdict to that of the military tribunal. As we have seen, only fourteen Madrid defendants were acquitted. These verdicts were not based, as one would expect, on an acceptance that the defendant had no links with Freemasonry. If a defendant were found not to be a Freemason during the course of an investigation, the case would be dismissed before reaching trial. In 1942 the Special Tribunal closed sixty-four such cases.108 Rather, acquittals were based on recognition by the Special Tribunal that they had left Freemasonry and had publicly turned against the movement before 1936 by such actions as voluntarily adjuring their ‘errors’ to the Catholic Church.109 Those who fitted these categories included Pedro Moulane, a 55-year-old Falangist ‘old shirt’, who at the time of his trial in September 1941 was a deputy editor of the Falangist newspaper *Arriba*. The Special Tribunal accepted that he stopped attending Masonic meetings in 1908 and had since proved himself with his anti-Masonic articles in the press and his ‘close relationship’ with the founder of the Falange, José Antonio Primo de Rivera.110 Also acquitted in September 1941 was Joaquín Pérez, a parliamentary deputy in 1931 and ‘one of the anticlerical and antijesuit Freemasons during the Republic’.111 Nevertheless, according to the Special Tribunal, he turned against Freemasonry before July 1936, reconciled himself with the Church, and aided General Mola in the planning of the Nationalist rising.112 Pérez later became editor of the extreme Catholic anti-Masonic journal *¿Qué Pasa?* 113

Trials therefore were not primarily concerned about determining guilt or innocence, as guilt was largely determined beforehand. To emphasize this the LRFC did not even grant a defendant defence counsel; the trial

---

107 AGA, J(RP), 1105.
108 AGGCE, TERMC, 1257.
109 The latter condition was a prerequisite. As the Special Tribunal wrote in its 1942 report: ‘the jurisprudence of the Tribunal considers vitally important the solemn, canonical and formal [abjuration] carried out before the Movement’. AGGCE, TERMC, 1257. Those who drifted out of Freemasonry by non-attendance or non-payment of dues before 1936 were, for the purposes of LRFC, still classed as Freemasons.
110 AGA, P, 4026.
112 AGA, P, 4026.
113 Ferrer, *Masonería española*, ii. 86.
consisted of the defendant (cases were tried individually), a prosecutor, and of course the Special Tribunal. Trails were quick affairs: in 1942 the Special Tribunal met three times a week and sentenced at least thirty people per session.

The purpose of the trial was simply to give the appropriate guilty sentence based on an evaluation of the importance of a defendant’s activities within the Masonic movement and the sincerity of his retractions. Apart from the prosecutor’s report, the trial largely consisted of questions from Special Tribunal members to defendants. This, so the Special Tribunal claimed in its 1942 report, allowed them ‘to give the warmth of humanity to the cold pages of the case file’. Central to their questioning was the demand for names of fellow Freemasons. To encourage denunciations the Special Tribunal would insinuate that cooperation would mean a non-custodial sentence. At this point, the trial would be suspended while the defendant ‘ordered his thoughts...[This method] was not unsuccessful in getting results’.

However, this tactic occasionally backfired. On 8 March 1943 a postman called Vicente Torrente Fortunio was invited by the Special Tribunal to name all the Freemasons he knew. Torrente, having refused to retract throughout his investigation, then named a series of leading Francoist figures until he was forced to stop when he mentioned Nicolás Franco, the dictator’s brother and Spanish ambassador in Portugal. Since Nicolás Franco had been president of the Rotary Club in Valencia before the civil war and thus theoretically liable for punishment under the LRFC, it is hardly surprising that the Special Tribunal did not welcome that particular piece of information.

Nevertheless, if the prison sentences given to Madrid defendants reflected their importance within the Masonic movement, then the results must have been a disappointment to all those who feared the dark powers of Freemasonry. By far the most common prison sentence was the lowest that was laid down in the LRFC—twelve years and a day (see 114 Article 12.
115 AGGCE, TERMC, 1257.
116 Ibid.
117 Ibid. On the use of this tactic by the Special Tribunal see also the memoirs of Diógenes Díaz Cabrera, a Venezuelan Freemason condemned in November 1941. D. Díaz Cabrera, Once cárceles y destierro (Santa Cruz de Tenerife, 1980), 64–5.
118 This account is based on a report found in the Carlist Youth Information Bulletin and reproduced in the Secret Bulletin of the Falangist Information and Investigation Service of 26 November 1943. AGA, C, 1352. See also Torrente's sentence in AGA, P, 4033.
By contrast, the use of the maximum penalty allowed under the LRFC—thirty years—was only used on twenty-seven occasions. Moreover, not only was its use rare, it was also largely symbolic. In twenty-three cases the defendants concerned were tried *in absentia*. They were individuals that the Franco regime believed to be the leading figures of the international ‘Masonic-communist’ conspiracy. These included those prominent Popular Front politicians convicted in September 1941 such as Negrín and Álvarez del Vayo. However, they were as likely to include obscure Freemasons who had held directive positions within Masonic organizations. Vicente Costales, a businessman, received thirty years after he was labelled ‘extremely dangerous’ by the Special Tribunal in his trial *in absentia* in December 1944. However, the only information known about Costales was that in 1919 he had become ‘Venerable Master’ or leader of the ‘Numantine Force’ lodge in Madrid.¹¹⁹

How can we explain this? The habitual use of the lowest prison sentence did not alter the LRFC investigators’ convictions that Madrid was the centre of the Masonic conspiracy. Ramón de Oche, the LRFC prosecutor, wrote in 1942 that ‘It is in Madrid where Masonic activity and influence is concentrated...[this is] logical as the majority of sect members in Spain joined for political or professional reasons, turning

¹¹⁹ AGA, P, 4033.

---

**Table 6.1. Sentences imposed by the Special Tribunal on Madrid defendants**

<table>
<thead>
<tr>
<th>Sentence (years: days)</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>27</td>
</tr>
<tr>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>20/20:1</td>
<td>49</td>
</tr>
<tr>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>16</td>
<td>23</td>
</tr>
<tr>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>12:1</td>
<td>500</td>
</tr>
<tr>
<td>Job bar only</td>
<td>58</td>
</tr>
</tbody>
</table>

*Source: AGA, P, 4026–4034.*
them into unconscious instruments of the dark manipulation of international leaders.\textsuperscript{120} The rarity of a thirty-year prison sentence in comparison with the lowest prison tariff he explained in 1941 thus: ‘It is a detail that makes clear the responsibility and participation of Masonic elements in the Marxist revolution [\textit{sic}], since the majority of those whose high rank and activities within the sect would have carried the highest punishments fled... due to their political and in many cases criminal responsibilities.’\textsuperscript{121} In other words, the LRFC had only caught the small fry of Spanish Freemasonry. An examination of the Masonic grade (or rank) held by defendants confirms this. Over 75 per cent belonged to the lowest Masonic grades, 1 to 3. Conversely, only eleven (2 per cent) held the highest grade in Spanish Freemasonry, grade 33.

What LRFC investigators had uncovered was the desperately disappointing (to them) reality of Madrid defendants. First, they were men—only eleven (2 per cent) were female. Secondly, they were mainly bourgeois urban professionals (see Table 6.2). Among those tried were fifty-one lawyers (including two judges), forty doctors, thirty journalists, eleven university professors, and fifteen actors. All but four lived in the capital.\textsuperscript{122} Few defendants were young: no one under the age of 25 was tried and only 125 were under 45. On the other hand, ninety-seven were aged over 65. This figure includes some extremely elderly defendants. The 86-year-old retired prison officer Salvador Portillo appeared before the Special Tribunal on 5 May 1944 because he had joined a Masonic lodge in Cartagena in 1891.\textsuperscript{123} Portillo was not the oldest living madrileño under investigation. Eduardo Caballero de Puga, a leading figure in Madrid Freemasonry during the 1870s, had an LRFC case opened against him in January 1942 when he was 95.\textsuperscript{124}

Politically, Madrid’s Freemasons provided little evidence that they were involved in a quest for world domination. Indeed, according to the political affiliations of defendants as given on their sentence, only a small minority

\textsuperscript{120} AGGCE, TERMC, 1257.
\textsuperscript{121} Ibid.
\textsuperscript{122} These were the aforementioned schoolteacher tried for communism from Ciempozuelos, Bernardo A. Mathias, and three Freemasons from Navalcarnero, one of whom, Mariano Ruiz, had had a death sentence commuted in May 1941. For the latter’s conviction for Freemasonry in November 1944, see AGA, P, 4034.
\textsuperscript{123} Although Portillo had spent eighteen months in a Republican jail after being accused of being a Nationalist spy, the Special Tribunal issued a twelve-year and one-day prison sentence. AGA, P, 4033.
\textsuperscript{124} Máñquez \textit{et al.}, \textit{La Masonería}, 115. It does not appear that the case reached trial.
even had an active Popular Front background (see Table 6.3). Moreover, only nine were Communists. This reinforces the argument that the LRFC’s repression of communism was largely symbolic. Moreover, only one of these Communists—the aforementioned José Salgado—was actually tried for communism. The others, despite being named as communists, were only tried for Freemasonry. Thus Volney Conde Pelayo Urraza, a pre-war member of the Communist Party’s Basque Executive Committee, was sentenced to twelve years and a day of imprisonment in April 1943 solely for having been a member of the Madrid Masonic lodge ‘La Catoniana’ since 1913–14.  

Ironically, the number of Falangists tried (twenty-two) was more than double that of Communists. Being a clandestine member of the Falange in Madrid, defending rightists free of charge in popular tribunals, and arranging for mass to be held secretly in his apartment did not expunge the guilt of lawyer Manuel Rosende, member of the ‘Concordia’ lodge in Madrid in 1928. Despite providing a retraction, he was sentenced to twelve years and a day of imprisonment in July 1943. Similarly, although Ángel Salas was head of the Falange in Almería before the civil war, and had spent the civil war in hiding in Madrid, he was convicted in November 1942.

The most significant case concerning a Falangist was that of Gerardo Salvador Merino, member of the Falange’s highest organizational body, the National Council, and head of the regime’s vertical trade union

---

**Table 6.2. Occupational background of Madrid defendants**

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Defendants (no.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>White-collar</td>
<td>538</td>
</tr>
<tr>
<td>Manual</td>
<td>63</td>
</tr>
<tr>
<td>Agricultural</td>
<td>9</td>
</tr>
<tr>
<td>None</td>
<td>5</td>
</tr>
<tr>
<td>Unknown</td>
<td>62</td>
</tr>
</tbody>
</table>

*Source: AGA, P, 4026–4034.*

---

125 AGA, P, 4030.
126 Ibid.
127 According to the Special Tribunal, Salas had briefly been a Freemason in the late 1920s. AGA, P, 4029.
movement until his dismissal in July 1941 due to accusations of Freemasonry. On 30 October 1941 the Special Tribunal condemned Salvador Merino to twelve years and a day gaol despite his services to the regime, which included being wounded twice on active duty during the civil war. In the event, the sentence was commuted by the Council of Ministers to twelve years’ internal exile in December 1941. Salvador Merino was confined to the village of Palafrugell in Gerona province until he was eventually pardoned in December 1944.128

Understandably, the prosecution and conviction of Falangists provoked protests from the party. For example in 1941 Carrero Blanco, who as Under-Secretary to the Cabinet Office was responsible for the LRFC, received a Falangist proposal to exclude from Special Tribunal jurisdiction cases that involved Falangist National Councillors. These cases would be tried by a special court under party control. Carrero

---

Table 6.3. Political background of Madrid defendants before the Special Tribunal*

<table>
<thead>
<tr>
<th>Party/union/association</th>
<th>No.</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>452</td>
<td>64</td>
</tr>
<tr>
<td>Radical/Radical-Socialist</td>
<td>68</td>
<td>10</td>
</tr>
<tr>
<td>Republican</td>
<td>57</td>
<td>8</td>
</tr>
<tr>
<td>Socialist (UGT/PSOE)</td>
<td>50</td>
<td>7</td>
</tr>
<tr>
<td>Falange Española/FET de las JONS</td>
<td>22</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>Pre-1931 Political Parties**</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>League for the Rights of Man</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Communist Party (PCE)</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Unclear†</td>
<td>7</td>
<td>Less than 1</td>
</tr>
<tr>
<td>Monarchist (Renovación Española)</td>
<td>4</td>
<td>Less than 1</td>
</tr>
</tbody>
</table>

*The table understates the percentage of those with no political background since some defendants were members of more than one party, union, or association.

**Includes the monarchist Liberal and Conservative parties.

†When the sentence uses vague terminology like ‘Popular Frontist’.

Source: AGA, P, 4026–4034.

---

128 AGGCE, TERMC, 223.
Blanco, noting that this proposal was inspired by the case against Salvador Merino, rejected any change in the powers of the Special Tribunal that would favour the Falange.\textsuperscript{129}

However, the political parties with most Madrid members under investigation were the Radicals and Radical-Socialists. This did not surprise LRFC investigators, nor should it surprise us, since both had always been associated with Freemasonry.\textsuperscript{130} What is startling is the extent to which the Radical Party in particular was seen by the LRFC authorities as the cause of all of Spain’s misfortunes in the 1930s. As Ramón de Oche wrote in 1941, the so-called Marxist revolution ‘utilized one organization: the Radical Party. More than the Socialists, Leftist Unions and anyone, the [Radical] Party was primarily responsible for the Spanish Revolution. . . . A party without mass support, without beliefs or programme . . . it is no more than a \textbf{Branch of Freemasonry}'.\textsuperscript{131}

This attitude does much to explain the uncompromising attitude the Special Tribunal adopted towards members of a party equally hated by the Popular Front because of its leading role in government in 1934 and 1935, the ‘black’ years of the Republic. Thus it was not unusual to see Masonic Radicals who had previously been persecuted in Republican Madrid convicted by the Special Tribunal. Pompeyo Gimeno Alfonso, a chemist who had been a Radical civil governor during the Republic, had to take refuge in a foreign embassy after his business in Madrid was confiscated. He nevertheless received a twelve-year one-day prison sentence for membership of the ‘Mantua’ lodge in Madrid since 1933.\textsuperscript{132}

Still, what is most striking is that exactly two-thirds of all Madrid Freemasons had no formal links with political parties or associations and trade unions. This makes it hard to disagree with the general arguments made by modern historians of Spanish Freemasonry, who emphasize the politically fissiparous nature of Spanish Freemasonry as well as the essentially social nature of its activity, centred on mutual assistance among Masonic brothers, and on education.\textsuperscript{133} It should also be emphasized that many Freemasons left their Masonic lodge after a brief period of membership out of boredom or failure to shoulder the substantial

\textsuperscript{129} J. Tusell, \textit{Carrera. La eminencia gris del régimen de Franco} (Madrid, 1993), 69–70.

\textsuperscript{130} As we saw earlier over \textit{50\%} of Radical and Radical-Socialist deputies in 1931 were Freemasons.

\textsuperscript{131} AGGCE, TERMC, 1257. The emphasis is his.

\textsuperscript{132} AGA, P, 4034.

\textsuperscript{133} See e.g. the conclusions of Márquez \textit{et al.}’s study of Madrid Freemasonry in the nineteenth century, \textit{La Masonería}, 179–85.
financial burden. In the 1941 annual report, Leopoldo Huidobro noted that the most frequent statement given by suspected Freemasons in their retraction was that of having left the movement before 1936. Yet he wrote with distaste that virtually no one admitted to actively resigning from Freemasonry due to ideological disagreements; rather, they had simply failed to pay their dues or to attend Masonic meetings.\textsuperscript{134}

Given the general socio-economic background of Freemasons, it is not surprising that some favoured the Nationalist cause during the civil war and suffered persecution in Republican Madrid as a result. For example, Javier Triana, a business executive, co-operated with the Nationalist spy network during the civil war and received a death sentence from a Republican court.\textsuperscript{135} In one case, Republican persecution led directly to punishment under the LRFC. Enrique Fernández, a soldier advised by the Fifth Column to join a Masonic lodge in 1937 to avoid arrest, received the minimum tariff in September 1942 for following their advice.\textsuperscript{136}

Yet the fact that many Madrid defendants had only an ephemeral experience of Freemasonry and could demonstrate a rightist background does not fully explain why the lowest prison tariff, twelve years and one day, was by far the most common sentence issued by the Special Tribunal. After all, the administrative alternative of a ban on state employment was available under Article 8. Yet the Special Tribunal used this on only fifty-eight occasions. Why was this? In some cases, prominent rightists refused to retract Masonic membership because they vehemently denied that they had ever been Freemasons. These include Joaquín del Moral Pérez, a lawyer who acted as the contact between General Mola, the organizer of the 1936 military rising, and General Sanjurjo, its projected head, exiled in Portugal. He was given twelve years and a day gaol on 18 September 1941 for allegedly having joined the ‘La Catoniana’ lodge in Madrid in 1913.\textsuperscript{137} Similarly, Gerardo Salvador Merino received the lowest prison tariff because he stubbornly denied any connections with Freemasonry throughout his investigation and refused to retract.\textsuperscript{138} As Ramón de Oche, the LRFC prosecutor in both trials, recalled:

\begin{itemize}
\item \textsuperscript{134} AGGCE, TERMC, 1257.
\item \textsuperscript{135} He was convicted of Freemasonry in June 1944. AGA, P, 4033.
\item \textsuperscript{136} AGA, P, 4028.
\item \textsuperscript{137} AGA, P, 4026.
\item \textsuperscript{138} Certainly, the evidence against Salvador was suspiciously thin—the Special Tribunal’s conviction was largely based on a 1934 letter between two ‘known Masons’ who apparently referred to the Falangist as ‘brother Merino’. AGGCE, TERMC, 223.
\end{itemize}
For both, he [the prosecutor] called for a sentence of twelve years and one day’s imprisonment . . . and both were correctly given that sentence. It is true that the two [defendants] appeared repentant . . . [Joaquín del Moral] was known for his [pre-war] anti-Republican campaigns and [Gerardo Salvador Merino] fought heroically with the Spanish forces [sic] . . . But neither officially retracted, surely because they were too ashamed to confess their guilt. Legally, both broke the law and therefore had to be found guilty.\footnote{AGGCE, TERMC, 1257.}

But apparent co-operation with the LRFC authorities in terms of formally retracting membership and passing on names and information on Freemasonry was characteristic of many Madrid defendants. This was partly because many were ideologically sympathetic to the Franco regime and had only had a transient experience of Freemasonry; it also reflected, no doubt, a fear of receiving a prison sentence. Thus Leopoldo Huidobro noted in 1941 that retractions contained on average the names of seven Freemasons.

The reason why the Special Tribunal was so reluctant to use Article 8 as an alternative to the minimum prison tariff was its conviction that the retractions of Masonic membership by defendants were insincere and the information they supplied to the LRFC authorities was insufficient or spurious. The Special Tribunal complained in its 1942 annual report that retractions were practically ‘worthless’; Leopoldo Huidobro considered that, while ‘many [Freemasons] pretend repentance, few will have repented’.\footnote{Ibid.}

As for the names supplied by defendants, the Special Tribunal considered that ‘the numbers of . . . worthless denunciations are really surprising’ as Freemasons known to be in exile, already under investigation, or dead were regularly named.\footnote{Ibid.} Moreover, the LRFC authorities were obsessed with the idea that the so-called Masonic ‘vow of silence’ meant that defendants did not reveal the true secrets of Freemasonry. Leopoldo Huidobro bitterly remarked: ‘Nobody tells us what goes on in Masonic meetings or the objectives of Masons . . . Of course, they are sworn to secrecy . . . Their statements all say the same: “I had little idea of what it [Freemasonry] really was; when dealing with significant matters they ordered me to leave the Lodge”’.\footnote{AGGCE, TERMC, 1257.} So disappointed was the Special Tribunal that defendants had not revealed the secrets of Madrid Freemasonry that it clung to the belief that these would be revealed in
documents that prominent Freemasons had (allegedly) taken with them into exile before the fall of Madrid in March 1939. Since it believed that these documents had fallen into the hands of the Nazis after the defeat of France in 1940, it repeatedly pressed the Foreign Ministry to open negotiations with the Nazis for their return.143

Yet the LRFC authorities were not oblivious to the attenuating circumstances of Madrid defendants. The problem was that these were not generally interpreted as deserving enough for a non-custodial sentence. Since the LRFC did not allow a prison sentence of under twelve years and a day, the LRFC authorities continually petitioned their superior, the Cabinet Office, to change the law to allow greater flexibility in sentencing. Ramón de Oche complained in 1942 that ‘excessive’ sentences were being given to Freemasons of low rank who had long since abandoned Freemasonry.144

As no reform of the LRFC was forthcoming, the Special Tribunal adopted a legal mechanism that was doubtless to its distaste because its author was Luis Jiménez de Asúa, a Freemason. This device was Article 2 of the 1932 Republican Penal Code, which gave a court the right to petition the Council of Ministers for a commutation of a sentence that was regarded by the issuing court itself as ‘excessive’.145 The Special Tribunal recommended a commutation of sentence regularly; between 1942 and 1944, 286 convictions involving Madrid defendants—over half of convictions—were accompanied by a formal request to the government to reduce the sentence.

The habitual use of this rather cumbersome procedure meant that the final decision on a case was extraordinarily slow even by Francoist legal standards. Although it appears that the Council of Ministers generally agreed with the recommendations of the Special Tribunal, the decision could take years to materialize.146 Vital Aza Díaz was a doctor and president of the local Rotary Club, an organization which, as we have seen, was regarded as a ‘front’ for Freemasonry. He was investigated and convicted for Freemasonry in December 1942. This was despite the fact that before the war Aza had been active in anti-abortion campaigns and had aided numerous rightists in Madrid after July 1936. Aza was given 12

143 Ibid. 144 Ibid. 145 Gaceta de la República, 5 Nov. 1932. 146 We have no figures on this, since sentences only listed recommendations, not final decisions. However, we do know the final resolutions in a small number of cases because this was communicated to LPR investigators.
years and a day gaol but with the recommendation that it should be commuted to a ban on state employment. The Council of Ministers did agree with this proposal but only in December 1945, three years after the original sentence.\footnote{147}{AGA, P, 4029 and J(RP), 30328. What happened to a defendant in the interim depended on whether he was in custody during the investigation. If the investigative judge believed a suspect to be ‘dangerous’ then he would not be paroled and would remain in gaol until a final decision was taken on his case. Thus the aforementioned Volney Conde, the Communist charged only with Freemasonry (see p. 216), had to wait almost three years before obtaining a final decision in his case in 1946, the government agreeing with the recommendation that a twelve-year and a day prison sentence be commuted to a three-year one. Since he had been in prison during the investigation he was immediately released as he had served out his revised prison term. See AGA, J(RP), 30362.}

Persecution of Freemasonry was a permanent feature of the Franco regime. Unlike the other repressive repressions, the institutional framework remained unreformed until the LRFC was derogated in December 1963\footnote{148}{BOE, 5 Dec. 1963.} and the Special Tribunal abolished in February 1964.\footnote{149}{BOE, 11 Feb. 1964.} According to the court session records, between 1941 and 1953 the Special Tribunal processed 26,711 cases in 940 secret sessions.\footnote{150}{AGGCE, TERMC, 1247. The session records for the years after 1953 are missing. The numbers of processed cases refers not only to sentences but also to cases shelved without trial.} Interestingly, the work of the Special Tribunal remained constant during this period and did not decline after 1945. Thus the period 1946 to 1953 would see 15,555 cases (58 per cent) closed. It is not coincidental that this was also the period of Spanish international isolation. Following the United Nations resolution of 12 December 1946 to invoke political sanctions on Francoist Spain, Franco, under the pseudonym Jakim Boor (the two pillars of the Masonic temple), began to rage against international Freemasonry in the Falangist paper \textit{Arriba}.\footnote{151}{Preston, \textit{Franco}, 563–4.} ‘Jakim Boor’ asserted that international criticism against the regime was Masonic in origin. In May 1951, for example, he denounced that ‘overseas anti-Spanish criminal action’ was being incited by the ‘British BBC, Radio Paris, and many other radio stations encouraged or pledged to Masonry’.\footnote{152}{\textit{Arriba}, 3 May 1951.} In the same article, he also warned, alluding to Spain, that those who believed that Freemasonry was beaten were wrong; being the ‘Daughter of evil, its demonic spirit survives the defeat and comes to life in new beings’. 
In the end, the Law for the Repression of Freemasonry and Communism was abolished because there were no more Freemasons left to bring to trial.\textsuperscript{153} Nevertheless, derogation of the LRFC did not affect the criminal status of Freemasonry and communism; jurisdiction over such crimes was transferred to the newly created public order tribunal.\textsuperscript{154} In his very last public speech in October 1975, Franco would rail against the ‘Masonic-communist’ conspiracy.\textsuperscript{155}

Yet, as the implementation of the LRFC in the early 1940s demonstrates, Freemasonry held the central role in this ‘international conspiracy’. But the reality was that Madrid Freemasonry was a disappointing example of ‘world conspiracy’. In this respect, the sentences issued by the Special Tribunal in the early 1940s was an attempt to marry this discouraging reality with the ideological fantasy.

\textsuperscript{154} BOE, 5 Dec. 1963.
\textsuperscript{155} Preston, \textit{Franco}, 776.
Conclusion

One day in 1944 the Director-General of Prisons, Ángel Sanz, was approached by the departmental concierge, Claudio Borque. Instead of the customary fascist salute, Borque gave the Republican greeting ‘Salud’. Sanz had him arrested on the spot. Reflecting on the incident later, Sanz put Borque’s foolish act down to a misinterpretation of the regime’s ‘humanitarian’ measures. Borque had evidently believed that the mass parole of civil war prisoners signalled genuine reconciliation between victors and vanquished.1

The liquidation of the post-war repression took place without the regime modifying—let alone repudiating—the rationale behind the mass punishment and purging of the defeated. González Oliveros, who as president of the National Tribunal advocated and implemented the policy of liquidating the LPR, always defended the principle that ‘the guilty’ who caused the civil war and sustained resistance to the ‘legitimate’ government after July 1936 should pay for the damage they had caused Spain. Condemning the ‘illegal’ purges of Nazi collaborators in Europe following liberation in 1944–5, he wrote that the LPR was an ‘indispensable mechanism to restore the rule of law [orden jurídico] violated by the monstrous multitude of common crimes [committed by the Popular Front]’.2

This helps to explain why the repressive system constructed during or immediately after the civil war survived in some form until the 1960s and 1970s. González Oliveros himself would oversee the LPR Liquidatory Commission until his death in April 1965; he would also remain on the Special Tribunal of the Repression of Freemasonry and Communism until its dissolution in 1964.3 The last death sentence by a military tribunal for civil war ‘crimes of blood’ was issued as late as April 1963 against the Communist leader Julián Grimau.4 The use of political prisoners for forced labour continued until the last penal detachment was disbanded in 1970 following the completion of a contract to build luxury homes in the outskirts of Madrid for the Banús Company.5

---

1 The anecdote is told in an internal account of the state of the prison system in 1944 found in AGGCE, DNSD (Presidencia), 87.  
2 AGA, J(RP), 713.  
5 Lafuente, Esclavos, 221.
The regime’s definition of political dissidence as ‘criminality’ also continued to be essentially unchanged. In October 1973 the Francoist historian and then Director-General of Popular Culture, Ricardo de la Cierva, received a request from a 23-year-old Madrid student to enter the Salamanca archive to carry out research. He rejected the application after consulting (what appears to be) a police report stating the applicant to be a ‘person of bad political background’ who had been prosecuted for participating in a construction strike in 1971. The minister then wrote to Admiral Fontán, the administrative head of the archive, expressing his indignation that this student, ‘an individual completely unsuited [indeseable] to enter the Archives of Salamanca’, could ‘think us so stupid as to even apply’. He even offered to write a blunt rejection letter himself if Fontán was otherwise engaged.  

Of course, the continued representation of political opponents as criminals occurred in more serious contexts. In response to the activities of the Communist-led guerrilla movement the Maquis, the regime issued a law against ‘banditry and terrorism’ in April 1947. The ruthless elimination of the Maquis by the early 1950s reminds us that paroled civil war prisoners were not expected to engage in anti-Francoist political activity. The punishment of post-war political opponents for crimes of rebellion by military tribunals would remain a permanent feature of the regime. Thus in 1974–5, Franco’s final years of power, at least 305 civilians appeared before military tribunals accused of ‘insulting’ the armed forces, ‘disobedience’ towards a military authority, or threatening the security of the state.

The curious coexistence of mass parole of civil war prisoners and vigorous suppression of political opposition in 1940s Spain is not unique.

6 AGGCE, DNSD (Presidencia), 65. It should be remembered that the Salamanca archive, which contained confiscated documents from Popular Front organizations as well as from the Freemasons, remained a police archive throughout the dictatorship. In July 1972, at the height of the controversy over Ostpolitik, West German ‘friends’ of the regime asked Admiral Fontán if the archive had any information on Willy Brandt, the then West German Chancellor, during the civil war period. The catalogues were consulted, and the reply was negative. AGGCE, DNSD (Presidencia), 65.

7 Balbè, Orden, 421.

8 The best general account of the Maquis that makes use of recent research is S. Serrano, Maquis: Historia de la guerra antifranquista (Madrid, 2001). Serrano estimates that a maximum of 7,500 guerrillas took part in the Maquis between 1939 and 1952, with perhaps 2,824 casualties.

9 This figure includes five members of the Basque separatist group ETA and the revolutionary FRAP shot in September 1975 for the murder of three policemen. Balbè, Orden, 452–3.
It anticipated—on a much greater scale—the ‘normalization’ that took place at the end of the Greek civil war in 1949. From a peak of 40,000–50,000 prisoners following cessation of hostilities between the Communist guerrillas and the US-backed right-wing government, a series of decrees issued in the early 1950s reviewed sentences (including 14,000 issued by special military tribunals) and paroled prisoners. By 1955, the number of political prisoners stood at 4,458. Yet the Greek authorities always denied that a civil war had taken place, preferring to see it as a ‘bandit war’. Moreover, the series of ‘exceptional’ anti-insurgent legal measures instituted during the conflict remained in place until 1962 when the war was finally decreed to be ‘over’.

But the fact that the liquidation of the civil war repression in Spain was not based on a genuine desire for reconciliation does not make it meaningless. In Madrid, and elsewhere, mass executions ended in 1941; few civil war prisoners actually served the totality of their sentences; and few LPR investigations ended in a sentence. To state this is not to deny the injustices done to Franco’s victims but to ask why the regime abandoned its ambitious goals of punishing military ‘rebels’ and purging the nation of ‘anti-Spanish’ influences for the more limited objective of suppressing anti-Francoist political activity by the mid-1940s. This is not a question that has attracted much interest. Indeed, the periodization chosen by some local historians automatically precludes providing explanations. The various studies of Seville all end in 1937. Other local studies, for example, those of Teruel and Cáceres, end with Franco’s victory in the civil war. While Maria Jesús Souto’s study of Lugo does go into the post-war period, she stops in 1940.

Moreover, to read some general accounts of the repression, it is as though this liquidation process never took place. It is barely mentioned, for example, in Michael Richards’s 1998 study of Francoist Spain. It is only in a footnote that he mistakenly claims that the ‘first substantial reprieve was granted in October 1945 under pressure from the Allied victors after the end of the Second World War’. In fact, as we have seen,
the evidence does not support this interpretation. As far as military justice is concerned, the year of German triumphs in western Europe, 1940, marked the watershed in terms of sentencing. Prisoners were being released in significant numbers and high-level discussions concerning the reform of the LPR took place in 1941, when the Germans dominated the European continent.

Indeed, one could argue that the changing international situation might have hindered, rather than accelerated, the liquidation of the civil war repression. In 1944 González Oliveros attempted to resign from his posts on the LPR National Tribunal and the Anti-Masonic Special Tribunal. While the offer had much to do with fatigue, it also reflected a fear that rapprochement with the Western Powers would signal defeatism and initiate a process of the dissolution of the regime similar to that which occurred after the resignation of Primo de Rivera in 1930.\textsuperscript{17} In other words, González Oliveros, the Francoist most responsible for winding up the LPR, offered his resignation on the basis of opposition to the appeasement of the Western Powers. While his analysis now sounds unduly pessimistic, it is also understandable; after all, many Republicans thought that the fall of Franco was as inevitable as that of Hitler and Mussolini. As early as September 1943 some madrileños found painted on their front doors ‘Yes’ or ‘No’; this was interpreted as classification for the day of reckoning following the demise of Franco.\textsuperscript{18} If this act was intended to induce panic, then it worked—that December, relatives of Republican victims refused to participate in an anti-communist propaganda campaign for fear of the consequences.\textsuperscript{19} Given this atmosphere of fear and uncertainty, it is hard to see why the mass release of civil war prisoners, convicted as opponents of the Franco regime, could be an inevitable consequence of Allied victory in the Second World War.

The failure to fully examine the evolution of the repression reflects a static conception of the repressive process. Historians often base their interpretations of the repression on the assumption that it remained fundamentally unchanged in nature from July 1936. This has led to comparisons with the exterminationist colonialism of Fascist Italy and Nazi Germany, the only difference being that Francoist extermination was projected inwards against fellow Spaniards.\textsuperscript{20} As this study has made

\textsuperscript{17} Álvaro Dueñas, ‘El Decoro’, 171.
\textsuperscript{18} AGA, C, 1353.
\textsuperscript{19} AGA, C, 1352.
clear, there is much to be said for the view that the inverted nature of Francoist justice has roots in the colonial experiences of Spanish Morocco. But the Francoist repression was characterized by increasing bureaucratization and a decline in its punitive nature. Fascist Italy’s behaviour towards its colonial populations in Libya and Abyssinia in the 1920s and 1930s was rarely mediated through judicial process; Nazi violence was characterized by ceaseless radicalization, with even the formal observance of judicial rules and procedures being abandoned by the 1940s.

In any case, the institutionalized repressive framework created by 1939 was intended to punish, reform, and purge, but not to physically exterminate. While there were at least 3,113 post-war executions in Madrid, there is little evidence that they were based on abstract criteria such as social class. Although judicial procedures were illiberal and the standards of evidence low, executions reflected the determination to punish those who had been guilty of ‘crimes of blood’ during the civil war. Memories of Republican violence also help to explain why there was much popular support for the punishment of civil war ‘criminals’ by the military authorities; many madrileños did not need to be indoctrinated by regime propaganda to believe that ‘Reds’ were capable of committing murder.

The fact that the post-war repression in Madrid was not exterminatory in nature does not reduce its significance. It affected all sections of Madrid society, a logical consequence of the Nationalist conviction that the Republicans were the true ‘rebels’. According to this inverse logic, Madrid became the seat of the ‘rebellion’ in July 1936 and had sustained the ‘rebel’ cause for nearly three years. Given this logic, even those persecuted by the Republic were forced to submit themselves to a multifaceted repressive process in order to demonstrate that they had neither contributed to the circumstances that made a military rising ‘inevitable’ or aided the ‘rebel’ war effort. At stake was not only an individual’s life or liberty but also his property and job. Moreover, the regime’s threshold for innocence was so high that not infrequently people who had been punished as ‘enemies of the Republic’ found themselves condemned as ‘military rebels’ or ‘politically responsible’ after the civil war.

Still, the regime began to dismantle this structure as early as 1940–1. It found, as western European democratic governments were to do after the Second World War, that the implementation of ill-defined retrospective legislation caused insoluble bureaucratic problems. Yet the liquidation process was never ‘inevitable’; it reflected a lack of political will to sustain
a mass repressive system. In this sense, it is significant that the only post-war ‘special jurisdiction’ to remain unaffected was the March 1940 Law for the Repression of Freemasonry and Communism. As we have seen, not only was this law directed primarily at Freemasons but the persecution of Freemasonry intensified in the late 1940s. This can be partly explained by the relatively small number of cases opened—by 1953 ‘only’ 26,711 cases had been processed. But it is also the case that Freemasonry was regarded as a singular ideological threat to Catholic Spain. The active repression of Freemasonry only came to an end in 1964 when, according to Franco, there were no Freemasons left in Spain to punish. Unlike the LPR and the inverted military justice system, the LRFC never became an administrative ‘problem’ that had to be abandoned.

If the process of liquidation was not inevitable neither was the post-war repression itself. At the end of the civil war the Nationalists occupied the Spanish capital, like other areas of Republican Spain, determined to punish Republican resistance and cleanse from society those forces deemed alien to the Spanish ‘nation’. The repression in Madrid was only exceptional in the sense that the capital was seen as particularly ‘Red’. But while regime ideologues may have stressed contrasts between ‘Spaniards’ and ‘anti-Spaniards’, the reality is that the multifaceted repressive framework did not in practice make such clear distinctions. Because the repression was based on the inverse logic of justicia al revés it transcended political and class distinctions. Historians must take this logic seriously if they want to understand why the Franco regime constructed a mass repressive system only to abandon it by 1945.
This page intentionally left blank
BIBLIOGRAPHY

UNPUBLISHED DOCUMENTS

Archivo General de la Administración, Alcalá de Henares

Sección de Justicia
Fondo de Responsabilidades Políticas
Testimonios de Sentencias Militares
Expedientes (Tribunal Regional de Responsabilidades Políticas de Madrid)
Correspondencia del Tribunal Nacional de Responsabilidades Políticas
Libro de Diligencias Practicadas durante la Guardia (1939–40)

Sección de Educación
Expedientes de Maestros

Sección de Interior
Memorias de Ayuntamientos y Diputaciones Provinciales

Sección de la Presidencia del Gobierno
Fondo de la Secretaría General del Movimiento
Correspondencia de la Secretaria General del Movimiento (1937–1945)
Correspondencia de la Delegación Nacional de Provincias
Estadística (Ley de Responsabilidades Políticas)
Testimonios de Sentencias del Tribunal Especial de la Represión de la Masonería y el Comunismo (1941–1945)

Sección de Cultura
Consignas de Propaganda (1939–42)
Archivo Rojo
Boletines Informativos de la Delegación Nacional de Información e Investigación de Falange (1942–45)

Archivo Histórico Nacional de Madrid

Sección Fondos Contemporáneos
Causa General de Madrid
Piezas I (Principal), II (Alzamiento. Antecedentes, Ejército Rojo y Liberación), III (Cárceles y ‘sacas’), IV (Checas), V (Justicia Roja)
Bibliography

Archivo General de la Guerra Civil Española, Salamanca

Tribunal Especial de la Represión de la Masonería y Comunismo
Libros de Sentencias del Tribunal Especial de la Represión de la Masonería y el Comunismo (1941–1958)
Expedientes
Libros Registro del Tribunal Especial de la Represión de la Masonería y el Comunismo
Memorias del Tribunal Especial de la Represión de la Masonería y el Comunismo (1941–42)
Oficios de la Comisión Liquidadora del Tribunal Especial de la Represión de la Masonería y el Comunismo

Delegación del Estado para Recuperacion de Documentos
Presidencia, Secretaría, Delegación de Madrid

Delegación National del Servicio de Documentos
Secretaría General, Presidencia

Public Record Office, Kew Gardens

Foreign Office

FO 371 General Correspondence

NEWSPAPERS AND PERIODICALS

ABC
Arriba
Boletín del Ayuntamiento de Madrid
Boletín Oficial de la Dirección General de Prisiones
Boletín del Movimiento de FET de las JONS
Boletín Oficial de la Junta de Defensa Nacional
Boletín Oficial de la Provincia de Madrid
Boletín Oficial del Estado
Diario Oficial del Ministerio de Ejército
El Alcázar
El Mundo
El País
Gaceta de la República
Informaciones
La Vanguardia Española
Madrid
Bibliography

¡Presente! (El Escorial)
The Daily Express
The Daily Herald
The Manchester Guardian
The Times
The Times Literary Supplement
Ya
Yugo y Flechas (Alcalá de Henares)

PUBLISHED DOCUMENTS, MEMOIRS, AND CONTEMPORARY ACCOUNTS

Alarcón Roldán, F., Código de Justicia Militar Vigente (Madrid, 1940).
Benítez de Lugo y Reymundo, L., Responsabilidades civiles y políticas: Indemnización de los daños y perjuicios ocasionados por el Frente Popular y sus afines en España y su exigibilidad jurídica por el Estado Nacional (Barcelona, 1939).
Cajal, M., La ley de responsabilidades políticas: Comentada y seguida de un apéndice de disposiciones legales (Madrid, 1939).
Comín Colomer, E., André Marty, masón y comunista (Madrid, 1944).
—— Lo que España debe a la Masonería (Madrid, 1952).
Cuevas, T., Mujeres en las cárceles franquistas (Madrid, 1984).
Díaz-Llanos Lequiona, R., Manual de justicia militar (La Coruña, 1941).
—— Leyes penales militares (La Coruña, 1942).
Estado Español, Tercer avance del informe oficial. Sobre los asesinatos, violaciones, incendios, y demás depredaciones y violencias cometidos en algunos pueblos del centro y mediodía de España por las hordas marxistas al servicio del llamado gobierno de Madrid (1936).
Estado Español, La Masonería en acción. ¿Cómo exterminarla? (Madrid, 1942).
Estado Español, Ministerio de la Gobernación, Dictamen de la Comisión sobre ilegitimidad de poderes actuantes en 18 de julio de 1936 (Barcelona, 1939).
Fernández Asaín, E., El delito de rebelión militar (Madrid, 1943).
Foltz, C., The Masquerade in Spain (Boston, 1948).
Bibliography


—— *El predestinado o Un crimen en Valderredible (episodio del Santander rojo)* (Madrid, 1941).


—— *Memoria* (Madrid, 1944).


Ministerio de Trabajo, Dirección General de Estadística, *Censo de la población de España según hecho en la península e islas adyacentes y posesiones del norte y costa occidental de África el 31 de diciembre de 1940*, vol. i (Madrid, 1943).


SERRANO SUÑER, R., Entre el silencio y la propaganda. La historia como fue: Memorias (Barcelona, 1977).

STAMPA IRUESTE, F., El delito de rebelión (Madrid, 1945).

SUÑER, E., Los intelectuales y la tragedia española (Burgos, 1937).

TUŞQUETS, J., Orígenes de la revolución española (Barcelona, 1932).


VICESECRETARÍA DE EDUCACIÓN POPULAR (ed.), Palabras del Caudillo (Madrid, 1943).

SECONDARY WORKS

ABELLA, R., La vida cotidiana bajo el régimen de Franco (Madrid, 1996).

—— Por el imperio hacia Dios: Crónica de una posguerra 1939–1955 (Barcelona, 1978).

AGUILAR FERNÁNDEZ, P., Memoria y olvido de la guerra civil española (Madrid, 1996).

AGUILAR OLIVENCIA, M., El ejército español durante el franquismo (Madrid, 1999).


ALÍA MIRANDA, F., La guerra civil en retaguardia: Conflicto y revolución en la provincia de Ciudad Real (1936–1939) (Ciudad Real, 1994).

ALPERT, M., La reforma militar de Azaña (1931–1933) (Madrid, 1982).

—— El ejército republicano en la guerra civil (Madrid, 1989).


BAHAMONDE MAGRO, Á., El Real Madrid en la historia de España (Madrid, 2002).

—— and CERVERA, J., Así terminó la guerra en España (Madrid, 1999).

—— Deadly Embrace: Morocco and the Road to the Spanish Civil War (Oxford, 2002).
Barraquero Texeira, E., Málaga entre la guerra y la posguerra: El Franquismo (Málaga, 1994).
Buchanan, T., Britain and the Spanish Civil War (Cambridge, 1997).
Bibliography

CARDONA, G., El poder militar en la España contemporánea hasta la guerra civil (Madrid, 1983).


COLECTIVO AFÁN, ¡¡No General!! ¡Fueron más de 3.000 los asesinados! (Pamplona, 1984).
CRESPO REDONDO, J., et al., Purga de maestros en la guerra civil: La depuración del magisterio nacional de la provincia de Burgos (Valladolid, 1987).

díaz Cabrera, D., Once cárceles y destierro (Santa Cruz de Tenerife, 1980).


—– La justicia de Queipo: Violencia selectiva y terror fascista en la II División en 1936 (Seville, 2000).

—– La columna de la muerte: El avance del ejército franquista de Sevilla a Badajoz (Madrid, 2003).


—– El contubernio judeo-masónico-comunista (Madrid, 1982).


Bibliography


—— and Jiménez, J. C., Un siglo de España: La economía (Madrid, 1999).


Garriga, R., Los validos de Franco (Barcelona, 1981).


—— La noche en que mataron a Calvo Sotelo (Barcelona, 1982).

—— Paracuellos: Cómo fue (Barcelona, 1983).


Haro Tecglen, E., Arde Madrid (Madrid, 2000).


Heine, H., La oposición política al franquismo: De 1939 a 1952 (Barcelona, 1983).


Herrero Balsa, G., and Hernández García, A., La represión en Soria durante la guerra civil (Soria, 1982).

Hitler, A. Mein Kampf (London, 1974 edn.).


——et al., Madrid: Historia de una capital (Madrid, 1994).
——Un siglo de España: Política y sociedad (Madrid, 1999).
——(ed.), Victimas de la guerra civil (Madrid, 1999).


Lafuente, İ., Esclavos por la patria: La explotación de los presos bajo el franquismo (Madrid, 2002).


Lottman, H., La Depuración (1943–1953) (Barcelona, 1998).


Márquez, F., et al., La Masonería en Madrid (Madrid, 1987).


Martín Rubio, A. D., Paz, piedad, perdón ... y verdad. La represión en la guerra civil: Una síntesis definitiva (Toledo, 1997).


Merino, İ., Serrano Súñer: Historia de una conducta (Barcelona, 1996).

Mir Curcó, C., Repressió econòmica i franquisme: L’actuació del Tribunal de Responsabilitats Politiques a la província de Lleida (Barcelona, 1997).
——Vivir es sobrevivir: Justicia, orden y marginación en la Cataluña rural de posguerra (Lérida, 2000).

Miro, S., Maestros depurados en Baleares durante la guerra civil (Madrid, 1998).


Morales Villanueva, A., Las fuerzas de orden público (Madrid, 1980).


——*Consejo de guerra: Los fusilamientos en el Madrid de la posguerra (1939–45)* (Madrid, 1997).


——*Violencia política en la II República y el primer franquismo* (Madrid, 1996).


——*The Franco Regime* (Madison, 1987).


Bibliography 241
Bibliography

—— Las tres Españas del 36 (Barcelona, 1998).
REIG TAPIÁ, A., Ideologia e historia: Sobre la represión franquista y la guerra civil (Madrid, 1984).
RIERA, I., Los catalanes de Franco (Barcelona, 1998).
RODRIGO, J., Los campos de concentración franquistas, entre la historia y la memoria (Madrid, 2003).
RÓDRIGUEZ JIMÉNEZ, J. L., Historia de Falange Española de las JONS (Madrid, 2000).
SALAS LARRAZÁBAL, R., Pérdidas en la guerra (Barcelona, 1977).
SÁNCHEZ RECIO, G., Las responsabilidades políticas en la posguerra española: El partido judicial de Monóvar (Alicante, 1984).
—— La República contra los rebeldes y los desafectos (Alicante, 1991).
—‘Las posibilidades de la Causa General como fuente para proyectos de investigación’, in I. Sánchez Sánchez et al., España franquista: Causa general y actitudes sociales ante la dictadura (Albacete, 1993).


Serrano, S., La guerrilla antifranquista en León (1936–1951) (Salamanca, 1988).


Sueiro, D., La verdadera historia del Valle de los Caídos (Madrid, 1976).

Tammames, R., La República: La era de Franco (Madrid, 1973).


Thomás, J. M., Falange, Guerra Civil, Franquisme (Barcelona, 1992).

Thompson, D., State Control in Fascist Italy: Culture and Conformity, 1925–43 (Manchester, 1991).

Torres, R., Los esclavos de Franco (Madrid, 2001).
Bibliography


—— Carrero: La eminencia gris del régimen de Franco (Madrid, 1993).
—— et al., Las elecciones del Frente Popular en España, 2 vols. (Madrid, 1971).


Vargas, V. F., La resistencia interior en la España de Franco (Madrid, 1981).

Vázquez Montalbán, M., Los demonios familiares de Franco (Barcelona, 1978).

Viñas, A., El Oro de Muscu: Alfa y omega de un mito franquista (Barcelona, 1979).

Vinyes, R., Irredentas: Las presas políticas y sus hijos en las cárcel,es franquistas (Madrid, 2002).
—— et al., Los niños perdidos del franquismo (Barcelona, 2002).

Voglis, P., Becoming a Subject: Political Prisoners during the Greek Civil War (Oxford, 2002).
INDEX

| ABC (newspaper) | 47–8, 193 |
| Abyssinia | 8, 228 |
| Acción Española (journal) | 173 |
| Acción Republicana | 197 |
| Africanistas | 56–8 |
| Aguado, Victoriano | 187 |
| Aguilar, Mariano | 207 |
| Aizpún Santafe, Rafael | 1 |
| Alarcón, lieutenant-colonel Luis de | 46 |
| Albacete | 178 |
| Albarrán Ordóñez, commandant | Manuel 71–2, 158 |
| Albarrañ Ordoñez, commandant | Manuel 71–2, 158 |
| Alcalá de Henares (Madrid) | 14, 16 n. 88, 52, 72, 75, 79, 87, 90, 115, 120, 128, 164, 189 |
| Alcalá Zamora, Niceto | 153 |
| Alcázar Monte, Manuel | 34 |
| Alcobendas (Madrid) | 19 |
| Alcicer, Alberto | 32 |
| Alicante | 32, 37, 78, 89 |
| Aliphat Manzadois, Raul | 150 |
| Almería | 216 |
| Almeria | 27, 189, 195, 198, 209 |
| Anti-Marxist police unit | 200–1 |
| Antonescu, general | 193 |
| Aparicio Ibáñez, Luis | 72 |
| Aparicio López, Álvaro | 75 |
| Arangueren, general | 4 |
| Aranjuez (Madrid) | 16 n. 88, 52, 64, 69 |
| Aravaca (Madrid) | 36 |
| architects, purge of | 180, 184–5 |
| Arenillas de Chaves, Ignacio | 97 |
| Areste Arminoso, Juan Antonio | 189 |
| Arganda (Madrid) | 167 |
| army: | |
| jobs reserved for soldiers | 170–1, 189 |
| outside the remit of the LRFC Special Tribunal | 206–7 |
| role in eliminating ‘internal enemies’ | 20–1, 54–7, 129, 137–8 |
| see also executions; Judge Advocate; military justice; Military Judicial Corps; Military Supreme Court |
| Army Constitutive Law of 1878 | 20, 54, 137 |
| see also army; Judge Advocate; military justice; Military Judicial Corps; Military Supreme Court |
| Army of Africa | 13, 73 n. 115 |
| see also Africanistas; army; executions; Spanish Morocco |
| Arrese y Magra, José Luis de | 51, 184 n. 98 |
| Arriba (newspaper) | 35, 44, 88, 212, 222 |
| Arrúe Astiazaran, Martín | 150 |
| Asociación Católica Nacional de Propagandistas (ACNP) | 21, 173–4 |
| Association of the Recuperation of Historic Memory | 17 |
| see also executions |
| Asturias | 57, 61, 167 |
| Athletic de Aviación | 37 |
| Atochero, Benito | 90 |
Index

Audiencia Territorial de Madrid 68, 162
Auditoría del Ejército de Ocupación 60–1, 66
Auditor de Guerra, see Judge Advocate
Aunós, Eduardo 1
autarky 166–7
Ávila 66, 146, 154
Ayra, Pedro 87
Ayuntamiento de Madrid (city council) 32, 50, 180
Aza Díaz, Vital 221–2
Azaña, Manuel 69, 142, 149, 153, 164
Aznar, admirals 2
Aznar, José María 17
Aznar, Manuel 6
Badajoz 66, 134 n. 11
Balearic Islands 195
Banco Zaragozano 171
Bank of Spain 136, 145–6, 182
Banús construction company 120, 224
Barajas (Madrid) 79
Barbajosa Parrilla, Julián 81
Barcelona 4, 18, 55, 132, 149, 169 n. 18, 196
see also Catalonia
Barrera, Teodoro 18
Basque nationalists/nationalism 175
Bastardeche, admiral Francisco 38
Basulto Jiménez, bishop Manuel 36 n. 47
BBC, British 222
Becerril de la Sierra (Madrid) 92
Belgium 24
Bellón, Ildefonso 1
Bellón Commission (1938/9) 1–5, 40, 144
Benito Fernández, Ramón 109
Besteiro, Julián 15, 33, 54–5, 65, 83, 91, 97–9
Bilbao, 61, 199
Bilbao, Esteban 22
Bloque Antifascista Español (BAE) 107
Blue Division 58, 80, 189
Borbón y de la Torre, general de 205
Borque, Claudio 224
Bourbon, Juan of, count of Barcelona 6
Brandt, Willy 225 n. 6
Brea de Tajo (Madrid) 64
Brigada Político-Social, Francoist secret police 6, 16, 91–2, 112
Britain 17, 36, 56, 100, 131, 151, 166, 203 n. 66, 222
Brotherhood of Ex-Prisoners of Spain 38
Brunete (Madrid) 188
Bueno, Javier 44
Bueno Fernández, Manuel 82
Burgos 48–9, 128, 174, 206
Caballero, Largo 149, 209
Caballero de Puga, Eduardo 215
Caballero Olébazar, lieutenant-colonel 80
Cabanillas, general José 57–8, 206
Cabezas, Narciso M 170, 181–2
Cáceres 66, 74, 135, 146, 178, 226
Cadalso de los Vidrios (Madrid) 111
Cadenas Fernández, Gerardo 67
Cádiz 198
Cádiz Constitution of 1812 54
Caja de Reparaciones 45–6, 154
Calleja, Cecilio 109
Calleja Coca, Luisa 159
Calles, Manuel 90–1
Canary Islands 45, 195
Carabanchel Bajo (Madrid) 34, 36, 158, 167, 188
Carasa, lieutenant 92
Carlavilla del Barrio, Mauricio,
see Karl, Mauricio
Carlists/Carlism 1, 50, 61, 134 n. 11, 199 n. 43
Index

Carrero Blanco, captain 21, 143, 153–4, 160, 196, 206, 217–18
Carrillo, Santiago 33 n. 27, 35 n. 37
Carrillo Raigada, Eusebio 114
Casado, colonel 33, 42, 211
Casanova Mateo, José 110
Casas de la Vega, general 35
Castán, Federico F. 179
Castelo Miguel, Gabino 89
Castillo, lieutenant 3
Castro, Mariano Juan 67
Catalan nationalists/nationalism 2, 56, 175
Catalonia 1, 4, 13 n. 65, 74, 195
Catholic Church: and Freemasons 7, 194–5, 199 n. 47, 212
role in the repression 21–2, 94 n. 33, 118, 119–21, 126, 144–5, 152
Spanish civil war as ‘crusade’ 6–7
Causa General, see General Cause
Cebrián y Fernández de Villegas, Dolores 91
Central Bank 187
Cercedilla (Madrid) 37, 167
Chamberi, district of Madrid 54
Chamberlain, Lady 151
Chamberlain, Neville 131
Charmartin concentration camp 72–3
Charmatin de la Rosa, district of Madrid 109
Chaves, Carmen 44
Chinchón (Madrid) 72
Chozas de la Sierra (Madrid) 66
Cid López, Higinio 69
Ciempozuelos (Madrid) 209, 215 n. 122
Cierva, Ricardo de la 13, 225
Cisne, prison 83
Ciudad Real 66, 92, 128, 178
Civil Guard 44, 55, 58, 79, 147, 156, 186
Civil responsibilities, Nationalist punishment of 133–5, 169, 176
credit intervention 136–7
pre-war legal tradition 132, 142
see also Law of Political Responsibilities
civil service, purge of 5–6, 52, 148, 169–70, 172–3, 176–7, 179–81, 190–1
Claridad (newspaper) 44
CNT, see anarchists/anarchism
Cocho Méndez, Julián 31
Colmenar Viejo (Madrid) 16 n. 88, 17, 19, 52, 64, 109
Comín Colomer, Eduardo 201
Commission Internationale Contre le Régime Concentrationnaire 85 n. 5
communism 2–3, 6–8, 175
minority of LRFC cases/sentences 208–11
nebulous definition of 201–2
punished under LRFC 149, 192, 213, 216
see also conspiracy theory; Partido Comunista de España; Law for the Repression of Freemasonry and Communism
Comte de Camacho, Esteban José 190–1
concentration camps 13, 72–5, 127
see also forced labour
Concepción Jiménez, Joaquín de la 97
Conde de Toreno, prison 78, 128
Conde Pelayo Urraza, Volney 216
Confederación Española de Derechas Autónomas (CEDA) 1, 50, 196, 198
conspiracy theory 6, 27, 137, 195–8, 200–4, 208, 214–16, 218, 220–3, 229
see also communism; Freemasons/Freemasonry; Jews/antisemitism, Law for the Repression of Freemasonry and Communism
Coral, José de 32 n. 19
Córdoba 13 n. 65, 190
see also Andalucía
Cosío, José María 77–8
Costales, Vicente 214
Cranbourne, viscount 36 n. 43
Crespo Crespo, Inocencia 82–3
Crispín Fernández, Isabel 167–8
Cruz, María de la 82
Cruz, Pablo 84
Cruz Salido, Francisco 98
Cuatro Caminos, district of Madrid 94
Cuba 45
Cuenca 66, 96, 178
Cuervo, Máximo 22, 85–6, 95, 106
Cueto Blanco, Fernando 75
¡Cu Cut! affair (1905) 55–6
Dapena Mosquera, captain Jesús 113
Davilina Suaírez, Mercedes 94
Delgado Macías, Gabriel 159
Denmark 24
denunciations 44–6, 80–3, 86, 90, 93, 150–1, 182
Díaz Conthe, Jaime 64
Díaz Heredero López, Vicente 111
diplomats, purge of 175–6
see also civil service, purge of
Diputación de Madrid 51, 188
purge of 170, 172, 179, 181–3, 185
Documents Recovery organization 199
Doña, Juana 96, 98
Doñaiturria, Salustino 151
Eastern Cemetery, Madrid 11, 15–16, 100, 103
see also Madrid, executions
Eden, Anthony 36 n. 43
El Alcázar (newspaper) 48
El Campesino 148
El Escorial (Madrid) 37, 52, 64, 72, 76, 89, 108–9, 147
El Ferrol 55
El País (newspaper) 89
El Pardo (Madrid) 36, 72
Escanilla de Simón, Agapito 35 n. 40
Escanilla Simón, Carlos 35
Espejo, Bernardo 19
Espinosa, commandant 4
Espinosa de los Monteros, general 37, 39
estrapelito 166–7
executions, in Nationalist/Francoist Spain
civil war 13, 17–18, 59
post-war 9, 12, 18, 100, 224
see also Madrid; military justice
FAI, see anarchists/anarchism
Falange 38–9, 90, 109, 125–6, 150, 165, 179, 181, 189, 192, 204, 212, 216–18
Information and Investigation Service 12, 42, 44, 79–80, 95, 154
role in the repression 9, 20–1, 25, 61, 79–80, 120, 131, 134, 138, 143, 152
see also Fifth Column
Fanjul, general Joaquín 49, 53
Fay, Bernard 194
Fernández, Enrique 219
Fernández, Luis 84
Fernández Álvarez, Ignacio 115
Fernández Arias, Adelardo ‘El Duende de la Colegiata’ 34
Fernández Asáin, Eugenio 53, 87
Fernández López, Julio 91
Ferrer Benimeli, José Antonio 197
Fifth Column 11, 29–30, 32–4, 42, 71–2, 98, 103 n. 77, 147, 219
see also Falange
Figueroa y Torres, Álvaro de, count of Romanones 1
Figueroa Torres, Francisco 109
First Military Region 21, 66, 103
Index

Fomento revolutionary tribunal 113
Fontán, admiral 225
forced labour 5, 73–4, 76, 118–21, 127, 224
see also concentration camps; executions; prisons/prisoners
France 8, 16, 23–4, 56, 131, 150, 193–4, 221, 222
Franco Bahamonde, commandant Ramón 206 n. 84
on civil war executions 13
and death sentences 102–3, 114
hatred of Freemasons 6, 196, 199, 202 n. 62, 204, 206 n. 84
New Years’ speech (1940) 4–5, 24
promises no post-war reprisals 39–40, 131
views on Spanish history 6
writes as Jakim Boor 222–3
see also Africanistas
Franco Bahamonde, Nicolás 213
Free Institute of Education 173–4, 185
Freemasons/Freemasonry 3, 6–8, 87 n. 13, 97, 102 n. 73, 122–3, 137, 139, 151, 190–223
as a continuing threat 128, 193, 200–4, 206, 222–3
documents confiscated 190–200
main victims of the LRFC 192–3, 205, 208–23
and national ‘decline’ 6, 192–5
persecuted outside Spain 193–4, 200
see also conspiracy theory; Law for the Repression of Freemasonry and Communism
Friends of the Soviet Union 147
Friends of the USA 147
Fuencarral (Madrid) 36, 94, 110
Fuero de los Españoles (1945) 129–30
Gabarda, Vicent 18 n. 103
Gaceta de Madrid (state bulletin) 60
Galarza, colonel Valentín 21, 80, 142, 159–60
Galician nationalists/nationalism 175
Gallagher, O. D. 29–30
Gallardo Fernández, private Melchor 65
Gemelia Diport, Clemente 69
Garcerán, Rafael 1
García Armas, Anunciación 110
García Atadell, Agapito 45
García Carpintero, Antonio 115
García Fernández, captain Benjamin 31
García Rodríguez, Joaquín 109
General Cause 3–4, 14, 40
Germany 8–9, 15, 25, 127–8, 193, 221, 227–8
Gerona 217
see also Catalonia
Getafe (Madrid) 16 n. 88, 52, 64, 67, 93
Gil Álvaro, Ignacio 156
Gil Charca, Gumersindo 182
Gil San Juan, Ignacio 156
Gimeno Alfonso, Pompeyo 218
Giner de los Ríos, Bernardo 184
Giner de los Ríos, Francisco 173
Giral, José 149, 153
Goicoechea, Antonio 1
Gómez Casi, Juan
Gómez Ossorio, José 31, 32 n. 18, 108
Gómez-Jordana, general Francisco (Jordana) 21, 59, 137, 142, 169
González, Guillermo 152
González Anton, Victoriano 109
González López, Francisco 146
González Oliveros, Wenceslao, 27–8
attempts to resign 227
González Oliveros, Wenceslao (cont.)
member of the LRFC Special Tribunal 144, 205, 224
presents LPR reform proposals 159–60
as president of the LPR National Tribunal 144, 149, 154, 161, 224
see also Law for the Repression of Freemasonry and Communism;
Law of Political Responsibilities
Granada 61, 198
Greece, 119 n. 141, 226
Grimau, Julián 224
Guadalajara, 20, 146, 154, 178
Guadarrama (Madrid) 89
Guipúzcoa 17, 20, 154
Gutiérrez Martín, Felipe 93
Gutiérrez Martín, Pedro 31
Guzmán, Eduardo de 97–8
Guzmán el Bueno concentration camp 73

Haas, Werner 200
Haro Delace, Eduardo 89
Haro Tecglen, Eduardo 89
Henche de la Plata, Rafael 31, 108, 155
Heraldo de Madrid (newspaper) 187
Hernández Casado, Luis 109
Hernández, Miguel 77–8, 97
Hispano Americano Bank 159
Hitler, Adolf 193, 227
Hoare, Samuel 166
Hodgson, Sir Robert 131
Holland 24
Hotel Ritz 29–30
Howard, D. F. 131
Huelva 77, 198
Huidobro, Leopoldo 202–5, 219–21
Humanium genus (1884) encyclical 194

Ibáñez Martín, José 151
Ibáñez ‘The Hand’ 95
Ibárruri, Dolores ‘Pasionaria’ 10 n.
49, 35 n. 40
Iberia 189
Iglesias, Pablo 10
Iglesias Exposito, Pedro 158
Incorporation Committee of Industry and Trade Number 1 148, 150, 177–9, 181
Informaciones (newspaper) 38, 47, 50
Inspectorate of Prisoner Concentration Camps 73–4
see also concentration camps
International Commission for the Assistance of Child Refugees 33
International Sleeper Carriage Company 67
Italy 8, 23, 193, 227–8
Izquierda Republicana (IR) 87, 95,
109, 112, 147–8, 169, 198–9, 210, 217
see also Popular Front
Izquierdo, Alfonso 96
Jaén, Antonio 210
Jaén 36, 178
see also Andalucía
James, wing-commander A. W. H. 29
Japan 210
Jews/anti-semitism 6, 8, 196–8, 201
see also conspiracy theory
Jiménez, Francisca 75
Jiménez Díaz, Dr Carlos 151
Jiménez de Asúa, Luis 197, 208, 210, 221
Jiménez Ruiz, commandant
Manuel 146, 149, 159
Judge Advocate 61–2, 70–1, 90–1, 95, 98, 100, 107
role of in the military justice system 63, 102, 112–14
see also army, executions; military justice; Military Judicial Corps;
Military Supreme Court
Index

Julia, Santos 10, 17
Junta de Defensa Nacional de España, see National Defence Council
junta de requisa 47, 149
Juntas de Ofensiva Nacional Sindicalista (JONS) 75
Juventudes Socialistas Unificadas (JSU) 107, 112, 187
see also Popular Front

Karl, Mauricio 200
Kent, Victoria 209

La Democracia (newspaper) 134
La Libertad (newspaper) 89
La Rioja 66
Landaburu Mazarias, Eusebio 108
Law against ‘banditry and terrorism’ (1947) 225

Law for the Repression of Freemasonry and Communism (LRFC) 6, 14, 21, 25, 27, 144, 149, 163, 191, 199–200, 202–24, 229
derogation of 223
promulgation of 191–2
retractions 203–4, 219–20
Special Tribunal 14, 28, 144, 192, 205–14, 218–22
structure of 202–7
trials 213–14, 222
see also communism; conspiracy theory

Law of Jurisdictions (1906) 55–6, 58
Law of Political Responsibilities (LPR) 5, 7, 14, 21–2, 25–6, 93, 100, 131–2, 135–64, 167–70, 177, 181–2, 189, 199–200, 202, 224, 227
1942 reform of 25–6, 161–3
Articles of 138–46
crisis of 23, 26, 143, 151–6, 160, 162–4
derogation of 26, 163–4
drafting of 137–8
Madrid regional tribunal 146–7, 149, 151–4, 162, 182
see also Civil responsibilities,
Nationalist punishment of
League for the Rights of Man 202, 217
Ledesma Ramos, Ramiro 75
Leiva, José 83, 97
Leo XIII 194
León 17, 134, 168
León Encinas, captain José 32
León, Emilio 190
Lerroux, Alejandro 47
Les Documents Maçonniques (journal) 194

Levant 195
Ley de vagos y maleantes 78
Libya 8, 228
Linares Ramírez, Perfecto 115
López de Letona, Alfonso 103
López de Riccerzo, Dr José María 127
López Herrador, Julián 167
López Massot, captain Lucas 64
López Ochoa, lieutenant-general 34
López Zazaro, Mariano 167
Los Santos de la Humosa (Madrid) 156
Losas, colonel 29–30
loss of empire (1898) 55, 195
see also Africanistas
Lozano, Juan 59
LPR, see Law of Political Responsibilities
LRFC, see Law for the Repression of Freemasonry and Communism
Lugo 226
Luna, José 189

Macías, Santiago 17

Madrid
and murders in the civil war 2, 10, 18, 25, 33–9
civil war living conditions 33
Madrid (cont.)

failure of military rising in 49, 53
Freemasons in 27, 195, 197,
209–10, 213–19, 221
occupation of 19, 20–32, 34, 39,
41–2, 46, 178–9
post-war executions in 11, 15–19,
44, 52, 100–6, 108–16, 228
post-war living conditions in 165–7
post-war reconstruction of 50–2,
188
prison overcrowding in 22, 43, 83,
128
purge of businesses/workforce 19–20, 26, 148, 168,
178–80, 185–9
‘Red’ reputation of 10, 47–50
resists Nationalists in the civil
war 10, 25
and Spanish historiography 10–11
see also concentration camps; Fifth
Column; forced labour; Law for
the Repression of Freemasonry
and Communism; Law of
Political Responsibilities, military
justice; prisons/prisoners

Madrid (newspaper) 34, 50
Madrid city council, see Ayuntamiento
de Madrid
Madrid College of Architecture 180, 184
Madrid College of Lawyers 27, 148,
198
Madrid Press Library 81
Madrid University 143, 151, 189
Maestro, José 59
Maizanada Gómez, Alberto 121
Málaga, 61
see also Andalucía
Manchester Guardian (newspaper) 35
Manzaneque y Feltrer, colonel
Ángel 60
Maquis 225
Marín, Rafael 110

martial law:
declared (1936) 4, 53–4
declared in Madrid 19, 39–40, 106,
162
see also army; military justice
Martin Pinillos y Blanco de Bustamente,
colonel 74
Martínez, Petra 87
Martínez Anido, general 41
Martínez del Olmo, Julio 75
Martínez Fuset, lieutenant-colonel 103
Martínez Huedo, Miguel 69
Martínez Martinez, Miguel 64
Mathias, Bernando A 209, 215 n. 122
Mayoral Fernández, Emilio 
colonel 41
Mein Kampf 193
Melero Medraño, Enrique 110
Méndez Leyra, José 65
Menéndez y Pelayo, Marcelino 173
Mera, Ciprano 16
Mesa Velázquez, Guillermo 38–9
Miaja, general 35 n. 37
Miguel de Unamuno concentration
camp 72, 74
Military Judicial Corps 1, 21, 32, 34,
60–5, 83–4, 86, 106, 143, 162
see also army; Judge Advocate;
military justice; Military
Supreme Court; Law of Political
Responsibilities
military justice 4–5, 14–21, 26,
39–41, 52–130, 163, 167–8,
172–3, 181, 186, 190, 200, 224–5
and the 1890 Military Justice
Code 56, 58–9, 60 n. 40, 62, 72,
87, 101–9, 129, 142, 144, 211
institutionalization of 17–18, 58–61
and ‘military rebellion’ 5, 19–20,
26, 53, 57, 59, 62–3, 70–2, 75–6,
86–9, 106, 128–9, 132, 200
and the police 77–8
military justice (cont.)
and the public 40, 80–2, 91–5
post-war crisis of 22, 26, 85, 90–2, 95–6, 128–9
and sentencing by military tribunals 26, 62–3, 70, 86–9, 96–116
wide scope of 20–1, 41, 65–9, 167
see also army; executions; Judge Advocate; Madrid; Military Judicial Corps; Military Supreme Court; prisons/prisoners
military rising of July 1936:
declared legitimate by the Bellón Commission 2
Military Supreme Court 1, 59, 63–4, 70–2, 107
see also army; Judge Advocate; military justice; Military Judicial Corps
Mira Verdullas, Teresa 69
Miranda, Gregorio 42, 44
Miranda Martín, Eleuterio 92
Model Prison (Madrid) 37, 43
Mola, general Emilio 49, 56, 58, 195–6, 201, 212, 219
Molán construction company 120
Moncada y Ortiz, Francisco Ramón 203
Monet y Taboada, colonel Ricardo de 64
Montalvo Sanz, Gaspar 93
Montaña barracks 53, 65, 67, 83
Moral Pérez, Joaquín del 219–20
Morán González, Joaquín 91–2
Morán Moranda, Fernando 141
Moreno Tabares, Julia 38
Morente, Francisco 175, 183
Moscardo, colonel 133
Mota Montero, Avelino 190
Moulane, Pedro 212
Moya Blondel, Nicolás 148
Moya Izquierdo, Eloy 113
Muñoz Grandes, general 48, 58, 71
Muñoz Martinez, Manuel 66
Mussolini, Benito 124, 193, 227
Múzquiz y Ayala, lieutenant Carlos 147, 152–3
Nájera Sevillano, Gregorio 79
National Defence Council (Junta de Defensa Nacional de España) 4, 53–4, 205
National Housing Institute 155
National Police Service 45
National Propaganda Service 52
National Sports Council 168
National Wheat Service 166
Natividad, María 189
Navacerrada Arias, Antonio 76
Navalcarnero (Madrid) 52, 60, 64, 215 n. 122
Navalgamella (Madrid) 109
Navarre 18
Negrache, Luis 112
Negrin, Juan 33, 47, 208–9
Nicholson, Harold 36
Nieto Antúnez, Luis 51
Nieto Castaneda, Lucas 97
Northern Railway Company 91, 172, 186
Norway 24
Núñez Diaz-Belart, Mirta 11, 15
Oche, Ramón de 211, 214–15, 218, 220–1
October 1934, revolutionary insurrection of 1–2, 22, 34, 57, 132, 139, 171–2, 175
Olympic Committee 168
Order Column and Occupation Police 41, 47
Osram Electrical Company 150
Oviedo 135, 137, 154
Ovin Cortés, Manuel 91–2
Palacio de Justicia, Salesas Square 52, 97
Palacios, Manuel 51
Palacios de Pablo, Ricardo 171
Palacios Gómez, Manuel María 150
Palau, José Luis, captain 1
Pamplona 187
Paracuellos de Jarama (Madrid) 34–5, 38
Pardo, Gonzalo 150
Pardo de Atín, sergeant Fernando 113–14
Parrondo Mata, Jesús 187
see also communism; Popular Front
Partido Socialista Obrero Español (PSOE) 19, 49–50, 98, 109–10, 112, 198, 208–9, 217
see also UGT; Popular Front
Pascual, Granel 205
PCE, see Partido Comunista de España
Peces-Barba, Gregorio 110
Pedrero, Ángel 40–1, 163
Pemán, José María 173–4
Peña, Dr Leonardo de la 151
Peña Soria, Dominica de la 82
Penal Code: (1850) 132
(1932) 132, 142, 221
Perales de Tajuna (Madrid) 72
Pérez, Basílisa 96
Pérez, Carlos 189–90
Pérez, colonel Luis 71
Pérez, Joaquín 212
Pérez del Pulgar, father 120
Pérez del Río y Valdepares, Luis 137
Pérez González, Blas 148
Peterson, Sir Maurice 36, 203 n. 66
Philippines 210
Phillips, A.V. 15
Pla y Deniel, Dr, bishop of Salamanca 6–7
Plaza Mayor, central Madrid square 31
political commissars 114–16
‘criminal’ nature of 2, 40, 224
property confiscated 134–5, 155
supporters subject to the LPR 26, 139, 153, 156
Popular Party 17
Porlier, prison 16, 43, 191
Portela Valledares government (1935/6) 139–40
Portela Villadares, Manuel 149
Portillo, Salvador 215
Portugal 8, 77, 213, 219
Prada, lieutenant-colonel Adolfo 29, 72
Presidencia del Gobierno 14, 21, 86, 142, 159–60, 205–6, 218, 221
Primo de Rivera, general Miguel 56, 58, 227
Primo de Rivera, José Antonio 37, 212
Primo de Rivera, Miguel 188
prisons/prisoners 5, 7, 22, 24, 78–9, 118, 120
parole of 24–5, 85–6, 116–17, 121–7, 224, 226
see also concentration camps;
executions; forced labour;
Madrid; military justice
Proa (newspaper) 134
PSOE, see Partido Socialista Obrero Español
Public Order Law of 1933 57
Puente de Vallecas (Madrid) 91, 103
Puerta del Sol, central Madrid square 16, 51
Index

¿Qué Pasa? (journal) 212
Queipo de Llano, general Gonzalo 61
Quijorna (Madrid) 188
Quiroga, Casares 69
Radao Arribas, Antonio 147
Radical party 197, 217–18
Radical–Socialist party 197, 217–18
Radio Paris 222
Rascon Ramírez, Manuel 113
Rastro, Madrid flea market 186
Rato García, Ignacio 31
Real Madrid 37, 169 n. 18
Redemption of Sentences through Work scheme 5, 119
see also concentration camps; forced labour; military justice; prisons/prisoners
Redenció (journal) 21–2, 99
Redondo Ortega, One’simo 75
Reig Tapia, Alberto 12
Rentería, Julio de 27–8
Renton, Donald 60 n. 43
Republican repression during the civil war 2, 3, 9, 34, 45–6, 64, 66, 71, 78, 90, 92, 94, 108–114, 144–5, 155, 158, 171–2, 218–19, 228
see also Caja de Reparaciones; executions; Madrid; military justice; prisons/prisoners; Special Tribunal for Civil Responsibilities, Republican
Retiro Park, Madrid 44
Reuter news agency 42
Rey Stolle, Dr. 127
Ribas de Jarama (Madrid) 36, 72
Richards, Michael 18 n. 103, 226
Rio Rodríguez, Cirilo del 140
Rivas Cherif, Ciprano de 98
Robles, Gil 196, 198
Rodríguez, Fernando 186
Rodríguez, Melchor 35 n. 37
Rodríguez, Melquesidez 96, 124
Rodríguez, Tomás, count of Rodezno 21, 137, 202 n. 54
Rodríguez Fuentes, Juan 145, 182
Rodríguez Vázquez, Eulalia 110
Rodríguez Velasco, Amacio 167
Rojas, Antonio 11
Roldán, Eduardo 42
Román Sánchez, Natalia 97
Román construction company 120
Rosal, Amaro del 45–6
Rosenbe, Manuel 216
Rotary Club 199 n. 43, 202, 213, 221
Rubiera, Carlos 124
Rubio Sánchez, María Jesús 82
Ruiz del Portal, lieutenant-colonel 178
Ruiz, Ángel 185–6
Ruiz, Teófilo 169
Rutherford, Jimmy 60 n. 43
Sáez Montes, Apolinar 110–11
Sahelices Otero, Quirino 181
Sainz Rodríguez, Pedro 138, 202 n. 62
Salamanca archive 14, 199–200, 203, 207, 225
see also Law for the Repression of Freemasonry and Communism
Salamanca, district of Madrid 30
Salamanca University 144
Salas, Ángel 216
Salas Larrazábal, general Ramón 15, 35
Salgado, José 209, 216
Saliquet Zulueta, general Andrés 21, 57, 103, 113, 166, 205
Salvador Merino, Gerardo 216–17, 219–20
San Martin de Valdeiglesias (Madrid) 109
San Sebastián 146, 199 n. 43
Sánchez, Simón 30
Sánchez Caballero, commandant Emilio 70
Sánchez Cerezo, Juan 148–9
Sánchez de Muniaín, José 22
Sánchez Guerra, Rafael 42, 44, 65, 81, 83, 84 n. 164, 99, 169 n. 18
Sánchez Román, Felipe 154
Sancho Romero, Pablo 211–12
Sanjurjo, general José 56, 58, 219
Santos Ramírez, Julián 94–5
Sanz, Ángel 122, 124, 224
Sanz, Fernando 82
Sanz Fernández, Primitivo 92–3
schoolteachers, purge of 13, 52, 167–8, 173–5, 181, 183–4
see also civil service, purge of; Madrid
Scott-Ellis, Priscilla 30
Second Republic 20
declared illegitimate by the Bellón Commission 2
depicted as a creation of Freemasonry 197–8
Second World War 9, 25, 99, 105, 125, 127, 226–8
Segovia 66, 76, 83, 146, 154
Segoviano Oteró, Aureo 108
Serrano Suñer, Fernando 113
Serrano Suñer, José 113
Serrano Suñer, Ramón 34, 37, 40, 48, 50–1, 113
appoints Bellón Commission 1
coins justicia al revés 5
Servicio de Información Militar (SIM) 40, 163
Servicio de Información y Policía Militar (SIPM) 20, 32, 147
Sevilla González, Liberato 96
Seville, 83, 146, 172, 196, 198, 226
see also Andalucía
Silva, Emilio 17
Sindicato Nacional Ferroviario (SNF), see UGT
Socorro Rojo Internacional (SRI) 92, 186, 190
Solé i Sabaté, Josep 12
Sotelo, Calvo 2–3
Soto Rojo, private Emilio 69
Southern Railway Company 172
Souto, María Jesús 226
Soviet Union 114, 125, 128, 145, 182
Spanish Anti-Masonic Union 195
Spanish Morocco 56–7, 228
see also Africanistas
Special Tribunal for Civil Responsibilities, Republican 45, 133
see also Caja de Reparaciones
sport and leisure associations, purge of 7, 26, 168–9
Stalin, Joseph 128
State Security Law (1941) 107, 129, 211
Suñer, Enrique:
as president of the LPR national tribunal 143–5
and the purge of schoolteachers 174
Telefónica 31, 110, 172
Teruel 226
Tetuan de las Victorias, district of Madrid 38
The Times (newspaper) 172
Tielmes (Madrid) 72
Toledo 60, 64, 66, 91, 133, 146, 154
Toledo y Robles, Romualdo 1
Torrejón de Ardoz (Madrid) 34–5, 38, 87, 91
Torrejos, prison 77
Torrelaguna (Madrid) 16 n. 88, 52, 64
Torrente Fortunio, Vicente 213
Torres, Manuel 210
Torres de la Torre, Joaquín 103
Torres Guerrero, Miguel 82–3
Torres Muñoz, José Antonio 31
Tragic Week (1909) 56
Triana, Javier 219
Tusquets, Juan 196, 198, 201
<table>
<thead>
<tr>
<th>Index</th>
<th>257</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ulibarri y Eguilaz, Marcelino</td>
<td>de 199–200, 205</td>
</tr>
<tr>
<td>Ungria, colonel Jose</td>
<td>32, 45</td>
</tr>
<tr>
<td>Union General de Trabajadores (UGT)</td>
<td>50, 75, 91, 109, 112, 148, 171, 182, 186–7, 217</td>
</tr>
<tr>
<td>see also PSE; Popular Front</td>
<td></td>
</tr>
<tr>
<td>Union Republicana (UR)</td>
<td>112, 184 n. 101, 210, 217</td>
</tr>
<tr>
<td>see also Popular Front</td>
<td></td>
</tr>
<tr>
<td>United Nations</td>
<td>222</td>
</tr>
<tr>
<td>University City, Madrid</td>
<td>29, 51</td>
</tr>
<tr>
<td>UrquiJo Bank</td>
<td>182, 187</td>
</tr>
<tr>
<td>Urzaiz, major</td>
<td>33 n. 24</td>
</tr>
<tr>
<td>Utera Rosado, Juan</td>
<td>150</td>
</tr>
<tr>
<td>Vaciamadrid (Madrid)</td>
<td>36</td>
</tr>
<tr>
<td>Valdepielagos (Madrid)</td>
<td>109</td>
</tr>
<tr>
<td>Valdes, Manuel</td>
<td>37, 42, 48</td>
</tr>
<tr>
<td>Valencia</td>
<td>55, 213</td>
</tr>
<tr>
<td>Valiente Garcia, Heracilio</td>
<td>191</td>
</tr>
<tr>
<td>Valiente Hernández, private</td>
<td></td>
</tr>
<tr>
<td>Valiente</td>
<td>65</td>
</tr>
<tr>
<td>Valladolid</td>
<td>48, 57, 59, 200</td>
</tr>
<tr>
<td>Valle García, José del</td>
<td>150</td>
</tr>
<tr>
<td>Vallecas (Madrid)</td>
<td>36, 72</td>
</tr>
<tr>
<td>Valley of the Fallen (Cuelgamuros)</td>
<td>120</td>
</tr>
<tr>
<td>Ventas bullring</td>
<td>44</td>
</tr>
<tr>
<td>Ventas, prison</td>
<td>43, 96, 118</td>
</tr>
<tr>
<td>see also women</td>
<td></td>
</tr>
<tr>
<td>Ventoso, Maria</td>
<td>84</td>
</tr>
<tr>
<td>Vicálvaro (Madrid)</td>
<td>36</td>
</tr>
<tr>
<td>Vidal Torres, Julián</td>
<td>20</td>
</tr>
<tr>
<td>Vidal y Moya, Antonio</td>
<td>27–8</td>
</tr>
<tr>
<td>Villanueva de la Cañada (Madrid)</td>
<td>188</td>
</tr>
<tr>
<td>Villaverde (Madrid)</td>
<td>36 n. 47, 80, 188</td>
</tr>
<tr>
<td>Vizcaya</td>
<td>73</td>
</tr>
<tr>
<td>Voigt, Frederick</td>
<td>35–6</td>
</tr>
<tr>
<td>Watters, George</td>
<td>60 n. 43</td>
</tr>
<tr>
<td>women</td>
<td>13, 42, 105, 118–19</td>
</tr>
<tr>
<td>Ya (newspaper)</td>
<td>165, 192–3</td>
</tr>
<tr>
<td>Yagüe, general Juan</td>
<td>88–9</td>
</tr>
<tr>
<td>Yeserías prison</td>
<td>96, 103, 120, 124, 128</td>
</tr>
<tr>
<td>Zabaleta Galván, commandant</td>
<td></td>
</tr>
<tr>
<td>Gonzalo</td>
<td>70–1</td>
</tr>
<tr>
<td>Zaragoza</td>
<td>13 n. 65, 18, 34, 55</td>
</tr>
<tr>
<td>Zorrilla Monasterio, José</td>
<td>148</td>
</tr>
<tr>
<td>Zorrilla y Ondovilla, Antonio</td>
<td>148</td>
</tr>
<tr>
<td>Zugazagoitia, Julián</td>
<td>98, 103</td>
</tr>
<tr>
<td>Zulueta, colonel</td>
<td>30</td>
</tr>
</tbody>
</table>