

**STALINISM ON TRIAL: SPANISH REPUBLICAN
LEGALITY, THE SOVIET UNION, AND THE PERFORMANCE OF
JUSTICE IN THE SPANISH CIVIL WAR, 1936-1939**

by

Jonathan Sherry

Bachelor of Arts, Eastern Kentucky University, 2009

Master of Arts, University of Pittsburgh, 2011

Submitted to the Graduate Faculty of
The Kenneth P. Dietrich School of Arts and Sciences in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy

University of Pittsburgh

2017

UNIVERSITY OF PITTSBURGH
DIETRICH SCHOOL OF ARTS & SCIENCES

This dissertation was presented

by

Jonathan Sherry

It was defended on

May 25, 2017

and approved by

William Chase, Professor, Department of History

Jonathan Harris, Professor, Department of Political Science

George Reid Andrews, Distinguished Professor, Department of History

Irina Livezeanu, Associate Professor, Department of History

Copyright © by Jonathan Sherry

2017

For Robert “Bob” Topmiller (1948-2008)

That his passion for history, justice, and peace live on through the work of others.

“Wars never really end for those who participate in them.”

Dr. William Chase

**STALINISM ON TRIAL: SPANISH REPUBLICAN LEGALITY, THE SOVIET UNION,
AND THE PERFORMANCE OF JUSTICE IN THE SPANISH CIVIL WAR, 1936-1939**

Jonathan Sherry, PhD

University of Pittsburgh, 2017

This dissertation analyzes judicial politics in Republican Spain during the Spanish Civil War. It examines the relationship between the Republican government and its Soviet ally by way of a micro-history of the prosecution of the leadership of the dissident communist *Partido Obrero de Unificación Marxista* (POUM; Workers Party of Marxist Unification). The prosecution took place amidst the mass repressions and show trials in the Soviet Union, and given the growth of communism in Spain during the war, many have conceptualized the POUM's trial as an extension of the Moscow trials to Republican Spain. This dissertation challenges interpretations of Soviet involvement in Spain that attribute political repression to vacuous notions of "Stalinism" and the all-powerful hand of Moscow. Interrogating the notion of the "Moscow Trial in Spain," it reconsiders the political influences that shaped the prosecution and draws upon previously unused archival material. It argues that the prosecution of the POUM leadership should be understood within the context of a broader state-building effort led by Prime Minister Juan Negrín.

While the POUM's prosecution reflected the material circumstances in which it took place, Negrín's judiciary remained firmly dedicated to a conception of Republican legality that preserved the rights of the accused and provided guarantees to the defendants. In the struggle for control over the prosecution between Spanish Republican officials and Soviet-affiliated advisors,

the former prevailed over the latter, with Negrín acting as a skilled mediator between the two parties. The trial represented the finale of the long and contentious debate about what form justice should take in a nation in the throes of revolution and civil war; it was a judicial performance of Republican state power that rejected the Moscow trials in both form and content. Rather than providing Soviet representatives an opportunity to extend their campaign against “Trotskyism” to Spain, the prosecution constituted a sharp rebuke of Soviet politics. The project re-conceptualizes the Premiership of Juan Negrín, rejecting interpretations of Soviet subservience and control. It also illustrates how the wartime Republican state used its judiciary as both an instrument of social control internally and a platform for communicating Republican politics abroad.

TABLE OF CONTENTS

INITIALISM GLOSSARY	xii
ARCHIVE GLOSSARY	xiii
ACKNOWLEDGEMENTS	xiv
0.0 INTRODUCTION: THE BATTLE OVER SPAIN: POLEMIC AND COLD WAR IN SPANISH CIVIL WAR HISTORIOGRAPHY	1
0.1 HISTORICAL BACKGROUND	5
0.2 ARGUMENTS, CONCEPTUALIZATION, AND CHAPTER SUMMARY	11
0.3 POUM EXILE LITERATURE AND THE COLD WAR	16
0.4 WALLS FALL, ARCHIVES OPEN: POST-COLD WAR SCHOLARSHIP	22
0.5 POUM TRIAL LITERATURE AND THE CONTINUING POLEMIC	27
0.6 CONCLUSION	31
1.0 ¿DÓNDE ESTÁ NIN? SOVIET INVOLVEMENT IN SPAIN AND THE POUM ARRESTS IN DOCUMENTS AND DISCOURSE	33
1.1 FRAMING THE POUM: THE DISAPPEARANCE OF ANDREU NIN	35
1.2 GOVERNMENT RESPONSES TO NIN’S DISAPPEARANCE	41
1.3 INVESTIGATIONS INTO NIN’S DISAPPEARANCE	51
1.4 NEGRÍN AND THE COMMUNISTS	64
1.5 CONCLUSION	70
2.0 THE SOVIET SHOW TRIAL AS EXPORT? JUSTICE AND LEGAL CULTURE IN THE SPANISH REPUBLIC AT WAR	72
2.1 THE “CLAWS OF STALINISM” IN SPAIN	78

2.2	SOVIET POLITICAL CULTURE AND THE POUM TRIAL	82
2.3	SPANISH AND INTERNATIONAL AUDIENCES	89
2.4	CONCLUSION: THE SHOW TRIAL AND STATE LEGITIMATION	94
3.0	THE INSTITUTIONALIZATION OF “PEOPLES JUSTICE”: FROM POPULAR JUSTICE TO THE POPULAR TRIBUNALS	97
3.1	FROM REVOLUTIONARY JUSTICE TO THE FIRST POPULAR TRIBUNALS	101
3.2	CATALAN JUDICIAL REFORMS AND THE REMOVAL OF NIN FROM THE GENERALITAT	113
3.3	JUDICIAL REFORM IN EARLY 1937 AND THE MAY EVENTS	128
3.4	CONCLUSION	139
4.0	NEGRÍN’S MANDATE: PUBLIC ORDER AND JUDICIAL REFORM AFTER MAY AND THE CREATION OF THE SPECIAL TRIBUNAL FOR ESPIONAGE AND HIGH TREASON	141
4.1	AFTER THE MAY EVENTS: THE POUM ARRESTS IN THE CONTEXT OF THE NEGRÍN TRANSITION	145
4.2	POLICE AND PUBLIC ORDER REFORM AFTER MAY 1937	161
4.3	MANUEL DE IRUJO AND JUDICIAL REFORMS AFTER MAY 1937	177
4.4	TOWARDS THE PROSECUTION OF THE POUM: THE CREATION OF THE SPECIAL TRIBUNAL FOR ESPIONAGE AND HIGH TREASON	186
4.5	CONCLUSION	195
5.0	CRISIS AND WAR: THE PREPARATION OF THE POUM TRIAL, SUMMER 1937-AUTUMN 1938	198
5.1	STRUCTURE AND FUNCTIONING OF THE TEEAT	202
5.2	THE ORDER OF PROSECUTION, STATE PROSECUTOR JOSÉ GOMÍS, AND THE COMINTERN’S <i>COMISIÓN DEL PROCESO DEL POUM</i>	215

5.3	INVESTIGATING THE POUM: SPECIAL JUDGE MIGUEL DE MORA REQUEJO, THE POLICE, AND THE TEEAT	231
5.4	THE MOVE TO BARCELONA, TEG, AND THE CONCLUSION OF THE POUM TRIAL INDICTMENT	241
5.5	CONCLUSION	260
6.0	<i>EL POUM EN EL BANQUILLO: THE TRIAL PROCEEDINGS AND THE PERFORMANCE OF STATE POWER</i>	266
6.1	THE SPANISH REPUBLIC DURING THE TRIAL	271
6.2	COURTROOM AS STAGE: QUESTIONING THE DEFENDANTS	279
6.3	THE CASE COLLAPSES: PROSECUTION WITNESS TESTIMONY	299
6.4	HIGH POLITICS IN THE COURTROOM: DEFENSE WITNESS TESTIMONY	309
6.5	DEFINING ANTIFASCISM: TWO NARRATIVES OF STRUGGLE	319
6.6	CONCLUSION: JUDGMENT AND LEGITIMACY	329
7.0	CONCLUSION: RECONSIDERING JUAN NEGRÍN AND THE POUM'S PROSECUTION	333
7.1	RECEPTION OF THE VERDICT IN SPAIN AND ABROAD	335
7.2	ANTI-COMMUNISM AND THE END OF THE WAR	340
7.3	AFTERWORD AND SUMMATION	343
7.4	CONCLUSION	347
	BIBLIOGRAPHY	350

LIST OF TABLES

Table 3.1. Tribunal composition and jurisdiction, March 1937	110
Table 4.1. Popular Front cabinet after the May events	148
Table 5.1. TEEAT cases (22 June 1937 – 2 November 1937)	244

LIST OF FIGURES

Figure 2.1. Vladimir Antonov-Ovseenko (left) and Catalan President Lluís Companys, c. November 1936	121
Figure 4.1. Judicial reforms from December 1936 to May 1938	179-180
Figure 5.1. Card sent by post demanding amnesty for the POUM prisoners	238
Figure 5.2. Carcel Modelo de Barcelona, where the POUM prisoners were held.	259
Figure 6.1. Negrín giving a speech to the departing International Brigades, October 1938 . . .	278
Figure 6.2. TEEAT headquarters and the site of POUM's trial, with patio in foreground . . .	279
Figure 6.3. POUM defendants Julián Gorkin (left) and Pedro Bonet (right) during the trial of the POUM	283
Figure 6.4. Lenin Barracks, Barcelona, c. 1936. Note: George Orwell (Eric Blair) is the tall man, rear left	295
Figure 6.5. Military witnesses Antonio Cerdón, José Ignacio Mantecón, and Virgilio Llanos	301
Figure 6.6. PSOE leaders. Back row left to right: Marcelino Pascua, Julián Zugazagoitia, Juan Negrín, and Luis Araquistáin. Front row left to right: Indalecio Prieto, (Soviet trade rep.) Nikolai Ostrovsky, Francisco Largo Caballero, and Fernando de los Ríos.	310
Figure 6.7. Witnesses Manuel de Irujo, Julián Zugazagoitia, and Federica Montseny	315

GLOSSARY OF ORGANIZATIONS & INSTITUTIONS

CNT	<i>Confederación Nacional del Trabajo</i> (National Workers Confederation)
DEDIDE	<i>Departamento Especial de Información del Estado</i> (Special Department of State Information)
DGS	<i>Dirección General de Seguridad</i> (Central Directorate of Security)
ECCI	Executive Committee of the Communist International
ERC	<i>Esquerra Republicana de Catalunya</i> (Left Republicans of Catalonia)
FAI	<i>Federación Anarquista Ibérica</i> (Iberian Anarchist Federation)
GRU	<i>Glavnoye razvedyvatel'noye upravleniye</i> (Soviet Main Military Intelligence Directorate)
NKVD	<i>Narodnyi Komissariat Vnutrennikh Del</i> (Soviet Peoples Commissariat for Internal Affairs)
OVRA	<i>Organizzazione per la Vigilanza e la Repressione dell'Antifascismo</i> (Italian Organization for Vigilance and Repression of Anti-fascism).
PCE	<i>Partido Comunista Española</i> (Spanish Communist Party)
POUM	<i>Partido Obrero de Unificación Marxista</i> (Workers Party of Marxist Unification)
PSOE	<i>Partido Socialista Obrero Español</i> (Spanish Socialist Workers Party)
PSUC	<i>Partido Socialista Unificado de Cataluña</i> (Unified Socialist Party of Catalonia)
SIM	<i>Servicio de Inteligencia Militar</i> (Military Intelligence Service)
TEEAT	<i>Tribunal Especial de Espionaje y Alta Traición</i> (Tribunal of Espionage and High Treason)
TEG	<i>Tribunales Especiales de Guardia</i> (Special Guard Tribunals)

GLOSSARY OF ARCHIVES

AFJN	<i>Archivo Fundación Juan Negrín</i> , Las Palmas de Gran Canaria, Spain.
AFPI	<i>Archivo Fundación Pablo Iglesias</i> , Madrid, Spain
AHN	<i>Archivo Histórico Nacional</i> (National Historical Archive), Madrid, Spain.
AH-PCE	<i>Archivo Histórico del Partido Comunista de España</i> (Historical Archive of the Communist Party of Spain), Madrid, Spain.
AHPS	<i>Archivo Histórico Provincial de Salamanca</i> (Provincial Historical Archive of Salamanca), Salamanca, Spain.
ALBA	Abraham Lincoln Brigades Archives, Tamiment Library and Robert F. Wagner Labor Archives, New York University, New York.
CDMH	<i>Centro Documental de la Memoria Histórica</i> , in the <i>Archivo Histórico Nacional – Sección Guerra Civil</i> (National Historical Archive – Civil War Section), Salamanca, Spain.
CEHI	<i>Centre d’Estudis Històrics Internacionals</i> (Center for International Historical Studies), Universitat de Barcelona, Spain.
DÖW	<i>Dokumentationsarchiv des österreichischen Widerstandes</i> (Archive of Austrian Resistance), Vienna, Austria.
EIEF	Eusko Ikaskuntzaren Eukomedia Fundazioa (Eukomedia Foundation for Basque Studies)
GARF	<i>Gosudarstvennyi Arkhiv Rossiiskoi Federazii</i> (State Archive of the Russian Federation)
HMM	<i>Hemeroteca Municipal de Madrid</i> (Municipal Newspaper Library of Madrid), Madrid, Spain.
RGVA	<i>Rossiiskii Gosudarstvennyi Voennyi Arkhiv</i> (Russian State Military Archive), Moscow.
RGASPI	<i>Sotsialno-politicheskoi Istorii Rossiyskii Gosudarstvennyi Arkhiv</i> (Russian Archive for Socio-political History), Moscow.
TsA FSB	<i>Tsentral’nyi Arkhiv Federal’noi Sluzhby Bezopasnosti RF</i> (Central FSB Archive of the Russian Federation), Moscow.

ACKNOWLEDGEMENTS

This dissertation is the product of eight years of intensive study, language training, research, and writing. It simply would not have been possible without the generous funding of several fellowship organizations and the intellectual, scholarly, and emotional support of numerous individuals – colleagues, friends, and family. It is my hope that the work itself will to some extent function as a way of saying thank you. But these lines will do it directly and without pretension.

I would like to thank the Institute of International Education's Fulbright Program, the Comisión Fulbright España, the Council for European Studies, the Andrew Mellon Foundation, the Botstiber Institute for Austrian-American Studies, the Foreign Language and Areas Studies program, the European Union Center of Excellence/European Studies Center at the University of Pittsburgh, and the Russian and East European Studies Center at the University of Pittsburgh. Together, these organizations have supported my research and writing, some of them on multiple occasions. I am forever grateful for their support.

Over the last decade, I have accrued an enormous number of debts to scholars, archivists, colleagues, teachers, activists, and friends. Firstly, I must say that Dr. William Chase has been the most important, resourceful, kind, supportive, and understanding advisor that a PhD student could ever hope to have. A true Stakhanovite, Dr. Chase never stopped working to aid in the success of my work. He never let me forget the value of rigorous historical research, often putting his own life on hold for the sake of my project. He has also believed in me every step of the way, even when I did not. I am absolutely certain that the present work would be a mish-mash of blithering nonsense without his wisdom, judgment, and guidance. Dr. Daniel Kowalsky, whose work greatly inspired this project, provided invaluable assistance and guidance. He selflessly supported me an ocean away. I thank him not only for his profound expertise on the Spanish Civil War, but also for his kindness and humanity. This project would never had existed had it not been for Dr. Kowalsky's own masterly work. I must also give thanks to Dr. Jonathan Harris, who provided critical support in reading and editing my work and always forcing me to be precise and explain. I owe a debt of gratitude to Dr. George Reid Andrews and Dr. Irina

Livezeanu for their support on my dissertation committee. Their criticism and suggestions have strengthened the work greatly. From the University of Pittsburgh, I must also thank Dr. Janelle Greenberg and Dr. Bernard Haggerty for forcing me to see the project through.

The project has been shaped by conversations, debates, and interactions with many graduate colleagues and students in the United States and Spain. Without their critical eye, the project no doubt would have died in infancy. First and foremost, I must thank my colleagues from the University of Pittsburgh. Everything begins with Dr. Andrew Behrendt, whose erudition and kindness has exceeded that of any friend and colleague that I have ever met. Some day he will understand how important he has been for my work. Lucy Behrendt also deserves a special place here for her support and perspective. I have to also thank Dr. Brian Shaev, Dr. Samantha Lomb, Jesse Olsavsky, Dr. Oana Adelina Stefan, Dr. Natalie (Tasha) Kimball, Justin Classen, Isaac Curtis, Yevan Terrien, and Ali Yildiz.

I have met numerous people abroad whose input, assistance, guidance, and friendship kept me sane through the years of tedious archival research. The first on the list is Teresa Tiburcio Jiménez, whose tenacity, generosity, intellect, and compassion always kept me on my toes. If ever there were an epicentro of elite scholars and friends worthy of mention, it would be the loving comrades whom I met in the Fulbright España fellowship program. I never would have completed the often-tedious archival work for this project without the moral support of Carolina Alarcon, David Cantor-Echols, Mariel Gruszko, and Sarah Murray.

I want to thank Dr. Josep Puigsech Farràs, Dr. Francisco Morente Valero, and Dr. Joel Sans of the Universitat Autònoma de Barcelona's Grup d'Estudis sobre República i Democràcia for welcoming me into their scholarly community during my stay as Visiting Researcher in Cerdanyola del Vallès and Barcelona. I would not have known where to start without the support of Dr. Puigsech, who has been by my side for six years. I also must thank Dr. Enrike Moradiellos for his assistance and warm-heartedness, and his helpful input on my work. I would also like to thank the archivists and colleagues at the Centre d'Estudis Històrics Internacionals, who were always helpful and kind over the years, especially Lourdes Prades-Artigas.

Very special thanks must go out to Carmen Negrín Fetter for her friendship, assistance, and generosity at the Fundación Juan Negrín in Las Palmas de Gran Canaria. My research would lack a great deal of depth and perspective had it not been for her efforts, as well as those of other colleagues at the Fundación including José Medina Jiménez, Sergio Millares, and Susana. Their

work and dedication has facilitated the recent opening of the archive of Juan Negrín López, a collection that is sure to change the field of Spanish Civil War history. A special thanks is owed here to Dr. Ángel Viñas, whose advice and encouragement aided me in locating crucial archival material in the Negrín archive in Las Palmas. A special thanks also goes out to my long-time colleagues Dr. Gina Herrmann, Dr. Glennys Young, Dr. Olga Novikova-Monterde, and Dr. Immaculada Colomina for their kindness and camaraderie in various workshops and conferences over the years.

I also want to thank all of the people in Las Palmas de Gran Canaria who accepted me into their strange and wonderful world and made me feel like anything but a foreigner. These include the always mindful Antonio Casteres Olarreaga, Francisco José Costa Morales, Guacimara Garcia Peres, Yllenia Álvarez Gil, Teodoro Nelson, and Samuel Espino Rodríguez. There are also some close friends who just would not go away through the years, and the better for it. A special thanks is in order for Diana and Nicusor Cartacai, Chris Finnigan, Meela Harris, Manu Nieto, and Stephanie de Goeijen.

I want to also thank the colleagues in London who made my stay as Visiting Researcher at the London School of Economics Cañada Blanch Centre for Contemporary Spanish Studies enjoyable (in spite of the weather). First and foremost, I want to thank Dr. Paul Preston, who has generously given his time to read and critique my work. His suggestions have been critical for shaping the project, and his kindness has exceeded all of my expectations. I want to also thank Dr. Helen Graham not only for her profound intellectual agility, but also her contagious enthusiasm for the study of the Spanish Civil War. Special thanks must also go out to the other colleagues and friends that I met during my time in London, including Dr. Sebastian Balfour, Dr. Anna Hájková, Susana Grau, Sebastian Brown, Fraser Raeburn, and others.

The final and most heartfelt expression of appreciation and gratitude must go to my friends and family back home in Kentucky. The project simply would not have been possible without the friendship and loving support of David and Pamela Sherry, and my wonderful and sarcastic siblings Matt, Jack, and Lizz. Thanks also to Michael and Margaret Sherry and Nick and Linda Heiny for their support. A very special thanks must go also to Jesse Bradberry, Maggie Peake, and Cambron Carter, who always inspired me to persist and continue even if they did not quite know it, and who also managed to teach me a thing or two about music, life, and friendship along the way.

INTRODUCTION

THE BATTLE OVER SPAIN: POLEMIC AND COLD WAR IN SPANISH CIVIL WAR HISTORIOGRAPHY

Historians and intellectuals almost always discuss the Spanish Civil War by way of subsequent events. The trend is just as marked in public discourse as it is in academic study. Whether intellectuals conceptualize the conflict in terms of WWII as the “first chapter” in the great battle between the Axis and Allied powers or in the Cold War lexicon as a struggle against Communist domination, the ideological and historical complexity of the conflict is often swept under the carpet. Its points of contingency are obscured and the contemporaneity of events is lost. Notions of Soviet dominance in Spain and the USSR’s “betrayal” of the Republic remain mainstream. Curiously, the narratives of many leftist scholars who retroactively deploy Cold War categories and attribute the Republic’s defeat to abstract concepts of “Stalinism” tend to complement the teleological arguments of Francoist and neo-Francoist historians who portray the conflict as a righteous crusade against communism. Recourse to narratives of “Stalinist” totalitarianism in Spain may have been an easy way for statesmen in the western democracies to ease their consciences *post hoc*, especially given their outright refusal to aid the Republic on the pretext of “neutrality.” But the Republic’s diverse and pluralist political culture cannot be reduced to the banal generalities generated in the age of the Pact of Forgetting.¹ The durability of such anti-Soviet narratives is testament to their emotional power and their neat fit into the global Cold War meta-narrative. This dissertation draws on extensive archival research to challenge such reductionism. It offers a new history of wartime Spanish Republican politics that seeks to articulate the contingencies and complexities of civil war Spain. Specifically, it uses the repression and prosecution of the dissident communist *Partido Obrero de Unificación Marxista* (POUM) as a lens to view the fragile Popular Front coalition and the Republic’s uneasy relationship with its only effective ally – the USSR.

¹ Both the left and right agreed to the *pacto del olvido* in the wake of Franco’s death in 1975, which was legally codified by the 1977 Spanish Amnesty Law in order to stave off political conflict during the transition to liberal “democracy.”

Although the interventions of German, Italian, and Soviet forces certainly expanded the scale and brutality of the war, its origins were domestic. While the Republic's demise came in the context of this internationalization, the Spanish Republic and Civil War were products of Spanish developments. They arose, at the most fundamental level, from conflicts between dichotomous classes with clashing social and economic interests: the large landholders and the landless peasants who worked on the *latifundias*; the new bourgeoisie that had benefited from the economic boom of WWI (despite the steady economic decline thereafter) and the militant anarchists who organized to protect wage laborers against the deleterious effects of industrialization; the powerful state-backed Catholic church and those illiterate and excluded from the corridors of power; the outdated but recklessly bold and top-heavy military caste and the liberals and socialists who sought to modernize Spain in the wake of the great geopolitical "losses" of 1898. Whether one classifies them as "inherited evils" of nineteenth century society or "modern evils" arising from the uneven economic development characteristic of rapid early twentieth century industrialization, these class conflicts erupted in violence and war when military conspirators rose against the Second Republic in July 1936 on the pretext of averting a "Red Spain."

Until recently, historians and contemporaries have remembered and written about the Spanish conflict using categories of analysis drawn from the Cold War and WWII. When viewed through an anti-Communist Cold War lens, the conflict appears as the first episode of Soviet expansionism or "imperialism." Even today, this interpretation remains conventional wisdom among prominent historians of Europe. The commentary of the late Tony Judt is telling. In *Thinking the Twentieth Century*, Judt remarked that, "communist strategy in Spain turns out to have been a dry run for the seizure of power in Eastern Europe in 1945."² In his recent study, *Terror und Traum: Moskau 1937*, historian Karl Schlögel wrote, "the Spanish battlefield became the space in which the transfer of experiences could take place, including experiences of the Moscow of 1937."³ Knowingly or not, both reiterated a longstanding interpretive tradition of Soviet involvement in Spain. The imposition of Soviet tropes on the history of the Spanish Republic has long been a common refrain. But the reduction of the Republic's political culture

² Tony Judt, *Thinking the Twentieth Century* (Penguin, 2012), 190.

³ Karl Schlögel, *Moscow 1937*, translated by Rodney Livingstone (Polity Press, 2012), 107.

and its ultimate fate to the foreign policy whims of the USSR obscures far more than it illuminates.

It is important that both Schlögel and Judt cite as an authority George Orwell's autobiographical book, *Homage to Catalonia*. His well written and perceptive but ultimately narrow account of the Civil War is certainly the most widely read book on the topic today. However, Orwell experienced Spain in a very specific way – his perception of Soviet activity developed within the anti-Stalinist milieu of the POUM. Orwell saw the repression of the *poumista* revolutionaries as a fundamental turning point, the consequences of which reached far beyond Spain. In Judt's words, Orwell was “exactly right” and “those who did not believe Orwell in 1939 would be forced to backtrack in later years.”⁴ The POUM, a small and mostly Catalan confluence of Marxist currents, was prosecuted by the Spanish Republic for its participation in the “May events” of 1937, in which revolutionary groups in Catalonia clashed with the Republican police apparatus. The Republic's trial of the POUM leadership, Schlögel wrote, “in fact took place, tolerated by a Republican government facing its own demise and under constant harassment by the communists.”⁵ The notion that the Spanish Civil War tells us more about “Stalinism” than it does about Spanish politics during the Second Republic has its origins in the late thirties, but it came to dominate thinking about the conflict during the Cold War.

The logic of Soviet political repression, so the narrative goes, well tested in the Spanish Republic, came to dominate Eastern Europe after 1945. The ideas that Orwell and other dissident (or independent, non-aligned) socialists and communists shared in the 1930s seemed in retrospect to be correct to many historians. This narrative has informed Anglo-American scholarship on the conflict and many authors have interpreted Spanish war as a chapter in the story of Soviet repression in the Stalin period. Of course, not all scholars share this view. As Paul Preston recently put it, Orwell's political analysis, “is deeply flawed by his acceptance of the partisan views of anarchist and POUM comrades as well as ignorance of the wider context.”⁶ Orwell, born Eric Blair, an English writer and intellectual who spoke no Spanish (nor Catalan), joined up with the anti-Stalinist, semi-Trotskyist POUM upon his arrival in Spain. He witnessed

⁴ Judt, 190.

⁵ Schlögel, 106.

⁶ See Paul Preston, “Lights and Shadows in Orwell's *Homage to Catalonia*,” Catalan Observatory seminar lecture, London School of Economics, 16 February 2017.

the May events and the subsequent repression and arrest of the POUM leaders in June 1937 before fleeing Spain in the first week of July. The experience shaped Orwell's understanding of the conflict and of the USSR.⁷ His *Homage to Catalonia* went on to inform a generation of western intellectuals, militants, and scholars, especially after WWII gave it a fresh significance.⁸

The well-known English self-proclaimed Trotskyist filmmaker, Ken Loach, brought Orwell's story to the big screen in his highly successful 1995 film about the POUM, *Tierra y Libertad*.⁹ Although the POUM's trial is not featured, the political takeaway from the film is clear: the "Stalinists" sabotaged the Spanish Revolution, disillusioned the Spanish working-class, and ultimately contributed to the Republic's defeat.¹⁰ In many respects that film serves as the motion picture version of *Homage to Catalonia*. As such, the film reproduces the limited scope and heavily partisan bias of the original book, despite the fact that Orwell had since altered his views, in part on account of conversations with the exiled former Spanish Republican Prime Minister Juan Negrín.¹¹ Nevertheless, the book remains a standard introduction to the Spanish Civil War today for both popular and academic readers, and Loach's film functions as the dominant way in which the broader public engages with the history and memory of the POUM and the Soviet role in Spain. This dissertation challenges the simplifications and political partialities characteristic of work on the POUM, and offers a critique of the general tendency within scholarship on the Spanish Civil War (from the far right to the far left) to understand Soviet involvement in Spain in totalitarian terms.

Not since the Russian Revolution had a conflict captured the imagination of the left to such an extent. The Spanish Revolution and Civil War was in many respects the great catalytic event of the interwar period for European intellectuals of the left. Its revolutionary and antifascist

⁷ Orwell's wrote of his time with the POUM in 1946, saying, "Thereafter, I knew where I stood... Every line of serious work that I have written since 1936 has been written, directly or indirectly, *against* totalitarianism and *for* democratic socialism... Innocent men were being falsely accused. If I had not been angry about that, I should never have written the book." George Orwell, *Why I Write* (London: Gangrel, 1946) [emphasis in text].

⁸ See Jonathan Sherry, "'Claws of Stalinism in Spain': Totalitarianism and the Spanish Civil War," in *The Holocaust Metaphor: Cultural Representations of Trauma in the 20th Century*, eds. Chiara Tedaldi and Anna Rosenberg (Peter Lang, forthcoming 2017).

⁹ The film grossed over 2.5 million US dollars in box office sales alone, 1.5 million in Spain. Ken Loach, *Land and Freedom*, DVD, Messidor Films (Barcelona: Cameo Media, 1995).

¹⁰ The film recounts the experiences of "David Carr" (Orwell) alongside the POUM, and the POUM's repression by hardened Stalinists. The film's historical advisor was the Trotskyist and historian of the POUM, Andy Durgan. The film sparked an intense public polemic in Spain on the left, which featured the former PCE leader, Santiago Carrillo, and the POUM's last general secretary, Wilebaldo Solano. For example see Solano's review in *Revolutionary History*, Vol. 6, No. 2-3 (summer 1996), 275-276.

¹¹ Preston, "Lights and Shadows in Orwell's *Homage to Catalonia*."

character attracted the left's attention and helped turn Spain's conflict into a global focal point. Perceptions of Soviet actions in Spain contributed very much to the fractures of the left that came to dominate the post-WWII world. The intellectuals who traveled to Spain out of idealism or simply to fight the rise of European fascism understood the war in many ways. What seemed to many to be a basic struggle of democracy versus fascism became much more complicated. The phenomenon of "Stalinism," and more precisely, Soviet actions in Spain, lay at the center of the divergence in interpretation of the Spanish conflict. It is no coincidence that Franz Borkenau and Orwell first categorized Nazi Germany and Stalin's USSR together using the term "totalitarian" in the immediate wake of the Spanish Civil War.¹²

0.1 HISTORICAL BACKGROUND

The origins of the Spanish Civil War can be traced to a variety of historical developments, but its immediate trigger was a military uprising against the Spanish Republic in July 1936. The war pitted the democratically-elected Popular Front coalition, composed of the *Partido Socialista Obrero Español* (PSOE), *Partido Comunista de España* (PCE), and various liberal and revolutionary parties, against the powers of "Old Spain" – the Catholic Church, the landed aristocracy, the Spanish fascist *Falange*, and most importantly, the military establishment, epitomized by figures such as General Emilio Mola and Francisco Franco. The war sprouted from conflicting views on how to deal with the problems of modernity – the land question, the question of military and religious dominance within the state, and the class conflict triggered by the sharp but geographically uneven industrial development that pervaded Spain as a result of the WWI. The outbreak of the war effectively shattered the structures of state authority, leading to a power vacuum in which various anarchist and communist groups began efforts at localized rural collectivization and urban worker self-management, as well as various forms of popular justice, including "sacas" and "paseos" (abductions and political killings). The penal apparatus of the Republic, including its police force, judiciary, and prison system, collapsed. The story of the

¹² Franz Borkenau, *The Totalitarian Enemy* (London: AMS Press, 1940), *The Spanish Cockpit* (London: Faber and Faber, 1937). See Orwell's review of Borkenau's work, published in *Time and Tide* (4 May 1940). See also William David Jones, "Toward a Theory of Totalitarianism: Franz Borkenau's Pareto," *Journal of the History of Ideas* 53, no. 3 (1992): 455-466; and George Orwell, "Literature and Totalitarianism," *Listener* (London, 1941).

Spanish Republic at war thus became one of state reconstruction and recentralization for the purpose of fighting the war, and the various responses to this process.

The Spanish Republican government reluctantly appealed for Soviet aid in the context of France and Britain's refusal to aid the legally elected government, a decision that was in violation of international law. From October 1936 to 1939, the USSR carried out *Operatsiia X*, the Soviet codename for the Spanish operation.¹³ It sent economic and military aid to the embattled Republic, paid for by the Spanish gold reserves, Soviet budgetary allocations, and additional Soviet credit lines.¹⁴ The USSR championed the Spanish war as the front line in the fight against fascism. Over the course of the war, approximately 2,100 Soviet personnel served in Spain in total, only 600 of whom were non-combatant advisors. The turnover rate among Soviet personnel was high; archives indicate that the total serving at any given point throughout the thirty-month war was in the range of 600-800.¹⁵ Their given role was to oversee war industry, organize and train a popular army as advisors and political commissars, coordinate the International Brigades, establish and secure communications, and to conduct intelligence and counter-intelligence operations.

The POUM was a hybrid political organization composed almost entirely of Catalan workers and intellectuals who formerly belonged to the *Izquierda Comunista de España* (ICE) or the *Bloque Obrero y Campesino* (BOC).¹⁶ The ICE and BOC combined to create the POUM in 1935 under the explicit banner of Marxist unity and in rejection of official alignment with the Trotskyist movement.¹⁷ The POUM advocated a radicalization of the gains made during the Second Republic, and sought to push the Spanish working class from reformist, parliamentary efforts at social restructuring to revolutionary solutions. This included the appropriation and collectivization of landholdings and *latifundias*, the appropriation of capital in the industrialized

¹³ For a military history of Operation X, see Yuri Rybalkin, *Operatsiya 'X': Sovetskaya voennaya pomoshch' republikanskoi ispanii (1936-1939)* (Moscow, 2000). It was published in Spanish as *Stalin y España: la ayuda militar soviética a la República* (Madrid: Marcial Pons Historia, 2007).

¹⁴ Soviet archives indicate that the USSR paid out of pocket for many types of expenses until it received the Spanish gold reserves.

¹⁵ Daniel Kowalsky, *La unión soviética y la guerra civil española: una revisión crítica* (Barcelona: Crítica, 2004). The Soviet advisory apparatus included about 100-200 persons at any given time. The vast majority of Soviet personnel in Spain served as tank crews, pilots, and in instructional roles to train Spanish forces.

¹⁶ The ICE generally aligned itself with Trotsky.

¹⁷ Although former BOC militants represented a large majority when the POUM was founded, key leaders of the POUM were former ICE militants (such as Andreu Nin and Juan Andrade). For the POUM's origins, see Andy Durgan, *Comunismo, revolución, y movimiento obrero en Cataluña, 1920-1936* (Barcelona: Laertes, 2016). See also Durgan, *BOC, 1930-1936: el Bloque Obrero y Campesino* (Barcelona: Laertes, 1996).

north, and the establishment of a class dictatorship of workers and peasants along a Bolshevik but “anti-Stalinist” model. Spanish Socialists, liberals, and Communists criticized the POUM for its revolutionary posture in the dire context of civil war. When the PCE joined the Republican coalition government, denunciations of the POUM as “uncontrollables” and ultra-revolutionaries intensified. Given its primary goal of defeating fascism, the PCE and USSR advocated the reconstruction of a “bourgeois” parliamentary state. Soviet leaders saw the Spanish Republic as the political form of Spain’s transition from feudalism to capitalism. The Marxist revolutionaries of the POUM came under intense scrutiny for their opposition to Stalin and the Comintern, the Moscow trials, and the increasing persecution of “Trotskyists” in the USSR. It also opposed what it perceived as the nefarious political impact that they believed Soviet aid had on the Spanish war. Soviet weaponry and material was distributed selectively, often according to political criteria, and Soviet advisors and Republican officials often refused arms to POUM-affiliated militias because of their revolutionary posture and criticism of the Republic’s war strategy.

The Spanish Republican government considered the POUM’s continual condemnations of the USSR to be inconvenient in the context of a failing military effort and amidst British and French “neutrality.” The POUM opposed the Republic’s imposition of a regular army and its relegation of any sort of social revolution to a postwar future. Both the Republican government and the Soviet leadership in Moscow understood unity and political stability as necessary to the war effort.¹⁸ This fundamental split about which should be the priority – a revolutionary war or a conventional war followed by a social revolution – left the POUM isolated and somewhat vulnerable, though large sections of the anarchist *Confederación Nacional del Trabajo* (CNT) held similar positions. The POUM remained influential on the streets of Barcelona and surrounding municipalities until the (in)famous May events of 1937. In the first week of May 1937, the Catalan regional government (Generalitat) authorized a contingent of state forces to retake key points of control in Barcelona from the POUM and the CNT on the pretext of normalizing public order. The most important of these locations was the Barcelona telephone exchange at Plaça de Catalunya that the CNT had controlled for several months. The police action sparked a week of partisan street fighting roughly organized along binary political lines – supporters of the POUM and CNT versus those of the Republican state (PSOE and PCE, among

¹⁸ See Kowalsky, *La unión soviética y la guerra civil*; Helen Graham, *The Spanish Republic at War, 1936-1939* (Cambridge: Cambridge University Press, 2002); and Ángel Viñas, *El escudo de la República: el oro de España, la apuesta soviética, y los hechos de mayo de 1937* (Barcelona: Editorial Crítica, 2007).

others). When the workers and revolutionary militants adhered to a ceasefire on 8 May, they had lost control over key locations in the city; in the weeks that followed, police forces in Barcelona disarmed the revolutionaries.

While the revolutionary left widely viewed the May events as the beginning of the end of the Spanish Revolution, others saw it as the first step towards the necessary reestablishment of state authority for the purpose of conducting an organized war effort. The *poumistas* certainly conceptualized it as a “counter-revolution” in which “Stalinists” reversed the gains made by the working class, ostensibly destroying the fighting spirit of the Republic and contributing to its ultimate defeat. The tendency to adopt this sort of interpretive scheme is widespread in the historiography and continues to frame debates today.¹⁹ Unfortunately, the application of the language of the Soviet politics to Spain in 1936 tends only to obscure, and has militated against a more profound and nuanced understanding of the various historical factors that produced the May events and the ensuing police and judicial reforms. This dissertation thus also represents an interrogation of categories of analysis still used by historians of the Spanish war, such as “Stalinism,” “Bolshevisization,” “Trotskyism,” “counterrevolution,” etc.

The summer of 1937 also saw an extensive defamation campaign against the POUM in Spanish Republican and international media by both Communist and Republican organs. Communist newspapers in particular denounced the POUM as an organization of uncontrollable renegades, spies, and traitors, the activities of which sabotaged the war effort against Franco and his German and Italian allies. In this context a Special Police Brigade (Brigada Especial) sent from Madrid coordinated the arrest of the POUM leadership in the third week of June 1937 on the streets of Barcelona for its ostensible connections to Nazi agents posing as political émigrés in Spain.²⁰ Spanish and Soviet authorities alike suspected that Nazi agents had used such émigré networks to infiltrate the POUM, whose screening criteria were far from rigorous.²¹ However, police made the arrests of the POUM’s leadership based on doctored evidence provided covertly

¹⁹ For a discussion of the “betrayal” debate, see Frank Schauff, “Verratene Republik?” in *Der Verspielte Sieg: Sowjetunion, Kommunistische Internationale und Spanischer Bürgerkrieg, 1936-1939* (Frankfurt/Main: Campus Verlag, 2004), 366-373. See also Helen Graham, “Spain Betrayed? The New Historical McCarthyism,” *Science & Society*, Vol. 68, No. 3 (Fall 2004): 364-369.

²⁰ A much more detailed account is given below in Chapter 1, “¿Dónde Está Nin? Soviet Involvement in Spain and the POUM Arrests in Documents and Discourse.”

²¹ The identity and actions of these POUM affiliates in the Spanish Civil War has been understudied. Information on Austrians, Germans, and other Central Europeans can be found at the *Spanienarchiv* section of the *Dokumentationsarchiv des österreichischen Widerstandes* (DÖW), in Vienna, Austria.

by Soviet NKVD operatives acting outside of Republican government control.²² While in custody, the NKVD kidnapped, questioned, and murdered the leading POUM theoretician and former associate of Leon Trotsky, Andreu Nin. The NKVD operatives assumed that the arrests would accompany broader government actions against the “uncontrollable” *poumistas*.

However, the disappearance of Nin outraged key sections of the Republican coalition government and further undermined its reputation and standing with British and French political leaders who were already reluctant to intervene in “Red Spain.” It also caused public outcry against Soviet actions in Spain, straining relations between Soviet advisors and Republican officials. The subsequent investigation and prosecution of the remaining POUM leadership by the Republic’s *Tribunal Especial de Espionaje y Alta Traición* (TEEAT, Special Tribunal for Espionage and High Treason) further exacerbated political disputes among Soviet advisors, Republican officials, and various partisan groups. The TEEAT’s investigation of the POUM and the debates that took place in the wake of the arrests produced a long paper trail that provides unique insight into the modalities of political and legal authority in the Spanish Republic, as well as a rich source base for examining the power struggle between the groups involved in the POUM’s repression and prosecution. Additionally, the POUM affair quickly became an international scandal that provoked widespread reflection on the intentions of the USSR in Spain and the role of the courts in the context of revolution and civil war. The discourse surrounding the prosecution provides an ideal source base for examining how many came to understand the POUM’s trial as a “Moscow trial” in Spain.

The position of the Soviet leadership in Moscow towards the prosecution and trial is difficult to decipher. However, we have bits and pieces with which to work, gathered from declassified Soviet-era documents and cables sent between Moscow and Spain that were intercepted by British signals intelligence. As Boris Volodarsky has shown in a recent, extensively documented dissertation, much of this material was intelligence information, and it is thus difficult to glean concrete positions of the Soviet leadership from it.²³ Moreover, recent scholarship drawing on Soviet-era and Spanish archives by Daniel Kowalsky, Ángel Viñas, Tim Rees, and others indicates that Soviet and Comintern policy towards Spain was tentative and

²² Soviet People’s Commissariat for Internal Affairs (effectively the Soviet political police). The Soviet NKVD contingent, which for the most part operated out of the Soviet embassy in Madrid, is discussed in greater depth in subsequent chapters.

²³ Boris Volodarsky, “Soviet Intelligence Services in the Spanish Civil War, 1936-1939” (PhD diss., London School of Economics, 2011).

varied based on a volatile international context. As regards the trial, we know that Stoyán Mínev (“Stepánov”), the Comintern’s secretary of Latin European countries, headed a committee (the *comisión del proceso del POUM*) charged with manipulating the prosecution and trial. But Stepánov’s lengthy postwar report outlined the various battles that the *comisión* had to fight with Spanish Republican judicial officials and government ministers just to get information about the POUM prosecution.²⁴ So ineffectual were the *comisión*’s activities that Stepánov complained that it often learned about developments in the prosecution from the media. The extent to which Stalin and his inner circle in Moscow were privy to an attempt to frame the POUM in a “show trial” is unclear on account of restricted archives and a lack of balanced research on the topic. It may be the case that Stalin hoped to, or even intended to orchestrate a Moscow-style trial of the POUM, but intentionality and outcome must be treated differently.²⁵

To the chagrin of Moscow’s advisors, the Comintern and PCE’s denunciations of the POUM as “Trotsky-fascists” guilty of espionage and high treason did not hold up in the Republican court of law.²⁶ Handwriting specialists determined that the documents used to incriminate the POUM and to justify the arrest of its leadership were doctored. Powerful non- or anti-Communist constituents within the Republican bloc came out in defense of the POUM, including former Republican Justice Minister Manuel de Irujo, former Interior Minister Julián Zugazagoitia, and Federica Montseny, the outspoken Spanish anarchist leader and former Minister of Health. In its October 1938 verdict, the TEEAT acquitted the POUM of the alleged crimes of espionage and high treason, and plainly rejected “Trotskyism” as a punishable offense. Yet it convicted the POUM leadership of rebellion against the Republic for involvement in the May events of 1937, a charge the POUM only partially denied. The “Moscow trial in Barcelona” seemed to be nothing of the sort.

²⁴ Stepánov’s notes can be found in the Archivo Histórico del PCE (AH-PCE) in Madrid. They were published as Stoyán Mínev, *Las causas de la derrota de la República Española: informe elaborado por Stoyan, alias Stepánov y Moreno, delegado en España de la Komintern durante los años 1937-1939 para el Comité Ejecutivo de la Internacional Comunista* (Madrid: Miraguano, 2003 [1939]).

²⁵ See below, Chapter 2, “The Soviet Show Trial as Export? Justice and Legal Culture in the Spanish Republic at War.”

²⁶ The acquittal of the POUM leaders came as an extreme disappointment to Palmiro Togliatti, head of the Comintern advisory apparatus in Spain, and Stepánov. See Togliatti, *Escritos sobre la guerra de España* (Barcelona: Crítica, 1980), 232-34; and Mínev, *Las causas*, 21-25. Both engaged in self-criticism after the war for having not shown “sufficient vigilance” in their attempt to defame and destroy the “Trotskyist” POUM.

0.2 ARGUMENTS, CONCEPTUALIZATION, AND CHAPTER SUMMARY

This dissertation departs from the familiar polemic on the veracity of the accusations regarding the POUM's involvement in espionage or the extent to which its actions aided Franco. Instead, it looks at what the trial can tell us about the Republic, its constellation of political forces, its efforts to re-introduce Republican legality and judicial order, and its relationship with the USSR. It argues that Prime Minister Juan Negrín, who is typically posited as "Stalin's man" in Spain, in fact worked with his trusted confidants and non-Communist ministers in order to make sure that the trial demonstrated the legal and constitutional authority of the Republican government. From the point of Nin's summer 1937 disappearance until the October 1938 trial, Negrín sought to ensure that the trial show the legal political culture of the Spanish Republic to Spanish and international audiences. He did so with a dual purpose: to demobilize revolutionary activity and discourage indiscipline internally in order to strengthen the war effort, and to provide a contrast to Soviet trials taking place in Moscow.

Negrín was concerned that, given the Republic's dependence on Soviet military aid, the recent trials and executions in Moscow could provide a misleading and destructive backdrop for Republican justice. The concurrent trials and mass repressions in the USSR had colored the POUM arrests, providing government officials in France and Britain with yet more grounds on which to refuse support to the inchoate and embattled Republic. Thus, the *legal* prosecution of the POUM prisoners became a top priority for the government: it was imperative that the POUM prosecution sharply contrast with the Moscow trials to prevent any Moscow-Madrid association from gaining credibility. But it was not only the Moscow parallel that drove Negrín's actions. Stories of atrocities in the Republic, both real and imagined, filled the headlines across Europe. Upon taking power in mid-May 1937, Negrín and his Justice and Interior Ministers embarked on a broad reform of the Republic's penal institutions to rectify the abuses and irregularities that took place during the previous government of Francisco Largo Caballero. The POUM prosecution was a central component of this overall strategy; it would address concerns about the extralegal killings that had stained the Republic's reputation abroad, in particular the killing of Nin. The trial provided a forum in which the Republic could construct a political culture for public consumption – both internally and throughout Western Europe – as a state that embraced a liberal dedication to the rule of law and legality, and rejected the arbitrary Moscow trials and

Soviet repression. In many respects, then, it was certainly a “show trial,” but one designed to contrast sharply with the Moscow trials, one that sought to show a very different legal culture. This very important nuance has been lost in historians’ treatments of the POUM’s repression and prosecution, and resulted in an incomplete view of this very dynamic process.

This dissertation examines the power struggles surrounding the Republic’s prosecution of internal enemies from 1936 to 1939. While the POUM’s trial is the most important case under study, the prosecution makes little sense without a broader account of the Republic’s reconstruction of its judicial apparatus. The struggle over the POUM’s prosecution was exceptional because of its broad publicity and the extent to which Nin’s disappearance placed the case under intense scrutiny. But the principles that guided the prosecution, as we shall see, were not exceptional. They are indicative of Negrín’s effort to reconstruct the Republic’s penal apparatus in the context of civil war and widespread irregularities without declaring a State of War in which martial law would be invoked. In this way, the POUM’s prosecution and trial illustrates the broader development of Republican judicial politics; the ensuing analysis of its proceedings sheds light far beyond the specific case.

The struggle over the POUM’s prosecution involved “special police” units tasked with counterespionage within the Ministry of War and the Interior Ministry, judicial officials and investigators within the Justice Ministry, and the various Soviet-affiliated apparatuses in Spain, especially the Comintern. The following chapters illustrate how the competing priorities and agendas of Soviet and Comintern advisors on the one hand, and non-Communist Spanish Republican officials on the other, clashed over the prosecution. It also analyzes how each attempted to use the prosecution of the POUM to influence political and legal authority in the wartime Republic. While Soviet-oriented operatives sought to extend the repression of “Trotskyists” to Spain, Negrín and his non-Communist Ministers and confidants set out to use the trial to show its independence, legitimacy, and legality, in part with an eye toward improving the Republic’s prestige internationally. This dissertation takes the POUM prosecution and the TEEAT as objects of study, with the goal of situating them within the context of a broader effort to rebuild Republican institutions, led (though not initiated) by Negrín. Although they were forced to compromise on several issues, Negrín and his non-Communist confidants deliberately used the POUM prosecution and trial to construct and display a specific Republican political culture that embraced liberal concepts of justice, rule of law, and judicial guarantees based on

Enlightenment values. This process was carefully negotiated given the Republic's reliance on Soviet aid, but in its political form, the trial hardly resembled, *mutatis mutandis*, an extraterritorial "Moscow trial in Barcelona."

By reconstructing events around and within the POUM prosecution, this project provides not only an archival-based corrective on the longstanding partisan polemic about the POUM repression, but also an altogether new illustration of the limits of Soviet influence in Spain. Taking the POUM prosecution as a case allows one to address the issue of Soviet impact in one of the areas in which scholars have argued Soviet influence was strongest – political repression. The study provides a much-needed departure from the highly politicized and long-held grand narratives of the Soviet role in Spain. Moreover, it contributes to the existing sociological literature on highly politicized trials (or "show trials") by examining how the Republican state and the dominant groups acting within it instrumentalized the courts for their own reasons. It did so, in this case, in response to the breakdown of state authority and the appearance of violent forms of "popular justice" in a time of war and revolutionary upheaval. To do this, the project examines the TEEAT as an instrument of reconstruction and legitimation of the Spanish Republican state, which positioned itself in opposition to structures and practices of "popular justice."

The project conceptualizes the POUM's trial as a politico-legal performance, a "show trial" independent of Moscow, which was intended to normalize behavior in a nation in the throes of revolution and civil war, and to express the independent political character of the Republic to outside observers. In stark contrast to the Moscow Trials, the POUM trial drew on a discourse of western liberal judicial culture and rejected illegal Soviet police actions in Spain. The Republican government used the courtroom as an instrument to define the parameters of acceptable antifascism for domestic audiences, and to convey the independence and strength of Republican institutions to international audiences, however fragile they may have been. The POUM's trial can be considered a "show trial," but one which bore little resemblance to those in the USSR. The dissertation thus re-imagines the "show trial" as a political phenomenon not arbitrarily limited to communist polities, and opens avenues for broader comparative work.²⁷

²⁷ The obvious comparative cases that could be addressed in a study on comparative "show trials" are the Dreyfus trial, the Moscow trials in the USSR, trials in post-WWII Eastern Europe, Central Asia, and China, or even the Dimitrov-Reichstag fire trial. For early show trials in the USSR, see Elizabeth Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Ithaca: Cornell University Press, 2005), *passim*; on the Moscow trials of 1936-1938,

Chapter 1 draws on Soviet documents and internal Republican material to reconstruct the arrests of the *poumistas* and the Republican government's response to the disappearance of Andreu Nin. It analyzes how Negrín and his Ministers of Interior and Justice understood the dangers of association with the USSR and accordingly set out to secure the safety of the remaining POUM leaders. Although the investigations that the government conducted into Nin's disappearance did not provide conclusive evidence, Negrín ascertained that Soviet operatives had been in some way involved. Instead of risking further international damage to the reputation of the Republic and further disorder internally, he chose to keep the information secret until after the war. This conclusion arises from intensive research in previously unused materials in Negrín's personal archive and various other collections.²⁸ It also illustrates how the POUM issue cause a sharp split within the Popular Front coalition, and how Negrín acted tactfully to mediate the conflict in his capacity as Prime Minister. Chapter 2 articulates a conceptual framework for analyzing the "show trial" phenomenon that brings the Republic's trial of the POUM's into dialogue with the quite different Moscow trials. It draws on Soviet-era archival material to examine the available evidence regarding Soviet intentions to orchestrate a Moscow-style trial in Spain. It argues that the attempt was bound to fail given the very real political and cultural differences between the two states, and Negrín's efforts to convey a new judicial order.

Chapter 3 sets a broader temporal context for the prosecution by examining the Republic's initial penal reforms, especially those involving espionage, from the outbreak of the war until May 1937 and the fall of the Largo Caballero government. In this way, it establishes an institutional context for Negrín's more ambitious penal reforms and the creation of the TEEAT. Chapter 4 examines Negrín's mandate to restore public order, reform and depoliticize police actions, and centralize intelligence and counter-intelligence operations. It traces Justice Minister Irujo and Negrín's efforts in summer and fall 1937 to centralize and streamline "special police" operations, which were involved in investigations in the prosecution of the POUM. Thus it examines conflicts between Communists and non-Communists within the Interior Ministry's "special police" apparatus, the *Departamento Especial de Información del Estado* (DEDIDE),

see William Chase, "Stalin as Producer: The Moscow Show Trials and the Construction of Mortal Threats," in *Stalin: A New History*, eds. Sarah Davies and James Harris (Cambridge University Press, 2005), 226-248; for Hungary, see István Rév, "In Mendacio Veritas (In lies there lies the truth)," *Representations*, 35 (Summer 1991): 1-20. For more on the theoretical implications of the project, see below, Chapter 2, "The Soviet Show Trial as Export? Justice and Legal Culture in the Spanish Republic at War."

²⁸ The Archive of Juan Negrín was recently moved (in 2013-2014) from Paris to Negrín's hometown of Las Palmas, Spain, and opened to researchers after remaining in the possession of the family for almost seventy-five years.

and the Ministry of War's apparatus, the *Servicio de Inteligencia Militar* (SIM). Finally, it illustrates the process by which the decree creating the TEEAT was drafted, proposed, and put into law.

Chapter 5 reconstructs the TEEAT's prosecution of the POUM, looking at how that body worked with the SIM and other police to collect evidence and assemble indictments. It also examines the judicial inquiries of the Special Investigators assigned to the POUM's case. It argues that, in this process, Negrín and his Justice and Interior Ministers worked to ensure legal guarantees for the defendants in the trial of the POUM, insulating it from Communist influence and responding quickly to any legal abnormalities. Finally, it examines the preparation of the oral trial, drawing on documents from the Ministry of Justice to analyze both the prosecution and the POUM's defense team. The sixth and final chapter examines the actual trial proceedings, drawing on the stenographic trial transcripts of the courtroom drama to analyze its legal and political discourse. It argues that the POUM's "show trial" illustrated two distinct forms of antifascism in the Republic's war, which the court then judged: the prosecution's narrative, which underlined the necessity of a conventional war of "national liberation" against "foreign invasion" fought by a united Spanish Popular Front, and the defense's conceptualization of the revolutionary nature of the Spanish war. In both form and content, the trial aimed to display that Negrín's government was not subject to Soviet foreign policy whims. The conclusion briefly examines Negrín's attempts to publicize the outcome of the trial and his involvement in sentencing. It considers the actions of transnational campaigns by non-state actors (e.g. Second International, the London Bureau, and various human rights organizations) on behalf of the POUM, and how Negrín responded to the campaigns by planning to disseminate information about the trial.

This study begins with an analysis of the infamous arrest of Nin and the ensuing controversy. But before doing so, we must consider the published literature on the POUM's repression, prosecution, and trial. Historical literature on the POUM and its relationship with Trotskyism and other left groups is voluminous and politically charged. It is often tied up with competing explanations about culpability for the Republic's loss or the destruction of the social revolution of 1936. However, surprisingly, very few scholars have actually examined the prosecution itself. Rather, they have privileged analysis of the initial repression and the implications it had for Soviet and Communist influence within the Spanish Republic. We thus

now turn to the historiography of the POUM, beginning with the *poumistas* themselves, who were the first to write studies and reflections on the repression that they suffered after May 1937.

0.3 POUM EXILE LITERATURE AND THE COLD WAR

Following the Civil War, Julián Gorkin and other exiled *poumistas* published accounts of the POUM's repression, which alongside the accounts of Soviet operatives and PCE members who defected, represented the first attempt to grapple with the history of the POUM.²⁹ Although these works contain valuable anecdotal information, they embraced a political bias that assumes Soviet domination in the prosecution and reconstructs the POUM trial as an extension of the Soviet show trials abroad to Barcelona. This exile literature included numerous pamphlets, works of history, autobiography, and semi-fiction on the POUM and its repression. During the Cold War, some of these works benefitted from institutional and financial support from the CIA and the Ford Foundation, as Gorkin managed the Spanish-language section of the CIA-funded Congress for Cultural Freedom.³⁰ *Poumista* (and other partisan) anti-communist exile literature found ready audiences in the Americas and Western Europe. Soviet actions in Eastern Europe after WWII appeared to lend credence to the *poumistas'* interpretation of the USSR's nefarious role in Spain. In these narratives, Soviet intentionality and political control in Spain are operative assumptions, even though none of the work offers reliable documentary evidence to substantiate them. The tendency to proceed from the assumption of Soviet domination is quite understandable given the NKVD's assassination of Nin in June 1937, but the prosecution and trial took place in vastly different contexts.³¹

²⁹ For POUM exile literature, see Julián Gorkin, *Caníbales Políticos: Hitler y Stalin en España* (Ediciones Quetzal: Mexico, 1941), *El proceso del Moscú en Barcelona: El sacrificio de Andrés Nin* (Aymá S. A. Editora: Barcelona, 1973), Wilebaldo Solano, *Spanish Revolution: The Life of Andres Nin* (1974), and Víctor Alba, *Historia del POUM* (Paris: Champ Libre, 1975).

³⁰ See Herbert Southworth, "The Grand Camouflage: Julián Gorkin, Burnett Bolloten and the Spanish Civil War," in *The Republic Besieged: Civil War in Spain, 1936-1939*, eds. Paul Preston and Ann L. Mackenzie (Edinburgh: Edinburgh University Press, 1996), 261-310.

³¹ Analytically, if we are to be precise, the TEEAT's prosecution of the POUM must be treated separately from the illegal NKVD operations against Nin. Boris Volodarsky and others have shown indisputably that the killing of Nin was a targeted NKVD operation that had much to do with Nin's personal connection to Trotsky and less to do with Nin's affiliation with the POUM per se. The pursuit and assassination of communist oppositionists on the basis of personal connections with Trotsky or "Trotskyists" is a recurrent theme during the mass repressions of 1937-1938. See NKVD communiqué, Orlov to Moscow, 23 May, 1937, RISA f. 17679, vol. I, p. 154-6, cited in John Costello

Gorkin, Ignacio Iglesias, Wilebaldo Solano, and others argued that the trial was an NKVD show trial that was unsuccessful because of Nin's refusal to confess during interrogation. As late as 2009, Solano, the POUM's last general secretary, wrote: "In the midst of the war, after a series of serious military setbacks due to Soviet strategy, Stalin called for 'a Moscow Trial in Barcelona' and he applied strong pressure that finally overcame the resistance of his subordinates in Spain." The trial of the POUM, he argued, "which pleased neither Negrín nor anyone else, was staged in Barcelona in October 1938..." Solano then (inexplicably) admitted, "there was no 'Moscow Trial' as Stalin had called for and the conviction was prohibited by the censor [*sic*, it was published widely] which undid all the intrigues of the GPU [*sic*, NKVD]." ³² He offers nothing to account for this contradiction, and nothing to explain the actual form and outcome of the trial. In his 1974 book, *El proceso de Moscú en Barcelona*, Gorkin goes so far as to allege that Soviet Chief Procurator in the Moscow Trials, Andrey Vyshinsky, prepared the POUM's indictment in Moscow. "Agents of the NKVD," Gorkin claimed, helped the Prosecutor prepare the trial. ³³ Examples of such unsupported claims abound in the exile literature of the *poumistas*.

Nevertheless, given the closed archives and rigid official narratives of both the Franco regime and the USSR, the history of the POUM was left to the work of the *poumista* exiles during the Cold War. Thus, such accounts became the foundation for a generation of western historians, who drew on these sources without interrogating the assumptions on which they were based. ³⁴ Written in the postwar period, these historical works were often informed by *post hoc*, Cold War readings of the Soviet presence in Spain, and the Spanish Republic was likened to the satellite states of the Eastern Bloc. The primary framework for analysis of Republic politics was to gauge the progression of Communist "hegemony." Such approaches presupposed a monolithic Soviet intervention, present Stalin as prime mover, and reduce Republican Spain as a social and political entity to a *tabula rasa*, a state devoid of agency.

and Oleg Tsarev, *Deadly Illusions: The KGB Orlov Dossier Reveals Stalin's Master Spy* (London: Century Press, 1993), 288-289. See also Volodarsky, "Soviet Intelligence Services," *passim*.

³² Wilebaldo Solano, "The POUM's Seven Decades," *Against the Current* 143 (November-December, 2009). Not only is there absolutely no evidence for such a claim as regards Stalin, this dissertation shows very clearly that Negrín made sure the trial play out the way it did, and he was indeed satisfied with the outcome. Solano also cites Orwell as an authority.

³³ Gorkin, *El proceso*, 235-236.

³⁴ For a good example, see Burnett Bolloten, *The Grand Camouflage: The Communist Conspiracy in the Spanish Civil War* (New York: Praeger, 1961), *passim*. Expanded editions were published in 1968, 1979, and 1991.

Although the object of analysis varied, these studies explained phenomena by reference to the teleological purpose that each event allegedly served (to the end of Communist “hegemony”) rather than by careful analysis of the complex politics within the Republican government, contradictions in Soviet involvement, and points of contingency in the war. For example, the works of the *poumista* militant and historian, Víctor Alba (Pere Pagès i Elies), as well as that of his son, Pelai Pagès i Blanch, set out a linear narrative of POUM’s story: formation – revolution – defamation – repression – “Stalinist counterrevolution.”³⁵ Regarding the trial, Alba conceded that, in the end, “Barcelona was not Moscow.” However, he attributes this to the dubious claim that the judges “had not submitted to the government.” Alba does point out that, “politically, the trial had been worse for the Soviet secret police and its accomplices than for the P.O.U.M.”³⁶ Given that we now know that there was only one official NKVD operative in Spain at the time, Naum Eitingon (“Kotov”), who in fact spoke with Negrín personally on the day that the trial ended and who complained only about the fact that the USSR had been insulted in the trial and that the Spanish Communists had not been permitted to publish on the trial during the proceedings, one wonders to whom Alba refers here.³⁷ Such interpretations only make sense if we conflate Negrín’s government with that of Stalin, the Republic’s police apparatus with that of the Soviet NKVD, and the Spanish Republican judiciary with that of Vyshinsky’s Office of the Public Procurator in Moscow.

The exile literature and the histories of the POUM are part of a broader body of historiography that explains the Spanish Republic’s demise not as a result of Western appeasement, fascist intervention, or Spanish sectarianism, but rather as a consequence of Soviet political manipulation and “betrayal” of the Republic. In this literature, Soviet political repression in Spain was a central reason for the collapse in morale and ultimately the defeat of the Republic. Such narratives omit the well-documented and harmful infighting among the various political parties in the Republican coalition, and downplay the international boycott of the Spanish Republic by the western democracies. If the “betrayal” thesis was a convenient narrative for the *poumista* exiles, it was equally convenient for exiled Republican government officials seeking to explain the failures of the wartime Republican coalition by reference to a

³⁵ Víctor Alba, *Spanish Marxism versus Soviet Communism* (London: Transaction Publishers, 1988), which is an abbreviated translation of Alba, *Marxismo en España: 1919-1939: Historia del BOC y del POUM*, 2 vols. (Mexico City: Costa-Amic, 1973).

³⁶ Alba, *Spanish Marxism*, 272.

³⁷ For the transcript of Negrín’s conversation with Kotov, see AFJN, 1MDN2000206020002004-8.

pernicious “Stalinism” in order to evade individual or partisan responsibility.³⁸ Juan Negrín was the target of numerous attacks after the war for his ostensible subservience to Soviet advisors.³⁹ Indeed, a balanced understanding of Negrín’s role in the war only began to emerge in the 1980s and 1990s, and has been expanding since. This dissertation is thus a contribution to both the historical literature on Negrín and the historiography of the POUM.

It is hard to overstate the significance of *poumista* literature on broader historical accounts of the Spanish Civil War and Soviet involvement therein. The arrest of the POUM and the assassination of Nin often play a central role in illustrating Soviet control over state security, policing, and politics in general, while the specifics of public order reform and the realities of the POUM’s prosecution are all but ignored. Delving into the footnotes of this literature illustrates the importance of *poumista* literature as a source base in informing Cold War accounts.⁴⁰ Thus, the Cold War-era literature (in Spanish, French, and English) of the 1950s, 1960s, and 1970s tended to reduce complex political and social conflicts to the “hidden hand of Moscow” by reference to the all-inclusive descriptor, “Stalinism.”⁴¹ In an era of Cold War ascendancy, reducing the POUM repression to “an affair of the Soviets” made a great deal of sense.⁴²

The foundational work of Burnett Bolloten, which will be treated throughout this dissertation, is crucial here. Bolloten’s *The Grand Camouflage: The Communist Conspiracy in the Spanish Civil War*, originally published in 1961, argued that Soviet involvement and Communist hegemony in Spain not only brought about the Republic’s defeat, but also had as its ultimate goal the ideological colonization of Spain. The book drew heavily on the work of Gorkin, the problems of which historian Herbert Southworth has pointed out.⁴³ Moreover, Bolloten sustained a decade-long correspondence with *poumista* militant and trial defendant,

³⁸ See for example Luis Araquistáin, *El comunismo y la guerra de España* (San José, Costa Rica, 1939); and Indalecio Prieto, *Yo y Moscú* (Madrid, 1960).

³⁹ See for example, *Epistolario Prieto-Negrín: puntos de vista sobre el desarrollo y consecuencias de la guerra civil española* (Paris: Imprimerie Nouvelle, 1939), *passim*.

⁴⁰ Tracing references illustrates how this is also the case for Hugh Thomas’ classic study on the Spanish Civil War. See Thomas, *The Spanish Civil War* (New York: Harper & Brothers, 1961).

⁴¹ The notable exception is Hugh Thomas, *The Spanish Civil War*, originally published in 1961. Thomas keenly observed that “Stalin and Yezhov may have planned a show trial with sensational confessions on the model of those in Moscow. If so, they were thwarted. Republican Ministers and ex-Ministers, headed by Largo Caballero and [Julián] Zugazagoitia, gave evidence in the POUM’s favor.” Thomas does not investigate the issue further. Thomas, *Spanish Civil War* (New York: Harper & Row, 1963), 598.

⁴² Although his work must be critically scrutinized, the former NKVD operative who defected to the US, Alexander Orlov, made a similar point. See Alexander Orlov, “The NKVD in Spain: Questions by Stanley Payne, Answers by Alexander Orlov, with an Introduction by Frank Schauff,” *Forum für osteuropäische Ideen- und Zeitgeschichte* 4, Issue 2 (Dec. 2000 [1968]).

⁴³ Preston and Mackenzie, eds., 261-310.

Jordi Arquer, while he wrote the book.⁴⁴ Reviews of *The Grand Camouflage* at the time considered the book a scholarly addition to Orwell's *Homage to Catalonia*.⁴⁵ It is difficult to appreciate this literature without considering the clear influence of the *poumista* exiles. The French Trotskyist Pierre Broué's 1961 *La Révolution et la Guerra d'Espagne* was considerably less conspiratorial and anti-Soviet.⁴⁶ Nevertheless, the study, which was co-written with Émile Temime, gives a special thanks to Jordi Arquer (the POUM militant and trial defendant) for providing the authors with access to his library, document collection, and advice.⁴⁷ Arquer himself was preparing a book on the POUM's trial at the time.⁴⁸ The book follows a similar narrative arc, moving from revolution to Stalinist counterrevolution with the rise of Negrín in summer 1937. In this case, Broué argued, even though the intended "Moscow trial" had failed due to the lack of confessions, its broader objective of destroying the revolution had been attained.⁴⁹ Spain had been the "testing ground" of the Soviets. According to Broué, Soviet policy began with neutrality, moved to solidarity and military aid, and ended in "the total abandonment of the Republic."⁵⁰

The practical impact of such narratives on popular understandings of the war in Western Europe and the Americas (and especially in Spain) is difficult to overstate. Many of the cited works were translated by the exile publisher *Ruedo Ibérico* (based in Paris in the 1960s) and smuggled across the French border into Spain by the thousands to be distributed as alternatives to the strictly maintained Francoist history of the civil war. In fact, the illegal literature was so popular that it provoked a substantial investment by the Spanish state into new Francoist historical research through the government's Ministry of Information. This body of work sought to provide "new evidence" and, importantly, to adapt the official Francoist narrative to the Cold

⁴⁴ This correspondence can be found in CEHI, Fons-DO.C.3.2. Bolloten would often ask Arquer for help not only with documentation but also interpretation.

⁴⁵ See for example Frederick A. Praeger, review of *The Grand Camouflage: The Communist Conspiracy in the Spanish Civil War*, by Burnett Bolloten, *The Annals of the American Academy of Political and Social Science*, Vol. 340 (March 1962), 139-140.

⁴⁶ The work was translated into English in 1970. Broué and Temime, *The Revolution and Civil War in Spain* (Cambridge: MIT Press, 1970).

⁴⁷ *Ibid.*, 15.

⁴⁸ Fragments of his manuscript and research materials are in CEHI, Fons-DO.9.5-6.

⁴⁹ Broué and Temime, 301-303. While Broué does recognize significant differences within the Republican coalition vis-à-vis the POUM prosecution, his main source is the work of the former Spanish Communist, Jesús Hernández' (which was co-written with Julián Gorkin). Hernández' work has been shown to be unreliable, factually inaccurate, and often dishonest or fabricated. See Volodarsky, "Soviet Intelligence Services," *passim*.

⁵⁰ Broué and Temime, 366-367. Broué, unlike others, attributes a great deal of culpability to the western democracies as well.

War context. Thus, the narrative of the Civil War as Old (and Catholic) Spain's fight against a chaotic and subversive modernity was superseded (though not entirely replaced) by the narrative of Old Spain as the bulwark of the Western defense against the Soviet threat.⁵¹ Ironically, the new Francoist historiography differed very little from the POUM's exile accounts in its analysis of the subversive and conspiratorial role of the USSR – a trend that reinforced anti-Soviet sentiment on both the left and the right across Western Europe and the Americas. As a rule, both literatures take for granted Soviet imperialism and political manipulation in Spain.

This dissertation does not dismiss the work of exiled *poumistas* nor the historians who drew on their work, for they are valuable for anecdotal information and important for historiographical reasons. Instead, the present work supplements and interrogates *poumista* narratives by juxtaposing them with archival materials, other partisan accounts (of the CNT, for example), and the historical record as it appears in official documents and newspapers of the period. This in-depth research provides answers to the question of how the narrative of Soviet “totalitarianism” in Spain was born during the war and took root so well during the 1950s-1970s. It also addresses the question of how access to archives has changed the way we think about Cold War-era histories and personal accounts of the civil war. The dissertation engages with and interrogates the Cold War language typically employed to analyze the POUM's prosecution. It builds on recent historiography that argues that communism in Spain, broadly defined, was a mass-based social movement, and not a kind of process of Soviet ideological colonization and indoctrination. This approach questions the “top-down” causal relationship between the Soviet leadership and the international or transnational communist rank and file, and emphasizes multi-causal and historicized explanations that take into consideration contexts of historical production and reception. Ultimately, we can begin to see this body of literature as primary rather than secondary material: primary sources that shed light on how participants and historians remembered and understood the Spanish Civil War during the Cold War.

⁵¹ For a more lengthy and detailed discussion of this historiographical development, see Paul Preston, “War of words: the Spanish Civil War and the historians,” in *Revolution and War in Spain, 1931-1939*, ed. Paul Preston (London: Routledge, 1984).

0.4 WALLS FALL, ARCHIVES OPEN: POST-COLD WAR SCHOLARSHIP

In the wake of Spain's transition to democracy in the late 1970s and 1980s and the collapse of the USSR in the 1990s, archives have opened and historians have produced a range of valuable works. On the one hand, some post-Cold War scholarship has sought to use new archival material to attempt to confirm authors' pre-existing Cold War positions.⁵² This work is often rich in translated documents but analytically impoverished and partial. For example, the former self-identifying Trotskyist turned right-wing historian, Ronald Radosh, edited the 2001 *Spain Betrayed*. The book is probably the single best collection of translated Soviet documents from the Spanish Civil War. However, as the title implies, Radosh embraces the "betrayal" thesis in spite of an ocean of evidence in his own book to the contrary. His arguments regarding Soviet apparatuses, goals, and actions in Spain are further undermined by the fact that his claims are often inaccurate, misleading, or simply factually incorrect.⁵³

Stanley Payne, the renowned historian of twentieth century Spain, has also made contributions. However, as Boris Volodarsky and others have pointed out, Payne's much-acclaimed 2004 study, *The Spanish Civil War, the Soviet Union, and Communism*, uses declassified Soviet documents selectively so as to fit the narrative that Payne, as the leading American "hispanist" of the late twentieth century, had developed over the previous three decades. Negrín, Payne argues, had little to no support in the Republic. Payne characterizes him as "not even political or a politician in the normal sense so much as an administrator and an authoritarian leader."⁵⁴ Payne has retreated somewhat on earlier suggestions that the Republic represented the first attempt at a "People's Democracy" akin to those of post-WWII Eastern Europe. Instead, he has argued that it was "the nearest approximation to a people's republic in the history of Western Europe," which provided the necessary "experience that they applied in Eastern Europe..."⁵⁵ He has retreated also on the issue of the POUM's prosecution, arguing that

⁵² For example, see Reiner Tosstorff, *Die POUM im Spanischen Bürgerkrieg* (Köln: Neuer ISP Verlag, 2006); Antonio Cruz González, *Las víctimas de Negrín: Rein vindicación del POUM* (Málaga: Sepha, 2008); Ronald Radosh, et al., *Spain Betrayed: The Soviet Union in the Spanish Civil War* (New Haven, 2001); Stanley Payne, *The Spanish Civil War and the Soviet Union* (New Haven, 2004); Karl Schlögel, *Terror und Traum: Moskau 1937* (2008), 136-152, and to some extent, George Esenwein, *The Spanish Civil War: A Modern Tragedy* (New York: Routledge, 2005).

⁵³ For a breakdown of some of Radosh's mistakes, see Volodarsky, "Soviet Intelligence Services," passim, and Graham, "Spain Betrayed?"

⁵⁴ Payne, *The Spanish Civil War, The Soviet Union, and Communism*, 253.

⁵⁵ *Ibid.*, 353, 306

“The show trial that Soviet policy sought proved to be impossible, for some residue of judicial integrity remained in Republican institutions and the Communists still lacked the power to override them.” “Even under Negrín,” Payne argued, “Barcelona was not Moscow.”⁵⁶ Such an approach ignores the intensive judicial state building that Negrín and his Justice and Interior Ministers embarked on after May 1937 and obscures the role of Negrín in the POUM’s prosecution entirely.

Other post-Cold War treatments of the POUM trial give short shrift to new archival materials, as is the case with Karl Schlögel’s chapter, titled, “Metastasen: Schauprozess in Barcelona, NKWD exterritorial,” in his recent 2008 book, *Terror und Traum: Moskau 1937*.⁵⁷ Schlögel opted not to examine a single Spanish document in the study, and only selectively engaged with material in Soviet-era archives. Prominent sources for the chapter include Orwell’s account and Radosh’s error-ridden analysis. The outcome is a study that tends to reproduce very similar themes and misconceptions prevalent in previous, Cold War-era scholarship. For example, Schlögel argued that the POUM’s trial constituted an “NKVD show trial” despite the fact that we know that all NKVD officials but one had left Spain, either by defection or recall, well before the trial took place in October 1938.⁵⁸

On the other hand, a new “specialist” literature has developed that is based on intensive research in both Spanish and Soviet-era archives.⁵⁹ These studies contest the *a priori* assumptions of Soviet hegemony common in Cold War approaches, and illustrate the complexity of the government’s relationship with Soviet advisors and the Soviet leadership in Moscow. This work emphasizes nuance and precision, arguing that Soviet policy appears to have been tentative and unfixed – a “policy of contingency” based on a volatile international political context.⁶⁰ Tim

⁵⁶ Ibid., 230, 231.

⁵⁷ The section was translated by Rodney Livingstone as, “Metastasis: show trial in Barcelona, the NKVD abroad,” in Karl Schlögel, *Moscow 1937* (Cambridge: Polity Press, 2012).

⁵⁸ Ibid., 106.

⁵⁹ “Specialist” here indicates the emergence of historians who have turned the study of Soviet and Spanish affairs in the 1930s into a historiographical field of its own. See for example Kowalsky, “Stalin and the Spanish Civil War,” Gutenberg E-Book (New York: Columbia University Press, 2004), <http://www.gutenberg-e.org/kod01/index.html>; Viñas, *El escudo de la República*; Kowalsky, *La unión soviética y la guerra civil española*; and Frank Schaff, *Der Spanischer Bürgerkrieg* (Göttingen: Ruprecht, 2006).

⁶⁰ See Tim Rees, “The highpoint of Comintern influence? The Communist Party and the Civil War in Spain,” in *International Communism and the Communist International, 1919-43*, eds. T. Rees and Andrew Thorpe (Manchester University Press, 1998); “Battleground of the Revolutionaries: the Republic and Civil War in Spain, 1931-39” in *Reinterpreting Revolution in Twentieth-Century Europe*, eds. T. Rees & Moira Donald (New York: Palgrave-Macmillan, 2001); and Gina Herrmann, “The Spanish Civil War and the Routes of Stalinization” in *Bolshevism, Stalinism, and the Comintern*, eds. Norman LaPorte, et al. (New York: Palgrave-Macmillan, 2008).

Rees, for example, has drawn on Spanish and Soviet archival material to illustrate the many logistical difficulties that the Soviet officials had in Spain due to the concrete problems of establishing trans-European communications in the context of a civil war in the 1930s. The historian Daniel Kowalsky has produced perhaps the best empirical account of Soviet activity in Spain, which is now a regular reference for any researcher of the subject.⁶¹ Kowalsky's meticulous research in Soviet and Spanish archives and his keen attention to detail illustrates the sheer complexity of the operation, leading him to question whether we should even use the term "intervention" when describing Soviet involvement in the Spanish Civil War. He suggests that it may be more advantageous to understand Soviet involvement in terms of weakness rather than strength.⁶²

Recent general histories have also contributed to the historiography of the POUM affair. Helen Graham's *The Spanish Republic at War* takes readers in yet another direction, arguing that much of Spanish Civil War historiography in general reduces the complex topic into a kind of political determinism wherein high politics exist in a void. She has cogently argued that we must balance the political history of the Republic with the material realities of an ongoing but slowly failing war effort amidst international isolation.⁶³ The recent work of Paul Preston has expanded our understanding of political repression in the Spanish Civil War to a greater extent than perhaps any single volume in any language published thus far. Building on the research of dozens of local historians and his own broad archival work, Preston's *The Spanish Holocaust* is the authoritative synthesis of political repression in both zones during war. It has also illuminated the cleavages within the Republican coalition opened by the POUM's repression. Moreover, building on the work of Ángel Viñas and Enrique Moradiellos, Preston has confronted the standard portrayal of Juan Negrín as a crypto-communist or dupe of the Spanish and Soviet Communists.

⁶¹ The study was published as a Gutenberg e-Book in English.

⁶² Kowalsky writes: "Yet more recent conclusions suggest the need to revise Bollothen's abandonment thesis. By the last days of Operation X, it was clear that in nearly every facet of Soviet involvement, Stalin's position was never one of strength, but rather one of weakness, inexperience or incompetence." Daniel Kowalsky, "Operation X: Soviet Russia and the Spanish Civil War" *Bulletin of Spanish Studies: Hispanic Studies and Researches on Spain, Portugal and Latin America*, 91:1-2 (Jan. 2014), 174.

⁶³ Graham's *The Spanish Republic at War* complements her earlier study, *Socialism and War: The Spanish Socialist Party in Power and Crisis* (Cambridge: Cambridge University Press, 1991).

Viñas' monumental three-volume history of the Spanish Republic has contributed to our knowledge of Negrín and the POUM affair perhaps more than any work to date.⁶⁴ Viñas, an economist, historian, and former Spanish diplomat, draws on years of work in numerous archives across Europe, including the private archive of Juan Negrín. Although much of his work unfortunately brushes aside debates raised by leftist historians regarding the Spanish Revolution and accuses the POUM of organizing the May events (which the present work argues was not the case), his contribution to the field of Soviet involvement in Spain is irrefutable. Drawing on copious documentation, Viñas' work destroys the popular Soviet "betrayal" thesis and reveals the extent to which the western democracies, and especially Britain, ultimately determined the fate of the Spanish Republic. He has spent the better part of his career as a historian refuting the popular (and false) notion that the USSR absconded with the Spanish gold reserves, using Negrín as their agent.⁶⁵ On the POUM's repression, Viñas points out that Negrín did in fact understand that Soviet operatives were in some way involved in Nin's disappearance, but kept the knowledge under wraps until after the war. Moreover, he points out that Negrín made the result of the POUM's trial public, in part on advice from the PSOE, because both parties had been, "sure of the legality of the Tribunal's proceedings." He rightly claims that it was "not by chance" that the Republican TEEAT abided by judicial norms and carried out a legal trial. Viñas argues that Negrín was more concerned with securing further lines of credit from the USSR, which he did. The POUM's trial, Viñas argues, "was not an such an impediment that it prevented Stalin from attending to the request promptly." Although he cedes that Soviet actions related to the trial are only partially documented, Negrín's (reluctant) contact with the last remaining NKVD operative, Eitingon, "does not in any way demonstrate 'the submission of Negrín to the USSR,'" as others have argued.⁶⁶ The present work builds on Viñas' incisive analysis and fills the lacuna

⁶⁴ Ángel Viñas, *La soledad de la República: El abandon de las democracias y el viraje hacia la Unión Soviética* (Barcelona: Crítica, 2006); *El escudo de la República*; and *El honor de la República: Entre el acoso fascista, la hostilidad británica y la política de Stalin* (Barcelona: Crítica, 2009). Viñas has condensed the trilogy into a popular history, *La República en guerra: Contra Franco, Hitler, Mussolini y la hostilidad británica* (Barcelona: Crítica, 2012).

⁶⁵ Viñas shows clearly that the decision was made not by Negrín (as Finance Minister) but rather by the entire Council of Ministers in Francisco Largo Caballero's government. Moreover, far from being a Soviet demand, the decision came as a *surprise* to Moscow's representatives. Finally, after the gold had been liquidated and used (in its entirety) to pay for military and humanitarian aid for the Republic, the Soviet government continued to open lines of credit to the Republic to fund its ever more desperate war.

⁶⁶ Viñas, *El escudo*, "El honor de Juan Negrín."

in documentation and analysis regarding Soviet involvement (or lack thereof) in the POUM's trial.

This dissertation extends the re-evaluation of the roles of Negrín and the USSR in Republican politics even further by analyzing their impact on the POUM's prosecution and trial. Despite the great contributions that both the "specialist" literature and recent general histories of the Civil War have made on various aspects of Soviet involvement in Spain, as a whole they curiously address the POUM's prosecution only in small subsections and often without sufficient depth. This stands in stark contrast to the central importance that the POUM debacle had in previous Cold War literature.⁶⁷ This dissertation builds on these new approaches with further intensive research in available collections and extends analysis to the Spanish judiciary and the POUM's prosecution. As a whole, this study seeks to integrate the post-Cold War "specialist" literature and the contributions of recent general histories of the Republic, as well as the highly politicized narratives of participants, *poumista* or otherwise, with the goal of approximating a more accurate history.

Some historians of the USSR have also seized upon the opening of the archives to interrogate Cold War historiography on interwar Soviet foreign policy.⁶⁸ The debate in these studies revolves around the question of Soviet intentionality in Spain – the extent to which Soviet involvement in Spain was based on revolutionary solidarity or Soviet self-interest, as Denis Smyth has put it.⁶⁹ It has also critically examined the way in which we interpret Stalin himself and the effect that this has had on our assumptions about Soviet intentions in Spain. For example, Alfred Rieber has argued that conditions in both China and Spain proved too complex for Stalin to manage.⁷⁰ Moreover, William Chase and Oleg Khlevniuk, although they retain interpretive differences, have both argued that there was a bi-directional or reciprocal relationship between Stalin's USSR and the Spanish Republic – that is, events in the USSR influenced policy in Spain and, importantly, vice versa.⁷¹ Indeed, the Soviet mass repressions of

⁶⁷ The exceptions are the recent works of Paul Preston and Boris Volodarsky.

⁶⁸ Daniel Kowalsky, *La unión soviética y la guerra civil*; Geoffrey Roberts, "Soviet Foreign Policy and the Spanish Civil War," in *Spain in an international context*, eds. Christian Leitz and David J. Dunthorn (New York: Berghahn, 1999).

⁶⁹ Denis Smyth, "'We are with you': Solidarity and Self-interest in Soviet Policy towards Republican Spain," in *The Republic Besieged*, 87-106.

⁷⁰ Alfred J. Rieber, "Stalin as foreign policy-maker: avoiding war, 1927-1953," in *Stalin: A New History*, 140-158.

⁷¹ William Chase has argued that Soviet perception of the dangers of Trotskyism and the "fifth column" in Spain informed Soviet domestic policy on the removal of enemies in preparation for war. See William Chase, "Civil War, Internationalism, and the Forging of Communist Political Cultures in the Spanish Republic and the USSR,"

1937-1938 may have been influenced by Stalin's perception of the danger of internal enemies in the Spanish Civil War. And the POUM represented the Spanish version of what Stalin understood as a broader transnational "Trotskyist" conspiracy. Together, this work represents a concerted effort to place the narrative of Soviet involvement in Spain both within a wider interwar political and diplomatic context as well as the context of Soviet domestic developments.⁷² This dissertation addresses, as appropriate, such issues and contributes to both Soviet and Spanish historiography. It situates the POUM's prosecution within the recent flourish of scholarship on interwar Soviet and Spanish history and suggests further paths for research in both national historical fields.

0.5 POUM TRIAL LITERATURE AND THE CONTINUING POLEMIC

As a result of the admirable and tireless efforts of Víctor Alba and many others, the Spanish Ministry of Justice declassified and opened the official "POUM dossier" to researchers in 1988.⁷³ In the wake of the release of these previously unstudied prosecution materials, an inchoate body of Spanish and Catalan scholarship has developed that attempts to interpret the POUM's prosecution and trial. Most works are unpublished article-length political polemics that are often compiled into volumes. They have primarily sought to "expose" Soviet actions in Spain and intervene in the debate about the accusations of espionage, treason, and "Trotskyism" leveled at the POUM.⁷⁴ Others have been concerted attacks on individual historical actors, such as Antonio Cruz González' *Las víctimas de Negrín*. While such works are integral to a basic understanding

(Unpublished, 2011), and Chase, "Stalinism with a Spanish Twist," unpublished paper delivered at the Conference on Stalin and Stalinism, Hamburg Institute for Social Research (October 2009).

⁷² See also the unpublished conference papers presented at workshop and conference, The Spanish Civil War's Impact on Spanish and Soviet Political Cultures, February 2011. Daniel Kowalsky, "Decree and Power: the successes and failures of Soviet plans in the Spanish Republic, 1936-1939," and Olga Novikova Monterde, "The Spanish Civil War and in the Russian Looking Glass."

⁷³ See Stephen Schwartz, "Reading the Runes: new perspectives on the Spanish Civil War," *Arena* 2 (February 2011): 113-131. Documents on the process of declassification can be found in CEHI, "El Proceso del POUM 1989-1992, misc." The majority of the prosecution documents were published in 1989 in Víctor Alba and Marisa Ardevol, *El proceso del POUM: documentos judiciales y policiales (junio de 1937 – octubre de 1938)* (Barcelona: Lerna, 1989).

⁷⁴ See Wilebaldo Solano, *El proceso al POUM: En Barcelona no fue en Moscú*, (unpublished) (Edición digital de la Fundación Andreu Nin, 1999); and Víctor Alba, "Barcelona no fue Moscú. El proceso contra el POUM," (unpublished, 1998).

of the partisan debates on the Spanish and Catalan left, it is fair to say that apart from providing a wealth of documents they provide little that is new.

Alba and Marisa Ardevol have done crucial work in deciphering the often virtually illegible prosecution documents and publishing the majority of them.⁷⁵ But the accompanying commentary presents this invaluable trove of documents as an exposé on Communist and Soviet methods in Spain, and is thus often misleading. Today there still exists only one book-length interpretation of the prosecution and trial itself, Pepe Gutiérrez-Álvarez's *Un ramo de rosas rojas y un foto*.⁷⁶ The book, which is largely a reproduction of the documents published by Alba and Ardevol, but with more detailed commentary, takes its title from the objects placed in the seat in which the murdered Andreu Nin would have sat in the courtroom during the trial. However, following in the footsteps of his Trotskyist predecessors, Gutiérrez-Álvarez also frames the collection as an exposé of the "Stalinist" show trial in Spain, and positions the repression of the POUM as the "end of the Spanish Revolution." While the book provides critical background information on the *poumistas* involved, it often misconstrues or presents incomplete information on important officials involved in the prosecution. Gutiérrez-Álvarez situates the book within the context of the "memoria histórica" debates provoked by Spain's 2007 Law of Historical Memory. His stated goal is to combat forgetting (*olvido*) by recovering the historical memory of the POUM, and "to show that another communism (opposed to Stalinism) was possible."⁷⁷ Unfortunately the book derides "academic historiography" on political grounds and thus does not benefit from a critical engagement with insights provided by recent research irrespective of political orientation.⁷⁸

The most important analytical works on the POUM's trial are an article by the French scholar François Godicheau, and a book chapter by the German historian Reiner Tosstorff.⁷⁹ Godicheau's article draws on the broad archival research that he conducted for his impressive

⁷⁵ Alba and Ardevol, *El proceso*.

⁷⁶ Pepe Gutiérrez Álvarez, *Un ramo de rosas y un foto: variaciones sobre el proceso del POUM* (Barcelona: Editorial Laertes, 2009).

⁷⁷ *Ibid.*, 11.

⁷⁸ The nine-page introduction is more polemic than historiographical discussion. The work also suffers from the constant omission of precise citations to support Gutiérrez-Álvarez's claims.

⁷⁹ François Godicheau, "El proceso del POUM: proceso ordinario de una justicia extraordinaria," *Historia Contemporánea* 29 (2005): 839-869. Reiner Tosstorff, "Ein Moskauer Prozeß in Barcelona": Die Verfolgung der POUM und ihre international Bedeutung," in *Kommunisten verfolgen Kommunisten. Stalinistischer Terror und "Säuberungen" in den kommunistischen Parteien Europas seit den dreißiger Jahren*, eds., Hermann Weber and Dietrich Staritz (Berlin: Akademie Verlag GmbH, 1993).

book, *La Guerre d'Espagne*.⁸⁰ The article interrogates common interpretations of the trial and avoids most of the traditional interpretive pitfalls.⁸¹ Godicheau, a specialist on Catalan politics and political repression during the war, argues that work produced by *poumistas* simplifies the prosecution by attributing it to the manipulation of the “men of Moscow.” He points out that most such work has simply ignored the diversity of views towards the POUM’s prosecution within the Spanish Republican government, and the key role of non-Communists such as Justice Minister Manuel de Irujo. Rejecting “mechanistic explanations,” Godicheau argues that any study of the Republic’s prosecution of the POUM necessitates an understanding of the constantly changing internal logic of various parties, institutions, and individuals (be they policemen, government officials, or judges). While Soviet-affiliated communists sought to apply the political discourse of the Moscow trials to the POUM’s trial, their adversaries within the Republican coalition took advantage of the trial to “formulate and proclaim the official version” of Spain’s recent history.⁸² This brief article has moved forward the study of the POUM’s trial more than any publication in the last twenty years.

Tosstorff, the leading German historian of the POUM, has published widely on the Spanish Civil War and the POUM. His chapter in an edited volume (which also appeared in his full-length book), “‘Ein Moskauer Prozeß in Barcelona’: Die Verfolgung der POUM und ihre internationale Bedeutung,” addresses the POUM in an international context only insofar as analyzing the propaganda of the Comintern in Europe can be considered international.⁸³ In fact, while the work adds more detail to previous *poumista* interpretations, Tosstorff, a general sympathizer with the POUM, situates its repression within the standard narrative of growing Communist dominance in the Republic and places Negrín in the Communist camp. Although he points out that the normalization of politics in Catalonia in summer 1937 sparked the May events, Tosstorff argues that the subsequent establishment of Negrín’s government allowed the Spanish Communists “even more key positions in the security apparatus.” Bolloten is his

⁸⁰ Godicheau, *La Guerre d'Espagne: République et Révolution en Catalogne (1936-1937)* (Paris: Editions Odile Jacob, 2004).

⁸¹ It must be said that, although the publisher did not permit footnotes for the article, Godicheau does draw on the work of Julián Gorkin somewhat uncritically. My thanks to François Godicheau for his assistance.

⁸² Godicheau, “El proceso del POUM,” 869.

⁸³ The title translates to, “‘A Moscow Trial in Barcelona’: The Prosecution of the POUM and its International Importance.”

source.⁸⁴ Citing Gorkin and “Andrés Suárez” (the *poumista* Ignacio Iglesias), Tosstorff claims that court documents illustrate how secret police tried to force Nin to confess. In fact, the interrogations to which he refers were carried out by the *Brigadas Especiales* on 18-21 June, that is, *before* Nin was abducted by NKVD operative Alexander Orlov.⁸⁵ Echoing Víctor Alba, Tosstorff explains that the trial “had failed as a Spanish edition of the Moscow trials.” “The main reason for this,” he argues, “is obvious: the defendants did not ‘confess’.”⁸⁶ A death penalty was averted, he claims, because “the judges had rebelled against” Negrín, whom Tosstorff claims demanded a death sentence under Soviet and PCE pressure.⁸⁷ As we shall see, Negrín had no intention of securing a death sentence for the POUM leadership. In sum, Tosstorff’s fundamental misunderstanding of Negrín’s relationship with the Communists, and his role in the prosecution and trial, make his article an interesting but misleading addition to work on the POUM affair and Republican politics more broadly.⁸⁸

Glicerio Sánchez Recio’s more general work on the TEEAT has also expanded our understanding of Republican judicial politics.⁸⁹ Departing from the standard polemic to some extent, Sánchez Recio points to the broader function of the TEEAT in maintaining discipline and Republican political control after the May events of 1937. Moreover, he argues that Negrín’s Special Tribunals, including both the TEEAT and the *Tribunales Especiales de Guardia* (TEG), represented a concerted attempt to centralize and increase the efficiency of the Republic’s

⁸⁴ Tosstorff, “Ein Moskauer Prozess,” 121. As we shall see, this argument does not hold up in any sphere of Republican politics except the military.

⁸⁵ The police interrogation documents are published in Alba and Ardevol, *El proceso*, 18-28. The original documents, now available in Spanish archives, do not show any sign of coercion. Nin’s affiliation with Trotsky was only mentioned twice (and Nin volunteered his identification with and later break from Trotsky). In fact, the questions dealt largely with Nin’s political history and the allegations that he was involved in espionage. If Nin was coerced into confessing, it was after he had been abducted and while he was in Orlov’s custody, and there exists no documentary or direct anecdotal evidence of that.

⁸⁶ Tosstorff, “Ein Moskauer Prozess,” 137.

⁸⁷ Again, Tosstorff cites Bolloten, who himself drew on anecdotal evidence to make such a claim. Tosstorff also erroneously claims that the government did not respond to calls for the appeal of the trial. Neither defense nor prosecution appealed for a sentence revision. Nevertheless, Negrín nevertheless discussed the issue with his Minister of Justice and the Republican Attorney General and decided against it. See Archivo Fundación Juan Negrín (hereafter AFJN), 1MJU1000000020205001 and 1MJU1000000020207001-17.

⁸⁸ Thus one reviewer of Tosstorff’s full-length book (*Die POUM im Spanischen Bürgerkrieg*) claimed that “many of the Germans who were active in Spain... fell victim to the communist secret police and to the Spanish version of the ‘Moscow Trials.’” Peter Monteath, “German Historiography and the Spanish Civil War: A Critical Survey,” *European History Quarterly*, Vol. 20 (1990): 271.

⁸⁹ In particular, see Sánchez Recio, “El control político de la retaguardia republicana durante la Guerra Civil: Los tribunales populares de justicia,” *Espacio, Tiempo, y Forma, Serie V, H. Contemporánea* 7 (1994): 585-598.

counterespionage actions, which were a top priority in a context of distrust and civil war.⁹⁰ The mere fact that such an obvious argument could be considered new and enlightening illustrates the harm that the decades-long political polemic about Negrín, the POUM prosecution, and Soviet actions in Spain has done to a fuller understanding of the Republic's history.

Nevertheless, recent research has moved towards a more complete understanding of the Republican TEEAT and its prosecution of the POUM's leaders. Although the work is in general racked with partisan diatribes that reflect Civil War-era debates, and despite the regionalist polemic (typically between Catalanist and centralist tendencies), such studies have provided crucial insight on the function and activity of the TEEAT. However, they give short shrift to the relationships of power within the Tribunal, the political clashes within the Republican cabinet that centered on the POUM's prosecution, and the broader international significance of the trial. Moreover, much of this work tends towards analytical myopia by continuing to utilize the same dichotomies (such as Stalinist vs. anti-Stalinist) employed by *poumista*, anarchist, and Trotskyist militants and historians.⁹¹ Any attempt at analytical precision must interrogate these categories and expose the variability and flexibility of meaning within them. Such analysis problematizes long-held arguments about causality and intentionality in the POUM's case.

0.6 CONCLUSION

In sum, this dissertation seeks to illustrate the complexity of the reconstruction of the Republic's judiciary. It explores both the internal and international significance of the POUM's trial by conceptualizing it as a "show trial" of Spanish Republican legality rather than an extension of the Moscow trials. It also attempts to ascertain what the partisan polemics can tell us about the *continuing* significance of the POUM's prosecution and trial. It explores how and why these

⁹⁰ Negrín decreed the TEG in late 1937 to provide a court that could bring cases of known spies and fascist saboteurs to court rapidly. It should be distinguished very sharply from the TEEAT, which was explicitly established for cases that required extended investigation. A detailed discussion is located below in Chapter 5, "Crisis and War: The Preparation of the POUM Trial, Summer 1937-Autumn 1938."

⁹¹ For example, the descriptor "Stalinist" is used to describe any organization or individual that did not defend the interests of the revolution as understood by the anarchist, *poumista*, or Trotskyist left. In this interpretation, "Stalinist" organizations thus effectively included the Madrid and Barcelona police apparatuses, the PSUC, the PCE, the Comintern, large sections of the Spanish Socialist party, various Republican political parties, and non-partisan officials who aided in the reconstruction of public order and a regular military, not to mention judicial officials within the TEEAT and essentially Negrín's entire coalition government.

issues are still quite present in the minds of Spanish and Catalan scholars, political radicals, and students of history. For the purposes of this study, it actually matters little whether indeed the POUM actually harbored fascist spies, or whether it was in fact a “Trotskyist” organization. Such determinations are at times purely semantic, subjective, or virtually impossible to empirically verify: at any rate, they tell us very little about the larger role of the Republic’s TEEAT and the political culture it represented. This, after all, is the central goal of the project, and also what pushes it beyond and apart from the previous historiography. Ultimately, it argues that the creation and use of the TEEAT represented a reassertion of state authority in the field of justice that was designed to replace structures of popular justice associated with the revolution, and to demonstrate to the world and its citizens what sort of polity the Spanish Republic had become. It was this state body that had the power to determine the veracity of the accusations, and more broadly, to define acceptable antifascist behavior and govern the Republican population. It was this body that aimed to define the Republic for both international and domestic audiences. This was state building *par excellence* and needs to be treated as such. The dissertation thus analyzes the Republic’s judiciary, and in particular the TEEAT and its prosecution of the POUM, as central technologies of governance in the wartime Republic.

CHAPTER 1

¿DÓNDE ESTÁ NIN? SOVIET INVOLVEMENT IN SPAIN AND THE POUM ARRESTS IN DOCUMENTS AND DISCOURSE

Is it strange that, in a Spain torn by war, after 10 months of a shattered state apparatus during which the actions of incompetent committees... generated anarchy, made more chaotic still by the internecine struggles of parties and organizations that resolved their issues with violence... that a Government that had been in power for so little time was not able to find the truth about what happened?

– Juan Negrín¹

Although it was long considered a point of contention by scholars, it is now well established that the Soviet NKVD was behind the order to arrest of the POUM leadership in mid-June 1937, and the killing of Nin several days later. NKVD *rezidentura* station Chief Alexander Orlov (Lev Feldbin) and the NKVD “illegal” Iosif Grigulevich doctored documents to incriminate the POUM leadership, and orchestrated the arrests outside the knowledge of the new government of Premier Juan Negrín. While there is evidence of collaboration among Spanish Communist Party (PCE) leaders in organizing the arrests, PCE involvement in Nin’s disappearance and assassination is far less clear. The Soviet and Comintern advisory contingent in Spain was often intertwined with its political and military intelligence apparatuses, although each had specific objectives. The degree to which advisers and intelligence operatives shared information is often a matter of speculation, as documents do not always permit a precise understanding. Most Soviet operatives in Spain sent their reports straight back to Moscow through the Comintern. Although many of these cables were intercepted by British signals intelligence, most did not reach Spanish Republican officials. They have only come to light with the declassification of collections in Russian archives starting in the early 1990s, and the repatriation of documents to Spain.²

The killing of Nin should be understood in the context of, and as one symptom of, the fragmentation of the Republican state and the decentralized nature of political power and

¹ AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis.

² These include documents from the Russian State Archive of Socio-Political History (RGASPI), the Russian State Military Archives (RGVA), and others.

authority during the first year of the war, as well as the subsequent attempt to reconstruct the state apparatus.³ This chaos and atomization of power facilitated the penetration by intelligence operatives ranging from Italy's OVRA and the German Gestapo to British intelligence and the Soviet NKVD. Civil War Spain was not only a training ground for Soviet and Nazi weapons – it was also in many respects a great training exercise and recruiting ground for subsequent WWII and Cold War intelligence operations. The work of Boris Volodarsky and others in Soviet archives has revealed that most Soviet NKVD, GRU (military intelligence), and even Comintern missions in Spain had important intelligence gathering objectives. However, the NKVD's anti-Trotskyist operations in Spain were far more odious and, in the case of Andreu Nin, general secretary of the POUM, far deadlier. Soviet anti-oppositionist operations, or "special tasks" in the Soviet lexicon, mirrored in quality but hardly in quantity the draconian mass repressions in the USSR.⁴ As such, they understandably played a larger role in the subsequent narratives of many historians writing about Soviet involvement in the Spanish war in the context of the Cold War. This was particularly the case with the repression of the POUM and the prosecution and "show trial" of its leaders.

Shortly after the arrests, however, the prisoners were turned over to the Republican government's newly created *Tribunal Especial de Espionage y Alta Traición* (TEEAT), in accordance with the government's demands. The arrested *poumistas* were held in state prisons in Valencia and Barcelona until the TEEAT completed indictment procedures and prepared the trial. This chapter examines the impact of Nin's disappearance on the Popular Front government. It argues that the affair provoked a split in the Popular Front coalition, which would continue through 1937 and 1938, about how to deal with the POUM. Moreover, it argues that the arrests, and especially the disappearance of Nin, should be sharply distinguished from the subsequent prosecution and trial of the remaining POUM leaders. A close look at the responses to Nin's disappearance does not reveal government complicity in Soviet political repression; rather it illustrates how the affair exacerbated disputes between the Soviet and Comintern advisory apparatus in Spain and the Spanish Republican government, which had different priorities and

³ Comintern advisors also observed and recorded this economic, political, and social fragmentation and decentralization. See report of Stoyán Minev (alias Stepanov) to Dimitrov, forwarded to Stalin. RGASPI, f. 495, op. 74, d. 204, ll. 22-32, cited in Alexander Dallin, et al., *Dimitrov and Stalin: 1934-1943, letters from the Soviet archives* (New Haven: Yale University Press, 2000), 50-58.

⁴ Volodarsky, "Soviet Intelligence Services," 8. See also Christopher Andrew and Vasilii Mitrokhin, *The Mitrokhin Archive: The KGB in Europe and the West* (London: Penguin Press, 1999), 87-8.

goals with regard to the POUM. The prosecution set those contradictory interests into sharp relief. While Soviet NKVD operatives sought to root out “Trotskyist” collaborators, the Republican government attempted to save face internationally in the midst of another wartime controversy that had undermined the Republic’s reputation as an independent, sovereign, and non-Communist state.

1.1 FRAMING THE POUM: THE DISAPPEARANCE OF ANDREU NIN

Calls for the dissolution of the POUM party apparatus and its affiliated trade union and aid organization had both domestic and international origins. The PCE press denounced the POUM throughout the spring and summer of 1937 from its Madrid and Valencia press organs, and local emergency relief cells complained of the organizational impediment posed by the POUM.⁵ The Comintern Executive Committee (ECCI) called for the dissolution of the “Trotskyist” organization as early as August 1936, following the Zinoviev show trial in Moscow, which set the stage for both subsequent high profile show trials and the mass repression which followed in their wake.⁶ Following the January 1937 Moscow Trial, Comintern General Secretary Georgi Dimitrov himself wired Madrid, advising PCE general secretary José Díaz to “use the trial to politically liquidate the POUM... try to obtain from working elements of this organization a declaration condemning Trotsky’s terrorist band.”⁷ Street fighting between police forces (many of which were aligned with the Comintern-aligned *Partit Socialista Unificat de Catalunya* (PSUC)) and anarchist and POUM militants in May 1937 confirmed PCE suspicions that the

⁵ Centro Documental de la Memoria Histórica (hereafter CDMH), MF/R, 1619-1623, “El P.O.U.M. control de las patrullas... sin control,” *Frente Rojo*, 9 June 1937. In response to reports alleging spy activity in the Communist-directed *Socorro Rojo Internacional* (SRI), local SRI chapters demanded the closure of POUM locations to curb the activity of the identically named POUM SRI chapters, which were perceived to be less accountable. CDMH, PS-Barcelona, Caja 14, Expediente 7, Hojas 126-133. The utilization of the mirror SRI organization represented a threat to local organizational efforts, as well as the broader threats of espionage. POUM SRI operations were allegedly “sowing confusion in the antifascist masses.” CDMH, PS-Madrid, Caja 1003, Expediente 156. For additional local pressures for POUM dissolution, see the Caspe municipal reports of 30 July on the POUM threat to new *Ateneos Culturales Populares* or Popular Culture Associations. CDMH, PS-Barcelona, Caja 397, Expediente 4, Hoja 4.

⁶ “It is essential to use the trial of the Trotskyist-Zinovievite terrorist gang for political liquidation of Trotsky and Trotskyism... in Spain, their adventurist policies are pushing the revolutionary people toward defeat...” ECCI to French and British CPs, RGASPI, f. 495, op. 184, d. 15, cited in William Chase, *Enemies Within the Gates? The Comintern and the Stalinist Repression, 1934-1939* (New Haven: Yale University Press, 2001), 158-161.

⁷ RGASPI, f. 495, op. 184, d. 12, cited in Chase, *Enemy Within the Gates*, 196.

POUM was subversive and dangerous in the context of a failing war effort and a politically fragmented state.⁸ Likewise but quite independently, the May events and their aftermath also provided the NKVD with an ideal opportunity to pursue its political enemies.

Under the direction of Orlov, the NKVD ran operatives out of the Soviet Embassy's Madrid *rezidentura*.⁹ Operatives included those who did not have diplomatic cover (termed "illegals" in Soviet intelligence parlance) in contrast to the "legal" attachés in the Soviet diplomatic mission in Spain.¹⁰ However, it is important to note, especially given the exaggerated role attributed to the NKVD in Spain by historians, that the number of NKVD operatives in Spain at any given time never exceeded 10.¹¹ Following the street fighting in the first week of May, Premier Francisco Largo Caballero handed over power to the medical doctor and Spanish Socialist, Juan Negrín, who appeared more willing to work with the PCE and Soviet advisors. In the first weeks of Negrín's premiership, Orlov secretly worked with Grigulevich to forge documents that ostensibly confirmed connections between a Francoist espionage network and the POUM leadership.¹²

According to documents viewed by the British non-fiction writer John Costello in the early 1990s in agreement with the KGB, Orlov had sent a message to Moscow on 23 May 1937 outlining his plan to use documents forged by Grigulevich that implicated the POUM leadership.¹³ An authentic Republican map of combat installations in Casa de Campo in Madrid,

⁸ The literature on the May Events is vast, polemical, and arduous to navigate. Although it is discussed in below in Chapter 3, a full discussion is beyond the scope of this dissertation.

⁹ Volodarsky, "Soviet Intelligence Services," 25.

¹⁰ Much of the documentary evidence of Orlov's involvement in the Nin affair is drawn from Costello and Tsarev's *Deadly Illusions*. One must take caution with the Costello study, as his sources are not open for verification and his interpretations are dubious or outright verifiably false at times. Costello viewed the Orlov documents as part of a late 1991 agreement with the KGB (then changed to the Russian Foreign Intelligence Service, FIS), under supervision of Oleg Tsarev, an intelligence officer and head of the KGB press department who had been commissioned to help Costello write a book about Orlov. Amy Knight, "The Selling of the KGB," *The Wilson Quarterly*, Vol. 24, No. 1 (Winter, 2000), 18.

¹¹ Volodarsky, "Soviet Intelligence Services," 6. This does not include informants that NKVD operatives were running.

¹² Orlov wrote: "...I have decided to use the significance and the indisputable facts of the case to implicate the POUM leadership (whose connections we are looking into while conducting investigations)." The falsified documents were meant to coincide with what Orlov perceived to be a series of government "administrative measures against the Spanish Trotskyists to discredit POUM as a German-Francoist spy organization." Orlov to Centre, May 23, 1937, RISA f. 17679, vol. I, p. 154-6, cited in Costello and Tsarev, 288-289. The above evidence is substantiated by reports compiled by the TEEAT, wherein Carmelo Estrada Manchón, functionary and handwriting expert for the Special Information Section for the *Ejército de Tierra*, claimed that the message was sent to him to be deciphered by some agents from the *Dirección General de Seguridad* (DGS). Valencia, 19 August 1937, DGS report, in Alba and Ardevol, *El proceso*, 111-113.

¹³ Costello and Tsarev, 288-ff.

which had been acquired by Falangist architect Javier Fernández Golfín, was recovered when Golfín was arrested by Republican forces. Orlov and Grivulevich then used invisible ink to forge a text that implied that Nin was in direct contact with Franco. Orlov's report to Moscow read:

We have, therefore, composed the enclosed document, which indicates the co-operation of the POUM leadership with the Spanish Falangist organization – and, through it, with Franco and Germany. We will encrypt the contents of the document using Franco's cypher, which we have at our disposal, and will write on the reverse side of the plan of the location of our weapons emplacements in Casa de Campo, which was taken from the Falangist organization... We expect this affair to be very effective in exposing the role the POUM has played in the Barcelona uprising. The exposure of direct contact between one of its leaders and Franco must contribute to the government adopting a number of administrative measures against the Spanish Trotskyites to discredit POUM as a German-Francoist spy organization.¹⁴

Orlov touched up the forgery, the contents of which were plainly absurd. Presumably upon receiving clearance for the plan from Moscow (documentary evidence of which has not surfaced), he passed the documents to the Republican state counter-intelligence service (in the *Comisaría General de Madrid*), which produced a report.¹⁵ The incriminating document, ostensibly written by a *poumista*, read:

To the Generalissimo. I communicate personally the following: We are telling you all the information we can collect about the dispositions and movements of the Red troops; the latest information given out by our transmitting station testifies to an enormous improvement in our information services. We have 400 men at our disposal. These men are well armed and favorably situated on the Madrid fronts so that they can form the driving force of a rebellious movement. Your order about getting our men to penetrate into the extremist ranks has been successfully carried out... in executing the order you gave me, amongst other things, I went to Barcelona to interview the leaders of the POUM. I gave them all your information and suggestions... N. asks that you should arrange that I should be the only person to communicate with them apart from their "foreign friends". They have promised me to send people to Madrid to ginger up the work of the POUM. If it is reinforced, the POUM here will become, as it is in Barcelona, a firm and effective support of our movement. We shall soon be sending you some fresh information. The organization of the action groups will be speeded up.¹⁶

The *Comisaría* sent the report and forgeries to the chief of the *Dirección General de Seguridad* (DGS) and PCE member Antonio Ortega, and to the Socialist Interior Minister Julián

¹⁴ SCHWED (Orlov) to Center, 23 May 1937, Operational Correspondence File No. 17679, Vol. 1, pp. 154-156, quoted in Costello and Tsarev, 288-289.

¹⁵ Archivo Fundación Pablo Iglesias (hereafter AFPI), AH-71-6.

¹⁶ Georges Soria, *Trotskyism in the Service of Franco* (New York: International Publishers, 1938), 9-10.

Zugazagoitia, on 1 June 1937. Several days after he received the report, Ortega ordered the arrests without Zugazagoitia's go-ahead. The latter had been highly skeptical of the documents contained in the report. When he testified in court during the POUM trial in October 1938, Zugazagoitia was asked, "Did it [the report] by chance give rise on the part of someone in the Government to the intention of persecuting the POUM?" Zugazagoitia answered, "No."¹⁷

Although the actual missive has not surfaced, it appears that Ortega ordered Fernando Valentín of the *Brigadas Especiales* (a small elite detachment of Spanish militants with NKVD connections) to arrest the POUM leadership using policemen under the command of Ricardo Burillo in Barcelona.¹⁸ Orlov and reliable policemen in the *Brigadas Especiales* went to Valencia to collect Grigulevich, and then made their way to Barcelona in two cars. Orlov and Grigulevich spent the night in the Soviet consul and met with the special police officers from the *Brigada* the next morning, at which point the policemen were informed of their mission. That day, the outspoken *poumista* leader Andreu Nin was warned that he would be arrested, to which he apparently responded "they wouldn't dare." He was promptly arrested and taken to Madrid (and later taken to a house outside Madrid in Alcalá de Henares). His companions in the POUM leadership were arrested and taken to Valencia, where they were in fact released, and upon leaving the jail, were re-arrested by a group of "very reliable officials from the *Brigada*" sent from Madrid to receive orders from Ortega. The *Brigada* took the remaining POUM leaders to Madrid for questioning.¹⁹ After a few days of questioning, Police Chief and head of the *Brigadas* authorized Nin's transfer to a chalet near Alcalá de Henares, and placed him under the control of a rotating guard.²⁰

The two guards watching over Nin on 22 June 1937, the night he was abducted, later gave statements as part of an internal investigation by the *Brigada Especial*. According to their statements, operatives dressed as International Brigadiers entered the building and overpowered them. They reported that the operatives spoke with heavy foreign accents and carried credentials

¹⁷ Zugazagoitia would later make reference to the documents, which he believed were false. The trial transcript can be found in CEHI, Procés POUM, Caja 3, Carpeta 7-9. Also see Alba and Ardevol, *El proceso*, 359-360.

¹⁸ José Cazorla admitted after the war under interrogation that Orlov and Grigulevich had both been involved in the *Brigadas Especiales*, and the latter worked closely with David Vázquez Baldominos, Chief of Police in Madrid. Carrillo also worked with the *Brigadas*. The personnel of the *Brigadas* often came from the Socialist-Communist youth organization, *Juventudes Socialistas Unificadas* (JSU). Paul Preston, *The Spanish Holocaust: Inquisition and Extermination in Twentieth-Century Spain* (London: Harper Press, 2012), 408-416.

¹⁹ The order to re-arrest the POUM can be found in Alba and Ardevol, *El proceso*, 31.

²⁰ Alba and Ardevol, *El proceso*, 28.

from General José Miaja and DGS head Ortega. After tying up the guards, they greeted Nin in a friendly manner as “comrade,” probably in an attempt to push Nin to reveal his ostensible affiliations with fascists in a last-ditch false flag operation. When it failed, Nin was seized from the building, driven with Orlov, Grigulevich, and a few collaborators by car halfway to Perales de Tajuña, walked out into a field, and shot (and presumably buried as well).²¹ But Nin’s plight was not adequately understood until recently, and rumors abounded in Republican Spain about his disappearance: that he had defected to the Francoist zone or to Germany; that he had imbedded himself in a unit at the front line; that had been captured and sent to the USSR; that he had been tortured and murdered by the NKVD. “¿Dónde está Nin?” (“Where is Nin?”) could be found scrawled on walls in Barcelona, below which opponents of the POUM wrote, “En Salamanca o Berlin” (“In Salamanca or Berlin”).

Officials from the Madrid Police Commissariat interrogated the remaining POUM detainees starting on 13 July 1937.²² They had waited twenty-eight days in captivity before being questioned by police officials in Madrid.²³ The interrogation transcripts show no indication of coercion. In fact, when the TEEAT in Valencia later asked the *poumistas* to verify the testimony that they had made in police custody in Madrid, all detainees unanimously confirmed their statements and made no changes.²⁴ In the Madrid interrogations, almost all of the detainees were asked about Trotsky and the POUM’s relationship to Trotsky. They were also asked about the POUM’s position on the legitimacy of the Republican government, its position on social revolution, the possibility of Gestapo spies in the POUM, the foreigners associated with the POUM, the May events, and secret weapons caches. The questions were also clearly motivated by the forged documents used to justify the arrests. The *poumistas* maintained that the May events had been spontaneous and that they had moved to protect the interests of the working

²¹ This reconstruction is based largely on the scrupulous research of Boris Volodarsky. Modified versions can be found in Boris Volodarsky, *Stalin’s Agent: The Life and Death of Alexander Orlov* (Oxford: Oxford University Press, 2014), and in Spanish, *El Caso Orlov: Los servicios secretos soviéticos en la guerra de España* (Barcelona: Crítica, 2013). Javier Jiménez Martín, a police officer assigned to the *Brigadas Especiales* at the time, testified after the war that Grigulevich also went to Barcelona with *Brigada* in the first days of July 1937. CDMH, FC-Causa General, Folio 252, cited in Volodarsky, “Soviet Intelligence Services,” 147.

²² For interrogation transcripts, see CEHI, Procés POUM, Caja 1, Carpeta 3. Alba and Ardevol, *El proceso*, 55-66.

²³ For information about the arrested *poumistas* in July and August, see CDMH, PS-Barcelona, Caja 232, Expediente 3, Hoja 33. The detainees were transferred to San Antón Prison in Madrid. *Poumista* accounts also corroborate the chain of events detailed in the report. See Julián Gorkin, *El proceso del Moscú en Barcelona*, passim.

²⁴ For the *poumistas* interrogations, including Nin’s, see CEHI, Procés POUM, Caja 1, Carpeta 1-2. Another copy is available in Alba and Ardevol, *El proceso*, 55-66.

class. They denied knowing of any foreign spies who had infiltrated the POUM, though they did not claim it was impossible. When asked about their orientation regarding the legally constituted government, most explained their opposition to the regime. One claimed that the new government was “less Marxist” than the Largo Caballero government. From Madrid, the detainees issued a statement in which they questioned the intent and authority of those holding them in custody:

Are we being prosecuted or not? If yes, you must tell the public and us why? For the events of May in Barcelona? If so, we must be transferred immediately to Barcelona... By decree of the Ministry of Justice? Then we must be transferred to Valencia.²⁵

Nin too was questioned four times while in the offices of the *Brigadas Especiales* before they transferred him to Alcalá de Henares. The documents indicate that these interrogations took place from 18 June to 21 June.²⁶ We can surmise from Nin’s responses, which are given in third person, what questions he was asked. Officials asked him about foreigners associating with the POUM, secretly coded radio transmissions, his whereabouts and actions during the May events, relations with the Francoists, and the possibility of infiltrators in the POUM. There were also questions motivated by Orlov’s and Grigulevich’s forged documents linking the POUM to the Falangist espionage network. The line of questioning was similar to the other POUM leaders’ interrogations.

However, it is worth noting that Leon Trotsky was not mentioned until the fourth and final questioning, and curiously Nin seemed to volunteer information about Trotsky rather than discussing him in response to a specific question. Thereafter he was asked briefly about his connections with Trotsky in 1934. Even when, during the first interrogation, Nin was asked about his exile from Spain in Russia and his duties there, Trotsky was not mentioned.²⁷ As a matter of fact, discussion of Trotsky, and the POUM’s relation to Trotskyism, represented a larger portion of the interrogations of the other *poumistas* than it did in those of Nin. Although the *Brigadas Especiales* conducted the interrogations of Nin, it appears that they had no knowledge of Orlov and Grigulevich’s plan to abduct (and assassinate) Nin.

²⁵ Alba and Ardevol, *El proceso*, 64.

²⁶ Transcripts of the interrogations can be found in CEHI, Procés POUM, Caja 1, Carpeta 1; Gutiérrez-Álvarez, *Un ramo de rosas*, 24-ff.; Alba and Ardevol, *El proceso*, 18-28.

²⁷ CEHI, Procés POUM, Caja 1, Carpeta 1.

1.2 GOVERNMENT RESPONSES TO NIN'S DISAPPEARANCE

Although Nin's disappearance occurred outside of state command, it nevertheless reflected badly on Negrín's new coalition government. After little more than a month, the new government faced an internal political crisis that quickly escalated into an international crisis. Not only was the legitimacy of Negrín's new government at stake, but the issue drove a wedge between integral constituents within the Popular Front coalition, in particular between those sympathetic to the PCE and the Soviet advisory apparatus, and those, like Indalecio Prieto, who abhorred collaborating with them. The police action against the POUM and the illegal seizure of Nin also coincided with the rapid growth in the PCE ranks, which reinforced the (still minority) perception that the Republic had been overrun by "Stalinists" and that the government took its orders from Moscow.

Responding to pressures from within Spain and protests from abroad, the Republican government contacted Madrid police authorities and demanded that the prosecution be brought under the aegis of the newly decreed TEEAT.²⁸ The Director of Prisons, José Garmendia was tasked with going to Madrid to recover the prisoners.²⁹ Foreign Affairs Minister José Giral had received telegraphs from abroad protesting the arrests and petitioning the government for information in the week that followed Nin's disappearance. On Monday, 28 June Defense Minister Prieto wrote to Negrín:

After reading Juana Maurín's telegram on Friday in the Council of Ministers that Sr. Giral showed us protesting the prosecutions against the 'POUM,' which was presented by a group of the French left socialists, I have received various telegrams to the same effect, one of which is signed by the President of the League for the Rights of Man, Victor Basch. I do not need to remind you of his prominence... I have heard rumors about this issue that I hope are not confirmed, because if the facts that the rumors reference are true, it would only result in our discredit. You will acknowledge with me the enormous importance in this situation of defining that which is a just and legal punishment of crimes and that which could constitute partisan hatred, so as not to consent that the latter be carried out blindly by certain authorities.³⁰

²⁸ The TEEAT was decreed on 22-23 June 1937, a week after the arrests. See Chapter 4 for detailed analysis.

²⁹ Zugazagoitia also went to Madrid.

³⁰ AFJN, IMDN1000000020044001. Juana Maurín was the wife of the POUM leader Joaquim Maurín, who was at the time in a Francoist prison. Prieto wrote in pen at the bottom of the document that he had also received large amounts of telegrams from "foreign members" (probably of the League) that reproduced the same text.

Negrín wrote back to Prieto later that day:

In response to your letter today, I have also received numerous telegrams from abroad, surely from the same origin as yours, and with the same text about the POUM issue, and after looking at them, I have arranged that an investigation be opened, the details of which I will give to you.

Both Interior Minister Zugazagoitia and Justice Minister Manuel de Irujo stressed the gravity of the POUM arrests and Nin's disappearance, and aside from declaring a policy of strict legality, they also deferred to Negrín's guidance.³¹ Responding to inquiries from the POUM's defense attorney Benito Pabón, Irujo wrote to Negrín, outlining the government's legalist approach to the POUM debacle.³² Foreign Affairs Minister Giral stressed the government's non-partisan, legalist approach in responses to letters received from Paris petitioning the government on behalf of the arrested *poumistas*:

The Republican Government does not carry out any acts of political persecution, but instead takes basic safety measures regardless of the political tendencies of the group... The heterogeneous composition of this Government and its spirit of justice guarantee that its decisions are devoid of any political or partisan sectarianism... The Republican Government is very tolerant of those who fight for ideological reasons but it cannot tolerate actions of enemies that endanger the popular cause in decisive moments, who are now turned over to the appropriate courts.³³

The POUM leadership, Giral wrote, remained in prison as a result of the encouragement and support that their press organ (*La Batalla*) gave for the "subversive movement" during the May 1937 street fighting in Barcelona. The POUM had "undoubtedly become a refuge for some opponents of the regime that found in it fertile ground to combat the regime with impunity, hiding behind the antifascist declarations of the POUM."³⁴ Here, Giral attempted to delineate the role of the government as opposed to that of the courts. While acknowledging the ideological nature of the war, he nonetheless emphasized the context of war and the need for popular unity. The arrests, he argued, were justified, but the courts would decide the veracity of the charges against the imprisoned *poumistas*.

³¹ "...the defense always has all the means that the law confers on it, and its actions will always be carried out within the law, assisted by the Ministry of Justice." CEHI, *Proces POUM*, Caja 4, Carpeta 11.

³² Alba and Ardevol, *El proceso*, 43-44.

³³ CEHI, *Proces POUM*, Caja 4, Carpeta 11; Alba and Ardevol, *El proceso*, 47-48.

³⁴ *Ibid.*

On 17 July 1937, Irujo wrote to Zugazagoitia, reporting that he had been in communication with Pabón (who would later flee the country to Southeast Asia). He insisted that careful attention must be given to the Republic's prestige, which was at stake in the Nin case, a case on which "public attention is fixed within and outside of Spain." The *poumista* detainees must have "the highest guarantees of defense."³⁵ The government had been caught off-guard by Nin's disappearance, and had struggled for three weeks to clarify the details. Moreover, government officials feared that more of the *poumistas* would disappear in Madrid while in police custody. In a handwritten note the next day (18 July), Zugazagoitia desperately wrote to Negrín. The original document had a teletyped document attached to it, which has not surfaced. It was a letter from Police Chief of Madrid (since June 1937), David Vázquez Baldominos, to whom the POUM leadership had been transferred by Fernando Valentín (of the *Brigadas Especiales*) after their arrest. Zugazagoitia attached the document, which appears to have suggested shooting some prisoners, presumably others arrested for espionage. Zugazagoitia immediately penned Negrín on 18 July, writing that it was "absolutely necessary that the proceedings [into Nin's disappearance] continue and be passed over to Irujo's jurisdiction." Referencing Vázquez Baldominos' teletyped document, he went on:

It may be appropriate to shoot some detainees, ¿but Nin? The issue before the judge is what to do with the issue of Nin? As you can see in the [attached] teletype transcript, I have delayed the response until tomorrow because it is beyond me what should be done. Enlighten me. The issue of Escuder – another of the POUM, of whom I have already spoke expressing concern that he may disappear – according to what Ortega told me this morning, it seems that he is a prisoner in Madrid, ¿but Nin!³⁶

The same day, Zugazagoitia sent a communiqué to Negrín that Ortega be removed from his post as head of the DGS, a demand that raised a furor within the Council of Ministers.³⁷ On 19 July, Irujo wrote to Zugazagoitia with more information on the detention of Nin. He argued that the only way forward would be to turn the issue over to the Tribunals. He went on:

³⁵ CEHI, Procés POUM, Caja 4, Carpeta 10; Alba and Ardevol, *El proceso*, 45.

³⁶ AFJN, 1MGO1000000020056. Zugazagoitia's line about shooting prisoners has been cited out of context by Fernando Hernández Sánchez. Hernández Sánchez, *Guerra o revolución: El Partido Comunista de España en la guerra civil* (Barcelona: Crítica, 2010), 229.

³⁷ Burnet Bolloten, *The Spanish Civil War: Revolution and Counterrevolution* (Chapel Hill: University of North Carolina Press, 1991), 890.

It seems that they were moved from the Barcelona prison by an order of release, and as for Nin, ex-counselor of Justice of the *Generalidad*, he was handcuffed. His wife is sure that they were taken by the Russians, carrying out Russian orders. She is convinced that her husband has been assassinated.

Olga Nin was correct; Nin had been taken and “disappeared” by NKVD operatives. This action probably responded to orders from Nikolai Yezhov, Peoples Commissar of Internal Affairs (head of the NKVD), though no direct evidence has come to light. Nin had been arrested separately from the other arrested POUM leadership in Barcelona, and detained separately as well. The whole episode suggests that Nin represented a completely different, and far more important, priority than the other *poumista* leaders. Zugazagoitia responded to Irujo the next day:

...I’ve let you know the progress, or better said the lack of progress, on this issue, and I would add that the police proceedings were completely finished and they had been given appropriate instructions so that it [the case] be brought to Valencia to be handed over to the extraordinary Tribunal charged with issues of espionage. With regard to the whereabouts of Gomez Gorkin, Bonet Cuito, Escudé [*sic*], Rebull, and Andrade, according to the intelligence that I have, they are in prison in Madrid, and from what I can surmise they will be transferred to Valencia since the tribunal charged with trying them is here.³⁸

Negrín also directly responded to protests, indicating that the government would open investigations, but asserting its right to punish offenses. Upon receiving a complaint about the arrests of *poumistas* and the disappearance of Nin from the Socialist Party of America in August, Negrín hastily scrawled down instructions to his sub-secretary on how to respond:

[Write] that the government has opened an investigation into the Nin issue [illegible] which many foreign comrades know about. That nothing indicates that Nin has died and that there are some who maintain that he escaped. That all the parties of the Popular Front are determined to clarify the issue. [illegible] That foreign enemies have entered into the ranks of different Spanish parties as spies or *agent provocateurs* attempting to arouse suspicion. That errors are inevitable [illegible] ...that before, the enemies worked within all of the parties, but that the government resolves and mercilessly punishes those who commit abuses. That [illegible] many who have become convinced directly of the good faith and intentions of the government, and its decision to energetically reestablish Justice, can attest to it...³⁹

³⁸ CEHI, Procés POUM, Caja 4, Carpeta 11; Alba and Ardevol, *El proceso*, 51.

³⁹ AFJN, 1PCM100000040070001-2. Interestingly, in August, Negrín edited out part of a similar statement along the same lines. His deletions are in boldface: “The Spanish Government has opened an investigation into the issue of Nin, and **according to it, there is official conviction that** he has escaped, there not being the least proof to even suspect that he should have met his end.” AFJN, 1PCM1020000030711001-3.

Negrín finished the response, writing that “allegations made without evidence have been spread by our enemies [illegible] with the end of [illegible] the moral support of the Spanish government and achieve their designs this way.”⁴⁰ It is clear that Negrín believed not only that unreliable foreigners had infiltrated the POUM, but also that groups were seizing on the repression to discredit the authority of the government.

The commonly made argument that the recourse to legality (embodied by the new Espionage Tribunal taking the case) represented the government’s attempt to put a legal veneer on processes orchestrated from Moscow is misleading.⁴¹ Negrín, Zugazagoita, and Irujo had no sympathy for the *poumistas*, who they saw as irresponsible revolutionaries in a time in which unity and discipline was paramount. But these convictions never led them to support the violent police actions carried out by the *Brigadas Especiales* that resulted in Nin’s death in NKVD custody. The new government’s legitimacy was at stake, and its adherence to legality was born both of principle as well as internal pressure and the desire to maintain internationally that the Republic had not been overrun by Soviet operatives. It makes more sense analytically to conceptualize this sort of concern for legality in opposition to the NKVD killings rather than alongside it. The quite rare and selective liquidation of perceived Trotskyist enemies such as Nin, the Austrian Marxist Kurt Landau, and others should be understood as the exception to the rule.

There is also strong evidence, as we shall see in later chapters, that Soviet and Comintern advisors adjusted to the policy of Republican legality over the course of 1937 and 1938. The Italian Comintern advisor Palmiro Togliatti denounced several Comintern operatives for taking too authoritarian a stance in Spain and for ignoring the Republican government’s concerns.⁴² Negrín himself would later in 1938 condemn the “interference in police and counterespionage work” of Orlov and other “trabajadores vecinos” (NKVD operatives) to Soviet Charge d’Affaires, Sergei Marchenko. Marchenko related Negrín’s demand that the NKVD stay out of such work to the remaining NKVD operative in Spain (Naum Eitingon, alias “Kotov”), and sent copies to Stalin, Molotov, Voroshilov, NKVD head Yezhov. The document read that Kotov would come to the appropriate conclusions, and that Negrín had come to this position as a result of “great pressure put on him by the socialist and anarchist parties, and above all, persons of the

⁴⁰ AFJN, 1PCM1000000040070002.

⁴¹ See the interpretations of Víctor Alba (Pere Pagès i Elies), Stanley Payne, and Burnet Bolloten.

⁴² See Togliatti’s denunciation of Codovilla and other Comintern operatives. Frank Schauff, *La victoria frustrada: La Unión Soviética, la Internacional Comunista, y la guerra civil española* (Barcelona: Debate, 2008), 145-ff.

II International.”⁴³ Here we see internal and international pressures for legality informing and conditioning the Comintern’s orientation towards actions in Spain.

The NKVD’s killing of Nin was a separate and highly secretive mission. And it damaged the Republic’s international image and militated against broader Soviet foreign policy goals of building collective security in Europe and convincing the western democracies of the threat of fascism. This was but one of the many issues which together paint an often incoherent picture of Soviet intentionality in Spain. But it should come as no surprise that the various Soviet apparatuses operating in Spain should have taken conflicting and often contradictory actions, especially given that each had seen its ranks thrown into chaos by the Soviet mass repressions.⁴⁴

A few days after the Madrid police interrogated the *poumistas*, Negrín called a series of cabinet meetings to discuss the issue. The meetings took place in Valencia in mid-July. Irujo and Zugazagoitia demanded the expulsion of Ortega from the DGS for ordering the POUM arrests, while the two PCE ministers defended the chief of the DGS.⁴⁵ The idea of removing Ortega, a PCE member, from his post immediately raised the hackles of the two PCE ministers. The issue in dispute was Ortega's failure to consult his senior authority, Interior Minister Zugazagoitia, who had not given the order, though he had seen the forged documents. Instead, Ortega had allowed the Orlov to supersede Zugazagoitia’s authority over the DGS. Although the order was not, strictly speaking, illegal, it required more deliberation given the importance of the POUM issue in the fall of Largo Caballero’s government. In the cabinet debates, Negrín played the role of intermediary, trying to smooth out sharp differences.⁴⁶ Although he called for the suspension of discussion until the judicial inquiries brought substantial evidence, Negrín was very clear about the culpability of police organs (DGS) in the mishandling of the POUM. According to Comintern sources, Zugazagoitia introduced two measures, both of which passed. The first directly subordinated the Catalan *Jefatura de Policía* to the Valencia ministry, effectively removing the DGS chief’s command over Catalan security and repositioning it as an appendage

⁴³ Archive of the President of the Russian Federation, f. 3, op. 65, d. 227, ll. 30. See also *SSSR i grazhdanskaia voina v Ispanii*, Vestnik Arkhiva Prezidenta Rossijskoj Federatsii (Moscow, 2013), 387. My thanks to Olga Novikova Monterde.

⁴⁴ For repressions in the Comintern, see Chase, *Enemy Within the Gates*, passim.

⁴⁵ The PCE glorified Ortega specifically for his work on the POUM arrests. See CDMH, MF/R, 1619-1623, *Frente Rojo*, "En el frente de la retaguardia..." published in late June 1937.

⁴⁶ RGVA, f. 35082, op. 1, d. 190, ll. 171-181, quoted in Radosh, et al., 213-219.

of the Interior Minister. The other deprived Ortega of his fleet of vehicles, which the *Brigada Especial* had used in the arrests and other NKVD-directed operations.⁴⁷

Ortega remained obstinate. On 16 July, he gave an interview with the press, saying, "I am very satisfied with the men under my command, who have complied with their duties loyally..." The reporter responded, "Were you afraid that some things would have to be done in a violent way?" "Well, no," Ortega replied, "and that is one of my greatest satisfactions. Because the political and union organizations have been disarmed... and not one shot has been fired nor has there been any coercion." Emphasizing the ostensible unity of parties and unions, Ortega finished saying, "While I am here in this post, I will not allow any flag to fly over official services and public services but that of the Republic, under which we all unite to win the war."⁴⁸

Nevertheless, following a ministerial vote, the Zugazagoitia relieved Ortega of his position as chief of the DGS.⁴⁹ He was replaced by Gabriel Morón, a conservative member of Negrín's *Partido Socialista Obrero Español* (PSOE). Negrín approved Zugazagoitia's choice and Moron was operating as the new DGS Chief by July 21.⁵⁰ In fact, Zugazagoitia claimed that Negrín told him in conversation about Ortega and the officials involved in the Nin affair that "if there are people who you do not have confidence in, we will replace them."⁵¹ The ministerial conflict represented a manifestation of latent opposing interests within the Popular Front coalition, which was under considerable pressure as a result of the Nin disappearance. Irujo asserted that the international reputation of the Republic was at stake in the POUM affair, and emphasized the necessity to "normalize" the Nin file by placing it under the "organs of judicial power."⁵² He was concerned that the repression in the USSR would color the Republic's actions against the POUM.⁵³ Thus, it was imperative that the Republic try the POUM leaders in an open and legal court within a constitutionalist framework. This constitutionalist and legalist logic

⁴⁷ Ibid.

⁴⁸ *La Vanguardia*, 17 July 1937, p. 4.

⁴⁹ See the communiqué of Zugazagoitia, quoted in *Adelante*, 21 July 1937; see also Bolloten, *The Spanish Civil War*, 510-512, 890.

⁵⁰ CDMH, MF/R, 6099 B. 51/6, POUM Boletín of 1 November 1937.

⁵¹ Julián Zugazagoitia, *Guerra y vicisitudes de los españoles* (Barcelona: Editorial Crítica, 1977 [1968]), 293.

⁵² CEHI, Procés POUM, Caja 4, Carpeta 11; see also Alba and Ardevol, *El proceso*, 50-51.

⁵³ Irujo wrote to Zugazagoitia on 29 July 1937: "The events of Russia, the shootings of generals, some of whom were well known... provides a framework for Nin, Gorki [*sic*, Gorkin] and the rest of the friends of the POUM in these moments." CEHI, Procés POUM, Caja 4, Carpeta 11; Alba and Ardevol, *El proceso*. Regrettably, despite the best efforts of Negrín, Irujo (and his successors), Zugazagoitia (and his successor), the POUM's trial is often remembered in the context of, and in some cases as an extension of, the Moscow show trials. Refuting this misguided perception is one of the goals of the present work.

guided the prosecution of the remaining POUM leadership from July 1937 up to the October 1938 trial.

This constitutionalist strategy was in keeping with Negrín's priorities after taking the helm as Prime Minister. He sought to refute the "Red Spain" thesis, namely, that Spain had been overrun by Bolshevism. The popular violence in the first months of the war reinforced the international perception that Spain had fallen into the hands of the "reds" and "barbarians." The recent disappearance of Nin and the rumors circulating of Communist involvement only exacerbated such perceptions. Negrín's mandate had been to reestablish state control over public order, among other things.⁵⁴ At the Assembly of the League of Nations on 18 September, Negrín responded to Hitler's recent comment that Spain "may be conquered by Bolshevism":

No one can still seriously believe that it is the victory or defeat of Bolshevism that is at stake in Spain. Once victory is achieved, her very character, the essence of her Constitution, the unshakeable resolution of her people and her Government will guide Spain along the route marked out by her independent and sovereign will.⁵⁵

In July 1937, as delegates from the British Independent Labour Party and members of the left wing of the French Socialist Party continued criticisms of the Republican government for its handling of the POUM arrests, Negrín's cabinet scrambled to take custody over the remaining POUM leaders.

With Negrín's approval, Irujo ordered the transfer from Madrid to a Valencia state prison in the first week of August.⁵⁶ In internal correspondence, Irujo and other ministers repeatedly made the state prison versus partisan-operated prison distinction, and for good reason.⁵⁷ There had been, in fact, many informal political prisons in operation in the Republican zone, including

⁵⁴ See below, Chapter 4, "Negrín's Mandate: Public Order and Judicial Reform after May and the Creation of the Special Tribunal for Espionage and High Treason."

⁵⁵ AFJN, 1PCM0000000120005010.

⁵⁶ The prisoners were brought to Valencia after Irujo sent the General Inspector of Prisons, Don Miguel José Garmendía, to claim them. See the emphasis on the prisoners being admitted to a state prison in the press release of 5 August 1937. *Nota del Sr. Ministro de Justicia para la Prensa*, cited in Alba and Ardevol, *El proceso*, 79-80. POUM publications from this time confirm the urgency with which the prisoners were sought out by the General Inspector of Prisons and his Assault Guard escorts. See *P.O.U.M. Boletín*, 7 August 1937, CDMH, PS-Barcelona, Caja 232, Expediente 3.

⁵⁷ *Informe de la segunda delegación...* in *POUM Boletín*, 1 November 1937, CDMH, MF/R, 6099 B. 51/6. Irujo made it abundantly clear that Nin had never been in a *government* prison.

PCE and CNT detention centers, NKVD prisons, and even a POUM-operated prison.⁵⁸ In any case, the POUM detainees were first directed to the Ministry of Justice and then resettled in a state prison in Valencia, then the seat of the Republican government. The Council of Ministers discussed how to present the disappearance of Nin to the press on 1 August 1937, and agreed that information should be reported on 4 August.⁵⁹ Zugazagoitia and Irujo prepared a public statement on behalf of the Ministry of Justice for the newspapers. It is clear that the memo, in its originally drafted form, held the DGS principally responsible for both the POUM leadership arrests and the disappearance of Nin. However, Negrín removed parts of the statement before it was published. His deletions of sections of the statement are indicated below in boldface:

Upon taking over jurisdiction, from the various reports made by the police under the command of the *Dirección General de Seguridad* regarding the subversive events in Catalonia last May, and in connection with information, documents, and allegations of espionage collected in Madrid that have previously been noted **by this Ministry**, it was observed that Don Andrés Nin, ex-Consejero of Justice in the Generalidad and leader of the P.O.U.M., was not among the detainees put before the Justice Tribunals. Having carried out the necessary investigations, it turns out that Sr. Nin was detained together with other leaders of the POUM by the police of the *Dirección General de Seguridad*, transferred to Madrid, and imprisoned by the Commissariat of Police of Madrid in a *preventorio* **in Alcalá de Henares**, from which he disappeared **together with the guards that had been placed by the Commissariat** and efforts to date to find and rescue Nin... have been unsuccessful... The Sr. Attorney General of the Republic has been informed of the incident, and he has been given orders to put the issue before the Tribunal of Espionage with maximum urgency... the police continue to carry out investigations to rescue the detainee so that he be put in the prisons of State and placed before the Republic's Justice Tribunals.⁶⁰

The deletions at once distanced the Justice Ministry from the police actions and removed any reference to the transfer of Nin to Alcalá de Henares. It also effectively cleared the guards (Santiago González Fernández and Juan Bautista Carmona Delgado) of direct public scrutiny. The historian and *poumista* militant during the war, Víctor Alba (Pere Pagès i Elies), has argued that Negrín's changes to the statement confirm the subservience of Negrín to the PCE and by

⁵⁸ Prison reform is addressed below in Chapter 4. For information on the political prison run by POUM militants, about which nothing to the author's knowledge has been published, see CDMH, Causa_General, Caja 1534, Expediente 46.

⁵⁹ Alba and Ardevol, *El proceso*, 78.

⁶⁰ CEHI, Procés POUM, Caja 1, Carpeta 2. Alba and Ardevol, *El proceso*, 79-80. Negrín later argued that he did not know of Ortega's PCE-affiliation upon his appointment to head of the DGS. He also claimed Ortega had fallen into the "communist control network," and was "inept" in such a position of power. See Negrín's *borradores de memorias sobre Andrés Nin*, in AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis.

extension, to Moscow.⁶¹ In the context of the growing conflict within the cabinet surrounding Nin's disappearance, it is much more plausible that Negrín's censoring of the press statement was a calculated measure to smooth out relations within the coalition, prevent further publicity, and avoid any further de-legitimization of the Republic's police apparatus. Failure to do so would have resulted in a cabinet crisis, catastrophic in a war context in which unity was essential.⁶²

On 14 July, the PCE Central Committee held a meeting, and discussed how Irujo and Zugazagoitia were "ruining of the struggle against counterrevolution." Although they resolved not to provoke a government crisis, this was clearly a reference to the efforts taken to curb politicized repression of *poumistas* and anarchists in Catalonia, as well as the Ortega problem. Ortega's removal also angered Soviet advisors and PCE representatives. A 22 July 1937 report from GRU (Soviet Military Intelligence) advisor "Cid," which reached Soviet Marshal Kliment Voroshilov and Dimitrov, complained that Zugazagoitia and Irujo were "sabotaging the liquidation of the POUM," and described Negrín's role as "indeterminate." Cid explained that Negrín had "tried to smooth over the situation and declared that the decision about O.'s replacement was not directed against the [Communist] party..."⁶³ In fact, both Zugazagoitia and Negrín had insisted that Ortega's removal was not an attack on the PCE.

In a series of unpublished notes, Negrín later wrote that the POUM arrests and Nin's disappearance corrupted the moral authority of the government and the constitution, and thus the issue had to be turned over to the courts. He postulated, "Is it odd that... in a collapsed and anarchical state where rival parties solve their problems by the use of violence and by imposing their own authority... that the government was not able to figure out what had happened?"⁶⁴

⁶¹ Alba and Ardevol, *El proceso*, 78-80.

⁶² Ibid.

⁶³ The "Cid" report shows just how angering the outcome of the Ortega affair was for the Soviet advisory apparatus. RGVA, f. 35082, op. 1, d. 190, ll. 171-181, quoted in Radosh, et al., 213-219.

⁶⁴ AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis.

1.3 INVESTIGATIONS INTO NIN'S DISAPPEARANCE

There were various formal and informal investigations into Nin's whereabouts, none of which produced corroborated and definitive evidence of what had occurred. What precisely had happened to Andreu Nin in those fateful days has been well established by the careful research of Boris Volodarsky, Ángel Viñas, Paul Preston, and other historians, as well as Dolores Genovès and others involved in the production of the Catalan television documentary, *Especial Andreu Nin: Operació Nikolai*.⁶⁵ It has also been briefly discussed above. The purpose here is not specifically to contribute to that specific body of knowledge, for any fresh contribution to the debate about Nin's death awaits the opening of NKVD (now FSB) archives.⁶⁶ Rather, what is important to the analysis below is the extent to which members of the Republican cabinet knew about the events, the outcome of investigations into Nin's disappearance, and the assignment of the special judges to the cases of both Nin and the remaining POUM leadership. The main sources, apart from material in the *Archivo Fundación Juan Negrín* and other Spanish archives, are a series of memoirs of Republican government officials.⁶⁷ Although the investigations into Nin's disappearance, which lasted until October 1937, produced only bits and pieces of evidence of Russian involvement, the writing was on the wall.

It is not completely clear when exactly Negrín learned of the disappearance of Nin, but given that he regularly received briefs and reports from Madrid and Barcelona, it could not have been long. Negrín himself claimed in the 1950s in an unpublished manuscript that he had first found out about the disappearance of Nin during a farewell dinner for Soviet Air Force advisor Yakov V. Smushkevich (nom de guerre "Douglas," codename "André"). This had to have happened between 16 June and 23 June. Negrín wrote:

Halfway through the meal, an official came close to me to tell me stealthily that Señor Nin – detained in Cataluña for the events of May in the last weeks of the Largo Caballero Government – when he was driven to Madrid to appear as a witness summoned by a Judge who oversaw a case of espionage there, and en route, nearing the destination, he

⁶⁵ Volodarsky, "Soviet Intelligence Services"; M. Dolores Genovès, "Especial A. Nin: Operació NIKOLAI," *Televisió de Catalunya, SA*, 1992.

⁶⁶ *Tsentrāl'nyi Arkhiv Federal'noi Sluzhby Bezopasnosti RF* (TsA FSB, Central FSB Archive of the Russian Federation), Moscow.

⁶⁷ Of particular interest are Premier Negrín's unpublished manuscript (AFJN), and the published memoirs of Minister of Interior Zugazagoitia (1940), Zugazagoitia's sub-secretary, Juan Simeón Vidarte (1973), and Gabriel Morón (1942).

had vanished as if by magic. These were more or less the circumstances in which I learned of the news.⁶⁸

In fact, a special judge had not yet been appointed, and the *Brigadas Especiales* had driven Nin to Madrid separately from the rest of the detained *poumista* leadership. The special judge appointed to preside over the case would be appointed later that summer. Negrín further claimed that “[U]ntil that moment, I did not have any knowledge of Nin’s detention in Barcelona, where the Judiciary and most of the prisons continued under the control of regional authorities.”⁶⁹

PCE Minister Jesús Hernández’s account gives us some insight on the extent to which the PCE understood what had happened to Nin. However, the book makes numerous basic errors (both by mistake and deliberately), and Hernández had been expelled from the PCE before writing it. He also apparently composed the work with the help of the POUM leader turned anti-Communist, Julián Gorkin himself. Nevertheless, it is worth analysis. Although Hernández gave patently false information about his own position regarding the Nin affair in the book, one section is important.⁷⁰ He claimed that on 23 June, the day after Nin’s disappearance, he was sure that the latter had been assassinated. He writes of a certain “Comrade X,” whose identity has yet to be established, but whose existence is corroborated in Antonov-Ovseenko’s report of 14 October 1936.⁷¹

Hernández wrote: “Comrade X let me know that he had transmitted a message to Moscow which said: ‘A.N. affair settled by method A.’ The initials coincide with Andrés Nin’s. What could ‘method A’ be? The absurd account of the ‘abduction’ by Gestapo agents pointed to the GPU’s [*sic*, NKVD] crime. Then ‘A’, in the Soviet delegation’s code, stood for death.”⁷² Hernández’s speculation may actually be correct, given that the “method A” in NKVD parlance (*aktivka*) stood for assassination, according to Boris Volodarsky. Hernández then named “Togliatti, Stepánov, Codovilla, and Guéré [Ernö Gerö], etc.” as “the Soviet delegation” that was in charge of transmitting the message. It is likely that Hernández knew of the transmission through the aforementioned contacts, who were senior Comintern advisors in Spain, and that

⁶⁸ AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis, 0001-0013r.

⁶⁹ Ibid.

⁷⁰ Volodarsky, “Soviet Intelligence Services,” 243.

⁷¹ See below, Chapter 3, “The Institutionalization of “Peoples Justice”: From Popular Justice to the Popular Tribunals.”

⁷² Jesús Hernández, *Yo fui un ministro de Stalin* (México: Editorial América, 1953), published in French as *La Grande Trahison* (Paris, 1953), translated by Pierre Berthelin. An English translation by Robert Pitt of the text, from which the quotes have been taken, can be found at <http://www.whatnextjournal.org.uk/Pages/Pamph/NKVD.html>.

they knew the truth about Nin although publicly they maintained that the Gestapo had freed him from prison. However, it is highly unlikely that these figures transmitted anything of the sort, given that not one of them was directly involved in the assassination of Nin. “Comrade X” is likely another codename for Orlov or Grigulevich, probably the former, given that he had communicated information to Moscow regarding the Nin operation prior to the arrests.

According to Hernández, Ortega claimed to have given the order to arrest the POUM leadership with Orlov, Togliatti, Codovilla, Pasionaria (Dolores Ibárruri), and Pedro Checa present in the office with him. He also claimed that upon reporting the Nin affair to PCE head José Díaz, the latter reacted with indignation, fearing that it would provoke a broader controversy. No contemporaneous evidence has come to light that backs up either of the claims. Nor has the “method A” telegram surfaced in archives. However, although it is difficult to say to what extent the PCE and Comintern leadership knew precisely what had happened to Nin, they certainly understood that the perpetrators had been Soviet operatives of some sort. It may have been the case that Pasionaria responded, “We did,” when Díaz demanded to know who had ordered the arrest of the POUM leadership (as Hernández maintained). They may have indeed collaborated with Ortega, Valentín, and Burillo regarding the orders for arrest. However, it is very unlikely that they knew anything about Orlov and Grigulevich’s plan to liquidate Nin. Codovilla’s intervention during the same episode, related by Hernández, regardless of its veracity, seems apt and accurate: “Whatever reasons the comrades of the ‘special agency’ [NKVD] may have had to act as they did, it isn’t our business. Their activity takes place on the margins of the party.”⁷³

In his memoir, Subsecretary of Interior Juan Simeón Vidarte related an episode in which he spoke with PCE Minister of Agriculture Vicente Uribe about the disappearances of Nin and Marc Rein, the son of a prominent Menshevik who had been disappeared (probably by the NKVD) in 1937 in Spain. After Vidarte heard rumors of NKVD nests from Zugazagoitia, he went to speak with Uribe. “I was furious, enraged at our impotence, our odious servitude. I decided to talk to Uribe...” He scolded Uribe, saying “What you are doing is truly criminal!” Uribe responded:

I emphatically reject that the Spanish Communists had anything to do with it. As you say, it was Orlov, of Stalin’s special police, not us, not Togliatti nor Codovilla, [who] have

⁷³ Hernández, *Yo fui un ministro de Stalin*.

done absolutely nothing. But with these things you have to be very careful. Maybe the so-called journalist [Marc Rein] was nothing more than a disguised fascist... looking for information on some battlefield...⁷⁴

The spy mania and paranoia born of the civil war and exacerbated by Soviet thinking vis-à-vis “Trotskyists” offered an easy cover for PCE and Comintern officials, who probably knew far more than they said. Who could know? Perhaps there were indeed covert fascists hidden in the ranks of the POUM. Of course, it should come as no surprise that spies infiltrated almost every political group in the Popular Front, including both the POUM and PCE. In any case, PCE officials were happy to see the POUM’s demise and, in general, they cared little about the disappearance of Nin.

On 19 July 1937, almost one month after Nin’s disappearance, Zugazagoitia wrote to Irujo with the intention of opening an official investigation into the whereabouts of Nin:

Andrés Nin’s wife visited me... I confess to you that this problem worries me immensely. Not only the tears of this woman, but the enormous repercussions that the issue has. I believe that it must be brought to the Council of Ministers, handed over to the Tribunals, and [that] a Special Judge be named so that those responsible are identified. It will be the only way of freeing ourselves from the contingencies every time more unpleasant that the current situation has in store for us.⁷⁵

Irujo wrote back, saying, “...they should be transferred to Valencia since the tribunal charged with trying them is here.” He went on, “I do not overlook that it could be interesting to examine this issue in the Council of Ministers and set out a course of action.”⁷⁶ In fact, the Republican government opened two official investigations into the disappearance, one through the Justice Ministry (and the Attorney General’s office) and one through the Interior Ministry.

Vidarte was tasked with the Interior Ministry’s investigation. However, investigations into Nin’s disappearance had already begun just a day after his disappearance on the night of 22 June. The first was an internal investigation within the Madrid police – the *Brigada Especial*’s own investigation – which appears to have been carried out in good conscience. Vázquez Baldominos wrote on 23 June:

⁷⁴ Vidarte mistakenly remembers the name as “Marc Kein.” Juan Simeón Vidarte, *Todos fuimos culpables: Testimonio de un socialista español* (México: Teozntle, 1973).

⁷⁵ CEHI, Procés POUM, Caja 4, Carpeta 11.

⁷⁶ Ibid.

I have ordered that an investigation be opened quickly and that the appropriate proceedings be done, taking statements from the agents, with the objective of obtaining precise facts for the establishment of a track of evidence that will allow us to find the whereabouts of ANDRÉS NIN and his captors...”⁷⁷

Police placed control points on the streets of Madrid to look for Nin and the Madrid Police Commissariat communicated information to the front to keep vigilant for him. The two guards who had been watching over Nin when he disappeared from the building near Alcalá de Henares gave statements as part of the investigation on the same day about the ostensible “rescue” of Nin. Santiago González Fernández and Juan Bautista Carmona Delgado claimed that men dressed as international brigadiers had overpowered, disarmed, and handcuffed them, and then left with Nin.⁷⁸ The investigation concluded with the story that the Gestapo and Francoists, disguised as International Brigadiers, had “rescued” Nin from police custody. Although this is completely false, it is very unlikely that the two guards were in on the operation, given their statements and other documents included in the police’s internal investigation.

Upon getting wind of the disappearance, Zugazagoitia demanded a full investigation from Ortega, who reported back by telephone that he had “looked all over, according to your mandate.” Ortega went on, “Everyone knows that in this business the intervention of the Gestapo is what happened.”⁷⁹ Zugazagoitia did not believe him and threatened Negrín with his resignation if Nin was not found alive. According to Vidarte, when Ortega reported his findings personally to he (Vidarte) and Zugazagoitia, he related the story of Nin’s rescue by Gestapo spies, and handed over to Zugazagoitia some documents that Nin’s supposed rescuers had ostensibly dropped during the operation. The Minister of Interior was infuriated:

Zuga put all the documentation on the table and said to Ortega: “I’m glad that you have been able to finalize the issue of Andrés Nin before leaving your post as *Director de Seguridad*. I suppose that you already know that the government wants to use your services as a colonel on the battlefield, from which military men should never leave. We are grateful for your services.” Once we were alone, Zuga unleashed with expletives “I had to contain myself to not strangle him. What things these damned posts force us to do.”⁸⁰

⁷⁷ CEHI, Procés POUM, Caja 2, Carpeta 4; Alba and Ardevol, *El proceso*, 30. Vázquez Baldominos had reported Nin’s transfer to Alcalá de Henares on 17 June 1937, after someone (almost certainly Orlov) volunteered to oversee him.

⁷⁸ Alba and Ardevol, *El proceso*, 36-37.

⁷⁹ Zugazagoitia, 292.

⁸⁰ Ibid., 292-293. “Zuga” was a common nickname for Zugazagoitia.

When Zugazagoitia consulted Negrín, the latter claimed to have no special information and feigned belief in the Gestapo story. He told Zugazagoitia to “have the services make an exact report of what happened and when you have it come see me; I want to know the truth.” Negrín then gave Zugazagoitia assurances that he could remove any person he did not trust, which the latter assumed was a clear go-ahead to depose Ortega.⁸¹

Vidarte claimed that around that same time, a report came back from a “comisario” that Zugazagoitia and Vidarte had tasked with independently carrying out his own investigation. This “comisario” was David Vázquez Baldominos.⁸² He had examined the room from which Nin was taken, and had found splats of blood on the floor and a belt that he assumed to be Nin’s. According to Fernando Valentín, Zugazagoitia had asked Vázquez Baldominos to deliver a separate report to him personally.⁸³ Vázquez Baldominos thus produced two reports, one of them with secret additions for Zugazagoitia, which outlined his belief that Nin had disappeared as a result of the conflict between the PCE and the POUM, and with the involvement of Soviet operatives.⁸⁴ With this information, Zugazagoitia was convinced that the participation of the Gestapo was not even a possibility. The evidence pointed to the Russians. The investigation also raised the possibility that a car had picked up Nin and brought him to Alicante, where he was put aboard a ship bound for Russia.⁸⁵ This was another unlikely story. Zugazagoitia forwarded the report to Negrín, saying “Bring the two reports to don Juan (Negrín) and he’ll do what he sees fit.”⁸⁶

Vidarte’s inquiry into Nin’s disappearance caused considerable friction with the Communist and police authorities in Madrid. He apparently feared for his life after he became convinced that someone had cut the front axle of his car, causing it to crash into a tree. He went to Negrín, who at first denied any connection between the two events, but then said, “I too am

⁸¹ Ibid.

⁸² Preston, *The Spanish Holocaust*, 414.

⁸³ CDMH, FC-Causa_General, Caja 1525, Expediente 1, Hoja 29, cited in Preston, *The Spanish Holocaust*, 414.

⁸⁴ Zugazagoitia mentions this secret version of the report in his memoir: “I requested a prompt report from that the *comisario jefe* of Madrid, who was also a socialist, on what had happened, and ordered him to deliver it to me personally, indicating that no knowledge of the report should reach any other person.” Ibid., 293.

⁸⁵ Vidarte, 728-729.

⁸⁶ Ibid., 729.

going to open an investigation. We have no hard evidence of anything!” Negrín went on, “I have to think about what I will do with you. I don’t want your safety jeopardized.”⁸⁷

Zugazagoitia handed the reports to Negrín, but, as he wrote a few years later, “[t]he personal intervention of Negrín did not produce any results whatsoever.”⁸⁸ Negrín chose to ignore the information about the Russians, saying instead that it could have still been the Gestapo.⁸⁹ Although Negrín feigned belief in the bizarre story, which President Azaña commented was a little too novelesque, he knew it was false. Negrín’s own unpublished account complements Zugazagoitia and Vidarte’s, and above all else sheds light how the Nin issue weighed on Negrín’s mind. According to sources within the family, Negrín apparently intended to write a memoir towards the end of his life in the 1950s, a task he never completed. The pages he did write largely dealt with the “irregularities” during the war, primarily the disappearance of Nin and other foreigners in Spain, and problems with the SIM and other special police.

In Negrín’s account, he met with both Ortega and Zugazagoitia, and he himself took primary responsibility for the investigations into Nin’s disappearance, demanding that all pertinent information be communicated to him personally, “without need for previous appointment no matter what my activities be at the time.” He claimed he had not known that Ortega was a Communist, that Ortega had a reliable reputation at the front, and that if he had known Ortega was a Communist, he would not have appointed him to head of the DGS. Negrín also wrote that no one contended that Ortega had become a sympathizer of communism, but rather that it seemed he had become a Communist because he wanted to end the war. The national and international protests created in him a “wave of indignation,” because for Negrín, “if the new Government was about anything, it was that it prevent the excesses that had taken place since the beginning of the war...”⁹⁰

According to Negrín, one could not afford to “act out” or “have one’s own convictions” about issues that are not only subject to police investigation, but also judicial proceedings. Negrín claimed that he felt obliged to remain silent about his opinion – that the Russians had been involved – while the TEEAT’s case was still underway. The issue was turned over to the courts after several days, Negrín claimed, while the police continued investigating. He involved

⁸⁷ Ibid., 750.

⁸⁸ Zugazagoitia, 293-4.

⁸⁹ Negrín also feigned belief in the story to President of the Republic, Manuel Azaña.

⁹⁰ AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis.

Irujo and the Attorney General of the Republic (Eduardo Ortega y Gasset), seeing the issue as central to defending the reputation of his new government. Negrín believed that the problem threatened to “turn into a scandal that would demolish the moral authority of a Government that established itself proclaiming as its fundamental duty to do away with the regime of personal insecurity unleashed at the beginning of the war.”⁹¹ After calling attention to how little time his government had been in power, Negrín went on:

The Director General [Ortega]... [illegible] gave me some more vague and confused details, gathered by his services, who should [have] normally overseen the transfer [of Nin]. From his presentation, it seemed clear that, given the irregularities that still prevailed in the police organization, the Security [DGS] had not been able to exercise the required control.⁹²

Ultimately, Negrín decided to keep Vazquez Baldominos’ story to himself and turn the issue over to the courts rather than face the political consequences of following the investigation to its end. In his unpublished manuscript, Negrín wrote:

If unfortunately one of the hypothetical accusations – which we had no right to consider more than conjecture until the judicial investigation was finalized – were confirmed, and which could endanger the success of the war, I would prefer to assume the responsibility of maintaining the results secret until the end of the war, while still duly sanctioning those who were responsible and demanding the punishment of those who were outside of our jurisdiction, if there were any, and protest against whatever foreign interference that could have occurred.⁹³

Speaking to the rumors circulating about Soviet involvement, Negrín wrote, “I could not say... what I knew about Nin’s case and his arrest not by authorities of the Republic but by a foreign service, because this could not be elucidated.” He went on to say that while some protested that the detention was illegal, others protested that Nin had possibly been forcibly transferred to another country, which was the story that Vazquez Baldominos’ tended to believe. Yet more protested that it had been a blood crime. Among those accused, he wrote, were the guards involved in Nin’s transfer, uncontrolled groups, members of the International Brigades, or members of the PCE. After the war, Negrín did not deny the possibility of Russian involvement. In guarded terms, he suggested the importance of maintaining good relations with the Soviet

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

Union in the context of Nin's disappearance. He resented "those who would attribute what happened to unofficial or official undercover agents from a country with which we were and with which it was necessary to maintain good relations."⁹⁴

In the draft, Negrín scratched out "A few weeks passed," and replaced it with, "*Several weeks had passed* without the Justice or Interior Ministries managing to obtain a more or less accurate report despite my urging them on." He then went on to discuss the meeting when "¿Orlof" [*sic*, Orlov] came to his office with a file folder containing "the perfectly documented odyssey of Andrés Nin, from when he was taken into custody by Assault Guards, from Barcelona to Madrid..." and the detention in Alcalá de Henares. Orlov then related the story of the fascists rescuing Nin from jail, repeating the story that came out of the *Brigadas Especiales* own internal investigation. Orlov asked if Negrín "was satisfied that the issue was fully clarified," to which Negrín responded, "it is not me but rather the relevant authorities that will have to examine the file... to make a judgment after the necessary verifications." Orlov then allegedly became aggravated when Negrín told him the story was novelesque, and threatened Negrín for offending the Soviet Union, after which Negrín showed him the door.⁹⁵ Negrín informed him that he was speaking with head of the government of the Spanish Republic. Later that day, Negrín claimed, the Soviet Chargé d'Affaires, Sergei Marchenko, came by his office pretending to deal in banalities but eventually coming to the issue of Orlov's outburst. He apologized for them and promised to reprimand Orlov, to which Negrín said that it did not matter.⁹⁶

Negrín's explanation of his part in the events may seem somewhat disingenuous, but it largely holds up when compared to other accounts, and especially given the report that Marchenko produced for Stalin, Molotov, Litvinov, Yehzov, and Kotov, discussed above. But his explanation is important for other reasons: the account indicates his impression of the police force at the time and the mandate of his government to address irregularities. It sheds light on his intentions at the time, even if they did not produce the outcomes as quickly as he desired. In fact,

⁹⁴ Ibid.

⁹⁵ AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis. Emphasis added. As Gabriel Jackson points out, this episode bears some resemblance to a similar event involving Largo Caballero. Thus Negrín may have been either embellishing or misremembering. Gabriel Jackson, *Juan Negrín: Physiologist, Socialist, and Spanish Republican War Leader* (Brighton: Sussex Academic Press, 2010), 95.

⁹⁶ AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis.

Negrín regularly pointed out, in response to protests about police irregularities, that he had inherited many unreliable police appointed during the previous government of Largo Caballero.

In July, Irujo charged Attorney General Ortega y Gasset with organizing a special judge to oversee the Ministry of Justice's investigation. Ortega y Gasset named José Moreno Laguía to oversee the Justice Ministry's investigation into Nin's disappearance, and Irujo gave plenary powers to Gregorio Peces Barba with Negrín's support.⁹⁷ The two saw Peces Barba as an ideal investigator because he was not political.⁹⁸ This investigation revealed yet further the developing split within the Popular Front caused by the Nin affair. Upon learning of the *Brigada Especial's* involvement in the arrest and disappearance of Nin, Peces Barba had several of its officials arrested: Jacinto Rosell Coloma, Fernando Valentín, Andrés Urresola Ochoa, and David Vázquez Baldominos himself.⁹⁹ In his prosecution in the *Causa General* after the war, Peces Barba testified about the incident that followed. His comments are worth quoting at length:

In August 1937, if I can remember correctly [*sic*, July], the Government of the Republic named me prosecuting attorney by order of the Attorney General of the Republic to oversee the inquiry ordered on account of the disappearance of Andrés Nin Pérez, a case for which the Supreme Tribunal named Magistrate Judge of Investigations of Madrid, Don José Moreno Laguía. According to the Ministry of Justice, this scandalous and shady issue, in which it would seem the interests of foreign countries played a role, needed a Public Attorney who was separate and isolated from all political passion, and on account of my independent and non-partisan character, I was designated for it. I had just taken charge of the investigation of the case to which a very large "dossier for the Foreign Press" was dedicated, and I intended to act with professional integrity, not ignoring the difficulties, the dangers, and the unpleasanties that awaited me if I wanted to act honorably... In the first few steps, realizing that those possibly responsible were of the highest order, I ordered the immediate solitary detention of the General Commissar of Public Order in Madrid [Vázquez Baldominos], the First and Second Officials of the *Brigada Especial* of Counterespionage, and several more agents for the time being. These arrests were carried out in Valencia one night, I don't remember if it was in September or October, when and the detainees – the two commissars – were transferred by Assault Guards from the staff of the *Audiencia* and put before the Special Judge, a few hours later an order came from the Director General of Security [then Gabriel Morón] to take the two detainees from the control of the Special Court, and we found ourselves surrounded by Assault Guards in the building of the *Audiencia* of Valencia, and the Director ordered our detention, so we had to take shelter in the Palace of Justice that night. The next morning, by intervention of an Attorney who didn't know how to be one, they gave me

⁹⁷ Alba and Ardevol, *El proceso*, 39.

⁹⁸ CDMH, FC-Causa_General, Caja 1534, Expediente 46, 1-11.

⁹⁹ Archivo Histórico Nacional-Madrid (hereafter AHN), Diversos, M. Pascua, Caja 9, Legajo 7, Hojas 1-5. Preston, *The Spanish Holocaust*, 415.

twenty-four hours to remove myself from Valencia and abandon the issue. In an animated text, I reminded the Attorney General of the Republic [Ortega y Gasset] of the event and he ordered the immediate detention of the Director General for high treason.¹⁰⁰

This was a very serious incident. To clarify, at this point, Peces Barba had arrested various members of the *Brigadas Especiales*, provoking Gabriel Morón, the new head of the DGS, to order him to release them, leave Valencia, and drop the issue. In response, Attorney General Ortega y Gasset ordered the detention and prosecution of the head of the DGS for high treason. At that point, Negrín intervened. Peces Barba went on:

Dr. Negrín believed it better to table the issue and order... that I be unassigned without right to compensation, and that I be immediately incorporated back into the ranks. For the first time I realized the price of wanting to serve the Law.¹⁰¹

Irujo compiled reports on the incident, which he sent to Negrín on 2 October 1937, saying “I hope to be able to control these matters urgently in order to give the Judiciary all the guarantees that it requires for its normal functioning.”¹⁰² Vázquez Baldominos and the others from the *Brigadas Especiales* were released, and Morón’s demand to arrest Peces Barba was rescinded. Irujo wrote again to Negrín on 9 October relating “the most energetic and respectful protest” against what had happened on behalf of President of the Supreme Tribunal, Mariano Gómez González. Irujo endorsed the protest in his letter.¹⁰³ Negrín managed to conciliate both, though Irujo would resign a few months later, in part because of the repression of the POUM.

The episode revealed the competing priorities within the police and state apparatus regarding the POUM affair. But it would be an oversimplification to posit a Communist – non-Communist framework for understanding the clash. Indeed, Morón was a socialist. The incident also caused a bitter clash between Irujo and Morón, which resulted in Negrín’s conviction that Morón had to be replaced.¹⁰⁴ The former Government Delegate to Catalonia, Paulino Gómez Sáiz, took the post in November. Given the high publicity of the Nin affair, Negrín could not afford any further escalation.

¹⁰⁰ CDMH, FC-Causa_General, Caja 1534, Expediente 46, 1-11.

¹⁰¹ Ibid. Peces Barba’s account is corroborated by the report in AHN, Diversos, M. Pascua, Caja 9, Legajo 7, Hojas 1-5, and various documents of the POUM.

¹⁰² AFJN, 1MJU1000000020145001-3.

¹⁰³ AFJN, 1MJU0000000020023001-2

¹⁰⁴ Moron called Irujo a “poor lunatic.” Preston, *The Spanish Holocaust*, 415.

Attorney General Ortega y Gasset also threatened to resign in connection with the incident. Ortega y Gasset had been pressured to compromise on his principles on the POUM issue. On 12 August, he had received a letter that appears to have come from someone within the Republican cabinet. It read:

Some of my *compañeros* in the Government have noticed the existence of a preconceived plan to distance ourselves from Russia. Therefore, regarding the POUM issue, make sure to take the necessary care not to mention to them in your interventions, and if it is necessary to use their names and surnames, do so without making it known that they are Russian. You are a discrete man, and you will realize the interest that the Republic has in not causing a rift in the efficient aid on the fronts, and in London and Geneva.¹⁰⁵

Perhaps the last straw for Ortega y Gasset was the ultimate result of the investigation that he had led into Nin's disappearance (initiated by Irujo). In the Causa General file, there exists a single document that plainly states the result. It is a 9 August 1937 letter from Irujo to Zugazagoitia, which was presumably also forwarded to Negrín's office:

My good friend:

According to the investigations made by the Attorney General of the Republic [Ortega y Gasset], Nin was snatched by the General Orloff [*sic*, Orlov] International Column.

I hope to have new detailed news about the issue that I will give to you if you are interested.

I suppose that you will already know it, but I think it is worthwhile to send you credible news that I receive.¹⁰⁶

Ortega y Gasset was granted leave to go to France, and Irujo replaced him on an interim basis with Leopoldo Garrido.¹⁰⁷ In mid-November, Ortega y Gasset's resignation was accepted and Garrido subsequently became Attorney General.¹⁰⁸ He held the post for the remainder of

¹⁰⁵ CDMH, FC-Causa General, Caja 663, Expediente 1.

¹⁰⁶ CDMH, FC-Causa General, Caja 1741, Expediente 20. The first line of the document is given without citation in Ricardo Miralles, *Juan Negrín: La República en guerra* (Madrid: Ediciones Temas de Hoy, 2003), 145. The dating is based on the reference in the document to Irujo's meeting with "Nin's family members" that morning. Olga Nin had gone to see Irujo on 9 August 1937.

¹⁰⁷ AHN, Diversos, M. Pascua, Caja 9, Legajo 7

¹⁰⁸ Ortega y Gasset resigned also in connection with the trial against Aurelio Fernandez, who had attacked José Andreu, President of the *Audiencia* of Barcelona. Fernández had also been involved in fraud with Eduardo Barriobero (See Chapter 3). Mariano Ansó, who would later succeed Irujo as Minister of Justice, wrote that "Ortega y Gasset was incapable of any sort of persecution. His nature was to protect the persecuted." He called Garrido "a man of great zeal and competency." Mariano Ansó, *Yo fui ministro de Negrín* (Madrid: Editorial Planeta, 1976), 204. García Oliver claimed later that Ortega y Gasset had resigned "for not being able to stop Irujo's attack on Aurelio Fernandez." Juan García Oliver, *El eco de los pasos* (Barcelona: Ruedo Ibérico, 1978), 522.

Negrín's government(s). In exile, Ortega y Gasset was in contact with the League for the Rights of Man in connection with the POUM affair.

In both investigations, the decision fell to Negrín to make. Ultimately, he decided to suspend the investigations indefinitely, and had the files on Nin sent to Miguel de Mora Requejo, the judge appointed in the TEEAT to oversee the prosecution of the remaining POUM leaders. Negrín understood that the law-and-order reputation of the Republic had to be built and maintained. However, he also understood that if his government admitted or suggested Soviet involvement in Nin's disappearance, Soviet aid could have been jeopardized. Faced with this dilemma, Negrín stayed quiet, brought the investigations to a close, and made sure the courts gave a fair trial to the remaining POUM leadership. If anything, the Republic could turn the controversy into a claim for legitimacy by providing judicial guarantees and an open trial. It was a bitter pill to swallow for Negrín, Irujo, and Zugazagoitia. The issue had also revealed deep cracks in the Popular Front coalition between the PCE and non-Communist elements, with Negrín occupying the middle ground.

Over a decade after the events, Vidarte spoke of the issue with Negrín during one of their meetings in exile:

After many years had passed... on one of the nights of long discussion that I used to have often with Doctor Negrín, the issue of Andrés Nin came up, and I asked him what had been his impression of the events, and he responded, "I think the communists killed him."¹⁰⁹

Vidarte responded, "You remember that the *comisario* that we named maintained otherwise. He postulated that he was taken alive from Spain and was shipped to Russia from Alicante." Negrín replied "Evidently it was a good present for Stalin. But no one in Alicante could tell me anything about that mysterious boarding."¹¹⁰ It would seem that Negrín had looked into the hypothesis of Vázquez Baldominos and found nothing.

¹⁰⁹ Vidarte, 729.

¹¹⁰ Ibid., 730

1.4 NEGRÍN AND THE COMMUNISTS

After the May 1937 government transition, Negrín (in some cases unknowingly) had appointed Communists to various police and intelligence posts, including Ortega's short-lived tenure as DGS chief.¹¹¹ He also regularly met with Russians, as his meeting logs indicate, mostly for military matters. Negrín also maintained a relationship with the Comintern's advisors and the NKVD station chief liaisons Orlov and Naum Markovich Belkin ("Belyaev"), and later Naum Eitingon ("Kotov"), head of the Barcelona substation, and NKVD Security Chief Grigory Sergeyevich Syroezhkin ("Grande").¹¹² As Negrín was also Finance Minister, he developed a close relationship with Arthur Stashevsky, the Soviet Commercial Attaché in Spain, for obvious reasons.¹¹³ Negrín also maintained a direct correspondence with Stalin and other Soviet leaders during the war.¹¹⁴ Negrín knew that these relationships had to be maintained if Soviet aid was to continue. However, for these reasons, the very real *political* differences between Negrín and the Soviet and Comintern contingent in Spain have been unfortunately obscured in the historiography, as many historians portray Negrín either as an obedient servant of Stalin or a communist dupe. Archival materials reveal that the POUM prosecution actually highlighted these differences, and thus warrant far more rigorous analysis than has been done hitherto.¹¹⁵

It is easy to understand what had brought about the PCE-Negrín association. Negrín and the PCE had a similar approach to the war situation: a belief that only centralization and order in the rear could lead to efficiency and victory on the battlefield. This stood in stark contrast to the POUM's support of revolutionary militias and industrial worker control, and its ultimate goal of

¹¹¹ See below, Chapter 4, "Negrín's Mandate: Public Order and Judicial Reform after May and the Creation of the Special Tribunal for Espionage and High Treason."

¹¹² Negrín's conversations with Kotov will be analyzed in later chapters. AFJN, IMDN2000206020002004-1MDN2000206020002008. Kotov later apparently had some role in overseeing the operation to assassinate Trotsky in Mexico City. Two of the three NKVD "illegals" in Spain (Grigulevich and Erich Tacke) left in July 1937, just weeks after Nin's assassination, while Maria Fortus stayed until September 1938. Volodarsky, "Soviet Intelligence Services," 347.

¹¹³ Stashevsky was the only official Soviet trade envoy stationed in Barcelona. When Orlov defected to the United States, Belkin was recalled to Moscow and relieved of his services in the NKVD, while Syroezhkin was recalled, arrested, and shot. Volodarsky, "Soviet Intelligence Services," 295.

¹¹⁴ See Negrín's correspondence with Stalin in AFJN, Inventario, Caja 494, Carpeta 1-23b and AFJN, 1PCM100010101 a 1PMC100010108; Correspondence with Voroshilov, AFJN, 1PCM1000101040065; Correspondence with Molotov, AFJN, 1PCM1000101040066-8.

¹¹⁵ Particularly useful here is the AFJN in Las Palmas de Gran Canaria, which includes much of the material that came across Negrín's desk during his time as President of the Council of Ministers.

seizing power and establishing a revolutionary worker and peasant government.¹¹⁶ On the ground, this translated into a surge of deliberate state actions (usually through the DGS) to secure telecommunications centers, root out revolutionaries, and filter out questionable officers in the military apparatus. But Negrín, who was independent of mind and of action, viewed the PCE as a collaborative, organizational partner, not a source of ideological or political motivation.¹¹⁷ And although both the PCE and the Soviet apparatus found Negrín more amicable than Largo Caballero, particularly after the arrests of hundreds of rank-and-file *poumistas*, differences quickly emerged.

On 22 July 1937, GRU operative “Cid” reported that, although it had “become in fact much easier to work with him [Negrín] than with Caballero, none of this ought to hide the true situation.”¹¹⁸ The removal of Ortega, sparked by Nin’s disappearance, was the first step in a subtle but consistent campaign against the PCE within the apparatus of the state. By September 1937 the Negrín-PCE relationship continued to erode as a result of the government’s refusal to pursue the POUM with sufficient vigor. In mid-August, PCE Organization Secretary Pedro Checa reported to the Comintern that although the campaign against the POUM was “moving forward very strongly,” the POUM had not been disbanded completely. It still had representatives in municipal assemblies, and the government was “not arresting people who distribute the POUM’s illegal literature.”¹¹⁹ He protested that although the government “accepts almost all of our party’s proposals, it puts them into effect very slowly or not at all...” Checa went on to claim that “only under pressure from the party did the government take a number of measures against the Trotskyist spies, and the government does not regard them as a force of espionage and counterrevolution.”¹²⁰ In fact, according to Checa, the government worked to protect the POUM: “...moreover they set them free when our comrades turn them over to the police.”¹²¹ Indeed, as we shall see, the TEEAT acquitted many arrested rank-and-file *poumistas*.

¹¹⁶ Antonio Elorza and Marta Bizcarrondo, *Queridos camaradas: La Internacional Comunista y España, 1919-1939* (Barcelona: Planeta, 1999), 362.

¹¹⁷ See Louis Fischer’s analysis of Negrín in *Men and Politics*, 439-ff. This is corroborated by the research of Helen Graham, “War, Modernity and Reform: the Premiership of Juan Negrín 1937-1939,” in *The Republic Besieged*, 163-196. See also Enrique Moradiellos, *Don Juan Negrín* (Barcelona: Ediciones Península, 2006), passim, esp. 13-27, and “El enigma del Doctor Juan Negrín: perfil político de un gobernante socialista,” *Revista de Estudios Políticos* 109 (July-September, 2000), 255-ff.

¹¹⁸ RGVA, f. 35082, op. 1, d. 190, ll. 171-181, quoted in Radosh, et al., 213-219.

¹¹⁹ RGVA, f. 33987, op. 3, d. 961, ll. 57-64, quoted in Radosh, et al., 409-ff.

¹²⁰ RGVA, f. 33987, op. 3, d. 961, ll. 34-56, quoted in Radosh, et al.

¹²¹ RGVA, f. 33987, op. 3, d. 961, ll. 57-64, quoted in Radosh, et al., 409-ff.

Stoyán Mínev (alias “Stepánov”), the Comintern secretary of Latin countries, had written as early as March 1937 to Comintern General Secretary Dimitrov, complaining that the Republic censored articles against the “Trotskyists” that *Frente Rojo* attempted to publish, especially those containing “arguments that demonstrate the counterrevolutionary activities, the fascist sabotage by these people in Spain.” He claimed that “a systematic and growing flirtation started between the Spanish Socialists and the Trotskyists (POUM).”¹²² Dimitrov forward the message to Stalin. Two weeks after the mid-July crisis surrounding Nin and Ortega, an unsigned report sent to Dimitrov and forwarded to Voroshilov remarked “on the government and its policies,” noting that “the honeymoon is over, and signs of differences in ‘personalities’ are appearing.”¹²³ These differences in large part hinged on the issue of the POUM. According to the author of the report, Irujo and Zugazagoitia did “everything possible and impossible to save the Trotskyists and to sabotage trials against them,” and “everything possible to acquit them.”¹²⁴ Finally, the report asserted that if Negrín did not submit to “a tireless purge of Trotskyist [POUM] elements at the rear... we will find the necessary means and measures to protect the interests of the people.”¹²⁵

These inflammatory reports, of course, cannot account for Soviet policy per se, but they do represent some of the pieces with which the ECCI, and by extension, the Soviet leadership, formulated their ideas about the relationship between the Negrín government and the prosecution of the POUM. They show how Soviet advisors transformed Spanish conditions into language that made sense to Soviet political culture, and conversely how these perceptions informed interpretations of conditions in Spain. It would be careless to conflate this discourse with the discourse internal to the prosecution and trial proceedings against the POUM leadership, for they were constructed in different ways and functioned separately. In other words, the legal discourse of the TEEAT sharply contrasted with the incendiary propaganda rhetoric aimed at the POUM by Soviet advisors and PCE militants. As we shall see, TEEAT officials considered such rhetoric absurd or incomprehensible.

Barring his PCE ministers, Negrín’s cabinet was virtually unified in its disbelief and doubt about Nin’s connection with Franco, as were most members of the Generalitat. However, Negrín and many others did suspect that foreign spies had infiltrated the POUM and considered

¹²² RGASPI, f. 495, op. 74, d. 204, ll. 22-32, cited in Dallin, et al., 50-58.

¹²³ RGVA, f. 33987, op. 3, d. 1015, ll. 92-113, quoted in Radosh, et al., 219-233. The “honeymoon” seems to refer to the perceived initial alliance between right-center Socialists like Negrín and the PCE.

¹²⁴ Ibid.

¹²⁵ Ibid.

that the POUM's actions in May 1937 were illegal and should be punished. Documents from Negrín's archive reveal that he received regular reports on the foreigners detained alongside the POUM. Although he knew that Nin and other POUM leaders were not "agents of fascism," as the PCE alleged, Negrín nevertheless understood the seriousness of the POUM's actions during the May events in the context of a failing war effort and the very real risk of infiltration and fifth column activity. His emphasis on legality in the repression of the POUM brought him into conflict with PCE and Comintern advisors.

One can even go as far as to state that the PCE's actions and orientations were not always in line with those of Comintern advisors and the Comintern and Soviet leadership in Moscow. It would be hasty to assume, as many historians have, that the PCE was merely a pawn of Comintern interests and by extension Soviet foreign policy, though it certainly complied with most directives from Moscow.¹²⁶ We now know that the PCE disregarded a variety of its instructions from Moscow, and again we see the POUM prosecution at the center of these discrepancies. One striking example is Stalin's own call for elections in Republican Spain. In mid-September 1937, the PCE sent two delegates to Moscow to meet with the Comintern ECCI to review and distill various reports into a general directive, entitled "the most important tasks of the PCE."¹²⁷ Upon its completion, Stalin personally approved the directive with only one addition – that "new elections be held in the Cortes,"¹²⁸ with the reasoning that "the elections will demonstrate that these politicians and the oppositional alliances created by them... who are protecting the POUM spies, have no roots in the country and are being indignantly repudiated by the majority of the Spanish people."¹²⁹ It is quite significant that Stalin's only addition dealt directly with the POUM debacle, and even more significant that neither the PCE nor any part of Negrín's government complied with it.

This suggests a few important perceptions that Stalin may have had about the repression of the POUM: first, that the political divides surrounding it were a top priority, insofar as Spain was a priority for Stalin; and second, that the POUM prosecution was beyond the power of Comintern and PCE influence and thus an election was needed to correct this political

¹²⁶ For example, in June of 1938, the PCE did not comply with Stalin's order that the PCE must leave the government but support the Popular Front. See Dallin, et al., 71-ff.

¹²⁷ Dallin, et al., 62-ff. The directive outlined political education and PCE war policy, among other things.

¹²⁸ The Spanish Cortes was composed of two houses, a lower house Congress of Deputies, and the upper house Senate. The Cortes had the ability to enact law and make constitutional amendments.

¹²⁹ Dallin, et al., 62-ff.

quandary.¹³⁰ Alternatively interpreted, it could suggest that Stalin reasoned that more overt methods (such as those used in the assassination of Nin) for dealing with the remaining POUM leadership were simply not on the table at the time given the international political context. However, no evidence has come to light that Stalin or NKVD head Yezhov ever intended to assassinate the remaining POUM leadership. As we will see, Negrín sharply rebuked the actions of the “technicians” (a code word for NKVD operatives in Spain) within the Republic’s police and counter-intelligences services. In any case, while the PCE report was generally well received, both the PCE and Negrín rejected the election clause citing conditions on the ground unfavorable to elections.¹³¹ Elections were not held, the remaining POUM leadership remained under government protection, and its prosecution proceeded according to the mandate of the TEEAT. It is possible that the Republican government’s suspension (and later illegalization) of the POUM may satisfied Comintern and Soviet leaders, especially given the unstable international situation in Western Europe.

There is also considerable evidence that the PCE was not pursuing the POUM with the energy that the Comintern’s advisors desired, in part because of pressure from other elements within the Popular Front government. For example, a report written by a one “Kitaiets” and addressed to “F.M.” on 17 July 1937 read:

The dissolution of the POUM was accompanied by a political campaign in the Communist press, but it was not at all different from previous campaigns (the same expressions, the same arguments). It insisted on not using documents and materials that demonstrate the treasonous activity of the Trotskyists in Spain (with the most ridiculous pretexts and regardless of whatever pressure). The leadership of the Party is not interested in the results nor the records of materials, as if that were an issue for the “amigos.”¹³²

According to Kitaiets, the PCE was not dedicating sufficient activity to the struggle against “the most important enemy in the Republican territory, the Trotskyists.” This was the result, he wrote, “of a clear underestimation of the forces and possibilities of a bloc against the Party... the result of an underestimation of the possibility that this bloc was emboldened by each failure of the

¹³⁰ We may also presume that the Comintern advisors contributing to the statement may have not had access to the variety of intelligence sources that Stalin had at his disposal, namely, the NKVD, the GRU, and personal correspondents such as Mikhail Koltsov.

¹³¹ Elorza and Bizcarrondo, 400-404.

¹³² RGASPI, f. 495, op. 74, d. 207. The “amigos” here refers to the NKVD operatives in Spain. See also Max Rieger, *Espionaje en España seguido de el trotskismo al servicio de franco: Un testimonio documentado de la traición del POUM en España* (Sevilla: Espuela de Plata, 2007), 38-39 (introduction by Pelai Pagès i Blanch).

Popular Front...” This “bloc” was a clear reference to those within the Popular Front government who thought that the “evidence” of POUM espionage was absurd and actively protected the *poumistas*, primarily Irujo and Zugazagoitia.¹³³ Finally, Kitaiets wrote, “it is the result of this underestimation that, despite the fact that these enemy forces do not yet act openly with a slogan calling for revolt, they sow distrust in the government with counterrevolutionary criticisms, break down the army, and subvert its military capacity.”¹³⁴

The relationship between Negrín and the Communists (usually understood as the PCE, Comintern advisors, Soviet military and diplomatic officials, and NKVD operatives) has been the topic of a fierce polemic ever since the summer 1937 transition. It is well exemplified in postwar correspondence between Negrín and his fellow Socialist Indalecio Prieto, as well as countless polemics by Spanish and Catalan intellectuals.¹³⁵ As will be explored later, Negrín’s politics were quite far from anything approaching those of the PCE officials on whom he relied, not to mention the politics of the Comintern and other Soviet advisors in Spain. Negrín’s alliance with the Communists was tactical; it was a delicate balancing act of maintaining PCE support as an invaluable resource in the war effort and the crucial Soviet military aid that kept the Republic afloat on the one hand, and his own concerns for legality, political plurality, and the maintenance of respect for human rights on the other. Negrín was far from a Soviet dupe despite the enduring narratives of the Cold War. In fact, he deftly misled and tricked the Communists on several occasions, as we shall see. Negrín’s orientation and strategy towards the Communists is perhaps best illustrated by the comments that his close collaborator Zugazagoitia made before his Francoist interrogators after the war, shortly before he was executed. It was certainly the case, as Zugazagoitia put it, that “everyone thought that Negrín worked in favor of the Communists... but he drew on the support of the Communists only to deceive them in the end.”¹³⁶

¹³³ The “evidence” here refers to documents obtained during searches of POUM locales. Many of them can be found in CDMH, FC-Causa_General, Caja 1741, Expediente 40-ff.

¹³⁴ Ibid.

¹³⁵ See for example, Cruz González, *Las Víctimas de Negrín*, passim.

¹³⁶ CDMH, FC-Causa General, Caja 1562, Expediente 14, Hoja 2. This excerpt from his interrogation is dated 13 September 1940.

1.5 CONCLUSION

While the government began appointing officials to the TEEAT in summer and fall of 1937, the PCE and Comintern continued its press campaign against “Trotskyism” and the POUM, and contemporaries drew parallels to the concurrent Moscow trials.¹³⁷ It is clear that PCE accusations leveled at the POUM throughout 1937 and less so in 1938 mirrored Stalinist rhetorical devices: accusations of Trotsky-fascism, counterrevolutionary activities, and deviationism.¹³⁸ But these allegations, which confirmed both the suspicions of loyal communists and the fears of POUM sympathizers, originated *outside* the judicial process and had little bearing on TEEAT proceedings. This distinction deserves exploration for the implications it may have for the ways in which the POUM’s repression and trial have been reconstructed in scholarship and historical memory. The inflammatory rhetoric of the Comintern continued through the winter of 1937. For example, the commemorative October Revolution issue of *The Communist International* asserted that, “The police continue to discover illegal Trotskyist organizations, and every new exposure gives fresh proof of their treachery to the Republic and their connections with the Fascists.”¹³⁹ Such reports, regardless of their veracity, conditioned the perspectives of communists throughout Europe, reminding audiences of the threat posed by the POUM.

By October 1937, the TEEAT had released eighteen POUM militants. There is evidence that the TEEAT released over twenty other militants in the latter weeks of September as well, apparently because, as a Valencia POUM publication put it, the court did “not have the power to find any impartial, concrete, believable, and binding accusation.”¹⁴⁰ The Valencia POUM, which had been critical of the Catalan POUM’s political program, in fact praised the TEEAT: “This is the path of justice.” The article from which the Valencia POUM quoted carried the concluding paragraph: “This is what we have desired and what we desire to happen. The government should always be above political quarrels between different parties. Only it can have the prestige necessary to lead as an authority for all.”¹⁴¹

This was clearly the position of Negrín’s cabinet, if only reluctantly on part of the PCE ministers. By the end of 1937, it had become the position of the Valencia section of the POUM

¹³⁷ See the Comintern journal, *The Communist International* through the remainder of 1937, CDMH, MF/R, 6024.

¹³⁸ This is covered well in Tosstorff, “Ein Moskauer Prozess,” in *Die POUM in der Spanischen Revolution*, 126-161.

¹³⁹ CDMH, MF/R, 6024, REV. 134/5.

¹⁴⁰ POUM Valencia *Boletín*, December 16, 1937, CDMH, MF/R, 6099. B. 51/6.

¹⁴¹ Ibid. For more on the Valencia POUM branch, see Graham, *The Spanish Republic at War*, 346-347.

as well, which was technically underground but more or less tolerated. Negrín, Zugazagoitia, and Irujo, the central governmental players involved in the POUM affair in 1937, had effectively taken control of the prosecution. From that point on, “it” was subject to the legal codes of the constitution of the Second Republic and decrees modifying it thereafter. To understand what it meant for the prosecution to be under the control of the state judiciary, we must look at how its legal institutions, its tribunals, took the shape they had by 1938. This entails a more detailed exploration of efforts to turn the often violent “Peoples’ Justice” into institutionalized state prosecutions. However, before we turn to an analysis of the development and change of the Republic’s courts since summer 1936, we must take a closer look at the evidence (or lack thereof) for the popular interpretation that the POUM’s leadership’s trial represented in effect the “exportation” of the Moscow show trials to Republican Spain. This entails both a consideration of the Moscow trials and a closer look at the efforts by NKVD and Comintern operatives to carry out such a trial in Spain.

CHAPTER 2

THE SOVIET SHOW TRIAL AS EXPORT? JUSTICE AND LEGAL CULTURE IN THE SPANISH REPUBLIC AT WAR

The great error of the Communist Party and the POUM was in trying to transfer Russian political struggles to Spain, engaging in violent controversies regarding whether the [Moscow] trials or 'purges' were a farce or if they had been carried out legally, and about the connections of the culprits with Trotsky or his most loyal disciples or collaborators, among whom, in Spain, was his ex-secretary Andrés Nin. All of this was deleterious, and only contributed to dividing the Spanish proletarian forces in the moment in which they should have been most united.

– Juan Simeón Vidarte, Spanish Republican
Subsecretary of the Interior¹

The court is an organ of power. The liberals sometimes forget this, but it is a sin for a Marxist to do so.

– V.I. Lenin²

In February 1922, Lenin sent a letter to the People's Commissar of Justice outlining his conception of the political utility of the court in the USSR. Aside from the obvious repressive uses of the court, he pointed out that the "educational significance of the courts is tremendous." Explanations, Lenin wrote, could be delivered to the "popular masses through the courts and the press."³ There was little novelty in Lenin's emphasis on the didactic function of courts in Soviet society. The Bolsheviks understood very well the propaganda value of trials, especially during revolution and civil war.⁴ As Elizabeth Wood and others have shown, Soviet courts educated

¹ Vidarte, 725.

² Wood, *Performing Justice*, 23. The quote is taken from Lenin's July 1917 piece, "The Question of the Bolshevik Leaders Appearing in Court," which he wrote in response to the Provisional Government's request that he appear in court on charges of espionage on behalf of Germany. He went on sarcastically, "'I've done nothing against the law. The courts are just. They will sort things out. The trial will be public. The people will understand. I shall appear.' This reasoning is childishly naïve." Lenin Collected Works, Vol. 25 (Moscow: Progress Publishers, 1974), 176-177.

³ V.I. Lenin, 'O zadachakh Narkomiusta v usloviakh novoi ekonomicheskoi politiki. Pis'mo D.I. Kurskomu', *Polnoe sobranie sochinenii* (Moscow, 1964), XLIV, quoted in William Chase, "Stalin as Producer," 226-7.

⁴ For a discussion of the origins of educational justice in Russia, see Wood, *Performing Justice*, 15-36.

citizens in a variety of ways, all of which ultimately “demonstrated the authority and power of the state,” and worked to develop a Soviet legal consciousness (*pravosoznanie*).⁵

On the other hand, the function of bourgeois justice was, as Nikolai Bukharin put it, primarily the protection of capital, “in perfect harmony with the characteristics of the bourgeois state.”⁶ The bourgeois judiciary represented the superstructural manifestation of class relations in the sphere of justice, another instrument for working-class oppression that operated by prosecuting what Lenin deemed “the comedy of criminality.”⁷ Although the Moscow trials of 1936-1938 were in many respects different from early Soviet agitprop trials, they retained didactic and agitational features and represented performances of Soviet power.⁸ But the threats constructed were far more serious and the scale far larger, the audience far broader. Stalin intended for his campaign against “Trotskyism” to spread throughout Europe and into Civil War Spain.

On 16 June 1937 Soviet NKVD operatives in Spain (Orlov and Grigulevich), acting independent of the authority of the Spanish Republican government, arrested the Marxist revolutionary Andreu Nin and his comrades in the leadership of the POUM. Several days later, Nin disappeared apparently without a trace while in NKVD custody. In the wake of the disappearance, Prime Minister Juan Negrín’s office was flooded with complaints. Delegations appeared at the Spanish embassy in Paris demanding answers and drawing parallels to the Stalinist terror and the Moscow trials. Spanish Republican Justice Minister Manuel de Irujo wrote to Interior Minister Zuazagoitia:

The day before yesterday I received a note from the Sr. Minister of State with documents presented to the Sr. Ambassador in Paris by the League for the Rights of Man and the Left Socialists of France regarding the news... The events in Russia – the shootings of generals, some of whom were well known in France and Central Europe, the persecutions that it seems are the immediate aftermath of those events – all of this has had repercussions in the political media of Western Europe and serve as a framework for the figures of Nin, Gorki [*sic*, Gorkin] and the rest of the comrades of the POUM at the moment.⁹

⁵ Ibid., 1, 6. For example, Soviet agitation trials reinforced sanitary education, political consciousness, agricultural education, etc. Wood does point out, though, that this consciousness was not necessarily understood in relation to law *per se*, but also in relation to moral and social behavior.

⁶ N. Bukharin and E. Preobrazhensky, *The ABC of Communism* (London: Merlin Press, 2007), 213-214.

⁷ V. I. Lenin, “Katorzhnye pravila i katorzhnyi prigovor” (1901), cited in Wood, 23.

⁸ For explanation of the aim of early Soviet agitation trials, see Wood, 84.

⁹ CEHI, Procés POUM, Caja 4, Carpeta 11; Alba and Ardevol, *El proceso*, 16-17.

Irujo also wrote directly to Negrín regarding the protests, relaying the line that his Justice Ministry had taken towards the protests:

I answered to them that the state has the duty to defend itself against its enemies. The behavior of the POUM, and the clear and obvious subversion of all its elements, forced the Government to react against it, as it has done, without jeopardizing that the Tribunals of Justice, which assert the law and have the legal right to judge and rule, have the definitive last word.¹⁰

The disappearance of the outspoken and internationally known Nin flung the arrests into the public spotlight, illuminating divides between Communists and non-Communists within Republican Spain. As the initial arrests and interrogations occurred outside of direct state control, the very legitimacy and authority of Negrín's new cabinet were at stake, particularly in the context of the growth of the Spanish Communist Party and the growing perception that the Spanish Republic was becoming a Soviet-controlled puppet regime.¹¹

With a full understanding of the potential negative impact that politicized arrests (in the wake of the May events) could have, Negrín and Irujo decreed the *Tribunal Especial de Espionaje y Alta Traición* (TEEAT), in large part to control the prosecution of *poumistas* and place them outside the influence of Soviet operatives.¹² Thereafter the POUM leaders' prosecution was targeted towards an international audience, in order to highlight the liberal and non-Communist character of the Republic and thereby to court the western democracies in hope of securing aid by demonstrating that the rule of law reigned supreme in Republican Spain.¹³ The courtroom had essentially become a platform for Spanish diplomacy as well as an instrument to settle internal political disputes. It was, then, essentially a "show trial," in that it attempted to broadcast a specific interpretation of the Spanish Republic and the war. However, to the chagrin of Soviet operative in Spain, the POUM's trial was quite distinct from the delicately orchestrated Moscow trials. This chapter examines the Soviet attempt to impose a "Moscow Trial in Spain." It pursues the following lines of inquiry: Why did the Soviet attempt to export the phenomena to

¹⁰ CEHI, Procés POUM, Caja 4, Carpeta 10.

¹¹ Tim Rees has claimed that by June 1937 there were over 380,000 party members, of either the PCE, the Comintern-aligned *Partido Socialista Unificado de Cataluña* (PSUC), or the Basque Communist Party (PCE-EPK). Rees and Thorpe, 143-167.

¹² The tribunal was decreed on 22 June 1937, a week after the arrests. CDMH, MF/R, 6099. B. 51/6. This interpretation is elaborated in subsequent chapters.

¹³ The only scholarly work dedicated primarily to the POUM's trial is Godicheau, "El proceso del POUM." See also the book-length polemic and document collection, Pepe Gutiérrez Álvarez, *Un ramo de rosas*, passim.

Spain fail? What can this tell us about Soviet involvement in the Spanish Republic as a whole? What can it tell us about the show trial phenomenon more broadly?

In both the Soviet and Spanish case, the government instrumentalized its judiciary to provide a mobilizational narrative for the audience.¹⁴ By way of the POUM's trial, the Spanish Republic sought to use the court as a stage for defining its authority, punishing "uncontrollable" elements, and demonstrating the Republic's liberal legal culture. The contemporaneous Moscow trials likewise sought to convey Soviet power, define and punish enemies, and publicly broadcast its own revolutionary legal culture. However, this chapter argues that the show trial as such, be it Soviet or not, is not merely political theatre designed to consolidate power and legitimacy and to provide a narrative for a set of policies. The object of analysis is not only the political circumstances in which trials take place; it is also the way in which the show trial communicates with its audience and *vice versa*. This necessitates examining what precisely is culturally or politically appealing about the narrative embodied in the show trial, and therefore how the audience actually indirectly informs the construction of the trial narrative. Illustrating this bidirectional dynamic is crucial for understanding how state courts in the USSR or the wartime Spanish Republic derived political legitimacy from trials. The construction and maintenance of political legitimacy involves tailoring policy imperatives to fit a pre-existing, normative political language that is understandable to the populace. In other words, the trial narrative must fit the specific culture of reception to which it appeals.

The success and failure of such trials depends on their ability to perform state power within the parameters of popular culture and popular discourse, which exist in a given historical context. The show trial is therefore productive and reproductive; it produces knowledge for consumption by rearticulating and repurposing previously existing, popular knowledge. The show trial, then, is not only a phenomenon of high politics – a concrete process crafted by the actors and institutions in power. It is also a topic of discourse, and is therefore inherently a cultural phenomenon. It is intimately tied to the ability of observers to internalize and articulate, and therefore reinforce, its meaning(s). In this way, the broader political culture of the audience determines the field of information available for use in the trial narrative, and therefore to some extent influences its production of new knowledge.

¹⁴ See Chase, "Stalin as Producer," for analysis of the threats and mobilizational narratives in the Moscow trials.

Contrary to popular and some scholarly understanding, the Moscow trials of 1936-38 were not intended simply to terrorize the Soviet populace. Rather, they were intended to provoke widespread discussion about political vigilance, surveillance, and “spy-consciousness” among “the masses.” These ideas were expressed by way of cultural production as well, as theatrical propaganda plays alluded to and promoted them.¹⁵ But in fact, discussions merely reinforced *preexisting* tropes, themes, and political behaviors by employing what historian Stephen Kotkin has called “speaking Bolshevik,” i.e. by using the stylized vocabulary of the Bolshevik lexicon, implicitly legitimating the regime.¹⁶ The Party offered, by way of popular media, a specific interpretation of the Moscow trials that was couched in Bolshevik parlance and ideological pattern, thus setting the parameters for discussion. These discussions and the behaviors and beliefs that they reinforced offered citizens positive integration in the Soviet project by including them in what was essentially a witch-hunt for “Trotskyists,” “enemies of the people,” “anti-Soviet elements,” “saboteurs,” and “wreckers” in 1936-38.¹⁷ The Soviet judiciary implored its population to be vigilant and keep a close eye on fellow citizens. Arrests and trials of suspects also provided explanations for the failures or shortcomings of the Soviet state and deflected blame away from the government and onto supposed internal enemies who sought to destroy Soviet power.

The trials thus implicitly included the entirety of the populace, or “the masses,” in the repression that followed in the wake of the trials.¹⁸ In drawing on what was appealing for use in

¹⁵ See, for example, the description of the propaganda play “The Confrontation,” in John Scott, *Behind the Urals* (Bloomington: Indiana University Press, 1973 [1942]). See also Julie A. Cassiday’s discussion in “Marble Columns and Jupiter Lights: Theatrical and Cinematic Modeling of the Soviet Show Trial in the 1920s,” *Slavic and East European Journal* 42:4 (Winter 1998): 640-60; and *The Enemy on Trial: Early Soviet Courts on Stage and Screen* (DeKalb, IL: Northern Illinois UP, 2000).

¹⁶ Stephen Kotkin, *Magnetic Mountain: Stalinism as a Civilization* (Berkeley: University of California Press, 1995), pp.198-237. Speaking Bolshevik was a sort of stylized Soviet parlance that, by limiting and controlling (and in some case imposing) the range of vocabulary and ideas with which Soviet citizens conversed, implicitly acknowledged the legitimacy of Soviet power.

¹⁷ *Ibid.*, 236.

¹⁸ Chief procurator Andrei Vyshinsky’s claimed in the 1937 trial against the Trotskyist-Zinovievite bloc that he was “joined in his accusation by the whole of the people!” reinforcing a pervasive sense of victimhood and underlining the imperative for action on a broad societal scale. People’s Commissariat of Justice of the USSR. *Report of the Court Proceedings in the Case of the Anti-Soviet Trotskyite Centre* (Moscow: People’s Commissariat of Justice of the USSR, 1937), 5, cited in Chase, “Stalin as Producer,” 239. The workers themselves, it appears, were responsible for taking reports of the trials back to their respective organizations. See Joseph E. Davies, *Mission to Moscow* (New York: Simon and Schuster, 1941), 32-53. For more on participation in the repressions, see Wendy Goldman, *Inventing the Enemy: Denunciation and Terror in Stalin's Russia*. (Cambridge: Cambridge UP, 2011); and *Terror and Democracy in the Age of Stalin* (Cambridge: Cambridge UP, 2007).

the trials, and imploring the populace to “act Bolshevik”¹⁹ and take action based on the trials’ conclusions, the Stalinist leadership and the Party allowed the audience to participate in both the ideational production and the outcome of the trials.²⁰ Stalin had the power to define the threat from the available material, so to speak, but it was up to local authorities and the masses to mobilize to counter that threat.²¹ This was the distinctive power of the Stalinist show trial: the way in which it empowered both the audience and administrator – the masses and the Party and state leadership – to mobilize and solve the problems presented, whether imaginary or not.

When scholars of the Spanish Civil War make parallels between the Moscow trials and the trial of the POUM, they overlook this dynamic relationship, overstate the extent of Soviet power in Spain, and fundamentally misunderstand the narrative presented in the POUM trial. In stark contrast to the Moscow trials, the Spanish Republic’s trial of the POUM sought to *demobilize* revolutionary elements and processes within the Republic for the sake of a conventional war effort, and to implicitly distinguish itself in political terms from the USSR. It communicated the autonomy of the Republican judiciary, the power of the Spanish Republican state, and its dedication to a western liberal conception of legality and rule of law. In this way, it too drew on the popular ideals and anxieties of the Republic’s war weary population to reinforce its message: the unity of antifascist struggle, the necessity of controlling the “uncontrolled” revolutionary elements in the wartime Republic, guarantees for the accused, and above all else the need for discipline in the war effort. But this was *in spite of* the Comintern and NKVD’s apparent attempt to orchestrate a Moscow-style trial of the POUM leadership.

This chapter suggests that in order to understand the enigma of show trials (and their success), one must look past the high political aim of the trials, important though they certainly were, to also examine cultures of reception. The same principle applies in the case of the Republic’s trial of the POUM leadership. The Soviet project to export Stalin’s show trial to Republican Spain was a largely failed operation for a variety of reasons, not least of which were Spanish and international cultures of reception that were very different from Soviet trial culture.

¹⁹ Wood, 10.

²⁰ This may help to explain why, in response to the 1936 Moscow trial, Stalin sharply criticized its media coverage. “Pravda failed to produce a single article that provided a Marxist explanation of the process of degradation of these scum...It reduced everything to the personal element, to the notion that there are evil people who want to seize power and there are good people who hold power and fed this paltry mush to the public.” Stalin to Kaganovich and Molotov, 6 September 1936, RGASPI, f. 588, op. II, d. 94, l. 31, quoted in R. W. Davies, *The Stalin-Kaganovich Correspondence (1931-1936)* (Yale University Press, 2003), 349.

²¹ Often, the testimonies of officials accused of crimes were intentionally construed to upset workers and mobilize support for state actions. Goldman, *Inventing the Enemy*, 45.

This chapter argues that the show trial cannot function without containing elements of mass appeal, elements that of course vary according to historical context. The Moscow trials of 1936-38 are thus incomprehensible if not considered in the context of a long history of trial culture and a specific culture of reception in the USSR in the late 1930s. Likewise, the POUM's trial only makes sense in the context of the Spanish Civil War and the reforms in public order and judicial politics after May 1937. This chapter brings the two into dialogue by extending the analysis of the show trial beyond the sphere of communist politics and illustrating how the Spanish Republic mounted a show trial *of its own* against the POUM, one which bore little resemblance to the Moscow trials.²² It uses materials from Spanish, U.S., and Russian (Soviet) archives and secondary material to examine the Soviet attempt to export Stalin's show trial.

2.1 THE "CLAWS OF STALINISM" IN SPAIN

Three months after the conclusion of the March 1938 Moscow trial of the "Bloc of Rights and Trotskyites," Pedro Bonet, the Catalan communist and POUM leader, composed handwritten letters from his jail cell in Barcelona, a series of pleas to working class organizations. "Ours is a new Moscow Trial carried out in Spain," he insisted.²³ In another, he wrote that his prosecution was "no more than a duplicate of the frame-up Moscow Trials... We know that you've felt the clawing of Stalinism on your own body."²⁴ To Bonet, the repression in Spain represented nothing less than the manifestation of "Asiatic modes of repression" led by the NKVD.²⁵ From his cell, Bonet and other imprisoned POUM leaders had good reason to suspect that such was taking

²² For a useful overview of how the show trial is typically construed, see George H. Hodos, *Show Trials: Stalinist Purges in Eastern Europe, 1948-1954* (New York: Praeger, 1987); For a treatment of Hungary's postwar trials, see Istvan Rev's "In Mendacio Veritas (In Lies there Lies the Truth)," *Representations*, No. 35, Special Issue: Monumental Histories (Summer, 1991), 1-20. For more archive intensive and engaging work, see Chase, "Stalin as Producer," Lars T. Lih, "Melodrama and the Myth of the Soviet Union," in Louise McReynolds and Joan Neuberger (eds.), *Imitations of Life: Two Centuries of Melodrama in Russia* (Durham: University of North Carolina Press, 2002), 178-207. An excellent documentary analysis of the context of the Moscow trials exists in J. Arch Getty and Oleg V. Naumov, *The Road to Terror: Stalin and the Self-Destruction of the Bolsheviks, 1932-1939* (New Haven: Yale University Press, 1999), passim.

²³ CDMH, PS-Barcelona, Caja 771, Legajo 13, 11-11r.

²⁴ CDMH, PS-Barcelona, Caja 1568, Legajo 5, 3. For other versions of the letter sent local antifascist committees, see CDMH, PS-Barcelona, Caja 771, Legajo 13, no. 11-11r.

²⁵ Ibid. Bonet used GPU instead of NKVD. By 1938, the GPU had not existed for 15 years, and for all intents and purposes, its role had been taken over by the Soviet NKVD. GPU was nevertheless still used colloquially.

place. Upon its intervention, the Soviet advisors brought the politics of Moscow to Spain, and the POUM represented the sort of “Trotskyist” opposition that formed the central threat constructed in the Moscow trials. In light of Nin’s assassination and the arrest of the POUM’s leadership, Bonet was convinced that his pending trial was indeed a “Moscow Trial in Barcelona.”²⁶ While such a conviction is perfectly understandable, it is misleading.

Although the practical problems of using these prison letters as accurate indications of the political struggle that was taking place in the Spanish Republic in the midst of its civil war are obvious, they are important for demonstrating the mentality of the POUM leadership. In fact, there is a wealth of documents in Spanish archives that attest to the tendency of *poumistas* to construe their own repression, prosecution, and trial as an affair of Soviet operatives in Spain, and especially the Soviet “secret police” apparatus (i.e. the NKVD) in Spain.²⁷ The circumstances in which *poumistas* and their sympathizers produced such documents should be understood as the contextual origin of an interpretive pattern that would later take hold in the Western scholarly community. The narrative of Soviet repression and Spanish victimhood, as told by the *poumistas* and others, was taken up especially by Anglo-American historians and literary figures.²⁸ At its most moderate, this interpretation generally held the USSR solely responsible for the repression of the POUM and other “uncontrollables” in the anarchist CNT, or as the *poumistas* put it, the Soviet destruction of the Spanish Revolution. At its most extreme, it condemned the USSR for attempting to “Sovietize” Spain by turning it into something akin to the peoples’ republics of post-WWII Eastern Europe, before ultimately “betraying” Spain by cutting off aid.²⁹

The POUM repression formed the centerpiece of these narratives, as authors made direct parallels between the Moscow trials and the POUM trial. In the work of George Orwell, who fought alongside the POUM upon his arrival in Barcelona in December 1936 and witnessed its repression, we can observe how the *poumista* narrative made its way into the Western imaginary through popular literature and memoir. Orwell’s experience in Spain, documented in his memoir

²⁶ For details on Nin’s abduction, see Chapter 1 above. Also see Preston, *The Spanish Holocaust*, 411-415.

²⁷ See for example, CDMH, PS-Madrid, Caja 594; PS-Barcelona, Caja 1046; PS-Barcelona, Caja 1568; PS-Barcelona Caja 232, Legajo 1-2; PS-Barcelona, Caja 771, and many others.

²⁸ For example, see Bolloten, *The Grand Camouflage*, and later revised and expanded editions. Orwell is perhaps the most important literary figure here.

²⁹ See Radosh’s book document collection entitled, *Spain Betrayed*. The term “betrayal” is often used in both Spanish and English language scholarship when discussing Soviet involvement. For a discussion, see Frank Schaff, “Verratene Republik?” in *Der Verspielte Sieg*, 366-373. See also Graham, “Spain Betrayed?”

Homage to Catalonia, served as an inspiration for his hugely successful dystopian novel, *Nineteen Eighty-four*, and his allegory of Stalinism, *Animal Farm*.³⁰ Still today, *Homage to Catalonia* is a standard introduction to the Spanish Civil War, especially for English speakers but also in Spain. What is often overlooked is that Orwell experienced the Civil War in a very specific way: his perception of Soviet actions in Spain, so important to his emerging critique of totalitarianism, was filtered through the POUM's staunchly anti-Stalinist milieu, and especially through the repression and trial of its leaders. Thanks to Orwell and others, the repression and prosecution of the POUM is one of the most well-known but also misunderstood events of the Spanish Civil War.

We now know from a wave of recent scholarship on Soviet involvement in Spain that the POUM's conflation of the Soviet NKVD with the Comintern apparatus, the Spanish Communist Party (PCE), and elements within the Spanish Republican government is highly misleading. Each must be analyzed in and of itself and in relation to one another, as the various communist groups in Spain had individual organizational imperatives and often acted in contradiction to one another. Their actions were far from monolithic, and the anti-POUM campaign had many origins independent of Moscow.³¹ However, the tendency to subsume all Soviet-oriented groups under the all-inclusive descriptor "Stalinist" pervades the historiography of the Spanish Civil War. It was, after all, a convenient framework during the war for explaining the failing war effort against the Francoists while evading blame that would otherwise have fallen on the sectarian nature of Spanish Republican politics and the infighting of the revolutionary left.³² Likewise, the "POUM narrative," written from memory and published by exiled *poumistas* in Latin America, found fertile soil after the Second World War, when the Cold War polarized the political world into Communist and anti-Communist blocs. In other words, Spain became the one of the memory scripts and historical examples of the dangers of cooperating with the USSR, the narrative form

³⁰ Together, *Nineteen Eighty-four* and *Animal Farm* sold more copies than any two books by any other 20th century author. John Rodden, ed., *The Cambridge Companion to George Orwell* (Cambridge: Cambridge UP, 2007), 10.

³¹ See Rees, "The highpoint." Rees argues that when the Spanish Communists accused the POUM of Trotskyism, "they were not simply adopting the dictates of Stalin's Terror." Indeed, they had their own reasons for desiring the "political liquidation of the POUM." Ibid., 154. Trotskyism was adopted as a sort of aggressive political language, which was in many cases used to label political enemies quite far removed from Trotsky himself. Rees suggests that local rivalries perhaps had as much effect as Comintern mandates on PCE policy vis-à-vis the POUM. Ibid. Helen Graham argues also that Catalan rivalries had considerable influence on anti-POUM sentiment in the PCE. She concludes that "intense intellectual jealousies" took shape within Catalan groups, including the POUM and the PSUC, the members of which had in many cases worked together before PSUC emerged as the Catalan Comintern adherent and numerically superior political force in the region. Graham, *The Spanish Republic at War*, 290-293.

³² See Orlov, 239.

of which was heavily informed by accounts published by *poumistas*. In fact, prominent historians and literary figures, including Burnett Bolloten, corresponded with exiled *poumistas* during the postwar period to seek advice (among other things) on historical interpretation of the Spanish Civil War.³³

But again, the imprisoned *poumistas* had good reason make such assumptions. Indeed, it had been Alexander Orlov, NKVD *rezidentura* station chief in Madrid, who surreptitiously delivered forged documents to the head of Spanish internal security that “confirmed” connections between a fascist espionage network and the POUM leadership.³⁴ On the basis of these documents, later proved to be forgeries, security chief and PCE member Antonio Ortega ordered the arrests of the POUM leadership in June 1937 without consulting his superior, Interior Minister Julián Zugazagoitia. Although the Spanish *Brigada Especial* then oversaw the arrests, it was certainly in Orlov’s custody that Nin later disappeared. However, by the time Bonet wrote from his jail cell in 1938, the Republican government had long taken over the protection of the arrested POUM leaders after their unauthorized detention provoked an international outcry.³⁵ Thereafter, Zugazagoitia and Minister of Justice Irujo launched a prolonged series of investigations into the allegations of sabotage and espionage made in the publications of the PCE and the Comintern.³⁶ The documents produced by these inquiries provide an unusually detailed look at the conflict between representatives of the USSR and Spanish Republican officials regarding the POUM. Between the arrests and the trial, we can observe an eighteen-month contest for political power within the newly decreed Special Espionage Tribunal for influence over the form, style, and message of the POUM trial.³⁷ European and American audiences, especially left wing political groups but also statesmen, eagerly awaited the trial. Leon Blum corresponded with Negrín directly regarding the trial and foreigners arrested alongside the

³³ See Burnett Bolloten correspondence file in CEHI, Fons F-DO, 3.2 (exile document series, correspondence subseries). See for example the 24 May 1948 letter from Bolloten’s wife to *poumista* and former POUM trial defendant, Jordi Arquer, which reads, «Sería útil tener su opinión, si es capaz de la objetividad.» Ibid.

³⁴ Orlov wrote to Moscow: “...I have decided to use the significance and the indisputable facts of the case [of real fascist infiltrators] to implicate the POUM leadership (whose connections we are looking into while conducting investigations).” The falsified documents were meant to coincide with what Orlov perceived would be a series of government “administrative measures against the Spanish Trotskyists to discredit POUM as a German-Francoist spy organization.” Quoted in Costello and Tsarev, 288-289.

³⁵ The solidarity movements that developed in response to Nin’s disappearance and the arrest of the POUM leadership will be explored in later chapters.

³⁶ See details of the investigation in CEHI, *Proces POUM*, Cajas 1-3.

³⁷ Decree for Tribunal in CDMH, MF/R, 6099, B. 51/6.

poumistas.³⁸ Many observers saw it as a litmus test that would indicate the extent to which Soviet intervention had influenced Spanish politics. In October 1938, the prosecution of the POUM would take the world stage as its oral trial began.

2.2 SOVIET POLITICAL CULTURE AND THE POUM TRIAL

The Spanish Republican government reluctantly appealed for Soviet aid in the context of the refusal of the western democracies to intervene or send aid. Stalin initiated *Operatsiia X* (the Soviet name for the operation in Spain) in autumn 1936 and the operation lasted until the gradual drawdown of the advisory apparatus after autumn and winter 1938. The sudden appearance in Spain of Soviet military advisors, tank crews, pilots, and political advisors coincided with the mass repressions and show trials in the USSR.³⁹ The Soviet presence in Spain therefore offers a window on Soviet political culture during the mass repressions. The campaign to mount a Moscow-style trial of the POUM leadership offers a unique opportunity to examine the extent to which its particular behaviors (anti-Trotskyism, scapegoating, social censure, show trial culture, etc.) mixed and often clashed with Spanish conceptions of legality.

Soviet involvement in Spain was also characterized by a massive increase in the distribution of cultural material, a policy informed by the Bolshevik emphasis on political education through cultural enlightenment. As in many other nations in the late 1920s and 1930s, the more repressive aspects of Soviet society remained largely concealed; for many Spanish citizens, the USSR became an object of intense fascination and inspiration.⁴⁰ This was not limited to political fascination, as Soviet art had been on display in Madrid fairs prior to the Civil War, often hosted by the *Amigos de la Unión Soviética*.⁴¹ Moreover, Nin and other prominent Spanish Marxists had been translating classics of Russian literature into Catalan and Spanish for the first time. And although the outbreak of the civil war and the onset of Soviet intervention

³⁸ AFJN, 1PCM1000000040052001-7; See also AHN, Diversos, M. Pascua, Caja 11, Legajo 6.

³⁹ Graham, *The Spanish Republic*, 375-377. For an overview of Soviet involvement in Spain, see Kowalsky, "Operation X."

⁴⁰ See a thorough discussion of this phenomenon in the E-book by Daniel Kowalsky, *Stalin and the Spanish Civil War*, Part III, Ch. 6, Section 1.

⁴¹ Ibid.

brought a new vigor to the distribution of agitprop materials, the cultural offensive in Spain actually preceded military and financial aid from the USSR. Curiously though, during the war, much of the agitprop material reaching Spain had not been translated into Iberian languages. Interestingly, Soviet archives indicate that in one of the last shipments of cultural material to Spain in April 1937, out of a total of over 3000 books and pamphlets sent to Spain, the only materials translated into Spanish were 100 copies of *The Trotsky Trials*.⁴² It would seem that the cultural offensive may have been intended, in part, to operate in tandem with the political struggle against Trotskyism, and in line with the Moscow trials. Whether this indicates the Soviet prioritization of anti-Trotskyism in Spain is a matter of speculation and awaits further research. In any case, by mid-1937, just as Republican Spain's increasingly hopeless military situation provoked political infighting and a cabinet shuffle, and in the context of the arrest of the *poumistas*, the Soviet leadership decided that its agitprop activities in Spain were, as one scholar has put it, "more trouble than it was worth."⁴³ Thereafter, the distribution of cultural materials was scaled back, although the Kremlin retained its emphasis on the uses of the Spanish Civil War on the Soviet domestic front.

There is substantial evidence that the Soviet leadership in Moscow intended to make use of the POUM's repression (by way of a show trial) to discredit Trotsky on an international scale. But intention and implementation often differ more than historians are willing to admit. Immediately after the January 1937 Moscow trial, Georgi Dimitrov, general secretary of the Comintern Executive Committee (ECCI), sent a telegram to Spain imploring José Díaz, leader of the PCE, to "Use the trial of Pyatakov and consorts to politically liquidate the POUM and try to obtain from working elements of this organization a declaration condemning Trotsky's terrorist band."⁴⁴ This did not mean the physical liquidation of *poumistas*, but rather the liquidation of the group from political life. The telegram also could be interpreted to suggest interrogation and confession methods typical of the Stalinist show trials. But more clearly, it illustrates the connection that Dimitrov (and others) made between the 1937 Moscow trial and the internationalization of the campaign against Trotskyists, and the centrality of Spain in that project. This was perfectly in keeping with the mobilizational goals of the Moscow trials. The

⁴² Gosudarstvennyi Arkhiv Rossiiskoi Federazii (State Archive of the Russian Federation, GARF), f. 5283, op. 7, d. 840, l. 164, cited in Kowalsky, *Stalin and the Spanish Civil War*, Part III, Ch. 7, Section 1.

⁴³ Ibid.

⁴⁴ Chase, *Enemy Within the Gates*, 196.

1938 Moscow trial triggered not only domestic mobilization, but was also intended to promote a “campaign of enlightenment in connection with the trial of the Bloc of Rights and Trotskyites” that would be carried out across the Comintern apparatus.⁴⁵ A Comintern directive with that title, issued in March 1938, implored delegates present to “return to their respective countries, [and] especially speak at meetings giving information on the trial.” It went on, “A protest must be registered at all meetings, factories and organizations, against the anti-Soviet slander initiated by the enemy in connection with the trial.”⁴⁶ But the prosecutors also emphasized the antifascist message of the 1938 Moscow trial, in particular with reference to the Spanish Civil War. Those accused and convicted in the 1938 trial represented nothing more than “an advance detachment of international fascism... with whose aid fascism is operating in various countries, primarily in Spain and China... [It is] the very same as the Fifth column, the POUM...”⁴⁷ In fact, as historian William Chase has shown, the intended audience of the Moscow trials became consecutively broader, until by 1938 the intended audience included the whole of the global working class, who must keep vigilance against the “world conspiracy” of Trotskyism.⁴⁸ Judging from contemporaneous Comintern publications, the central site of that struggle was Spain.

From the limited and fragmented evidence available, it appears that the ECCI leadership in Moscow remained convinced that the POUM trial would be carried out according to its directives up to and during the trial. On 15 October 1938, during the trial, Dimitrov recorded in his diary a telegram that he had sent that day from vacation in Kislovodsk to the Comintern secretary in charge of cadres, who would then forward it on to Spain. As the present author has not been able to acquire an original copy to translate, the parenthetical notes indicate variations in the two different translations available and also provide aliases/*noms de guerre*:

In connection with the trial of the POUM members, I trust that the appropriate [or “responsible”] measures have already been taken in order to: (1) expose [or “unmask”] publicly as effectively as possible the counterrevolutionary crimes of Spanish and foreign Trotskyites and their role as agents of fascism; (2) expose [or “depict”] their patrons [or “protectors”] from the Second International, in particular the English Independents and French Pivertists, as accomplices [or “as collaborators”] in those crimes; (3) Use that trial extensively in the press and by other means on an international scale for the expulsion of Trotskyites from the ranks of the workers’ movement. Ercoli [Palmiro Togliatti], Luis

⁴⁵ Ibid., 295-298.

⁴⁶ Ibid., 296.

⁴⁷ Chase, “Stalin as Producer,” 242-243.

⁴⁸ Ibid.

[Vittorio Codovilla], and Julius [Alpári] should be given direct responsibility for conducting that campaign.⁴⁹

The Comintern operatives Togliatti, Codovilla, and Alpári, as well as Stoyán Mínev (Stepánov) had a wealth of resources at their disposal with regard to the trial for the purposes of propaganda, and were well positioned to make the most of it to an international audience. Moreover, the anti-Trotskyist trial would take place in a “bourgeois democratic country” with a police force that included non-communists, as Mikhail Koltsov pointed out in an article published just two weeks before his arrest in Moscow.⁵⁰ From the Comintern’s perspective, this would further legitimate the Moscow trials by extending the prosecutions into Western Europe.

However, from the perspective of the Comintern and Soviet operatives, the POUM trial could not have had a worse outcome. The final sentencing dismissed the charges of espionage and treason, as well as the idea of the criminality of Trotskyism, the central component of the Moscow trials.⁵¹ The TEEAT confirmed in legal text the “revolutionary and antifascist” credentials of the POUM.⁵² In short, the court rejected the core claims of Soviet media that the *poumistas* were fascist collaborators, saboteurs, and Trotskyists. However, it convicted most of the *poumista* defendants of rebellion against the state for having taken part in the events of May 1937. It will be remembered that in May 1937, workers groups, coordinated to some extent by the POUM, set up barricades after police forces reclaimed a telecommunications center in Barcelona on orders from the local Catalan government. This was followed by a week of street clashes in which *poumistas* and other anarchist groups took up arms against Spanish and Catalan police and government-aligned partisans. The sentence of the POUM trial, published on 2 November 1938, must have been puzzling for the Comintern’s leaders and propagandists. In the face of the failure to export the anti-Trotskyist trial, those in charge of the Comintern campaign of denunciation against the POUM had no choice but to misrepresent the result of the trial.

How do we explain the failure on part of Soviet representatives in Spain, be they Comintern advisors, NKVD operatives, or military intelligence (GRU) officers, to successfully

⁴⁹ Original version quoted from Ivo Banac, *The Diary of Georgi Dimitrov, 1933-1949* (New Haven: Yale University Press, 2003), 82-83. The same telegram received in Moscow (here in brackets in the text) is in Chase, *Enemy within the Gates*, 450.

⁵⁰ Reiner Tosstorff, *Die POUM in der Spanischen Revolution* (Köln: Neuer ISP Verlag, 2006), 155.

⁵¹ See CDMH, PS-Barcelona_Generalitat, Caja 283, Legajo 10, for sentencing.

⁵² Alba and Ardevol, *El proceso*, 523.

export the Stalinist show trial to, as Koltsov put it, a “bourgeois-democratic country.”⁵³ How do we account for the failure of the Moscow trial in Spain? Many of the answers can be found by analyzing the conflict within the Republic’s penal apparatus, which was largely shaped by repression and prosecution of the POUM. The Spanish Popular Front government had accepted Soviet aid reluctantly; it recognized that the perceived “Sovietization” of Spain might jeopardize relations with France and Great Britain, who remained unwilling to intervene in Spain for a variety of reasons.⁵⁴ But it also involves the question of how various elements, Spanish and Soviet, imagined the prosecution of internal enemies during the war. Overwhelming evidence that the USSR failed to implement its apparent objectives has led to the conclusion that it is best to view the USSR as being in a position of weakness rather than strength in Spain.⁵⁵ This is an apt approach to analyzing the prosecution of the POUM as well.

Nowhere can we see the limits of Soviet influence on the trial more than in the relationship between the TEEAT and the Comintern committee assembled to influence the POUM trial: the so-called *comisión del proceso del POUM*. The Comintern secretary of Latin European countries and head of the anti-POUM campaign in Spain, Stoyán Mínev (Stepánov, alias “Moreno”), chaired the committee, and later published his notes on the causes of the defeat of Republican Spain.⁵⁶ According to Stepánov, the TEEAT was “composed of men that did not inspire our confidence, nor give any guarantee.”⁵⁷ His reports outlined the various battles that the communists had to fight with the Republican Attorney General (Mariano Gómez González) and government ministers just to get information about the Tribunal’s proceedings. In fact, Stepánov

⁵³ Ibid., 155.

⁵⁴ See Spanish Minister of Justice Manuel de Irujo’s internal memo to Interior Minister Julián Zugazagoitia, on 29 July 1937, Alba and Ardevol, *El proceso*, 16-17. The best analysis of British posture toward Spain can be found in Enrique Moradiellos, *La Perfidia de Albión: El Gobierno británico y la guerra civil española* (Madrid: Siglo XXI, 1996), passim.

⁵⁵ See this approach applied to broader issues of Soviet involvement in Spain in Kowalsky, “Operation X,” 159-178.

⁵⁶ Cited from the manuscript version in AH-PCE, Sig. 58 ‘STEPANOV.’ Published as Mínev, *Las causas*. Stepánov would later go on to work on the demobilization of the International Brigades and upon his return to the USSR, held multiple academic positions. He later received the Order of Lenin for his work. For more information on Stepánov, see Togliatti, *Escritos*, 142. Stepánov’s report was commissioned by the Comintern ECCI upon his return to Moscow to provide an explanation of the causes of the failure of the Spanish Republic to win the civil war. The report first came to light in 1960, and could be found in the Archive of the Spanish Communist Party after 1988. In fact, its title, translated as *The Causes of the Defeat of the Spanish Republic...* suggests it was to become an official narrative of the Spanish Civil War in the USSR. However, this is disputed by Fernando Claudín, who argues that the Comintern leadership discussed and shelved the report in April 1939. See Fernando Claudín, *La crisis del movimiento comunista internacional* (Paris: Ruedo Ibérico, 1970), Nota de Ángel Luis Encinas Moral.

⁵⁷ See AH-PCE, Sig. 58, ‘STEPANOV.’

complained that the Comintern committee often learned about the POUM prosecution from the media.⁵⁸

Moreover, Stepánov admitted that the anti-POUM propaganda volume *Espionaje en España*, which he oversaw and which was published a few weeks before the POUM trial, was actually written without concrete materials and could have had errors.⁵⁹ Negrín was very interested in the book. His personal archive reveals that he received reports about its author (a pseudonym), and Negrín's own copy of the book, recently relocated to Las Palmas from his apartment in Paris, is well worn.⁶⁰ In any case, Stepánov ended his report by lamenting the failure of the anti-POUM campaign and engaging in self-criticism: "It is true that in fact an ample campaign of the masses could not be carried out... and together with the [PCE] central committee, I am responsible for these errors."⁶¹

The report is important for showing the failure of the Comintern's anti-POUM *comisión* to influence the POUM trial in any other way than in the press. But it is also crucial for our purposes for another reason, which shed light on the reasons for the failure of Moscow's attempted frame-up trial. Stepánov's reflection, as head of the anti-POUM *comisión* in Spain, illustrates his perception that "the masses" should play an active role in repressive political action. This was a position shared by Stalin, at least rhetorically, in his own emphasis on "listening to the little people," especially during the Soviet mass repressions. It indicates the Soviet reliance, in Stepánov's mind, on the masses in carrying out such political tasks. In fact, reports that Comintern and Soviet military intelligence operatives sent to Moscow abound with explanations of shortcomings in the Spanish war that made reference to the failure to mobilize the masses.⁶² This reflects precisely what was appealing about the script of the Moscow trials: mass mobilization and a narrative of the necessity for internal cleansing (of Trotskyists, anti-Soviet elements, etc.) in preparation for war. All three Moscow trial narratives expressed a Bolshevik sense of capitalist encirclement, and sought to mobilize the masses to counter that threat by removing internal enemies.

⁵⁸ Ibid.

⁵⁹ The collection of documents was recently reprinted. Rieger, *Espionaje en España*.

⁶⁰ AFJN, 1MDN2010210010016003.

⁶¹ AH-PCE, Sig. 58, 'STEPANOV.'

⁶² For Soviet references to the importance of the masses in political change, see Radosh, et al., 48, 58, 387, 402, on masses and democracy, 377 and 391, for masses and POUM trial, 197.

One could easily read into these references to Soviet ideological cunning and dismiss them as mere demagoguery. However, the consistency and frequency with which reference to “the masses” was evoked not only in Soviet propaganda in Spain, but also in *classified* and *top secret* reports to Soviet leadership in Moscow to explain problems, solutions, and tactics, suggests a different interpretation. They point to a fundamental difference in political culture between the representatives of the USSR in Spain and the dominant political groups of the Spanish Republic. At the center of this conflict in political culture was a discordant (and perhaps incompatible) posture towards the role of justice and its relationship to “the masses” during civil war. Spanish Communist Pedro Checa perhaps put it best in a secret report to the Comintern sometime in 1938:

Because it advocates the use of administrative and police measures rather than political and economic ones, the government attempts to resolve complicated problems through administrative means rather than through the support of the masses... We also believe that the present minister of justice, (Irujo) – who by his reactionary policy is alienating the masses and discrediting the government – ought to be dismissed as soon as possible from the government.”⁶³

Manuel de Irujo was no small figure in the POUM prosecution. In fact, he led the judicial inquiry into the disappearance of Nin, oversaw the indictment investigation for the remaining POUM leaders, and even testified as a witness in the POUM trial in defense of the prosecuted *poumistas*. Another unsigned report sent to Dimitrov and forwarded to Voroshilov and the Stalinist leadership in Moscow in late July 1937 read, “In the name of law... and together with Zugazagoitia [interior minister], Irujo does everything possible and impossible to save the Trotskyists [POUM] and to sabotage trials against them.”⁶⁴ Comintern advisors disapproved of the Republican concept of legalism expounded by Zugazagoitia, Irujo, and other members of the Popular Front government in large part because it did not involve mass participation, and because it reflected bourgeois legal culture. The Republican government’s emphasis on a

⁶³ Checa to Moscow, RGVA, f. 33987, op. 3, d. 961, ll. 34-56, cited in Radosh, et al., 377. Interestingly, the reports also abound with criticisms of the lack of democracy (Soviet conception of democracy) in the Spanish Republic. In a September 1937 report to Dimitrov, the Argentine Comintern representative Vittorio Codovilla wrote: “Despite the fact that there exists in Spain a democratic and parliamentary republic of a new type (a people’s democracy), the democratic life of the masses as a whole almost does not exist (with the exception of the political activity of our party, meetings, press, and so on), there are no other opportunities for the masses to express their willingness through democratic forms.” Ibid., 376. See also *ibid.*, 387, 391. Pedro Checa, along with Antonio Mije and Dolores Ibárruri, essentially led the PCE, whose general secretary, José Díaz, was seriously ill. Preston, *The Spanish Holocaust*, 345.

⁶⁴ Radosh, et al., 223.

prosecution with constitutional guarantees differed considerably from Soviet conceptions of the function of the courts. A Comintern operative (probably Palmiro Togliatti) sent a top secret report on 11 May 1937, in the wake of the May Days uprising, to the Comintern ECCI in Moscow, which outlines this disagreement, and shows the author's conception of the relationship between justice and the masses in the prosecution of the POUM:

The people are nourishing unbelievable animosity toward the Trotskyists. The masses are demanding energetic and merciless repression. This is what is demanded by the masses of the people of all Spain, Catalonia, and Barcelona. They demand complete disarmament, arrest of the leaders, *the creation of a special military tribunal for the Trotskyists!* This is what the masses demand.⁶⁵

Whether this was actually the case for the masses is irrelevant for our discussion of the Soviet tendency to associate mass action and repressive justice.⁶⁶ In the run up to the trial, Comintern advisors sought to mobilize soldiers to pressure the court, which resulted in letter writing campaigns that had little or no impact. As we shall see, Negrín was clear that the trial had to take place with liberal judicial guarantees. There was little hope for reconciling his Spanish Republican legalism with the Soviet revolutionary approaches to justice of mass participation that characterized the Soviet repressions in 1936-39.

2.3 SPANISH AND INTERNATIONAL AUDIENCES

Undoubtedly, another element of mass appeal embodied in the Moscow trials was a conspiratorial conception of politics. The Moscow trials explained shortcomings – economic or political – by reference to conspiracy, the participants of which remained hidden among regular Soviet citizens. The tendency among participants and observers of civil conflict to construct conspiratorial explanations of their immediate circumstances is not uncommon. There is an obvious relationship between civil war and what we might call the “conspiratorial mindset.” It is

⁶⁵ RGASPI, f. 495, op. 74, d. 204, ll. 128-140, cited in Radosh, et al., 195, emphasis in text. This is not to imply that it was necessarily Soviet policy *per se*. It may also be a reflection of what Togliatti believed was expected of him from the Stalinist leadership. In fact, there is a great disconnect between what it appears Moscow intended and what implementation of policy looked like. Moreover Stalinist policy in the Spanish Civil War was not fixed at any point. Stalinist foreign policy reflected the volatile international political context of the late 1930s.

⁶⁶ For an account of how mass participation fueled the Soviet mass repressions of 1936-1938, see Goldman, *Terror and Democracy*, *passim*.

not difficult to find anxieties expressed by a wide spectrum of society in Spain prior to Soviet involvement, and even prior to the Civil War. The right's revanchist, militarist, and traditionalist milieu, in which Francisco Franco was a central figure, constantly warned of the hidden threat of the "Judeo-Masonic-Bolshevik conspiracy" long before the outbreak of the war. The conspiratorial mindset was no less virulent and widespread in the republican, socialist, anarchist, and communist groups that formed the uneasy alliance of the wartime Popular Front coalition. It is well established that Soviet involvement in Spain provoked the rise in popularity and power of the PCE. But the extent to which the specific behaviors and beliefs of Soviet political culture were internalized or even fully understood on a broader scale is far less clear.⁶⁷ In fact, the available evidence suggests a different interpretation. In contrast to the Moscow trials, in which Stalin and the party crafted threats (Trotskyism, anti-Soviet elements, among others) by drawing on broad Soviet anxieties and popular tropes (such as the saboteur or the capitalist spy) and empowered the populace to counter those threats through mobilization, the dynamic of the POUM trial reflected a different culture of reception and mobilization, one which retained an emphasis, however embryonic, on bourgeois legality and political plurality.⁶⁸ As we will see, the Soviet leadership attempted to adapt to this divergent legal culture with little success.

While the Republic's pluralist political culture may not have been as effective for conducting a modern war, it allowed for a wide variety of political positions toward the USSR and, in particular, toward Soviet involvement in Spain.⁶⁹ Such pluralism militated against the Soviet attempt to export the Stalinist show trial to Civil War Spain. What functioned well as a performance of justice in the USSR appears to have fallen on deaf ears in the Spanish case. Insofar as the civil war climate provoked a conspiratorial conception of politics in Spain, it was expressed largely in the historical language inherited from and developed in that specific context. The Comintern propaganda campaign against Trotskyists, the likes of which barely existed in

⁶⁷ Rees writes with regard to Soviet self-criticism and habits of obedience, etc., that "The form and meaning of these Soviet practices were often poorly comprehended by foreign communists, who had to be trained in what often seemed entirely alien rituals which apparently ran counter to notions of comradeship and solidarity." Tim Rees, "Anti-Trotskyism, Bolshevization and the Spanish Communist Party, 1924-1934," in *Historical Research*, vol. 82, no. 215 (Feb. 2009), 147-148, 156.

⁶⁸ This fits into Negrín's government's approach to judicial politics. See Graham, *The Spanish Republic at War*, 339. See also Preston, *The Spanish Holocaust*, 424-425.

⁶⁹ The disconnect in political culture is well exemplified in an anecdote in which a Soviet commissar noted that the first "specific feature of the local situation which we had failed to take into account" was the fact that "people around us belonged to different political parties." RGVA, f. 35082, op. 1, d. 185, ll. 356, 408, quoted in Antony Beevor, *The Battle for Spain: The Spanish Civil War, 1936-1939* (New York: Penguin, 2006), 164.

Spain, confused observers. A show trial based on these premises was bound to fail. And although the conspiratorial mindset typical of Stalinist political culture seemed to blend well with this climate, when the judges released their verdict, it reflected Spanish domestic and international concerns while at the same time rejecting Soviet attempts to connect the POUM with its international campaign against Trotskyism. This rejection of the politics of Moscow is particularly striking not least because of the active measures it appears the Soviet leadership took to conform to Spanish Republican politics after summer 1937. One scholar has found that by mid-1937, “the need for ‘legality’ and co-operation with other Republican forces was stressed in reports and instructions to and from the Comintern to Togliatti.”⁷⁰ This was undoubtedly a difficult adjustment for Comintern representatives to make. But it is important for another reason, namely that it illustrates how Spanish pressures for bourgeois legality informed and to some extent helped to determine the form and content of Comintern directives.⁷¹

The stenographic transcripts of the POUM trial are useful for illustrating the trial atmosphere. Although the oral (and public) trial will be examined in detail in later chapters, it suffices to say that the final statements of both the defense attorney and the prosecutor summed up what had repeatedly been affirmed throughout the trial. The POUM was not being prosecuted for its political ideology and the charge of espionage had no evidentiary basis. The concluding statements of the prosecutor’s summation are telling in this respect:

I want to recall in my final statements the recent words of Federica Montseny, her appeal to the court on the basis that Spanish justice originated in the democratic tradition, and that this should not be first time that someone would be condemned for their ideas. (The Sr. President informs the Sr. prosecutor that the words uttered at the end of her statement were crossed out by the President and were irrelevant.) (The Sr. Prosecutor continues, saying:) Here we do not speak of political ideas... and this prosecutor, like other civil servants occupying positions of authority such as the judges of this court, would never request or issue an order of prosecution for political ideas.⁷²

This reveals, in a nutshell, the dynamic of the courtroom, the assumptions of the presiding judge (Sr. President), and the limits of the judicial discourse within the TEEAT. The Tribunal rejected

⁷⁰ RGASPI, f. 495, op. 12, d. 94, quoted in Tim Rees, “The Highpoint,” 166. Reports have since been reclassified in different archives. My thanks to Tim Rees for this information.

⁷¹ It can be argued of course that “bourgeois legality” was already an important component of the Comintern’s general policy of Popular Frontism at the time. For analysis of Popular Frontism in Spain and France, see Martin S. Alexander and Helen Graham, eds., *The French and Spanish Popular Fronts: Comparative Perspectives* (Cambridge: Cambridge UP, 2002).

⁷² CEHI, Procés POUM, Caja 3, Carpeta 9; *El informe del fiscal*, Alba and Ardevol, *El proceso*, 455.

the criminality of political association, and rejected the Comintern's demands for punishment for association with Trotsky and known Trotskyists. Upon reviewing the recorded transcript, judges found that Federica Montseny's statements regarding the political nature of the POUM prosecution had been struck out as irrelevant to the court. The assumption was that crimes of a strictly partisan-political nature were beyond the reach of judicial power. Thus, the prosecutor emphasized what he viewed to be the apolitical nature of the crimes at the end of his final statements before the court: rebellion against the government during the May events. The excerpt also provides insight into the nature of the accusations made in court, which differ substantially from those of the Moscow trials and the propaganda of the Communist press. By the end of the oral hearing, the prosecutor had abandoned his allegation of espionage, saying that the POUM were "vulgar criminals – nothing more, nothing less."⁷³

The court went into a weeklong recess before announcing the sentence. The sentence dismissed allegations of espionage, but charged the *poumistas* with rebellion against the state. The sentence, given on 28-29 October 1938, in the midst of the brutal battle of the Ebro, outlined the threat that the POUM posed not to the USSR, but to the Spanish Republic. Although the POUM had "struggled against the military rebels since the first day of the rebellion," it was "little disposed to put aside its specific aspirations for the benefit of the defense of the Republic..."⁷⁴ The trial script for the domestic audience embodied the reversal of revolutionary actions and the return of judicial normalcy – the demobilization of revolutionary elements. It also communicated that specific partisan political aspirations should be subordinated to the authority of the state and the demands of war. In the ongoing debate as to whether the war could be won by revolutionary action or by state centralization and discipline, this reflected a strong assertion of the latter.

But it was not only domestic pressures for legality and discipline that shaped the trial script. The sentencing also provided a narrative for international audiences (primarily French and British), which attempted to salvage the international reputation of the Republic. In the sentencing, the judges wrote that the POUM had "endangered the prestige of the Republic in international opinion, whose favorable reaction to the cause of the people the government required." In a nod to domestic concerns, it read that the POUM "gravely endangered the defense

⁷³ Ibid. This stands in stark contrast to the ritual confessions of the Soviet trials of the late 1930s and those carried out in post-WWII Eastern Europe.

⁷⁴ CDMH, PS-Barcelona_Generalitat, Caja 283, Legajo 10; Alba and Ardevol, *El proceso*, 123-ff.

of the Republic... and weakened the social discipline to a degree liable for debilitating the authority of the government.”⁷⁵ By 1938, the Republican war effort was failing and Negrín advocated continued resistance, hoping for a change in French and British posture towards intervention, or at the very least, mediation for a negotiated peace. Internal correspondence illustrates how awareness of the observation by the western democracies helped to shape the prosecution.⁷⁶ Moreover, in a top-secret report to Moscow after the trial, Stepánov reported that British, French, and Spanish Republican influence determined the “scandalous sentence.” He wrote that “the [Republican] state apparatus constantly put pressure on the court” and that “the trial took place under constant pressure from the II International... It was literally said in court that a cordial atmosphere should reign in the courtroom... The president of the court was incredibly polite to the accused, allowing even the bourgeois press to speak to them.”⁷⁷

Following the arrest of the POUM leadership and the disappearance of Nin, various international delegations had protested the imprisonment and demanded the government provide standard, western judicial guarantees for the POUM. The transnational campaign for legality was initiated through the Second International, as well as the International Federation of Trade Unions and the London Bureau, and spearheaded by the Independent Labour Party.⁷⁸ The campaign also provoked responses from the United States, as Norman Thomas of the Socialist Party of America and others sent repeated letters to the Spanish government demanding justice for the imprisoned *poumistas*.⁷⁹ These campaigns, often couched in a liberal rhetoric of human rights, added yet more pressure to the Spanish judiciary to “show” its distinctly Spanish Republican, non-Soviet, character. Of course, some international observers who supported the POUM doubted the authenticity of the Republic’s “legal democratic” show trial. For example, a February 1938 letter from an American socialist in Paris to Anita Brenner “and other comrades” read:

You know of course the plan that Prieto and the govt. have been following is to give outsiders the assurance that we have a legal, democratic republic that safeguards capital, property, etc.; that punishes the excesses of the proletariat; that is actually restoring all privileges; that will not tolerate interference from left elements (this of course

⁷⁵ CDMH, PS-Barcelona_Generalitat, Caja 283, Legajo 10.

⁷⁶ AFJN, 1.MJU.2-ff. Also, see CEHI, Procés POUM, Caja 2, Carpeta 5.

⁷⁷ CEHI, Arxiu Moscú, 4.9h. Emphasis in text.

⁷⁸ See the Valencia POUM *Boletín* No. 1, July 1937, which includes information on the international delegations to Spain on behalf of various organizations lobbying for the POUM. CDMH, PS-Barcelona, Caja 232, Legajo 3.

⁷⁹ See also the letter to D. Ramón González Peña, Spanish Minister of Justice, from Norman Thomas, national chairman of the International Labor Solidarity Committee, in Abraham Lincoln Brigade Archives (hereafter ALBA), James I. Loeb Papers, Box 158, Tamiment Library/Robert F. Wagner Labor Archives, New York University.

includes not only a campaign against the Stalinists, which is going on in a veiled and subtle form, but a campaign against all revolutionary elements).⁸⁰

It is significant that the author, writing under a pseudonym (Skippy), thought it obvious to observers in Paris as to those in the United States precisely what role the trial would play. And despite the erroneous assumption that Prieto was at the head of the effort, it is telling that the author also recognized the subtle campaign being waged in the Republic against the “Stalinists.”

2.4 CONCLUSION: THE SHOW TRIAL AND STATE LEGITIMATION

In the last analysis, the failure of the archetypal “Stalinist” show trial to take root in Spain can be attributed to the influence of international and domestic Spanish audiences, as well as conflicting concepts of justice between the Republican government and Soviet operatives in Spain. With the cultural offensive as with the high political struggle, the cultures of reception of the political trial were far different from those of the USSR during the mass repressions. The particular behaviors of Stalinism provoked controversy in the Spanish Republic and the western democracies. That outcry was expressed through a Spanish and broadly Western lexicon that reflected the linguistic and cultural legacy of liberalism and Spain’s nascent experiment with parliamentary democracy that began in 1931 with the Second Republic. And although the Spanish Civil War perhaps provoked a conspiratorial view of politics, the distinctly Soviet character of that conspiratorial worldview did not take root.

The vast majority of cases of political repression in the Republican zone during the Spanish Civil War were in fact not Soviet repressions, but rather violence born of class hatred, partisan-political violence, and arbitrary violence by paramilitary groups on the left in the first months of the war.⁸¹ Government operations against rank-and-file *poumistas* and CNT members (*cenetistas*) represented the institutionalization of that political repression, and by that process the ostensible “depoliticization” of public order by bringing it under the aegis of the re-emerging

⁸⁰ Letter from “Skippy” to “Anita [Brenner] and other comrades” affiliated with the POUM in the United States. Ibid. Emphasis in text. See Fenner Brockway’s letters demanding guarantees, CDMH, PS-Barcelona, Caja 1046.

⁸¹ Graham, *The Spanish Republic at War*, 387; and Preston, *The Spanish Holocaust*, xiii-ff.

Republican state and its judicial and police apparatus.⁸² Spanish and Catalan police largely directed and carried out arrests of *poumistas* and the TEEAT led prosecutions, which were overseen by magistrates and judges appointed by Negrín and his Justice, Interior, and Defense ministers. The Popular Front intended for operations against the POUM to bring a definite end to political infighting and popular (and often violent) justice. This was Spanish Republican statebuilding *par excellence*, and the POUM trial represented a judicial performance of this process. This was fundamentally different from the Moscow trials, which in fact both triggered and offered explanations for mass repression, and encouraged the localization of repression. In sum, the relationship between the state judiciary and the masses was fundamentally different in the Spanish case, an observation which goes a long way to explaining the breakdown of the Soviet attempt to export the show trial abroad.

The Spanish Republic's repression and prosecution of the POUM had both Spanish and international origins quite independent of Soviet politics, and the form and message of the POUM trial (as a text in itself) naturally reflected the particular arrangement of power in which it occurred. From this we may conclude that although the 1930s was a time in which uncertainty and spy mania pervaded much of Europe and was not limited to USSR, the particular ways in which anxieties about economic depression and attendant political changes were expressed varied based on local, if not national, context. Thus, the prosecution of the POUM underlined the connection between the reconstruction of the Republican state and the politics of parliamentary democracy and liberal, bourgeois legality, in opposition to the arbitrary nature of Francoist justice and the legal thinking of Soviet advisors. The POUM's trial can be considered a show trial, which effectively provided a scapegoat for some of the shortcomings of the Spanish Republican government and sought to communicate specific aspects of the Republic. But the trial was only associated with and connected to the "global campaign against Trotskyism" insofar as Comintern advisors and propagandists could misrepresent its actual proceedings.

The failure to export the Stalinist show trial performance to Civil War Spain thus gives us a unique insight onto both the enigma of the Moscow trials and the puzzle of the POUM's prosecution. Without a specifically Soviet culture of popular mobilization, the Soviet trial project collapsed. The POUM trial is perhaps better described, then, as the expression of a liberal state

⁸² See Chapter 3, 4, and 5. Also, see Helen Graham, "War, Modernity and Reform: the Premiership of Juan Negrín 1937-1939," in *The Republic Besieged*, 163-196.

governed by those who recognized the potential that the judiciary had for aiding in the reconstruction of the Spanish Republic in opposition to revolutionary movements.⁸³ It also recognized that in order to be successful in that task, it must appeal to both the Republic's war weary population and skeptical onlookers abroad.

This suggests yet another and perhaps more profound implication, namely, that the show trial, i.e. the instrumentalization of the judiciary to achieve political goals in public spotlight and perform state power, need not be limited to a phenomenon of communist polities. Rather, it could take place arguably in any political or economic system and, as we have seen, this was surely the case in Spain, in what Koltsov deemed a "bourgeois democracy." Perhaps this points to a fundamental element of the judiciary and the court itself, which *in form* remained somewhat similar in both the Spanish and the Soviet case, however different the political content and ideological assumptions. In both cases, the judiciary claimed the authority to define the threat – to produce knowledge about the threat, be it Trotskyism, revolutionary actions against the state, or even Soviet interference. Thus, in both cases the judiciary had the power to define a given group's identity and their relationship with the state, and to publicize that power relationship, an action which implicitly legitimized the state.

Paradoxically, perhaps the most successful result produced by the Soviet attempt to export its campaign against Trotskyism to Spain was the unintended consequence of inspiring and offering intellectual raw material for the construction of the emerging critique of Soviet "totalitarianism." In other words, when exported and thereby removed from its context of a distinctly Soviet trial culture – a distinctly Soviet culture of reception – the Stalinist internationalization of its anti-Trotskyism campaign actually helped to forge a new dystopian genre of political criticism, led in the west by Orwell. But as Tim Rees has suggested, "Perhaps, ultimately, it was not the reality of the controlling hand of Moscow that really mattered, but the power of the myth of that control."⁸⁴

⁸³ Graham argues that Spanish Republican premier Juan Negrín was consumed with normalizing liberal political practice, above all in judicial practice. *The Republic at War*, 341. See also Negrín's tactical use of judicial and police "normalization". Ibid., 162.

⁸⁴ Rees, "The Highpoint," 161.

CHAPTER 3

THE INSTITUTIONALIZATION OF “PEOPLES JUSTICE”: FROM POPULAR JUSTICE TO THE POPULAR TRIBUNALS

Foucault: (...) My hypothesis is not so much that the court is the natural expression of popular justice, but rather that its historical function is to ensnare it, to control it and to strangle it, by re-inscribing it within institutions which are typical of a state apparatus... The court is the bureaucracy of the law. If you bureaucratize popular justice then you give it the form of a court.

Pierre Victor: Then how is it to be regularized?

Foucault: I'll reply to that by what is, of course, an evasion: it remains to be discovered.

– On Popular Justice (1971)¹

In all documented instances of revolutionary mobilization and the collapse of state power in the modern period, it seems clear that the first demands of the mobilized masses are to undo past injustices and carry out justice against perceived enemies: to open the prisons and exact justice from enemies, or better said, those associated with the preexisting economic and political power structure. This process is of course chaotic and subject to the convoluted and intricate subjectivities of the individuals and organizations involved. The eruption of Spain's Civil War was no exception. The military uprising of July 1936 shattered the institutional structure of the fledgling Second Republic, and with it the judicial apparatus, endowed with the power to decide just from unjust, right from wrong, by law and according to the 1931 Constitution. Further complicating the situation was the split in the judiciary, which mirrored splits in the Armed Forces, the Diplomatic Corps, and the Republic's police apparatus. It was unclear which judges and magistrates remained loyal to the government they served. Judicial officials of various political colors found themselves in both zones, subject to the mobilization of the Nationalist military machine or to the workers organizations that moved in to fill the void created by the collapse of the Republican state. In those zones in which the rebellion had been defeated in July,

¹ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York: Pantheon, 1980), 27-28. “Pierre Victor” was the pseudonym used by the French Maoist Benny Lévy.

revolutionary justice was meted out in the form of arbitrary killings, *paseos*, and *sacas*. It is not useful to romanticize this violence on account of its apparent revolutionary character, for it ranged from the simple exacting of vengeance from enemies to the systematic revolutionary trials of those whom the working class held responsible for its plight in previous decades, or those who joined the military uprising.

The application of justice was no longer in the hands of a state authority. In its absence, partisan and union organizations, as well as common criminals, took up the burden of determining the culpability of the accused. They attacked the long-despised institutional foundations of Old Spain – the Church, the Military, the bourgeoisie, and middle-class managers and landowners. In Barcelona, the POUM's heady triumph over the uprising, alongside its comrades in the CNT, brought the young party onto the revolutionary scene. Revolutionary groups established "Security Patrols" in Barcelona, which contained a disproportionately high number of POUM militants (relative to the party's size).² To investigate suspected fascist sympathizers, workers' organizations established ad hoc vigilance committees (deemed "Committees of Revolutionary Justice"), which often degenerated into groups meting out violent repression arbitrarily.

Days after the uprising was defeated in Barcelona, *La Vanguardia* reported on the POUM's speeches in the *Teatro Principal Palace*. Julián Gorkin claimed that there was no peaceful way to make a revolution, saying "the Russian Revolution also declared the necessity of imposing itself by terror." To raucous applause, he continued, "We say that the life of one worker is worth ten of the bloody parasites!" The POUM's political secretary, Andrés Nin, feared that "criminals" were escaping on account of "excessive legality," and called for "the immediate constitution of revolutionary tribunals to try those responsible."³ The meeting ended with Nin shouting "*¡Viva la unidad!*" to a standing ovation, and the collective singing of the *Internationale*. Meanwhile, Dolores Ibarurri roared in the PCE press that the enemy must be exterminated. Echoing similar rhetoric from the Nationalist zone, revolutionary groups often frame their violent actions in hygienic terms. Spain was to be "cleansed" of enemies.⁴ Improvised prisons were established, in which militants engaged in interrogation and torture of

² Pelai Pagès i Blanch, *War and Revolution in Catalonia, 1936-1939* (Chicago: Haymarket Books, 2014), 57.

³ *La Vanguardia*, 2 August 1936, page 3. Nin also argued for a democratic Peoples' Army that would choose its own leaders.

⁴ A common Nationalist slogan was to "cleanse Spain of Marxists." See Preston, *The Spanish Holocaust*, 143-144. See also José Peirats, *La CNT en la revolución española, Vol. II* (París: Ediciones Ruedo Ibérico, 1971), 81.

suspected sympathizers of the military uprising.⁵ Generals and military officials of questionable loyalty were imprisoned and often executed. Judicial officials, fearing revenge from those freed from prisons, went underground. Sources indicate that in the first months of the war, over 100 judges were murdered outright in Madrid alone. State ordained, institutionalized forms of justice seemed to have disappeared.

However, in spite of the summary arrests and executions, and appeals for revolutionary tribunals, the *idea* of the court never quite disappeared, as is clear for example in Nin's speech. As we shall see, it returned with more power than it had prior to the uprising. Even the earliest of the revolutionary committees took the *form* of the court – though they appointed militants from working-class organizations to function as arbiters of justice, “neutral” individuals before whom those arrested would be judged according to revolutionary criteria. Glicerio Sánchez Recio has quite rightly argued that “within this disorder, some revolutionary organizations felt the need to constitute ‘revolutionary tribunals’ with a form of legality, in which attorneys and jurists [who were] experienced in the political and union struggle would take part.”⁶ The traditional form of the court was never entirely transcended, though its content temporarily changed. Regional governments then institutionalized the revolutionary tribunals, as was the case early on in Asturias and Catalonia, and eventually integrated them into a broader Republican jurisdiction. Indeed the slow but steady institutionalization of revolutionary justice owed in large part to the efforts of the Republican Government. That institutionalization would eventually be turned in support of the war effort (by way of punishing indiscipline) and international diplomatic imperatives, specifically the necessity to display the Republic as a modern state embracing the rule of law with a strong judiciary.

This process started almost immediately in summer of 1936 and reached its apex in late 1937 and 1938 after the rise of Juan Negrín and the judicial reforms that he and his Ministry of Justice decreed. Although the jurisdiction of the central government's courts was broadly expanded in summer 1937, and indeed centralized under the control of Negrín's government, the reforms did not start there. The creation of the Special Tribunal for Espionage and High Treason (TEEAT) in June 1937 came only after a long series of attempts, successful and unsuccessful, to

⁵ Essentially all the political organizations established their own holding facilities, including the POUM. CDMH, Causa_General, Caja 1534, Expediente 46.

⁶ Glicerio Sánchez Recio, “Justicia ordinaria y Justicia popular durante la guerra civil,” in *Justicia en guerra: jornadas sobre la administración de justicia durante la guerra civil española: instituciones y fuentes documentales* (Madrid: Ministerio de Cultura, 1990), 89.

neutralize forms of revolutionary justice. The impulse of working-class organizations to establish the legal form of the traditional court, albeit with revolutionary content, contributed to the relative ease with which Negrín and the Republican authorities were able to institutionalize what they saw as arbitrary justice in the Republican zone. In other words, it was not only Negrín who constrained and ultimately reined in the revolutionary violence of the people in the first weeks of the Civil War into traditional Tribunals, or more specifically, into the *form* of the Court, thereby reintegrating its power and process into the apparatus of the Republican state. Paradoxically, the efforts of revolutionary organizations helped to create the conditions in which Negrín's judicial reforms could succeed, continuing a process initiated before his time as Prime Minister, a process of the reconstruction and centralization of the state judiciary.

This was an integral part of a larger dual process: the reigning in of revolutionary activity and the intensification of disciplined antifascist resistance, which took place in the fields of justice, public order, and local and regional governance.⁷ The prosecution of the POUM in particular signaled the culmination of this transition from revolutionary peoples' justice to traditional "neutral" Republican justice. A specific concept of antifascist resistance governed these efforts after the rise of Negrín to the premiership. Historiographical attempts to deal with Negrín's interventions in public order, social control, and judicial politics have traditionally framed the issue in a simple revolution-counterrevolution binary, often ascribing to Negrín's policies a subservience to Spanish Communist and Soviet demands. These accounts overlook the war and the Republic's diplomatic position entirely, dismissing Negrín's advocacy of antifascist resistance and judicial legality as a legal veneer for a Soviet attack on the Spanish revolution. Alternatively, some scholars have framed Negrín's reform of public order and the judiciary as the central Republican Government's effort to nip in the bud any Catalan autonomy gained through the 19 July revolution.⁸ Such narratives overlook the very real institution building carried out by the CNT and even the POUM long before the takeover of public order and justice in Catalonia by the Republican government in summer 1937. The controversy regarding the reestablishment of Republican normalcy has also been conceptualized as a function of the

⁷ The systematic process of replacement of revolutionary forms of organization with their former Republican structures can also be seen in local municipal governance, workers control over agricultural production and manufacturing, and in the forces of public order. See Josep Antoni Pozo, *Del orden revolucionario al orden antifascista: la lucha política en la retaguardia catalana (septiembre de 1936 – abril de 1937)* (Sevilla: Espuela de Plata, 2015), passim.

⁸ See for example, Pelai Pagés i Blanch, "La Administración de Justicia en Catalunya durante la guerra civil española (1936-1939)," in *Justicia en Guerra*, 47-63.

internal “war versus revolution” debate. In this understanding, broadly speaking, the PCE, USSR, Negrín, and others sought to destroy the revolution in order to win the war with a conventional military force, while other working-class organizations such as the CNT-FAI and POUM advocated a revolutionary war carried out under the direction of an entirely worker-controlled government. In fact, such positions were not as concrete and diametrically opposed as many historians have argued, and the emphasis on their explanatory value is largely a product of post-Civil War polemics regarding the reasons for defeat. Indeed, there were discrepancies on both sides of the divide.

This chapter traces the transition from revolutionary forms of justice and public order to the Republican institutionalization of both. The political impact that these measures had on the social revolution of 1936-1937 were of secondary importance to the project at hand, though the historiography has long privileged this approach. Negrín’s primary objectives were not dictated by Soviet advisors or by Stalin himself. Nor were they solely the product of an imposition of “Negrínista” politics. Rather, this chapter argues that Negrín’s actions in the field of public order and judicial politics were the continuation and intensification of a process begun long before his premiership. They should be understood as part of a broad effort to rebuild the structures of the Republican state, which Negrín hoped would bring the international support required to win the war, or at least bring a negotiated mediation. His policy of resistance was geared towards facilitating these objectives bar none. In this task, the Soviet leadership in Moscow appears to have followed suit, though its advisors often operated according to their own predilections and perceived expectations, as well as the imperatives of their respective Soviet agencies, as in the case of the Nin assassination. It is only in the light of this aspect of the wartime Spanish Republic that the enigma of the prosecution of the POUM begins to take comprehensible form. For it was a product of this process, and perhaps the most important constituent part of the whole.

3.1 FROM REVOLUTIONARY JUSTICE TO THE FIRST POPULAR TRIBUNALS

The vast majority of the literature on the violence in the early days of the war starts off on the wrong foot in that it sets out to engage in an ongoing polemic, which started when the violence started and continues today, about who is to blame. While there can be no doubt that atrocities

were committed on both sides, it is not in the interest of understanding for the historian to engage in sensationalism or apologetics. Suffice it to say that the majority of the violence was not merely plain criminality in the absence of a paternalist, disciplinary state. The popular killings and repressive measures taken during July and August 1936 were a product of decades of class struggle in a modernizing economy grappling with the growing pains of uneven capitalist development. Spain's neutrality in the First World War brought an unprecedented economic boom, which subsequently went bust when it no longer had a relative upper hand in selling commodities on the European market. On the ground, this translated into increasingly poor working conditions, the strengthening of workers organizations, and the expansion of a certain kind of working-class consciousness, especially in the most productive northern zones of the Iberian Peninsula, Catalonia and the Basque Country. When the economy slowed, the burden fell on the workers and peasants, as businesses consolidated to contain losses in 1918 and 1919. In 1931, global economic crises exacerbated the already precarious position of the working masses, and coincided with the fall of the Monarchy and the declaration of the Second Republic. The political back and forth of the pre-civil war Spanish Republic is intricate and illustrative of the vastly different political groupings that came about as a product of that uneven economic development and the circulation of political ideas, ranging from the fascism of the Spanish Falange to the anarcho-syndicalism of the CNT.

By 1936, these tensions had reached a boiling point. The Spanish Republic was becoming ever more an object of international (mostly western) fascination, as its fledgling institutions attempted to deal with opposition from political groupings on both the right and the left and open street violence. Despite the obsession of Francoist, neo-Francoist, and western Cold War historiography with the issue of Soviet interference, it is important to note that the USSR did not have diplomatic presence in Spain before the war, and despite its presence abroad, only a few Comintern operatives were stationed in Spain before the Popular Front elections of February 1936. The repressions of the early months of the war in the Republican zone reflected Spanish tensions and Spanish class antagonisms. The Spanish Republic turned to the USSR for aid only in response to diplomatic and international isolation from the western democracies.

In the zones in which the military uprising had been defeated, "Committees for Revolutionary Justice" sprang up. They first set their sights on the repression of perceived fascists and fascist sympathizers. Almost immediately, the way in which politics was expressed

changed: it abruptly turned from the demonstrations, strikes, and isolated violent conflicts of the pre-civil war Republic to the violence associated with war. The vast majority of the extra-judicial killings, which Paul Preston places at around 50,000 total in the Republican zone (compared to 150,000 in the Nationalist zone) took place in the first two months of the war. Some 50 to 70 percent of total killings occurred in this period, according to the calculations of Julián Casanova.⁹ On 20 July 1936, the CNT and other militant working-class organizations established the Central Committee of Anti-Fascist Militias (CCMA), whose first order of business was to establish special teams to organize and maintain revolutionary order in Catalonia.¹⁰ However, the pretense of control was hollow. The violence in Barcelona, and indeed throughout Spain, was uncontrolled, undirected, and broke down largely along class lines. The “control patrols” established in part by the CCMA operated until summer 1937, although extrajudicial killings sharply decreased before then.

The first Popular Justice Tribunal, explicitly named as such, incidentally was established on 18 August 1936 in Lérida, the POUM stronghold.¹¹ It consisted of various revolutionary groupings, among them the *poumistas*, who had some conflicts with anarchists who preferred that the “peoples’ justice” remain apart from the courts. The first attempts at establishing courts also sparked resentment among anarchists on the streets of Madrid. The daily *CNT* denounced the former Republican authorities and incited the people to take justice into their own hands:

Faced with a judiciary and courts that stink of rot and whose spirit and whose laws are purely bourgeois, the people must take control of justice for itself [...] Having survived the events that we just survived, and with the popular forces in the street, with the weapons of their free will in their hands, there is no other law and no other authority than that of the people. This is justice: what the people want, what the people order, what the people impose... We must destroy the thousand-year-old enemy who hides in the administration, in the laws of the State, in the banks and in the management of companies.¹²

The split between those anarchist groupings that preferred some sort of summary peoples’ justice, and those who advocated a tribunal form widened as the summer of 1936 progressed. Although CNT leader Joan Peiró and others apparently attempted to curb the bloodshed, it was far beyond

⁹ Julián Casanova, *The Spanish Republic and Civil War* (Cambridge: Cambridge University Press, 2010), 164.

¹⁰ *Ibid.*, 194.

¹¹ For more information on the Lérida tribunal, see Jaume Barrull i Pelegrí, *Violència popular i justícia revolucionària: El Tribunal Popular de Lleida (1936-1937)* (Lleida: Pagès, 1995).

¹² *CNT*, 31 July 1936, quoted in Preston, *The Spanish Holocaust*, 262.

their control. By 1937, in Barcelona alone, 6,400 were killed, out of a Barcelona wartime total of 8,352. In Madrid, somewhere between eight and nine thousand had sought refuge in embassies.¹³

In the first weeks of the conflict, the José Giral government (19 July 1936–4 September 1936) made attempts to control the violence, largely to no avail. Giral extended a State of Alarm (*estado de alarma*), which was reserved for reestablishing normal powers of the state and judiciary within a democratic and legalist framework during a time of crisis. The Giral government acted quickly to cleanse what was left of the state and judicial apparatus of fascist and fascist sympathizers.¹⁴ The decree of 21 July called for the “sacking of all the employees that took part in the subversive movements or were notorious enemies of the regime.” This included a range of designations, including “traditionalists,” “rightists,” and/or officials of “independent or questionable affiliation” who were disaffected with the Republic.¹⁵ On 16 August, the Giral government sacked all the municipal judges, and decreed that “those who hold [their posts] hereafter will offer the best guarantees of clean Republican justice.” On 21 August, he decreed the right to “preventatively separate from active service all the officials who report to the Ministry of Justice who have adhered to conduct that marks them as clear enemies of the Republican regime established in the Constitution and participants in the current seditious movement.” The judgment as to whom to separate was left to the Council of Ministers. The government also sacked the investigators for Tribunals and created a new set of *juntas* of investigation “charged with investigating the activity and adhesion to the regime of officials in the administration of justice, whatever be their category of jurisdiction.”¹⁶ At the municipal, provincial, and regional levels, the old Republican court infrastructure had more or less collapsed in the face of revolutionary mobilization.

On that same day, the Giral government created the Popular Tribunal, granting it rights “to try crimes of rebellion and sedition and those committed against the security of the State.” In Madrid, this court was overseen by one judicial official, two others appointed by that official, and fourteen jurors who were “designated by the parties in the Popular Front and the union organizations corresponding to it.” The courts were extended throughout the Republic with

¹³ Casanova, 196.

¹⁴ Although sources are scarce on the process and outcomes of the judicial cleansings, some cases are illustrated by documents. See, for example, the case of Vizcaya in 1936, found in CDMH, PS-Madrid, Caja 241. A short analysis can be found in Germán Rueda Hernanz, “Suspensión de jueces y fiscales municipales por ideología política (Vizcaya, 1936),” in *Justicia en Guerra*, 167-169.

¹⁵ *Ibid.*, 168.

¹⁶ Ramón Salas Larrazábal, “El Ministerio de Justicia en la España Republicana,” in *Justicia en Guerra*, 24-25.

another decree on 25 August, with the same appointment procedure as the Madrid Popular Tribunal. It also granted the president of each the ability to designate the prosecutor and his secretary to act in the case of emergency. The courts were granted jurisdictional powers over both civil and military crimes.¹⁷ Moreover, given the wartime situation, the decree would allow “special justice”:

Because of the times in which we live, the very great risk to the security of the State, and in the face of the extensive subversion maintained by elements disloyal to their solemn oaths, who propose to destroy the political and social regime... the courts are absolutely necessary so that the strength of the people be maintained, and the decisions of the courts’ jurists should be supported for the same reason.¹⁸

Sentences originally could not be appealed. Although the courts may have been intended to curb the indiscriminate actions of the “control patrols,” revolutionary forces quickly coopted them, as will be discussed below. This mirrored the ways in which revolutionary committees took over the municipalities, for example, throughout Catalonia.¹⁹

The decrees did little to stop the proliferation of illegal prisons, at the time termed “checas” after the Russian acronym for “Extraordinary Commission for the Suppression of Counter-Revolution and Sabotage.” Although the Francoist post-war investigation into the activity of *Rojos* (“Reds,” or anyone sympathizing with the Republic, democracy, socialism, anarchism, syndicalism, or communism), the *Causa General*, claimed that there were over 200 checas operating in the Republic, the figure was far lower according to most historians. It must be kept in mind that it was a top priority for Franco to frame the Spanish Republic retroactively as a giant and repressive network of Communist checas, if only to attempt to justify *post facto* the mass killings carried out in the nationalist zone, which far exceeded those in the Republican zone (and were qualitatively different as well). Nevertheless, dozens of extralegal political prisons filled the institutional void left by the breakdown of the Republic. Thousands were imprisoned and interrogated by various political groups, and many perceived enemies were executed without due process.

From September 1936 to February 1937, the Popular Tribunals in Barcelona tried and executed nearly a hundred officers who had fought against the working class in Barcelona on

¹⁷ Salas Larrazábal, “El Ministerio de Justicia en la España Republicana,” in *Justicia en Guerra*, 25.

¹⁸ Decree of 25 August 1936, Preamble, quoted in Sánchez Recio, “Justicia ordinaria y Justicia popular durante la guerra civil,” in *Justicia en Guerra*, 91.

¹⁹ See Antoni Pozo, *passim*.

behalf of the military uprising.²⁰ The courts, as with others throughout the Republican zone, had been established explicitly to target fascism. They were thus oriented to the war effort and to dealing with enemies caught in the rearguard or captured. Giral, a follower of the Spanish Republican President Manuel Azaña, had assembled a government on 19 July and authorized the distribution of arms to the working-class organizations to defend the Republic. But Giral excluded working-class organizations from his government, which, combined with military defeats throughout August, gave way to Largo Caballero's premiership on 4 September 1936. Largo Caballero included both PCE and CNT leaders in his cabinet, attempting to appease the popular revolution that had been triggered by the military uprising.

Largo Caballero had gained a reputation as the representative for the most radical of the left wing of the PSOE, which earned him the tag, "Spanish Lenin." He and his Justice Minister, the Republican (*Izquierda Republicana*) Mariano Ruiz Funes, continued efforts to reconstruct the court system while also ceding to workers demands. In the face of mass seizures of land and assets by workers and working-class organizations, Ruiz Funes decreed on 10 October 1936 the creation of the *Juzgados de Urgencia* (Emergency Courts), which, among other things, institutionalized and legalized the land seizures that had occurred. The *Juzgados de Urgencia* authorized or retroactively approved the seizure of millions of hectares of land throughout the first year of the war.²¹ This decree came three days after the establishment of the *Tribunal Especial de Responsabilidades Civiles* (Special Tribunal for Civil Responsibilities, TERC), which had powers to punish individuals suspected of treason and espionage. This precursor to the TEEAT aimed to repress anti-Republican opinion, while the Popular Tribunals punished crimes committed.²²

Most anarchists scoffed at efforts by the central government to retroactively authorize revolutionary seizures of property and land that had occurred in July and August. For example, the Madrid publication, *CNT*, argued that "The peasants do not need decrees to solve their problems, rather they beat them to it... expropriating without making any distinction between owners that have taken part in the military conspiracy or not."²³ Various newspapers loudly asserted their opposition to participation in the bourgeois state throughout September. However,

²⁰ Casanova, 167-168.

²¹ Ruiz Funes also decreed the right to seize religious properties, especially when they were associated with conspirators in the military uprising.

²² Salas Larrazábal, "El Ministerio de Justicia en la España Republicana," in *Justicia en Guerra*, 26-27.

²³ *Ibid.*, 28.

in Catalonia, the anarchists made compromises with their principles of non-participation in bourgeois governments, joining the Catalan regional government (Generalitat) at the end of September. CNT representatives also joined the second Government of Largo Caballero on 4 November, but not without tense negotiations with the Prime Minister. According to Largo Caballero's unpublished notes, the anarchists proposed that the Republican state be replaced with workers organizations, though retaining Largo Caballero as the head of state. Although he rejected the proposal, the anarchists nevertheless joined his cabinet. Ministers included Federica Montseny, who would later join Largo Caballero as defense witnesses in the trial of the POUM.²⁴ The most important anarchist addition to the Republican Government, however, was from the CNT's political wing, the FAI: Juan García Oliver took the portfolio of Minister of Justice. Despite apparent rank-and-file dissension, one of the most prominent anarchist leaders had not only joined the long-despised state structure, he did so as Minister of Justice.

García Oliver took strong measures to prevent attacks on the judiciary, suspending citizen rights to appeal against rulings, which were only admitted thereafter "in cases of substantial injustices or formal violations that provoked grave defenselessness."²⁵ He continued the judicial cleansings initiated by Giral's Justice Ministry, ordering on 10 December the establishment of provincial commissions to purify judicial and prosecution personnel, including assistants and officials all the way down to the municipal level. Oliver claimed that the failure of previous cleansings was due to the detachment from popular elements with which they were carried out. In this sense, it would seem that García Oliver was attempting to use the state judicial apparatus to give voice and participation to rank and file citizens, and more importantly, to assert CNT power at the highest levels. Three magistrates were appointed to oversee each commission. The designation of one magistrate (drawn from the Supreme Tribunal) was reserved for García Oliver himself, as Minister of Justice, and the appointment of the other two came from union organizations that were not in contact with Tribunals and Courts.²⁶ Although there were other causal factors involved, García Oliver's actions helped to reduce violent revolutionary excesses.²⁷

²⁴ AFPI, Archivos Personales, Largo Caballero, "Notas Históricas sobre la Guerra de España." Manuscript. (Fundación Pablo Iglesias, Madrid), pp. 261-262.

²⁵ Salas Larrazábal, "El Ministerio de Justicia en la España Republicana," in *Justicia en Guerra*, 29.

²⁶ Ibid.

²⁷ That is not to clear García Oliver of culpability and involvement in illegal actions.

He was joined in this task by fellow anarchist Melchor Rodríguez, the Director General of Prisons, a smart and effusive man, according to García Oliver, and a good friend of President of the Supreme Tribunal, Mariano Gómez González.²⁸ Melchor Rodríguez helped lead the effort to stop the deadly *sacas*, bringing prisoners from checas into prisons of State, as well as introducing a penal labor system, which would help with the war effort. The Bulgarian Comintern operative Stoyán Mínev (“Stepánov”) later confirmed Rodríguez’s efforts in his post-Civil War report, *Causas de la derrota de la República*. Quoting a section of the nationalist daily *Ya*, Stepánov wrote, “Melchor Rodríguez García, from his post of Director of Prisons in the Center region, valiantly defended thousands of nationalists confined in the Red prisons.” When asked why, being an anarchist, Rodríguez dedicated himself to such things, he responded:

Simply [because] it was my duty. I always saw myself in each prisoner. When I went to the prisons, I ordered protection for the monarchists, for the rightists... then I felt obligated to do everything that I myself had defended when I was confined in the prisons, that is to say, to save the life of those people.²⁹

In the report, prepared for the Comintern Executive Committee (ECCI) and the Soviet leadership, Stepánov complained about the obstruction that the anarchists caused throughout the war, and specifically about García Oliver. “In the period of the government of Caballero, with Galarza as Minister of Interior and García as Minister of Justice,” he wrote, “the institutions of police and justice fought only for one thing: to sponsor the elements of the 5th column and persecute and shoot the communists.”³⁰ Although this is one of many exaggerations in Stepánov’s report, undoubtedly put forward to clear himself of blame for the defeat, it still stuck out to him to take note of the phenomenon, if only to sensationalize it.

Paradoxically, García Oliver worked tirelessly to strengthen the Republican judiciary, perhaps to strengthen its power under his own prerogative, but far more likely to make the repression of fascist rebels more efficient and to correct the revolutionary excesses in which the first Popular Tribunals were implicated. In February 1937, he decreed the expansion of the Popular Tribunals, now cleansed and overseen by the Justice Ministry, giving them rights to prosecute all common and non-military crimes. The same day, he laid out modifications for the *Jurados de Urgencia* intended to humanize sentencing, enforcing a corrective and rehabilitative

²⁸ García Oliver, *El eco de los pasos* (Barcelona: Ruedo Ibérico, 1978), 307.

²⁹ AH-PCE, sig. 58, “STEPÁNOV.” See also the published version Stepánov, *Las causas*.

³⁰ AH-PCE, sig. 58, “STEPÁNOV.”

concept of law enforcement in place of more violent actions. García Oliver granted appointed judges the right to consider the broader circumstances in which crimes were committed, an important precedent that would later inform the judicial reforms of summer 1937 and the proceedings of the TEEAT. He also asserted the right to recourse to the Supreme Tribunal after sentencing in all cases in which “it was not essential to carry out the sentence immediately after sentencing.” He mandated that all death sentences require the acknowledgement and approval of the Government, and that they could be revised if, in the judgment of the government, there were “reasons of fairness that, [in] a strong sense of Justice, would advise it.”³¹ Barring the first two months of the war, the vast majority of death sentences given by Republican courts were reprieved by the government. As will be discussed later, Negrín came increasingly under fire in 1938 for allowing death sentences to be carried out.

That month, February 1937, Largo Caballero expanded central judicial power yet further, creating *Tribunales Populares Especiales de Guerra*, which operated parallel to the Popular Tribunals.³² These are not to be confused with the *Tribunales Especiales de Guerra*, which Negrín decreed in late 1937 and which provoked a broad outcry from many sectors of the Republic. Largo Caballero’s *Tribunales Populares Especiales de Guerra* had power to “hear and judge proceedings against elements belonging to regular forces, armed voluntary militias, local militias, rearguard militias...”³³ The parallel operation of the court networks and the confusing, overlapping jurisdiction, required clarification, and thus the President of the Republic, Manuel Azaña, appointed a inter-ministerial commission of officials from the Ministry of Justice as well as the Ministry of War and the Ministry of Navy and Air to clearly delineate jurisdiction and resolve conflicts.³⁴ By March 1937, the court structure took the form found in Table 3.1 below.

³¹ Salas Larrazábal, “El Ministerio de Justicia en la España Republicana,” in *Justicia en Guerra*, 30-31.

³² *Preámbulo del Decreto del Ministerio de la Guerra*, 16 February 1937, *Gaceta*, 15 February 1937. See also Antonio González Quintana, “Justicia militar en la España Republicana durante la Guerra Civil Española (1936-1939),” in *Justicia en Guerra*.

³³ Decree 16 February 1937, quoted in Sánchez Recio, “Justicia ordinaria y Justicia popular durante la guerra civil,” in *Justicia en Guerra*, 92-93.

³⁴ Information on these courts in the city of Madrid can be found in CDMH, FC-Causa_General, 378. Although the Causa General files have been transferred from the AHN in Madrid to the CDMH in Salamanca, the actual files are held in the Archivo Histórico Provincial de Salamanca (AHPS), due to the lack of space in the Civil War archive.

Table 3.1. Tribunal composition and jurisdiction, March 1937.

<i>Judicial Body</i>	<i>Composition</i>	<i>Powers</i>
Popular Tribunals (<i>Tribunales Populares</i>)	3 judicial officials, 8 representatives, drawn from Popular Front organizations	common crimes, those committed against <i>Patria</i> , espionage, rebellion
Emergency Courts (<i>Jurados de Urgencia</i>)	1 judicial magistrate, 2 representatives drawn from Popular Front organizations	acts of hostility not pre-planned, crimes involving services, disseminating false rumors disaffection with regime (...)
Vigilance Courts (<i>Jurados de Guardia</i>)	1 judicial magistrate, 6 representatives drawn from Popular Front organizations	crimes specific to military sabotage and disruptions in public order
Special Popular Tribunals of War (<i>Tribunales Populares Especiales de guerra</i>)	1 delegate from <i>Comisario General de Guerra</i> , remaining officials drawn from Popular Front organizations	extended powers of popular tribunals to jurisdiction over military crimes, including militias in the rearguard
Special Tribunal Of Civil Liability (<i>Tribunal Especial de Responsabilidades Civiles</i>)	5 judicial officials named by the Council of Ministers, and 12 jurors, six of whom would be deputies of the Cortes, and six of whom were drawn from Popular Front organizations	civilian participation in acts for which there was proof or rational indication of direct or indirect participation in rebellion (including espionage, sedition, and treason)

Sources: CDMH, FC-Causa_General, Tribunales Populares y Jurados de Urgencia y Guardia; Julius Ruiz, *The 'Red Terror' and the Spanish Civil War: Revolutionary Violence in Madrid* (Cambridge: Cambridge UP, 2014), 179-180; Sánchez Recio, "Justicia ordinaria y Justicia popular durante la guerra civil," in *Justicia en Guerra*, 29-33; González Quintana, "Justicia militar en la España Republicana," in *Justicia en Guerra*, 182-ff.

The Special Popular Tribunal of Civil Liability (*Tribunal Especial de Responsabilidades Civiles*) could confirm or modify the extent of civil culpability on rulings given by the criminal tribunals, and determine those that would be enforceable for defendants condemned by the Emergency Courts (*Jurados de Urgencia*) and Vigilance Courts (*Jurados de Guardia*). This essentially gave the court oversight and authority to modify the sentences of courts composed largely of representatives of Popular Front organizations. It had a larger representation of officials appointed by the Council of Ministers and officials drawn from the Cortes, and acted in essence as a safeguard against potential excesses of said courts.

It is worth discussing the definitions of select judicial terms in order to establish a baseline for conceptualization. The definitions would later be changed in summer 1937 according to the imperatives of Negrín's governments. However, in spring 1937, under the auspices of Largo Caballero and García Oliver, concrete definitions were given. A 31 October 1936 decree defined crimes of rebellion as support, aid, or agitation that subverted "public order, collective security, and the regularity of the services of State."³⁵ Crimes of espionage were defined as "acts of maintaining direct or indirect relations with a foreign state at war with the Republic," including transmission of military, diplomatic, economic, industrial, or commercial information that "amounted to secrets of State or simply the interests of the government's discretion." This included actions both inside and outside of national boundaries, and importantly, acts that could weaken the defensive ability of the Republic.³⁶ The nature of these definitions should be noted, as they were not explicitly connected to any *positive* international alliances. This would change with the judicial reforms of just a few months later.

Drawing on press sources, historian Burnett Bolloten concluded that, "The revolutionary tribunals set up by the working-class organizations in the early days of the war were gradually being displaced by a legalized form of tribunal..."³⁷ This was certainly the case. However, in his overarching narrative of Communist dominance, Bolloten refrains from any concrete analysis of judicial reforms, opting instead for generalizations about the inability of anarchist authorities to maintain discipline and centralization, central characteristics of the Communist Party. Citing the anarchist historian César M. Lorenzo, Bolloten writes, "Having no plan for the conquest of power... [and] lacking the undisputed hegemony it possessed in Catalonia, Aragon, or Malaga, the CNT could not centralize the conduct of military operations and the organization of the police or judiciary..."³⁸ This provides a misleading basis for understanding the origins of the reconstruction of Republican justice. Indeed, the foundation of that reconstruction, haphazardly initiated by Minister of Justice Ruiz Funes (of *Izquierda Republicana*), was expanded and centralized under the direction of the CNT-FAI leader, García Oliver.

³⁵ Sánchez Recio, "Justicia ordinaria y Justicia popular durante la guerra civil," in *Justicia en Guerra*, 93.

³⁶ Salas Larrazábal, "El Ministerio de Justicia en la España Republicana," in *Justicia en Guerra*, 33.

³⁷ Bolloten, 219.

³⁸ *Ibid.*, 127.

There is anecdotal evidence that the PCE had some influence on the abovementioned judicial reforms through their youth organization, the *Juventudes Socialistas Unificadas* (JSU).³⁹ As historian Ángel Viñas points out, the JSU attempted to influence the executive power of the Ministry of Justice through a small office in the Ministry, apparently always surrounded by Assault Guards. It very well might have been the case that the JSU attempted to influence policy through conversations within the Ministry of Justice. However, if we drop *a priori* assumptions about communist intentions of “totalitarian dominance” in Spain characteristic of Cold War scholarship, this possibility becomes less an indictment of Communist malevolence and more a reflection of the real distribution of power in Republican Spain, especially in Madrid. To make his point, Bolloten points to the recollections of Manuel de Irujo, the subsequent Minister of Justice, penned by Irujo’s brother, Andrés María. It may well be that there were “attempts by the Communists to influence the judicial process...” and that the Spanish Communists “were determined to modify the judicial system,” starting perhaps as early as summer 1936.⁴⁰ But one might ask: to what end? Without the aforementioned assumptions about Communist intentionality, the possibility loses its nefarious implications.

In any case, by late spring 1937 the organization and appointment processes for all of the newly established courts were securely under the control of the Council of Ministers, career judicial officials, and representatives of Popular Front organizations. By April 1937 popular justice had indeed been institutionalized, or “bureaucratized,” to use Foucault’s terms, but not through political actions *against* the largest working-class organization in Spain, the CNT. Rather, the CNT leadership oversaw such reforms as an integral part of the bourgeois state that it had long vilified. García Oliver and Largo Caballero, whom we can reasonably place as the authors of such reforms, represented the figureheads of the two largest revolutionary working-class organizations, the CNT and the left wing of the PSOE. With these reforms, the old judiciary was largely purged of anti-Republican officials, and although some courts still registered irregularities (especially in Catalonia), the foundation had been established for the reconstruction of relative judicial normalcy. The conditions had been created that made Negrín’s reforms possible. The May events in Barcelona that summer threw the Largo Caballero

³⁹ The Communist youth had effectively integrated the Socialist youth under the leadership and inspiration of Santiago Carrillo, just 21 years of age when the war broke out. Santiago had also held the position of *Consejero de Orden Público* in the Communist dominated *Junta de Defensa de Madrid* since 7 November 1936.

⁴⁰ Bolloten, 514.

government into crisis; its resolution would lead to more changes to the structure and function of the Republican judiciary. This was particularly the case with espionage, high treason, and rebellion against the Republic, which formed the basis of the prosecution of the POUM and other revolutionary groups allegedly implicated in the May street fighting. It is thus to the lead-up and outcome of those events in Catalonia that we now turn.

3.2 CATALAN JUDICIAL REFORMS AND THE REMOVAL OF NIN FROM THE GENERALITAT

In Catalonia, judicial reforms responded likewise to the exigencies of the military rebellion of 19 July 1936. The reforms of the Generalitat proceeded in a remarkably similar way to the Republican Government's own measures. The pattern is familiar: revolutionary justice, characterized by workers groups carrying out summary punishments as well as plain crimes of personal vengeance or political or class hatred, reigned supreme in the first month of the war. The Generalitat, much like the Republican Government, initially attempted to legalize the revolutionary transformations that had taken place spontaneously. It passed a series of judicial decrees, the outcome of which was a centralization of judicial authority, the concentration of repression under the legal organs of the state (in this case the Generalitat), and an attempt to institutionalize the "peoples' justice" of the first months of the war. However, the reforms reflected the extent to which Catalonia was undergoing a somewhat profound social revolution outside of the institutions, which included workers control of production and agriculture, organized according to local needs. Thus, the courts established in August and September were imagined as instruments of working class power, in particular after Andreu Nin, the political secretary of the POUM, became the head of the Catalan *Consejería de Justicia y Derecho* (the Generalitat's equivalent of the Republic's Justice Ministry). Intending to safeguard revolutionary gains while punishing those involved in the uprising, Nin carried out a broad reform of Catalan justice, creating a network of courts not unlike those decreed by the Republican Government in Madrid. The institutional infrastructure was thus put into place under the leader of the POUM long before Negrín's centralization efforts after May 1937, and the conditions were created for a Republic-wide expansion of the Republican government's jurisdiction. The form remained after

May 1937, while the revolutionary content of Nin's original decrees were watered down, much to the dismay of the POUM and other revolutionary groups.

Initially, the CCMA directed repression haphazardly against those implicated in the rebellion in terms of military jurisdiction. Civil jurisdiction was left to the *Comité Superior de Justicia*, which was essentially the premier authority of Catalan justice, headed by Àngel Samblancat and a group of CNT militants who had taken over the Palace of Justice in Barcelona. The Generalitat continued to exist but without effective power.⁴¹ It quickly moved to legalize the situation, creating an *ad hoc* institutional infrastructure to counter the revolutionary justice on the streets, the *Oficina Jurídica*. But it could not contain the new body. Following a 17 August 1936 decree that gave the *Oficina Jurídica* authority to “resolve freely the inquiries made in writing or verbally by the workers organizations and the interested parties, related to the interpretation and application of the new Law,” the body quickly superseded its authority.⁴² It was composed of a head lawyer and two attorneys appointed by him, who put cases before the *Procurador* of Catalonia, who then brought legal proceedings. Samblancat was appointed head of the *Oficina Jurídica*, only to be replaced after eleven days by Eduardo Barriobero, who became its president. The *Oficina*'s offices appeared in Tarragona and Girona and other regions by mid-September.⁴³ Mariano Ansó, who was later appointed Minister of Justice under Negrín, wrote that the office was a “monstrosity” which gathered millions of pesetas and arbitrarily handed down fines and sentences.⁴⁴ The illicit activities of the *Oficina* saw Barriobero prosecuted in 1937.

The Catalan *Consejero de Justicia* at the time, Josep Quero Morales, set out a series of decrees in August and early September, before the new Catalan government appointed the POUM leader Andreu Nin *Consejero de Justicia*. These measures in part laid the basis for Nin's actions as *Consejero*. Quero Morales decreed the creation of new courts – the Tribunals for the Repression of Fascism – which were dedicated to punishing those involved in the military uprising in accordance with the Code of Military Justice. Just eight days after the Republican government had decreed the creations of Popular Tribunals, Quero Morales decreed on 24 August 1936 the creation of *Jurados Populares*, overseen by one president and including two attached magistrates and twelve members chosen by raffle among the union organizations and

⁴¹ Pagés i Blanch, “La Administración de Justicia en Catalunya,” in *Justicia en Guerra*, 48-49.

⁴² *Diari Oficial de la Generalitat* (hereafter DOG), 20 August 1936, quoted in *Justicia en Guerra*, 49.

⁴³ For Samblancat's account, see Peirats, 78-80.

⁴⁴ Ansó, 202.

political parties. The tribunals carried out summary justice, with an eight-day mandate for prosecutions. The jurisdiction of the *Jurados Populares* was expanded to include sedition on 28 August, while those in Barcelona had powers to try military or civil crimes committed both on the front and in the rearguard. While this created jurisdictional confusion, the *Oficina Jurídica* continued to oversee and amend a remarkable number of cases, exceeding its mandate as a consultative body.⁴⁵ To deal with this confusion and arbitrariness, the Councils of Justice in Catalonia's municipalities were annulled on 1 September by decree, and cases fell directly to the *Consejero de Justicia* of the Generalitat. The municipal courts were replaced with their own *Jurados Populares* the next day, which were composed of a judge, a people's prosecutor (*procurador del pueblo*), and auxiliary personnel drawn from the parties in the Popular Front or union organizations. The old courts of the Generalitat continued to function and were passively tolerated by the CNT leadership in Catalonia. The parallel and undefined jurisdiction created tension in already tense times.

The existence of the CCMA, itself created on 21 July by Generalitat President Luis Companys under intense pressure from CNT militants, represented a sort of temporary dual power in Catalonia. It had sent militants to take the Palace of Justice in Barcelona and instate the *Oficina Jurídica* with arms in hand, and many destroyed volumes of judicial records, seeing them as the remnants of the class power of the bourgeoisie. The *Oficina Jurídica* in fact oversaw the destruction of massive quantities of judicial records under the direction of Eduardo Barriobero.⁴⁶ Nin's appointment to *Consejero de Justicia* of the Generalitat on 26 September 1936 was in part a gesture towards the CCMA and its militants running the *Oficina Jurídica*. The participation of the revolutionary parties in the governmental served to resolve the confusion of the parallel bodies, and facilitated the dissolution of the CCMA in September. Nin and the POUM's theoretical defense of governmental collaboration is outside the scope of this dissertation.⁴⁷ The CNT militants in the *Oficina Jurídica* terrorized judges and other judicial officials in Catalonia, subjecting them to evaluations to determine trustworthiness. Nin dissolved

⁴⁵ For testimonies on the *Oficina Jurídica*, see CDMH, Causa_General de Barcelona, Caja 1.635. Also, for Barriobero's account, see Eduardo Barriobero, *Un tribunal revolucionario* (Barcelona: Imprenta y Librería Aviñó, 1937).

⁴⁶ Preston, *The Spanish Holocaust*, 240.

⁴⁷ For more information on the nuances of the POUM's actions and their ideological justification, see Víctor Alba, *Dos revolucionarios: Andreu Nin, Joaquín Maurín* (Madrid: Seminarios y Ediciones S.A., 1937), Ch. "El Consejero."

the body on 20 November and had Barriobero and others arrested for theft.⁴⁸ He established the *Tribunales Populares* on the model of the Tribunal already established by the POUM in Lérida, the POUM stronghold.⁴⁹ In reluctantly acquiescing to the dissolution of the CCMA and willingly dissolving the *Oficina Jurídica*, Nin effectively brought judicial authority under the auspices of the Generalitat, much like García Oliver had done in Madrid. Although Nin injected revolutionary content into the form of the Tribunals, saying “its essential characteristic is that it is a class tribunal that will do justice for the working class; a revolutionary, class tribunal,” he had brought about a relative normalization of judicial process in Catalonia.⁵⁰

According to Nin’s decrees, the *Tribunales Populares* “would guarantee the integrity of proletarian conquests and contribute to the victory of the war” by “hearing cases that have aided directly or indirectly the military rebellion and the fascist movement of 19 July 1936.”⁵¹ They considered “counterrevolutionary actions” punishable by law, the definition of which is worthy of consideration. The official definition included, among other things, “sabotage of the new economy,” “espionage,” “counterrevolutionary propaganda, agitation, or persuasion,” “false denunciations,” “defeatist activity,” and importantly “the maintenance of relations with foreign countries for counterrevolutionary purposes.”⁵² The definition was vague enough to include many potential offenses. Nin presented it in the *Diari Oficial de Generalitat*, saying that it would also impose severe punishment for those who would “dishonor the revolution with irresponsible acts,” another wildly vague denotation.⁵³ Although the content was in line with the developing social revolution, the form of the network of *Tribunales Populares* throughout Catalonia brought jurisdiction for military and civil crimes under the authority of the Generalitat. They were composed of a president named by the *Consejero* (Nin) and eight members drawn randomly, one from each of the dominant parties and union organizations: PSUC, FAI, POUM, ERC, CNT, UGT, ACR, and the *Unio de Rabassaires*. The seven *Tribunales Populares* (four in Barcelona, and one in Lérida, Girona, and Tarragona) began functioning by the end of October 1936.

⁴⁸ Preston, *The Spanish Holocaust*, 241.

⁴⁹ Nin was only able to establish the *Tribunales Populares* after extensive talks with CNT leaders, in which he persuaded the latter that the new tribunals would stop the arbitrary justice of the militants who had taken over the *Palacia de Justicia* in Barcelona. Víctor Alba, “De los Tribunales Populares al Tribunal Especial”, in *Justicia en Guerra*, 230.

⁵⁰ Ibid.

⁵¹ Pagés i Blanch, “La administración de justicia en Catalunya,” in *Justicia en Guerra*, 52-53.

⁵² DOG, 15 October 1936, quoted in *ibid.*, 53.

⁵³ *La Batalla*, 17 October 1936, quoted in *ibid.*, 54.

Nin also reformed procedures for death penalties. Death penalties were reviewed by a council of the presidents of the four *Tribunales Populares* in Barcelona, and the revision or confirmation was then forwarded to the Generalitat for final judgment. This brought the authority to commute death sentences back under the authority of the Generalitat. Most death sentences during this period were commuted, but it is important to note that this somewhat bureaucratic process, created by Nin's decrees, essentially legalized and institutionalized something that was already happening outside the institutions. Nin himself had previously pardoned death sentences. This trend in death sentence procedure mirrored the reforms of the Republican Government. Although Nin carried out various social reforms, such as the creation of a women's prison run by a female *poumista* militant,⁵⁴ his primary role was to centralize and institutionalize the excesses of the first several weeks of the war. His efforts against the *Oficina Jurídica* (dissolved on 18 November) and his compromise to dissolve the CCMA contributed greatly to this process.⁵⁵ Nin charged four career judges with concluding the proceedings that had been initiated by the *Oficina Jurídica*, perhaps as many as 3,000 open cases.⁵⁶ One of his last actions as *Consejero* solidified this transition. Nin decreed the creation of *Comites de Inspecciones*, to operate out of the *Audiencia de Barcelona*, but with jurisdiction throughout Catalonia. These bodies were charged with inspecting the proceedings of all courts, regulating and supervising their functioning, and collecting information on the "moral reliability" of judicial officials throughout the entire judicial apparatus. Nin's actions, in spite of (and indeed contrary to) his intentions, namely to inject revolutionary politics into the reforms of September to December, created the conditions in which justice could eventually be used against the revolution.

The origins of Nin's removal from the Generalitat have long been attributed in the historiography to the malevolent and omnipotent hand of Moscow, via its Comintern advisors. Although evidence certainly exists that suggests this, Nin's removal is much more accurately characterized as the result a combination of internal and external pressures, and it should be

⁵⁴ The *poumista* Isabel Peyró i Polo was named director of the *Establecimiento Correccional de Mujeres*. Pagés i Blanch, "La administración de justicia en Catalunya," in *Justicia en Guerra*, 57.

⁵⁵ Nin later had Barriobero, head of the *Oficina Jurídica*, arrested along with other men, for smuggling money across the French border. Preston, *The Spanish Holocaust*, 241.

⁵⁶ Alba, "De los Tribunales Populares al Tribunal Especial," in *Justicia en Guerra*, 230. Barriobero later claimed that it would be impossible to determine exactly how many cases the *Oficina* oversaw. But he claimed that at the beginning of November 1936, the *Oficina* had overseen some 4,000 cases. Barriobero also claimed that the day he handed over the cases overseen by the *Oficina Jurídica* to the Judges representing the Generalitat there were 2,360 pending cases. Eduardo Barriobero, *Memorias de un tribunal revolucionario* (Barcelona: Editorial Hacer, 1986), 213. The book was written in late 1936 and early 1937.

considered in the context of a tide change in politics in early 1937. Nin's capture and killing has led many an authority to a teleological reading of the evidence available, working backwards from his killing to his arrest, to his time as *Consejero* and his ousting, which was in fact supported by the Comintern-aligned PSUC. The second problem with such arguments is the confusion of correlation with causality. The emerging debate between prioritizing the war effort versus carrying out the social revolution effectively isolated the POUM militants and their CNT comrades (mostly on the rank and file). The fact that the PCE, Negrín, and the PSUC, as well as many other organizations and individuals, supported the war effort over the social revolution does not in itself imply some sort of dependency or ultimate influence of the Soviet Union, whose advisors and leadership of course prioritized the war effort at all costs.

It is necessary here to take a closer look at the evidence given by those who argue for the causal link between Soviet directives and Nin's downfall, and to look also at evidence that has been ignored. It is the case that a day before the PSUC secretary general Joan Comorera called for Nin's removal on 12 December 1936, Comintern advisors Ernő Gerő, Vittorio Codovilla, and PCE general secretary José Díaz received a telegram from the Comintern ECCI in Moscow. The oft-quoted message read:

It is necessary to focus on the political liquidation of the Trotskyists, as counter-revolutionaries, as agents of the Gestapo. After the political campaign, get them out of the national and local government bodies, ban their press, expel all foreign elements. Try to do so in agreement with the anarchists.⁵⁷

In fact, the defamation campaign against the POUM had been initiated even before the war began, with the Comintern-aligned PCE denouncing the "Trotskyist" POUM in the press, encouraged to do so by the ECCI.⁵⁸ But many of the Comintern ECCI's internal discussions and decisions regarding Spain are now available due to the diligent work of several scholars in Moscow archives.⁵⁹ In discussions in mid July 1936, just before the outbreak of the war, the

⁵⁷ Elorza and Bizcarrondo, 364. A similar message was communicated after Nin was removed, by ECCI General Secretary Georgi Dimitrov sent a 21 January telegram to PCE head José Díaz, calling for the political liquidation of the POUM in line with one of the Moscow Trials. RGASPI, f. 495, op. 184, d. 12, quoted in Chase, *Enemy Within the Gates*, 196.

⁵⁸ Andy Durgan, *The Spanish Civil War* (New York: Palgrave MacMillan, 2007), 94.

⁵⁹ See the work of William Chase, Frank Schauf, Daniel Kowalsky, Antonio Elorza, Marta Bizcarrondo, Josep Puigsech, and others.

“struggle against Trotskyism” was mentioned as an important task.⁶⁰ The ECCI met again on 23 July, a few days after the war broke out. Dimitrov’s directions were very clear, and put strong emphasis on following the lead of the Republic:

At this moment (...) we cannot pursue the establishment of the dictatorship of the proletariat in Spain. This would be a serious error. That’s why it must be said: go under the flag of the defense of the republic, but do not lose sight of the position of the democratic regime in Spain at the moment (...) We should advise them to advance with arms in hands (...) respect the maintenance of unity with the petty bourgeoisie and with the masses of peasants and radical intellectuals (...) about the basis of the establishment and consolidation of the democratic Republic in the period in question, destroying completely the counterrevolutionary fascist elements.⁶¹

Although the content and operative tasks that were included in following the lead of the Republic would change throughout the war, this general goal remained relatively constant. It is one of the few continuities that holds throughout the war regarding Soviet intentionality. As we will see, this would extend into legal and judicial measures, as the Comintern would emphasize adherence to the bourgeois legality of the Republic.⁶²

The causal link between ECCI directives and internal Spanish political developments is weak, and there is abundant evidence to complicate this simple schema. This is especially the case with the *political* struggle against the POUM. This process was very much a product of leftist infighting, as many *poumistas* were former PCE militants expelled from the party in the 1920s; Nin and fellow POUM leader and defendant, Juan Andrade Rodríguez, were founding members of the PCE.⁶³ Likewise, Eusebio Rodríguez Salas, the PSUC member and General Commissar of Public Order appointed in December 1936, who would also play a crucial role in the May events, formerly belonged to the *Bloc Obrer i Camperol* (BOC), the party of Joaquín Maurín that eventually merged with Nin’s *Izquierda Comunista de España* (ICE) to form the POUM in 1935. These are just a few examples; it is impossible to produce an analysis of Catalan wartime politics without recognizing this context, which was both intellectual and

⁶⁰ RGASPI, f. 495, op. 18, d. 1075, 115, quoted in Schauf, *La victoria frustrada*, 21.

⁶¹ RGASPI, f. 495, op. 18, d. 1101, 21, quoted in Schauf, *La victoria frustrada*.

⁶² Reports dating summer 1937 emphasize legality, RGASPI, f. 495, op. 12, d. 94, quoted in Rees, “The Highpoint,” 166.

⁶³ For more on the early development of the PCE and Trotskyism, see Rees, “Deviation and discipline.”

organizational.⁶⁴ There is a great deal of truth in historian Tim Rees' argument that when the Spanish Communists echoed the ECCI message to "politically liquidate" the POUM, "they were not simply adopting the dictates of Stalin's Terror." Indeed, they had their own reasons for desiring the removal of the POUM quite apart from Moscow.⁶⁵

The Comintern's campaign against the POUM, at least insofar as it can be considered as such, was a campaign of *political* liquidation, which must be distinguished from the assassination campaign of the NKVD in Spain, which claimed the lives of several dissidents, most of whom were not Spanish (or Catalan). The designation of *literniks*, or those marked for physical liquidation by the NKVD, was not shared with the PCE nor with Comintern advisors in Spain nor with members of the ECCI in Moscow. They were ultra-secret, covert, and highly targeted assassinations of individuals perceived to have some influence within the Trotskyist movement *internationally*.⁶⁶ This institutional compartmentalization of the Soviet agencies working in Spain explains some of the contradictions that emerge upon closer examination, and explain why the entire POUM leadership was not physically liquidated. In order to be analytically precise, it must be recognized that Nin's killing was quite apart from the broader propaganda campaign against the POUM by the Comintern, the PCE, and the Soviet consulate in Barcelona under Vladimir Antonov-Ovseenko. The campaign utilized the PCE and PSUC party apparatuses, and was aided by Comintern advisors, especially Stepánov.⁶⁷

⁶⁴ According to Rees, local rivalries had as much effect on PCE policy vis-à-vis the POUM as Comintern mandates. Ibid. Helen Graham confirms the view that Catalan rivalries had considerable influence on anti-POUM sentiment in the PCE. She concludes that such "intense intellectual jealousies," took shape within Catalan groups, including the POUM and the PSUC, the members of which had in many cases worked together before PSUC emerged as the Catalan Comintern adherent and numerically superior political force in the region. Graham, *The Spanish Republic at War*, 290-293.

⁶⁵ Rees, "The Highpoint," 154.

⁶⁶ Among the victims were Marc Rein, Andreu Nin, and Kurt Landau. See Boris Volodarsky, "Soviet Intelligence Services," *passim*.

⁶⁷ Josep Puigsech, *La falsa leyenda del Kremlin: el consulado y la URSS en la Guerra Civil española* (Madrid: Editorial Biblioteca Nueva, 2014), 135-136, 157-ff.

Figure 2.1. Vladimir Antonov-Ovseenko (left) and Catalan President Lluís Companys, c. November 1936.⁶⁸



The removal of Nin from the Generalitat should also be seen in an international context quite outside the high politics of the Kremlin. The positions of the POUM and the more revolutionary elements of the CNT with regard to the social revolution were jarring and disturbing for French and British (and American) onlookers in charge of policy. The revolutionary violence of the early weeks of the war had compounded an already paranoid fear of Communist expansion in “Red Spain” in high political circles in the western democracies.⁶⁹ A British Foreign Office memo regarding the violence is sufficient to make the point: “The horrors committed by the reds... are indescribable and as a whole inexcusable... The stories of killings and looting committed by anarchists and other uncontrollable elements are absolutely deplorable.”⁷⁰ The impact of this perception continued long after the Civil War and even after

⁶⁸ Video still from “Commemoración del XIX aniversario del a Revolución Rusa,” Laya Films, 1936. Filmoteca Española, in Kowalsky, *Stalin and the Spanish Civil War*, Ch. 2.

⁶⁹ For an overview of this, see Viñas, *El honor de la República*, passim.

⁷⁰ Viñas, *El honor de la República*, “El problema español en munich.” It is worth noting that the author of the memo believed that the Republican Government was capable of dealing with these problems.

Franco's death.⁷¹ Although it is clear from the above analysis that the leaders of the "uncontrollable parties," Nin (POUM) and García Oliver (CNT-FAI), actually contributed to the normalization and reestablishment of bourgeois legality, this was certainly not the perception among British and American leaders.

The PSUC seized on the Comintern's vague instructions to remove the POUM from Spanish political life to do something that they had long wanted to do. As no explicit directive has surfaced in the Comintern archives, the most likely explanation is that Joan Comorera's call for Nin's removal from the *Consejería de Justicia* in the Generalitat on 12 December responded to both Catalan and Comintern pressures, as well as a growing conviction that the POUM was impeding the war effort with its intentions to establish a workers government. But they also came from Catalan communists and socialists, such as Pere Ardiaca, who publicly demanded the removal of the POUM from the government in *Treball* (a PSUC organ) on a daily basis from 1 December to 5 December.⁷² The POUM, on the other hand, had seen Nin's collaboration in the Catalan Generalitat as a precondition and transitional step on the path towards working class government. But even while Nin served as *Consejero de Justicia*, the POUM's newspaper carried headlines hostile to the Popular Front. Just over a week before Nin took up his post on 27 September, the Central Committee of the POUM passed a resolution that called for

[t]he radical transformation of all political and social structures of the Republic (...) the formation of a workers government that, completely doing away with the previous bourgeois-Republican legality, proceed to the immediate convening of a Constituent Assembly chosen by Committees of Workers, Peasants, and Combatants, which will establish the new regime arising from the revolution (...)

The POUM's resolution went on to condemn the Largo Caballero government as an obstacle to the revolution and to the struggle against fascism. Often the simplest explanation is the best. That is, setting aside the polemic about reproducing a Bolshevik-style revolution in Spain and the strategic and tactical determinations of the POUM, is it surprising that a broad spectrum of

⁷¹ This was still the standard refrain among high political policy makers in the United States in the 1970s. Henry Kissinger's 1976 Department of State report on "The Spanish Communist Party Then and Now" attributed the PCE's wartime "meteoric rise" to "their ruthless effort to try to exterminate or neutralize their rivals on the left... Their aim was to establish their hegemony even at the cost of the war effort. In effect their activities were an extension to Spain of Stalin's purges within the Soviet Union and the Communist Movement." 14 April 1976 cable to All European Diplomatic Posts, Wikileaks, Kissinger Cables, https://wikileaks.org/plusd/cables/1976STATE089610_b.html. Accessed on 19 July 2017.

⁷² Rieger, *Espionaje en España*, 25.

political opinion supported the removal of a representative of a party that explicitly opposed the government in which it took part?

Just a few weeks after Nin took his position (on 26 September 1936), the ECCI met with some of its advisors who had returned from Spain with reports, among them the French Communist André Marty. The concern expressed in the meeting was not the POUM's participation in the Generalitat, but rather that the anarchists had taken over businesses without knowing how to manage them, that they had joined the Generalitat, and that they thought they had overcome capitalism and led Catalonia to independence.⁷³ Marty's report of the meeting of the ECCI, forwarded to Voroshilov, reports on the political situation in Catalonia. "But, until lately, power in Catalonia rested, essentially, not in the hands of the Catalan Government, but in the hands of the Central Committee of the Militia, led by the anarchists." This was of course a reference to the CCMA. Marty then outlined the composition of the new Government of the Generalitat, mentioning Nin as a Trotskyist, and reported on the growing influence and prestige of the anarchists. "Which forces play the main role in the current situation?" he asked rhetorically, immediately answering with, "Only two forces are present: the anarchists and the Communists." There is no sense of alarm at the POUM entering into the government.⁷⁴

On 13 October, Vittorio Codovilla wrote to Manuisky and the Comintern leadership in Moscow, in which he engaged in self-criticism on the Nin issue. He had clearly been censured for allowing the collaboration of the POUM. Discussing Nin's participation, he wrote "Indeed it is a very serious political mistake that we should not have committed." He continued, "You are absolutely right: we did not reject the participation in the government of this Trotskyist provocateur... with the traitor Nin, Trotsky's agent in Spain..."⁷⁵ Although the actual Comintern directives have not surfaced, Codovilla's response makes clear that considerable pressure had been put on its advisors to remove Nin as part of the international campaign against Trotskyism. His self-criticism also framed the issue in terms of the war, pointing to another rationale for Nin's removal – his position on the war versus revolution debate.

During the ECCI Presidium meeting of 28 December 1936, a few weeks after Nin's removal, the POUM was discussed at length, and the "complete and definitive defeat of

⁷³ RGASPI, f. 495, op. 20, d. 270, 100-107, quoted in Schauff, *La victoria frustrada*, 132. Schauff comments that the POUM was mentioned only marginally in these conversations.

⁷⁴ RVGA, f. 33987, op. 3, d. 832, ll. 70-107, quoted in Radosh, et al., 40-55.

⁷⁵ RGASPI, f. 495, op. 10a, d. 213, quoted in Elorza and Bizcarrondo, 363.

Trotskyism in Spain” was framed as a “necessary precondition for victory over fascism.”⁷⁶ The Comintern advisor to the Central Committee of the PSUC, Ernő Gerő, reported that the PSUC had made several errors, one of which was to enter the Generalitat in a cabinet with the POUM.⁷⁷ Gerő’s suggestion that a “bolshevization” of the Catalan communists was necessary was well-received, and the Presidium approved resolutions that included the continuation “of the struggle against the Trotskyists as fascist agents that provide services of espionage in the interests of Hitler and General Franco, intend to divide the Popular Front, carry out a counterrevolutionary campaign against the Soviet Union...” Crucially, the central rationale behind these measures, in contrast to the goals of the NKVD assassinations, was that all of these actions endangered the fight against fascism.⁷⁸ Regarding Trotskyism, the conclusion read: “Because the Trotskyists endanger the Republican troops in the interests of fascism, the Presidium approves the line oriented towards the complete and definitive crushing of Trotskyism in Spain... as is necessary in order to overcome fascism.”⁷⁹ Four days before the Presidium, Comintern advisor to the Central Committee of the PCE, Vittorio Codovilla, reported to the ECCI that the PCE was, as Stanley Payne writes, “beginning the process of excluding and isolating the POUM.”⁸⁰ The chronology of events suggests the Spanish and Catalan origins of Nin’s removal and the participation of Comintern advisors only insofar as they took their own initiative based on what they perceived was expected of them, but did not see it pertinent to report to the ECCI.

However, it is important to point out that the Soviet consulate in Barcelona had been working with the PSUC since November 1936, publishing articles in the PSUC organ *Treball* that harshly denounced the POUM as Trotskyists and fascists. The propaganda campaign coincided with the trial of Zinoviev and Kamenev in the USSR, implying parallels with the POUM. The ERC followed the lead of the Soviet consulate in this campaign, at least verbally.⁸¹ The POUM’s press printed denunciations of the trial in Moscow, which provoked a strong reaction from the PSUC. The *poumistas* were denounced as fascist pawns, and their criticisms of the USSR were considered alongside the fascist press, the implication being clear. The ERC believed it inconvenient to publish scathing criticisms of the USSR, effectively the Republic’s

⁷⁶ RGASPI, f. 495, op. 2, d. 241, p. 2, quoted in Elorza and Bizcarrondo, 365.

⁷⁷ RGASPI, f. 495, op. 2, d. 241, 13-17, 41, quoted in Schauff, *La victoria frustrada*, 137-138.

⁷⁸ RGASPI, f. 495, op. 2, d. 241, 84-85, quoted in Schauff, *La victoria frustrada*, 138.

⁷⁹ RGASPI, f. 495, op. 2, d. 241, 83, quoted in Schauff, *La victoria frustrada*, 138.

⁸⁰ Payne, *The Spanish Civil War, the Soviet Union, and Communism*, 194.

⁸¹ Puigsech, *La falsa leyenda*, 159-ff.

only ally, and together with PSUC, it denounced the POUM for creating divisions in the Popular Front.⁸² Likewise, the POUM leadership directed their criticisms at the Soviet consulate in Barcelona; they saw the Soviet state and government as the enemy, not the Soviet people (whom they praised for aiding the Republic). POUM publications argued that the USSR's intention was to Sovietize and dominate Catalonia, a claim which sparked discussion and rumors throughout November and December. The British consul in Barcelona wrote to his higher ups in London on 14 December 1936, alerting them of the chances for the creation of an "independent sovietized Catalan state."⁸³ Although the polemics took place in the press, they had influence on internal discussions in the Generalitat and its constituent parties, contributing to the desire to remove Nin. Moreover, as the head of the Soviet consul in Barcelona, Antonov-Ovseenko, well knew, the international reverberations of the rumors and the polemic were significant, as the same narratives were repeated in the foreign press.

Nin had also reluctantly accepted public order reforms that mirrored the judicial decrees of October-November 1936 throughout Catalonia. They included the dissolution of revolutionary committees, and the transfer of control over public order in the municipalities under the control of the Generalitat. Nin accepted these measures in exchange for his participation in the Government, despite rank-and-file opposition to the decrees.⁸⁴ The decrees, approved on 1 and 2 October 1936, created the *Junta de Seguridad Interior*. The body was subordinate to the Department of Internal Security, which took legal responsibility for public order over from the CCMA that had been dissolved a week earlier.⁸⁵ Decrees on municipal reorganization were intended to centralize authority and place each town under the control of the Generalitat. These steps towards institutionalizing public order and governance in Catalonia mirrored Nin's judicial reforms, and were again justified by the representation of the CNT and POUM in the newly created *Junta de Seguridad Interior*, and in the municipal bodies. However, there was considerable rank-and-file resistance to municipal reform; some 311 out of 951 *ayuntamientos* studied in late 1936 were illegally constituted, operating effectively outside of the authority of the Generalitat.⁸⁶ This was the case for POUM and CNT strongholds, as well as areas where PSUC, UGT, and ERC were strong and where militants saw the new *ayuntamientos* simply as a

⁸² See the POUM's press *La Batalla* in November 1936.

⁸³ Puigsech, *La falsa leyenda*, 162.

⁸⁴ Antoni Pozo, 34-35.

⁸⁵ DOG 4 October 1937, quoted in Antoni Pozo, 41.

⁸⁶ Junta de Seguridad Interior (sección comarcas), y Libros de Actas Municipales, quoted in Antoni Pozo, 61.

continuation of the revolution.⁸⁷ However, public perception, influenced by the strength of the PSUC and PCE press, tended to characterize only the POUM and certain CNT elements as “uncontrollables.”

Antonov-Ovseenko’s 14 October 1936 message to the Soviet Peoples Commissariat for Foreign Affairs (NKID) in Moscow addresses the Soviet consulate’s position on the issue of municipal authority.⁸⁸ The municipal decrees that the Generalitat had carried out, and which Generalitat President Luis Companys supported, were rejected by the Soviet consul and advisors in Barcelona because of the power they would grant to non-PSUC parties. Antonov-Ovseenko wrote:

Arguments in the government about municipal decrees continued for four days. Companys proposed organizing municipal authorities on the model of the central government – that is, on the basis of government by all the parties. Our people [PSUC] sharply objected, since they have undoubted majorities in almost all the cities and large settlements and since Companys’s proposal would give the POUM party (Troskyists)[sic] representation in the municipalities completely without grounds, but X. recognizes the need to settle problems about the government of the cities, and our people, although they voted against the government’s decrees, decided to remain in the government, publishing a special statement.⁸⁹

The fact of the matter was that the rank-and-file militants of several revolutionary parties, from the PSUC to POUM to ERC, already held local power in many municipalities. While the identity of “Comrade X.” remains unknown to the present author, Antonov-Ovseenko commented that he was a “well-informed and precise man,” and reported that he showed “partisan pride” with regard to the question of the anarcho-syndicalists and the anarchist leader Buenaventura Durruti. The POUM issue did not seem a high priority, as it did not figure in the eight conclusions agreed to with “Comrade X.” and the Soviet consulate, most of which dealt understandably with the war effort and with supporting the authority of the Companys’s government. Although Antonov-Ovseenko would later be denounced (by, among others, Marty) and recalled to Moscow, he was appointed to be RSFR People’s Commissar of Justice; he was arrested in 1938 and shot in 1939.⁹⁰ His message communicates the extent to which the Soviet consulate in Barcelona

⁸⁷ Antoni Pozo, 64. It should be noted however that the UGT and ERC often defied Generalitat decrees as well. Ibid., 97, 135.

⁸⁸ RVGA, f. 33987, op. 3, d. 832, ll. 201-206, quoted in Radosh, et al., 76.

⁸⁹ Ibid., 75-79, especially 77.

⁹⁰ The RSFR (Russian Soviet Federative Republic) was essentially the Russian portion of the USSR.

opposed the way in which the Generalitat centralized and institutionalized revolutionary activity in Catalonia in 1936.⁹¹

Josep Antoni Pozo, the expert on public order reform in Catalonia up to the May events of 1937, rightly claims that the December crisis (which led to Nin's removal) was a function of the Generalitat's inability to enforce its authority and a coherent program of war against fascism.⁹² These problems coincided in November with the POUM's criticism of the USSR and its condemnation of the Soviet consulate for refusing to allow the POUM representation in the Madrid *Junta de Defensa*. In a context in which Soviet aid could be endangered should the POUM be permitted to retain representation, it is not remarkable that those previously tolerant of the POUM's participation would not mind Nin's removal. The perception that the POUM disregarded and encouraged others to disregard public order mandates contributed to the ease with which Nin was removed. In the final analysis, the removal of Nin from the *Consejería de Justicia* was possible because of the perception of the POUM as "uncontrollable." Despite widespread refusal to adhere to public order reforms, the POUM was held primarily responsible in the context of the press polemic despite the fact that the CNT also held some responsibility. These factors, quite apart from any Comintern or Politburo directive, pushed President Companys and others in the Generalitat to accept Nin's removal.⁹³ Although Antonov-Ovseenko welcomed Nin's departure, he did not mention the exclusion of the POUM in his eight measures for reestablishing order in the rearguard and prioritizing the war.⁹⁴

Fundamentally, Nin's removal was a function of the debate between which should be prioritized – war or social revolution. This was connected just as much to the internal as the international – just as order had to be restored to fight a conventional war, the Republic could not afford to appear chaotic or "Red" to the western democracies, something on which both Stalin

⁹¹ Antonov-Ovseenko would later be attacked for sympathizing with Catalonia and the social revolution. According to Soviet commercial attaché Artur Stashevsky, Negrín eventually claimed that Antonov-Ovseenko was "more Catalan than the Catalans". Volodarsky, "Soviet Intelligence Service," 94. Antonov-Ovseenko would be replaced with someone "less revolutionary and well-known." Viñas, *El escudo de la República*, Ch. "Stalin da una teoria."

⁹² Antoni Pozo, 148-149.

⁹³ The general interpretations on Antonov-Ovseenko and Soviet pressure to remove Nin are found in Reiner Tosstorff, *El POUM en la revolució espanyola* (Barcelona: Editorial Base, 2009), 30-32; Payne, *The Spanish Civil War, The Soviet Union, and Communism*, 196; and Helen Graham, "'Against the State': A Genealogy of the Barcelona May Days (1937)," *European History Quarterly* 29, no. 4 (1999), 507.

⁹⁴ Puigsech, *La falsa leyenda*, 170-171. According to Bolloten's interview with PSUC member Miguel Serra Pàmies, Antonov-Ovseenko threatened to withhold supplies and Soviet arms to Catalonia should Nin be retained in the *Consejería*. Although this is difficult to corroborate, this is likely an exaggerated claim inspired by the desire to place responsibility squarely on the Soviet Union, thereby avoiding PSUC culpability in Nin's fate. Bolloten, 411.

and Negrín agreed. As Santiago Carrillo, then secretary of the Communist Youth (*Juventudes Socialistas Unificadas*) and later head of the PCE, put it, “The Trotskyist [*sic*] elements know full well that if we were to call for socialist revolution as an immediate goal, we would be playing the game of Franco and Mola, [which] is to represent the legal government as a government of reds, as a government of communists.”⁹⁵ The PSUC put forward the proposal to exclude the POUM in the Generalitat cabinet on 24 November, the CNT representatives refused to support it, and Companys remained ambiguous, forcing a government crisis in which the CNT leadership submitted and accepted a new cabinet excluding the POUM, announced on 16 December 1936.

3.3 JUDICIAL REFORM IN EARLY 1937 AND THE MAY EVENTS

Two trends were perceptible in the rearguard of Republican Spain by the last weeks of December 1936: first, the growing tension between the Largo Caballero’s Government and the Generalitat, and second, the slow and steady reconstruction of Republican institutions. The reassertion of public order and Republican justice were at the center of both. In Catalonia, Nin’s removal saw the PSUC Rafael Vidiella appointed to *Consejero de Justicia* in the Generalitat, though officially he was listed by his UGT affiliation, a largely empty gesture in line with the need to “depoliticize” the situation.⁹⁶ In spite of that, the second government of the Catalan Prime Minister (*Consejero Primero*) Josep Tarradellas (ERC) saw increasing problems with public order along partisan lines, as the Generalitat’s decrees fell on deaf ears in many cases. The continued activity of the partisan control patrols created problems, and on 22 December the ERC member Martí Rouret (who would later testify in the POUM’s trial) was replaced as General Commissar of Public Order by the PSUC member, Eusebio Rodríguez Salas. Salas would later collaborate in the sweep of arrests in Catalonia of *poumistas* and *cenetistas* (CNT members) in May, June, and July 1937. The *Consejero* of Internal Security, Artemi Aiguadé (ERC), insisted in the Generalitat meeting on 25 December that the hour had arrived in which the Generalitat should take

⁹⁵ Santiago Carrillo, *En marcha hacia la victoria*, 11, quoted in Bolloten, 409-410.

⁹⁶ García Oliver would in 1978 comment that Vidiella was a “Soviet agent” and a “spearhead of communist penetration in Spain”. García Oliver, *El eco de los pasos*, 99.

responsibility for public order and intervene more directly, using force if necessary.⁹⁷ Although the CNT *Consejeros* criticized the argument, PSUC *Consejeros* Valdés and Vidiella argued that the previous decrees had not been entirely successful for lack of force. Moreover, they argued, the force would be justified because workers organizations had representation in the Generalitat.⁹⁸ While no Generalitat measure was agreed upon, the new General Commissar of Public Order, Rodríguez Salas, declared in *L'Humanitat* the next day that it has “been decided to put an end to the uncontrolled,” a phrase that could be read in political or ideological terms (referring to the POUM and others) or in terms of the need for discipline and police reform.⁹⁹

Rodríguez Salas dedicated himself to discrediting the control patrols, though the POUM objected to the process, deeming it outright counterrevolution. The next two months were characterized by polemics in the press, in which the PSUC denounced the POUM as Trotskyists and “uncontrollables,” the POUM vigorously attacked the changes in public order, and the CNT-FAI took a more moderate tone in its critiques of government policy. After several assassination attempts in early 1937 and continued non-compliance with public order reforms, the Catalan government once again was in crisis, which lasted for over a week. On 3 April, Companys managed to put together a new temporary cabinet composed of ERC, PSUC, CNT, and the *Unió de Rabassaires*. The measure did little to resolve the non-compliance. Companys wrote that

the policy of unity had to go hand in hand with an effort to increase the authority of the government by taking action in specific cases involving so-called uncontrolled groups and coercive measures directed against the government's orders. This I had been demanding with insistence not only because of public opinion, but also because of the very demands of the Ministry of the Interior and other authorities of Madrid, and the comments in the foreign press regarding the frontier, etc., etc.¹⁰⁰

Another government crisis led to the establishment of a new cabinet on 16 April similar to that of 16 December, but again did little to ease tensions. On 25 April the PSUC submitted to the Council of the Generalitat a list of reforms that included the dissolution of the control patrols and the unification of public order resolutely in the hands of the state apparatus. It suggested the dissolution of all patrols “not directly exercised by forces answerable to the *Consejero de*

⁹⁷ Antoni Pozo, 260.

⁹⁸ Ibid., 261

⁹⁹ Ibid., 262.

¹⁰⁰ Hoover Institution, Burnett Bolloten Papers, Luis Companys, “Notes and documents on the Fighting in Barcelona, 3-7 May 1937,” quoted in Bolloten, 423.

Seguridad Interior (Catalan Interior Ministry).”¹⁰¹ The CNT agreed to the dissolution of the patrols as long as they received concrete assurances about reprisals against their leaders. On 24 April, Rodríguez Salas survived an assassination attempt by an anarchist; the next day Rafael Vidiella’s secretary Roldán Cortada was not so lucky. He was murdered at Molins de Llobregat.¹⁰² The food crisis, exacerbated by an internal refugee problem, contributed to fierce debates about public authority. The polemic continued in the Catalan press and tensions began to boil over. Such was the context for the events of May 1937.

The institutional foundations for the Republican Government’s takeover of public order in Catalonia (in summer 1937) had more or less been established. The conditions had been created in which this would be possible and, in the view of many, necessary for the war effort. In the light of developments in public order prior to May 1937, it becomes clear that much of the literature has erred in reducing the institutionalization of public order in Catalonia to the sudden imposition of central Republican authority in summer 1937, whether by its own impetus or acting as an extension of Soviet policy. Rather, the institutional infrastructure had been put into place by early 1937, but there had been problems enforcing compliance with decrees. Although public order reforms had largely been carried out with the tacit support or reluctant involvement of CNT leaders, there was considerable rank-and-file resistance. This not only held for the CNT, but also the ERC and the POUM rank and file. While it would be easy to dismiss this with the typical refrain that the working class leadership had let down the masses, one must remember that much of Catalonia, and especially Barcelona, was quite far from the battlefield. Although their leaders had been more extensively briefed on the brutal combat taking place around Madrid in late 1936 and the Nationalist massacres in the south, the Aragon front had been relatively quiet, and the social revolution had flourished not only because of the militancy and dedication of the Catalan working class, but also because it had breathing space to do so.¹⁰³ That was not so in other regions. A walk down La Ramblas in Barcelona was a far cry from Gran Vía (nicknamed “Howitzer alley”) in Madrid. This seemingly simple geopolitical/geographical observation actually goes a long way in explaining both divergences between working class leadership versus its rank and file, and the militancy with which the Catalan working class

¹⁰¹ Arxiu Montserrat Tarradellas i Macià (AMTM), carpeta “Ordre Públic”, quoted in Antoni Pozo, 312-313.

¹⁰² Preston, *The Spanish Holocaust*, 399.

¹⁰³ Buenaventura Durruti himself, upon seeing the Madrid front, came around to the position of the necessity for discipline and the compromise on anarchist principles regarding hierarchy.

sought to defend the conquests of the revolution versus the repressive military discipline in Madrid. This has often been attributed to the politics of Communist public order in Madrid; however brutal it may have been, it was fundamentally a function of the close proximity to the battlefield, and especially the desperate nature of the Republican struggle around University City and Casa de Campos in Madrid, rather than the manifestation of communist ideology.

Although the courts were endowed with revolutionary content and their appointment procedures allowed for the participation of working-class militants, the emphasis here is on the *form* of the court, and its social acceptability as an alternative to the revolutionary “peoples justice” of the first months of the war. Thus it is not surprising that the *cenetista* leader and Minister of Justice, García Oliver, at once authored the reconstruction of Republican justice while also saying in a speech on 31 January 1937 that, “Justice must be burning hot, justice must be alive, justice cannot be restricted to the bounds of a profession... Justice, I firmly believe, is so subtle a thing that to interpret it, one has only need of a heart.”¹⁰⁴ The institutional flexibility of the incipient judiciary, even in its early revolutionary form, allowed for subsequent measures (professionalization, appointment of career judges, regulation, etc.) that would change the content while retaining the form. In his 1978 *El eco de los pasos*, García Oliver wrote:

And it was my first duty to reestablish juridical order in such a way that human life and the rights of persons were respected... It was the “*paseos*,” the practice of expeditious justice that I would have to explain in my speech for the annual opening of the Tribunals, arguing precisely that, given that the military uprising... was carried out by the classes that historically maintained social order, the attempts to reestablish legal equilibrium were carried out such that the spirit of justice reverted to its most remote and pure origin: *the people: vox populi, suprema lex*... But [with] normality reestablished, the establishment of the Popular Tribunals with a revolutionary composition, the “*paseos*” could no longer be justified: the suspicious elements had to be turned over to the Popular Tribunals and be tried with impartiality, with punishment for the guilty and immediate liberty for the innocent.¹⁰⁵

In December 1936, measures had been passed that prevented any executions without the approval of four separate career judges and the Council of Ministers.¹⁰⁶ Vidiella’s decree of 5 January 1937 classified the sanctions and punishments to be carried out by the *Tribunales*

¹⁰⁴ Thomas, *The Spanish Civil War*, 522.

¹⁰⁵ García Oliver, *El eco de los pasos*, 346-7.

¹⁰⁶ Thomas, *The Spanish Civil War*, 521.

Populares in an attempt to standardize the often-haphazard sentencing in said courts.¹⁰⁷ The government also ran labor camps to allow imprisoned Nationalists to contribute to the economy, an initiative that had been started by García Oliver himself during his time as Justice Minister.¹⁰⁸

Sacas, *paseos*, and extra-judicial killings became far more rare. The shift towards “normalization” of state authority, in terms of judicial politics and public order, was making gains in Catalonia, though it still lagged behind the rest of the Republican zone. Rank-and-file resistance to the Generalitat’s decrees led to a radicalization of part of the CNT movement, and the creation of the “Friends of Durruti” by Félix Martínez and Jaime Balius in March 1937 to combat the CNT leadership, which they saw as counterrevolutionary.¹⁰⁹ The group worked together with the tiny Trotskyist *Sección Bolshevique-Leninista de España* (SBLE) in Barcelona.¹¹⁰ The CNT rank and file continued to defy Generalitat public order decrees, and a government crisis arose when CNT *consejeros* walked out of the council meeting on 23 March 1937. Companys named a new government on 3 April with Vidiella replaced in the *Consejería de Justicia* by Joan Comorera, leader of the PSUC. Although the cabinet would be shuffled again on 16 April, Comorera would retain the Justice portfolio. Although many historians construed Comorera as a communist-controlled pawn, it is worth looking at how uncomfortable he and the PSUC made the Comintern advisors, and the diversity of attitudes they reported to Moscow about the PSUC.¹¹¹ Due to the lack of Comintern influence in the PSUC, there was a deep suspicion of the party reflected in reports to Moscow. While Ernő Gerő asserted that there were Trotskyists in the PSUC and that it needed to be cleansed, Vittorio Codovilla maintained that although Nin was a “Trotskyist agent,” the PSUC itself was not a communist party but rather a separatist party.¹¹²

¹⁰⁷ DOG, 8 January 1937, cited in Pagés i Blanch, “La administración de justicia en Catalunya,” in *Justicia en Guerra*, 58.

¹⁰⁸ According to Francesc Badia, as a rule, the POUM members imprisoned at the labor camps had been convicted by espionage tribunals. He does not say which espionage tribunals. Francesc Badia, *Els camps de treball a Catalunya durant la guerra civil (1936-1939)* (Barcelona: Publicacions de l’Abadia de Montserrat, 2001), 100.

¹⁰⁹ Bolloten, 420-421. For anarchist interpretations of the Friends of Durruti, see Miquel Amorós, *La revolución traicionada: la verdadera historia de Balius y Los Amigos de Durruti* (Barcelona: Virus Editorial, 2003), and Agustín Guillamón, *Los Amigos de Durruti: Historia y antología de textos* (Barcelona: Aldarull-Dskntrl Editorial, 2013).

¹¹⁰ Documents and information on the SBLE can be found in Agustín Guillamón, *Documentación histórica del trosquismo español: 1936-1948: de la Guerra Civil a la ruptura con la IV internacional* (Madrid: Ediciones de la Torre, 1996).

¹¹¹ There is no better study on PSUC and Comorera than Puigsech, *Entre Franco y Stalin*.

¹¹² Elorza and Bizcarrondo, 362-366. Moreover, Codovilla would later (in 1939) claim that Comorera was overly influenced by PSUC co-founder José del Barrio and Miguel Serra Pàmies, taking up “nationalist, petty bourgeois

As early as January 1937, the Valencia POUM was distancing itself from the Catalan POUM leadership, hoping to avoid being labeled “Trotskyist,” while the latter continued its press campaign. In fact, the POUM youth movement, *Juventud Comunista Ibérica* (JCI), had planned to propose the expulsion of the Valencia section in the June 1937 congress, which never took place on account of the repression. The press calamity became yet more intense in Catalonia and reached outside the borders of Spain. Walter Ulbricht, later the head of state of the German Democratic Republic, took several trips to Spain apparently to track down German and Austrian Trotskyists and oppositionists in the International Brigades. He and László Rajk, later the Hungarian Communist Minister of Interior, were in contact with the NKVD station in Spain, and reported on Trotskyist activities.¹¹³ In a 15 March 1937 letter to Dimitrov, Manuïlski, Marty, Togliatti, and Kuusinen, Ulbricht complained that the POUM was preparing to publish an article in *Deutsche Volkszeitung*, written by Julián Gorkin, which would refute previous articles claiming that the POUM was Trotskyist. Ulbricht concluded that this was of “great political importance” and that it would be necessary for the Comintern to give its principal arguments in this press battle.¹¹⁴ Ulbricht was also tasked with evaluating the role of the PSUC in the Generalitat crisis that saw Nin removed. Historian Josep Puigsech writes that Ulbricht concluded “that the Catalan Party [PSUC] had engaged itself actively in the struggle against Trotskyism in Spain and had had a decisive role in the expulsion of the *poumistas* from the Government.”¹¹⁵ However, Marty and Stepánov claimed that the PSUC had not instructed its militants sufficiently and that it had not fostered relations between the Generalitat and the central Republican Government adequately.¹¹⁶ The ECCI Presidium in late December 1936 concluded that Catalonia was a very important part of communist power in Spain, and that its nationalist and separatist tendencies paired with its internal ideological division could endanger the war effort. It therefore tasked Gerö as the Comintern delegate to the CC of the PSUC and aided French communists coming to Barcelona to enter the ranks of the PSUC, a process that was often facilitated by

positions.” RGASPI, f. 495, op. 10, d. 244, quoted in Puigsech, “El peso de la hoz y el martillo: la internacional comunista y el PCE frente al PCE, 1936-1943,” *Hispania. Revista Española de Historia*, Vol. LXIX, No. 232 (May-August 2009): 467. Togliatti also later commented that Comorera focused too much on the work of government, neglecting party work. Togliatti, *Opere*, vol. 4, 1, 303-307, quoted in Schauff, *La victoria frustrada*, 154.

¹¹³ Volodarsky, “Soviet Intelligence Services,” 88-89.

¹¹⁴ CEHI, Fons. AM.4.9.c, “Concernant le POUM,” 15 March 1937.

¹¹⁵ RGASPI, f. 495, op. 74, d. 211, quoted in Puigsech, “El peso de la hoz y el martillo,” 456.

¹¹⁶ *Ibid.*, 457.

former militants of the *Partido Comunista de Catalunya* (PCC).¹¹⁷

In the weeks leading up to the May events, there were several judicial reforms to note. On 23 February 1937, three months after the Republican government had moved to Valencia in the face of brutal assaults on Madrid by Franco's forces, it decreed the integration of the Valencia *Tribunales Populares* into the Provincial Courts (*Audiencias Provinciales*), which had been more or less defunct until 1937. A 7 March decree extended the reform throughout all *Tribunales Populares*, and explicitly stated that they were "subject to the authority of the legitimate Government of the Republic."¹¹⁸ The measures taken throughout March and early April 1937 were targeted towards normalizing popular justice under the authority of García Oliver and Premier Largo Caballero. By March, Special Tribunals (*Tribunales Especiales*) took over jurisdiction for espionage according to earlier decrees (such as that of 6 October 1936), had the power to try political and common crimes, and were extended throughout the provinces.¹¹⁹ However, the Generalitat continued to oversee its own courts in Catalonia, which were not completely integrated into the Provincial Courts, and only began implementing the decrees of the Republican government at the end of April 1937, transitioning *Tribunales Populares* into *Tribunales Especiales Populares*. On 28 April, Comorera suggested the creation of two *Tribunales Especiales Populares* and two *Jurados de Urgencia* in Barcelona, and a *Tribunal Especial Popular* for each of the provinces, in line with directives from the Republican Government and on the institutional foundations of the previous courts.¹²⁰ Finally, the courts were brought under the Provincial Courts throughout Catalonia that week, on paper at least. The process of judicial centralization, then, was near complete before the chaotic May events of 1937, and a few weeks before Juan Negrín would replace Largo Caballero as President of the Council of Ministers (Prime Minister) of the Republic. The tendency to periodize based on the historical hinge of May 1937 rests on decades of conceptualizing political developments in the Spanish Civil War in a revolution versus counter-revolution framework, which overlooks continuities that

¹¹⁷ Ibid., 456. See also Schauf, *La victoria frustrada*, 134-137. The PCC had fused with other leftist groups in Catalonia to form the PSUC in July 1936.

¹¹⁸ *Gaceta de la República*, 9 March 1937, quoted in Sánchez Recio, "Justicia ordinaria y Justicia popular," in *Justicia en guerra*, 93.

¹¹⁹ Pelai Pagès i Blanch, *Cataluña en guerra y revolución (1936-1939)* (Sevilla: Ediciones Espuela de Plata, 2007), 124.

¹²⁰ CDMH, Causa General de Barcelona, Pieza 5, Legajo 1637, quoted in Sánchez Recio, "Justicia ordinaria y Justicia popular," in *Justicia en guerra*, 94.

are crucial to explaining how and why the Republic developed the way it did.¹²¹ This is particularly the case with public order and the administration of justice.

Catalan historian Pelai Pagès i Blanch has deemed the period after late April 1937 the “progressive absorption of [Catalan] judicial powers by the Republic.”¹²² However, in overlooking the foundations that had been laid by Nin and others, his interpretive frame reduces the process to the incursion of the central government, a characteristic refrain of the period under study. Despite the argument of *poumista* historian Víctor Alba that judicial reforms remained largely unknown to the general public, they had a very strong influence on politics and on the armed apparatus of the state, and were certainly not unknown to those affected by them.¹²³ The reconstruction of institutional structure and procedural norms, as well as the return to Republican juridical culture, had begun long before May. Judicial and public order reforms determined who would be granted the ability to detain, to set the parameters of judicial discourse, and to dictate or judge lawful from unlawful. Perhaps most importantly, the reforms determined the form in which these judgments would be made, that is, the traditional form of the court with the third party arbiter. The reforms were fundamental in centralizing political authority and its police infrastructure, which would be inherited and expanded by the Republican government. By summer 1937, the Largo Caballero government had essentially rebuilt a skeletal structure of the former Republican public order and judicial apparatus. Alba’s argument that the judicial reforms of the Largo Caballero government turned out to be a dead letter on account of the transition to the Negrín government in summer 1937 fails to conceptualize institutions as more than concrete structures. What Largo Caballero (and later Negrín) were in effect (re)constructing was an institutional culture that recognized the court as legitimate, one that would take the place of popular justice conceptually as well as in material terms, regardless of its political or ideological content.¹²⁴

¹²¹ The evidence presented in the recent work of Josep Antoni Pozo goes some way in reorienting our periodization, though not explicitly in the text. See *Del orden revolucionario al orden antifascista*.

¹²² Pagès i Blanch, “La administración de justicia en Catalunya”, 58-63. Although his interpretation is somewhat more qualified in the later work, *Cataluña en guerra y revolución*.

¹²³ Alba, “De los Tribunales Populares al Tribunal Especial”, in *Justicia en Guerra*. “Víctor Alba” is the *nom de plume* of Pere Pagès i Elies.

¹²⁴ After making an unsubtle parallel between public awareness of Negrín’s state repression and public awareness of repression in Nazi Germany, Alba argues: “If the reforms of García Oliver remained a dead letter, it was more than anything on account of the indifference of the people of the street towards the administration of justice, and if those reforms did not succeed in changing the attitude of distrust of the people [towards the administration of justice], the same can be said for the reforms carried out by Andrés Nin in the *Consejería de Justicia* of the Generalitat.” Alba, “De los Tribunales Populares al Tribunal Especial,” in *Justicia en Guerra*, 229.

The stage was set for the Republican Government's effective takeover of Catalan justice and public order, which took place throughout May and June 1937. The chaos of the May events and the rearguard instability it provoked (or reflected) provided the justification for this process. After months of political tension, rank-and-file resistance to public order decrees, occasional assassination attempts, and polemical campaigns in the press, Catalonia was on the verge of outright, armed conflict. The government suspended May Day celebrations for fear of violence. President of the Republic, Manuel Azaña, then in Barcelona, repeatedly complained that telephone calls were subject to interruption, as they were routed through the *Telefónica* exchange building in Plaza Catalunya in Barcelona, controlled by CNT militants, although in fact there was a delegate from the Generalitat present in accordance with a decree. There were isolated violent incidents registered in the first few days of May. But when forces sent by *Consejero* of Internal Security of the Generalitat, Artemi Aiguadé, and led by the new head of Public Order, Rodríguez Salas, confronted the CNT militants in the *Telefónica* building on 3 May, gunfire sparked a short but bloody conflict throughout Barcelona and in surrounding municipalities. Barricades went up, and the revolutionary rank and file of the CNT-FAI and POUM took to defending their positions against the forces of public order. The extremity of the violence was such that Generalitat President Luis Companys and *Consejero* of Internal Security and ERC member, Artemi Aiguadé, feared they could not handle it with the forces of public order at their command.¹²⁵

While the CNT leadership urged calm, its rank and file stood fast, and the POUM, along with the *Amigos de Durruti*, distributed leaflets throughout Barcelona, seeking to “channel the movement” and “give it direction”, according to their later testimonies in the trial of the POUM leadership in 1938.¹²⁶ They demanded the removal of Salas and Aiguadé. Aiguadé requested additional forces from the Republican Government on 4 May, and Largo Caballero initially responded by stepping up the police presence in other cities held by the Republic, probably fearing similar outbreaks. But he was reluctant to send forces into Catalonia. Under pressure from PSOE leader Prieto and PCE ministers, and on the approval of Generalitat President Companys, Largo Caballero authorized the Republican Government's takeover of public order in line with the Catalan Statute of Autonomy, which allowed such a contingency if the state was

¹²⁵ Bolloten, 423.

¹²⁶ CEHI, Procés POUM, Caja 4, Carpeta 11.

threatened by disorder in Catalonia. On 6 May, 1500 Assault Guards were on their way to Barcelona, arriving the next morning and ending the street fighting. Although this account of the May events is necessarily simplified, suffice it to say that by 8 May, the Republican government had effective control over public order in Catalonia. The Ministry of Interior appointed Antonio Escobar Huerta as DGS head of Public Order in Barcelona, although he was replaced on 11 May by Emilio Torres Iglesias after an assassination attempt injured Escobar Huerta severely.¹²⁷ José Echeverría Novoa, a Basque Republican, was appointed head of the Republican government's delegation of public order in Barcelona.¹²⁸ Echeverría Novoa gained a reputation in the following weeks for restoring the normal functioning of both prisons and courts in the city.¹²⁹ Paulino Gómez Sáiz, Negrín's trusted confidant (who would later act as Republican Minister of Interior), replaced Echeverría Novoa in June.

While PSUC reports attributed the May events to the "uncontrollables," the Republican government considered them a function of the lack of centralized command and an undisciplined rearguard public order exacerbated by the power of the anarchists in Catalonia. Caught off guard by the events, Soviet advisors sent reports to Moscow emphasizing the subversive role of "Trotskyism" and the POUM in the debacle. For example, GRU (Soviet Military Intelligence) operative "Cid" (*nom de guerre* "Goratsi") reported that the event took the Catalan government by surprise and concluded that "careful attention has not been paid to the subversive activities of the Trotskyists and Anarchists."¹³⁰ He claimed that the *Amigos de Durruti* and the POUM played the organizing role in the uprising, the latter of which had been "definitively compromised in the eyes of society." The outcome, he judged, would be a recognition and reinforcement of antifascist unity.¹³¹ The events of May have long been subject to conspiracy thinking and political polemic. They ranged from Trotsky's naïve assertion that a May seizure of power by the Catalan working class would have been supported throughout the Republic, to wild claims that the actions were meticulously planned in Moscow, to claims that Francoist, Nazi, or Italian intelligence had fomented the uprising. It was this conspiratorial mindset that has made the

¹²⁷ Torres Iglesias had considerable respect among the CNT for having led the *Tierra y Libertad* column in Madrid.

¹²⁸ *Gaceta de la República* 125, 5 May 1937. *Gaceta de la República*, 11 May 1937. Echeverría Novoa lasted only several weeks in the position. The same would be the case for Lieutenant Colonel Emilio Torres Iglesias, who only held the post of *Jefe Superior* of Barcelona police for a few weeks.

¹²⁹ Thomas, *Spanish Civil War*, 643.

¹³⁰ AH-PCE, Tesis, manuscritos, carpeta 24/1. Report of Goratsi, "Sobre el levantamiento de los trotskistas y anarquistas en Barcelona." Also reproduced in Viñas, *El Escudo*, apéndice documental, documento nº 7.

¹³¹ AH-PCE, Tesis y Manuscritos, Carpeta 24/1. Report of Goratsi, "Sobre el levantamiento de los trotskistas y anarquistas en Barcelona." Also reproduced in Viñas, *El Escudo*, apéndice documental, documento nº 7.

political (and polemical) fallout of the May events so potent and so bitterly debated still today.

In the weeks after the Assault Guards arrived on the streets of Barcelona, the courts that Comorera had suggested on 28 April were implemented, mirroring Republican reforms (*Tribunales Populares Especiales*, *Jurados de Urgencia* and *Jurados de Guardia*).¹³² They relied on the infrastructure already in place while centralizing yet more judicial authority. The Barcelona courts came to be presided over by career judges appointed directly by the Generalitat *Consejero de Justicia* (Comorera). Courts in surrounding provinces were presided over by the examining magistrates from that locale, or by the president of the former *Tribunal Popular*. To “depoliticize” the courts, the remaining eight officials for each court were drawn from the labor unions ERC, CNT, UGT, and *Unió de Rabassaires*.¹³³ This distribution also meant that the larger CNT was underrepresented. This represented, effectively, the putting into place of previous Republican measures for judicial reform that had been delayed and resisted in Catalonia. The Republican government justified the reforms as a response to the needs of war, and asserted the universality of the new court system throughout Republican-held territory. The new courts functioned erratically with Republican oversight until Negrín and Irujo’s reforms the following months, which simplified and unified Republican justice. Control over the streets had shifted away from the revolutionary groups. The militias surrendered their arms to Civil Guards in Barcelona after 13 May, although this was often carried out by PSUC-led units.¹³⁴

In late May and June 1937, now operating with more or less unrestricted authority in Catalonia, Republican forces of public order carried out sweeps of arrests of those suspected to have been involved in the May events, in crimes against property and persons, and in revolutionary acts in July 1936. Many of them faced prosecution initiated by the new Minister of Justice Irujo for revolutionary crimes. This included militants of the POUM rank and file as well as the CNT-FAI and other smaller revolutionary groups. Police arrested *poumistas* and *cenetistas* for allegedly distributing “illegal propaganda.” The CNT leadership was relatively quiet about the quick repression of the radical portion of its rank and file, as they were more committed to antifascist unity with the Popular Front government at this point than revolutionary actions.¹³⁵ According to the most thoroughly researched studies on the arrests, those of French scholar

¹³² Barcelona had two of each, while Girona, Lérida, and Tarragona had one of each.

¹³³ Pagès i Blanch, “La administración de Justicia en Catalunya,” in *Justicia en Guerra*, 58-59.

¹³⁴ Thomas, *Spanish Civil War*, 644-645.

¹³⁵ Antoni Pozo, 317.

François Godicheau, some 3,700 antifascists were arrested between April 1937 and January 1939, the vast majority in the first months, and the majority CNT rather than POUM members.¹³⁶ The POUM's 29th Division was dissolved and its press organ, *La Batalla*, was shut down, although it continued functioning as late as 27 May.¹³⁷

In mid-June, the POUM leadership was arrested by local police under Lieutenant Colonel Burillo, on orders from Ortega and overseen by the *Brigada Especial* sent from Madrid and led by Orlov and fellow NKVD operative Grigulevich.¹³⁸ The arrests were much like those of the rank-and-file *poumistas* and *cenetistas*, but they responded to completely different imperatives, as we have seen. Grigulevich had worked covertly after arriving in Spain in September, often with Santiago Carrillo through the *Junta de Defensa de Madrid*.¹³⁹ It was from Carrillo's militant Communist youth comrades (JSU) that the *Brigada Especial* was assembled. The disappearance of Nin in the following days responded to Soviet NKVD demands, as he was the target in a *liter* case, marked for termination for his connections with Trotsky. The remaining POUM leadership, now detained, appears to have been of little importance to that mission.

3.4 CONCLUSION

The revolutionary violence associated with the military coup in July 1936 captured the attention of foreign observers, as stories of atrocities and killings filled headlines. The Republican government initially found itself powerless before the task of controlling the outbreak of revolutionary actions. As we have seen, the necessity of prosecuting internal enemies characteristic of civil wars forced those who took the reins in Barcelona and Valencia to begin the process of institutionalizing the uncontrolled "Peoples Justice." But it would be a simplification to understand this process purely in political or ideological terms – indeed the

¹³⁶ See Godicheau, *La Guerre d'Espagne*, 63-65. Also see Antoni Pozo, 315-317.

¹³⁷ Elorza and Bizcarrondo, 370.

¹³⁸ Grigulevich has been little known in the historiography until recently, as evidence of his activities has been discovered in archives in Moscow. Josifas Romualdovičius Grigulevičius, a Lithuanian-Russian Jew (Karaite), was a member of the S directorate of the NKVD, the "illegals" operating without diplomatic cover. His *noms de guerre* were "Maksimov" and "José Escoy," codenames "YUZIK," "ARTUR," "MAKS," and "FELIPE." He spent a great deal of time in Argentina, and spoke Spanish fluently, passing his Slavic accent off as a Brazilian accent. Boris Volodarsky, "Soviet Intelligence Services", 124, 126.

¹³⁹ Letter, Grigulevich to Shatunovskaya, 1986, quoted in Volodarsky, "Soviet Intelligence Services," 138.

most revolutionary organizations took part in retaining and adding strength to the court, albeit with revolutionary content. Their initial reaction was to institutionalize uncontrolled repression into the form of the court, in this case the Popular Tribunal. These actions set the stage for a broader normalization and centralization of Republican justice, which would characterize Manuel de Irujo's tenure as Minister of Justice after May 1937.

In the months following the May events, Negrín, Irujo, and Zugazagoitia embarked on a campaign of institution building that paralleled the arrests of those resisting central authority. The POUM prosecution dovetailed with police actions against revolutionaries that the government's security apparatus deemed dangerous or suspicious. But the TEEAT was designed from the very outset to be under the Negrín's control. Its foundation decree gave Negrín and his trusted non-Communist (and often anti-Communist) Justice, Interior, and Defense ministries authority over appointments and replacements. Given that the prosecution unfolded in a tense wartime situation in which the Republican government worked with scant resources, it is notable that Negrín kept such a close eye on the court, and in particular on the development of the preparations for the trial of the POUM's leadership. Negrín was regularly updated on investigations leading to the indictment, on new developments in the case, and on the trial itself, of which we now know he received transcripts. We thus now turn to Negrín's first months in office, his attempts to reform the judiciary and the forces of public order. For it is only in the context of this institution building that the prosecution of the POUM leadership makes sense.

CHAPTER 4

NEGRÍN'S MANDATE: PUBLIC ORDER AND JUDICIAL REFORM AFTER MAY AND THE CREATION OF THE SPECIAL TRIBUNAL FOR ESPIONAGE AND HIGH TREASON

There is much curiosity these days over the role of Moscow in Spain. Moscow, I believe, tried to do in Spain what France and England should have done themselves. The promise of Soviet aid to the Spanish Republic was that ultimately Paris and London would awaken to the risks involved to themselves in an Italo-German victory in Spain, and join the USSR in supporting us. Munich, with its unnecessary surrender to the totalitarians, probably crushed this hope beyond repair. Moscow alone could not have saved us at any time. France and England never acted as their imperial interests dictated. Some day there will be a rude awakening, and they will look for the very people whom they helped to destroy through nonintervention.

– Juan Negrín (8 May 1939)¹

Juan Negrín Lopez was born to a wealthy family in the old town of Vegueta in Las Palmas de Gran Canaria on 3 February 1892, the same year as Francisco Franco and Andreu Nin.² The three were children when Spain lost almost all of its remaining colonies in the Spanish-American war; they came of age in the context of the great political and cultural movement of the so-called “Generation of ’98”. Although each had quite distinct ideas about how Spain should modernize and develop after the *fin-de-siècle*, the three should nevertheless be considered together as products of this historical epoch. While Negrín’s classical liberal and socialist ideas would lead him to become a leader in the PSOE who advocated modernization along western European lines, Nin saw the liberation of Spain through revolution, leading him to anarcho-syndicalism and subsequently to communism and Marxism-Leninism. Finally, Franco would look to the past for a blueprint for the future, seeking to restore the traditions and culture of a glorious Spanish past that had long passed, if it indeed ever existed. Of course, all three can be understood in

¹ AHN, Diversos, M. Pascua, Caja 14, Legajo 5.

² For more information on Negrín and his family, see José Medina Jiménez, *La familia Negrín en Gran Canaria* (Las Palmas de Gran Canaria: Colegio Oficial de Aparejadores y Arquitectos Técnicos de Gran Canaria, 2003); Moradiellos, *Don Juan Negrín*; Jackson, *Juan Negrín*; Helen Graham, “El partido socialista en el poder y el gobierno de Juan Negrín,” in Santos Juliá, ed., *Socialismo y guerra civil* (Madrid: Editorial Pablo Iglesias, 1987), 533-552; Helen Graham, “Guerra, modernidad y reforma: Juan Negrín en la jefatura del gobierno (1937-1939),” *Historia Contemporánea*, No. 17 (1998): 423-454.

terms of class – Negrín as the highly educated son of a wealthy property owner of the new Spanish middle class, Nin as the son of a shoemaker, an intellectual creature moved to action by the brutal oppression of Spain's working class and peasantry, and Franco as an archetype of Spain's top-heavy, outdated, and declining lower-middle class military caste. Nevertheless, they should also be understood as representative of three distinct responses to the broader crisis of liberalism and modernity, albeit in a distinctly Spanish (and Catalan) context.

Negrín was educated mostly in Leipzig and Madrid, eventually studying under the great neuroscientist Santiago Ramón y Cajal and earning a medical degree at age twenty. He spoke five languages, was at the top of his class, and was well on his way to a fruitful medical career until the coup of Miguel Primo de Rivera brought his attention to politics.³ He went on to join the PSOE in April 1929, become a representative in the Cortes for Las Palmas, and develop ties with Indalecio Prieto, Julián Besteiro, and Largo Caballero. But the personal and professional contacts that Negrín made during his medical career would benefit him as well when he was raised, quite reluctantly, to the high position of *Presidente del Consejo de Ministros* (Prime Minister) of Republican Spain in May 1937. In fact, some of his closest and most trusted advisors came from this cohort, including Blas Cabrera Sánchez and Rafael Méndez. The various connections Negrín made during his early career as a socialist, and his knowledge of European politics and languages, made him an ideal candidate for the position. Within the PSOE, he was a veritable protégé of Indalecio Prieto, whose social-democratic politics he admired, as opposed to the opportunistic syndicalism of Largo Caballero and the “orthodox Marxism” of Besteiro.⁴ Negrín was attracted to the PSOE not because of its Marxism *per se*; rather he admired its organizational power and its progressive agenda for the liberal modernization of Spain.

On 14 May 1937, in the immediate wake of the May events, Largo Caballero came under increased pressure by the *Prietista* wing of the PSOE, the PCE, *Izquierda Republicana*, and indeed Negrín as well, to impose harsher public order measures. The sticking point was the PCE's call (hardly opposed by other cabinet members) to administratively suspend the POUM by decree and to reprimand the revolutionary elements that the government considered responsible for the May street fighting. Caballero refused to cede to the demands, and the PCE

³ Moradiellos, *Negrín*, 31-40. Negrín's father had moved away from Catholicism after leaving seminary in 1888, and Negrín was thus raised in a secular atmosphere and adopted an agnostic position while in secondary school in Las Palmas.

⁴ *Ibid.*, 106.

ministers walked out of the cabinet meeting, followed by Prieto and other cabinet ministers, including Negrín. Caballero was forced to resign, and the President of the Republic, Manuel Azaña, appointed Negrín Prime Minister to the surprise of many who expected Prieto to be appointed. Instead, Prieto was given the Ministry of Defense. Caballero claimed that he ended the session by saying, “I believe that this it is a crime to provoke a crisis in these moments.”⁵ But a broader crisis was already in full swing, after the so-called “May events” set into action a sequence of events that would fundamentally change the wartime Republic.

Negrín took the premiership on 17 May 1937, immediately assembling a cabinet and embarking on a series of reforms that he believed would make the war effort more effective. This included narrowing the number of ministers in the cabinet in order to streamline operations. It also included ambitious judicial and public order reforms. These translated on the ground to a series of sweeps of arrests of “*incontrolados*,” most of whom belonged to the CNT and POUM, especially those in Barcelona who had raised arms against institutions of state power during the May events. Over the course of the next twenty-two months, Negrín dedicated all of his energy to streamlining the war effort and courting the western democracies in hopes of aid and eventually mediation, regardless of the repressive effects it had on the social revolution of 1936. Given that this was in line with Communist goals, it (among many other reasons) reinforced the idea that Negrín was a crypto-Communist or a dupe or tool of “Stalinism.” With regard to the POUM’s repression, it led him to be labeled responsible for the death of Andreu Nin and the so-called “show trial” of the POUM leadership. This trend is perhaps best exemplified by a recent publication of documents and error-ridden commentary by Antonio Cruz González entitled, *Las víctimas de Negrín*.⁶

This chapter traces public order and judicial reforms during the first months of Negrín’s premiership to establish a context for the creation of the Special Tribunal for Espionage and High Treason (TEEAT), which conducted the prosecution of the POUM leadership from summer

⁵ Largo Caballero, *Mis recuerdos: Cartas a un amigo* (México, D.F.: Ediciones Unidas, S.A., 1976 [1954]), 129.

⁶ Cruz González, *Las Víctimas de Negrín*. Interestingly, the central message of the book, explained in the prologue by Pelai Pagès i Blanch, is not so far off. Pagès i Blanch writes: “What is certain is that Negrín – and of this there can be little doubt – was the epitome of centralist politics, whose fundamental objective consisted in returning to the Republican institutions the power and authority that had been lost as a consequence of the outbreak of the war, and at the same time, to curb the revolutionary process triggered at the beginning of the conflict with decisive and often violent and authoritarian measures.” However, he goes on to repeat the standard refrain of Cold War interpretations of Negrín, writing that “...Negrín ended up being Stalin’s ideal pawn in the development of the latter’s foreign policy and in relation to Soviet interests in the Spanish Civil War.” Ibid., 14-15.

1937 to October 1938. It has three interconnected arguments. First, it argues that, in all cases for which there is documentary evidence, it is clear that Negrín sought to smoothen relations and mediate conflicts between Communists (and Soviet and Comintern advisors) and anti-Communists, especially regarding the POUM affair, the key issue that drove a wedge between these two general groups. He did so with the knowledge that, given its abandonment by the western democracies, the Republic's survival depended on Soviet aid. The creation and functioning of the TEEAT should be understood as a product of this balancing act. Second, Negrín's reforms should be considered in a dual context of international diplomatic isolation and internal demands to improve wartime discipline and security. The prosecution dovetailed with Negrín's broader international policy of courting the western democracies by showing the Republic's non-Communist character in the hope of moving away from reliance on Soviet aid. It was also an integral part of Negrín's concept of antifascism, which emphasized legality, discipline, and the war effort above all other concerns. To understand this conception is not to justify, denounce, or defend it. Rather, a fuller understanding of "Negrínista" politics is absolutely essential to understanding the development of the wartime Spanish Republic.

Finally, this chapter argues that the POUM prosecution was part and parcel of Negrín's broader attempt to reconstruct state penal apparatus (in both policing and judicial affairs), attempting to bring them under the control of both non-Communist and non-revolutionary elements. This meant that judicial and police reforms (especially in intelligence and counterintelligence) sought to reassert a traditional western liberal politics. Thus the chapter examines the creation and development of the *Departamento Especial de Información del Estado* (DEDIDE) and the *Servicio de Inteligencia Militar* (SIM). Both agencies (which eventually became one) were involved in actions against *poumistas* and the collection of evidence for indictments. Particular attention is given to the partisan nature of the SIM and Negrín's posture towards Communists operating within its ranks.

Negrín and his most trusted advisors sought to ensure that penal reform, and especially the POUM's prosecution, provide a *strong contrast* to the concurrent repression in the USSR and the Moscow trials for fear of association with Soviet justice. But Negrín's concern was not only that the abduction of Nin had tarnished the international reputation of the Republic that shaped the prosecution. As a classical liberal, Negrín firmly believed that putting the POUM leadership before the courts was the ethical route for addressing the quasi-legal arrests and the abduction of

Nin. Their prosecution only makes sense in the context of a broad reform, led by Negrín, Zugazagoitia, and Irujo (and their successors), of public order and judicial institutions, ultimately intended to centralize and streamline internal security, criminal investigations, and the proceeding of justice.⁷ The TEEAT, created in the week following the arrest of the POUM leadership, is perhaps the best example of this trend. It was created both to streamline investigations into the fifth column and to wrest control over the prosecution of *poumistas* from an often unreliable and at times incapable police apparatus.

4.1 AFTER THE MAY EVENTS: THE POUM ARRESTS IN THE CONTEXT OF THE NEGRÍN TRANSITION

In his 1954 book, *Mis Recuerdos*, Largo Caballero claimed that the PCE and Soviet advisors had taken advantage of the May events to force him out of the government. Unfortunately, this narrative blended well with the general anti-Communist color of Cold War scholarship, and thus led many historians to erroneously see Negrín's rise to Prime Minister as some sort of Communist-*Negrínista* conspiracy.⁸ In fact, Stalin and the Comintern leadership in Moscow had both approved of Largo Caballero continuing as Prime Minister; what they objected to was his role as Minister of Defense. Stalin had remarked in a 14 March 1937 meeting of the Politburo of the Communist Party of the Soviet Union that, "Caballero should not be removed (there is no better figure to head the government)," and later commented that, "Caballero... should be preserved as the head of government but it would be better to have someone else in command of

⁷ While Zugazagoitia was succeeded by the Socialist Paulino Gómez Sáiz, Irujo was succeeded by the Republican Mariano Ansó, who later ceded the post to the Socialist Ramón González Peña.

⁸ Most of these interpretations draw on the "memoirs" of Walter Krivitsky, entitled, *In Stalin's Secret Service* (New York & London: Harper & Brothers, 1939), and *I Was Stalin's Agent* (London: Hamish Hamilton, 1939). The two are compilations of *Saturday Evening Post* articles that were in fact ghost-written by Isaac Don Levine, who was later recruited by the CIA in 1951. See Volodarsky, "Soviet Intelligence Services," 21, 63, 86. For the basic English language example of the argument that Negrín was put in place by Soviet will, see Bolloten, *The Spanish Civil War*, passim. For continuing arguments to this effect in Spanish language work, see Francisco Olaya Morales, *La Gran Estafa de la Guerra Civil* (Barcelona: Belacqva, 2004). The conspiratorial interpretations characteristic of both Indalecio Prieto and Largo Caballero arise in part from the erroneous claim that Soviet operatives planned the May events. In fact, reports sent from Barcelona to Moscow in the days that followed illustrate that the events took them by surprise.

the armed forces.”⁹ Comintern General Secretary Georgi Dimitrov’s message (under the codename *Citrine*) on 14 April 1937 to PCE head José Díaz (codenamed ADLER) made it clear: “We advise that you do what is necessary so that Spaak [Largo Caballero] only remains as the President of the Government.”¹⁰ Thus, Díaz’s position when President Azaña consulted him after the cabinet meeting on 14 May 1937 was that the PCE would not form part of the government unless Largo Caballero was removed from his post as Defense Minister.¹¹ Largo Caballero also falsely claimed that the PCE insisted on banning the CNT in addition to the POUM.¹² In reality, as he himself admitted at a meeting in Paris in December 1937, Largo Caballero had argued that the POUM’s dissolution was an issue for the courts, a position that Negrín in fact shared.¹³ It is important to note that the POUM was *suspended* in June 1937 pending the judicial investigation into its leadership’s possible criminal activity.¹⁴ It was only officially dissolved after the trial in October 1938. The fact that these points are still a matter of confusion or ignorance, even for specialists on the POUM such as Reiner Tosstorff, is testament to the strength and durability of Cold War-era generalizations regarding the Spanish Civil War.¹⁵

The 13 May cabinet meeting lasted six raucous hours, with Largo Caballero and the PCE ministers Hernández and Uribe exchanging insults.¹⁶ Importantly, in addition to demanding the executive dissolution of the POUM, the two PCE ministers demanded stronger measures to

⁹ Stalin words on this issue are clearly documented in Dimitrov’s recovered and translated diary. Banac (ed.), *The Diary of Georgi Dimitrov*, 58, 60. See also Hernández Sánchez, *Guerra o revolución*, 199.

¹⁰ RGASPI, f. 495, op. 184, d. 4, 1937, p. 2, quoted in Elorza and Bizcarrondo, 341.

¹¹ Largo Caballero, *Mis recuerdos*, 130. See also Soviet Ambassador Ivan Mikhailovich Gaikis in Spain’s letter to Soviet People’s Commissar of Foreign Affairs Maxim Litvinov in April 1937: “Naturally, it would be more expedient politically to resolve the situation by setting up a new military leadership (which would include separating the high command from the War Ministry), with the retention of Caballero in the post of head of the government. However, such an outcome can be thought of only if Caballero himself will agree to it.” RVGA, f. 33987, op. 3, d. 1032, ll. 203-211, quoted in Radosh, et al., 169. See also the communiqué to Dimitrov, 28 March 1937, RVGA, f. 33987, op. 3, d. 991, ll. 150-188, cited in Radosh, et al., 184-195.

¹² Largo Caballero, *Mis recuerdos*, 128.

¹³ In a Paris meeting with French labor unions on 7 December 1937, Largo Caballero proclaimed: “The communists wanted to make me dissolve the POUM. I told them that I would not dissolve it governmentally; that the Tribunals would judge the crimes that their members could have committed, but that a governmental measure would be to go against what has forever been our opinion. Tomorrow we would not have the right to protest if another government, accepting this precedent, dissolved any of our organizations.” CDMH, PS-Madrid, Caja 1202, Legajo 16, Hoja 3. Many historians have incorrectly claimed otherwise. See for example, Broué and Témime, 300.

¹⁴ Zugazagoitia makes this often-overlooked point in *Guerra y vicisitudes de los españoles*, 272.

¹⁵ See Reiner Tosstorff, “Ein Moskauer Prozeß in Barcelona: Die Verfolgung der POUM und ihre internationale Bedeutung,” *Forum für Geschichte und ihre Quellen*, 138. Here, rather than consider the published documentary evidence on the issue of Moscow’s position on Largo Caballero, Tosstorff opts to quote Fernando Claudín that Largo Caballero was removed to fulfill Moscow directives. The piece was originally published in Weber and Staritz, eds., 193-216. It also appears in Tosstorff’s full-length book, *Die POUM in der Spanischen Revolution*, 126-161.

¹⁶ Azaña, *Obras*, IV, 592-93. For an analysis of the cabinet crisis and its origins, see Helen Graham, *Socialism and War*, 99-ff.

enhance public order, an issue on which the PCE had long criticized Largo Caballero.¹⁷ Negrín and other Socialist ministers, most notably Prieto, supported these arguments, a fact that the latter later denied in the 1940s. In fact, the Socialists refused to take part in a new government if it did not include Communists.¹⁸ It is the case that the change in government and the removal of Largo Caballero was praised by the PCE and Comintern advisors; however to attribute his fall and Negrín's rise solely to Soviet pressure or PCE power in Spain is a mistake that has been refuted by many historians.¹⁹ It is now clear that Prieto had just as strong a hand in the preparation and outcome of the cabinet crisis as the Communist ministers, and one apparently far stronger than Soviet advisors.²⁰

Nevertheless, the Comintern's advisors, in particular Stepánov (head of Latin American branch of Comintern), were initially pleased with the new government with Negrín at its head. However, what is often overlooked or misinterpreted by historians is that this period, deemed a "honeymoon" in one Comintern report, was short-lived. The Nin affair threw Negrín's government into the international limelight and Comintern advisors almost immediately found their work more difficult. In the wake of Nin's arrest, differences within the coalition became more pronounced.²¹ Those differences were structured primarily by the different responses within the Republic to the POUM arrests, the abduction of Nin, and the POUM's prosecution and trial. The result of the Negrín transition was not, as some have claimed, that "the Communist Party became the dominant political force in the Republican zone..."²² For the Communist Party, as one historian has recently put it, "having conquered the summit, what became clear on the horizon was a tortuous descending path."²³

¹⁷ In the 11 May 1937 PCE meeting, PCE head José Díaz held that if Largo Caballero's government was incapable of enforcing discipline in the rearguard, the post should be passed to someone else. Hernández Sánchez, *Guerra o Revolución*, 204.

¹⁸ Hernández Sánchez, "El PCE en la Guerra Civil," 295.

¹⁹ See Graham, *Socialism in War*, 100-ff.

²⁰ See, among other sources, Togliatti's report to Moscow on 11 September 1937: "The success in overthrowing the Largo Caballero government has undoubtedly turned the heads of some comrades [PCE members]. They decided that the success belonged exclusively to the Party [PCE], forgetting that the Centrists (Prieto) played a very large role both in the preparation and in the resolution of the crisis. This mistaken evaluation resulted in the appearance of an opinion that the party could already raise the question of its *hegemony*...It is enough to speak with our comrades and attend their discussions to be convinced that even today they have not achieved sufficient clarity on this question." RGVA, f. 33987, op. 3, d. 961, ll. 5-23, quoted in Radosh, et al., 389.

²¹ See Dimitrov's letter on 30 July 1937, RGVA, f. 33987, op. 3, d. 1015, ll. 92-113, quoted in Radosh, et al., 219-233. See also Fredrikh I. Firsov, Harvey Klehr, and John Earl Haynes, *Secret Cables of the Comintern: 1933-1943* (New Haven: Yale University Press), 71.

²² Durgan, *The Spanish Civil War*, 98.

²³ Hernández Sánchez, *Guerra o revolución*, 206.

Negrín simplified and streamlined governance; he reduced the cabinet from eighteen ministers to nine, and himself acted as Premier, Finance Minister, and Minister of Economy.²⁴ In the areas of public order and justice, the new ministers represented a move towards the center. On Prieto's recommendation, Zugazagoitia (PSOE) became Minister of Interior, with Juan Simeón Vidarte (PSOE) as his sub-secretary on Negrín's recommendation. Prieto took the new post of Minister of Defense and the Basque Republican Manuel de Irujo (PNV) took the Justice Ministry. The new cabinet had a strong republican and PSOE presence, and included two PCE ministers. Despite Negrín's efforts, it initially excluded the CNT-FAI from the Popular Front coalition. The anarchists would eventually join the cabinet after they came to see it as a necessary compromise on their principles. The new cabinet was as follows:

Table 4.1. Popular Front cabinet after the May events.

Juan Negrín (PSOE)	Premiership, Finance, & Economy
Indalecio Prieto (PSOE)	Defense
Julián Zugazagoitia (PSOE)	Interior
José Giral (Izquierda Republicana)	Foreign Affairs
Manuel de Irujo (PNV) ²⁵	Justice
Bernardo de los Ríos (Unió Republicana)	Public Works & Communications
Jaime Aiguadé (Esquerra) ²⁶	Labor & Social Assistance
Jesús Hernández (PCE)	Public Education & Health
Vicente Uribe (PCE)	Agriculture

*Source: Gaceta de la República, 18 May 1937, No. 138*²⁷

In the aftermath of the May events, the Negrín government carried out reforms designed to bring judicial and public order institutions under the authority of the Republican government, and to tailor the definition of crimes to the imperatives of the regime. Irujo and Zugazagoitia quickly set about drafting a new wave of judicial decrees with the express intent of reviving what had been lost by the collapse of the state after the July 1936 military uprising. Negrín's drive towards centralization in public order and judicial affairs would eventually upset the regionalist

²⁴ This was in part motivated by President Azaña's suggestion that the number of ministers be reduced, which he discussed with PCE leaders Díaz and Ibarruri. RVGA, f. 33987, op. 3, d. 991, ll. 150-188, cited in Radosh, et al., 189.

²⁵ The PNV is the *Partido Nacionalista Vasco*, or the Basque Nationalist Party.

²⁶ The *Esquerra Republicana de Catalunya* was left Republican Catalan Nationalist Party founded in 1931 and whose leader, Lluís Companys, was president of the Generalitat (Catalan Government).

²⁷ Notably, the anarchist CNT retained none of its previous portfolios in the cabinet, despite Negrín's attempt to convince them. The CNT claimed that it would only join if Largo Caballero remained Prime Minister.

sensibilities of Irujo himself, leading to the latter's resignation August 1938 in protest of the ways in which Negrín's new decrees impinged on regional authority.²⁸

Negrín's rhetorical justifications for governmental appointments always had an apolitical color. In other words, he ostensibly appointed officials to high posts in the government and security apparatus in a non-partisan way. In his 30 September 1937 speech before the Cortes, Negrín listed his top priorities upon taking up the premiership the previous May. He paired the "apolitical" and "representative" character of appointments to government posts with continued measures for the centralization of power under his cabinet. "My conception of government, which I had had to submit for the approval of His Excellency [President Azaña], continues to be shaped by the following features... [the] individual representation of, if possible, all the parties or entities that took part in the previous cabinet." He continued with the list of priorities, which included a general streamlining of the armed forces and economic affairs. "Number six," Negrín went on, "[is] to reserve the right of the government to appoint high posts free of all partisan demands, [but] without refusing to listen and attend to them... [so] that the aspirations of the different sectors always coincided with the interests of the Government." However, there was also an element of class politics in Negrín's conception: "Political unity, difficult to achieve in a coalition government, gains nothing from the principle of proportional representation of the different parties, a proportionality which is difficult to discern..." Instead he would opt for a voice of each party in the cabinet, in part "to avoid a disproportional representation of proletarian" parties in comparison to the others, which "could have given the new Government a color that... was not in the interests of the country nor the common cause that we defend." Rather, it would be a cabinet guided by the unity demanded by the war situation.²⁹

The arrests that swept the Republican zone during and after the transition to Negrín's premiership in summer 1937 have often been attributed to the ostensible increase of Soviet power in Spain.³⁰ However, although the measures coincided with PCE and Comintern thinking

²⁸ See the letter from Pedro Corominas to Negrín in September 1938, AFJN, 1PCM1020000032034004. Irujo was a Basque representative and resigned in solidarity with other representatives of regional governments because of infringements on regional autonomy.

²⁹ AFJN, 1PCM0000000120008002-ff. Negrín also pointed out that he could only do this with parties that were willing to continue in the cabinet, a reference to anarchist refusal to take part in his first government.

³⁰ For example, Pagès i Blanch writes, "by the spring and summer of 1937, Stalin had achieved a considerable degree of influence over the Republican Government. As a result, hundreds of revolutionaries were thrown into prison, and some of them lost their lives." Pagès i Blanch, *War and Revolution in Catalonia*, 119. For some examples of irregularities in the arrests, see Fernando Hernández Sanchez, "El PCE en la guerra civil," 330-ff.

regarding public order and the relationship between revolutionary politics and the war effort, there is very little evidence to suggest a causal relationship with the Soviet leadership in Moscow.³¹ It is true that the PCE pressured the new Negrín government (in which it held two portfolios) for stronger measures against perceived enemies. However, there is also ample evidence that government take measures to the extent desired by the PCE; the party complained of the inadequate jailing of *poumistas*. The report by Pedro Checa, political secretary and interim leader of the PCE (on account of José Díaz's illness), sums up this problematic well. Some time in late 1938, he wrote to Moscow:

A consistent and energetic struggle against the internal enemy – fascists, Trotskyist spies [POUM], saboteurs, and so on, who act almost freely throughout all Republican territory – is not being conducted. Only under pressure from the party did the government take a number of measures against the Trotskyist spies, and the government does not regard them as a force of espionage and counterrevolution.³²

This was primarily the result of the fact that, after it became operational in autumn 1937, the TEEAT oversaw prosecutions of arrested POUM espionage cases (of the leadership as well as rank-and-file cases), and gained a reputation for releasing suspected *poumistas* when there was simply no evidence.³³ Negrín appears to have placated the Communists (including PCE and Soviet and Comintern advisors) by giving them empty promises and paying lip service in verbal exchanges to the repression of Trotskyists and *poumistas* after taking power, while placing their repression under the aegis of the TEEAT, which was highly centralized and under the control of the Negrín and his non-communist Justice and Defense Ministers, as we shall see. This explains why Negrín's actual policies often departed from Communist expectations, and why the latter often complained about the matter to Moscow.

In 1937, Negrín in fact followed Zugazagoitia's and Irujo's lead in terms of public order and judicial reforms.³⁴ The three worked together with sub-secretaries on decree projects with the intention of ridding the police and judicial apparatus of partisan officials. To avoid rustling Communist and anarchist feathers, they employed the euphemism of "depoliticizing" said

³¹ The exception of course is Andreu Nin as well as several foreign communist oppositionists with connections to Trotskyism.

³² RGVA, f. 33987, op. 3, d. 961, ll. 34-56, quoted in Radosh, 399.

³³ See below in Chapter 5, "Crisis and War: The Preparation of the POUM's Trial, Summer 1937-Autumn 1938."

³⁴ Irujo also initiated investigations into crimes committed by individuals during the revolution of 1936 in the Republican zone, and passed religious freedom measures.

institutions. This tactic reflected how Negrín and his closest (non-Communist) advisors (what Gabriel Jackson has called his “kitchen cabinet”) imagined a Republican victory – that is, the depoliticization of Republican institutions, the downplaying and controlling of the social revolution of 1936, and finally the often ignored goal of removing or downplaying Communist power in the Republic. Together with continued military resistance, Negrín saw these measures as the only way to appeal to the reluctant western democracies to become more involved in the Republic’s fate.³⁵

The Republican government’s takeover of public order in Catalonia sparked considerable opposition. As has been pointed out and analyzed in depth in the literature, Negrín’s public order measures had a clear purpose of limiting anarchist power in the Republic, which he resented.³⁶ But it also involved curbing Catalan nationalism, which Negrín saw as counterproductive both on principle and in pragmatic terms, that is, in terms of the war effort and Republican diplomacy.³⁷ This was particularly the case after the Generalitat led a separate delegation to sound out foreign officials for mediation (which Negrín promptly decreed illegal).³⁸ Above all else, Negrín oriented the restructuring of the judiciary and public order institutions towards the war effort. Reforms should be understood in the context of the increasingly desperate wartime situation faced by the Republic by in mid-1937, as the Basque front’s Iron Ring of defense was failing. By mid-June it collapsed, and Nationalist troops entered Bilbao on 19 June 1937. As Negrín put it, reflecting on the goals of his new Government in a speech before the Cortes that September: the government “affirmed the clear purpose of inexorably conserving order in the

³⁵ By Jackson’s estimation, the informal “kitchen cabinet” consisted of Blas Cabrera, Jose María García Valdecasa, and Rafael Méndez (all three were Negrín’s former medical students), as well as Francisco Méndez Aspe, Jerónimo Bugada, Demetrio Delgado Torres, José Prat García, Marcelino Pascua, Julián Zugazagoitia, Juan Simeón Vidarte, Benigno Rodríguez, Elias Delgado, Jose Puche Álvarez, and Julián Soley Conde. Jackson, *Negrín*, 265-ff.

³⁶ See Negrín’s comments on the “regime of Committees, irresponsible groups, etc.” in AFJN, *Apuntes de Barcelona*, Caja 2, Carpeta 2bis. See also Juan Negrín, *Textos y discursos políticos*, Enrique Moradiellos, ed. (Madrid: Centro de Estudios Políticos y Constitucionales y Fundación Juan Negrín, 2010), 61.

³⁷ Often the limiting of anarchist power in Catalonia was conceptually paired with the curbing of Catalan nationalism. Mariano Ansó (Minister of Justice after Irujo), for example, wrote of the Government’s move to Barcelona in November 1937, “The main bone of contention was public order, absorbed by the Government of the Republic. On this terrain there were those who considered that dissolving the *Consejo de Aragón* was another aggression against Catalan autonomy.” Ansó, 202.

³⁸ The June 1938 decree: “Constitutional principles inherent in the sovereignty of the Republic, grant exclusive representation to... the Ministry of Foreign Affairs... All representatives of any kind that exist abroad that are not directly subordinated to the Ministry of Foreign Affairs are hereby dissolved...” AFJN, 1PCM000000080119001-2.

rearguard because it was considered a crucial factor for victory... In short: the goal was to win the war.”³⁹

The popular notion that PCE and Comintern demands shaped the new cabinet evaporates upon close documentary verification. Checa’s August 1937 report blamed the new government for losses in the Basque Country, for continuing difficulties with Catalonia, and for the failure to bring the participation of the CNT into the “economic organs of the government.”⁴⁰ A frustrated Checa also reported on the way in which members of the new cabinet positioned themselves towards the western democracies, this despite the fact that cementing aid for the Republic from the west was in line with the Soviet leadership’s position.⁴¹ Variations on this principle had long been Stalin’s own position, as his letter to Largo Caballero of 21 December 1936 made clear.⁴² Checa’s report went on to describe the new government’s foreign policy “as a whole” vaguely as “pro-Soviet,” though he did not define this policy. Evaluating the cabinet, he wrote that “Negrín has come out for this policy openly and unreservedly,” but that Prieto “has some reservations” although he supported it publicly, and Giner de los Rios and Jaime Aiguadé privately preferred “aid from democratic France... in order to avoid ‘Soviet influence’ on Spain.” Regarding Negrín’s Justice and Interior Ministers, Checa was clearly irate:

Irujo clandestinely fights against the Soviet policy, does not do this openly for fear of the masses, but does not miss an opportunity to overemphasize English policy, and lately also that of the French – “its good intentions in relation to Spain” – and from time to time this comes out with proposals on opening negotiations with these powers. *Zugazagoita* [the new Minister of Interior], despite the fact that he denies this, is a Troskyesque [*sic*] and anti-Soviet element and does everything possible to influence Prieto as regards this.⁴³

Likewise, in a report to Moscow on 30 July 1937, Comintern representative Stepánov logged a qualified complaint about Negrín himself:

³⁹ Negrín’s speech before the Cortes, 30 September, 1937, AFJN, 1PCM0000000120008004

⁴⁰ RGVA, f. 33987, op. 3, d. 961, ll. 34-56, quoted in Radosh, et al., 399.

⁴¹ This was one of many discrepancies and contradictions between PCE positions and the positions of the Soviet leadership in Moscow.

⁴² Stalin had written that Largo should “prevent the enemies of the Republic from regarding it as a communist Republic.” E. H. Carr, *The Comintern and the Spanish Civil War* (New York: Pantheon, 1984), 86-87. See also Kowalsky, *Stalin and the Spanish Civil War*, and Elorza and Bizcarrondo, 330.

⁴³ RGVA, f. 33987, op. 3, d. 961, ll. 34-56, quoted in Radosh, et al., 400. [*Italics in text*]

Negrín is full of good intentions[,] moves like a devil, accepts almost all the advice of our party, asks for advice frequently from our party, makes promises, undertakes commitments, but does not carry out even half of them.⁴⁴

Others also criticized measures that the new government took regarding the POUM. In their reports, Comintern and PCE officials described Irujo and Zugazagoitia as Trotskyists engaged in sabotaging the struggle against the POUM. In August 1937, Checa reported to Moscow that the “energetic struggle” against the POUM was not being carried out. Given the rise in membership and prestige of the PCE and its drive to “liquidate Trotskyism,” the de-politicization of public order and judicial politics would be a long and arduous task for Negrín and his “kitchen cabinet.” In fact, legal measures taken against revolutionary elements irritated some in the PCE leadership. Checa wrote that

Despite the fact that the Government as a whole declares its disagreement with the policy of Irujo, who is using the Ministry of Justice to restore the old, reactionary justice, and using it against the revolutionary workers and antifascists, at the same time as he is freeing fascists from prison, the government does not take any measures to hinder his policy.⁴⁵

In fact, Negrín had fought hard to retain Irujo in the new cabinet during the May crisis. Irujo had entertained the idea of resigning his new post as Minister of Justice, discussing it with colleagues in the Ministry. It had also been reported in foreign media, despite its suppression within the Republic by Negrín’s censor. Negrín wrote to him pleading that he not resign. “This is not the time to weaken the action of the government. No person or party will assume such a responsibility. The front looks to us and the rearguard trusts in us.” Deploying a refrain that Negrín often used, and which he later used in a letter to US President Roosevelt, he went on, “And history will judge us.”⁴⁶ Negrín’s insistence was born of both his belief in Irujo’s commitment to a liberal rule of law as well as the necessity for continued Basque representation in the cabinet through his Basque Nationalist Party (PNV).

Negrín also took direct action to suppress unauthorized telecommunications centers in the Republic. In late May 1937, the new Negrín government suspended the POUM’s newspaper, *La*

⁴⁴ RGASPI, f. 495, op. 74, d. 204, quoted in Elorza and Bizcarrondo, 391.

⁴⁵ RGVA, f. 33987, op. 3, d. 961, ll. 34-56, quoted in Radosh, et al., 399.

⁴⁶ AFJN, 1PCM0000000050061001. Negrín later appealed to Roosevelt directly, writing, “The result of the war in Spain will decide what Europe will be, and will set the course of events around the world in the future. History will be pitiless and unforgiving to those Statesmen who close their eyes to the evidence, pitiless and unforgiving to those who, in their indecisiveness, jeopardize the principles of tolerance, coexistence, and freedom.” AFJN, 1PCM0000000040026002.

Batalla, for “incitement to rebellion,” and forced it underground. Julián Gorkin, himself the international secretary of the POUM and editor of *La Batalla*, was arrested briefly and testified in court number four on 29 May in Barcelona, before being released.⁴⁷ Barcelona’s Popular Tribunal Number 2 held a hearing on his case on 17 June 1937, incidentally the day after the *Brigadas Especiales* apprehended Gorkin.⁴⁸ But the POUM was not the only party faced with the suppression of publications ordered directly by Negrín. In late May, Negrín wired José Miaja, the Chief of Operations for the Army of the Center in Madrid:

Proceed immediately [with the] indefinite detention [of the anarchist] newspaper “Castilla Libre” and [the] detention [of its] director for [its] arbitrary and injurious attack on the Republican Government STOP In this and all cases of intolerable attacks [with] agitational ends, proceed energetically... [with] suspensions and [the] detention [of] authors. STOP Put together [an] unyielding censor [for the] lofty goals of the Republican Cause.⁴⁹

In June, the Republican police apparatus shut down many other newspapers and radio stations across the political spectrum. On the same day that he took part in the arrest of Andreu Nin (16 June), Barcelona Chief of Police Ricardo Burillo also closed down the radio transmitters of the PSUC (aligned with the Spanish Communist Party), ERC, and CNT-FAI, in addition to confiscating the POUM’s radio transmitter at Calle Wagner No. 2.⁵⁰ On 18 June, Burillo told reporters that he had arranged the shutting down of all radio transmitters “for being unlawful in operation, regardless of class, except Radio Barcelona and the Radio Association of Catalunya, which are the only official ones of the Generalidad.”⁵¹

The claim made or implied by many contemporaries and historians that Negrín was complicit in the arrests and in Nin’s disappearance is groundless speculation, and in fact goes against the internal documents that circulated in Negrín’s cabinet in the wake of the arrests as well as the testimonies of those closest to him. For example, in Pepe Gutiérrez-Álvarez’s book-length polemic on the trial, the author fails to acknowledge at any point the clear disconnect between the *Brigada Especial* that coordinated the arrest of the POUM leadership and the

⁴⁷ Pagès i Blanch, *War and Revolution in Catalonia*, 118.

⁴⁸ *La Vanguardia*, 18 June 1937, p. 2.

⁴⁹ AFJN, 1PCM0000000040002001.

⁵⁰ *La Vanguardia*, 17 June 1937.

⁵¹ *La Vanguardia*, 19 June 1937, p. 3. The CNT-FAI transmitter in Badalona was closed a few days later, while the POUM Badalona radio transmitter was confiscated.

Republican government, which never authorized the arrests.⁵² During the POUM's trial sixteen months later, Irujo acknowledged that the Interior Minister, Zugazagoitia, had not known about the arrests and that the police (*Brigadas Especiales*) who re-arrested the POUM leadership in Valencia and transferred them to Madrid had no right to do so.⁵³

The government seems to have been initially relatively comfortable with the arrests, before they learned of Nin's abduction. Vidarte later wrote, "his [Nin] transfer to Madrid for face-to-face meetings and proceedings had not alarmed us."⁵⁴ What caught Negrín's attention was the news of Nin's disappearance. Thereafter, he, Zugazagoitia, and Irujo dedicated their energy to investigating the disappearance and to securing the safety of the remaining POUM detainees. It should be pointed out that in a technical sense, the arrests were not illegal – the government did not need to authorize such action and the order signed by the *Dirección General de Seguridad* (DGS) chief Ortega was adequate, despite the dubious origin of the documents that inspired it. However, given that it was a central issue in the fall of Largo Caballero's cabinet a month before, such a delicate issue certainly should have prompted recourse to higher authority within the Interior Ministry if not to Negrín himself.⁵⁵ Negrín sacked Ortega for this offense.

It is the case that, on 1 June 1937, Zugazagoitia had received the same report as did Ortega from the counter-intelligence agency of the Madrid police commissariat outlining the alleged fascist activity of the POUM, including the infamous "N" message on the back of a military map.⁵⁶ As a witness testifying for the defense in the POUM trial, Zugazagoitia later sarcastically commented that he had only been given a photographed copy of the ostensibly incriminating document with invisible ink, with the secret message already decoded.⁵⁷ However, Zugazagoitia did not learn of Nin's abduction and disappearance until 25 June apparently, and by then the Soviet advisors in the capital could not be found.⁵⁸ There had been rumors, perpetuated by its political enemies, that the POUM had relations with fascist espionage. But many within

⁵² Gutiérrez-Álvarez, *Un ramo de rosas*, 356.

⁵³ Alba and Ardevol, *El proceso*, 405.

⁵⁴ Vidarte, 721-722. Interestingly, at this point in his 1973 book, Vidarte immediately goes into a discussion about the Moscow trials and the rivalry between Stalin and Trotsky, in which he cites Arthur Koestler as the most evocative example for the reasons for confession, and later cites Orwell. *Ibid.*, 722-724.

⁵⁵ What was illegal, as Irujo pointed out in the trial in session on 18 October 1938, was the re-arrest of the POUM leaders in Valencia at the gates of the jail after they had been released, their transfer to Madrid, and we may add to that the disappearance of Nin.

⁵⁶ AFPI, AH-71-6. The report that Zugazagoitia received detailed the *actual* fascist espionage network composed of over two hundred agents which had been discovered, and made a connection between that network and the POUM.

⁵⁷ CEHI, *Proceso POUM*, Caja 3, Carpeta 7.

⁵⁸ Grigulevich had apparently already returned to the Soviet Union. Preston, *The Spanish Holocaust*, 414.

the Republican government and the Generalitat viewed such rumors as illegitimate, ridiculous, and unbelievable. Zugazagoitia wrote a few years later of the accusations against the POUM leadership, saying that “when I heard it, it seemed to me to be false. It was absurd to think that they would be involved in espionage with Franco.”⁵⁹

The doctored documents represented NKVD operative Alexander Orlov’s attempt to take advantage of the prevailing chaos after the May events to carry out two objectives. First, the arrest of the POUM leadership, which Orlov thought would correspond with government “administrative measures against the Spanish Trotskyists to discredit POUM as a German-Francoist spy organization,” as he wrote in a secret report to Moscow on 23 May 1937 nearly a month before the arrests.⁶⁰ In fact the opposite was the case – the subsequent POUM prosecution and trial publicly endorsed the opposite view, namely, that all of the POUM leadership had been “marked and longstanding antifascists.”⁶¹ Second, the arrests put Nin within Orlov and Grigulevich’s reach and enabled his murder. Orlov certainly miscalculated on the first and may have done so on the second. The extent to which his involvement in Nin’s killing contributed to his flight and defection from the Soviet Union months later will remain inadequately understood until the KGB/NKVD archives are declassified and opened to researchers. In any case, Orlov’s actions were only possible in the context of a virulent public discourse about internal enemies and the conflation of Trotskyism as a political ideology with Trotskyism as a catch-all phrase for anti-Republican and anti-Soviet activity.

The first time that explicit claims of documentary evidence of a Francoist-POUM conspiracy appears in available Soviet documents is in the Comintern operative Stepánov’s report to Moscow on 11 May, sent a full week before Negrín assembled his new government, reporting on the May events. It is worth quoting because it was also the first time (that we know of) that the information crossed Dimitrov’s (and presumably Stalin’s) desk:

⁵⁹ Zugazagoitia, 272.

⁶⁰ Orlov to Centre, May 23, 1937, RISA f. 17679, vol. I, p. 154-6, cited in Costello and Tsarev, 288-289.

⁶¹ The phrase read, “...*todos ellos tienen una marcada y antigua significación antifascista*...” The word “old” or “longstanding” (*antigua*) does not appear in Víctor Alba’s compilation of the POUM trial documents, nor in other references to the sentencing. It did appear in the actual court documents and on the copy sent to Negrín on 31 October 1938. For the court document, see CEHI, *Proceso POUM*, Caja 4, Carpeta 10. For Negrín’s copy, see AFJN, 1MJU1000000020207002-7015.

Also, from the pro-fascist activity of the Trotskyists... today we have the most sinister illustration of their fascist objectives in the *putsch* of Cataluña. We have very interesting documents that prove the connections between the Spanish Trotskyists and Franco...⁶²

Stepánov went on to say that he had spoken a day before with the former Head of Public Order in Catalonia, Valdéz, who claimed that he had “sensational and revealing documents about the connections and activities of the Trotskyists.” Valdéz reportedly had promised to send copies soon. Stepánov also claimed that in a meeting of the Council of Ministers, Largo Caballero’s Interior Minister, Ángel Galarza, claimed to have evidence that the “*poumista-trotskistas* maintained regular relations with a fascist organization of espionage and provocation that had its headquarters in Marseilles and worked in the service of Franco.” The fact that Stepánov referred to Galarza incorrectly as the Foreign Minister may have simply been a mistake; but it certainly places some doubt on the credibility of his story, which perhaps could have been a creative way to create the impression that the Republican cabinet sympathized with Stepánov’s anti-Trotskyism.⁶³

Zugazagoitia wrote of the period in his memoir:

My hope of defending his [Nin’s] life made me give up on my original intention: to abandon the post that I exposed myself to, because of the disorganization of the ministry, a disorganization that was difficult to correct because it was the work of political passion, as dangerous as it was underhanded and left spattered with blood. Since Nin’s life was gone, I know that I defended other lives... and that conviction, which stopped me from regretting that I continued as Minister, has earned me the pejorative epithet in certain circles of being a “humanist”... I offset it with the pride of not having faltered before the challenges not one day in my duty... one of the lessons that I have learned in the war is that those who are most cruel are also the most cowardly when duty is hard.⁶⁴

Zugazagoitia indeed remained an extremely active and important member of the Republican government until it ended with Colonel Casado’s coup in March 1939, whether as Minister of Interior or as Secretary General of National Defense, a post created by Negrín specifically to keep Zugazagoitia in the government. He testified in the POUM’s trial of October 1938 and defended the credentials of the *poumistas*, but not because he was a sympathizer; rather, he was an intellectual of liberal (or today we might say social democratic) politics whose belief in the Republic outweighed any other consideration. He shared this sentiment, however misguided it

⁶² RGASPI, f. 495, op. 74, d. 204, quoted in Elorza and Bizcarrondo, 370.

⁶³ RGASPI, f. 495, op. 74, d. 204, quoted in Elorza and Bizcarrondo, 370.

⁶⁴ Zugazagoitia, 294-295.

may have been, with Negrín, who a month later (in August 1937), asked Zugazagoitia to appear in court in defense of the POUM.⁶⁵ Zugazagoitia's fellow socialist and then sub-secretary, Vidarte, later wrote that Negrín had said in August, "The only thing that matters to the government and to me is the truth. I think that you [Zugazagoitia] should appear and tell it."⁶⁶

Negrín had no sympathy for the *poumistas*, whom he considered adventurers, especially in the wartime context of summer 1937. He was, however, like many others, revolted by the extra-judicial killings that swept the Republican zone in the aftermath of the military uprising in summer 1936. As Helen Graham points out, "for Negrín, as a liberal, legitimacy in this context resided in the fact that violence as a facet of state power was not arbitrary but limited by constitutional law subject to revision by collective consent."⁶⁷ It is important to add that the sort of "revision by collective consent" was conceived within a parliamentary conception of democracy quite opposed to the collective direct action of the CNT, or indeed the democratic centralism of the POUM. It was not that Negrín believed that the POUM leadership should not be castigated or punished for their alleged actions; rather, as a liberal statesman, he placed paramount importance on due process and the regularity of justice. The nightmare of the Paracuellos prisoner killings, in which Santiago Carrillo (then twenty-one years of age), regular police, the CNT, Soviet operatives, and others within Madrid's Defense Council were complicit, had marked Republican justice in a qualitatively (if not quantitatively) similar way as Nin's killing.⁶⁸ It was imperative for the incoming cabinet to, as it were, clean the spattered blood and rebuild state infrastructure for the *legal* prosecution of enemies.

It is fair to argue, as Graham has, that "[t]he Republican authorities needed to make an example of the POUM by bringing the full weight of liberal law and order to bear on its leaders."⁶⁹ Graham also correctly argues that the Comintern, Soviet police, and the PCE had been regularly violating that law and order, though it should be added that other groups not aligned with the Communists had also maintained their own *checas* and illegal interrogations

⁶⁵ On 20 September 1937, Comintern operative Vittorio Codovilla reported directly to the Presidium of the Comintern on the disappearance of Nin. When asked by Manuilskii if it could have been Zugazagoitia who liberated Nin rather than the Gestapo, Codovilla responded that "[t]hat cannot be discarded, since Zugazagoitia is an element sympathetic to Trotskyism." RGASPI, f. 495, op. 2, d. 256, quoted in Elorza and Bizcarrondo, 376.

⁶⁶ Vidarte, 744.

⁶⁷ Graham, *The Spanish Republic at War*, 161.

⁶⁸ For more on Paracuellos, see Preston, *The Spanish Holocaust*; and Ian Gibson, *Paracuellos: cómo fue* (Barcelona: Plaza & Janés, 1987). On the accusations of Carrillo's participation, see Carlos Fernández, *Paracuellos del Jarama: ¿Carrillo culpable?* (Barcelona: Argos Vergara, 1983).

⁶⁹ Graham, *The Spanish Republic at War*, 284.

centers. The full weight of law and order fell not only on the POUM's leaders; the TEEAT and other tribunals also tried rank-and-file *poumistas*. Also, state-sanctioned legal actions against the POUM leadership after summer 1937 and up to its trial in October 1938 should not only be considered in isolation within the borders of the Republic; the disappearance of Nin had put the fate of the POUM leadership into the international limelight. That is to say, the protection and prosecution of the *poumistas* was intimately tied to an international context in which it had been convenient for the western democracies to emphasize that "Red Spain" could not bring any stable and legal public order. The POUM trial, and other legal prosecutions, would attempt to rectify this perception. This international dynamic was perhaps the most important force that shaped the sixteen-month prosecution.

The May events presented a window of opportunity for the Republican government to take over public order in Catalonia, which the Generalitat and revolutionary "patrols" had previously overseen. This exacerbated relations between the two governments, as the Generalitat saw its authority curbed.⁷⁰ Negrín and his new cabinet certainly expected an influx of prisoners, given the crackdown on public order on those deemed "incontrolados" initiated in May and June 1937. The exact number of *poumistas* arrested is unclear. Estimates range from the official figures given by the DGS of around 300, to the claim by the POUM leadership's initial defense attorney, Benito Pabón, of 1000 in summer 1937 alone, all the way up to claims that police detained several thousand.⁷¹ Vidarte, the Deputy Secretary of Interior (under Zugazagoitia) claimed that police arrested over 200 *poumistas*, including both civilians and soldiers.⁷² Based on the author's research, it is likely that the figure was somewhere between 300-600 in Catalonia, and perhaps another 100 in other regions. However, this number should be put the context of the total sweep of arrests after May 1937 of so-called "incontrolados." According to a leading scholar on police repression in Catalonia, from May 1937 to the end of 1938, of a total of 3,700 antifascists detained by police, 4% were POUM, 3% were UGT-PSUC, 90% belonged to

⁷⁰ As we shall see, the TEEAT itself became an object of regionalist conflict, especially after the Negrín government moved its headquarters to Barcelona.

⁷¹ The DGS number is taken from AHN, Caja 1741, Expediente 20, cited in Ángel Viñas, *El escudo de la República*, 611, note 9. For Pabón's claim that a thousand had been arrested by 2 July 1937, see *ibid.* See also Volodarsky, "Soviet Intelligence Services," 250.

⁷² Vidarte, 725.

anarchist/libertarian organizations, and the remaining 3% were from other organizations, including the ERC.⁷³

The reforms that Negrín, Irujo, and Zugazagoitia drafted and discussed in meetings of the Council of Ministers should be seen as attempts to normalize, control, and above all else institutionalize the arrests and prosecutions, and not, as they are typically portrayed, as the hand of “Stalinism” in Republican Spain, given free reign by the change in government. In fact, the POUM affair had thrown a wrench in the anti-Trotskyist agenda of the Comintern. A report found in Soviet Military archives from the still unidentified Comintern or GRU (Soviet military intelligence) operative “Cid” in Spain to Voroshilov, illustrates this point well. The message was sent on 22 July 1937, in the immediate wake of Ortega’s removal from the DGS:

The real result of this conflict, despite the positive results of the political demonstration by the Communist ministers, is still unfavorable for the party. Ortega has to be sacrificed, the post of chief of *Seguridad* will apparently be taken by a Socialist from Prieto’s group, and the struggle with the Trotskyists and other counterrevolutionary forces will go on much more slowly and with greater difficulties than up to now.⁷⁴

Nevertheless, the space created by the chaos of the May events and its aftermath gave the Soviet NKVD the space it needed to use Republican police forces in the operation against the POUM leadership, and more importantly, against Nin. In contrast, the arrests of members in the POUM rank and file, especially foreigners in the POUM, and actions against its newspapers (including *La Batalla*, which continued printing issues until 27 May clandestinely), should be understood in the context of the reconstruction of the Republican police and judicial apparatus, and Negrín’s general clampdown on public order in Catalonia.⁷⁵ The apparent contradiction here is that the NKVD’s operation against Nin threw police actions into the spotlight, hindering the broader anti-Trotskyist campaign and in fact served in part as a justification for Negrín’s efforts to depoliticize public order and judicial process. The contradiction is resolved in the understanding that the goals of the Soviet apparatuses in Spain (GRU, NKVD, Diplomatic Mission, etc.) often

⁷³ Godicheau, *La Guerre d’Espagne*, 180. Godicheau has since informed the author in correspondence that the total figure of *poumistas* arrested in Spain was perhaps “approaching 1000,” and that the total number of imprisoned antifascists well exceeded 4000. My thanks to François Godicheau for his assistance. For a chronology and further quantitative data on known arrests, see *ibid.*, 182-ff.

⁷⁴ RVGA, f. 35082, op. 1, d. 190, ll. 171-181, quoted in Radosh, et al., 217. The Socialist Gabriel Morón, Ortega’s former sub-secretary who had been appointed to keep watch on Ortega, took up the position of chief of the DGS on an interim basis.

⁷⁵ Elorza and Bizcarrondo, 370.

differed according to the institutional imperative of each; they often acted secretly and without unity of intention or method. This was particularly the case when we add into the mix the Soviet leadership in Moscow, Comintern advisors, and the PCE leadership, who certainly did not always agree or share information.⁷⁶

It is obvious that, to some extent, the USSR's involvement brought Soviet politics to Spain, as many a historian and polemicist have argued tirelessly. But that politics was often confused, heterogeneous, and contradictory: it was the politics of the Soviet mass repressions of 1936-1938, complicated and transformed by the rapidly changing material, political, and social conditions within Spain, and the repressions in the Soviet Union and the Comintern apparatus.⁷⁷ It is not unusual that Soviet politics both clashed and dovetailed with the Spanish Republic's diverse political culture. But the POUM affair did not illustrate the power and malevolence of "Stalinism" in Spain; rather, it set its contradictions, limitations, and confusions into sharp relief. The fact that historians still deploy such empty language to explain complex events in the Spanish Republic and the USSR attests to our lack of understanding of both.

4.2 POLICE AND PUBLIC ORDER REFORM AFTER MAY 1937

Since summer 1936, attempts to rebuild the forces of public order in the context of military insurrection had proven somewhat futile. In Madrid, Manuel Muñoz Martínez had found the task almost impossible both because of the unreliability of Civil and Assault Guards (often composed of fascist sympathizers) and because each of the trade unions and political parties in the Republican zone carried out their own detentions and executions. Muñoz's August 1936 creation of the Madrid *Comite Provincial de Investigación Pública* (CPIP) had been an attempt to remedy the dual problem by convincing the armed leftist unions and parties to support the DGS by

⁷⁶ Examples include Stalin's call for elections in the Republic, or with his call in February 1938 for the PCE to abandon the government and focus all of the efforts of the party on the front. Schauff, *La Victoria Frustrada*, 154. Schauff argues convincingly that, in contrast to the Soviet government, which had particular foreign policy goals (collective security, bringing the western democracies into an antifascist alliance, etc.), the Comintern was the only Soviet institution that regularly and intensely debated the events and politics of Spain. Ibid., 348. The original version of this work was published in 2004 in German under the title, *Der verspielte Sieg*.

⁷⁷ The Soviet mass repressions perhaps had a debilitating impact on Soviet intervention as a whole, as Schauff argues, as it penetrated all of the aforementioned Soviet institutions. Schauff, *La Victoria Frustrada*, 346. For the repressions in the Comintern, see Chase, *Enemy within the Gates*, passim.

bringing them into its ranks. The apparatus thus became highly politicized and its police work and repression correspondingly followed partisan lines, often with brutal results.⁷⁸ Moreover, quickly improvised courts handed down arbitrary sentences in summary trials, much like the *Comisión Jurídica* and the earliest Popular Tribunals in Catalonia. The CPIP and other measures by the DGS in the first months of the war responded to the *sacas* and *paseos* – the extrajudicial murder of political opponents, personal enemies, or fascist sympathizers.

Throughout fall and winter of 1936, and into the summer of 1937, García Oliver's Popular Tribunals had dealt with prosecutions, reestablishing the foundations of Republican judicial culture, albeit with politicized judges and magistrates drawn from labor unions and the Popular Front political parties. The police apparatus correspondingly remained fragmented and staffed with partisan officials who often operated independently, using the DGS affiliation as a smokescreen for their own selective repression. Ángel Galarza, former Minister of Interior in Largo Caballero's government, had taken administrative measures in late 1936 and early 1937 to try to stop the *sacas* and *paseos*, including curfews and regulations on detentions, but they lacked the state infrastructure necessary for enforcement.⁷⁹ As Zugazagoitia reflected, "Galarza did not succeed in controlling the situation, although he had succeeded in improving it. The problem with the police proved very difficult to resolve. The arbitrariness was a widespread defect."⁸⁰

Police and judicial reforms in summer 1937, then, were carried out not in the immediate context of the infamous *sacas* and *paseos*, but rather in the context of a highly politicized police apparatus operating in a scattered and decentralized fashion, often still through partisan militias, trade unions, and political parties. Negrín later wrote, "Upon forming the Government over which I presided, one of the first considerations was that of reorganizing police services, to give them a technical nature, which would of course assure their Republican loyalty, but also liberate them of the coercion of political partisanship."⁸¹

Upon taking up the Ministry of Justice, Irujo declared in Madrid, "I raise my voice... to assert that the *paseos* have been done away with... going forward there will not be any other norms for the application of the law... other than those of the Republic... The *paseos*... have

⁷⁸ For examples, see the atrocities of Felipe Sandoval of the CNT or Socialist García Atadell. Julius Ruiz, "Defending the Republic: The García Atadell Brigade in Madrid, 1936," *Journal of Contemporary History*, Vol. 42, No. 1 (Jan. 2007): 97-115.

⁷⁹ See Javier Cervera Gil, "Violencia en el Madrid de la Guerra Civil: Los 'Paseos' (Julio a Diciembre de 1936)," *Studia historica. Historia contemporánea*, No. 13-14 (1995-1996), 70-71.

⁸⁰ Zugazagoitia, 177.

⁸¹ AFJN, Apuntes de Barcelona, Caja 2, Carpeta 2bis.

ended.”⁸² Although the claim was somewhat dubious, it indicated the priority of the new cabinet to end the political violence and reassert a state monopoly on violence and the use of force.⁸³ Negrín asserted its constitutionality and non-Communist character the following week in international and Spanish media. On 22 May, under the headline “The government decides to institute a single command,” Negrín made a statement to the United Press that was later published in the PSOE organ, *El Socialista*:

The government will never tolerate any kind of disorder in the rearguard, and in this it will be unwavering... The government will never tolerate the undermining of its authority in the territory under its control.⁸⁴

The next day, under the headline, “Spain does not intend anything but a purely democratic route,” Negrín responded to accusations of Communist control:

The punishments established by our laws will be applied to those who currently participate in the rebellion, after being tried by the appropriate courts... Regarding the notion [declared] from abroad that the future regime of Spain would be communist, I would only like to say that those who spread such rumors do not do so to attract sympathy to the Republic. The free will and sovereignty of the people will decide what the Spain of tomorrow will be.⁸⁵

It is in this context – the material context of war and the reconstruction of state structures and the discursive context of constitutionality, sovereignty, and explicit non-partisanship (and non-Communism) – that Negrín’s summer 1937 public order decrees should be understood.

The popular tendency to treat the transitional period in May 1937 as a “counterrevolution” in which the “Stalinists” (broadly construed essentially as anyone who prioritized the war effort over the social revolution of 1936) came to power relies on the assumption that Negrín acted under orders from Soviet and Comintern advisors and the PCE, an assertion which does not hold up to documentary scrutiny.⁸⁶ In fact, the irregularities of PCE,

⁸² Alba, “De los Tribunales Populares al Tribunal Especial,” in *Justicia en guerra*, 231.

⁸³ The amount of *paseos* and *sacas* had fallen through the fall and winter of 1936, and were much less common rare in 1937. For a quantitative analysis of the frequency of extrajudicial killings in Madrid, see Cervera Gil, “Violencia en el Madrid de la Guerra Civil,” 73-82.

⁸⁴ AFPI, Hemeroteca, 8469, *El Socialista*, 22 May 1937.

⁸⁵ AFPI, Hemeroteca, 8470, *El Socialista*, 22 May 1937. He went on, “...but given the spiritual structure and diversity of ideological tendencies I do not believe in the possibility... of a fundamental shift in the regime that could be anything other than democratic.”

⁸⁶ Many of the animosities towards Negrín for his supposed “crypto-Communism” deepened during the Cold War, when the narrative became an easy way for former officials of the Republican government to explain away their

NKVD, and Comintern officials often impeded Negrín's goals. Their methods often violated Negrín's vision of a constitutional republic and damaged the Republic's image in important political circles in the western democracies. Nevertheless, as the POUM was legally suspended pending investigation by the Republic's TEEAT, police forces removed *poumistas* from posts in the Popular Tribunals, municipal committees, union committees, and notably within the UGT, the Catalan section of which saw a sharp rise in PCE-aligned PSUC members.⁸⁷

For the purposes of clarity, public order reforms and judicial reforms will be treated separately, though in practice they worked together as two parts of the same penal apparatus. The attempt to streamline, depoliticize, and centralize public order is evident from a decree of July 1937, proposed by Zugazagoitia and accepted by the Council of Ministers. It was a response to irregularities and a general lack of control over Republican police forces in the wake of the May events. Broadly speaking, it wrested powers over criminal investigations and police forces away from local committees and set them squarely under the authority of Government's *Consejo Nacional de Seguridad*. Previous committees had been composed of members of the dominant political groups, including the CNT-FAI, the PCE (and PSUC), and Republican parties.

It also established the internal structure of Republican police forces, designating how the *Consejos de Seguridad* would be composed, in fact proposing that voting be used to select lesser officials.⁸⁸ The decree also set out plans, inspired in part by Prieto, to establish "Technical Schools" of instruction and development for security officers that would provide practical training, especially for new inductees. Building on the previous efforts of García Oliver to govern the politics of officials of state security, it established purification Tribunals, but now within the framework of a broad concept of antifascism. Here too we see Negrín and his cabinet building on the work of the previous government in the sphere of public order. Negrín presented the decree as a corrective to prior reforms:

The Decree of last December [1936], which created the *Cuerpo de Seguridad*, made certain modifications to achieve the unification of the services it is tasked with, [but] so far it has not achieved that because of the excess [*prolijidad*] of missions assigned by the

shortcomings and, ultimately, the loss of the war. This is particularly the case with anti-Communists, such as Indalecio Prieto and former Communists such as Jesús Hernández. A former minister under Negrín, Hernández was expelled from the PCE in 1944 and later published the often wildly inaccurate account, *Yo fui un ministro de Stalin* in 1953 in Paris.

⁸⁷ Alba, "De los Tribunales Populares al Tribunal Especial," in *Justicia en guerra*, 232.

⁸⁸ AFJN, 1MGO00000004-0001.

various National and Provincial Councils, and because of other difficulties observed since then that undermined the State security services in this transitional situation, which must have utmost importance over anything else.⁸⁹

The reining in of public order forces is a central theme through the document. The previous *Cuerpo de Seguridad* became the *Cuerpo de Seguridad Interior*, and different bodies were designated, each with specific functions and chains of command. The *grupo uniformado*, or military body, encompassed Assault Guards and Urban Guards. The *grupo civil* established three bodies: Interior Police, Exterior Police, and Special Police. Interior Police were responsible for the pursuit and capture of criminals who had committed crimes “of common and social nature,” while the Exterior Police was responsible for security at borders, on transport networks, and at hotels. The Special Police were placed in charge of intelligence and surveillance of “activities against the regime and concerning the security of the State.”

The decree was also a measure to put “Special Security Services” under the explicit control of the Interior Ministry. The new “Special Police” acted directly under “the exclusive authority of the *Departamento Especial de Información del Estado*,” (hereafter referenced as DEDIDE) and was directly answerable to the new Minister of Interior, Zugazagoitia. Similar measures in summer 1937 also streamlined special police and intelligence activity, as several intelligence agencies were consolidated into a few, and then into one. The *Brigadas Especiales* (a part of the *Cuerpo de Investigación y Vigilancia* in the Madrid Police Commissariat, which it will be remembered oversaw the arrest of the POUM leadership), the Special Service Bureau of the General Staff of the Army, and other *ad hoc* counterintelligence groups were merged to create the DEDIDE, under the leadership of David Vázquez Baldominos. Vázquez Baldominos had been the former head of one of the *Brigadas Especiales*, with which NKVD operatives Alexander Orlov and Iosef Griguleveich, as well as Santiago Carrillo, worked.⁹⁰ Further public order reforms initiated after June 1937, when the POUM leadership was arrested, should be understood as a response to the outcry provoked by such flagrantly political actions – not as something that dovetailed with or contributed to Soviet NKVD actions, as Orlov had incorrectly assumed.

⁸⁹ AFJN, 1MGO000000004-0001. Another version of the decree, which appears to be an earlier draft, read “Moreover, in the interim period, in this transitional situation, difficulties have increased that hinder State Security services, which must have utmost importance over anything else.” AFJN, 1MGO000000004-0004. It is unclear what brought about this change in language (from *entorpecer* to *perjudicar*).

⁹⁰ Preston, *The Spanish Holocaust*, 384-ff.

The decrees of summer 1937 also sought to professionalize public order, which was connected to efforts to depoliticize the police. Decrees targeted both the local revolutionary “patrols” that arose in the wake of the outbreak of the war and the irregular and arbitrary actions of PSUC and PCE-oriented policemen. Assault Guards had to have served for at least two years to be passed to the Urban Guards, and the decree gave “rigorous priority” to older policemen seeking to pass to the Urban Guards.⁹¹ But this also meant that many career military and policemen would become policemen in a highly politicized and tense public order situation. Given the PCE’s reputation as the “party of war” and a party of order, it is not surprising that many PCE members joined. This phenomenon has often been explained in ideological terms – as the abstract product of “Stalinism” – rather than within the framework of the material conditions of the wartime Republic. Antonio Ortega, who ordered the arrest of the POUM leadership based on documents that had been doctored by NKVD operatives, is an archetypal example.

Even if we accept the terms of debate, it would be a gross overstatement to state, as some have, that the Communists (PCE and PSUC) dominated the police apparatus after the Negrín transition. In the first week of June, Negrín placed trusted officials into positions of authority throughout Republican territory. Gabriel Morón (PSOE) had been made deputy director of the DGS on 3 June, apparently to keep an eye on Antonio Ortega, who had recently joined the PCE, a fact that Negrín claimed not to have known at the time.⁹² Morón replaced Ortega after 20 July, in the wake of and indeed on account of the POUM debacle. Negrín appointed the PSOE leader Paulino Gómez Sáiz (who would later become Negrín’s Interior Minister in April 1938) the official Government Delegate for Public Order to Catalonia to monitor Catalan police actions.⁹³ He regularly met with police and judicial officials. In July, Prieto replaced the head of military intelligence, Manuel Salgado (CNT), with Angel Pedrero García (PSOE), who would later lead all intelligence and counter-espionage work in the Republic as head of the *Servicio de Inteligencia Militar* (SIM), which is discussed below. Lieutenant Colonel Ricardo Burillo, a Communist who was also loyal to Negrín, was appointed to Chief of Police in Barcelona. Although Burillo led the police unit that arrested the POUM leadership, it is far from clear that

⁹¹ AFJN, 1MGO000000004-0001.

⁹² Morón was apparently out of Madrid on an assignment when the POUM arrests were ordered two weeks later.

⁹³ Gómez Sáiz replaced the Republican José Echevarría Novoa.

he knew about the role of Soviet intelligence operatives in the arrests.⁹⁴ In short, Negrín faced the task of limiting arbitrary and politicized police actions in the Republic while not offending the PCE, which had been one of the several political parties complicit in such actions. A failure to appease the PCE would provoke a government crisis and perhaps jeopardize Soviet aid, something which Jesús Hernández and Vicente Uribe, the two PCE ministers, regularly pointed out to the Negrín.

Negrín's decrees also laid out plans for training centers for both the uniformed, military police and the civil police in which teachers and assistants from the military group aided in the training of the civil group and vice versa. The aforementioned public order decree also built on previous police hierarchies while regulating the politics of directly appointed policemen. "Personnel... who have already been examined by the former Provincial and National Councils, will serve as the foundation for the construction of the general hierarchy of the [new] *Cuerpo*." It created "purification Tribunals" in each provincial capital and tasked them with "subjecting all Agents of *Vigilancia* that entered the *Cuerpo* by direct appointment to cultural and psychotechnical examinations." In a clear measure of control directed towards the revolutionary "patrols," the decree read, "members of antifascist Police and Rearguard Militias that are not serving in another Body of the State will also have the right to attend the examinations."⁹⁵ Those who did not pass the examination could not be posted in agencies of *Vigilancia*, but passed directly to either the Assault or Urban Guards according to their abilities. Clearly, intelligence gathering, surveillance, and the monitoring of subversive political activity would be subject to far more rigorous controls than in previous months.

The now codified regulation of those responsible for the investigation of espionage and other counterintelligence work again responded to the irregularities committed during the tenure of the previous government, and in particular those committed by Soviet operatives in Spain. All future efforts at improving the fight against espionage and sabotage, as well as anti-regime activities, would be placed squarely under the Minister of Interior, Zugazagoitia, and the Ministry of Defense, held by Prieto and later Negrín himself. This was a priority for Negrín in

⁹⁴ Viñas, *El Escudo de la República*, "El asesinato de Nin"; Preston, *The Spanish Holocaust*, 404. Zugazagoitia and Negrín had such faith in Burillo that even after the arrests, they proposed Burillo as a replacement for Ortega as DGS chief (which was not accepted; Morón became DGS chief). Both Negrín and Zugazagoitia insisted that the removal of Ortega was not an action against the PCE. RVGA, f. 35082, op. 1, d. 190, ll. 171-181, quoted in Radosh, et al., 215-216.

⁹⁵ AFJN, 1MGO000000004-0001.

summer 1937, and he relied on the support of both his Justice and Interior Ministers in the task.⁹⁶ The foundation of the DEDIDE, the decree for which was drafted in summer 1937 and published on 12 June, responded to the failures of previous efforts and aimed to fight espionage. Overall, it sought to organize operations and increase efficiency in intelligence work. The draft decree read:

In this struggle... the State defended itself weakly against its numerous national and foreign aggressors. Its weakness arose from the lack of an effective body and [the lack of] a plan of action...⁹⁷

The preface of the draft decree argued that, “The war has revealed the futility of the traditional procedures that combine to prosecute spies, the disloyal [*infidentes*], and provocateurs.” The state had taken “improvised” measures that had been incapable of streamlining and intensifying the crucial task of counterespionage. The document positioned the lack of a systematic persecution of espionage as “the fundamental problem of the war.” Placing the measure within a broader international context, it read:

The creation does not contain anything original. It is quite old and accredited in many countries. Its demand is that of continuity. Its value is that it is a school for officials capable of successfully preventing the victories of enemy agents. All of this reinforces that Spain, responding to its passion for victory, can rely on this new instrument of activity that is indispensable for achieving it [that is, victory].⁹⁸

The DEDIDE’s purpose was “to organize and lead the most robust struggle against all appearances of espionage and sabotage.” Its authority structure was clear. Article two set out that the DEDIDE would be “arranged exclusively through common agreement between the Minister of the Interior and its Director,” and its “structure and functioning will proceed with the utmost secrecy.”⁹⁹

After the meeting of the Council of Ministers on 3 July, Prieto told the press that it was necessary for the government to create a Vigilance Service in order to persecute war espionage. On 6 August 1937, he decreed the SIM, designating that it operate directly under the authority of

⁹⁶ Graham, *The Spanish Republic at War*, 339. In fact, the refrain “más cruel cuanto más solapada” appears verbatim in both a draft decree on espionage from summer 1937 and in Zugazagoitia’s 1940 memoir when he is discussing the disorganization of public order in the same period.

⁹⁷ AFJN, 1MGO000000004-0003. *Gaceta de la República*, 13 June 1937, p. 5; Volodarsky, “Soviet Intelligence Services,” 152; Preston, *The Spanish Holocaust*, 416.

⁹⁸ AFJN, 1MGO000000004-0003.

⁹⁹ AFJN, 1MGO000000004-0003.

his Ministry.¹⁰⁰ While the DEDIDE was responsible for collecting intelligence in the rearguard, the newly established SIM was initially concerned with military intelligence and the investigation of espionage and sabotage in the armed forces. To simplify intelligence operations and information collecting, the two were later merged in March 1938, retaining the name SIM. The DEDIDE had been created to deal with the contingencies of wartime espionage, and to reinforce and discipline the rearguard.¹⁰¹ But the SIM was a military intelligence organization, and thus when DEDIDE and other counterintelligence services were combined into SIM, a “militarization” of the Republic’s policing and counterespionage efforts did indeed occur.

However, this was hardly irregular or surprising given the wartime context, and does not have anything inherently to do with “Stalinism.” From the revolutionary perspectives of the CNT and the POUM, the professionalization of police and the restructuring of intelligence gathering was disastrous, as it sought to reconstruct the state’s security apparatus and to eliminate its partisan and thus revolutionary color. The fact that this coincided with the broader Communist goal of defending the bourgeois Republic does not signify a causal relationship – Negrín and other ministers had their own reasons for reconstructing the old Spanish Republic, many of which were tied to the international diplomatic imperatives.

Most treatments of Negrín’s public order reforms adhere to the narrative that he acted deliberately to give the PCE, the Comintern, and the Soviet apparatuses in Spain *carte blanche* in policing in order to carry out repressions of political enemies. Although it is true that the first few months of Negrín’s government coincided with arrests of hundreds of antifascists, it is crucial to point out that Negrín understood the public order crackdown in direct relation to the war and not to the social revolution. This was not a “Stalinist” operation directed towards reversing revolutionary gains; it was an attempt to reinstate the liberal state’s judicial and police apparatuses and provide law and order, both to streamline the war effort and to appeal to the western democracies. It is undeniable that the measures undermined the social revolution sparked by the outbreak of the war; but this was epiphenomenal in Negrín’s understanding. To see the measures in purely ideological terms, important though they certainly were, is to overlook these other more primary causal factors.

¹⁰⁰ SIM decree, *Gaceta de la República*, Núm. 219, 7 August 1937, p. 523-524. The decree stipulated that “The Minister of Defense has exclusive authority over appointments (chiefs, investigators, and agents for said agency, whose cards will carry the signature and stamp of the Minister).” Another copy can be seen in Vienna, Austria in DÖW, Fond 545 RGASPI, Op. 4, f. 142.

¹⁰¹ *La Vanguardia*, 4 July 1937, p. 5.

The appointments made by Negrín's new cabinet nevertheless included some disastrous choices, in terms of eliminating partisan police action in the state apparatus. Ortega, whom we have already discussed, was a particularly bad choice. Negrín later claimed that had he known Ortega was a Communist, he would not have appointed him. Regardless of the veracity of Negrín's statement, Ortega had indeed been in contact with NKVD operative Orlov in Madrid. Fernando Valentí, the head of the *Brigada Especial* that orchestrated the arrest of the POUM leadership, was also in contact with the NKVD.¹⁰² In this instance, the NKVD's actions were explicitly political and quite disconnected with the goals of the Republican government. The NKVD's assassination operations ("*liter*" cases) that involved the killings of Nin and Trotskyist-affiliated foreigners in Spain were part of a broader global Soviet campaign against Trotskyists. A distinction must be made between these Soviet NKVD operations and the operations of the SIM, for they responded to different political and institutional imperatives.

There is much controversy surrounding the nature of SIM in the historiography, especially among those who prefer to see it as the Spanish section of the Soviet NKVD. Although a systematic analysis of the SIM, its actions, and its political tendencies is beyond the purview of this dissertation, it is worth noting the positions taken by various historians on the issue. Stanley Payne and others claim that Orlov was in conversation with Prieto regarding the SIM's foundation and leadership, ostensibly to build a NKVD-led secret police in Spain.¹⁰³ Prieto said as much after the war in his polemic with Negrín. Prieto's flagrant anti-Communism and the fact that it is now proven that Orlov simply invented many of the episodes from the Spanish Civil War in his later writings militate against the interpretation that the SIM was an extension of the NKVD in Spain. It is quite possible that Prieto created the SIM in part on advice from Soviet intelligence officials.¹⁰⁴ It does not, however, follow from this that the SIM was run by the NKVD and operated according to the NKVD's institutional imperatives. In fact, the NKVD stationed only five operatives permanently in Spain from 1936-1938.¹⁰⁵ Boris Volodarsky has argued that the Republican government created the DEDIDE to counter

¹⁰² Valentí was also in contact with one "mujer de Casanellas" who Volodarsky identifies as Maria Fortus, and who in turn had been in contact with Grigulevich in Barcelona. Volodarsky, "Soviet Intelligence Services," 244.

¹⁰³ Payne, *The Spanish Civil War, The Soviet Union, and Communism*, 244. Volodarsky deems this interpretation incorrect. Volodarsky, "Soviet Intelligence Services," 176.

¹⁰⁴ See also Orlov's comments on SIM in Orlov, "Answers to the Questionnaire of Stanley Payne, 1 April 1938," Hoover Institution, Burnett Bolloten Papers.

¹⁰⁵ Volodarsky, "Soviet Intelligence Services," 175.

Communist infiltration in intelligence operations, but that this effort was short-lived due to its absorption by the SIM.¹⁰⁶

Historian George Esenwein, following in the footsteps of the participant-historian Burnett Bolloten, has argued that the SIM was under communist leadership and “operated with very little interference from the government, courts, or other agencies which could have checked its activities.”¹⁰⁷ Bolloten himself cast the SIM in totalitarian terms, as a cover for Soviet police actions, arguing that it was “the most dreaded security force in the left camp, casting its shadow over every aspect of political and social life,” especially when it was under Negrín’s control.¹⁰⁸ Gorkin, the former POUM leader and trial defendant, went so far as to say that the SIM “arrested everyone according to their own whims or some policy of NKVD reprisals,” and claimed wrongly that the SIM could simply override sentences handed down by tribunals.¹⁰⁹ The tendency of *poumista* militants to reduce their own repression to the hand of Moscow in Spain, particularly during the Cold War, is understandable but completely misleading.¹¹⁰

On the other hand, the historian Fernandez Hernández Sánchez argues that the decline of Communist influence in the public order apparatus was such that “[i]n the police, its influence was matched by the socialists, although it yielded to them in such important sectors as the *Servicio de Inteligencia Militar* (SIM).”¹¹¹ Moreover, he claims that the PCE came to regard the SIM as a threat. The historian Ángel Viñas argues that the height of NKVD and PCE power within the SIM, if it can be deemed such, corresponded with Prieto’s tenure as Minister of

¹⁰⁶ Ibid., 104. Volodarsky later argues that the actions of the security apparatuses of the state (DEDIDE, SIM, and the DGS) should not be “interpreted as the work of the NKVD,” and that “it is possible to state without any reasonable doubt that ‘Stalinization’ had never been on the agenda” Ibid., 175.

¹⁰⁷ Esenwein, *The Spanish Civil War*, “repression behind the lines.” Esenwein does however agree that most of the evidence we have about the SIM repression of antifascists “has been largely culled from sources hostile to the communists.” He goes on, “And while it is reasonable to assume that these tendentious accounts somewhat exaggerate the extent of its excesses, there can be little doubt that the SIM was the government agency most responsible for sustaining an atmosphere of recrimination and terror in the Republican camp during the last stages of the war.” Ibid.

¹⁰⁸ Bolloten, *Spanish Civil War*, 606. Bolloten’s own version is based on the claims of the Generalitat’s Justice *Conseller*, Bosch i Gimpera, and Gabriel Morón, chief of the DGS after Ortega’s removal. Morón wrote that, “SIM, like everything else, fell under the camouflaged control of our Russian good friends... taking over the inalienable function and authority of making appointments and transferring personnel.” Bolloten, 549.

¹⁰⁹ Julián Gorkin, *Les communistes contre la révolution espagnole* (Paris: Belfond, 1978), 170.

¹¹⁰ Although there were internal debates within the exiled *poumistas*, as a rule, this tendency holds. For a problematic but enlightening essay on the nuances in Cold War interpretation of Spain’s war, see George Esenwein, “The Persistence of Politics: The Impact of the Cold War on Anglo-American Writings on the Spanish Civil War,” *Bulletin of Spanish Studies* XCI, No. 1-2 (2014): 115-135.

¹¹¹ Hernández Sánchez, “El PCE en la Guerra Civil,” 538-539. Citing a May 1938 report, he argues that relations between the Socialist and the PCE were generally cordial except in the SIM, where “the few communists there were made life impossible.” Ibid., 539-540.

Defense, and that Negrín “rejected that there be a direct connection between the Ministry of Interior or the SIM and ‘Kotov’ (Naum Eitingon, an NKVD operative) and his agents.”¹¹² Moreover, the Madrid SIM, Viñas argues, “was converted into an instrument of struggle against the PCE.”¹¹³ In any case, the debate about the political or ideological content of the SIM, often difficult to establish, obscures the more straightforward point that it was a wartime intelligence agency run by a ministry of defense that operated in the context of a civil (and internationalized) war that experienced historically unprecedented levels of espionage. Moreover, the SIM was forced to carry out counterintelligence in the context of the Republican government’s refusal to declare a state of war, despite encouragements to do so by the top Republican military brass.

There is no doubt that the SIM was guilty of unjustified arrests, torture, and mistreatment of prisoners.¹¹⁴ It was a military intelligence agency operating during a civil war, and its behavior reflected the context in which it operated. To conjecture about what relationship this (obvious) fact has with Stalin or “Stalinism” tells us more about the author than about the SIM itself. Negrín in fact opposed torture and forced confessions, which violated his liberal politics, though publicly he denied their existence.¹¹⁵ Ultimately, the origins of the SIM lie in Prieto’s stopgap attempt in summer 1937 to improve the organization and efficiency of counterintelligence work while curbing Communist influence in the police apparatus. Socialist measures throughout the rest of 1937 and 1938 put the agency more and more in the hands of the PSOE. The increasing disconnect between NKVD operatives and the SIM, and Negrín’s attempt to maintain good relations with the USSR while also curbing its repressive actions, appears in Soviet documents. Marchenko, the Soviet Chargé d’Affaires in Spain, wrote in November 1938:

He [Negrín] said that a connection between Comrade Kotov [Eitingon] and his workers with the Ministry of Interior and the SIM was inexpedient. He proposed that Comrade Kotov maintain an indirect connection with him, Negrín, because he is creating a special apparatus attached to him. The fact that Negrín, who is always extremely delicate with regard to our people, considered it necessary to make such a remark undoubtedly indicates the great pressure on him from the Socialist Party, the anarchists, and especially

¹¹² Ángel Viñas, *El honor de la República*, Ch. 16, “El honor de Juan Negrín.”

¹¹³ Ibid.

¹¹⁴ Preston, *The Spanish Holocaust*, 416-417.

¹¹⁵ Graham, *The Spanish Republic at War*, 378. According to Hugh Thomas, although Negrín denied the torture in an interview with Henry Buckley in 1939, he later admitted it was a reality in 1949. Thomas, *The Spanish Civil War*, 650, note 5.

the agents of the Second International concerning the “interference” of our people in police and counter-intelligence work.¹¹⁶

It is certainly the case that, early on, the SIM was staffed with individuals who had previously worked with the NKVD in the *Brigadas Especiales*. While Vázquez Baldominos initially led the DEDIDE, Prieto appointed Ángel Díaz Baza to head the SIM.¹¹⁷ According to the transcripts of José Cazorla’s postwar interrogation by Francoist investigators (as part of the *Causa General*), Vázquez Baldominos had worked with a one “José Ocampo,” one of NKVD operative Grigulevich’s many names.¹¹⁸ Prieto appointed Major Gustavo Durán head of the Madrid SIM, and two weeks later he was replaced by his under-secretary, Ángel Pedrero García, for having superseded the mandate to have all new SIM operatives approved by Prieto. It was alleged that Durán had provisionally appointed many PCE members in the initial weeks of the SIM, and Prieto reacted to this by sacking him.¹¹⁹ Díaz Baza, the overall head of the SIM, was replaced by Manuel Uribarri, after a brief interim under the leadership of Prudencio Sayagués.

The initial dysfunctionality of the SIM is evident in almost all the sources that touch on it. For example, Uribarri apparently embezzled large amounts of money and valuables from the SIM before fleeing Spain in April 1938. In the following weeks, the Ministry of Foreign Affairs sent a package to the Spanish Ambassador in Paris, Marcelino Pascua, which included a photograph of Uribarri, probably as part of an investigation into his whereabouts.¹²⁰ In the wake of Uribarri’s flight, Negrín appointed a trusted and very young advisor, Santiago Garcés Arroyo, aged twenty-two, to head the SIM, and Negrín thereafter received regular reports from him.¹²¹ It is not unreasonable to assume that Negrín conceived of the appointment of such a young and devoted comrade as a way to hold the SIM firmly under his control, indirectly through Garcés. Negrín aided in curbing PCE influence within the SIM, in particular after he appointed Paulino Gómez as Minister of Interior in April 1938, and the latter took up the task with fervor.¹²² Negrín wrote of the move:

¹¹⁶ Archive of the President of the Russian Federation, f. 3, op. 65, d. 227, ll. 30. See also *SSSR i grazhdanskaia voina v Ispanii*, Vestnik Arkhiva Prezidenta Rossijskoj Federatsii (Moscow, 2013), 387. My thanks to Olga Novikova Monterde. See also Viñas, *El Honor de la República*, Ch. 16, “El honor de Juan Negrín.”

¹¹⁷ Volodarsky, “Soviet Intelligence Services,” 144.

¹¹⁸ Preston, *The Spanish Holocaust*, 416-417.

¹¹⁹ Jackson, *Negrín*, 142-144.

¹²⁰ AHN, Diversos, M. Pascua, Caja 9, Legajo 2.

¹²¹ SIM reports sent through Garcés Aroyo to Negrín can be found in AFJN, 1MDN2000206-ff

¹²² Graham, *The Spanish Republic at War*, 376.

In order to rectify the atrocities of the Uribarri regime, a party comrade was appointed to the head of the Intelligence Service who had been recommended by Senor Zugazagoita and by the minister of the interior, our friend Don Paulino Gómez, a socialist who does not, I believe, sympathize with communism. And with my consent he undertook a comprehensive purge of communists through a reorganization of the Service.¹²³

Thereafter, only socialists were appointed to the SIM.¹²⁴ By August 1938, the SIM, and therefore the state, controlled all prisons (previously operating as partisan “*checas*”).¹²⁵ Uribarri later claimed that the SIM had to “fight against the powerful Gestapo, the terrible [Italian] OVRA, and the no less powerful and terrible GPU [*sic*, NKVD].”¹²⁶ This, and Uribarri’s other work, should be understood in the context of his attempt to justify his own criminal actions.

Problems with information sharing related to prosecution were also addressed in 1938. In a December 1938 report for Negrín, Garcés reflected on the SIM’s operational problems and the measures he took to combat them:

The S.I.M. faced a very serious problem as a result of not knowing the number of people detained in its Work Camps and Prisons, whose affiliation were not known in the majority of cases, to the point that some [of them] appeared with different names and different circumstances. Because it was not possible that the number – approximately 8000 detainees – were at the strict provision of the S.I.M., and also that there was great confusion about the names and [the fact that] information was lacking, it [SIM] had to address this problem; to resolve it, it resorted at first to the testimony of the detainees, arriving at the conclusion that only a minimal part of them had been detained by the military police and were answerable to my Authority; almost all of them were at the disposition of – or had been condemned by – Tribunals or were answerable to governmental Authority, [while] others were deserters or prisoners of war.¹²⁷

The SIM was not a penitentiary body, he pointed out; rather, it should have only been holding prisoners who were subject to active investigations. Garcés went on, “[t]his situation cannot be attributed exclusively to the S.I.M., nor the governmental Authorities, nor to the judicial Authorities...” What had been necessary was a more open sharing of information between these institutions, especially information that the SIM had in its possession that was not being used:

¹²³ AHN, Diversos, M. Pascua, Caja 14, Legajo 4; AFPI, AH-25-5, Hoja 46.

¹²⁴ For the claim that Garcés only appointed socialists after February 1938, see CDMH, PS-Madrid, Caja 2434, Legajo 4365, cited in Preston, *The Spanish Holocaust*, 417.

¹²⁵ Graham, *The Spanish Republic at War*, 377.

¹²⁶ Manuel Uribarri, *El S.I.M. de la República* (La Habana: Tipografía la Universal Habana No. 466, 1943), 11, quoted in Volodarsky, “Soviet Intelligence Services,” 102.

¹²⁷ AFJN, 1MDN2000206010065-ff.

Today it is considered that this problem can be solved,¹²⁸ with the hard data acquired from other institutions of the State and with the documents that the SIM possessed which had not been duly used. The necessity of resolving this is justified by a multitude of reasons... politically, the resolution of the problem of the detainees eliminates the most important source that discredited the SIM.¹²⁹

As the letter implies, Negrín had charged Garcés with examining and dealing with the organizational and operational problems of the SIM. Thus when Garcés reported back, he attached a report on the issue as well as an order that he had sent to the Head Directorate of Prisons and Work Camps and extraneous SIM installations.

Catalan President Lluís Companys had earlier pointed out the political problems within the police. One case was that of Chief of Police Ricardo Burillo. Despite the fact that Negrín apparently considered him a capable official, Burillo had been a troublesome character for the Republican police apparatus. In addition to the criticisms leveled at him by President Azaña and eventually the PCE itself (which later expelled him from the party), Companys had written directly Negrín in July 1937 to complain about Burillo's involvement in partisan public order abuses. Negrín forwarded the letter to Zugazagoitia. In response, Zugazagoitia wrote that Companys "is, in my judgment, right" to file complaints. He went on:

According to the authority bestowed upon me, I believe that I should not consent to those involved in public order getting mixed up in political acts, mischaracterizing them for the peaceful labor that is entrusted to them by the State. In this regard, I will give the necessary orders.¹³⁰

This referred to Burillo's arrest of antifascists in Catalonia, including POUM members, but mostly anarchists. Some six weeks later, Burillo was removed from his post as Barcelona Police Chief. Paulino Gómez, whom the Republican government had appointed as Government Delegate for Public Order in Catalonia to maintain some degree of control over policing, had regularly met with Burillo in Barcelona in the months after May 1937, and almost certainly contributed to the latter's removal. Negrín strongly approved of Gómez's "excellent" work as Government Delegate for Public Order in Catalonia, and gave him Ortega's job as head of the DGS, and later the high post of Minister of Interior.

¹²⁸ The actual text, somewhat badly written, reads, "*Este problema puede darse hoy por resuelto...*"

¹²⁹ AFJN, 1MDN2000206010065-ff.

¹³⁰ AFJN, 1MGO1000000020070.

Though partisan affiliation was indeed important, a full understanding of the development and function of the SIM, and “special policing” more generally, must take the form of social history on the micro level, which has only been suggested in passing thus far. Although there was indeed a conflict within the police and the SIM between pro-PCE and anti-PCE elements, there are many other factors to consider, some of which may have been far more important. One key to understanding the conflict between the PSOE and the PCE is the rise of what Helen Graham has deemed “new communists”, that is, former police officers who joined the PCE presumably on account of its discipline and authority rather than its ideology, and who adhered to a “clientelist understanding of politics” based on prior police networks and new partisan affiliation.¹³¹ What was it about the police as a wartime institution that created the conditions for the positive integration of youth or old career policemen into the Republican project, or into the Communist movement? These questions have little to do with Moscow, Stalin, or even Marxism for that matter. If we extend this analysis to military officers, both Ortega and Burillo should be considered archetypal examples.

Although the partisan nature of the SIM increasingly developed in the direction of the PSOE in 1938 (and not the PCE), its activity went unchanged in qualitative terms if not quantitative. Throughout 1938, it carried out torture, illegal imprisonments, and often refused to or was incapable of delivering evidence to tribunals. What relationship this had with Soviet advisors, or with a broader Soviet agenda, is far less clear. Though it should be taken with a grain of salt, Orlov himself later claimed that he withdrew from activities within the SIM after clashing with Prieto in late summer 1937. A more in depth study of the ways in which operatives of the NKVD used or participated in the SIM awaits the opening of the KGB/NKVD archives, of which we have only yet had limited glimpses.¹³²

¹³¹ Graham, *The Spanish Republic at War*, 376.

¹³² See for example the documents granted by Russian intelligence to John Costello, published in Costello and Tsarev, *Deadly Illusions*.

4.3 MANUEL DE IRUJO AND JUDICIAL REFORMS AFTER MAY 1937

Judicial and prison reform followed similar trajectories as did public order reforms under Negrín. In addition to purging the judicial apparatus of *poumistas*, the new government opened investigations into revolutionary crimes committed in 1936, including crimes committed by judicial officials. Vidarte, Zugazagaoitia's sub-secretary, shut down the infamous Santa Úrsula prison in Valencia. Eduardo Barriobero, the CNT lawyer who had run the infamous *Oficina Jurídica* (responsible for irregularities, embezzlement, etc. in the name of Republican justice over its short, eighty-day existence from August to November 1936), was arrested in September 1937 and accused of irregularities during his time at the *Oficina*.¹³³ He would spend the rest of the war in a prison cell and be executed by the Francoists after the fall of Barcelona. Minister of Justice Irujo tasked Mariano Gómez, President of the Supreme Tribunal from August 1936 until the end of the war, with investigating revolutionary crimes, especially extra-judicial killings. This measure saw antifascists arrested for *paseos* and *sacas* carried out in summer 1936. Notably, this infuriated the Comintern operative Stepánov, who complained to Moscow about the investigations.¹³⁴ Likewise, these measures upset the anarchists. García Oliver later claimed that the investigations only took up cases that would implicate members of the CNT, POUM or those aligned with Largo Caballero.¹³⁵ However, as we will see in Chapter 5, there were also confrontations with PCE members as well, which directly related to the POUM affair.

After several weeks in office, Irujo launched a decree project on which he had been working, designed to set the various courts in operation in the Republic in a hierarchical relationship to one another, to clearly delineate jurisdictions, and to centralize courts, both new and old, under the authority of the *Audiencia Provinciales*, located in the capital of each province.¹³⁶ The previous creation of Popular Tribunals, Emergency Courts, etc., in Irujo's view,

¹³³ José Luis Galbe Loshuertos and Alberto Sabio Alcutén, *La justicia de la República: memorias de un fiscal del Tribunal Supremo en 1936* (Madrid: Marcial Pons, Ediciones de Historia, 2011), 67, note 6.

¹³⁴ Preston, *Spanish Holocaust*, 420.

¹³⁵ García Oliver, *Eco de los pasos*, 464-465. García Oliver implausibly claimed that he convinced Mariano Gómez to close the project for investigations into *paseos* and crimes committed. When García Oliver met with Mariano Gómez and asked about the project, the latter apparently told him "Well, I tell you this in confidence. It is true that I have received such a task. It is true that I am preparing a corresponding decree, which I consider quite just. We do not currently live in those unfortunate times in which many crimes were carried out, which, speaking in purely juridical terms, were horrendous assassinations. All honorable men, you for example, that have not committed any crime should be able to live peacefully. Is that not the case?" Ibid., 466.

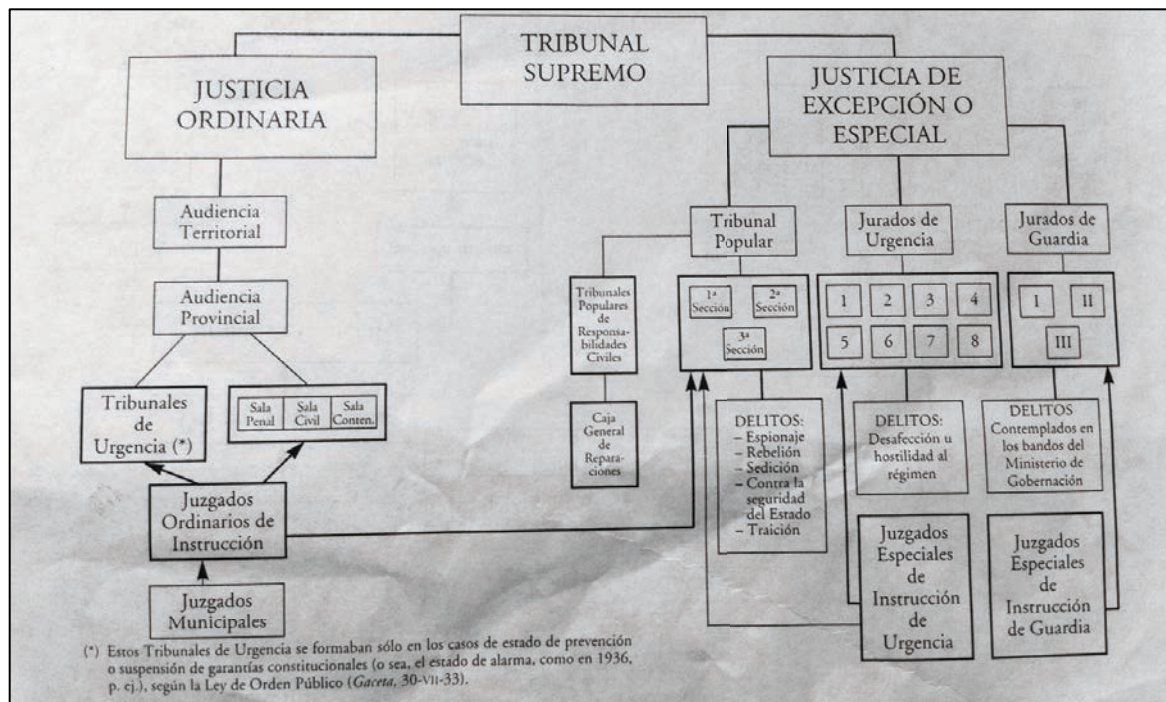
¹³⁶ For a copy of the 6 August 1937 decree, see Irujo, *Memorias*, vol. 1, 174-176.

“had dislocated the judicial hierarchy,” and necessitated this sort of redefinition of jurisdictions and recentralization under the provincial capitals.¹³⁷ The Popular Tribunals, created in the wake of the uprising as revolutionary institutions, thereafter were reintegrated into the traditional judicial structure of each province. Each *Audiencia* appointed prosecutors from among its own ranks to replace the previous prosecutors of the Popular Tribunals, who were in many cases simply removed. All of the prosecutors would thereafter be directly subordinate to each provincial attorney general’s office, themselves directly under the authority of the Attorney General of the Republic, Eduardo Ortega y Gasset (and later the Socialist Leopoldo Garrido). “This provision,” Irujo wrote, “ends the judicial scatteredness and links all the organs of the administration of Justice in a nexus of order, hierarchy, and discipline,” and “put[s] an end to the doubts and setbacks arising in the previous period...”¹³⁸

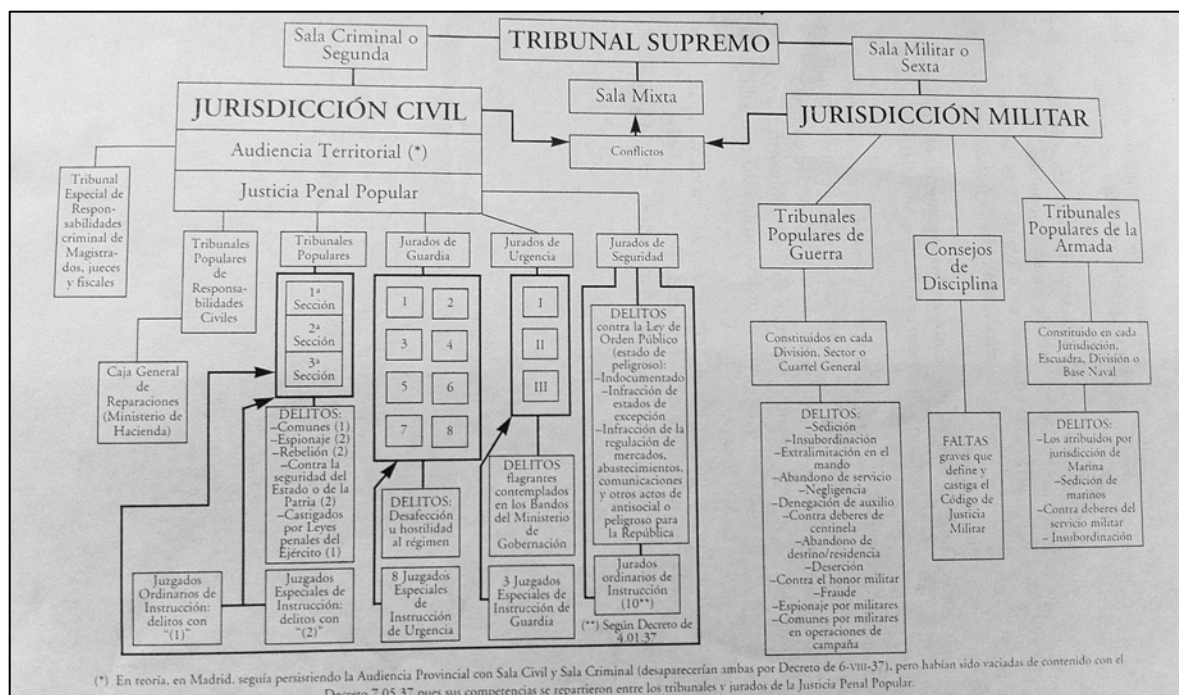
¹³⁷ Ibid., 46.

¹³⁸ Ibid., 47, 174-175.

Figure 4.1. Judicial reforms from December 1936 to May 1938¹³⁹

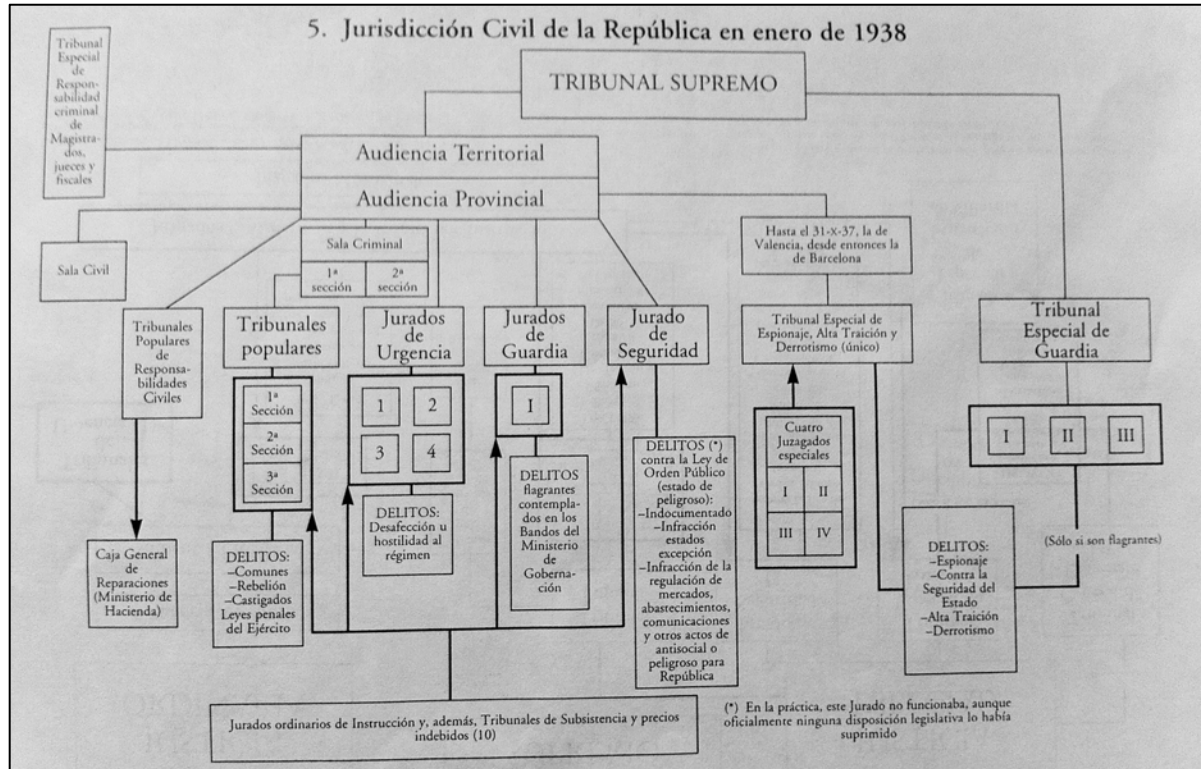


Tribunals, December 1936

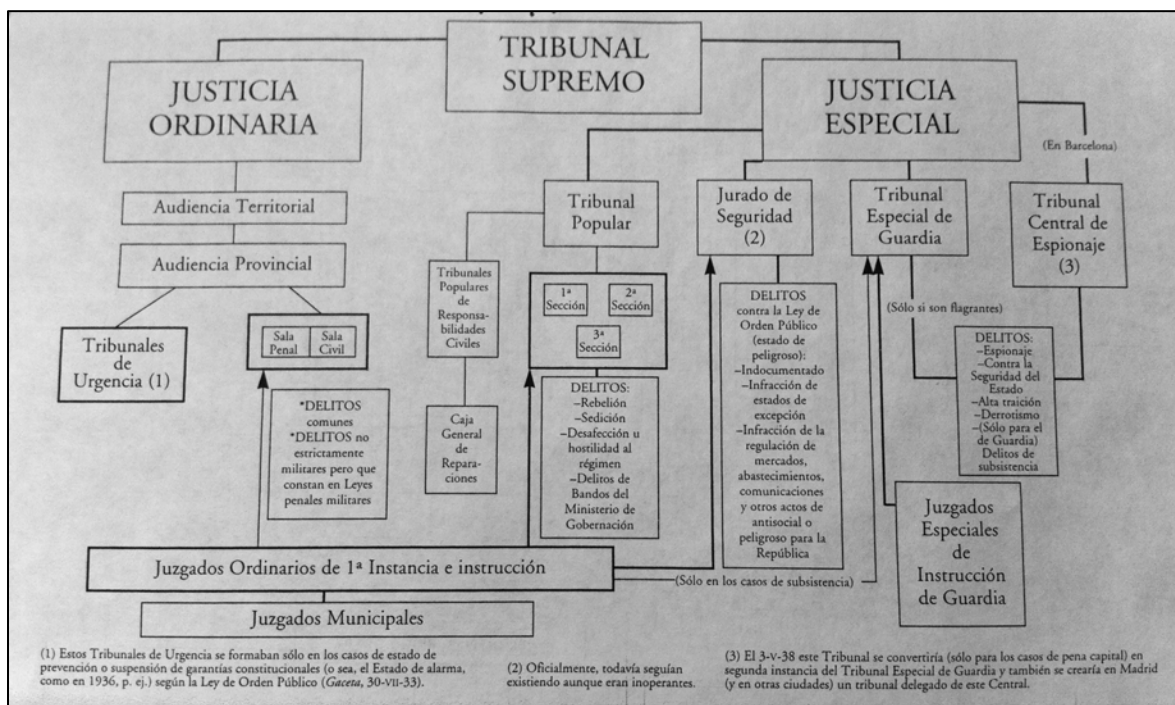


Civil and military criminal justice, May 1937

¹³⁹ Javier Cervera Gil, *Madrid en guerra: la ciudad clandestine, 1936-1939* (Madrid: Alianza Editorial, 2006 [1998]), Anexo, 429-ff.



Civil jurisdiction, January 1938



In September, Irujo banned judicial officials from participating in any political activity. In stark contrast to the explicitly political color of the Popular Tribunals, new judicial body attained a new, “apolitical” and professionalized character.¹⁴⁰ The decree also barred judicial officials from giving their opinions about political issues and events publicly. “Numerous posts of political management,” Irujo noted, “were removed.”¹⁴¹ As for the municipalities, another decree that month granted the *Audiencias* the right to make all appointments of judges and prosecutors in municipal courts.¹⁴² This continued the centralization and professionalization of the corps of lawyers and judges acting in the Republic’s courts, the results of which began to be seen by the end of 1937.

The professionalization and depoliticization of prisons dovetailed with the aforementioned judicial measures. In the wake of the arrests following the street fighting of May, many antifascists found themselves in jails staffed by policemen and guards affiliated with political parties, notably the PSUC in Catalonia and the PCE in other areas of the Republic. The prisons, Irujo later wrote, “found themselves governed in an arbitrary way, obeying the measures imposed by circumstance.” That circumstance was quite clear: the Republic’s institutions had been shattered by the military uprising and, as Irujo pointed out, “[t]he organs of the State for the most part joined in the uprising.” Partisan prisons had filled the void left by the calamity. Upon taking office, Irujo ordered that all prisons remove symbols of parties, organizations, and unions.¹⁴³ Of course, numerous prisons disregarded this directive and remained clandestine for a time. This gave rise to the distinction that was very often made in internal correspondence between state prisons and other prisons. Irujo’s 12 June decree established new standards for all prisons, and established norms for the labor camps (which had been created by his predecessor, García Oliver) to ensure that prisoners had three meals per day. He also launched inspections of the camps. “The prison guards,” he wrote, “were carefully purged. And this purging was done at the exclusive discretion of the [M]inistry.”¹⁴⁴

This was not empty boasting. Irujo’s orders did bring many irregularities in the prisons to an end. To take one example, later in the same day that Irujo ordered the new prison standards, he received a report from Director of Prisons Vicente Sol Sanchez. Sol Sanchez wrote:

¹⁴⁰ Ibid., 63.

¹⁴¹ Ibid., 63.

¹⁴² Ibid., 64.

¹⁴³ Ibid., 14.

¹⁴⁴ Ibid., 15.

Yesterday when I visited the *Prisión Celular* (in Valencia), where I feared abnormalities had taken place related to the activities of fascists with the outside, I adopted strict and severe measures, relieving the Director and Subdirector from the Establishment, naming others in their place who have now already taken up the posts, and reinforcing personnel with surplus persons from Alacuás.¹⁴⁵

Describing prison protests and internal indiscipline, he reported that he had taken measures to impose a review of daily food supplies in order to “rigorously normalize the control” of foodstuffs. He informed Irujo that, “at the same time I have taken appropriate measures so that they [prisoners] are given satisfactory communal meals.” The shoring up of the prison also included a reinforcement of guards in agreement with the DGS.¹⁴⁶

Although Irujo claimed that “[t]he [prison] measures proved successful,” and that “[t]he security of the prisoners was a reality,” this should be understood in relative terms. The *sacas*, which had previously been a great scourge for the Republic, rarely happened after Negrín and Irujo’s reforms, and were never in fact reproduced on anything near the level of the Paracuellos episode. His self-congratulatory comments are only partially valid – the SIM gained an infamous reputation for its inhumane treatment of prisoners. But the important point is that, precisely in the case of the POUM detainees (save Nin), the security and reliability of the prisons was in fact a reality. From his desk, Irujo presumably thought the prison problem could be resolved by a series of decrees. He later boasted that the Republic was the first country in history to authorize the International Red Cross to enter and inspect prisons. Although this is indeed remarkable, given that it took place in the midst of a brutal *civil* war, the regulation of prison conditions proved difficult in the atmosphere of war, chronic shortage, and political hatreds, all of which could not be resolved simply by decree. In particular, prisons in Barcelona proved more difficult to regulate.

One of the principle sources cited to generalize prison conditions in Spain by many historians is the sensationalist pamphlet put together by the British Independent Labour Party (ILP) after the visit of a prison inspection delegation organized by John McGovern, which was titled, “Terror in Spain: How the Communist International has destroyed Working Class Unity, undermined the fight against Franco, and suppressed the Social Revolution.”¹⁴⁷ The pamphlet

¹⁴⁵ AFJN, 1MJU2020000010001002-3.

¹⁴⁶ Ibid.

¹⁴⁷ Warwick Digital Archives, Maitland-Sara-Hallinan Collection, 15X/2/209/110.

itself is quite revealing, in that its contents show the good will of Irujo, the dysfunctionality of some Barcelona prisons, and above all else, the perception that the ILP (and the POUM) had of Soviet power in the Republic. In November 1937, the ILP, under Fenner Brockway, sent a delegation organized with the League for the Rights of Man and other groups, to Republican Spain to investigate prisons, survey conditions, and appeal for judicial guarantees for the POUM prisoners. It is clear upon a cursory reading that the delegation sought to confirm interpretations that they had already formed in the wake of the May events about “Communist power in Spain.”

The ILP was affiliated with the POUM through the London Bureau international and therefore understood developments in Spain through a somewhat narrow lens. Regardless, the stories within the pamphlet about the brutal torture and conditions in the “*chekas*” referred not to the *Carcel Modelo* that the delegation visited, but previous non-state sanctioned prisons, a point that is perhaps intentionally obscured in the pamphlet. The delegation persisted on printing that they saw the iron gate of the prison “as symbolical of the Comintern Cheka [*sic*],” despite the fact that prisoners’ testimonies within the actual pamphlet repeatedly made the distinction between the state prisons and the previous political prisons in which they had been held, which were precisely the targets of Irujo’s prison decrees.¹⁴⁸

The pamphlet goes on to claim that the guards of the Prison on *Calle Vallmajor* barred their entrance and allegedly informed McGovern that they did not take orders from the Director of Prisons of Barcelona or the Minister of Justice. In fact, the permission note, reproduced in the pamphlet and referenced at this point in the text, did not authorize the delegation to see that prison. Rather, it granted permission to see the *Preventorio Judicial* at *Carcel Modelo*, and proceeded to *suggest* that Irujo authorize a visit to the prison on *Calle Vallmajor* “because they thought it was a secret prison.”¹⁴⁹ After appeals to Irujo by telephone, the delegation was allegedly denied entrance because of alterations that were supposedly being made to the prison.¹⁵⁰ Irujo’s insistence, related in the pamphlet, that “If you will leave it to us, we will guarantee your admission” is consistent with his posture. It was precisely this sort of unregulated prison that he opposed.

¹⁴⁸ The pamphlet also absurdly claimed that Irujo was later “deposed as Minister of Justice on the demand of the Communists,” and implies that Irujo’s open and honest reception of the delegation may have been a reason for this. *Ibid.*, p. 7.

¹⁴⁹ *Ibid.*, p. 2, 12. It is possible that the delegation was turned away from the *Calle Vallmajor* prison on these grounds.

¹⁵⁰ The “cheka” that the delegation went to at Puerta de Angel was in fact a DEDIDE station.

The prison, deemed *Preventorio D*, had originally been a PSUC prison, but was apparently run by the SIM at the time of McGovern's visit. Therefore access to the prison would have to be authorized by its Director and/or the Minister of Defense. Nevertheless, the SIM had indeed employed advanced "psycho-technical" torture and disorientation techniques to interrogate prisoners in the *Preventorio D*.¹⁵¹ It was likely that the delegation was denied access for this reason.¹⁵² It is also likely that alterations were in fact being made, as the prison was a notorious site where Alfonso Laurencic, a member of the Generalitat's intelligence service, had put into practice his designs to modify prison cells to disorient prisoners with strange patterns, irregular surfaces, and special lighting.¹⁵³ Strangely, Laurencic, who had at one point belonged to the Spanish Foreign Legion, the CNT, the UGT, and the POUM, was arrested more than once by the Republic, and defrauded the SIM.¹⁵⁴ He had also affiliated with the aforementioned "Servicio Alfredo Herz." Laurencic may have also been working for British intelligence. More information on his activities and loyalties awaits further research.¹⁵⁵

While it is undeniable that irregularities continued to occur into late 1937, especially in Barcelona, this was not only because of adventurers like Laurencic, who was in contact with Soviet operatives (and who was later arrested). It was also the result of a conflict between the Generalitat and the Republican government over the forces of public order in Catalonia, recognized almost immediately after the Republican government's takeover of public order in Catalonia. President of the Generalitat Luis Companys delivered a letter to Negrín directly (by way of his sub-secretary) in July 1937, complaining of the problems that conflicting and overlapping public order authority had caused. Citing the Statute of Catalan Autonomy and decrees which thereafter modified it, Companys wrote:

¹⁵¹ See Félix Ros, *Preventorio D. Ocho meses en la cheka* (Madrid: Editorial Prensa Española, 1974). "Psycho-technical" torture included subjecting prisoners to disorienting sounds, lights, and visual patterns to elicit cooperation in interrogations.

¹⁵² Volodarsky wrongly claims that the delegation was attempting to visit a prison at 24 Puerta del Angel. "Soviet Intelligence Services," 221.

¹⁵³ Preston, *The Spanish Holocaust*, 417-418.

¹⁵⁴ In one July 1937 report that reached Zugazagoitia and Negrín, written by the Republic's delegate for public order to Catalonia, Paulino Gómez, Laurencic is described as someone who has "tried to organize actions against the loyalist parties." AJFN, 1.MGO.0.03.01.00.01.0013; Without citation, Volodarsky claims that "according to some evidence, he was soon also organizing interrogations for the NKVD." Volodarsky, "Soviet Intelligence Services," 208.

¹⁵⁵ My thanks to William Chase and Olga Novikova for assistance regarding Laurencic.

The coexistence of the administrative functions of the Generalidad with the managerial functions of the Government of the Republic is indispensable in order to avoid the major damage that would happen if the Government of the Republic were to exclude the administrative institutions created by the Generalidad for public order services; because, as the intervention of the Government of the Republic in the police and public order services of Catalonia is temporary, when it ends the Generalidad will not have organized forces in its service and it would have to reconstruct its own administration...¹⁵⁶

Thus it was necessary to have a single command in such services, a “coordinating organ, such as that of the *Junta de Seguridad de Cataluña*, since command decisions undertaken directly by the Government of the Republic need to be translated into administrative actions...”¹⁵⁷ Companys went on:

Moreover, the continuance of public order forces in Catalonia who do not know the country, and who for various reasons have not been prepared politically for action in solidarity with the autonomous regime, creates uncomfortable situations, frequently aggravated by hyperbole... and produces an atmosphere of mistrust and suspicion.¹⁵⁸

Companys was wrong. The Republic’s authority in Catalan internal security would not end, especially after the Republican government moved its headquarters to Barcelona in October 1938. Nevertheless, Negrín considered it important to shore up the organizational chaos caused by overlapping public order forces in Catalonia, especially in the areas of prisons, police appointments, and interior security forces. Importantly, he thus forwarded the letter to Defense Minister Prieto and Interior Minister Zugazagoitia, both of whom had been working against the Communists in conflicts within the police (as well as within the DEDIDE and the SIM). Negrín asked both Prieto and Zugazagoitia to see what they could do by way their ministries to take appropriate measures to address the complaints.¹⁵⁹

While it would be an overstatement to say that the resulting measures eliminated entirely irregularities in policing, in the prisons, and in internal security, they greatly reduced them. Although it may seem commonplace given their positions, it is important that Negrín turned to Prieto, Irujo, and Zugazagoitia to solve these problems. The government was taking active measures to stop police abuses and illegality, and Negrín understood that this had to be done outside of the sphere of the PCE and Soviet and Comintern operatives in Spain to prevent abuses

¹⁵⁶ AFJN, 1PCM1000000020028004.

¹⁵⁷ Ibid.

¹⁵⁸ AFJN, 1PCM1000000020028006.

¹⁵⁹ AFJN, 1PCM1000000020028001-2.

such as the disappearance of Nin and other foreign Trotskyists from happening. From correspondence, it is clear that Negrín took action both on principle and because of the damage it was doing to the Republic's prestige in international opinion. Internal actions and internal security, especially when it was political in nature, had a direct impact on how London and Paris viewed the Republic.

4.4 TOWARDS THE PROSECUTION OF THE POUM: THE CREATION OF THE SPECIAL TRIBUNAL FOR ESPIONAGE AND HIGH TREASON

While it is typically treated as an attempt to place a legal veneer on Soviet-directed political repression, the TEEAT in fact represented Negrín's attempt to instate a centralized and depoliticized tribunal under his control in order to regulate the often arbitrary police actions of the DEDIDE and SIM, which as we have seen committed numerous irregularities in its policing. Negrín and Irujo sought to address the damage done by the arrest of the POUM and the disappearance of Nin with the creation of the TEEAT. Because it was created between 16 June (when police arrested the POUM leadership) and 22 June (two days before the government made the arrests public), many historians view the TEEAT as a quickly improvised tribunal intended to provide a platform for a Soviet-style trial against the POUM.¹⁶⁰ Many believed this at the time. For example, the CNT wrote:

It [TEEAT] seems a concession more to the necessities or the objectives of the elimination of the Party of so-called Marxist Unification, sensed and put into practice by the Communist Party in Spain and in Russia. And we believe that Spanish liberal opinion cannot tolerate it. In the USSR they resolve their problems as the can and as the circumstances require. It is not possible to transplant the same struggle to Spain, persecuting with blood and fire... an opposition party or a dissident sect of an ideology...¹⁶¹

Others have pointed to the creation of the TEATT as a measure way to increase the efficiency of counterespionage actions or, alternatively, as a deliberate attack on Catalan judicial

¹⁶⁰ Víctor Alba is the most outspoken in support of this interpretation. For an alternative interpretation, see François Godicheu, "El proceso del POUM: proceso ordinario de una justicia extraordinaria," *Historia Contemporanea* 29 (2005): 845-ff.

¹⁶¹ Quoted in Gutiérrez-Álvarez, *Un ramo de rosas*, 356. This work, though it appears to be a book-length study of the trial, is mostly a document collection laced with polemic.

autonomy and power. It is clear, as historian Glicerio Sánchez Recio points out, that the militarization of judicial process represented by the TEEAT and the later the *Tribunales Especiales de Guardia* (TEG) was part of a broader strategy of political control.¹⁶² But the TEEAT was far from a concession to the Spanish and Soviet communists; in fact, it was a document authorized by Irujo (hardly a friend of the PCE), which voiced the very “Spanish liberal opinion” that the CNT claimed could not tolerate the politics of Stalinist repression. The new tribunals were primarily a function of the development of the conflict, which was being fought without entering a state of war.

The TEEAT only appears as an extension of “Stalinist” political repression if one accepts a number of assumptions about Soviet power in Spain, namely that its advisors could dictate policy to the Justice Ministry or within the Supreme Tribunal, or that the Negrín would allow Soviet operatives and their Spanish Communist counterparts to decide on such sensitive issues as the state repression of a political party. These assumptions grossly inflate the degree of Communist influence over the Ministry of Justice and Negrín himself. There is an abundance of evidence against this sort of interpretation, and almost none that sustains it. In a common refrain, historian Burnet Bolloten, citing Gorkin (the outspoken POUM leader and POUM trial defendant), compared the TEEAT to tribunals in the Peoples Democracies of post-WWII Eastern Europe. Gorkin argued that the tribunal was ostensibly established to provide “the appearance of legality” to the “liquidation of all the opposition to Negrín’s government.” The “complete framework of the new ‘legality’,” which for Gorkin included the SIM and TEEAT, was intended to “liquidate the work of the revolution” and impose a “legalized dictatorship in the name of which they [the Communists] could commit the worst illegalities not only against stated oppositionists, but also against potential ones.”¹⁶³ Gorkin was not far from the mark about the anti-revolutionary politics inherent in Negrín’s reforms and embodied in the TEEAT. However with regard to the stated aim of the court to facilitate extrajudicial actions, precisely the opposite was the case.

The origins of the TEEAT’s creation reveal much about its mandate. A directive put out by Irujo on 19 June 1937, and signed by Mariano Ansó, his sub-secretary, began the process that concluded with the decree of the TEEAT. The order read:

¹⁶² Sánchez Recio, “El control político de la retaguardia republicana,” 591-592.

¹⁶³ Gorkin, *El proceso*, 157-159.

There are numerous persons detained in the prisons who are subject to governmental authority without the Tribunals of the Republic having had any knowledge of their situation nor the allegations made against the accused, which is contrary to the principles of humanity and the guarantees to the right of personal liberty that the Constitution recognizes and the Law safeguards...¹⁶⁴

The directive ordered all presidents of the *Audiencias* (or presidents of Popular Tribunals in the absence of the former) to gather the directors of all existing prisons and open files on all prisoners in order to determine allegations and the circumstances under which prisoners had been detained. It argued that the clear dangers of the fascist uprising and the war had justified state detentions, but that “the prolongation of said detentions is by all accounts in opposition to the most basic human rights.”¹⁶⁵ The only exception to the measures outlined in the directive applied to those detained as spies and prisoners of war, which Irujo wrote were always subject to the authority of the Ministries of Interior and Defense. He later claimed that his appeal to human rights was difficult, especially given the civil war context and the fact that, as he put it, “the Fifth Column was a reality.” The reference to spies and prisoners of war, he claimed, had the purpose of addressing the violent methods that had caused an outcry.¹⁶⁶

This started a discussion, or as Irujo later put it, a “clash,” between the Justice Ministry and the Interior and Defense ministries, regarding those detained by the state as spies (this included the POUM prisoners). In the immediate context of the fall of Bilbao, apparently aided by enemies within, the issue of the fifth column took on new importance. At this point, Irujo claimed that Negrín told him, “If we must make war, it is absolutely imperative that those who make it are given the adequate means to maintain it.”¹⁶⁷ In a meeting of the Council of Ministers on either 18 or 19 June, the issue of creating new tribunals to deal with the fifth column was discussed. It was agreed that

The Government Chamber of the Supreme Tribunal would draw up drafts necessary to create tribunals charged with suppressing the *Fifth Column* effectively, while preserving all the guarantees inherent to the rights of man proclaimed in the Constitution for those prosecuted.¹⁶⁸

¹⁶⁴ *La Gaceta de la República*, 21 June 1937, p. 1301.

¹⁶⁵ *La Gaceta de la República*, 21 June 1937, p. 1301.

¹⁶⁶ Irujo, *Memorias*, Vol. 1, 21.

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.* Emphasis in original.

Irujo appears to have fallen ill sometime around 15-20 June 1937, when the structure and nature of the TEEAT was discussed. Negrín was adamant that, despite his ill health, Irujo attend the meetings. On 18 June, he wrote to Irujo, saying that “[e]ven taking into consideration the state of your health, I beg that you come to the meeting of the Council of Ministers with no exceptions, which will be held in Náquera at five o’clock, and in which I regard your presence as absolutely essential.”¹⁶⁹

The new decree proposals, sketched out by the Government Chamber of the Supreme Tribunal and authorized by Irujo two days later, resolved the problem of those detained by the state on suspicion of espionage. Irujo later (in the 1970s) expressed some reservations about the TEEAT drafts, parts of which offended his sensibilities – as a “democrat and a man of Law” – such as the fact that the Tribunal’s operations were to be secret (though its trials were often public, as was the case for the POUM’s trial). He also claimed that he was “obliged to accept it for having accepted beforehand what the Government Chamber of the Supreme Tribunal would propose in its drafts.” Although this may have been the case, it is very unlikely because the drafts were circulated to the ministers in Negrín’s cabinet on 22 June asking if there were any objections.¹⁷⁰ Moreover, in the coming weeks, Irujo modified the decree using his authority as Minister of Justice.

The intense partisan conflict between the POUM and the PCE and its Soviet advisors provided the rhetorical backdrop for the creation of the TEEAT. But it was a nuisance to the other elements of the Popular Front coalition, not only for its effect of tarnishing the reputation of the Republic but also for dividing Republican forces internally. Vidarte later wrote:

The great error of the Communist Party and the POUM was in trying to transfer Russian political struggles to Spain, engaging in violent controversies regarding whether the [Moscow] trials or ‘purges’ were a farce or if they had been carried out legally, and about the connections of the culprits with Trotsky or his most loyal disciples or collaborators, among whom, in Spain, was his ex-secretary Andrés Nin. All of this was damaging, and only contributed to dividing the Spanish proletarian forces in the moment in which they should have been most united.¹⁷¹

Writing some thirty years after the events, Vidarte mixed up dates regarding the POUM’s repression, but contemporaneous documents corroborate the positions that he maintained.

¹⁶⁹ AFJN, 1PCM1000000020016001.

¹⁷⁰ AFJN, 1PCM1020000030254001.

¹⁷¹ Vidarte, 725.

Echoing the POUM's trial sentence, Vidarte wrote that the POUM had been unwilling to put aside their political visions for the war effort. "Negrín," he wrote, "would have convinced them [the POUM] of their error, as he had done with the leaders of the CNT, if it had not been for the Communist slogan to dispense with them altogether, if possible, physically... The attitude of proselytism and the persecution of Trotskyism often distanced the communists from us."¹⁷²

But the damage had been done; headlines soon reported on Nin's disappearance. Negrín was in fact outraged by Nin's abduction, which he learned of *after* signing the TEEAT decree on 22 June. Vidarte suspected that Negrín had reached an agreement with the Communists upon taking power in May 1937 that would allow them to deal with the POUM legally. The two often met in exile and spoke of such issues:

I thought then and after more than thirty years I continue to think that probably a type of tacit or implicit agreement established between the communists and Negrín, which the doctor was prone to, that in exchange for the unconditional political help that they had promised him, and the shipment of arms that Spain needed more than ever... Negrín would permit the communists to carry out *within the law* their intention of politically liquidating a rival party, ordered by Stalin, which had raised arms against the government.¹⁷³

This was almost certainly the case, and as Vidarte pointed out, Negrín was indignant that the agreement had been violated with the abduction of Nin. This explains the misgivings of some of the PCE leadership when news of Nin's disappearance circulated, reported by Jesus Hernández. Though its leaders had almost certainly been privy to the order to arrest the POUM leadership, the PCE had not eliminated Nin – his assassination had been a secret NKVD *liter* operation – and the fallout was worse than could have been expected. Hence, the TEEAT took over the POUM leadership's prosecution as "Case number 1."

After Irujo officially proposed the decree on 22 June, Negrín did not modify it. He had anticipated the need for an effective, sufficiently professionalized, and apolitical legal body to meet the contingencies of this high profile wartime prosecution. But he could not outright exclude the PCE from its creation, considering that it held two Ministries in his cabinet. Thus, the same day that Negrín signed the decree (22 Dec), he sent a copy of it with a note to the PCE Minister of Agriculture, Vicente Uribe:

¹⁷² On the other hand, he went on, the *poumistas* "raised the flag of anticommunism and it was natural that the first to do this were the enemies of the Republic: the members of the fifth column." Ibid., 726.

¹⁷³ Ibid., 731. Emphasis in original.

...I send to you a copy of the Decree project establishing complementary standards for that of the 22nd of the current month about the creation of a Tribunal for the punishment of crimes of espionage, so that with the utmost urgency possible it be examined and objections be pointed out if there are any, in order to submit it for presidential authorization.¹⁷⁴

Uribe registered no qualms, as the copy he received matches the copy published the next day in *La Gaceta*.¹⁷⁵ The notion that the TEEAT was dictated to Irujo and Negrín by the Communists and Soviet advisors in order to concoct an anti-Trotskyist show trial can definitively and finally be laid to rest.

The TEEAT was designed to combat the precise sort of extrajudicial actions that saw Nin murdered the very day the TEEAT decree became law. Such actions undercut the authority of the state; the new circumstance demanded that Negrín wrest control over the POUM's prosecution and prevent the other *poumistas* from suffering similar fates.¹⁷⁶ The court also oversaw other cases against rank-and-file and mid-level *poumistas*, as well as legitimate espionage and treason cases of fifth columnists, spies, and saboteurs. The hundreds of arrests in late May and June necessitated some sort of governmental oversight, particularly for those arrested in highly politicized circumstances, often by political enemies or police units influenced by the Communist-led campaign to "liquidate the POUM politically." It is in this general context that the founding of the TEEAT should be understood. Above all, it was a way for Negrín to control the repression, attempt to depoliticize it, and above all out keep it out of the hands of the PCE and its Soviet counterparts. Thus, the new tribunal would operate within the *Audiencia* in the Republic's then capital, Valencia, and its decree granted exclusive power for the appointment of officials to Negrín and his Defense Minister (Prieto, Socialist), Interior Minister (Zugazagoitia, Socialist) and Justice Minister (Irujo, Basque Nationalist).¹⁷⁷

As opposed to the controversial *Tribunales Especiales de Guardia* (TEG), created later in November 1937, and designed to quickly prosecute flagrant crimes of war, Negrín and Irujo designated the TEEAT for cases that required prolonged investigation. With the new tribunal, the government sought to provide relative judicial normalcy. The court, which had headquarters in

¹⁷⁴ AFJN, 1PCM1020000030254001.

¹⁷⁵ *La Gaceta de la República*, no. 174, p. 1333-1334, 23 June 1937.

¹⁷⁶ See Zugazagoitia's desperate letter to Negrín, seeking knowledge of the whereabouts of the remaining POUM prisoners. AFJN, 1MGO1000000020056.

¹⁷⁷ *Ibid.*, p. 1333.

Valencia and later Barcelona, thus functioned as both a tool of state reconstruction and, in the case of the POUM prosecution, a symbol of legitimacy and rule of law for domestic and international consumption. It also functioned as a repressive institution to impose discipline, and crucially to define the terms of antifascist struggle using state power. Although technically the TEG and TEEAT covered the same crimes (espionage, crimes against the security of the state, high treason, and defeatism), the TEG prosecuted “flagrant” crimes.¹⁷⁸ Death penalties handed down by the TEEAT required the unanimous vote of the Council of Ministers in order to be implemented.

The *raison d'être* of the TEEAT is clear in its founding decree, and in modifications and responses to subsequent criticisms of the tribunal. Analysis of its structure offers insight into the political considerations involved in its creation. As discussed in Chapter 3, there had been two tribunals that had previously overseen espionage prosecutions: the Special Tribunal for Civil Liabilities for suspected espionage, and the Popular Tribunal for crimes committed. These two jurisdictions were combined on 6 October 1936 to create the Special Tribunal, decreed by Largo Caballero's Justice Minister, Mariano Ruiz-Funes.¹⁷⁹ By March 1937, this Special Tribunal had jurisdiction throughout the Republic, covering crimes committed and the civil liabilities associated with rebellion, sedition, espionage, and treason. It was composed of three judges appointed by the Ministry of Justice, the most senior of whom would reign as president, and, importantly, a set of fourteen jurors named by the political parties and union organizations in the Popular Front coalition. The Tribunal itself was given power to appoint assistants and to modify its operating norms in agreement with the Tribunal in its own plenary sessions.

The decree of 22 June that created the TEEAT represented a contrast to the Special Tribunal, which actually continued to see cases, although fewer.¹⁸⁰ It removed altogether the political color of the prosecution of espionage by doing away with Popular Front-selected jurors. In light of the conflict between the SIM and the TEEAT, it is clear that the new court brought to the surface latent tensions between judicial authorities and police authorities, especially regarding the arrest and repression of fifth columnists. Many police did not draw a distinction between the POUM and the fifth column, in particular after the May events saw the POUM taking up arms against state police forces. In a desperate wartime context, many did not find it

¹⁷⁸ See Cervera Gil, *Madrid en Guerra*, appendices.

¹⁷⁹ *La Gaceta de la Republica*, 7 October 1936, no. 281, p. 215-216.

¹⁸⁰ Graham, *The Spanish Republic at War*, 339.

useful to give the issue much consideration – the courts would decide. Irujo dedicated his time to making sure – as far as was possible – that the prosecutions abided by Republican legal norms.

The new tribunal thus acted *as a safeguard* against abuses organized often along political lines. While the older tribunals were resituated under the authority of provincial authorities (that is, to the *Audiencia Provinciales*), the newly decreed TEEAT reported directly to the executive authority of Negrín and his Justice, Defense, and Interior Ministries. Appointments of judges specifically took into account the apolitical or non-political nature of individuals, as will be discussed in the next chapter. The Minister of Justice (Irujo) had the responsibility to appoint five judges to preside over the TEEAT. Of the five appointments, the Interior Minister (Zugazagoitia) proposed one and the Minister of Defense (Prieto) proposed two, leaving the remaining two proposals to the Justice Minister.¹⁸¹ The Justice Minister also had authority to appoint court magistrates attached to the tribunal to oversee the collection and assembly of indictments, whereas this had previously been the task of the Attorney General.¹⁸²

It is important then to bear in mind the political affiliation of the ministers occupying the defense, justice, and interior portfolios: the staunchly anti-Communist Prieto, the conservative Basque politician Irujo, and the moderate Socialist Zugazagoitia, respectively.¹⁸³ The three had set themselves resolutely against the PCE since taking their posts, and Negrín (somewhat covertly) supported them in this task, while taking care not to imperil the Republic's relationship with the USSR, on which it relied for material support and arms. In short, the inception decree insured that the political moderates within Negrín's cabinet controlled the court.

The tribunal also redefined the offenses under TEEAT jurisdiction in a few subtle but important ways, which addressed both the international and internal problems that the Republic faced. In article 6, subsection 2, the term “high treason” connoted activities which would “endanger... or compromise the interests and prestige of the Republic in its international relations,” or “debilitate the authority of the government and its resolutions.”¹⁸⁴ The document itself, which was published in the *Gaceta* and in newspapers, had a disciplinary message as well.

¹⁸¹ *El decreto de creación del tribunal*, Article 2. Of the five judges, the presiding judge was selected by the minister of justice.

¹⁸² *Ibid.*, Article 3.

¹⁸³ The April 1938 cabinet crisis would later change these two positions. The replacements were loyal and very similar, politically speaking, to their predecessors. Paulino Gómez took the Ministry of the Interior portfolio and Ramón González Peña took the Ministry of Justice portfolio.

¹⁸⁴ *El decreto de creación del tribunal*, article 6, subsection 1. Moreover, subsection 4 of the same article included “acts that tend to depress the morale of the public, demoralize the army, or reduce collective discipline.”

Subsection 4 of the same article denoted “acts that tend to depress the morale of the public, demoralize the army, or reduce collective discipline” as high treason. These changes reflect the thinking of Negrín’s government vis-à-vis domestic dissent and the international image of the Republic.¹⁸⁵ The new definitions also brought a considerable degree of subjectivity into TEEAT rulings, subject to the discretion of appointed officials. This placed even greater importance on the appointment procedure.¹⁸⁶ In sum, the decree essentially institutionalized Negrín’s control over the prosecution of the *poumistas* accused of high treason, and placed it in the hands of a new, professionalized, and depoliticized Tribunal.

It should be remembered that the Republic had not declared a state of war, and had opted rather for a State of Alarm (*estado de alarma*), which was reserved for reestablishing normality of powers (of state and judiciary) in a democratic and legalist framework during a time of crisis. Thus the TEEAT was a constitutional court with a military color that intended to provide the highest guarantee for legal judicial process in wartime. However, it still elicited protest campaigns from the CNT and from organizations affiliated with the POUM abroad. Hundreds of CNT telegrams from the first days of July 1937 can be found in the Fundación Pablo Iglesias (PSOE archive). Most of them were variations on the same themes. “We protest the form of the current government for acting against the interests of the workers... we demand the release of antifascist prisoners... we protest the decree creating special tribunals that will go behind the backs of the people... and become dictatorial weapon of the minority.” Many read, “[W]e do not agree with the new decree creating the special tribunals and we advocate Popular Tribunals.”¹⁸⁷ On 28 June, CNT head Mariano Vázquez claimed that the TEEAT was another concession to the PCE and the Russians.¹⁸⁸ This perception gained more and more followers as the war wore on, and became a dominant way of understanding *Negrínista* politics after the war, regardless of its dubious veracity.

In response to criticisms, Vidarte insisted that the TEEAT was professionalized and that it protected against abuses. The TEEAT was created, he argued,

¹⁸⁵ This effectively criminalized political dissent and legalized repression on those grounds, albeit through licit judicial sanctions.

¹⁸⁶ The TEEAT judges would determine by what criteria the court would evaluate actions that “endanger or compromise the interests and prestige of the Republic...” and actions that “tend to depress the morale of the public.”

¹⁸⁷ AFPI, AH-48-66.

¹⁸⁸ *Boletín de información, CNT-FAI*, 7 July 1937; Bolloten, *Spanish Civil War*, 504.

in full compliance with Article 95 of the Constitution of the Republic, in the midst of war. This article stipulates that Military Jurisdiction will only intervene in purely military crimes; and as perpetrators of the crime of high treason are subject to the Code of Military Justice – the same as those committed by the POUM defendants – they must be tried in a “summary trial by a War Council”, [and thusly] the Tribunal was created. It has a President that had to be a Magistrate of the Supreme Tribunal; two civil magistrates of non-military jurisdiction; and two magistrates or military members with degrees Licensed in Law.¹⁸⁹

Vidarte went on, “Keep in mind that the rest of the tribunals only have three magistrates.” The TEEAT, he wrote, “was in fact created this way so as the best guarantee that the defendants can exercise their rights to defense with absolute freedom.”¹⁹⁰ This was of course a response to criticisms as well as a gesture towards the western democracies; but it was not only that. The TEEAT represented a legal manifestation of Negrín’s vision of Republican Spain. It was thus both politically expedient in terms of domestic and foreign policy, and also a matter of principle.

4.5 CONCLUSION

The TEEAT’s creation should be read as an institutional measure implemented to counteract the more pernicious aspects of Soviet influence in Republican Spain, namely its pursuit of “Trotskyists.” The quasi-legal actions that the NKVD had a hand in, such as those of the “Servicio Alfredo Herz” or the *Brigadas Especiales*, necessitated this sort of centralized oversight. Rather than providing legal cover for Soviet actions, the TEEAT was designed to confront them and combat them. It was also part of a broader normalization of penal institutions in the Republic. Negrín’s mandate to bring public order and discipline to the rearguard and efficiency to the battlefield was achieved not only at the cost of the social revolution – it also brought a decline in Communist power over policing and judicial matters. His reforms reined in the partisan groups that operated in an *ad hoc* manner under the nominal authority of the state in the first ten to twelve months of the war, including the CNT and POUM “patrols” as well as PCE-oriented security forces. By mid-1938, Negrín had purged the SIM of both revolutionary *and* Communist elements. Thereafter the moderate wing of the PSOE and career policemen

¹⁸⁹ AFPI, AH-72-10, p. 10.

¹⁹⁰ Ibid.

dominated the SIM. The reestablishment of traditional justice, though it still faced the material impediments of wartime, began to operate with a degree of normalcy unheard of since before the military uprising.

The TEEAT represented one of the first “Negrínista” institutions in the Republican judiciary, set up to be antagonistic and unresponsive to the pressures of Comintern advisors and the Soviet command apparatus. After the arrest of the POUM leadership and the disappearance of Nin in June 1937, it was increasingly clear that the continuing split within the Popular Front coalition divided along the lines of the POUM issue. The prosecution of its leadership was an important field in which these animosities played out. The repression and prosecution of the POUM thus showed just how *uneasily* the political cultures of the Comintern and the Soviet Union mixed with those of the pluralist Spanish Republican coalition. We can thus re-imagine the POUM’s prosecution and ultimately its trial as the consummation of this political clash, as a legal and institutional platform for the public display of the strength of Negrín’s Republican judicial system and one of many indications of the decline of Communist influence.

By 1938, the normalization of justice had been more or less achieved, at least on paper, in large part by the integration of judicial process into the *Audiencias Provinciales*.¹⁹¹ In many respects, this represented a reversion to previous judicial forms of the pre-war Republic; however, it was also built on the foundations of the progress made by the Popular Tribunals and thus should be seen also as a product of wartime judicial development. The normalization of policing followed a similar trajectory – it was both a reversion to pre-war forms but also a product of the wartime situation. It was the Largo Caballero government, after all, which had first taken action to circumvent the power of the revolutionary committees and arbitrary security forces by decreeing, for example, that all house searches be authorized by the DGS, situated directly under the Ministry of Interior.¹⁹² The difference was in the implementation of decrees, which until summer 1937 and the transition to the Negrín government, had often been ignored, especially in Catalonia where revolutionary “patrols” had still held considerable power on the streets.

It was within this context of wartime state building that the sixteen-month prosecution of the POUM wore on. Though it faced many logistical and political setbacks, the TEEAT’s

¹⁹¹ Sánchez Recio, “El control político de la retaguardia republicana,” 591.

¹⁹² Ibid., 592. Hence, it was by authorization of the DGS that the POUM leadership was arrested and its locales searched.

prosecution of the POUM leadership demonstrated a firm commitment to the principles of Republican legality. Although its detractors would claim otherwise – and this was especially the case with the POUM leadership themselves – the POUM’s prosecution was exceptional not because of its ostensible “Stalinist” or Communist character. In many respects, and in large part on account of its publicity in Spain and abroad, it was exceptional because of the careful attention given to ensuring Republican judicial procedure, a privilege not granted in many wartime prosecutions. We thus turn to those procedures – the collection of evidence, the assembly of indictments, and the preparation of the public trial.

CHAPTER 5

CRISIS AND WAR: THE PREPARATION OF THE POUM'S TRIAL, SUMMER 1937-AUTUMN 1938

But there were more important things that caused delicate problems for the government, with repercussions in national and international public opinion. We refer to the prosecution against the POUM for the events in Barcelona, that our Ministry found already in progress when we took our posts... It was very difficult to believe that the Trotskyists [sic] were agents of Franco, as the communists, their mortal enemies, claimed, but their participation in the Barcelona events was clear, and the trial was focused on this.

– Mariano Ansó¹

On 18 June 1937 the Barcelona daily *La Vanguardia* ran a short, front-page story about the discovery of an “espionage network” in Barcelona. Quoting the office of Barcelona Chief of Police Ricardo Burillo, it read that “agents from Madrid” came to Barcelona and made “a considerable number of arrests, including an extremely dangerous contingent of foreign citizens and persons of a certain political party.”² Negrín’s censor elected not to cite specifics until the Ministry of Justice gave a press release nearly a week later. That day, Burillo met with the former head of public order Eusebio Rodríguez Salas before going to the Generalitat to speak with President Lluís Companys. Over the course of the next two weeks, police continued to shut down POUM-affiliated locales and arrest numerous foreigners who had affiliated with the POUM. After 16 June, police converted the former Hotel Falcón (now the Biblioteca Gòtic-Andreu Nin) on Las Ramblas from a POUM center into an improvised detention center, an “interim prison.” The POUM’s executive headquarters down Las Ramblas at the Hotel Rivoli had also been shut down. Police took detainees to the Hotel Falcón, the Police Department jail, and a DEDIDE location at Puerta de Angel; foreigners were held alongside Spanish and Catalan *poumistas*.

Although the precise fate of every detainee is unknown, it is clear that the vast majority saw their cases thrown out; many of them were simply released or expelled from Spain. Police

¹ Ansó, 194.

² *La Vanguardia*, 18 June 1937, p. 1.

interrogated detainees and carried out further searches before turning them over to the TEEAT. The TEEAT would review the case file and, typically, release or deport the individual for lack of evidence for prosecution. The transfer of actual evidence of criminality was rare, and many police officials did not trust the new court to retain prisoners and pursue charges. These cases illustrated a political conflict between the Barcelona police, elements of which considered the detainees to be spies, and the TEEAT, which demanded that they be given judicial guarantees regardless. The documents produced by the policemen running these interim prisons, many of which are located in Soviet-era archives, provide a basic profile of this conflict. The lack of cooperation and evidence sharing between the newly decreed DEDIDE, the Barcelona police, and the TEEAT brought complaints from the Republic's highest judicial officials and Negrín himself.

In the last week of June 1937, Manuel de Irujo wrote the first in a series of decrees that modified the TEEAT to attempt to ensure judicial normalcy in the court. There were three modifications in 1937 and one in 1938, a week before the actual trial of the POUM leadership. The decrees were governed by Irujo's desire (and that of his successors Mariano Ansó and Ramón González Peña) to guarantee the rights of the accused. They intended, as Irujo later put it, to ensure that "the independence of the Tribunal's judgment, the foremost concern of the Minister... remained assured."³ For example, Irujo's 29 June decree set the tribunal under the inspection regime of the Republic's courts, which was overseen ultimately by Negrín and the Supreme Tribunal's Government Chamber. It gave the President of the Supreme Tribunal, Mariano Gómez, powers to designate a court magistrate to oversee the TEEAT and "propose whatever measures he deemed necessary to the Minister of Justice in order to maintain the consistency and efficacy of its services."⁴ These measures correlated with a broader professionalization and centralization of Republican justice in late summer and fall 1937.

Although Irujo resigned on 1 December 1937 in response to Negrín's creation of summary military tribunals, the *Tribunales Especiales de Guardia* (TEG), he stayed on as minister without portfolio. The TEG has often been conflated in the historiography with the TEEAT, but the two were quite distinct, and Irujo did not resign in connection with any TEEAT

³ Manuel de Irujo, *Un vasco en el ministerio de justicia* (Buenos Aires: Editorial Vasca Ekin S.R.L., 1976), 23.

⁴ Irujo, *Un vasco*, 22-23.

case.⁵ The TEG did not try *poumistas* held in connection with the pending espionage investigation of its leadership. Rather, it tried perceived enemies in instances in which the judiciary determined summary proceedings were necessary, i.e. “flagrant” crimes.⁶ Irujo later resigned altogether in summer 1938 in a dispute over death penalties in the TEG and in solidarity with Jaume Aiguader over perceived government infringements on Catalan authority in the area of war industries.⁷ Although it has been alleged since 1937 that Irujo resigned because he could not stomach the POUM’s prosecution, this was simply not the case.⁸ He had overseen it as Minister of Justice and minister without portfolio. In fact, Irujo himself would appear as a defense witness in the trial, alongside former Ministers of Interior Ángel Galarza and Julián Zuagazagoitia and former Prime Minister Largo Caballero.

The increasing militarization of the tribunals in 1938, embodied by the TEG, was a direct function of the failing war effort and the increasingly desperate measures taken to protect Republican interests. It should be distinguished from the initial violence in the first months of the war. This was not an extension of politically motivated repression. Nor was it the legalization of “Stalinist” repression. Rather, it represented the further institutionalization of Republican justice and a repressive safeguard against extrajudicial killings, espionage, treason, and other anti-regime activities. The failing war effort caused panic and legitimate suspicion of fifth column activity. The special courts represented a Republican claim to a monopoly on the use of force to swiftly deal with those threats. The TEG resembled a wartime tribunal, though Negrín put it in place when no State of War had been declared. But this phenomenon was *quite apart* from the TEEAT’s prosecution of the POUM leadership and those foreigners detained by Republican authorities on account of their affiliation with the POUM.

Although the TEEAT passed death sentences in dozens of cases, including the fourteen convicted in the Golfín-Corujo fascist espionage organization (with which Orlov had attempted

⁵ Irujo, *Un vasco*, 81-91.

⁶ Ruiz, *The ‘Red Terror,’* 302-303. Ruiz tends to conflate the two, writing, “above all, they were intended to process cases quickly.” Although TEEAT officials in some cases desired more rapid prosecutions, the court was specifically designated for cases involving prolonged investigation, while the TEG held a 96-hour mandate for trials. For a visual layout, see Cervera Gil, *Madrid en Guerra*, 436. If we take July 1937 as a starting point, the POUM leadership’s prosecution lasted sixteen months.

⁷ Aiguader, a Catalan nationalist, was Minister of Labor and Social Assistance.

⁸ For example, see the CNT report on political repression, which ascribes Irujo’s resignation to the creation of “a new espionage tribunal” which was written by “copying the Italian checa.” AHN, Diversos, M. Pascua, Legajo 9, Expediente 7, 1-5. Irujo claimed he resigned in the last analysis because he had set out that “the rule of law and the independence of judicial functions were essential and indispensable principles” of the Ministry’s operation; He resigned when “these could no longer be maintained with the necessary excellence.” Irujo, *Un vasco*, 85.

to implicate the POUM leadership), it was considerably more lenient than the TEG. And given the international scandal caused by Nin's disappearance and the POUM repression, the remaining POUM leadership enjoyed extraordinary care and treatment in Republican prisons. Despite the Comintern and PCE demands that the *poumistas* receive the death penalty, it was clear to Negrín that this was politically impossible. As we shall see, it was not Negrín's intention to have the POUM leadership put to death, despite the standard anecdotal evidence typically cited. Rather, the TEEAT and Negrín (with his closest advisors) took measures to ensure the safety of the *poumistas* and provide guarantees, luxuries not afforded by some who were tried by the Republic's courts throughout the war. In this respect, the POUM leadership's case was indeed exceptional, but not for any repressive or brutal nature.

This chapter examines the relationship between the police who detained the *poumistas* (and affiliates) and TEEAT officials in order to trace the preparation of the POUM leadership's trial. It has three interconnected arguments. First, it argues that material shortages induced by the wartime situation (later complicated by the Government's move to Barcelona) combined with a continuing conflict between TEEAT officials and Barcelona police to cause the delay in the prosecution. By the time the trial was prepared in June 1938, these conflicts had been more or less resolved. Second, the principle that guided the POUM's prosecution, from summer 1937 to fall 1938, was the imperative to provide a legal trial with all judicial guarantees. In this, Negrín worked with his Justice and Interior Ministries, as well as the President of the Supreme Tribunal, Mariano Gómez, responding to pressure within Spain and from abroad for a fair trial. Finally, with regard to PCE, Comintern, and NKVD interference in the prosecution, it is clear that Negrín (and perhaps also Azaña) took measures to appease the Communists, most notably the appointment of José Gomís as State Prosecutor for the trial. However, the impact of the Communists on the prosecution's proceedings was minimal if legible at all, as their own texts make clear. As in the case of Nin's disappearance, Negrín managed to walk the line between Communist demands and the calls for judicial normalcy in the case. This made for a colorful oral trial, but ultimately a trial that guaranteed the rights of the accused.

5.1 STRUCTURE AND FUNCTIONING OF THE TEEAT

With the exception of one scholarly article by French scholar François Godicheau, the historiography of the POUM's repression privileges the arrests and Nin's assassination over analysis of the TEEAT's actual prosecution.⁹ Very few have examined the trial in anything more than short sections, usually with generic and speculative conjecture. None have systematically examined the progression of the prosecution and attempted to set it within the context of the war and Negrín's internal reforms and international intentions. Barring the official Soviet and PCE histories of the war, which of course gloss over the assassination of Nin and the POUM's trial, the historiography presents two general variations in interpretation, and some important nuances. Former *poumista* militants such as Pere Pagès i Elies (Víctor Alba), Wilebaldo Solando, and Ignacio Iglesias¹⁰ (and philo-*poumista* historians) understand the arrest and subsequent prosecution primarily as a function of "Stalinism" or Soviet orders in the Republic.¹¹ Other Spanish leftist intellectuals who have published on the issue tend to take similar positions.¹²

Pelai Pagès i Blanch's work on the TEEAT tends to reduce the Tribunal's complexities to a Catalan – Central Government antagonistic binary, which militates against a fuller understanding of the various elements involved in the prosecution.¹³ Anglo-American historians such as Burnett Bolloten, Stanley Payne, Antony Beevor, and George Esenwein tend to cite the repression of the POUM as evidence for communist hegemony in Spain and the weakness of Republican institutions. However, Payne's more recent work has come around to the conclusion that "the show trial that Soviet policy sought proved to be impossible, for some residue of judicial integrity remained in Republican institutions and the Communists still lacked the power to override them."¹⁴ Among those cited above, there is general consensus that the TEEAT was established in some form or fashion as a cover for Soviet objectives in Republican Spain.

On the other hand, the more careful and archive-intensive work of Godicheau, Antonio Elorza, and Marta Bizcarrondo largely eschews the hackneyed Cold War debates about "Stalinist" dominance in the Republic's institutions. Godicheau has argued that although one

⁹ Godicheau, "El proceso del POUM."

¹⁰ Originally, Iglesias wrote under the pseudonym Andrés Suárez.

¹¹ For the most extensive work, see the document collection, Alba and Ardevol, *El proceso*.

¹² See Cruz González, *Las víctimas de Negrín*, 126-136; and Gutiérrez-Álvarez, *Un ramo de rosas*, passim.

¹³ Pagès i Blanch, "La administración de Justicia en Catalunya," in *Justicia en Guerra*, 47-63.

¹⁴ Payne, *The Spanish Civil War, the Soviet Union, and Communism*, 230.

cannot discard the possibility that the Comintern and Soviet-affiliated operatives may have sought to carry out a “Moscow trial in Spain” using the TEEAT, the dominant interpretation that “men from Moscow” manipulated Spanish Republican institutions is a gross oversimplification. Rather, he argues that attention must be paid to transformations in Popular Front politics and the interior logic of various institutions, judges, and parties.¹⁵ Elorza and Bizcarrondo argue that the TEEAT operated with a high sense of judicial aptitude in the POUM prosecution, and that its judges took a legal approach that *departed* from that of the Negrín government. This impression owes to their tendency to analyze events largely through the lens of Comintern materials, and to neglect the institutional context created largely by Negrín, Irujo, and Zugazagoitia in which the prosecution took place. In such a context, the TEEAT’s prosecution of the POUM leadership is consistent with a general effort of judicial statebuilding led by Negrín after summer 1937. More appropriate is the perceptive argument, which Helen Graham has made, that the outcome of the POUM’s trial may be seen as indicative of the health of the Republic’s young constitutionalism given the tumultuous context in which it was held.¹⁶

If we examine the repression of the POUM leadership as a whole – that is to say the arrests, prosecution, and trial –more complex and nuanced interpretations arise. Changes in the judiciary have been almost completely overlooked in studies of the POUM’s prosecution, as authors have tended to reduce the phenomenon to partisan blood politics, typically between the Comintern-aligned PCE/PSUC and the POUM. The desire on behalf of the Republicans and Socialists to see the POUM removed from the political landscape is less examined, in part because the former narrative dovetailed far more effectively with Cold War understandings of Soviet and Communist politics. Indeed, Catalan president Luis Companys and the Republican (ERC) leader Jaume Miravittles, as well as a considerable portion of PSOE leaders (and militants) preferred to see the POUM repressed. Many saw it as disruptive and adventurist. A close examination of the TEEAT’s structure and practice reveals that the Republican government oversaw, controlled, and protected the POUM prosecution. This was the case from the moment at which the POUM leaders were transferred into state custody at the end of summer 1937 to the eventual trial in October 1938. Power over the prosecution lay with Negrín and his non-Communist confidants (often PSOE officials). As such the prosecution was carried out both to

¹⁵ Nevertheless, Godicheau falls into some pitfalls when he relies on the work of Julián Gorkin uncritically, as in the case of his analysis of Special Judge José Taroncher (see below).

¹⁶ Graham, *The Spanish Republic at War*, 385.

save face internationally (after the Nin affair) and to produce an example of the consequences of indiscipline within the Republican zone. It was to assert wartime state powers in the realm of politics, rule of law and centralization in the field of public order, and the image of the Republic as non-communist in the sphere of international relations.

However, the prosecution did respond to a rapidly changing context both within the Republic and throughout Europe. Justice Minister Irujo and his successors modified its structure and norms several times before the trial took place. Consequently, the activities of the TEEAT (and later the TEG) took a more militarized color, reflecting the increasingly desperate military situation. Historians have often erroneously chalked up these changes (which are reviewed below) to a Republican government ostensibly compliant with Communist or Soviet demands. Moreover, jurisdictional and public order conflicts between the Catalan Generalitat and the central government, especially after Negrín moved the government's headquarters to Barcelona after 30 November 1937, caused delays in prosecutions. All of these factors have to be taken into consideration in order to account for the often paradoxical and seemingly puzzling development of the prosecution.

Catalan police had arrested upwards of four thousand antifascists during the summer of 1937. By August, arrests of antifascists had tapered off sharply. By autumn, 90% of those who had been arrested belonged to the CNT, with those belonging to the POUM in the single digit percentage. It should also be taken into account that on 18 June 1937, the Generalitat appointed Bertrán de Quintana Special Judge to investigate "clandestine cemeteries" and extrajudicial killings that had taken place since the beginning of the war.¹⁷ This produced over one hundred arrests, twelve of which were of POUM members, five of which were PSUC (Comintern-aligned) members, and one of which was a case involving an ERC militant. CNT detainees provided for the remaining cases. The investigation lasted from April 1937 to September 1937, and was brought to an end in part because of the intervention of Rafael Vidiella (PSUC *Conseller* of Labor and Public Works).¹⁸ Moreover, the previous government had appointed Rodríguez Dranguet on 10 May as Special Judge to investigate crimes committed during the

¹⁷ Quintana's inquiry resulted in over two thousand exhumations and charges against around 150 individuals, most of which belonged to the CNT-FAI. For more information on this inquiry, see Julius Ruiz, *The 'Red Terror,'* 306-307.

¹⁸ *Ibid.*, 307.

May events. The majority of those arrested had their cases dropped.¹⁹ The legal discourse of these trials was similar to that of the subsequent trial of the POUM leadership in that it revolved around the claim that those involved took up arms against the Republic and in doing so aided its enemies.²⁰ But the POUM's trial raised international concerns related to the alleged crimes of the *poumistas* alongside the more common domestic claims raised in trials related to Quintana and Dranguet's inquiries into the May events, extrajudicial killings, and the "clandestine cemeteries."

The campaign to punish those responsible for the infamous *paseos* drew much criticism from the CNT. Irujo's earliest judicial decrees also met with resistance and complications from both the CNT and PCE. The CNT resisted his decree that ordered judges and jurors in the Popular Tribunals to be drawn only from the parties represented in the Popular Front government. In an attempt to retain CNT-affiliated judges in the Popular Tribunals, the CNT initiated a campaign to suspend the functioning of Popular Tribunals, as Irujo put it, "in the entire loyalist zone." The CNT used previous judicial decrees by one of its leaders and former Minister of Justice (under Largo Caballero), García Oliver, as legal justification. On 28 May 1937, Irujo wrote to Negrín that the "serious" and "eminently political" nature of the issue required action, and reported that he had ordered all Provincial Presidents to make the required changes to Tribunal composition. "It is indispensable," he wrote, "as I see it at least, that the parties represented in the Government realize the skillful manipulation to which they have been subjected and oppose their [that is, the CNT's] triumph... so that those appointed to constitute the Tribunals be proportioned in accordance with what has been ordered."²¹

Irujo spoke out against potential abuses of power by PCE officials in judicial matters as well. For example, on 12 August 1937, he wrote to Negrín of an attempt by a deputy member of the PCE CC and PCE lawyer, Antonio Pretel Fernández, to circumvent Republican justice. Irujo wrote, "Pretel presented himself before a special judge investigating cases of police abuse and capital flight, attempting to negotiate an agreement with the Court... on the legal measures that the Judge would adopt." He went on, "...the Prosecutor has responded to the Lawyer of the Communist Party that the Judiciary does not make pacts with anyone [and] limits itself to

¹⁹ Godicheau, "El proceso del POUM," 843-845.

²⁰ Ibid., 864-865.

²¹ AFJN, 1MJU1000000020021001-2.

applying the law.” The letter, delivered to Negrín that day, ends: “You should know this; each candlestick must carry its candle [each man must face his own responsibility].”²²

Negrín responded to both pleas with his support, though Pretel was not punished.²³ These are but two examples of the many threats to judicial impartiality and autonomy that the Spanish Republican judicial system faced during Negrín’s tenure as Prime Minister. They are quite representative of the attempt to counter wartime interference in Republican judicial process by various parties. Although Irujo’s opposition to malfeasance within the Republic’s penal apparatus did not completely address the difficult problem of torture and irregularities within the SIM, the available evidence makes clear that the autonomy and functionality of the Republican justice was a priority for Negrín’s government and that its courts were a field of political struggle. And this is in spite of the judicial depoliticization measures taken by the government. The TEEAT was no exception of course. But while the success and failure of such manipulations of Popular Tribunals varied based on local particularities and the contingencies of wartime, the TEEAT remained quite insulated from such issues. This was a direct result of government oversight of the court. In the context of war, this is not insignificant. The political hatred and violence of summer 1937 had repercussions in the judiciary. Perhaps the most important example is the oft-overlooked assassination attempt on Catalan President of the High Court, Josep Andreu i Abelló on 2 August 1937, which triggered yet more repression against CNT militants.²⁴

August also saw the fiasco associated with Gregorio Peces Barba’s order to arrest several members of the *Brigada Especial* involved in Nin’s arrest, including Valentí and David Vázquez Baldominos.²⁵ The growing rift between the judiciary and the PCE only makes sense if we resist the traditional tendency to conflate Negrínista politics with those of the PCE and PSUC. In the midst of the Peces Barba debacle, rumors spread that Santiago Carrillo, then leader of the Unified Socialist Youth (JSU) and later head of the PCE, had been arrested. Understanding the gravity of such an action, Negrín immediately wrote Irujo, demanding to know if Carrillo appeared in any of the registries in Madrid or Valencia. Irujo responded on 14 August:

²² AFJN, 1MJU1000000020102001.

²³ Pretel served as Civil Governor of Murcia from 17 January 1937 to 13 July 1937. He was later implicated by the Francoist Special Tribunal for the Repression of Masonry and Communism. See CDMH, TERMC, FICHERO, 70, 22207552. However, he lived in exile in the USSR until his death in 1980. AFPI, Diccionario Biográfico, biografías, “Pretel Fernández, Antonio.”

²⁴ Pagès i Blanch, *War and Revolution in Catalonia*, 122.

²⁵ See above, Chapter 1, “¿Dónde Está Nin? Soviet Involvement in Spain and the POUM Arrests in Documents and Discourse.”

I do not know who has told you this, but that person should know without a doubt where the news came from. I have not been able to find [him] in any of the Courts of Madrid or Valencia. I confess sincerely that I find this gravely nerve-wracking because three days ago our companion, Sr. [Jesús] Hernández, arrived with the same story.²⁶

Although there is no evidence to the author's knowledge that Carrillo had in fact been detained, the rumor and the responses it elicited are indicative of the political climate in which Negrín and Irujo sought to rebuild the machinery of the state in the area of public order and judicial politics. It was not beyond the pale that Carrillo, the JSU head, PCE leader, and former Head of Public Order in Madrid, could have been arrested. It is telling as well that Jesús Hernández, the Minister of Health and Education and PCE Politburo member, should have come to Irujo to get answers about the rumors of Carrillo's alleged detention. According to Comintern advisor Stepánov's report of 30 July 1937, Irujo had wanted to detain Carrillo as part of the new investigations into the violence and killings of summer 1936.²⁷ Bertrán de Quintana's investigations had indeed led to many PSUC arrests, contributing to the continued partisan conflict within the police and judicial apparatus.

The role of special police units in the POUM repression remains somewhat of a mystery, despite recent advances in scholarship on the topic.²⁸ Orlov and other NKVD operatives had been directing a small group of agents, probably affiliated in some way with the *Brigadas Especiales*, which included the elusive Victorio Sala, up until summer 1937, when its actions were absorbed by the Republic's DEDIDE. Sala has been erroneously conflated with Eusebio Rodríguez Salas, head of public order during the May events of 1937. Sometime in July 1937, Sala took over the *ad hoc* security unit, the so-called "Servicio de Alfredo Herz," named after the German who came to Spain from Amsterdam and was connected to Orlov and other NKVD "illegals." Until July 1937, Herz had run special intelligence operatives under the cover of a

²⁶ AFJN, 1MJU1000000020106001.

²⁷ Ronald Radosh, et al., 223. See also Ruiz, *The 'Red Terror'*, 307. The arrests caused outrage in Communist leadership: the PSUC *Conseller* of Labor and Public Works, Rafael Vidiella, denounced the arrests for crimes committed which were, in his view, revolutionary, and therefore should not be prosecuted. Prosecuting them, he argued, "would be like prosecuting the revolution itself." Ibid.; Pelai Pagès i Blanch, *La presó Model de Barcelona: Història d'un centre penitenciari en temps de guerra (1936-1939)* (Barcelona: Publicacions de l'Abadia de Montserrat, 1996), 360. See also Preston, *The Spanish Holocaust*, 420; Elorza and Bizcarrondo, 379.

²⁸ See Volodarsky, "Soviet Intelligence Services," passim.

bookshop and without any government mandate.²⁹ Politically, the body was informally attached to the PSUC, through its “servicio extranjero,” and probably also included members of the Generalitat’s “special” police (intelligence). This group of mostly foreign communists were allegedly involved in the arrest and assassination of foreign Trotskyists in Republican Spain, including possibly the enigmatic case of Mark Rein. However, in Negrín’s clampdown on public order in summer 1937, the “Servicio Alfredo Herz” was disbanded, and parts of the group were passed to Victorio Sala, who retained a Russian translator (Vladimir Yampolsky) and maintained, it seems, contact with Grigulevich and Orlov.³⁰

Sala is a long-unknown but key part of Orlov’s covert action against the POUM. According to Boris Volodarsky, Sala had successfully developed several informers within the Barcelona POUM, among the foreign (and mostly German) recruits.³¹ This gave Orlov eyes inside the POUM in his preparation for the NKVD operation against Nin and the leadership. Here, material from Russian archives provides some insight onto the actions of Sala. In the days following the arrest of the POUM leadership, the Hotel Falcón was turned into a detention facility, where detainees affiliated with the POUM were questioned and police developed investigation files. Detainees were also held in Puerta de Angel in Barcelona at a DEDIDE station located there. Sala received regular reports from a one “François” (unidentified) on the information obtained by the questioning of those detained in the various locales. A look at the documents illustrates a basic lack of materials and resources, unreliable document processing, and at times a deep distrust of the Tribunals of the Republic. Although it is often claimed that the former POUM locale – Hotel Falcón – was converted into a secret prison, this is completely false. Information on the holding of detainees at the Hotel Falcón was published in *La Vanguardia*, meaning it passed the rigorous press censor; it was hardly secret. Moreover, the facility was shut down by Burillo on 17 of July (meaning it was a detention facility for less than a month) after pressure from Negrín’s government and the PSOE.³²

The sweep of police arrests during summer 1937 produced what authorities deemed “governmental prisoners” (*presos gubernativos*), whose whereabouts were not only discussed by

²⁹ He worked with Hubert Von Ranke (Moritz), Hermann Geisen, and Jorge Schaja. Apparently, when Orlov approached von Ranke directly about working with the NKVD, the latter apparently refused and later left the party and Spain for France.

³⁰ Volodarsky, “Soviet Intelligence Services,” 209-ff.

³¹ *Ibid.*, 212.

³² *La Vanguardia*, 18 July 1937, p. 4.

the government but also by the press. According to Irujo, the existence of these prisoners gave rise to the 19 June 1937 order that arranged for the presidents of the *Audiencias* of each province to report on their prisoners. The Catalan press gave regular updates to the public on the *presos gubernativos* who had been detained after the May events. On 6 July, Negrín met with Catalan Justice *Conseller* Bosch-Gimpera, after which the latter made statements to the press about providing judicial guarantees for prisoners and the issue of the political composition of juries in Catalan Tribunals.³³ Catalan President Luis Companys conducted a review of the Public Order Forces on 8 July, meeting with both Burillo and Paulino Gómez Sáiz, Negrín's official delegate for Public Order in Catalonia.³⁴ A few days later, a delegation of the PSOE (including the Secretary General Ramón Lamóneda and future Minister of Justice Ramon González Peña) met with Gómez and the head of Correctional Services in Barcelona.³⁵ In the days that followed, it was announced that most of the *presos gubernativos* were to be released and reintegrated into the army. On 13 July, Burillo was summoned to Valencia to meet with Zugazagoitia and Ortega regarding "issues related to his post." Upon returning to Barcelona, Burillo closed the Hotel Falcón, splitting the prisoners into three groups on 17 July 1937. While those whose cases were pending investigation were sent to police jails, those with complete files were sent to the *Preventorio Judicial* at the Barcelona Model Prison, and those who had been associated with the military were put before the Head of the Eastern Army at Montjuic.³⁶

Although it would appear that the police apparatus was "infiltrated by Communists," as many a historian has argued, public order actions in the Republic were more complex. On 14 July, the same day that the Council of Ministers discussed Nin and the POUM arrests in a contentious meeting, the PCE CC held a meeting in which they discussed how Irujo and Zugazagoitia had been "ruining of the struggle against counterrevolution." Although they resolved not to provoke a government crisis, this was clearly a reference to the efforts taken to curb the politicized repression of *poumistas* and anarchists in Catalonia, as well as the Ortega problem. As a whole, the intervention of Negrín, Zugazagoitia, and Prieto in the cases of Nin and

³³ *La Vanguardia*, 7 July 1937, p. 1.

³⁴ *La Vanguardia*, 9 July 1937, p. 1.

³⁵ *La Vanguardia*, 11 July 1937.

³⁶ *La Vanguardia*, 18 July 1937. The next day, Ortega received the communiqué relieving him of command as head of the DGS, and Companys met with Paulino Gómez, head of the Catalan Courts José Andreu, as well as the Russian Consul in Barcelona, presumably to discuss these actions.

the POUM prisoners made it very clear who would be calling the shots as the prosecution progressed.

There were numerous confrontations between police and PCE militants in summer 1937. For example, in July, a police unit arrived at PCE headquarters with an order to search the premises, in part on suspicion that Justiniano García (a Communist), who was wanted by the courts, was holed up in the building. It has been claimed that García had worked with NKVD operatives at the San Ursula “checa,” and this may explain why state authorities were interested in detaining him, perhaps as part of one of the investigations of the Special Judges appointed (Dranguet and Quintana).³⁷ One of the first actions of Zugazagoitia’s undersecretary, Juan-Simeon Vidarte, upon taking up the Ministry of Interior, had been to shut down the San Ursula prison, and it was well known that the new government (and especially Irujo) was pursuing those involved in extra-judicial killings.

When the police arrived, they were stopped at the entrance, Pedro Checa appeared and defused the situation by claiming that García was not there, and the police left without searching the premises. Negrín demanded by telephone that Zugazagoitia look into the event, and the latter produced a short report in which he related the above. He wrote that “This is what happened,” adding that Gabriel Morón, the new Socialist head of the DGS (in his second week in the post) told him, “whoever claims otherwise is a liar.” The search had happened because, as Zugazagoitia put it, “two Courts were interested in his detention, if I am not mistaken.”³⁸ These sorts of confrontations obviously worried Negrín, and in this case he directed Zugazagoitia and Morón to look into it. Negrín was again forced to play mediator between the two formations: on the one hand, Zugazagoitia, Irujo, and others who attempted to normalize, depoliticize, and professionalize security services and empower the Republic’s courts; and on the other, the PCE, PSUC, and other Communist-affiliated policemen. As we shall see, the investigations into the POUM and the development of the prosecution of the POUM leadership elicited further escalation along these lines.

In such a context, Prieto, Irujo, Zugazagoitia, and Negrín carefully selected judges, officials, and auxiliary personnel to staff the TEEAT. In doing so, they excluded Communists

³⁷ García had apparently worked alongside Naum Markovich Belkin (Belayev, codenamed KADI), a senior NKVD operative sent to the Soviet embassy in Spain with diplomatic cover to establish a liaison bureau with the Spanish interior ministry. He had also been advisor to Spanish Republican police and security agencies. Volodarsky, “Soviet Intelligence Services,” 96, 157.

³⁸ AFJN, 1MGO1000000020071.

altogether. Also, according to Article 2 of the TEEAT founding decree, the privilege of proposing judges was not accorded to the two PCE ministers in Negrín's cabinet. Moreover, the absence of the local municipal or provincial appointment procedures characteristic of the Popular Tribunals reserved these kinds of decisions for the highest Republican authorities. Those selected were intended to be non-political, professional career judges. However, the first few months of the TEEAT's existence saw its judges shuffled. Although the TEEAT was designed to operate, as it were, "outside of politics," such a goal was not possible in practice given the wartime context and the contentious relationships within the Popular Front coalition. In the first days of July, the presiding judges were proposed. The anti-Communist and PSOE Minister of Defense, Indalecio Prieto, proposed Jose Coello de Portugal and Manuel Hernando Solana as the two military judges on the court. Irujo, in his capacity as Minister of Justice, proposed Nicolas Salvador Solera Martínez and Vidal Gil Tirado, the latter of whom presided as President of the Tribunal. On 2 July, Negrín accepted all four proposals. Manuel Mediano Flores was appointed as the fifth (and interim) judge the same day, and Carlos Sambeat Chicoy was appointed as an alternate.³⁹

The judges were also well-known jurists and Republicans. Prieto's proposal, Coello de Portugal, was a PSOE member from an aristocratic family. Coello de Portugal would later cede the position and himself take part in the POUM's trial as a witness. Prieto's other selection, Hernando, had been professor of Law at the University of Valencia. In exile, Hernando later corresponded with *poumista* Jordi Arquer (a defendant in the trial), reporting that he (Hernando) had suggested that all those who sent letters to TEEAT demanding the death penalty for the POUM leadership be prosecuted themselves for attempting to exert pressure on the court.⁴⁰ In fact, the American historian Burnett Bolloten attempted to obtain copies of documents from the POUM's trial by way of Jordi Arquer, who sent money to Hernando to make photocopies. Hernando sent Arquer documentation to prove that the POUM was not in fact convicted of treason. Arquer sought to use the material to refute attacks by the exiled PCE, and as a response to the PCE-Comintern collaboration, *Espionaje en España*, which denounced the POUM as

³⁹ The proposals are preserved in the AFJN. For example, Prieto's original 28 June 1937 selections of Hernando Solana and José Coello de Portugal, and Negrín's approval, can be found in AFJN, 1MDN1000000020045001-002.

⁴⁰ CEHI, Fons-DO.3.2; Bolloten, *The Spanish Civil War*, 519.

traitors and spies and presented “evidence.”⁴¹ Arquer planned to publish a book on the trial with the tentative title, “The Trial of the POUM: The First Moscow Trial Abroad.”⁴² The work was never published to the author’s knowledge.⁴³ Nevertheless, in light of the length and rigorousness with which Bolloten and Arquer discussed specific issues about the Spanish Civil War in their correspondence, the impact of Arquer’s thinking on Bolloten’s work is undeniable, in spite of their very considerable political differences on most issues.⁴⁴ Arquer also corresponded with Orwell, Arthur Koestler, and other notable anti-Stalinist literary figures, and facilitated information between Julián Gorkin (also a POUM defendant) and Bolloten.

The initial TEEAT President, Vidal Gil Tirado, had been the State Prosecutor in the trial of Falangist leader José Antonio Primo de Rivera. It was not until March 1938 that Irujo’s successor, Mariano Ansó, replaced TEEAT President Vidal Gil Tirado with Eduardo Iglesias Portal.⁴⁵ Iglesias Portal was a significant selection, as his appointment came in the later stages of the trial preparation, and he was a well-known jurist who had presided over widely publicized and high profile cases. He was presiding Judge over the trial that resulted in the death sentence of José Antonio Primo de Rivera. He also oversaw the cases of the assassins of José Calvo Sotelo and the Socialist militant José Castillo, two central political killings that sparked the Civil War in summer 1936. He was a high profile judge with a reputation as a both a fervent Catholic and a Republican.⁴⁶ Iglesias Portal had also held several high positions within the Spanish judiciary during both the Primo de Rivera dictatorship and the Second Republic.⁴⁷

⁴¹ The book was published under the pseudonym Max Rieger, who never actually existed. Bolloten attempted to find the identity of Rieger over the course of years, even writing to Arthur Koestler about it. CEHI, Fons-DO-C.10.7, “Koestler.”

⁴² CEHI, Fons-DO.3.2. The title in Castilian is, “El proceso del POUM: El primer proceso de moscú en el extranjero.”

⁴³ However, notes and outlines of the book are preserved in Barcelona in CEHI, Fons-DO.3.2.

⁴⁴ For the full book of correspondence, see CEHI, Fons-DO.3.2, “Bolloten, Burnett.”

⁴⁵ *La Vanguardia*, 24 March 1938, p.5; *Gaceta de la República*, 23 March 1938, no. 82, p. 1436. Gil Tirado retook his position as Magistrate in the Second Chamber of the Supreme Tribunal. He would lead the October 1938 prosecution against the renegade Eduardo Barriobero (from the *Oficina Jurídica*). *La Vanguardia*, 1 November 1938, p. 4.

⁴⁶ After the war, Iglesias Portal lived in exile in France and Mexico, and formed part of the JARE (*Junta de Auxilio a los Republicanos Españoles*) headed and organized by the Socialist leader Indalecio Prieto. He later collaborated in Carlos Martínez, *Crónica de una emigración: la cultura de los republicanos españoles en 1939* (Mexico: Libro Mex, 1939). He later returned to Spain before his death in 1969 in Andalucía.

⁴⁷ Iglesias Portal, born in Asturias, had studied law at the Universidad Central de Madrid, held several positions as Judge, Prosecuting Attorney, and Magistrate during the 1920s. In 1932 he was appointed as Magistrate to the Supreme Tribunal, identifying as a “Republican Magistrate.”

The judges nominated to serve on the TEEAT had to be career judges. On 13 August, Irujo decreed that, given the “importance and delicacy” of the TEEAT’s “special mission,” and in order to facilitate the normal functioning of the court, the Minister of Justice would have to approve all auxiliary staff, especially Judges and Prosecutors, and that Prosecutors must be drawn from the Supreme Tribunal’s body of prosecutors.⁴⁸ This ensured that Supreme Tribunal President Mariano Gómez, Irujo (and his successors Ansó and González Peña), and Negrín himself would ultimately have control over the judges and subordinates who would hear the trial and hand down an appropriate sentence. Correspondence indicates that both Mariano Gómez and Ansó (as well as González Peña) were in contact with the judges through winter 1937 and into 1938. In mid-August, Irujo met with Mariano Gómez, with whom he got along well, to set out another decree that outlined how the TEEAT had the right to suggest replacements of subordinate posts to the Supreme Tribunal’s Government Chamber, to be approved by Minister of Justice.⁴⁹

On 22 August, Irujo extended the TEEAT’s infrastructure, creating courts in Santander and Asturias, and later in Catalonia.⁵⁰ He claimed that his 30 June 1937 decree set out to “complete the judicial guarantees” of the founding decree, in part by extending in law the autonomy of the new court. The decree also professionalized the process of justice. It fixed the court in Valencia for the time being, and authorized the President of the TEEAT and the Government Chamber of the Supreme Tribunal to choose investigators, supplementary officials, and assistants, who would be drawn from the existing corps of judicial officials on the President’s prerogative. In other words, the Supreme Tribunal would request appointments (confirmed by Irujo as Minister of Justice) after agreement with the TEEAT President. The modifications ensured that the Ministry of Justice would have the final word in appointments and insulated the tribunal from the *ad hoc* appointment practices common in the Republic’s Popular Tribunals, which often saw partisan appointments.

The final trial judges who conducted the POUM’s trial were as follows: Gil Tirado was replaced by Iglesias Portal. Hernando Solano and Juan Manuel Mediano Flores remained as

⁴⁸ *La Gaceta de la República*, 13 August 1937, no. 225, p. 605.

⁴⁹ This measure allowed for a few different appointments and shuffles within the TEEAT (but not within its Court No. 1 which tried the POUM leadership) on 17 August 1937 and on later dates. *Gaceta de la República*, 19 August 1937, no. 231, p. 704. For example, on 27 July, the Government Chamber of the Supreme Tribunal proposed Nicolás Sánchez Esteban as Investigating Judge in TEEAT Court No. 3 in agreement with the TEEAT President, and Irujo approved the appointment. *La Gaceta*, 28 July 1937, no. 209, p. 374.

⁵⁰ Irujo, *Un vasco*, 22-24.

Judge and Substitute Judge. Julián Calvo Blanco was appointed TEEAT Judge on 3 September 1938, little more than a month before the trial on proposal of then Minister of Justice and PSOE leader Ramón González Peña.⁵¹ Calvo Blanco belonged to Manuel Azaña's *Izquierda Republicana*.⁵² The final judge was Ernesto Beltrán Díaz, a prominent professor and judge, and also a UGT and PSOE member. That Negrín closely controlled the selection of TEEAT judges is beyond doubt. It is also telling that the only two to stay on the panel of TEEAT judges from July 1937 through the POUM's trial in October 1938 were one of Prieto's originally proposed judges (Hernando) and one of Irujo original choices (Manuel Mediano).

Although the judges' animosity towards the political infighting characteristic of the Spanish (and Catalan) left, and their outright rejection of Communist accusations of espionage and treason, can be easily gleaned from internal TEEAT documentation, some scholars have continued to insist that the case's outcome was somehow miraculous. The *poumista* militant and historian, Víctor Alba (Pere Pagès i Elies), for example, insisted in 1988, in the midst of working on the POUM trial dossier (released that year), that the behavior of the judges and the outcome of the trial was surprising. Alba wrote,

The Spanish Republican judges had not imitated the Soviet judges... the independence of the magistrates of the Tribunal constituted almost a miracle... It took great integrity and great strength of conviction in the independence of judicial power to hand down a sentence that was going to exasperate those who, by the orders of Moscow, wanted the elimination of the POUM for being dissident and because their elimination would "justify" the Russian trials against the old Bolsheviks.⁵³

Such an interpretation illustrates the basic misunderstanding of the narrative of the dissident communist and anarchist left (broadly conceived) regarding the prosecution of the POUM. Only if we accept various assumptions about the extent and nature of Soviet power in Republican Spain does such an episode appear miraculous. Seen in a more precise and illustrative context, it is clear that the judges played precisely the role that Negrín and his judiciary intended them to play. They applied the law as written, resisting pressures from various elements, and in doing so asserted state power and helped to rectify the state's failures in the past regarding justice,

⁵¹ *La Gaceta de la República*, 5 September 1938, no. 248, p. 1033.

⁵² Calvo Blanco later edited the Mexican poetry and art magazine *Litoral* in exile, and worked with Max Aub on other projects. Manuel Aznar Soler, *Los laberintos del exilio: diecisiete estudios sobre la obra literaria de Max Aub* (Sevilla: Editorial Renacimiento, 2003), 98.

⁵³ Víctor Alba, "Cinco magistrados, cinco acusados y una silla vacía," *Polemica*, no. 35-36 (December 1988).

especially regarding politically driven crimes and popular violence. The goal was not a “Stalinist” punishment of Trotskyists or “Trotsky-fascists,” notions rejected by the TEEAT throughout the prosecution and during the oral trial, to the chagrin of the PCE and Comintern. Rather, the state used the court to discipline the so-called “uncontrolled” elements by singling out the smallest of them – the POUM. The rule-of-law prosecution reinforced wartime discipline in the Republican zone and held incentives for the Negrín government abroad.

5.2 THE ORDER OF PROSECUTION, STATE PROSECUTOR JOSÉ GOMÍS, AND THE *COMISIÓN DEL PROCESO DEL POUM*

The prosecution got off to a rocky start. On 27 July 1937, Irujo formally ordered the constitution of four Courts within the TEEAT and named the Investigating Judges to oversee cases in each.⁵⁴ He appointed José Taroncher Moya as Special Investigating Judge of TEEAT Court No. 1, which oversaw the collection of indictment materials for the prosecution of the POUM leadership and prosecutions of other *poumistas* arrested in summer 1937.⁵⁵ Taroncher was endorsed by the TEEAT President and the Government Chamber of the Supreme Tribunal, which abided by Irujo’s decrees and orders regarding appointment procedures.⁵⁶ His tenure as Special Investigating Judge in the POUM’s case was short-lived. He was sacked on 21 August 1937, but managed to file the Order of Prosecution of the POUM leadership on 23 August 1937 before vacating his post. While the language of this document has pushed various historians to assume that Taroncher was sacked because of his ostensible connections to the PCE (or in some cases, connections with the NKVD are alleged), a closer examination of available documentary materials complicates this argument.

From 28 July to 23 August, Taroncher assembled what little evidence was available to support the charges of espionage and high treason, as well as other charges, in order to formally initiate the indictment of the POUM leadership. Taroncher signed a document on 2 August 1937 defining the POUM leadership’s crimes, which included possession of a cyphered map of

⁵⁴ Eusko Ikaskuntzaren Eukomedia Fundazioa (hereafter EIEF), Fondo Irujo, Sig. J, Box 20, file 1, 145522, 13248.

⁵⁵ *Gaceta de la República*, 28 July 1937, no. 209, p. 374. The decree also appointed Gregorio Oliván García to Court No. 2, Nicolás Sánchez Esteban (interim) to Court No. 3, and Enrique Balmaseda Vélez to Court No. 4.

⁵⁶ According to Alba (Pagès i Elies), Taroncher had been expelled from the judiciary before he was reinstated by the Negrín government. Alba, “De los Tribunales Populares al Tribunal Especial,” in *Justicia en guerra*, 234.

Madrid that would facilitate Francoist bombings on Republican targets. He wrote that “from information from the Police, it was deduced that there was an organization operating under the authority of the German GESTAPO in the ranks of the POUM.” He forwarded this information to the President of the TEEAT, Gil Tirado, reporting that he had initiated indictment procedures.⁵⁷ Responding to Taroncher’s 10 August request, the *Comisario-Jefe* of Police in Madrid wrote on 17 August a brief overview of the infamous “N” document and the order to arrest the POUM leadership.⁵⁸ On 5 August, the TEEAT President received Andreu Nin’s declarations from his interrogation in Madrid by the *Brigada Especial* in June.

Although many within the Catalan and Republican governments made no secret of their skepticism (or outright denial) of the reliability of the “N” document, Taroncher went forward with the Order of Prosecution. For example, we know that Catalan President Companys denied outright the authenticity of the document. Andreu Nin’s wife, Olga, had met with Irujo on 9 August regarding the disappearance of her husband. At that point, Irujo thought that Nin may have still been alive. According to Olga, Irujo insinuated that the Communists had been involved in his disappearance and that they were now regretful and wanted to find Nin but did not have the means to do it. He reportedly told her that the trial would be for the POUM’s role in the May events and not for espionage, that the “N” document was false, and that the trial “will proceed with open doors [open to the public], and that all the means by which to defend oneself will be given.” The documents that had been strewn about on the floor of the room from which Nin was abducted, Irujo told her, had in fact previously been taken from the Madrid police archives.⁵⁹ This had been confirmed in a 7 August letter to Deputy Attorney General (under Ortega y Gasset), Carlos de Juan.⁶⁰

The standard argument in the historiography that Taroncher’s Order of Prosecution of the POUM leadership had been composed, edited, and revised with assistance from Comintern officials is based on evidence given in Stepanov’s postwar report. According to Stepanov,

⁵⁷ CEHI, *Proces POUM*, Caja 2, Carpeta 4.

⁵⁸ Alba and Ardevol, *El proceso*, 80-81. He further requested information on the transmitter codes, ink type, and other evidence related to the map of Madrid that had been used by the Golfín-Corujo Falangist espionage organization, into which Orlov and Grigulevich had insert Nin by way of the infamous “N” document. However, the documents did not arrive until 8 September 1937. By then, Taroncher had been sacked. *Ibid.*, 111-114.

⁵⁹ Alba and Ardevol, *El proceso*, 68-69

⁶⁰ According to this letter, “From a conversation, I have learned that the documentation of the Gestapo found in the room in which Sr. Nin was held in Alcala de Henares belonged to the police, and had already been registered beforehand for having been taken away from other detainees.” CDMH, FC-Causa_General, Caja 663, Expediente 1.

members of the PCE CC had aided in the composition of the Order of Prosecution that was signed on 23 August 1937, with the help of José Gomís Soler, the State Prosecuting Attorney selected for the POUM's case. The selection and retention of Gomís remains a somewhat mysterious episode in the POUM prosecution, and merits a closer look.⁶¹ One piece of available evidence is Comintern advisor Stepánov's claim that a Prosecutor had "fled" before Gomís took the post.⁶² Stepánov's report suggests that Negrín made a deal with the PCE to allow Gomís to function as the Prosecutor.

Gomís was drawn from the *Fiscalía General*, which operated under the authority of Attorney General Eduardo Ortega y Gasset (and later Leopoldo Garrido). He had acted as Prosecutor in the Murcia *Audiencia* before he was appointed President of the Murcia Special Popular Tribunal on 21 November 1936.⁶³ He later became its President before he was moved to the TEEAT. What little evidence exists on the selection, aside from official documentation related to his appointment, suggests that the selection of Gomís caused a conflict in the Republican government on account of his relationship with the PCE. According to Stepánov, members of the PCE worked with Gomís in the preparation of the initial Order of Prosecution, published on 23 August 1937, but encountered problems attempting to change the composition of the court. Moreover, Stepánov claimed Gomís was a PCE member.⁶⁴ This politicization was precisely what Irujo intended to avoid with his decrees, and the Republican government responded strongly against the interference. The retention of Gomís was very likely one of the compromises Negrín made vis-à-vis the POUM leadership's prosecution to maintain the Popular

⁶¹ It can be gleaned from the POUM dossier (released by the Spanish Ministry of Justice in the late 1980s) that another State Prosecutor had been involved in overseeing the POUM case – one Enrique Martín de Villodres. Martín de Villodres had been civil governor of Jaén during the Second Republic. Antonio César Moreno Cantano, "Quintacolumnismo y guerra civil en Madrid: La trayectoria del falangista Juan Manuel de la Aldea," *Aportes*, no. 83 (3/2013), pp. 53-68 (this citation is from page 64)]. He had also been a Prosecuting Attorney for the Madrid *Audiencia* and was moved to Provincial *Audiencia* of Murcia on 5 November 1936. *Gaceta de la República*, 5 November 1936, no. 310, p. 643. Martín de Villodres also served as Head Prosecutor of the Madrid Popular Tribunal No. 2, appointed 5 April 1937. *Gaceta de la República* 5 April 1937, no. 95, p. 66. He later served as State Prosecutor within the TEEAT in the case against Golfín, the Falangist spy with whom Orlov and Grigulevich had attempted to connect the POUM leadership. For reasons unknown to the author, Martín de Villodres ceased to be involved in the POUM case, and Gomís took over the responsibilities sometime in July 1937.

⁶² This could be a reference to Martín de Villodres. The original text reads: "Tras la fuga del fiscal, fue nombrado Fiscal del Estado Gomís, miembro del Partido..." Cited from the manuscript version in Archivo Histórico del Partido Comunista de España (AH-PCE), Sig. 58 'STEPANOV,' Stoyán Minev, *Las causas*, 23.

⁶³ Carmen González Martínez, *Guerra Civil en Murcia: un análisis sobre el poder y los comportamientos colectivos* (Murcia: Universidad de Murcia Servicio de Publicaciones, 1999), 221. See also *La Gaceta*, 21 November 1936, no. 326, p. 738.

⁶⁴ AH-PCE, Sig. 58, 'STEPANOV,' Stepánov, *Las causas*, 23.

Front coalition without alienating the PCE and jeopardizing Soviet aid. In his postwar report, Stepánov briefly addressed the issue:

The CC of the Communist Party was extremely interested in many issues: who would be the State Prosecutor and what would be the composition of the tribunal. After the flight of the prosecutor, Gomis, a member of the party, was appointed State Prosecutor... The Central Committee helped Gomis as much as possible in studying the materials and in the writing of the Indictment. It had to return to edit it a few times (inasmuch as it was possible and appropriate).⁶⁵

One should keep in mind that Stepánov had prepared the report expressly for the Soviet leadership in Moscow, in order to explain the reasons for the defeat of the Republic. While the report contains numerous self-criticisms, it doubtlessly contains both understatement and exaggeration. Again we also see Negrín's characteristic tactic of giving the PCE reassurances and pledges informally while pursuing his own agenda personally. Stepánov went on:

The initial composition of the tribunal was composed of people that did not inspire any trust or nor any guarantee. The CC put the issue before Negrín and achieved some changes, as well as Negrín's promise that he would personally keep watch on the issue and would not permit any kind of surprises. That same day, when the CC learned by way of the foreign press that the trial was scheduled for the first days of October, the issue was put before the Secretariat. And the same day a meeting was organized with the Agitation and Propaganda Section of the CC, with the head of the Department of Propaganda of the Presidency of the Council of Ministers [sic] (a comrade of the party) and the section of the CC that was dedicated to police issues, etc., and that night a meeting was organized with Gomis (State Prosecutor), Balbontín (member of the Supreme Tribunal) and others.⁶⁶

While José Antonio Balbontín was the PCE's "insider" in the Republican judiciary, the Supreme Tribunal remained strongly in the hands of Socialists and Republican officials. Balbontín, originally a member of Carrillo's Socialist Youth, had left the PCE in 1934 over disagreements with the United Front policy. He later reconnected with the PCE during the war on account of its importance and effectiveness, but only after he was an active member of the Republican *Izquierda Republicana*.⁶⁷ Balbontín would later write to Negrín in 1941:

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Balbontín later wrote, "Loyal to my idea of occupying the trench that seemed most effective to me(...) I sought contact again with the Communist Party, abandoning the ranks of *Izquierda Republicana*." José Antonio Balbontín, *La España de mi experiencia: reminiscencias y esperanzas de un Español en el exilio* (Sevilla: Centro de Estudios

I do not currently belong to any particular political party. I am an independent Spanish republican who wants to see a democratic regime that is sincerely liberal established in his country, for it seems to me that this would be the best – and perhaps only – solution for the acrimonious political problem of Spain.”⁶⁸

It is significant that Balbontín was included (along with the initial POUM defense attorney Benito Pabón) on a list that Irujo forwarded to Negrín in September 1937 containing the Justice Ministry’s picks for the recently decreed *Comisión Jurídica*, the charge of which it was to clarify and designate the power of the jurisdiction and powers of the Republic’s various courts.⁶⁹

Gomís later fled Spain and went into exile in Mexico, where he had a daughter, the successful Mexican novelist and essayist Anamarí Gomís Iniesta. According to Anamarí, José Gomís avoided conversation on the issue in exile. Her account largely corroborates that of Stepánov:

The Negrín government accused those of the POUM of being agents of Franco or the Nazis [*sic*]. My father never spoke of the issue in the house. But in his novel about the Civil War, “Cruces sin Cristo,” he mentioned with irritation the historical blindness of the anarchists and the militants of the POUM in those critical moments... Through the formation of the Government of President Negrín in May 1937, the detention of the leaders of the *Partido Obrero de Unificación Marxista* proceeded in the middle of the summer. Gomís, recently married, was then named Interim Prosecutor with the post of Prosecuting Attorney for the Supreme Tribunal, and was designated Delegate of the Attorney General’s Office of the Republic for the Tribunal of Espionage and High Treason. He served, then, as the representative of the Prosecuting Authorities in the trial of the ringleaders of the POUM, which turned out to be very complicated. It was clear that the trial had more political rather than judicial significance. The Central Committee of the Communist Party, closely tied with Negrín, made Gomís write the Order of Prosecution several times. The session was uncomfortable, lengthy, and exhausting.⁷⁰

Both Stepánov and Anamarí Gomís Soler discuss the collaboration between Gomís and the PCE/Comintern in the singular, as if there were only one meeting between the parties involved. This does not in itself describe the depth of the relationship, but it is nevertheless significant.

Andaluces, Junta de Andalucía, 2007), 29. Balbontín had been appointed Magistrate of the Third Chamber of the Supreme Tribunal.

⁶⁸ Ibid., 30.

⁶⁹ AFJN, 1MJU0000000020018.001-003. The other four proposals were Manuel Osorio Florti, Antonio Perez Torreblanca, José Prat García, and Julio de Juaregui.

⁷⁰ See <https://akantilado.wordpress.com/2011/06/15/el-coche-negro/>. Accessed 10 February 2017. My thanks to Anamarí Gomís Iniesta for her assistance and kindness.

Although there can be little doubt that the PCE influenced Gomís, though with some difficulty and frustration, there is significant evidence to contest the notion that Taroncher had PCE or NKVD connections that would be injurious to the case. For example, Taroncher's last statement before he decreed the Order of prosecution of the POUM on August 23 does not suggest coercion, as historians Godicheau and Alba (and others) have implied. Relying on the alleged discoveries of the Barcelona police, which Gomís had summarized (with assistance from the PCE) in writing on 16 August, Taroncher wrote on 21 August:

Authentic documents and letters from the offices carrying out investigations reveal that the POUM was an organization of agents in Spain and in other foreign countries that communicated by way of various codes...Some of these agents, such as Juana Maurín, who lives in Paris... was a liaison agent between these figures, received large sums, the origin and destination of which have not been established... she declared that special agents had been sent to the fascist zone, and all of this in direct relation to the leaders of the POUM, to whom the letters were written...⁷¹

The language of this document and the actual Order of Prosecution do not reflect the *explicit* language of anti-Trotskyism characteristic of the PCE and Comintern rhetoric of the time. However, the accusations leveled against the POUM, such as the POUM's alleged abandonment of the front, and the suspicious relations with foreigners, dovetailed well with coverage in PCE newspapers. Taroncher went on, listing the crimes to be investigated:

Given these records and others, it is logical that, at the appropriate time, the Tribunal investigate the case, as the relations with foreigners, the events of May in Barcelona, the clear desire to circumvent the censor of the Government, the abandonment of the Front in Huesca by the so-called Lenin Division, the possession of photographs of airfields, and the illegal trafficking of arms, lead to the conclusion that there is a sufficient foundation to rationally believe in the functioning of an Espionage Center in the service of the rebels...

For the expressed reasons... and bearing in mind that this prosecution has to be based only on reasonably circumstantial evidence of accountability, which is apparent with unusual strength in this case, and without prejudice to the consequent proceedings that could definitively state the personal contribution of each of the accused in the preliminary proceedings, the investigating judge deems that the prosecution of all those named in this report be maintained.⁷²

⁷¹ Alba and Ardevol, *El proceso*, 98-100. Juana Maurín was the wife of the POUM leader Joaquim Maruín, who found himself behind Francoist lines after the attempted military coup d'état in July 1936 and was arrested in Jaca while attempting to escape and was, at the time, in a Francoist prison.

⁷² Ibid.

Taroncher decreed the Order of Prosecution two days later, apparently assuming that subsequent investigations would provide more substantial corroboration of evidence.⁷³ According to Godicheau, who has published the most comprehensive (albeit brief) work on the POUM's trial, Taroncher was sacked because Irujo "perceived that the communists had an important influence over him, without a doubt because of his past." The comment is puzzling, given that Taroncher had been a conservative monarchist who acted as an attorney for vagrants during the conservative Republican period, *bienio negro* (1933-1935).⁷⁴ Drawing on the writings of POUM defendant Julián Gorkin, Godicheau argues that "Taroncher wrote the order of prosecution... entirely to meet the objectives of the NKVD."⁷⁵

Taroncher signed the official Order on 23 August 1937 before he vacated his position. According to the Order, the POUM leadership had

...entered into agreements with foreign individuals with connections with the German Gestapo, [evidence of] which until now has not been presented, for carrying out in secret hostile acts in Barcelona last May with the goal of destabilizing the action of the Government, as well as a military uprising... the abandonment of the Front of Huesca with their weapons, including artillery, in order to take away forces from the defense of the Republic and help the rebels and achieve the decomposition of the rearguard... carrying out illegal arms trafficking in connection with the aforementioned uprising... possessing secret codes for telegraph... and maintaining secret relations with foreign elements and having meetings for suspicious reasons outside of Spain.⁷⁶

These offenses constituted grounds for prosecution under the TEEAT decree "defined in Numbers 3, 4, 8, and 12 of Article 5 of the Decree of 22 of last June, and Numbers 1 and 4 of Article 6." Actions indicated a "rational sign of criminality sufficient to deem those of the POUM responsible..." Taroncher ordered the unconditional imprisonment of the POUM leadership and pecuniary penalties in the quantity of 500,000 pesetas for each prisoner.⁷⁷

⁷³ Alba and Ardevol, *El proceso*, 101-107. The defense attorney, Benito Pabón, immediately filed an appeal upon receiving Taroncher's order, wherein he disputed the grounds on which it was based. Pabón's various appeals reflect his own assumptions about the judicial process, which were later used alongside *poumista* memoir material as raw material for histories written about the POUM repression. See Alba, *Spanish Marxism*; and Bolloten, *The Spanish Civil War*, 504-506.

⁷⁴ Godicheau, "El proceso del POUM," 855.

⁷⁵ Ibid. This tells us something about how Godicheau conceptually approaches the Communists (as somehow ideologically compatible with monarchism) and little about Taroncher or his removal. It also implies that the Taroncher was working with the NKVD, a claim for which there is no evidence. Alba's interpretation of this can be seen in *El proceso*, 97-101.

⁷⁶ CDMH, FC-Barcelona, Caja 771, Carpeta 13, Hoja 1.

⁷⁷ Ibid.

On the very same day that Investigating Judge Taroncher wrote his initial note (21 August) on the rationale for ordering the POUM leadership's prosecution, a government minister (perhaps Irujo) sent an unsigned letter to TEEAT President Gil Tirado:

My Good Friend:

With all discretion, I feel obligated to report to you the complaint made yesterday before the Government by the Communist ministers, who asserted that the judge designated to oversee the indictment of the detained members of the POUM [Taroncher] is an anarchist.

I resolutely denied the fact. I denied that the Judge in question could be an anarchist by deed or an active militant, as there was no reason to go into the liberal, Marxist, or libertarian orientation of his spiritual background, for which I understand there is no right.⁷⁸

Moreover, in light of their insistence, though he does not give me even the remotest sense of distrust, I feel obligated to give you the news, submit it to your sound judgment, urge you to do what you consider is appropriate, and ask you for any information that you collect, in order to remain protected against further attacks of the same origin, since it is not the first time that that group has formulated certain *provenciones [sic]* against the decree of 22 June and all of its repercussions.⁷⁹

It appears that TEEAT President Gil Tirado then consulted Supreme Tribunal President Mariano Gómez regarding the complaints about Taroncher and his alleged political loyalties. The same day, upon agreement with Irujo, Taroncher was sacked. But before he formally halted his duties as Special Investigator in the POUM case, he went forward with the official Order of Prosecution.⁸⁰

Republican Attorney General Ortega y Gasset apparently immediately objected to the Order of Prosecution and wrote to the TEEAT's Court No. 1 on 25 August. His objection was formalistic and had to do with the retroactivity of the TEEAT's prosecution:

...I deem it necessary to settle today an issue derived from the writing of the above expressed Order, which is the problem of the retroactivity of the Decree of 22 of last June, given that this Order of Prosecution speaks of some events that happened in Barcelona last May... There is no room for discussion about the possibility that a penal Law can have retroactive effects when it can jeopardize the accused, not even in the very

⁷⁸ It is unclear which minister wrote the letter, as the document does not reveal authorship.

⁷⁹ CDMH, FC-Cause_General, Caja 663, Expediente 1. The decree of 22 June refers to the creation of the TEEAT.

⁸⁰ Taroncher was later appointed to TEG on an interim basis after serving in one of the Valencia Popular Tribunals. *Gaceta de la República*, 29 August 1938, no. 241 p. 991. The same week, Irujo accepted the resignation of Nicolás Salvador Solera Martínez, one of the TEEAT judges. Solera Martínez was in turn named President of the *Audiencia* of Albacete. *Gaceta de la República*, 21 August 1937, no. 233 p. 733. It is unclear if Salvador Solera Martínez' resignation was in connection with the POUM investigation.

serious and abnormal circumstances that today Spain goes through. Juridical conscience and human sentiments would make any person endowed with basic sensibility protest against such an occurrence, which would deprive citizens of the most elemental guarantees of liberty and security...⁸¹

Irujo had written Ortega y Gasset on 2 August to ask that he keep a close eye on the development of the indictment and the evidence collected by policemen acting under Lieutenant Colonel Ricardo Burillo, Barcelona Chief of Police. He had also asked Ortega y Gasset to verify the famous “N” document and also investigate how it had come into the possession of the police authorities.⁸² Ortega y Gasset’s objection to the Order of Prosecution arose from these concerns, as well as the findings and controversy involved in the ongoing investigations of Moreno Leguía and Peces Barba into the disappearance of Nin. Ortega y Gasset had responded to Irujo:

The problem created for the Republic by the disappearance of D. Andrés Nin, apart from the juridical aspect that is already enough to worry the Government that has pledged to maintain a regime of rights, introduces a political issue with repercussions in our interior that are objectively favorable to the disintegration of our rearguard, as well as repercussions in the international order in which the reaction that has been produced is extremely consistent.⁸³

That is to say that the disappearance of Nin had conditioned the Spanish Republican judiciary’s treatment of the case of the POUM leadership. When another sign of malfeasance within the case arose, this time with the haphazardly composed Order of Prosecution, Ortega y Gasset, Mariano Gómez, and ultimately Irujo put a quick end to it. In sum, Taroncher was sacked not because he had NKVD connections, nor on account of the bizarre Communist allegation that he was an anarchist. He was replaced because he violated the liberal rule of law principle to which the regime had dedicated itself after the Negrín transition, and which had been magnified following the internationally embarrassing disappearance of Nin.

Whatever specific chain of events brought Taroncher’s official removal, we can safely assume that the PCE’s complaints before the Council of Ministers did not produce the desired results. The TEEAT, in agreement with Mariano Gómez and Irujo, replaced Taroncher with Miguel de Mora Requejo, who was a member of both the PSOE and its affiliated union, the

⁸¹ CEHI, *Proces POUM*, Caja 2, Carpeta 4.

⁸² Godicheau, “El proceso del POUM,” 853.

⁸³ *Ibid.*, 854.

UGT.⁸⁴ It is important, however, that although Taroncher was removed, Gomís remained as State Prosecutor, and Taroncher's 23 August 1937 Order of Prosecution remained legally binding. Ortega y Gasset pointed out that, although the Order's legal justification made reference to a decree created *after* the alleged crimes were committed, such crimes violated previous decrees and the Code of Military Justice. Thus, he modified the charges to cite laws that predated the May events and therefore eliminated the problem of the TEEAT's retroactivity. Nevertheless, Gomís remained the State Prosecutor, in spite of the fact that Irujo, Negrín, and Ortega y Gasset (and the subsequent Attorney General Garrido) had the power to remove and replace him.

The retention of Gomís seems to have placated the PCE's *Comisión del Proceso del POUM*. Evidence of this development can be found in President Azaña's lengthy and informative diaries. The partisan infighting alarmed Azaña. He saw how damaging it was to the reputation and goals of the Republican government. On 6 August, a foreign delegation visited Azaña and Negrín in support of the POUM prisoners, and claimed that Gorkin, Nin, and Andrade had been assassinated by Communists. Negrín asked them "Would you like to speak with Gorkin [*sic*, Gorkin]... then we will give you a permit for safe passage so that you can see him in the prison in Madrid."⁸⁵ In fact, Negrín learned, the POUM prisoners had already been transferred to Valencia, and the delegation was able to see the prisoners there. Upon their arrival, TEEAT officials questioned POUM leaders and members in Valencia's *Prisión Celular* on 1-4 September.⁸⁶ They freely confirmed the statements they had made previously in Madrid in custody of the *Brigada Especial*.⁸⁷ Azaña wrote in his diary later that day:

Regarding this issue, I called the President's [Negrín] attention to the fierce campaign that part of the press carries out, which asks for inexorable punishment, the chastisement, the extermination of all of the accused. "I don't know why you allow this, given that you control the censor. That campaign would always be bad; but it is even worse in the case of people who are already put before the tribunals. Who do you intend to impress? The Tribunal? The Government? Public opinion? However strong be the imitative capacities of the communists, here we cannot adopt Muscovite methods, which every three of four days discover a conspiracy and shoot a few political enemies. I suppose that the trial will take some time, but from now on you and the Government know this – I will not accept

⁸⁴ Requejo was moved from his position as Judge in Torrente (Valencia) to preside as Investigating Judge for the POUM case within the TEEAT. In late January 1938, Mora Requejo was appointed Substitute Judge of the TEEAT. *La Vanguardia*, 29 January 1938, p. 4.

⁸⁵ Manuel Azaña, *Obras Completas*, vol. VI, ed. Santos Juliá (Madrid: Ministerio de la Presidencia, 2007), 419.

⁸⁶ They included Andrade, Bonet, Gorkin, Escuder, Rebull, Gomez Palomo, Iglesias Docampo, and Clavel Ruiz.

⁸⁷ CEHI, *Procés POUM*, Caja 1, Carpeta 3.

that the parties react to each other ferociously; tomorrow shooting those of the POUM, and moving on to others.

“I do not think that things reach that extreme,” said Negrín. “And in any case, the Government would not allow it.”⁸⁸

On 22 August, Azaña again reminded Negrín of his worries about the issue after receiving a delegation in support of the POUM prisoners. He recorded in his diary that day:

Yesterday, I received a copy of a report that the English deputy Brochway [*sic*, Brockway], I believe of the ILP, from the Committee for the Defense of the Spanish Revolution about the situation of the POUM, [and] I again spoke of the issue with the President [Negrín] to remind him what I had already said about the impossibility of walking the path of the elimination of political adversaries, and that however guilty the detainees may be, it is necessary to restrain the novelesque tendencies that are emphasized in some of the propaganda. The President is entirely in agreement. The issue of the POUM is in the hands of the tribunals...⁸⁹

Azaña is referring here to the PCE press, which had published articles detailing the alleged espionage and treason of the POUM leadership.⁹⁰ The PCE was also mobilizing internally against the POUM, though not to the level of political violence. The Valencia PCE’s internal bulletin of 23 August 1937 contained a section entitled “The activities of the POUM” which read,

In the last few days, the campaign and propaganda of the spies and agents of Franco and German and Italian fascism has intensified... You have seen that in the neighborhoods of Valencia signs have begun to appear in defense of the P.O.U.M., that appear alongside the intense defense that certain press organs make. It is necessary to mobilize all the militants in order to transform the placards that read “Viva el POUM” into the opposite meaning, and impede the campaign that they carry out. We must be vigilant in the cleaning up of our rearguard.⁹¹

Indeed, Irujo had ordered Ortega y Gasset on 11 August to investigate the claims made in the PCE press, specifically saying that the Tribunals should be in charge of the legal proceedings.⁹²

⁸⁸ Azaña, *Obras Completas*, vol. VI, 419.

⁸⁹ *Ibid.*, 452. Interestingly, Azaña added, “Brochway’s [*sic*, Brockway’s] report turns out to prove what we already knew: that the POUM is full of foreigners. The best thing to do is show them the border, be they combatants or not, and they can try out the revolution in their own country.” ILP was the Independent Labour Party, the POUM affiliate party in England through the London Bureau international.

⁹⁰ For example, see *Frente Rojo* of 10 August, which claimed that Nin had been rescued by fascists. Elorza and Bizcarrondo, 376.

⁹¹ CDMH, PS-Madrid, Caja 542, Carpeta 61, Hoja 1r.

⁹² Alba and Ardevol, *El proceso*, 69.

Clippings were included in the case files of the POUM's trial, though they were not admitted as evidence during the trial.

By 8 September, an agreement about the prosecution appears to have been struck between, on the one hand, Azaña and Negrín, and on the other, the PCE Ministers (and Comintern representatives). Although there is no existing record of the actual negotiations to the author's knowledge, the result can be gleaned from various sources, the most important of which are Stepánov's report (cited above) and Azaña's diary. Azaña met with Defense Minister Prieto on 8 September and that night wrote, "We spoke a bit about internal politics. The communists, who went berserk over the issue of the POUM, are now very mollified, after they were carefully reined in."⁹³ It is likely that the deal included the retention of Gomís as State Prosecutor in the POUM trial.⁹⁴

Although there is no direct evidence, Gomís appears to have been the PCE CC's preferred State Prosecutor, and Negrín accepted it. Although the PCE worked with Gomís on the Order of Prosecution, formulated in August 1937, and had considerable impact on the formulation of Gomís' discourse, it should be recalled that in the October 1938 trial, the TEEAT rejected the Prosecution's accusations of espionage and treason. The delegation of the PCE CC, which initially met with Gomís to formulate the Order of Prosecution, consisted of those who later made up the PCE's *Comisión del Proceso del POUM*: Stepánov, Manuel Delicado (Director General under Uribe's Ministry of Agriculture), Miguel Valdés (PSUC organizational secretary),

⁹³ Azaña, *Obras Completas*, vol. VI, 473.

⁹⁴ PCE Minister of Education, Jesús Hernández, also speculated on the issue in a book published after the war. Although Hernández' book is full of documented errors and untruths and it should be read with great caution, it is worth mentioning. Hernández claimed that in late July or early August (probably on 29 July), he met with Negrín, advising him that there was no other option than to put the trial of the POUM in the hands of the government. In doing so, the protest campaign against the GPU (*sic*, NKVD) as the author of the POUM "affair" would stop. Negrín is alleged to have said, "Why should I compromise the entire government in this or that matter?" Hernández then responded, "Because sometimes, despite his will, one is obligated to sweat someone else's fever." Hernández and Gorkin, "Comunistas y ex-comunistas sobre el asesinato de Andreu Nin y la represión contra el POUM," 20. It is highly unlikely that Hernández said anything of the sort, as his hardline positions against the POUM during the war are well documented. Moreover, Negrín's ostensible response is inconsistent with the entirety of the available documentary record regarding his position on the state taking up the POUM's case. The fabricated conversation is significant, however, given that Julián Gorkin, POUM leader and POUM trial defendant, was Hernández' editor. This sort of historical fabrication provides insight into how individuals repurposed ideas and political positions during the Cold War to paint a certain picture of Negrín, the Communists, and the POUM prosecution. In fact, with Negrín and Azaña's support, Irujo had given a press statement on 16 August 1937, saying, "My thesis is that in these moments the war must be won, regardless of how difficult be the victory. Within this governing norm, I am a liberal, republican man, and a defender of individual rights, which guarantee the security of persons and the right to be tried in accordance with the laws by the relevant tribunals." Moradiellos, *Don Juan Negrín*, 266-267.

Esteban (Etelvino) Vega, Luis Cabo Giorla, Bautista Garcet, and others.⁹⁵ It is likely that Victorio Codovilla (*nom d'guerre* "Luis") was also involved, as he reported (with Pedro Checa) on 9 September to Dimitrov in Moscow about the materials that ostensibly showed the connection between Nin and Falangist spies. In the report, they put forward twelve items for discussion within the Comintern in order to secure guidance on how to move forward on each. Number twelve dealt with so-called international Trotskyist spies:

...Brockway, Maxton, Pivert, and so on, are developing a disgusting campaign against the government of the Popular Front, accusing it of conducting a counterrevolutionary policy under pressure from the CP of Spain and the Soviet Union; taking into account that these elements are trying to fool the part of the masses which are under their influence, saying that Spain is smashing "revolutionary" organizations (the POUM; organizations of Trotskyist spies; uncontrolled groups, connected with the anarchists, and so on); taking into account that they are demanding that the masses refuse to help and defend the democratic policy of the Spanish Republic, that according to them the Republic is in a Thermidor period; we consider an international campaign necessary for fighting against the political positions of all these elements connected with Trotskyism (towards these goals, our party is publishing in a few days a book with materials showing the counterrevolutionary and espionage activity carried out by Trotskyists in Spain).⁹⁶

The Comintern advisors may have been referring to the forthcoming *Espionaje en España*, which the Comintern published in many languages in 1938 under the pseudonym of Max Rieger.⁹⁷ It could also be a reference to the similar document collection and pamphlet published by George Soria and the French Communist daily *l'Humanité*, entitled "Trotskyism in the Service of Franco: A documented record of treachery by the POUM in Spain."⁹⁸ It is likely that the latter is the case, given that the pamphlet was originally put out on 23 October 1937.⁹⁹ In both cases though, the propaganda campaign, which took place outside of the institutions of the Republican state, should be read as an indication of weakness rather than the converse.

The defense contested the Order of Prosecution and other details about the prosecution on several occasions. The TEEAT held a judicial hearing on 13 September in which the POUM's defense attorney, Benito Pabón, was permitted to make his arguments verbally. Pabón presented

⁹⁵ AH-PCE, Sig. 58, 'STEPANOV.'

⁹⁶ Radosh, et al., 380-381.

⁹⁷ Rieger, *Espionaje en España*. Stepánov admitted after the war in his report that this compilation of documents was unreliable.

⁹⁸ George Soria later admitted that the pamphlet was largely a fabrication.

⁹⁹ George Soria, "Trotskyism in the Service of Franco," in *La Correspondance Internationale*, No. 25, p. 1064.

his legal case for the reissue of the Order of Prosecution, while State Prosecutor de Villodres, held that it should remain as is. Gomís was not present for this session. The next day, the TEEAT rejected Pabón's appeal and confirmed the Order.¹⁰⁰

The POUM continued to press its political line. According to the its 5 October Bulletin, at the time edited by the new Executive Committee (in the absence of Gorkin, Andrade, and the other detainees), Irujo had given a judicial order to suspend all proceedings related to the prosecution of the POUM leadership on 20 August. If it did indeed exist, the order was never (to the author's knowledge) published in the Republic's *Gaceta*. According to the POUM, Irujo feared that Taroncher was up to some sort of "mischief," the details of which were not fleshed out. Taroncher then disobeyed Irujo's order and wrote the Order of Prosecution for the POUM leadership case. The 5 October POUM Bulletin read, "What interests would a simple judge have in disobeying the orders of the Minister of Justice, if there were not 'very powerful' ulterior motives?" These motives, the POUM Executive Committee wrote, were the desire "to prosecute our comrades in accordance with the argumentation and designs of the Stalinists." Given the assassination of Nin and the "counterrevolutionary provocations of the Stalinists," it went on, "we have to logically believe that the unspeakable conduct of Judge Taroncher is the work of the Stalinists."¹⁰¹ The article ended with a call for a public trial, full public disclosure of the allegedly incriminating documents, and a trial by judges drawn from the antifascist parties, as the Popular Tribunals functioned.¹⁰²

Despite such baseless accusations, and perhaps in response to the Taroncher and Gomís conflict, Irujo took measures in September 1937 to further depoliticize the judiciary. Citing the Constitution and an 1870 law, he reasserted a prohibition on judicial officials taking any part in political activity. The order "absolutely prohibited all political activities for judicial and prosecution officials, who will not be able to hold leadership positions in organizations or parties of any type, take part in public events, express their opinions or judgments about political events by way of the press, radio, or whatever other broadcast medium."¹⁰³ The move mirrored similar depoliticization efforts by the Negrín government, outlined in Chapter 4. Ultimately, the question

¹⁰⁰ Alba and Ardevol, *El proceso*, 119-121. Mora Requejo remained the TEEAT's investigator for the POUM's case, as well as the prosecution of lesser *poumistas* through the TEEAT's Court Number 5.

¹⁰¹ *Boletín de información sobre el proceso político contra el P.O.U.M.*, in CDMH, MF/R 6099, B. 51/6. In the original text, the terms "stalinianos" and "stalinistas" are used interchangeably.

¹⁰² The article was originally written on 25 August 1937, but published in the 5 October Bulletin.

¹⁰³ Irujo, *Un vasco*, 63.

of whether Irujo's depolitization decrees of September 1937 responded to the Taroncher fiasco is a matter of speculation. However, a final, and still unresolved, piece of evidence regarding the Taroncher controversy involves a cache of documents collected and organized by Francoist prosecutors during the post-war *Causa General* investigation into activities of the left within the Republic. Sometime between 20 and 27 September 1937, Taroncher filed a complaint before the Government Chamber of the Supreme Tribunal, along with TEEAT Special Judge of Court 3, Nicolás Sánchez Esteban, and TEEAT Special Judge of Court 4, Enrique Balmaseda Vélez.¹⁰⁴ Irujo wrote after the war, regarding the prohibition of judicial officials from all political activity that "Numerous political management posts were removed." He went on, "It is fitting to point out that there were not protests."¹⁰⁵ This was perhaps not true in the case of Taroncher, whose sacking provoked complaints.

On 27 September, a few days after the depoliticization orders, President of the Supreme Tribunal Mariano Gómez wrote to the TEEAT President:

The judges... Don Nicolás Sánchez Esteban, Don José Taroncher Moya, and Don Enrique Balmaseda Vélez, expressed in letters written yesterday to this Presidency that they have seen the Orders of the Ministry of Justice... that accept the renunciation of the first's post, and the resignation of the latter two from their posts as Special Judges of the Tribunal of Espionage...¹⁰⁶

Irujo accepted Sánchez Esteban's renunciation of the post on 21 September, and the note was published on the next day.¹⁰⁷ On 24 September Irujo accepted the resignations of Taroncher and Balmaseda.¹⁰⁸ Taroncher, Sánchez Esteban, and Balmaseda filed a complaint with the Supreme Tribunal in the following days. They claimed that "the renunciation and resignations have been accepted without ever being presented." Citing the complaint, President of Supreme Tribunal Mariano Gómez reported to the TEEAT President:

Mr. Sánchez Esteban claims that this calls into question the correctness of his conduct and casts a shadow of doubt over it, and Balmaseda and Taroncher say that it implies the possibility that their superiors have not been in agreement with their actions. Therefore, so that their prestige does not suffer in the slightest, and without prejudice to the compliance and fulfillment of the Order that they have been given, Balmaseda and

¹⁰⁴ CDMH, FC-Causa_General, Caja 898.

¹⁰⁵ Irujo, *Un vasco*, 63, 207-208.

¹⁰⁶ CDMH, FC-Causa_General, Caja 898.

¹⁰⁷ *La Gaceta de la República*, 22 September 1937, No. 265, p. 1175.

¹⁰⁸ *La Gaceta de la República*, 25 September 1937, No. 268, p. 1215.

Taroncher request the appointment of a Magistrate to carry out an investigation of the Courts in which they have held posts, the results of which will be given to the Sr. Minister [of Justice] and this Presidency”[sic] [of the Supreme Tribunal]; and Sr. Sánchez Esteban, after expressing that he “received news that his dismissal was produced by uncertain facts, which the Magistrates of the Tribunal of Espionage have echoed,” asks that a file be opened that can provide details on this issue that must be clarified.”[sic]

On the basis of the above and in order to better resolve what to do, I ask that you submit an authorized report to me, with the essential record about the particulars expressed in their complaints.¹⁰⁹

Despite the judges’ indignation and demands, TEEAT President Gil Tirado consulted an informant within the courts, and responded to Gómez two weeks later, on 12 October 1937:

In compliance with your order and with reference to the complaints raised before you by the Judges José Taroncher Moya, Enrique Valmaseda Velez, and Nicolás Sánchez Esteban, it is my honor to report to you.

It was a most regrettable fact, observed and pointed out and confirmed repeatedly by the informant, how the work of the three Judges of this Tribunal continually and systematically produced an alarming number of complaints, and left much to be desired, on account of their lack of implementation and zeal, their carelessness, and, in a word – their negligence – in the fulfillment of the duties of their positions, despite their correct expressions of discontent regarding the delays that have been observed in the indictment proceedings. Thus, the writer saw it necessary to let you and the Sr. Minister [of Justice] know about this various times, in addition to other details concerning the proficiency, working capacity, etc., and this without a doubt caused the publication of the Ministerial Orders inserted into the *Gacetas* of the 22nd and 25th of last September, orders that I permit myself to qualify as warm and merciful, despite the protest of those involved, because it does not harm them at all...

The informant could say much more but given that the three judges involved are interested in the appointment of a Magistrate Inspector and the opening of a file, he willingly accepts and adheres to the request, since in the proceedings certain nebulae remain largely obscured, [though] their conduct is perfectly drawn, particularly with regard to the part which pains Sr. Sánchez Esteban so, of “having learned that his dismissal had been produced by uncertain facts, echoed by one of the Magistrates of this Tribunal of Espionage,” an aspect to which the informant gives his most energetic condemnation, and in the file will have his opportune comment.¹¹⁰

As we have seen, it is quite clear that the primary focus of Negrín and Irujo was ensuring the depoliticization of the TEEAT, and this was especially the case in the prosecution of the POUM. The available evidence does partially support the suggestion that the French historian Godicheau

¹⁰⁹ CDMH, FC-Causa_General, Caja 898.

¹¹⁰ Ibid.

has made – that Irujo removed Taroncher on account of his political connections, which were in violation of the de-politicization orders.¹¹¹

5.3 INVESTIGATING THE POUM: SPECIAL JUDGE MIGUEL DE MORA REQUEJO, THE POLICE, AND THE TEEAT

Upon taking up the POUM leadership's case, Requejo requested information about the detainees in order to pick up where Taroncher left off. Requejo oversaw the prosecution from 23 August 1937 (with Taroncher's order) until March 1938, when he concluded the indictment and forwarded the contents of the TEEAT's investigations into illicit actions committed by the POUM to the TEEAT President and informed Gómez.¹¹² In February 1938, the Government Chamber of the Supreme Tribunal had made an agreement that Requejo would look into not only crimes of espionage and treason, but also "those which by their nature would correspond to the jurisdiction of other Tribunals."¹¹³ But this was not the only reason that the prosecution was extended over such a long period of time. Requejo encountered many problems collecting evidence for the POUM leadership's prosecution from the Barcelona police, who often outright refused to turn over materials, or could not locate them.

In late September 1937, Requejo wrote to Barcelona Chief of Police Burillo, attempting to push forward the investigation, which, as we have seen, until this point had only relied on circumstantial evidence. The TEEAT did not even know how many prisoners had been detained. Requejo wrote, "I am overseeing the indictment of the activities of elements of the POUM, with jurisdiction in all of Spain... with all urgency, send me the names of all the detainees in Catalonia and the Prisons in which they can be found, [and] those who remain in my

¹¹¹ Unfortunately, further documentation related to Taroncher's investigation have not surfaced to the author's knowledge. But connections to the PCE and Comintern appear to have been through Gomís and not Taroncher himself. It is telling, in fact, that in the period between Gómez' request for a report from TEEAT President Gil Tirado, and the latter's response (27 September – 12 October), Gómez sent a circular containing Irujo's de-politicization order of 18 September 1937 to all of the TEEAT Judges for each court. Each court responded confirming receipt of the circular over the next several days, and assuring compliance. The original order is published in *La Gaceta de la República*, 20 September 1937, No. 263, p. 1149. Gómez' circular containing the order can be found in CDMH, FC-Causa_General, Caja 898.

¹¹² However, Requejo was officially appointed on 19 August 1937.

¹¹³ CDMH, FC-Causa_General, Caja 867, Expediente 4.

jurisdiction.”¹¹⁴ Again on 1 October, Requejo telegraphed Burillo, saying “With urgency, send all the names of those detained in that Capital and the territory of Catalonia, and the Prisons in which they can be found, to this Special Espionage Court, for this Court is the only one authorized to oversee the indictment related to the criminal activities of the leaders of the POUM...” The telegram suspended the transfer of the detainees to Valencia as well, perhaps because of the impending move to Barcelona that the Government, and the TEEAT, were preparing.¹¹⁵ On 23 October, Requejo yet again requested information from Burillo. Burillo responded giving an outline of the files on the POUM leadership, saying that the files had been verified under the direction of the Special Commissar of the DGS, Sr. Valentí.¹¹⁶ Valentí, it will be remembered, had come to Barcelona with the *Brigada Especial* that had originally overseen the arrest of the POUM leadership.

On Negrín’s express orders, transmitted through Irujo, Requejo went to Barcelona, and then to Paris, to investigate a lead in France related to Juana Maurín, spouse of the POUM leader Joaquim Maurín, who had been stuck in the rebel zone since the beginning of the war.¹¹⁷ He was charged with investigating claims that the POUM had been secretly transmitting information and obtaining arms illegally abroad. Requejo collected a report from a one “J. Mata” in Paris, which he sent to Irujo. Irujo immediately forwarded the report to Negrín’s office on 11 November 1937. Irujo asked Negrín to read it because “it could be interesting for his information and his purposes.”¹¹⁸ The report explained the criminal activities of POUM members in smuggling fine art and jewels out of Spain for sale on the international market, and using illicit stamps to make money as well. The report also mentioned the use of secret codes in the process, and connections that the POUM members had with “gangsters,” overseen by a one “Puig.”¹¹⁹ A memo indicates that Irujo sent another report about Requejo’s trip to Paris to Negrín on 26 November, but the report does not appear with the memo.¹²⁰

Through his inquiries into Mata, Requejo was able to find out that there were two intelligence apparatuses at work in Paris at the Spanish Embassy. The first was run by the Minister of Interior (Zugazagoitia) through one “Sr. Alvarez” and involving the “Servicio de

¹¹⁴ CDMH, FC-Causa_General, Caja 614, Expediente 2.

¹¹⁵ Ibid.

¹¹⁶ CDMH, FC-Causa_General, Caja 898.

¹¹⁷ Irujo wrote back to Negrín and attached the report that Requejo had sent. AFJN, 1MJU0000000020023001-2.

¹¹⁸ AFJN, 1MJU1000000020085001.

¹¹⁹ AFJN, 1MJU1000000020085002-4.

¹²⁰ AFJN, 1MJU0000000020023001-2.

Información del Estado,” a reference to the DEDIDE. The second apparatus, though, was a semi-formal network of intelligence gathering within the embassy run by a one “Mata.” Requejo learned that Mata had been appointed by the “Ambassadors of the old regime,” had spent years in Paris, and had a very expensive flat at his disposal. This information came from an informant who remained nameless in Requejo’s report. Alvarez, Requejo explained, was completely disoriented despite his good intentions, and received all of his intelligence from simply telephoning Mata.

Mata had made the discoveries about the alleged illicit POUM dealings available to Requejo in the previous month.¹²¹ According to Requejo, the police had been avoiding turning over information related to the whereabouts of POUM members and POUM collaborators. In his words, he “repeated requests for information from the police so simple as determining the whereabouts of Puig, Arquer, and other quite well-known culprits did not produce any result nor even an adequate response, and I obtained the information myself in a few hours of work in Paris.” The Embassy personnel informed him as well that they were completely unaware of the Mata service.¹²² While Requejo was on this mission, on 30 October, TEEAT President Gil Tirado wrote Requejo demanding that he return to get back to work on the POUM case. The message, marked “URGENT” demanded the Requejo “carry out the pending proceedings into the case against the POUM with all urgency...” and to “return to this Capital immediately to carry out the complete proceedings with the documentation related to them.”¹²³

Much of the investigation materials collected by police in Barcelona, often with the assistance of the Generalitat’s intelligence apparatus and other *ad hoc* police groups, were simply not being handed over to the Espionage Tribunal. In November 1937, Irujo wrote to Requejo, demanding to know why the prosecution was not progressing more rapidly. Requejo’s response is illustrative:

In compliance with your order, I must inform you about the principal causes that are holding up the arrangement of the pre-trial indictment on the illegal activities of diverse elements of the P.O.U.M... Proceedings are influenced by different provinces, but principally Cataluña. The *Dirección General de Seguridad* and the *Jefature Superior de*

¹²¹ AFJN, 1MJU2030000020003001.

¹²² Ibid. Irujo had authorized Requejo to go to France to investigate the leads that he had there on 2 October 1937, and authorized the payment of expenses for the trip as well. CDMH, FC-Causa_General, Caja 898, Expediente 38-39.

¹²³ Ibid.

Policoa [sic, policía] put the detainees at the disposition of the Court and left nothing more than the supposed evidence for conviction, consisting in very copious amounts of documentation and various objects, but said institutions did not explain what the reasons for the detentions were, nor [did they] forward records of the searches in which documents and objects had been found. They failed to send a great deal of what they had, and it was impossible to determine the accumulated charges against each of them and the individual responsibility of the accused.¹²⁴

Requejo went on to complain that he had in some cases had been forced to write the relevant authorities five separate times requesting documentation. This was in vain, as he received nothing. It was necessary to send personnel to meet directly with “Murillo” [sic, Burillo] and his agents, who claimed that the police needed the documentation.¹²⁵ It was very difficult, Requejo wrote, to convince the police authorities that “the Tribunals needed authentic evidence for conviction and that the police, [who were necessary] only for the investigation, should limit themselves to producing copies of that which is important for the prosecution...”¹²⁶

Elements within the Barcelona police apparatus, especially those involved in detaining individuals connected with the POUM investigation, remained so distrustful of the TEEAT that they withheld evidence. There was also a lack of personnel to sort the material. Moreover, investigators kept evidence found on the POUM leadership to themselves in Barcelona after the arrests instead of sending it to the TEEAT in Valencia. Documents preserved in Soviet archives give a glimpse of the dysfunction and distrust in one police investigation unit responsible for collecting evidence and conducting interrogations related to the POUM prosecution. Throughout summer 1937, one “François” wrote to Victorio Sala, who had worked with several semi-formal police investigation units in Barcelona.¹²⁷ “For a few days, we have been absorbed in a grand number of documents not arranged or ordered, and material in Spanish found on the executive

¹²⁴ AFJN, 1MJU2030000020004001.

¹²⁵ Ricardo Burillo had been Police Chief in Barcelona, led the police who arrested the POUM, and remained in that position until November.

¹²⁶ AFJN, 1MJU2030000020004001.

¹²⁷ These units were collapsed into the DEDIDE under the Interior Ministry after its founding in June 1937. Sala was in contact with the Generalitat’s intelligence group, the PSUC’s *Servicio Especial de Extranjeros*, and Burillo’s interim prison at the Hotel Falcón. He inherited control over the organization that succeeded the two shadowy informal special police brigades, the *Brigada Gómez Emperador* and the *Servicio de Alfredo Herz*, when they were integrated under the aegis of the DEDIDE in July 1937. He was also in contact with Fernando Valentí of the *Brigadas Especiales*, who is mentioned in the reports as the “Special Commissar” sent from Madrid. Sala was also, according to Boris Volodarsky, the contact man in Barcelona for Grigulevich (NKVD) under the codename “KHOTA.” Volodarsky, “Soviet Intelligence Services,” 212.

committee of the POUM.”¹²⁸ The report went on to complain of a lack of manpower and basic equipment. Urgently needed evidence collected from foreigners affiliated with the POUM was also not sent to Valencia due to a lack of typists with adequate language skills:

...There is much material from the detainees and of the [POUM] organization that is certainly needed in Valencia for the trial of espionage, Andrade, etc..... [sic] Unfortunately, we cannot send comrade Benjamin to you to classify Spanish material because we need him, as Comrade Pablo no longer works with us, and Benjamin is the only one besides him in charge who can type and who knows how to speak the language.¹²⁹

The investigators had apparently possessed “concrete information” about suspicious German-speaking individuals affiliated with the POUM, many of whom were exiled KPO (*Kommunistische Partei Opposition*) and Central European SAP (*Sozialistische Arbeiter Partei*) members.¹³⁰ For example, on 22 August, the group learned that Walter Schwarz and others had been arrested in Barcelona, so they recommended to the “Jefe del Departamento” that all the material on said individuals be sent to the Tribunal.¹³¹ The investigators (this time one “Mauricio”) put the evidence that they had compiled before the *Jefe* on August 23:

The next day we put it [the material] before the *Jefe del Departamento*, asking that it be sent immediately to the said Tribunal so that the individuals are not set free for lack of evidence. Until today nothing had been done. First we were told, “The Tribunal may quietly release them; we will have to look for them again,” [and] the day before yesterday when we repeatedly insisted, he responded, “It’s not worth it at all to send the material to the Tribunal; there they do not understand these things.”¹³²

To complicate matters, the documentation collected about the POUM through the various investigations suddenly went inexplicably missing.¹³³ The investigation lost documents supposedly incriminating Guido Kopp (leader of the 29th [POUM] Division), whose case was

¹²⁸ RGASPI, f. 495, op. 183, d. 10, 18. Thus the group proposed “to appoint a small commission of ‘politically reliable’ Spanish *compañeros*” to study and prepare the materials.

¹²⁹ RGASPI, f. 495, op. 183, d. 10, 34. Emphasis in the original. “The language” is presumably German. The identities of “Pablo” and “Benjamin” are unknown.

¹³⁰ For Comintern reports detailing this network and the threat it was perceived to pose, see the RGASPI microfilm collection, f. 545, op. 6, accessed in ALBA, Robert F. Wagner Labor Archives, Tamiment Library, New York University.

¹³¹ It is unclear to whom this refers.

¹³² RGASPI, f. 495, op. 183, d. 10, 65-69. Emphasis in the text.

¹³³ *Ibid.*, 67. The materials of the suspected spies Fustari Salvador and Mario Luisa Laurencio [*sic*, Laurencic] apparently disappeared, the latter after apparently being held in a garage instead of an archive. There is a sense of outrage in the reports that such materials had been lost.

described as the “only important case in the department,” and which later played a role in the allegations in the POUM trial.¹³⁴

It is possible that, given Sala’s connections to the NKVD and PSUC, the missing materials were sent to the USSR. Intelligence on foreign “Trotskyists” was certainly in demand at the time. However, it is significant how Stepánov discussed the issue in his postwar report:

It could not be prolonged any further. The POUM leadership was arrested. But at that point the scandals began as well. During the arrest and after the arrest, everything possible was done to extenuate the *poumistas* and destroy or hide a great number of documents. After some time, some important documents from the judicial file simply disappeared. The prosecution was systematically delayed. Meanwhile, they set free several *poumistas*.¹³⁵

Taken together these reports suggest that organizational problems and political obstacles accounted for the failure to send adequate materials to the TEEAT to be included in the indictment. The sheer operational dysfunction of the Barcelona security agencies was evident and unsurprising. The needs of the recently decreed and centrally controlled TEEAT forced separate intelligence agencies to cooperate, which threw organizational shortcomings into sharp relief. Indeed, one of the concrete proposals that “Mauricio” made was that work relations between the DEDIDE, the Barcelona Police Department (under Burillo), and the other police apparatuses be corrected.¹³⁶ The disjointed evidence preparation also revealed competing claims to political authority in the capture of internal enemies, handling of evidence, and the preparation of trials against detainees.

Such problems continued into the winter of 1937, though intelligence sharing improved as the DEDIDE began to function more effectively. Nevertheless, Requejo continued to report problems throughout the winter. He claimed that the Barcelona police had stored files casually on top of a cabinet instead of filing and submitting them. On 26 November, Requejo wrote,

In the pre-trial indictment file, there is a communiqué to the Court from the *Departamento Especial de Información del Estado* [DEDIDE], dated 6 of September of this year, which says literally: “Having heard that the trial against the most prominent elements of the P.O.U.M. is going to be held shortly, let me tell you that we have in our

¹³⁴ RGASPI, f. 495, op. 183, d. 10, 68. Moreover, the Puerta de Angel office ordered the suspected spies Pablo Vagliasini and Bruno Casteldi, affiliated with the POUM, to Valencia. But after 6 weeks the detainees had still not been sent.

¹³⁵ AH-PCE, Sig. 58, ‘STEPANOV,’ Stepánov, *Las causas*, 22.

¹³⁶ RGASPI, f. 495, op. 183, d. 10, 68.

possession a considerable amount of material of this Organization, which comrade Valentí, the chief of the *Brigada [Especial]* that came to make the arrests, left here, material that we believe can be of interest for the Sr. Prosecutor. Please let me know if I should send it or if, on the contrary, it should stay here.” Immediately the transfer of said documents was ordered, [documents] which had been demanded once again with repeated insistence, amounting to an official warning under penalty of law [*apercibimiento*], [but] this produced absolutely no result and said material has still not been received.¹³⁷

After discussing a few specific cases in which evidence was not being transferred, one of which was the case of Julián Gorkin’s wife, Luisa, Requejo concluded that “this lack of cooperation in the work of Justice against that which we struggle tenaciously and patiently, prevents the rapid conclusion of a pre-trial indictment of truly great importance, in which there are serious events that reach far beyond the national sphere.”¹³⁸

The Council of Ministers discussed the TEEAT’s slow movement in the prosecution of the POUM on or around 25 November. That day, Irujo wrote to Zugazagoitia complaining of the delay:

In the last Council of Ministers meeting it was made clear that the Tribunals moved slowly, and the case of the POUM specifically stands out... the cause of the delay lies exclusively in the police.¹³⁹

A few days later, Zugazagoitia acknowledged receipt of Irujo’s note and the attached report by Requejo.¹⁴⁰ However, problems continued into 1938. On 29 December 1937, Requejo wrote yet again to the Barcelona Police Department:

This is to remind the Police Headquarters to immediately submit all the existing material pertaining to the detainees... to indicate by what Authority they are detained, and to let the *Jefe* of the Department know that if they are not received within three days, the detainees will be set free for lack of material for this court to indict them and legalize its situation.¹⁴¹

Delays were such that the pre-trial indictment, initiated by Taroncher on 23 August 1937 was not completed until 26 February 1938. Requejo finished the file and sent the materials to the TEEAT president on 6 March 1938.

¹³⁷ AFJN, 1MJU2030000020004002.

¹³⁸ Ibid.

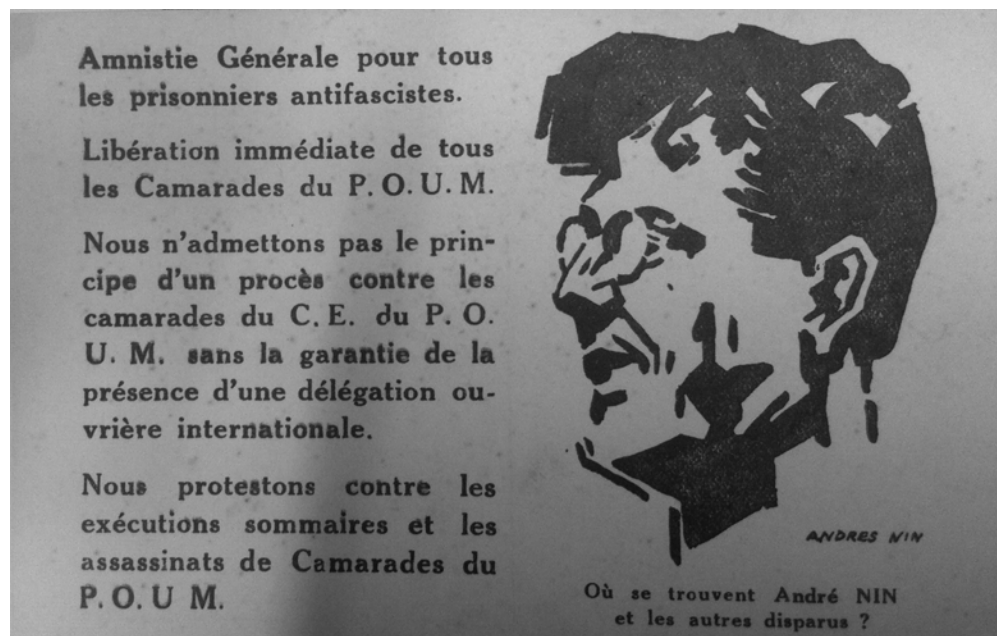
¹³⁹ AFJN, 1MJU0000000020034001.

¹⁴⁰ AFJN, 1MJU0000000020034002.

¹⁴¹ CDMH, FC-Causa_General, Caja 614, Expediente 2.

There is one significant and largely misunderstood development regarding Negrín's posture towards the POUM prisoners that took place in October 1937 and deserves close attention. Although historians have cited the episode, the context surrounding it has not been discussed. This has led to the assumption that Negrín wanted to or had no problem with having the remaining imprisoned POUM leadership shot in October 1937. A closer look reveals a far different situation. Given the great international interest in the disappearance of Nin and the Government's failure to provide a definitive explanation of the issue, campaigns had been initiated abroad and within Spain to free the POUM prisoners by way of an amnesty of antifascist prisoners. The campaign included the League for the Rights of Man, the British ILP, the left wing of the French Socialist Party (Pivert, et al.), and the International Trade Union Federation. George Orwell even wrote an article protesting the disappearance of Nin and the imprisonment of *poumistas*, which was translated into Spanish and published in the POUM's then underground *Boletín de Información*.¹⁴²

Figure 5.1. Card sent by post demanding amnesty for the POUM prisoners.¹⁴³



¹⁴² CDMH, MF/R, 6099, p. 22-24. The *Boletín* is dated 15 December 1937.

¹⁴³ AFJN, exposición permanente; CEHI, DPP.POUM.1, imágenes.

On 28 September, Irujo submitted a draft for a general amnesty of prisoners who committed crimes around 19 May 1937, which included those committed during the May events. Although the draft was approved by Negrín and presented to the standing committee of the Cortes, it contained exceptions such as crimes committed out of hate or vengeance, or crimes in flagrant indiscipline.¹⁴⁴ The issue of an amnesty for the POUM prisoners was in fact discussed in a meeting of the Council of Ministers on 25 October 1937. The PCE's *Frente Rojo* of 16 October had loudly proclaimed in favor of "Amnesty for all the antifascists except the bandits and crooks of the P.O.U.M."¹⁴⁵ Responding to the article, the Executive Committee of the POUM wrote to the PSOE executive and claimed that "for us, amnesty cannot constitute a solution. We feel the legitimate desire to reintegrate into the struggle... but the amnesty falls short of what we want. Will it return Nin, Landau, Mena, or Manuel Maurin to us?"¹⁴⁶

A document from the ILP-affiliated delegation, which went to Republican Spain in November 1937 to investigate prisons and imprisoned antifascists, was published in the Marxist publication, *La Revolution Proletarienne* on 25 January 1938. It detailed a meeting that the delegation had with Irujo:

Our first visit upon arriving in Barcelona was with the Minister of Justice, Sr. Irujo. We spoke with him in confidence about the amnesty of the antifascist prisoners. The Basque Minister... listened to us sympathetically. He told us that just a little while ago the Government had examined the amnesty and that all the Ministers – with the exception of the communists – had been in agreement with freeing all the real antifascist prisoners. On the contrary, the communists violently opposed the liberation of any prisoner and, keeping in mind that the Communist Party belonged to the Popular Front, it was not easy to work without their consent.

Sr. Irujo added that, "despite communist opposition" the Government was willing to free the prisoners slowly, one by one, until on the 21st of November, a great protest of the C.N.T. and socialist militants took place in front of the prison of Valencia that threatened to force the doors open if the prisoners were not liberated.

Then the Minister added, according to the habitual formality of any Government, "We would like to work well, but we do not do it under threats of violence."¹⁴⁷

¹⁴⁴ AFJN, 1MJU1000000020139001.

¹⁴⁵ AFPI, AH-26-16, hoja 12-13.

¹⁴⁶ Ibid.

¹⁴⁷ CDMH, PS-Barcelona, Caja 14, Expediente 4. The delegation also discussed the issue of the POUM, to which Irujo said that he and his brother had "protested vigorously against the communist lie that Andrés Nin or any other boss of the P.O.U.M. could have had relations with Franco." Ibid.

In the 25 October meeting of the Council of Ministers, the issue of Nin and the POUM prisoners was included in the amnesty discussion. They also discussed the creation of new special Tribunals, which would eventually produce the TEG a month later. According to notes taken by Comintern advisor Togliatti, Irujo protested that “this is the cheka, [something] which the Germans and Italians do; there is no right of defense.”¹⁴⁸ According to Togliatti’s notes, Negrín said:

OK, if you bring me a figure of those shot; eg. POUM trial; need to shoot, etc., that would allow for a campaign abroad and a campaign for amnesty here.¹⁴⁹

Apparently, Irujo responded, “Nin has not appeared,” to which Negrín responded “So what? He is one more.”¹⁵⁰ Most historians who have examined the issue cite this exchange, related through the handwritten notes of Togliatti, as evidence that Negrín sought to have the POUM put to death. But as historian Gabriel Jackson has pointed out in his recent biography of Negrín, this may have been a comment of indifferent sarcasm to appease the Communists present, and that Negrín was “hinting at an international collaboration of the democratic left, a list of those already shot, plus some proposed victims, triggering publicity in the world press and an amnesty campaign in Spain.”¹⁵¹

As Jackson points out, we do not have a transcript of the actual conversation. Nevertheless, in the context of the abovementioned developments within the Republican government, it is, in the judgment of the author, clear that Negrín was referencing the possibility of an amnesty campaign both abroad and in Spain to free the POUM prisoners. Again, however, such a measure would have outraged the PCE Ministers and caused a cabinet crisis. Given the PCE and Comintern’s international campaign against Trotskyism, such a measure was simply not possible if the crucial aid of the USSR was to be maintained. The clear divide caused by the POUM issue within the cabinet between Prieto, Irujo, Zugazagoitia (and others) on the one hand, and the PCE Ministers on the other, pushed Negrín once again towards passive mediation instead

¹⁴⁸ The notes have surfaced in Italian archives. Togliatti had written that the meeting took place on 27 October 1937. “Verballi di riunioni e appunti redatti a mano da P. Togliatti nel corso della sua presenza in Spagna (1937-1939),” Council of Ministers of 27 October 1937, Archivo della Fondazione Antonio Gramsci, Rome, quoted in Elorza and Bizcarrondo, 379.

¹⁴⁹ Ibid. The text in Castilian reads: “Todo bueno, si V. me trae cifra de fusilados; ej. proceso del POUM; hay que fusilar, etc., con esto se permite una campaña en extranjero y campaña de amnistía aquí.”

¹⁵⁰ Ibid.

¹⁵¹ Jackson, *Negrín*, 100.

of direct action. Negrín chose instead to go forward with the prosecution, exclude the imprisoned POUM leadership from the amnesty project, and let the TEAAT decide its fate.¹⁵²

Even Orwell, who so often drew partial conclusions based on limited experience and information, was able to detect the divide, and he placed Negrín squarely opposed to the Communists. Referring to the period of fall and winter 1937, he wrote:

The accusation of espionage against the POUM rested solely upon articles in the Communist press and the activities of the Communist-controlled secret police [*sic*]. The POUM leaders, and hundreds or thousands of their followers, are still in prison, and for six months past the Communist press has continued to clamour for the execution of the “traitors.” But Negrín and the others have kept their heads and refused to stage a wholesale massacre of “Trotskyists.” Considering the pressure that has been put on them, it is greatly to their credit that they have done so.¹⁵³

In the same section, Orwell also noted that the Government had decided on a general amnesty of antifascist prisoners, but that the two Communist ministers had voted in opposition to the measure within the Council of Ministers.¹⁵⁴

5.4 THE MOVE TO BARCELONA, TEG, AND THE CONCLUSION OF THE POUM TRIAL INDICTMENT

Throughout the second half of September 1937, Negrín repeatedly insisted to Azaña that the Government be moved to Barcelona. Azaña finally approved the move, and in late October, the government began preparations. The move may have involved political considerations, namely, that of limiting Catalan autonomy. This would have been consistent with Negrín’s own position on the issue.¹⁵⁵ But from a more practical perspective, the move would relocate the high institutions of state to a city safer than Valencia, and a city closer to the supply of weapons. The move caused a delay in the POUM prosecution, which, generally speaking, was at a standstill throughout November. Although Irujo told Negrín that he did not think that transferring the

¹⁵² See also Miralles, *Juan Negrín*, 145-146.

¹⁵³ Quoted in Davison, *Orwell in Spain*, 212.

¹⁵⁴ *Ibid.*, 211.

¹⁵⁵ Pagès i Blanch, *War and Revolution in Catalonia*, 137-138. Pagès i Blanch, however, tends throughout his work to reduce complex wartime issues to a central government vs. Catalan authority dichotomy, with the latter as the victim. This is the case with his work on the development of Republican justice as well. See for example Pagès i Blanch, “La administración de Justicia en Catalunya,” in *Justicia en Guerra*, 47-63.

TEEAT to Barcelona was feasible on 27 November 1937, the latter insisted on it. In fact, the POUM's defense attorney, Benito Pabón, had requested as early as 10 September that the POUM prisoners be moved to Barcelona to speed up the process of investigation.¹⁵⁶ Negrín had written to Irujo on 24 November about the move, and Irujo's response gives us some insight into the status of the TEEAT at the time:

Regarding the transfer of the Special Tribunal for Espionage and High Treason, which today is in Valencia, to Barcelona, I must say the following:

The importance of the issues that this Organ oversees is a consequence of the large number of people that are detained under its authority. As of today, there are only two pending indictments that involve over 1400 defendants.

If the Tribunal is transferred to Barcelona immediately, all of the prisoners would have to be sent with equal urgency, and it is the case that the prison establishments of this capital are for the moment totally insufficient to put them up...and it is a criterion of this Ministry to not transfer prisoners until the Prisons Directorate carries out the project of authorizing the necessary buildings to house 2000 prisoners.

For these reasons, this reality suggests that the transfer should be delayed.¹⁵⁷

Irujo also gave legal justifications for the delay, citing the TEEAT decree and claiming that its Central headquarters could legally only reside in Valencia, and also that it would have to be placed within the *Audiencia* of the territory in which it was located. To move the Tribunal to Barcelona, in other words, would be to modify the decrees of the TEEAT and would require doing so in agreement with the legal authorities of the Generalitat.¹⁵⁸

Nevertheless, the transfer of the imprisoned POUM leadership had already begun and was completed on 27 November. The move of the Negrín government in November coincided with some important personnel changes that had some bearing on the POUM case, and especially the police investigations into POUM activity. Ricardo Burillo, who had proven difficult for the TEEAT to work with, handed in his resignation to then DGS head Carlos de Juan. The explanation given in the press was that Burillo was needed in the military.¹⁵⁹ Burillo spoke to the press after his meeting with President of the Barcelona *Audiencia* Josep Andreu i Abelló. His comment, though cynical, provides an example of the impression he was instructed to give about his actions as Chief of Police in Barcelona:

¹⁵⁶ Alba and Ardevol, *El proceso*, 114-115.

¹⁵⁷ AFJN, 1MJU0000000020035001-03.

¹⁵⁸ Ibid.

¹⁵⁹ *La Vanguardia*, 7 November 1937, p. 5.

I can say that in Catalonia I have not distinguished between union and political colors; never have I wanted to see nor divide the Catalan people into fascists and antifascists; or into provocateurs or irresponsible persons at the service of fascism.¹⁶⁰

On 16 November, Gómez Sáiz, who had worked as the central Government's delegate for public order in Barcelona, became the Subdirector of the DGS. In April 1938, he would become the head of the DGS as well as Minister of Interior when Zugazagoitia resigned, a position that Gómez Sáiz held from April 1938, throughout the POUM trial, and up until March 1939.

After the move, Irujo ordered a report on the TEEAT's activities to be compiled by its President, Gil Tirado. Part of the report was published on 1 December 1937 in *La Vanguardia*, which was essentially the Republican government's mouthpiece in Catalonia. It reflected the concerns that Irujo had about the TEEAT, and reported on statistics:

The Minister of Justice has received a report from the Presidency of the Special Tribunal of Espionage and High Treason of Valencia, written by Señor Gil Tirado, which includes statistics on the proceedings of the Tribunal and its Special Investigating Judges since its establishment and up to the 20th of November.

This report... represents a summary of the balance sheet and a record of the five months of this judicial organ. The report also gave just praise to the self-sacrifice and zeal of the functionaries who govern it, the Investigating Judges. It also lamented that various factors such as the a lack of personnel dedicated to the fulfillment of these service, the difficulties inherent to the slow proceeding of the centers that they rely on for background information and indispensable reports, etc., etcetera, have prevented it and the extensive and arduous labor of the Tribunal from being more fruitful.

The report ended by stating that the Justice Minister has always facilitated the appropriate arrangements regarding petitions made to him, and specifies that it has been necessary on many occasions to avoid obstacle-creating interference by certain organizations.¹⁶¹

The report is significant because it acknowledged the shortcomings of the police agencies on which the TEEAT relied, asserted the Tribunal's resistance to the "certain organizations" that had been attempting to interfere, and cleared the TEEAT itself of blame for the delay in cases. The statistics cited were as follows:

¹⁶⁰ Ibid. The original text carries an "and" instead of an "or" in the final clause, which may be an editorial mistake.

¹⁶¹ *La Vanguardia*, 1 December 1937, p. 2.

Table 5.1. TEEAT cases (22 June 1937 – 2 November 1937)

Cases initiated by the Special Courts -----	272
Cases concluded by the Special Courts and elevated to the Tribunal -----	137
Cases still pending in the Special Courts -----	135
Cases submitted to the Tribunal since its constitution:	
Cases dismissed -----	221
<i>Por inhibición a otros tribunales</i> (previous cases) -----	84
Cases settled by acquittal -----	53
Sentences dictated in court -----	56
Total -----	193
Total pending cases in the Tribunal -----	28

Source: *La Vanguardia*, 7 November 1937, p. 5

In winter 1938, Negrín presented his plans for a new Special Court that would take a similar jurisdiction to the TEEAT but which would prosecute flagrant crimes of espionage, high treason, and defeatism – the *Tribunales Especiales de Guardia* (TEG). Although the TEG is often conflated with the TEEAT in the historiography, the previous analysis clearly delineates the distinct difference between the two courts. The TEG essentially represented a military tribunal in character, although not officially, as a State of War had not been declared. The TEG Courts would not begin working effectively until spring 1938, and they had a much more direct relationship with the SIM. These were highly militarized courts that meted out exemplary and severe punishment to offenders.¹⁶² The TEG became known for handing down death sentences; however, all such capital punishments had to be cleared by the TEEAT and approved by the Council of Ministers. This meant that death sentences were often reduced. Nevertheless, the Barcelona TEG Courts handed down over a thousand convictions from March 1938 until they ceased functioning in January 1939. Of the rulings, 221 received death sentences, 219 received 30 years, 95 received 20 years, 71 received 10 years, 160 received six years and one day, 88 received 15 days, and only 28 defendants were set free.¹⁶³

¹⁶² Pagès i Blanch, *War and Revolution in Catalonia*, 72.

¹⁶³ Pagès i Blanch, *La presó Model en Barcelona*, 289-290, and *War and Revolution in Catalonia*, 72.

Negrín's proposals for the TEG met with sharp opposition, largely from Minister of Justice Irujo and others within the cabinet, as well as President Azaña. At the same time, Negrín had been meeting with General Rojo to plan the offensive at Teruel, which was approved in the first week of December and began on 15 December. The following week saw Irujo's resignation and his replacement by his Subsecretary, Mariano Ansó, as Minister of Justice, whom Irujo deemed "my most ideal collaborator."¹⁶⁴ The Teruel operation was also a turning point in Negrín's relationship with his former political hero, Indalecio Prieto, whose incessant pessimism Negrín derided.¹⁶⁵ Prieto's posture was inconsistent with Negrín's policy of resistance (usually denoted by the slogan, "Resistir es vencer"), and the general posture of the Republican Government towards the war.

According to Irujo's later writings, Negrín charged the Subsecretary of Justice, Mariano Ansó, with preparing materials to decree the new courts (TEG), which, in Negrín's mind, would do away with fifth columnists, saboteurs, etc. Ansó submitted it to Irujo, who objected sharply to its summary character, which he understood as anti-democratic. The court, he said, did not contain Investigating Judges and those appointed to be Court Jurors did not have to be lawyers. Negrín maintained that the war must be won and that the situation made such institutions necessary.¹⁶⁶ Although the decree was modified to require all Jurors to be licensed lawyers, Irujo handed in his resignation. However, he stayed on as minister without portfolio and played a large role in judicial affairs for the rest of the war (especially in restoring a degree of religious freedom within the Republican zone). He also still received memos regarding the prosecution of the POUM long after he ceased to be Minister of Justice.

Contemporary documents show that Irujo resigned in direct response to the creation of the TEG and not in response to the POUM prosecution, as is often claimed. For example, his 1 December 1937 letter to Negrín announcing his resignation does not mention the TEEAT nor the POUM at all. Instead, Irujo protested the TEG:

The publication of the creation decree for the *Tribunales de Guardia* in *La Gaceta*, which represents a form of political expression that I do not share, brings my resignation, and I ask that you do not argue with me...

¹⁶⁴ See AFJN, 1MJU1000000020166001 for Irujo's resignation, which he handed to Negrín.

¹⁶⁵ Moradiellos, *Don Juan Negrín*, 308-ff.

¹⁶⁶ Irujo, *Un vasco*, 83.

Upon ceasing my role as Minister and remaining at the orders of the Government as a citizen, I give my faith in the Republic and my hope in its triumph, with a cordial desire for the best success for the Government over which you preside...¹⁶⁷

Irujo initially refused to remain on as minister without portfolio. But after Negrín negotiated with Irujo's fellow Basque politician and head of the Basque government, José Antonio Aguirre, Irujo agreed to stay on as minister without portfolio. In fact, after he had submitted his initial resignation, Irujo met with Barcelona *Audiencia* President José Andreu Abelló, Negrín, TEEAT President Gil Tirado, Director of Prisons Miguel José Gamendia, and others.¹⁶⁸ Irujo took issue with the way in which the new TEG, not the TEEAT, infringed on the process of Republican Justice. According to Irujo, he had explained this rationale in his resignation remarks:

The Minister of Justice had proclaimed the rule of law and the independence of the judiciary as essential and indispensable principles of his ministerial work, [and] he succeeded in bringing them into reality and incorporating them into the politics of the Government. The day on which he could not maintain them with the required strength, he resigned the post. This is what was said in his farewell speech.¹⁶⁹

A week earlier, *La Vanguardia* had carried a front-page report on the TEEAT and discussions within the Council of Ministers. PCE Minister of Public Education and Health Jesús Hernández emerged from the meeting and spoke with reporters:

We have discussed and approved the article of the decree presented by the President of the Council, which establishes and regulates the summary functioning of the Tribunals, which will persecute crimes of defeatism, high treason, and espionage with very severe penalties.¹⁷⁰

A reporter asked Hernández if the Espionage Tribunals already functioning (TEEAT) would cease to exist, to which he responded, "No. The new Tribunals will be more severe and more rapid than the current Espionage Tribunals."¹⁷¹ The judges for the new TEG would be appointed by the Minister of Justice (Ansó and later González Peña), the Interior Minister (Zugazagoitia, and later Paulino Gómez Sáiz), and the Defense Minister (Prieto, and later Negrín). Again, the

¹⁶⁷ AFJN, 1MJU1000000020166001.

¹⁶⁸ *La Vanguardia*, 3 December 1937, p. 2. Irujo's move from Minister of Justice to minister without portfolio was announced on 11 and 12 December.

¹⁶⁹ Irujo, *Un vasco*, 85.

¹⁷⁰ *La Vanguardia*, 26 November 1937, p. 1.

¹⁷¹ Ibid.

appointment procedures ensured that the two PCE Ministers would not have appointment privileges.

Ansó took up his post as Minister of Justice and, on 29 January, wrote to Negrín to outline the goals of the new Ministry:

I am also sending you the text of a meeting that I had recently in which I mark out the general political line that this Ministry will follow. It can be summed up in the following formula: Restoration of the Law and its symbols of authority in defense of the Republic and Spain.¹⁷²

He also suggested that Negrín look at the justifications that he and others had made about the necessity of “defending Judicial Institutions that could be called War [tribunals], and especially the defense of the *Tribunales de Guardia*, created by Decree of the President.”¹⁷³

Some have been alleged that the PCE and its Comintern affiliates had demanded a court “free of red tape” in which they could prosecute political enemies with impunity. However, as discussed above, this is little basis for such claims, which had their origins in anticommunist writings, especially anarchist and *poumista* documentation. For example, a Republican informant in Paris reported to Republican Ambassador to France (after 11 April 1937), Marcelina Pascua, on the activities of a CNT delegation sent to Paris to collect information that the CNT “will need for when the war ends.” On 7 February 1938, the informant transmitted the document compiled by the CNT delegation, which, despite its numerous errors, presented the CNT’s narrative for why the war was being lost. The CNT report began with Nin’s disappearance, and followed the standard anarchist story of growing communist dominance as a primary causal factor. The CNT integrated the resignations of Ortega y Gasset and Irujo into the broader narrative of the POUM repression:

The process of the resignation of Irujo is next. One day Ansó visited him, presenting a project for a Decree creating a New Tribunal of Espionage, and saying that the communists had visited him in order to ask him for a Tribunal that could judge the issues in a way that would completely disregard legal formalism/red tape, [which was] old-fashioned and useless. Then Ansó called to consult Granados – a Supreme Court Magistrate. Granados told him that the most suitable tribunal for this was that of the Italian Checa, and copying the text of the cited tribunal he made the Decree that today applies in Spain. Irujo refused to allow it but a few days later in the Council of Ministers

¹⁷² AFJN, 1MJU0000000020044001.

¹⁷³ Ibid. To the author’s knowledge, the documents that Ansó attached have not surfaced.

Negrín unveiled the said decree. Irujo protested but as the Tribunal was composed of members named by each Ministry, it was the Presidency's responsibility to publish it. Then Irujo resigned and the following day his resignation appeared as accepted in the *Gaceta*, naming him minister without portfolio.¹⁷⁴

The notion that the TEG's founding text represented a copy of the "Italian Checa" is patently false. However, Irujo himself did later write that the Supreme Court Magistrate whom Ansó had consulted said that the court would resemble courts in "totalitarian" states. Irujo claimed that it was Negrín who had approached Ansó about the creation of the new tribunal.¹⁷⁵ There is no doubt that the TEG's proceedings resembled a wartime tribunal and that it handed down many death sentences. However, to associate this with the repression and prosecution of the POUM and its leadership is to ignore the distinction between the two courts.

On 1 October 1937 Negrín had spoken before the Congress of Deputies about legality and discipline, and the monopoly the state claimed over the process of justice:

The politics of order, of interior security, and of guaranteeing the rights of citizens... has sought the complete restoration of legality and normality, the reestablishment of order and social discipline where it had been altered. As was natural, the July [1936] uprising produced a subversion of order through the unhinging of the coercive instruments of Power. It is not strange that in those circumstances there would be abuses, excesses, and atrocities. The State has attempted to correct them; it has corrected them in much less time than anyone could have hoped or believed... the public Power does not permit anyone to take justice into their own hands.¹⁷⁶

Negrín went on to say that personal and individual guarantees had been reestablished and that "today the party card of a given citizen subject to legality does not cause differences, antipathies, or privileges." Following this somewhat cynical statement, Negrín continued: "The reestablishment of the independence of the Administration of Justice has been tried and it has succeeded." Turning to the TEEAT, he continued:

...But this reestablishment of normality in justice and the guarantee of individual rights, after the disappearance of the undeniable anarchical terror that existed in the country, has permitted a danger that I do not want to overlook... This has helped many enemies of the Republican regime to try to take advantage of the new situation, to stick their heads out and create difficulties for the State. To put a stop to this, the Tribunal of High Treason,

¹⁷⁴ AHN, Diversos, M. Pascua, Legajo 9, Expediente 7, 1-5.

¹⁷⁵ Irujo, *Un vasco*, 83. See also Bolloten, *The Spanish Civil War*, 514.

¹⁷⁶ AFJN, Discursos Parlamentarios, Juan Negrín (C), *Extracto Oficial*, no. 64, 1 October 1937.

Espionage, and Defeatism has been created, with rapid proceedings, which intends to and will surely succeed in extirpating this danger.¹⁷⁷

Such measures were difficult to enact when a State of War had yet to be declared. This was particularly the case in 1937-1938 because, as Negrín's rhetoric both within Spain and abroad made clear, the preservation of bourgeois Republican legality was crucial for providing a contrast to Francoist justice in the context of a malevolent non-intervention on part of the western democratic states. Negrín's comments in an interview in exile with the journalist John Whitaker are apt:

I asked Negrín why his government had not been more effective in cleaning out the fifth column behind his own lines in Spain.

"The fifth column used to be the case of more worry to me than anything else," said Negrín. "You would see a man day after day and be absolutely sure that he was working for the enemy. But you couldn't do anything about it."

"Why couldn't you do anything about it? I asked.

"Because you couldn't get proof," answered Negrín. "You couldn't get proof before the judges."

"But surely in such a crisis you suspended normal court procedure," I suggested.

"Oh yes, we had to have special courts," said Negrín. "But we couldn't arrest a man on suspicion. We had to keep to the system of evidence. You can't arrest an innocent man just because you are positive in your own mind that he is guilty. You prosecute a war, yes; but you also live with your conscience."¹⁷⁸

This was precisely the dilemma with which Negrín and his Justice Ministry were faced. In many respects, "normal court procedure," to use Whitaker's phrasing, was not suspended. Rather, it was modified to fit an urgent wartime situation while also remaining within a liberal, rule-of-law framework. This is one part of an explanation for the harsh criticisms that the Negrín government received on account of the TEG and to some extent the TEEAT.

Negrín explained the necessity of TEG and TEEAT in a few decrees throughout the first half of 1938. "The Tribunals respond to the fundamental necessities of the State and of war, and have a specific mission of punishing crimes which by their effect on the armed services, the discipline and security of the Army, and the morale of the rearguard..."¹⁷⁹ He also sought to present the Tribunals in an international comparative context:

¹⁷⁷ Ibid. The "Tribunal of High Treason, Espionage, and Defeatism" was a common name for the TEEAT as it had the power to try defeatism as well.

¹⁷⁸ John Whitaker, "Prelude to World War: A Witness from Spain," *Foreign Affairs* 21 (Oct. 1942), 118.

¹⁷⁹ AFJN, 1PCM0000000080069001-4.

The Tribunals of Espionage and High Treason created by Decree of 22 June and 22 August 1937, and the Special Guard Tribunals, which are a complement to them... because of their purpose and composition, the nature of their precepts, the crimes that they punish, and the proceedings that they carry out, are altogether true Tribunals of War, born from the contingencies that current struggle brings... Compared with the War Councils of almost every country, these Tribunals are especially distinctive for their set of guarantees, which are superior to the others.¹⁸⁰

In August 1938, Negrín explicitly laid out that the courts were “Special Military Guard Tribunals,” which provoked widespread criticism.¹⁸¹ After the war, the Generalitat’s *Conseller* of Justice, Bosch i Gimpera, wrote of his opposition to the TEG. Quoting a letter to Hugh Thomas, the historian Burnett Bolloten wrote, “Bosch Gimpera stated, ‘During the last year of the Civil War, we spent a good deal of the time struggling against the military tribunals’”¹⁸² Bosch i Gimpera, a doctor in Philology and History and member of the Catalanist Republican party *Acció Catalana Republicana* (ACR), saw his authority curtailed by Negrín’s centralization measures, especially after the Government moved to Barcelona.¹⁸³ He had written to Negrín, Irujo, and others in the Republican cabinet, complaining of his lack of authority in Catalonia and demanding that he be allowed to propose judges for the TEEAT, which oversaw the prosecution of the *poumistas*.¹⁸⁴ The fact of the matter is that, while Bosch i Gimpera had some say in Catalan tribunals, and a voice in the discussion about judicial norms throughout the Republic (through the *Comisión Jurídica*), he had no such privilege in the case of the TEEAT’s Central Office (though he had some appointment privileges in the Catalan TEEAT), nor the military tribunal-style TEG. The Central TEEAT, which tried the POUM leadership, and the TEG fell directly under the authority of Negrín, his Justice and Interior Ministries, and his Ministry of Defense (which Negrín himself held after April 1938).¹⁸⁵

Requejo wrapped up his investigation in February 1938 and submitted the completed indictment of the POUM leadership to the TEEAT president in early March. Historians have

¹⁸⁰ Ibid.

¹⁸¹ AFJN, 1PCM0000000080126001-3.

¹⁸² Bolloten, *The Spanish Civil War*, 606.

¹⁸³ Mariano Ansó, who replaced Irujo as Minister of Justice in December 1937, later wrote that of Bosch i Gimpera, saying “...he was a man of extraordinary scientific and humane quality, with whom I could almost always make myself understood, despite his Catalan jealousy in the face of what he considered State intrusions... but influenced by regionalist superstitions that belonged to the past.” Anso, 208-209.

¹⁸⁴ Godicheau, “El proceso del POUM,” 846.

¹⁸⁵ Bosch Gimpera later explained in a letter to historian Hugh Thomas that he had struggled against the “military tribunals” whose authority lay out of the Generalitat’s reach.

claimed that the delay in the trial had been due to legal arguments, international solidarity campaigns, and Communist intimidation of the defense. But as noted above, the causes were both political and material. Contributing factors included the problem of overlapping police organizations, competing claims to authority within the Republic's intelligence organizations, disagreements over how to deal with the perceived threat of the fifth column, and the government's move to Barcelona. All of these factors hindered a swift trial. There still remains, however, the question of why the trial was not held in summer 1938, when, for all intents and purposes, its preparation was complete. The case was prepared to go to trial in June 1938.¹⁸⁶

Another reason for the delay worthy of citation is the flight of the POUM's defense attorney, Benito Pabón, which he attributed to Communist threats. He left sometime in the first months of 1938. Pabón had previously defended the closing down of the Council of Aragon, the anarchist stronghold in the north, writing directly to Negrín about the issue.¹⁸⁷ The PCE press had claimed that anyone who sought to defend the "traitors and spies" of the POUM was himself a traitor and a spy. After fleeing Spain to Manila, Pabón wrote to the clandestine POUM Executive Committee:

The fact is that, on account of the great deal of real aid given by Russia to the war, the Communist Party today governs as they please in Republican Spain... And this hegemony of the Communist Party implies, and the facts demonstrate, the implantation of political methods characteristic of Moscow.¹⁸⁸

He went on to discuss the TEEAT:

All of this is useless. The Communist Party will perhaps compromise with everything except the possibility of setting the comrades of the POUM free and absolving them of the charge of being spies and traitors. They cannot do this. The Spanish Stalinists cannot do this, as they are faithful to the dictates of Moscow.¹⁸⁹

Pabón continued, "It is not all duplicity in the Espionage Tribunal of Valencia, nobility obliged it to tell the full truth. Its members are convinced – some of them have privately and in confidence told me – that there are no crimes of treason and espionage in this issue."¹⁹⁰ Here Pabón was not

¹⁸⁶ Gorkin, *El proceso de Moscú en Barcelona*, 234; Graham, *The Spanish Republic at War*, 384.

¹⁸⁷ AFJN, 1MJU2010500010001001.

¹⁸⁸ Ignacio Iglesias, "La represión el el proceso contra el POUM," *Fundación Andreu Nin*, 158-160. The work was originally published as under the pseudonym of Andrés Suarez by Ediciones POUM in 1938, and later edited by Ruedo Ibérico.

¹⁸⁹ *Ibid.*, 158-160.

¹⁹⁰ *Ibid.*, 160.

far from the mark. It was clear to the TEAAT judges, and the three consecutive Ministers of Justice, as well as the Attorney General (Garrido) that the charges were not credible; the court indeed threw them out. Pabón continued in his letter to the POUM, “I must tell you that despite all of my disgust, if I had not only the security, but a minimal guarantee that my work would be efficient, I would have returned to Spain.”¹⁹¹

Much has been made in the historiography about Pabón’s flight and its contribution to the delay in the trial.¹⁹² However, documents in Negrín’s archive indicate that Pabón in fact wanted to return to Spain long before the trial and authorities in the Republican government did not object. Pabón wrote to Negrín (via the Spanish Consulate in Manila) about the issue in February 1938:

To the Minister of State in Barcelona

Deputy Benito Pavón [*sic*, Pabón] asks that I transmit to you the following:

Very saddened [by] absence [from] Spain; I wish to return; I consider [even] the biggest distress there to be preferable; you know the facts which motivated my departure by the letter in which I explained them; I ask you... in sincere friendship to tell me urgently if the current circumstances are appropriate and permit me to make a dignified return. I want to embark as soon as possible.¹⁹³

Minister of Foreign Affairs José Giral forwarded the telegram to Negrín on 4 March 1938, and attached a memo to the document:

Permit me to send you once again a copy of a telegram received on the 12 of this month [*sic*] from our Consulate in Manila referring to Deputy BENITO PAVON [*sic* PABÓN], and I ask that you let me know how to respond to him. I do not see any problem with his return to Spain, as it seems to be his desire, but as he wrote a long parting letter to you when he left, I hope to have your opinion before I answer him.¹⁹⁴

It is unknown what response Giral gave Pabón on Negrín’s advice, if any. However, to the author’s knowledge, Pabón never again wrote about his attempt to return to Spain, even in

¹⁹¹ Ibid., 158.

¹⁹² See for example the oft cited and exaggerated claim that Burnett Bolloten has made that the POUM had “enormous difficulty in securing and retaining competent defense attorneys owing to Communist intimidation.” Bolloten, 516.

¹⁹³ AFJN, Caja 478 (80), Carpeta 39-85.

¹⁹⁴ Ibid.

exile.¹⁹⁵ He remained in the Philippines through the Japanese invasion in 1941 and died in exile in Panama in 1958.

After Pabon left, the POUM secured the services of the famous French Attorney, Henri Torres. Although the TEEAT initially recognized the right of the defendants to designate foreign attorneys, the Republican government did not allow Torres to take up the POUM's defense, as it was in direct contravention of state law that a foreign attorney perform such a function.¹⁹⁶ Marcelino Pascua wired Giral from Paris on 13 July 1938:

I was visited by a commission formed principally by dissident socialists [from] the Pivert group... who made demands about the P.O.U.M. trial, intending to interrogate me about various parts of the trial, the defense of the defendants, the intervention of foreign lawyers... I immediately cut off the conversation and told them that I am sure that they will be judged in accordance with normal Spanish law [and] I vigorously rejected inappropriate references to the Moscow trials.¹⁹⁷

Zugazagoitia had written early to Negrín's office in August 1937 about the issue:

We cannot accept, as you can understand, that the defense of those tried in the trial of the P.O.U.M. be carried out by foreign Attorneys; regarding the security that these friends must have that the trial will be given a defense, you can tell them it is absolute.¹⁹⁸

As a result, the young attorney Vicente Rodríguez Revilla took up the POUM's defense. Revilla, who remained the POUM's defense attorney through the trial, wrote his first letter to the TEEAT on 2 March 1938, just a few days before the Supreme Tribunal formally accepted the conclusion of the POUM leadership's indictment.¹⁹⁹

Through spring 1938 Negrín resolutely adhered to his policy of continued resistance and refusal to accept a mediated peace without reprisals, to which he knew Franco would not adhere (and indeed did not adhere to after Casado's coup in 1939). But this resistance necessitated further Soviet aid. Negrín resented the fact that the Republic had to rely on Soviet aid, but he maintained that there was no other choice: "The only reality, no matter how much it pains us, is to accept the aid of the USSR or surrender without conditions... I will not deliver hundreds of thousands of defenseless Spaniards, who have been fighting heroically for the Republic, so that

¹⁹⁵ If in fact Negrín informed Pabón that it was not safe to return to Spain, this certainly would have appeared in the POUM's wartime or postwar polemics; it does not.

¹⁹⁶ Alba and Ardevol, *El proceso*, 173.

¹⁹⁷ AHN, Diversos, M. Pascua, Caja 1, Expediente 21.

¹⁹⁸ AFJN, 1MGO10000002 (2/3), 0106.

¹⁹⁹ CDMH, FC-Causa_General, Caja 867, Expediente 4.

Franco can have the pleasure of having them shot... A negotiated peace, always. Surrender without conditions so that they shoot half a million Spaniards, never.”²⁰⁰

The cabinet crisis of March and April 1938 also contributed to the delay in bringing the case to court. Prieto had become increasingly pessimistic over the Republic’s continued military defeats. In Council of Ministers meetings on 28 and 29 March, Negrín and his Justice Minister, Mariano Ansó, disapproved of Prieto’s posture, which they saw as defeatist and demoralizing. Prieto resigned against Negrín’s wishes on 30 March. On 29 March, Negrín met with senior Soviet, PCE, and military leadership at Pedralbes.²⁰¹ Eager to see Prieto continue in the cabinet and understanding Prieto’s rife anticommunism, Negrín offered to remove PCE Minister Hernández and reduce the PCE presence in the government to one minister. Prieto refused to stay on as Defense Minister, and President Azaña declared a governmental crisis.²⁰²

After negotiations, a new government was formed on 5 April with Negrín retaining the Presidency of the Council of Ministers and assuming Prieto’s position as Minister of Defense. In a letter to Prieto, Negrín claimed that “my decision to replace you as defense minister was exclusively and strictly personal. I reached this decision on the night of 29-30 March after a painful and difficult inner struggle. It was a result of the cabinet meeting of 29 March... when... you completely demoralized our cabinet colleagues by portraying events in the darkest tones of desperation.”²⁰³ The new cabinet included four PSOE Ministers, five Republican Ministers, one CNT Minister, Irujo (Basque Nationalist Party), and one Communist Minister (Uribe). The Justice portfolio passed to longtime PSOE leader Ramón González Peña. Zugazagoitia passed the Interior Ministry to Paulino Gómez Sáiz, but remained in the government with the position, which Negrín created for him, of General Secretary of National Defense. Zugazagoitia went on to testify in the POUM trial as a defense witness.

April was also the month in which Negrín appointed Santiago Garcès to head the SIM in order to limit communist influence in special police operations and intelligence. That month also saw the DEDIDE absorbed into the centralized SIM, which reported to the Minister of Defense, Negrín himself. The war situation was desperate. On 1 April, Negrín learned that Franco’s troops would reach the Mediterranean imminently, which they did on 14 April, effectively splitting the

²⁰⁰ Vidarte, 855, 857, quoted in Moradiellos, *Don Juan Negrín*, 344.

²⁰¹ AFJN, IPCM1020000031316001. The group included Colonel Estrada, Hidalgo de Cisneros, Jesús Hernández, Soviet General Grigorovich (Grigory Shtern), Soviet *Charge d’Affaires* Marchenko, Zugazagoitia, and Prieto.

²⁰² Moradiellos, *Don Juan Negrín*, 340-341.

²⁰³ *Epistolario, Prieto y Negrín*, 23, quoted in Bolloten, *The Spanish Civil War*, 581.

Republican zone in two. Moreover, the international scene had worsened – on 10 April Léon Blum's Popular Front government in France fell. In response to the crises, Negrín developed his famous "13 Points" manifesto on the new Government of National Unity's objectives, which he announced on 1 May 1938.

The new government hardly responded to Soviet or Comintern pressure, as is often asserted. In fact, after the war, Comintern operative Stepánov wrote:

It is important to remember that the Government of National Unity, formed on 6 April 1938, brought Paulino Gómez, a *prietista* and communist eater, to be Minister of Interior, and brought González Peña to be Minister of Justice. Already in the summer of 1938, before the beginning of the Ebro operation, Paulino Gómez prohibited Party meetings. And the censor, which was under his control, allowed the anarcho-syndicalists and *caballeristas* to publish pro-*poumista* articles, evidently edited by the *poumistas*, articles that defamed the Communist Party, etc... Frequently the Party protested against such measures by Paulino Gómez and against such censor conduct. They protested each case concretely. Uribe protested frequently on behalf of the CC. The majority of the times Negrín recognized the correctness and argumentation of the Party's protests, and made promises that he would succeed in making Paulino Gómez change his "line," and, sometimes, Negrín said outright that he would have to remove Paulino Gómez from the Government, that he would surely do it. But it turned out to be very difficult since Paulino Gómez had the support of the Executive Committee of the Socialist Party. Once again, Negrín promised categorically that he would take the censor from the control of the Interior Ministry and that he would transfer it to the Secretariat of the Presidency. These were all empty promises.²⁰⁴

In fact, Negrín and Pascua had discussed the possibility of removing the PCE altogether from the government. In a secret message from Paris in February 1938, Pascua cited internal and international concerns over Communists in the government:

...I have a very important suggestion, the details of which I will explain on my next trip, that there is an advantage in the non-participation of the Communists in the government, and in advocating that only competent and strong Socialists [and] Republicans remain, in order to improve the Government's situation internationally and to help break down the Francoist rearguard.²⁰⁵

The comment responded to the prevailing anticommunism within the French and British governments, whose support Negrín understood as the Republic's only route to victory in the war. Stalin himself in fact had a similar idea, and explained it to Pascua during a conversation about Azaña's proposal of a treaty of friendship with the USSR:

²⁰⁴ AH-PCE, Sig. 58, 'STEPANOV,' Stepánov, *Las causas*, 22-23.

²⁰⁵ AHN, Diversos, M. Pascua, Caja 2, Expediente 2.

On the contrary, perhaps it would be useful to declare that there are no special ties between the USSR and Spain. Yes, sympathy between the masses, but no secret treaty.... There are those in the English government who will come out in favor of aid if the USSR backs off.... Let me stress that [Spain] must distance herself somewhat from the USSR in order to obtain aid from England...²⁰⁶

The new cabinet also prompted Jordi Arquer, who was not then detained and who ran the clandestine POUM Executive Committee, to reach out to the new Interior Ministry. On 16 April, he appealed to Gómez Sáiz, claiming that the course of justice in the POUM trial had been compromised and that it was a “clear case of the abuse of power.” He reported that the new Minister of Justice had told the POUM leaders that “the imprisonment of our comrades and the situation of the party is not a juridical issue, but rather an issue of powerful reasons of State.” He complained about attacks in the media against the POUM and insisted that the remaining *poumistas* would defend themselves if necessary in the context of threats.²⁰⁷ In this general context, POUM defense attorney Revilla gave a statement to the Supreme Tribunal on 19 April 1938, which was directed at the new Council of Ministers:

It has been two months since the indictment of the *Partido Obrero de Unificación Marxista* has been concluded by the Judge overseeing it: it has been, then, more than sixty days that this issue has slept on the table of the Tribunal that is charged with bringing it to court.²⁰⁸

Revilla suggested that the government was keeping the trial in abeyance to avoid an acquittal that would set the POUM leadership free. He pointed out that he only wanted to make his voice heard in the Council of Ministers so that justice and law would be maintained. The document ended with an endorsement of the judicial officials who heard his statement, which read, “The Senior Counselors accept the above statement, if the Council could agree on the appropriate measures so that the pending trial against the leaders of the PARTIDO OBRERO DE UNIFICACIÓN MARXISTA be held as soon as possible.”²⁰⁹

²⁰⁶ AHN, Diversos, M. Pascua, Caja 2, Expediente 6, 12, quoted in Kowalsky, *Stalin and the Spanish Civil War*, Chapter 2, III.

²⁰⁷ Alba and Ardevol, *El proceso*, 145-147.

²⁰⁸ CEHI, Procés POUM, Caja 1, Carpeta 1.

²⁰⁹ Ibid.

González Peña wrote Negrín on 23 April 1938 to tell him that he had requested reports from the TEEAT and that he would continue to forward them to Negrín as he received them.²¹⁰ Throughout April and May, State Prosecuting Attorney Gomís prepared his case and on 12 June 1938, he presented the Prosecution's Provisional Conclusions to the TEEAT. This formally set out the structure of the trial and called on the TEEAT to locate the witnesses scheduled to testify. In the document, Gomís laid out the reasons that the POUM was being brought to trial. While the Provisional Conclusions did not reach the level of contemporary PCE rhetoric, the document retained similar themes. The POUM had opposed the government, aided the fascists, caused and participated in the May uprising, and had suspicious international connections with individuals who were fascist spies.

Specifically, the allegations included: demagogic propaganda that advocated the suppression of the government through violence with the goal of establishing a workers and peasants government; the provocation and participation in the “monstrous” May 1937 uprising, which was inspired by the POUM's “fake” revolutionary doctrine to aid “traitor generals and the totalitarian nations invading Spain... and gave the impression internationally that the Republic was unable to govern itself”; the *poumista* 29th Division's abandonment of the front in May 1937; intimate relations with fascist organizations in the rebel zone (with reference to the famous “N” document); constant and systematic attack on the Republican and Catalan parliaments; “having direct relations with international organizations that generically have the name ‘Trotskyist,’ whose actions put in sharp relief their service to European and Asiatic fascism;” anti-government propaganda against the Popular Front; defamation of the Republican government's leaders; “acrimonious diatribes” against the parties of the Popular Front; the “fomenting of discord” between the union organizations CNT and UGT; propagating the same positions as the fascists towards aid from the USSR, including defamation of Soviet justice, military, and administrative leaders; propaganda in favor of a revolutionary army in place of the Popular Army of the Republic; facilitation of fascist propaganda in the Republican zone; reporting of false news; carrying out a campaign against the republic that affects its international position; and “the concomitant activities, generically considered, between fascist espionage organizations and the POUM.”²¹¹

²¹⁰ AFJN, 1MJU1000000020178001.

²¹¹ AFPI, AH-76-64, Hojas 2-12; CEHI, Procés POUM, Caja 2, Carpeta 4.

The document made clear that the individuals in the leadership of the POUM were responsible, and that the working masses allied with the POUM, “it is necessary to say, have not been anything but a blind instrument of its leaders.” Nin was included and prosecuted *in absentia*, the POUM youth organization was included alongside the POUM in the allegations, and the specific members of the leadership were named. These allegations together allegedly constituted treason by Number 6 of Article 223 of the Code of Military Justice, various parts of the 13 February 1937 decree, and the law of 26 June 1935. This circumvented the problem of the TEEAT’s retroactivity, and insured that the laws by which the POUM would be judged had been in place before the creation of the TEEAT.²¹² The document was approved by order of the TEEAT high judges on 15 June 1938.

The TEEAT then sent the document to the new Minister of Justice, González Peña, who later reached out to the Secretary of his party (PSOE), Ramón Lamonedá, on 27 July 1938 outlining the plan of the judiciary with respect to the impending trial:

I attach for you a synthesis of the case brought against the leaders of the P.O.U.M. so that you can give me your opinion, very discreetly and secretly, about how to proceed. I give to you my opinion, which is to propose to the President of the Council of Ministers [Negrín] that the case be brought to court as soon as possible, giving to it the highest guarantees that can possibly be given in these cases, since, as you know, these cases are held in closed session, but I am certain of the integrity of the proceedings of the Republic’s Tribunals of Justice. I firmly believe that we must come through with flying colors with the trial of this important case...²¹³

After expressing his certainty that the TEEAT would be able to avoid any irregularities, González Peña connected the trial to the international context:

...in demonstrating the integrity of proceedings in this important trial, we would cut short the campaign that they are trying to initiate abroad against the Republic, since we will give the press arguments in our defense.²¹⁴

González Peña had received another letter on 16 July 1938 from POUM defendant Julián Gorkin from the Barcelona Model Prison. He had sought out Lamonedá’s political advice and made his recommendation to Negrín. Gorkin’s letter read,

²¹² CEHI, Procés POUM, Caja 2, Carpeta 4; Alba and Ardevol, *El proceso*, 160-161.

²¹³ AFPI, AH-76-64, Hoja 1.

²¹⁴ Ibid.

I already know what you have said about our case, [that it is] for State interests. But even you perhaps overlook what everyone already suspects: that it deals simple with Partisan interests, of a Party whose methods have already disgusted everyone, and I hope that includes you. When you took charge of the Justice portfolio, you announced these words: “I have been through the process of being condemned to death and this fact obliges me to be just.” Up to now you have not been with us.²¹⁵

Figure 5.2. Carcel Modelo de Barcelona, where the POUM prisoners were held.²¹⁶



Another letter written two days later by the imprisoned POUM leadership (and copied to Negrín, Azaña, and many others) read: “The Prosecutor that handles our case has written his conclusions. Reading them makes one blush. They are a vulgar summary of libels. What does the Government do in the face of this scandal?”²¹⁷ The letter went on to address the international situation:

The interests of a Party – or better still: the interests of a foreign dictator – has been converted, in antifascist Spain, into the interests of the State. And while the independence of State interests is not retaken, what will international working class opinion think that Spain is losing its independence?... Now we sense that [the trial] will not be held in the summer. Why? How much longer are you going to prolong this situation?²¹⁸

Earlier in the day on which he reached out to Lamonedá and sent him copies of the above letters from the POUM, González Peña met with the TEEAT President (Iglesias Portal),

²¹⁵ Ibid., Hoja 14.

²¹⁶ Source: Jonathan Sherry.

²¹⁷ AFPI, AH-76-64, Hoja 17.

²¹⁸ Ibid.

Rodríguez Dranguet, Attorney General Garrido, and the Special Judge for the POUM case, Requejo.²¹⁹ It is likely that in the meeting, this group of the Republic's highest judicial officials involved in the prosecution hammered out the Ministry of Justice's position on the trial, which González Peña then relayed to Lamonedá. Three days later, González Peña had an "extensive" meeting with the Vice President of the TEEAT and later met with the president of the Supreme Tribunal, Mariano Gómez. For all intents and purposes, from this point on, the issue of the trial moving forward was in Negrín's hands. According to Stepánov's postwar report, various trial dates were circulated and then canceled in September. Finally, in mid-late September, a firm date was set for 11 October 1938.

5.5 CONCLUSION

Negrín knew that ultimately the fate of the Republic depended on the actions of the France and Britain, and especially the latter. It is clear that this general concern factored into his posture towards the POUM trial, and the general proceedings of the TEEAT. On 20 August 1938, the British "Chetwode Commission" under Field Marshall Sr. Philip Chetwode arrived in Spain and met with del Vayo, Giral, Negrín, Azaña, and others. The list of government and military officials invited to the 3 September 1938 dinner meeting at Pedralbes included British Charge d'Affaires John Leche, British Military Attaché Richards, Negrín, Giral, and several others. Negrín added Colonel Antonio Cerdón to the list before invitations were sent out.²²⁰ The Chetwode delegation implored the Republican government to suspend executions as a gesture of good will. Negrín heeded the advice and his cabinet agreed to suspend executions until 30 September. He later extended the deadline to 11 October 1938, the day that the POUM's trial began. On 10 October, Negrín told Chetwode that he would extend the deadline until the end of the month, and would authorize no more executions without consulting the Commission. He then extended the deadline to the end of 1938. This meant that there would not be any death sentences carried out leading up to, throughout, and after the POUM's trial.²²¹ This essentially eliminated

²¹⁹ *La Vanguardia*, 27 July 1938, p. 4.

²²⁰ AFJN, IPCM1020000031986002. Cerdón would also testify in the POUM's trial.

²²¹ Preston, *The Spanish Holocaust*, 423-425.

any possibility of a death penalty for the POUM's leadership, especially given the high international publicity of the case in Western Europe.

Another strategy of good will targeted towards bringing some sort of British mediation or support was Negrín's removal of the International Brigades, apparently in hopes that it would put pressure on Franco to remove foreign volunteers from the Rebel zone. The Comintern agreed to this in a meeting of the Secretariat on 28 August, and Dimitrov notified Stalin.²²² In Negrín's meetings with the Chetwode Commission, there appears to have been no Soviet or Comintern presence. For example, the dinner that Negrín hosted at Pedralbes on 5 September 1938 included Giral, del Vayo, Rojo, and several additional military and government officials, but no Comintern advisors are listed.²²³ On 21 September, Negrín went to the League of Nations meeting in Geneva, having agreed beforehand with the Comintern leadership to the withdrawal of the International Brigades, and announced their unilateral withdrawal essentially by surprise. He called for a commission to come to Spain and inspect the army to make sure that it was entirely Spanish.²²⁴ While Negrín was in Geneva, British Premier Chamberlain met with Hitler, who demanded Sudeten territory by the end of the month. That week, they signed the infamous Munich Agreement, which essentially ruined all hopes for British aid to the Spanish Republic. During the Munich discussions, Chamberlain apparently attempted to convince Hitler that Mussolini was sick of the Spain issue and would accept an attempt at mediation. In response, Hitler apparently erupted in laughter and the topic was changed.²²⁵

By all indications, from the perspective of Negrín and the Republic's high judicial figures, the POUM's trial would display the strength and order of Republican justice, and provide a contrast with the "ferocity" of Francoist military justice. Indeed, the Chetwode Commission sought to work out prisoner exchanges and the suspension of executions was a gesture in that direction, though it went unheeded by Franco. It is likely that Negrín had delayed giving clearance for the trial to go ahead so that it could coincide with other international gestures, such as the withdrawal of the International Brigades in October 1938. His presumption here, then, was that the Republic's legitimacy and legality would militate against the political forces that strangled the Republic – a quite active "non-intervention" driven by anticommunism,

²²² Elorza and Bizcarrondo, 422.

²²³ AFJN, 1PCM1020000031986001.

²²⁴ Moradiellos, *Don Juan Negrín*, 392.

²²⁵ Azana, VI, cited in, *Documents on British Foreign Policy*, Third Series, vol. II, 635-640.

fear of a broader conflict, Chamberlain's essentially pro-fascist sympathies, and British economic interests. But for Negrín, the trial was also a matter of principle and was, in this sense, ideological. Negrín's mandate to bring law and order and to open up new international avenues for aid and eventually mediation had developed through a year of crisis and war. A constantly unsuccessful war effort strained the Republic's institutions, degraded morale, and delegitimized the Republican government internally and internationally. The trial, then, would also be a symbol of discipline and revolutionary demobilization, an exemplary state castigation of those deemed not to be in line with Negrín's vision for the wartime Republic.

Negrín outlined this vision from day one, and stuck to it in the postwar period in polemics with other exiled Spanish politicians and labor leaders. The priorities of Republican legality and law and order guided Negrín's judicial and public order reforms after he came power in summer 1937. The war only made these tasks more difficult. The POUM's vision for a revolutionary workers and peasants government and the strategy of a revolutionary war were simply incompatible with this vision. In fiery correspondence in exile with Prieto in June 1939, Negrín wrote:

With energy but [also] with tact and delicacy, I returned the functionality of the state. Spain again became a country of authority and law. I moderated the aspirations of the parties and organizations, making them see that the war and the revolution could not be done at the same time without losing both in the end. With my politics, the most extremist parties, anarchist and communist, accepted Republican legality and were transformed into true supporters of the regime.²²⁶

The POUM obviously did not fit into this schema by which Negrín recalled his wartime actions. Underlying Negrín's efforts was a dual strategy – that of strengthening the war effort and of pursuing diplomacy to end non-intervention.²²⁷

After Negrín learned of the Munich Agreement, the utility of the POUM trial as a symbol of legitimacy and legality for the Republic was lost. If the British were unwilling to confront Hitler and Nazi expansion in the Sudetenland, there was little chance that it would intervene in support of the Republic against fascist aggression in Spain. It is telling that even now, Negrín and the TEEAT did not cede to Communist demands that the POUM leadership be put to death. Although no documentary evidence has surfaced (to the author's knowledge) concerning

²²⁶ AFPI, AH-25-5, Hoja 56.

²²⁷ Graham, *The Spanish Republic*, 340-ff.

Negrín's specific decision to go forward with the trial, a decision made in late September, it is likely that this international context had more causal influence than any internal event or development. After Munich, there was no reason to delay further. The Battle of the Ebro raged and Franco's troops gained more and more ground throughout September and October. By the third week of November, they had crossed the Ebro. If there was a significant internal context for the holding of the POUM's trial, it is one of increasing desperation, fear, collapsing morale, and increased suspicion regarding the potential for fifth columnists and internal enemies within the shrinking Republican zone.

The fact that the TEEAT provided full judicial guarantees during the trial, and did not bend to PCE demands for the death penalty, is testament to the importance that Negrín and others placed on the maintenance of the rule of law even in wartime. What began with Nin's disappearance (and murder) at the hands of the NKVD ended with a resolute message of social discipline and liberal politics. Reflecting on Nin's abduction, Irujo later wrote:

The totalitarian violence came to the surface in shameful cruelty... the Republican Government prevented such crimes when it could and as far as it could. But the climate of violence had done its work... The abduction and elimination of Andrés Nin marked, in an exceptional way, the peak of the disastrous and arbitrary violence against the legal affairs of the State, against the rights of persons, and against democracy, by the Soviet Russians and Spaniards.²²⁸

Although Irujo's characterization of developments within the Republic often reflect a concern for self-vindication, his conceptualization of Nin's disappearance as the apex of arbitrary and extrajudicial political violence is apt. The "Negrínista" politics of liberal statebuilding, the politics of order and discipline, saw their expression not only on Spain's battlefields and factories, but also in its courts.

Negrín's first year as Prime Minister had also seen the power and influence of the PCE diminished and the Soviet presence in Spain reduced. Nevertheless, the perception that the Republican Zone was overrun with Communists and that Negrín's actions were merely a veneer for broader Soviet demands grew both inside Spain and abroad. Paradoxically, this impression was fueled by dissident communist, Trotskyist, and anarchist narratives of the war just as much as it was by Francoist propaganda. Anticommunism had become a barrier for the Republican government, reinforced from both the left and the right. Its effect was also observed in the armed

²²⁸ Irujo, *Un vasco*, 67-70.

forces. In late June 1938, Zugazagoitia had written Pascua, reporting that in the army, “hatred for the communists” was “expanding furiously.”²²⁹ In September, Negrín asked General Rojo to respond to CNT/FAI accusations of PCE and Soviet influence within the Army. Rojo’s responded with a confidential letter that rejected the “unfair” accusations of Communist dominance. It was “imperative to strongly reject such comments” because they were “completely false... The General who now writes asserts categorically that he never takes orders from anyone.”²³⁰

While anticommunism raged within some sectors of Republican politics (culminating in Colonel Casado’s coup d’état in March 1939 against Negrín), the actual Soviet presence had declined drastically. This was especially the case with Soviet intelligence and its NKVD presence. By the time the trial came to court, Soviet NKVD presence had wound down to only one operative assigned in Spain – Naum Eitingon (“Kotov”). Orlov had fled in July 1938, defecting to Canada. The three NKVD “illegals” had left Spain: Iosef Grigulevich and Erich Tacke, both of whom had been directly involved in Nin’s killing, had left in July 1937. Maria Fortus, the interpreter and NKVD operative who also worked with the “Grupo de Información” cited above, left Spain in September 1938.²³¹ In November 1938, Negrín made it clear to Soviet Charge d’Affaires in Spain Marchenko that he did not want Kotov, the last NKVD operative remaining, anywhere near the SIM or the Interior Ministry.²³² However, Negrín himself maintained a connection with Kotov until the latter’s departure. Finally, the Comintern’s efforts in Spain prior to the trial, detailed by Stepanov, largely focused on propaganda work; the Comintern/PCE’s *comisión del proceso del POUM* remained so excluded from the POUM’s prosecution that they often learned of developments in the case from the foreign press.²³³

Negrín steadfastly maintained his policy of resistance, now phrased in nationalist terms as a Spanish resistance to foreign invasion. He had passed votes of confidence in the Cortes multiple times in summer 1938, and within his own party, PSOE, in August 1938. In such a dire context, no other option seemed possible. After the Munich Agreement, whatever hope remained for the Republican struggle lay in Negrín’s policy of resistance. After a 7 October 1938 meeting

²²⁹ AHN, Diversos, M. Pascua, Caja 2, Legajo 16.

²³⁰ AHN, Diversos, V. Rojo, Caja 2, Carpeta 2, cited in Moradiellos, *Don Juan Negrín*, 400.

²³¹ Volodarsky, “Soviet Intelligence Services,” 158, 286, 347.

²³² Archive of the President of the Russian Federation, f. 3, op. 65, d. 227, ll. 30. See also *SSSR i grazhdanskaia voina v Ispanii*, Vestnik Arkhiva Prezidenta Rossiiskoi Federatsii (Moscow, 2013), 387. My thanks to Olga Novikova Monterde. See Chapter 4 above.

²³³ AH-PCE, Sig. 58, ‘STEPANOV;’ Stepanov, *Las causas*, 23.

of the Council of Ministers, Minister of Foreign Affairs Giral emerged and spoke to the press. He said that the Council had discussed the Munich Agreement and decided to insist on Negrín's positions. That meant to continue resistance, ultimately to force foreign mediation or to extend the war until a broader European conflagration broke out, which indeed happened just five months after the Spanish Civil War ended with Franco's proclamation of victory on 1 April 1939.

The trial, then, was held in an international context of British appeasement and a collapsing war effort within the Republic. Negrín received reports from the TEEAT throughout the trial, as well as transcripts of witness testimony and the questioning of the defendants. He was also personally active in propagating the result and content of the trial internationally through his correspondence with the Spanish Ambassador in Paris, Marcelino Pascua. The trial was set to begin on 11 October 1938. In the three weeks leading up to the trial date, mail from abroad demanding judicial guarantees for the POUM defendants flooded Negrín's office.

CHAPTER 6

EL POUM EN EL BANQUILLO: THE TRIAL PROCEEDINGS AND THE PERFORMANCE OF STATE POWER

Defense Attorney: From the information you were able to get, did you have the impression that the POUM had organized the May events?

Witness Federica Montseny: One day the history of the May events will be written, and things that today remain obscure will come to light and be documented. Of course I have the conviction that neither the POUM nor the CNT nor the FAI took part in the instigation of the events.

–Trial of the POUM, Day 9¹

No one believed in the connivance between Falangists and elements of the POUM to derail the government and the Republic, and this was demonstrated in the famous trial that was carried out with maximum publicity and guarantee.

–J. S. Vidarte²

The trial of the POUM's leaders took place with its doors open to reporters, both foreign and Spanish. The oral hearing spanned 11-22 October, the TEEAT judges decided the sentence between 25-29 October, and it was published on 1-2 November. Emma Goldman, the famous Russian-American anarchist activist and writer, attended the entire trial. Soon after its conclusion she wrote: "I have been in courts a great many times in my life. I therefore expected to find the same harshness, vindictiveness, and lack of fairness at the trial of the P.O.U.M. as I have known in America in the past... I was therefore considerably surprised with the tone maintained during the eleven days." The prosecuting attorney José Gomis, she wrote, was "vindictive," "hard," and "was obviously either a communist or strongly in sympathy with the Stalin followers... The very fact that he did not dare to call for the death penalty was in itself a proof that the whole fabricated charges had collapsed."³ But this, it must be said, was no accident. Goldman then turned to the TEEAT itself:

¹ CEHI, Procés POUM, Caja 3, Carpeta 9.

² Vidarte, 724.

³ Emma Goldman, *Vanguard*, 1 February 1939, quoted in Esenwein, *The Spanish Civil War: A Modern Tragedy*, 256. It is important to note that Esenwein edited out the sections of Goldman's original article that spoke positively of the TEEAT in his book, perhaps because they did not fit the narrative that he sought to convey.

I was particularly struck by the objectivity of the superior judge. At no time did he permit the prosecuting attorney to drag in ulterior motives that had no bearing whatever [sic] on the guilt or innocence of the indicted men. When they were cross-examined and the prosecuting attorney attempted to bully them, or rush them into a statement derogatory to their party or to their ideas, the judge immediately objected. On the other hand, he patiently listened to a five-hour speech of the defending attorney.⁴

Goldman continued, “In other words, the whole proceedings in the court during eleven days impressed me as being absolutely free from partisanship, political trickery or Communist venom against the men on trial.” It is very significant that Goldman, who was fiercely anti-Communist and publicly opposed to both the Popular Front government and the POUM, came to such conclusions. “I have to admit” she wrote, “therefore what I stated before the Minister of Justice when together with other correspondents I was asked for my impression of the trial: that the court was extremely objective and that it was the fairest trial I had ever witnessed.”⁵

This was precisely the sort of impression that Irujo, González Peña, Mariano Gómez, and Negrín wanted the trial to convey, and it would appear that they succeeded even with the harshest of revolutionary critics. But what Goldman could not know is that the form and content of the trial were the result of a very complex process of political jockeying for control over the message that the trial would “show.” That process, discussed above, involved a long and arduous institution building, an international public relations campaign related to the POUM, and no small amount of deft political maneuvering by Negrín and his closest advisers. The trial confirmed and communicated Negrín’s liberal vision of a law and order state, however fleeting it may have been. It appeased those who desired the legal dissolution of the POUM while giving a limited voice to Communist rhetoric related to the POUM’s ostensibly treasonous activities, which the TEEAT rejected outright. In both content and form, this “show trial,” insofar as it could be considered one, was a microcosm of *Negrínista* politics that naturally reflected the complex political and international context in which it developed.

After the indictment was finalized in summer 1938 and the TEEAT accepted Gomís’ Provisional Conclusions, defense attorney Vicente Revilla prepared the POUM’s defense, and the case went to court. The trial began with a cross-examination of the POUM defendants, after which the prosecution and then defense called witnesses to testify. Revilla counted on the

⁴ Emma Goldman, *Vision on Fire: Emma Goldman on the Spanish Revolution*, ed. David Porter (Edinburgh: AK Press, 2006), 166-167.

⁵ *Ibid.*, 167.

support of many high-ranking Republican officials, who stepped forward to give their perspectives on the POUM's alleged crimes. Many of them had been in the Republican government both before and after the May events, and several had served in Largo Caballero's government. Largo Caballero (PSOE) himself gave testimony, as well as former Interior Minister Ángel Galarza (PSOE), former Ambassador to France Luis Araquistáin (PSOE), and former Minister of Public Health and Social Assistance Federica Montseny (CNT-FAI). From Negrín's government(s), former Minister of Justice Manuel de Irujo (PNV), and former Interior Minister and current General Secretary of National Defense Julián Zugazagoitia (PSOE) testified. Zugazagoitia testified for the prosecution out of his own desire to set the record straight, and on Negrín's advice that "the only thing that matters to the government and to me is the truth. I think you should appear and tell it."⁶

Negrín was keen on the trial being open to the international press corps, especially those from France and Britain. However, to prevent public disturbances and interference, his Interior Minister, Paulino Gómez Sáiz, imposed strict censorship on coverage of the trial while the case remained in court. Although many publications circulated in October, they did so without passing the censor, that is, clandestinely. Both PCE and POUM sympathizers complained that their articles had been censored. This proved frustrating for Soviet representatives, who intended for the trial to coincide with a strong press offensive against the POUM defendants. The PCE initiated a letter writing campaign in which rank and file militants, and especially soldiers, wrote letters to the TEEAT, Negrín, and other government officials demanding the death penalty for the "Trotsky-fascist traitors."

Negrín's efforts to publicize the trial abroad intended to communicate that the defendants had been given full judicial guarantees, a fair defense, and a fair trial and sentencing. Negrín's international press offensive countered the campaign of the Socialist International, the Committee for the Defense of the Spanish Revolution, the London Bureau International (and especially the ILP), which had suggested that the trial represented the importation of the Moscow show trials to Republican Spain. Negrín was keen on refuting such perceptions in the international context of anticommunism and western appeasement. He worked primarily through the Spanish Embassy in Paris and its Ambassador, Marcelino Pascua (Negrín's old friend). The timing of Negrín and Pascua's correspondence makes it clear that Negrín had made the decision

⁶ Vidarte, 744.

to circulate information about the outcome of the trial before sentencing had actually taken place. This reflected his strong confidence in the TEEAT's ability to treat the case in a legal way. Had there been any possibility of a Moscow-style trial, Negrín would never have made such gestures. It is clear that the TEEAT, Negrín, and high-ranking Republican judicial officials had decided that the trial would focus on the POUM's involvement in the May uprising rather than the dubious allegations of espionage and high treason that the PCE and Comintern press had been harping on for almost two years.

The prosecution nevertheless remained in the hands of Gomís. Thus, the courtroom rhetoric of the prosecution reflected the concerns expressed by the PCE over the past year about the POUM's suspicious connections with foreigners. Its cross-examination moved between questions about the POUM's involvement in the May events and its alleged espionage and treason. The TEEAT judges posture towards the latter accusations was incredulity and, throughout the trial, TEEAT President Iglesias Portal repeatedly intervened to refocus the questioning on the May events and other concrete anti-state criminal activities. The prosecution's questioning also focused on the alleged abandonment of the battlefield by the POUM's 29th Division, its opposition to the Republic's Popular Army (in favor of a revolutionary army), and its posture towards the Republican government. Questions about Leon Trotsky and the POUM's connection with Trotskyism focused on the POUM's publication of Trotsky's positions towards the Republican Government and the war. But throughout the eleven-day trial Gomís asked less than a half dozen questions that involved Trotsky (out of hundreds of questions). All of them dealt with the publication of articles in the POUM's *La Batalla* in which Trotsky had attacked the Republican government and advocated for a revolutionary government and the formation of a revolutionary Red Army.

This chapter examines the courtroom proceedings of the POUM trial. It presents two interconnected arguments that address what the trial "showed" about the Republic and its judicial system. First, the trial was a performance of the long running political debate within the Republic about what form the war should take, and whether social revolution or conventional war should have been the priority in the Republican zone. The trial presented two distinct narratives. One underlined the necessity of discipline, order, resistance, and Popular Frontism in the service of fighting a war of "National Liberation." The other, which the defendants endorsed, presented the POUM's vision of a revolutionary war conducted by a workers and peasants government. The

TEEAT's verdict undermined the latter narrative and confirmed the former. The TEEAT judges, and thus the Republican state, had the authority to judge these narratives and accordingly to define the appropriate form of antifascist struggle.

Secondly, the chapter argues that the trial bore no resemblance to a Moscow-style show trial. The notion that this trial constituted an extension of the Soviet-led anti-Trotskyist campaign was largely a *post hoc*, Cold War construction crafted for political purposes and imposed on a trial that in fact reflected the complex context in which it was held. The trial, in both form and content, sought to clearly convey the Republic's positions on fighting a conventional war, its non-Communist political identity, and the alleged damage that the POUM had done to it through its "subversive actions" in May 1937. The selection and action of a panel of career judges, the testimony of high-ranking public officials from the Popular Front government, and the direct oversight of Negrín and his Justice and Interior Ministers ensured this.

The PCE and Comintern, on the other hand, had to resort to actions outside the judicial system in their attempt to associate the POUM's prosecution with the broader Soviet anti-Trotskyist campaign. To the chagrin of the *comisión del proceso del POUM*, this was the only way in which Comintern operatives and PCE members could claim to have succeeded in influencing the trial – that is, by having some impact on public discourse about the trial. This limitation was a sign of weakness rather than one of strength, which reflected the Communists shrinking influence in broader Republican politics. The precise posture towards the trial on part of the Comintern and Soviet leadership in Moscow is less clear. The available evidence suggests that they appreciated their limited ability to influence the trial, apart from a defamation campaign in the media.

Supporting these arguments necessitates drawing on the trial transcripts often at length. The purpose is not to tax the reader. Rather, it is to convey the nuanced means by which the prosecution and defense presented their respective arguments, and to counter previous politicized treatments of the trial. The *poumistas* were not put on trial for their political ideas or their affiliation with Trotsky. The trial sentencing confirmed that the POUM had taken up arms against the Republic in May to impose a revolutionary communist government under their own leadership. Although the POUM was not the only political group involved in the May events, it received exemplary punishment for its participation. The TEEAT also castigated the POUM's leadership for its allegedly inappropriate and counterproductive brand of antifascism. In this

sense, the Negrín government defined acceptable antifascism by way of the TEEAT as part of its broader attempt to change western non-intervention. It also sought to maintain social discipline in the context of a failing war effort, fifth column activity, and material shortage. The POUM's trial represented a performance of state power and a strong rebuke to the revolutionary politics that had pervaded the Republic in the first year of the war.

6.1 THE SPANISH REPUBLIC DURING THE TRIAL

In autumn 1938, the Republican government was more concerned than ever before about espionage and anti-regime activities. Internal documents indicate this concern very clearly. The war effort was collapsing and Republican Spain lay hopelessly in the shadow of the Munich agreement. Zugazagoitia, now operating in his new ministerial post that Negrín had created specifically for him (Secretary General of National Defense), attended to the issue of espionage and subversion in tandem with Gómez Sáiz's Interior Ministry. Gómez Sáiz's censor kept a tight hold on any publications, to the chagrin of the CNT, PCE, and the clandestine POUM. The SIM kept surveillance on any trips taken by embassy workers, and the Republic's apparatus monitored all comings and goings at its embassy in Paris.⁷ The Paris embassy had long been the focal point for the Popular Front government in terms of international relations, in particular its relations with the French and British governments. Negrín saw to it that Marcelino Pascua, his longtime friend, retained the position as Spanish Republican Ambassador to France. Pascua oversaw some of the most important international tasks of the Republic. Indeed he had previously been Spanish Republican Ambassador to the USSR before taking up the post in Paris.⁸ Because of its importance, the Paris embassy was also a target for espionage. To cite but one example, a late 1938 memo to Pascua reported that one "Aragon Amalia," who lived in Paris and was "the spouse of a Spanish aviator, ex-secretary of Señor Irujo" was "currently a liaison agent for Belgium and Holland of fascists services." The report added that, "it is possible that she is also under Franco's service, in relation with the Gestapo."⁹

⁷ For reports on embassy surveillance, see AHN, Diversos, M. Pascua, Legajo 9, Expediente 5.

⁸ The most definitive study of Pascua's activities in Moscow are to be found in Kowalsky, *La unión soviética y la guerra civil española*.

⁹ AHN, Diversos, M. Pascua, Legajo 9, Expediente 5, Hoja 13.

The extent to which the fifth column within Spain and espionage services outside of Spain operated is born out by many such reports. This was the broader context in which the TEEAT brought the POUM's case to trial. Negrín had resisted the hundreds of letters and telegrams from abroad requesting that he release the POUM leadership precisely because he sought to use the trial to send a message. In this sense, it could be considered a "show trial," but again, one in which the adherence to a liberal judicial philosophy and legalistic, rule-of-law principles was of utmost importance. Conveying this was important given the arbitrary nature of Francoist justice and the previous failures of the Republic in public order and policing. A note from 2 October 1938 addressed to Jaime Miravittles, the Commissar of Propaganda for the Generalitat, indicates that Zugazagoitia (almost certainly on Negrín's orders) oversaw the organization of a counterespionage network in Barcelona.¹⁰ While a broader illustration of the state of Republican counterespionage activities during the trial is beyond the purview of this work, it suffices to say that the "espionage trial" of the POUM took place in a context in which the Republican war effort was failing, and espionage and treason were pervasive. Anti-Republican activities were driven by the growing perception that Spain was faced with the false choice of Franco or Stalin. The trend was tied to perceptions of the activities of Republican courts. A late 1938 memo, for example, sent by the *Asociación Monarquía Española* to Republican authorities and titled, "Some considerations about the psychological moment in Spain" illustrates this well:

The majority of the people in the Francoist zone... are presented with: Franco or Moscow... It is pointless to point out that Moscow and the Spanish Republic are different things. The enormous propaganda to this effect has borne fruit. And the problem is that the idea that that which is not Francoist "is Red" fools many... The argument is practical and convincing. It is undoubtable that, upon understanding the danger that a third option poses, Franco is going to unleash all of his forces with the goal of destroying it. His first effort will be to attempt to discredit it, and through speeches, radio broadcasts, the press, they would say that this third option is the work of Moscow, with people who are paid by Barcelona, accomplices of the Reds, etc. etc., and this argument would have an effective impact if the option were to have a Republican orientation.¹¹

The document went on to pressure the government to exercise religious freedom (something to which Irujo had dedicated the majority of his time as minister without portfolio) and to

¹⁰ AHN, Diversos, M. Pascua, Legajo 9, Expediente 5, Hoja 29-32.

¹¹ AHN, Diversos, M. Pascua, Legajo 10, Expediente 2.

emphasize its parliamentary democratic character. The POUM's trial represented one piece of a broader effort to combat this perception both inside Spain and abroad.

Just how dire the military situation and general morale had become is clear from a report that General Rojo sent Negrín during the POUM's trial:

...above all else, the atmosphere of the rearguard, which is reflected on the fronts because of the frequent visits that civil personnel make to it, and because of the correspondence sustained between combatants and families... creates a dangerous atmosphere for the morale of our soldiers, especially in certain Armies, like that of the East, which continue for long periods of inactivity that could constitute a serious danger in the event that hostilities are vigorously recommenced by the enemy. It is considered necessary to set out, in this circumstance... by way of an intense action of propaganda and from the Commissariat that supports our troops... so that a zealous morale be spread, not only to confront attacks by the enemy, but also to support the hardships that have been very difficult in the winter that we are going into.¹²

The report went on to discuss the “relative passivity” of the Catalan front, which Rojo declared must submit to the principle of resistance. He also reported a growing and “unjustified belief that the war is going to end soon...” and implored Negrín to continue diplomatic activity to find some sort of improvement in the Spanish situation. “The desire of France and England to not maintain official relations with respect to our military problem can be explained by... an attitude that can embitter the issue,” Rojo wrote. “What reasons could there be for them to renounce collaboration?” he asked, responding with a list of items that included imperial considerations related to Morocco. Rojo also listed, “the fear of becoming contaminated with red ideas... For me, the following is clear... the existence of an anti-communist pact is certain and all international activity unfolds accordingly.”¹³

During the trial, the SIM sent Negrín reports of planned disturbances. One such report gave a description of an alleged network of individuals who were “elements of the POUM in the pay of the fascist operative from Perpignan, XIFRE RIERA” and who were “in contact with Golfín and his agents.” The report discussed the individuals down to physical descriptions, where they lived, and where they had worked. Some had connections within the judiciary. For example, one “Galiana de Insausti” was a prosecutor in the Barcelona Palace of Justice, and one “Juando” had been a secretary in the same building. It also noted connections in the FAI and

¹² AJFN, Caja 83, Carpeta 37a-57e, Hojas 49a-49d.

¹³ Ibid.

included a hand-drawn map of the location of a library on Calle de la Paja, beneath which they allegedly stored secret arms. “All of these elements,” the report concluded, “plotted a disturbance on the occasion of the trial of the POUM.”¹⁴ Negrín continued to receive reports on the “demoralizing” impact of “intense POUM activities” on the battlefield and in the rearguard into 1939, often from SIM officials or directly from high-ranking military officials.¹⁵ Although the POUM did maintain a clandestine presence, the likelihood of actual anti-government activity, which often implied direct subversion, was dubious. But such reports do illustrate how the arrests and prosecution had conditioned the Republic’s intelligence apparatus to view POUM activity, and the way in which Negrín received information about the POUM leading up to, during, and after the trial.

Important factors from abroad also conditioned the government’s posture towards the trial. In the first days of October 1938, Minister of Justice González Peña returned from his trip to Mexico and met with Attorney General Garrido and a special delegate in the Ministry of Justice Carlos de Juan, who had previously served as DGS chief.¹⁶ Peña, who had attended the Congress of Latin American Labor, emphasized to the press the “perfect unity of action of all representatives of Spanish workers... In the foreign press, and especially the fascist press, it has been written that this was a communist Congress... but it is noteworthy that the Communist International did not attend.” Although it was not published, González Peña reported that while he was in Mexico, all of the journalists who had approached him asked about Nin, the POUM, and the impending trial.¹⁷ Negrín himself had received hundreds of letters from the Second international and POUM affiliated (or sympathetic) parties abroad requesting full judicial guarantees. His response to Fenner Brockway’s March 1938 letter on behalf of the POUM-affiliated ILP is illustrative of his position vis-à-vis the prosecution. Brockway wrote,

We hesitate to raise other matters whilst your Government is rightly concentrating on dealing with the present military crisis... we wish it were possible for you to set them [the POUM leaders] free at this moment. We feel confident that such a step would assist in cementing unity and that if they were free they would exert an influence to rally the workers to a mighty effort to throw back the Franco forces.¹⁸

¹⁴ AFJN, 1MDN2000206020163001. The information had apparently come from an informant on fascist activities.

¹⁵ For example, see AFJN, 1MDN2010210010025001 and AFJN, 1MDN2010320020035001.

¹⁶ *La Vanguardia*, 2 October 1938, p. 5. *El Socialista* also covered his trip. AFPI, Hemeroteca, 8905, *El Socialista*, 5 October 1938, p. 2.

¹⁷ Alba, “De los tribunales populares al tribunal especial,” in *Justicia en guerra*, 235.

¹⁸ AFJN, 1PCM1000000040178001.

Negrín noted on the document that the Political Cabinet should respond thanking Brockway on his behalf. In May 1938, Negrín himself responded:

I especially want to express my gratitude for the efforts that you have made for the abolition of the infamous politics of non-intervention...I take note of the desires that you have expressed in the interests of the P.O.U.M. detainees, and I would very much like to be able to accommodate them in due course. Please receive my personal affection, dear comrade.¹⁹

Many spectators in the Americas and Europe looked to the TEEAT and the POUM's trial as a litmus test of the Republic's political character.

Indeed, information had circulated abroad about the POUM's prosecution that portrayed the impending trial as arbitrary, controlled from Moscow, or "totalitarian." The French newspaper *Le Populaire*, for example, ran an article on 15 July 1938 entitled, "The trial of the POUM":

The accused will be judged by the "Special Tribunal against Espionage and High Treason," which was constituted after their [the POUM leadership's] detention. This is, then, the retroactive application of the law, which is inadmissible, given that we have always come out against this application when it has been done by the so-called Tribunal of the People of Germany or by the Special Fascist Tribunal in Italy.²⁰

The PSOE and Negrín's Justice and Interior Ministries understood the damaging effect that this could have for the Republic in their diplomatic efforts with the western democracies. This specific article was translated into Spanish and sent by José Rodríguez Vega (UGT) to the Secretary of the PSOE, Ramón Lamóneda, with the note, "I think that certain measures should be taken regarding this, since various notes have already been published by this newspaper." Lamóneda forwarded the material to the PSOE Sub-secretary of Interior, Juan Simeón Vidarte, the close advisor to Negrín and Zugazagoitia, with the note "To Vidarte so that he write a letter to *Le Populaire*."²¹

That newspaper had run many articles on the POUM prosecution. In late 1937, the Spanish Ambassador in Paris sent a ciphered telegram to the Republican Foreign Minister and to

¹⁹ AFJN, 1PCM100000040178003-4. In the original Castilian, it reads, "Tomo nota de los deseos que manifiesta en beneficio de los detenidos del P.O.U.M. y mucho habré de celebrar el poderles complacer en su momento."

²⁰ AFPI, AH-72-10, Hojas 7-10. Emphasis in text.

²¹ Ibid. Emphasis in text.

Negrín reporting that a group of socialist lawyers had discussed the issue of the POUM and declared that they thought that “the intrusion of a certain party’s political policy” was clear.²² On these grounds, they requested that the Spanish Government “assure all guarantees of justice for the accused and in particular the non-retroactivity of penal law, the publicity of the debate, and the freedom of the defense.” The group had published their agreements on 21 October 1937 in *Le Populaire*.²³ The newspaper had also reported on the ILP delegation to Spain that looked into Republican prisons and Communist influence in the Republic, discussed above in Chapter 4.²⁴

The POUM defendant Julián Gorkin managed to sneak an article out of the Barcelona Model Prison that was set to be published in the POUM’s clandestine press in October 1938. Police found the letter in Josep Rovira’s wallet when he was arrested that month. The article, entitled, “International repercussions of the trial of the POUM,” mentioned *Le Populaire* in a list of newspapers that had published on the issue, drawing on a similar rhetoric. “The trial of the POUM,” Gorkin wrote, “that has become known internationally as ‘the Moscow trial in Barcelona,’ constitutes the central preoccupation of Stalinism.” The TEEAT, he claimed, was the “monstrous” tribunal that oversaw the physical annihilation of the POUM. “The repression and trial of the POUM,” he concluded, “constitutes a political operation... But what huge repercussions this trial has abroad!”²⁵ Although Gorkin’s grandiose ideas that the POUM constituted a central worry to Soviet leadership were exaggerated, the perception of the trial as a Moscow frame-up indeed had broad international repercussions. This was clear in the extent to which Negrín, Pascua, and others sought to counter the propaganda campaign that *Le Populaire* and other newspapers carried out. Negrín maintained a correspondence with Pascua during the trial, and arranged that its sentence and general characteristics be published abroad in direct response to such publications.

The withdrawal of the International Brigades began on 4 October and lasted through the trial. Negrín gave his famous speech thanking the Brigades on 25 October in Les Maisies near L’Espluga de Francolí on the road from Tarragona to Lleida.²⁶ That same day, the TEEAT judges met to decide on the final sentencing of the POUM leadership. “Your withdrawal,”

²² This was an allusion to perceived PCE interference.

²³ AFJN, 1MES0040000020390001.

²⁴ *Le Populaire*, 7 September 1937.

²⁵ RGASPI, f. 495, op. 183, d. 29, 128-130.

²⁶ Negrín regularly wrote his speeches out by hand and then edited them before having an assistant type them. AFJN, 1PCM000000012-inclusive.

Negrín proclaimed to the brigades, “is a necessity that we impose on ourselves to demonstrate to the false non-intervention that the withdrawal of volunteers is not a problem for the Republic, though it is for the rebels, who are allied with foreign forces that try to conquer new positions in Spain.” He then connected the withdrawal to a Republican claim to justice:

And Spain has adopted this resolution because it considers that it could contribute to peace building in the world, doing what it can to localize the conflict, in order to achieve a peace that is based on justice from which Spain never separates itself.²⁷

Negrín’s statements, and the withdrawal in general, sought to underline the differences between Franco’s Spain and the Republic to the western European democracies. In Negrín’s original, handwritten draft there are additional sections in which he addressed false accusations against the Republic. “We want to dismantle,” he wrote, “the farce that is the London Committee and oblige it to act or recognize its inanity.”²⁸ He continued:

We want to dispel all flimsy pretexts that hinder the recovery of our mocked right as a free nation and member state of the League of Nations. We did not have to consult with anyone in order to take our decision. Nor did we have to make an agreement with your countries for the withdrawal. Because you are legitimate volunteers.²⁹

Negrín moved then, in the draft, to the issues that he understood had weakened the rearguard:

Those who speak of compromises and mediation are traitors to the nation and are, wittingly or not, agents of the enemy. And the categorical and inexorable rigor of Justice will catch up with them...The destiny of the nation is at stake and it cannot tolerate the weakness and complacency that allow the temple of our rearguard to be broken up by the petty connivances of particularisms, partisanship, or personalisms.³⁰

²⁷ For the handwritten draft Negrín wrote up of the speech, see AFJN, 1PCM1000000140142001-12.

²⁸ AFJN, 1PCM1000000140142001.

²⁹ Ibid.

³⁰ AFJN, 1PCM1000000140142007-8.

Figure 6.1. Negrín giving a speech to the departing International Brigades, October 1938.³¹



“Listen well,” he had said on 14 October before the Cortes, “we know that a fascist triumph means our total extermination.” He then posed the question, “How then can peace be restored? By re-establishing the violated international law. Force the withdrawal of the invader... We want the legal face of the Spanish state, within the norms of tolerance, liberty, and individual guarantees, to be outlined by the Spanish people themselves through a plebiscite.”³²

As the International Brigades made their way to the French border, the POUM’s trial unfolded in the headquarters of the TEEAT Central. After the move to Barcelona, the TEEAT remained in close proximity to the Republican Government. Located at Reina Elisenda, it was a short walk from Pedralbes and the spatial center of Republican power in Barcelona. The building was an old and elegant, four-story villa with red Spanish roof tiles, overlooking the neighborhoods of Sarrià and Sants below. Armed officials, judicial personnel, and journalists accompanied the POUM defendants into the courtroom. Journalists and other attendees filled the wrap-around patio outside the courtroom’s windows.

³¹ AFJN, misc. photographs, 710050047001.

³² AFJN, 1PCM0000000120018001-3.

Figure 6.2. TEEAT headquarters and the site of POUM's trial, with patio in foreground.³³



6.2 COURTROOM AS STAGE: QUESTIONING THE DEFENDENTS

On 11 October 1938, between 9:00 and 10:00, the TEEAT opened its doors for the POUM's trial. It allowed foreign journalists, photographers, and others who had received permission to attend to enter. It then allowed the public access to the room as far as could be managed in the small space that the TEEAT had at its disposal. At 10:10, TEEAT President Iglesias Portal brought the court to order and called on the court secretary to read aloud the Provisional Conclusions composed by State Prosecutor Gomís. Gomís reported that he had nothing more to add to the file. Defense attorney Revilla presented some pamphlets, certificates, letters, photographs, and newspaper clippings to be admitted to the court, which the President approved.³⁴ After Revilla agreed to Gomís' proposal to have the defendants appear separately in court, the cross-examination of defendants began at 10:30.

³³ The building, which still stands today, is presently a medical clinic. Source: Jonathan Sherry. My thanks to Meela Harris and Christopher Finnegan for technical assistance.

³⁴ CEHI, *Procés POUM*, Caja 3, Carpeta 7; Alba and Ardevol, *El proceso*, 177. Gomís said that the additional documents did not have any importance for his case.

From 11-15 October, Gomís and Revilla questioned the POUM defendants. On 15 October, witness testimony began. On 19 October, the court wrapped up witness testimony and moved to the testimony of expert witnesses – the two handwriting experts who examined the documents that allegedly linked Nin and the POUM to fascist elements. The next morning, Gomís read out his closing statements and requested twenty years punishment in labor camps for five of the POUM defendants, fifteen years for Daniel Rebull Cabré, and the immediate acquittal and release of José Escuder Poves. The next morning, 21 October, Revilla read out of the defense’s closing statements.³⁵ The court then went into recess to determine sentencing. The TEEAT judges met to decide the sentence on 25 October and the following days. They wrote the sentence on 29 October. For lack of an appeal by either the prosecution or the defense, the TEEAT declared the sentence confirmed on 5 November 1938.

Throughout the trial, Gomís’ allegations of espionage and treason, made more often by implication than direct accusation, fell flat. Gomís weaved back and forth from questions on the POUM leadership’s involvement in the May events and questions about suspicious foreigners who had worked with the POUM. Gomís’ discourse focused primarily on the involvement of each *poumista* in the instigation or “provocation” of the May street fighting and the abandonment of the front near Huesca during the events. Gomís argued that the POUM had instigated the events, which he considered treasonous, by way of its newspaper, *La Batalla*, which had called on the workers not to put their arms down. His questions thus sought first to establish the anti-Popular Front position of the POUM, its political posture towards the Largo Caballero and Negrín governments, and its own preferences for how the government should be organized and how the war should be fought. Gomís would often, quite randomly, make digressions into the foreigners involved in broadcasting information in various languages. The accusation of espionage relied on this quite weak association rather than hard evidence. But the POUM’s actions, according to Gomís, had nevertheless been both criminal and treasonous.

The prosecution framed its questioning and rhetoric in national terms, often implying that the POUM had damaged the nation’s ability to defend itself against a “foreign invasion.” In general, Gomís’ discourse reflected concerns that the PCE had harped on for well over a year that the POUM was a counterrevolutionary and treasonous party. But it also reflected ideas that had been central to Negrín’s Thirteen Points platform (“Aims of the Spanish Republic”) released

³⁵ The last few sections of Revilla’s closing statements have yet to be found in archives.

five and a half months earlier: complete independence for Spain, respect for liberal civil liberties and religious beliefs, the removal of all foreign troops, universal suffrage, the rights of both workers and property owners, a depoliticized army, and cooperation with the League of Nations. Even if the POUM was not guilty of espionage or treason, it had opposed the legitimate government of Republican Spain in the context of a foreign fascist onslaught.³⁶ The legitimacy of the nation itself was interchangeable in this discourse with the governments of Largo Caballero and Negrín. Thus, in opposing the Popular Front, the POUM opposed Spain. It should not come as a surprise then that the POUM could have been involved in espionage or anti-government activity, even extending to the planned assassination of Popular Front government and military officials.

On the other hand, the TEEAT essentially gave the POUM leadership a platform to explain its political positions: its orientation towards the Popular Front government, its advocacy of a revolutionary war, and its positions on the impact of Soviet aid to the Republic. Gorkin, who spoke at length during his questioning, explained the importance of revolutionary morale in the war, its class character, and the pitfalls of the class collaborationism embodied in the “bourgeois” Popular Front coalition. The *poumistas* explained the rationale for their advocacy of a purely workers and peasants government. The Republican government, they held, subject to the whims of the Soviet leadership in Moscow, had betrayed the revolution. The result, they argued, was the demoralization of the working masses. Somewhat ironically, the defense relied on the very bourgeois legal superstructure that it so often had denigrated. This was its only option – to appeal to the Republic’s democratic political character. Thus, the defense’s discourse took on a liberal color as well. Defense attorney Revilla and various *poumistas* asserted their freedom to criticize and voice their opinions, that is, “el derecho de crítica,” just the same as any political party.

³⁶ Although the PCE and Comintern claimed, *post hoc*, that they had composed the Thirteen Points and dictated them to Negrín, the evidence directly contradicts this. Vidarte maintained that it had been composed by several members of the PSOE’s executive, while Zugazagoitia claimed that Negrín and Álvarez del Vayo collaborated on them. Moradiellos, *Don Juan Negrín*, 360. Louis Fischer implausibly claimed that he passed the idea to del Vayo from the English filmmaker and Communist Ivor Montagu, that del Vayo had welcomed the idea, and that Negrín then told him to compose them. Del Vayo composed ten and Negrín added three because “We must have thirteen to show that we are not superstitious.” Fischer, *Men and Politics*, 491-492. Drawing on Negrín’s archives, Moradiellos has suggested that Zugazagoitia wrote up the first nine of the thirteen points after talking to Negrín on 30 April, and he titled the document, “the draft of war aims that you suggested to me this morning.” The other four points (which appear as numbers 8-11), Moradiellos speculates, may have been the result of suggestions from the PCE. It is notable however, that point 11 called for a independent national army free from the power of any dependency or party. Moradiellos, *Don Juan Negrín*, 360-361.

Thus, central elements of the prosecution and defense's discourse reflected the legal norms established by the Republic. In other words, the way in which both discussed politics implicitly legitimated the Republican state, its institutions, and its liberal democratic political culture. Political ideas, both sides affirmed, were not subject to penal action; rather, as Gomís often underlined, concrete and objective actions constituted crimes. Thus, the prosecution often distinguished between "objective facts," for example the contents of a publication, and statements that had "political nuance." This commonality in the style of defense and prosecution, its use of rhetoric and discourse that drew on liberal democratic political concepts, implicitly recognized the Republican Popular Front government and its institutions as non-Communist, democratic, and legalistic. This discourse of legitimation in some cases sat uneasily with events that had occurred (particularly with Nin's disappearance and other police irregularities). When such inconsistencies or contradictions arose, witnesses, especially the high-ranking political witnesses, made a sharp distinction between how the Republic had changed since such events. In other words, the difference between "then" and "now" was great.

The coverage of the trial and sentencing, as we shall see, was rather more complicated, in particular because of the attempts of the PCE and Comintern to misrepresent the trial. Nevertheless, the TEEAT gave the POUM a platform to explain its politics and actions, only to condemn them for carrying out anti-government activities in the May Events. By allowing the free discussion of ideas and perspectives before judging on them, the TEEAT functioned as a platform for defining the "correct" form of antifascism (embodied by the Republican Popular Front) and castigating the "incorrect" form (embodied in the POUM's revolutionary antifascism). The aspects of social control inherent in the rhetoric of the trial are obvious. But it was the legality of the judicial performance – the Republican and liberal democratic character of the trial, the maintenance of judicial norms, the strength of a legal judiciary – that Negrín and Pascua sought to underline in their own propaganda campaign abroad regarding the POUM's trial.

Figure 6.3. POUM defendants Julián Gorkin (left) and Pedro Bonet (right) during the trial of the POUM.³⁷



On 11 October, the POUM journalist José Escuder Poves took the stand. He had been responsible for technical issues in the POUM's publication, *La Batalla*. Gomís began with a series of questions related to his whereabouts during the May events and the specific role of each of the POUM detainees in the publication of *La Batalla* so as to establish a connection between the street clashes in May and the newspaper's anti-Popular Front positions:

Gomís: When they said, "We do not want a Popular Front Government and we want a workers and peasants government," and titles like this, did you set the titles' size on your own accord or was the typeset already indicated to you?

Escuder: It was indicated to me... when they sent something to me, they would say: it should be placed in the editorial page, at the top... then I would say: ok well this has to go here or there...³⁸

Escuder claimed that he did not publish anything that was negative or against the regime. If the POUM had published proclamations to that effect, it would have been after 16 June, when police

³⁷ CEHI, DPP.POUM, El Proceso del POUM, 1989-1992 misc.

³⁸ CEHI, Procés POUM, Caja 3, Carpeta 7.

arrested the POUM leadership. He argued that the POUM had “the free right to criticize” the Popular Front or the Army, and that this was not intended to demoralize people or soldiers. “If we were to make an attack in order to deliberately demoralize,” he said, “that would be different.”³⁹

Throughout the questioning of POUM defendants, Gomís repeatedly sought to set the POUM’s actions within the context of the Republic’s desperate war effort. He often asked, “Do you remember the military situation in Spain in the beginning of May 1937?” He also placed the POUM actions within the institutional context of the war by explaining that the government had been attempting to unite all of the Republic’s fighting forces under a single command and establish a regular army to fight a conventional war. The POUM’s mistakes, he implied (and occasionally asserted), damaged the war effort, the stability of the rear guard, and ultimately the ability of the Republic to effectively fight the war.

Julián Gorkin also testified that day. He attempted to qualify the POUM’s allegedly anti-Popular Front positions:

Gorkin: We did not criticize it in general terms. Rather, we criticized the actions of the Popular Front with which we disagreed.

Gomís: You criticized organizations of the Popular Front or specific events, decisions of the Government of the Popular Front?
(...)

Gorkin: We criticized as all the Parties criticize... The right to criticize is a most basic essential right in all Parties.⁴⁰

Gorkin explained that his party advocated a government that more effectively represented the working class. Gomís drew the court’s attention to the POUM’s statements that the Popular Front government was not “genuinely Republican,” but was rather a “counterrevolutionary government.” Although Gorkin and others denied such a charge, Gomís presented evidence, mostly POUM publications, that could easily be interpreted to support the allegation.

Gomís highlighted the POUM’s indiscipline by showing instances in which *La Batalla* had allegedly evaded the censor and published information about the war that “hurt the Republican cause.” This, he held, constituted defeatism. Gorkin retorted that *La Batalla*’s coverage had not been defeatist; rather, it was “perfectly revolutionary and had excellent effect,

³⁹ Ibid.

⁴⁰ Ibid.

by our judgment, on revolutionary morale.”⁴¹ Gomís was quick to point out that this was a subjective point of view, asking Gorkin if he had considered the negative effect this could have had on the fighting spirit of the Republican troops. “We believe that the truth,” Gorkin responded, “cannot weaken the vitality of the fighters, but rather give them more courage.”⁴²

Gomís also attempted to place the POUM’s actions in an international context, and affirm the Republican government’s adherence to a policy of absolute resistance. This was a central facet of Negrinista politics:

Gomís: Did *La Batalla* publish an article titled, “The Armistice that is being prepared is the counterrevolution”? The whole article is against the Popular Front and suggests that the Government of the Popular Front tended towards mediation.

Gorkin: We believe that...it intended to form a Government that would inevitably accept that, and would arrive at a compromise; we had experience, so we could not be surprised that the same elements would intend to arrive at those compromises.

Gomís responded, asking, “You assumed that it could accept the armistice compromise?” Gorkin retorted, characteristically of his responses: “Why not? A government that would not be a revolutionary workers and peasants government could not deserve our loyalty, and could do that.”

Gomís responded by returning to the international context:

Gomís: You were aware of what was happening internationally. You remember that at that point the Assembly of the League of Nations was taking place, and on the 10th of December – two days before publishing this and several days before the whole campaign that you made – Alvarez del Vayo emphatically stated Spain’s position. Moreover the Government in Valencia had already published a note on the 9th anticipating these maneuvers, because you could see some of them in the press... I am going to read to you what Alvarez del Vayo said, that was printed in *La Batalla*: “Our Foreign Affairs Minister before the Council of the League of Nations session of the 11th of December... [Gomís reads out]”. Alvarez del Vayo said this. Why, after he said this and after *La Batalla* published it, do you persist in saying that the Government wanted mediation or suspect that the government could move towards mediation?⁴³

Gomís asked again, “Do you remember the international position with respect to Spain?” Gorkin claimed that he did not remember, but that representatives of the workers’ militias had made trips abroad and spoken with French Socialist Prime Minister Léon Blum to attempt to

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid. In his speech before the League of Nations, Del Vayo had insisted that Spain was in a state of open war and that the government would continue fighting the war “while the statesmen talk of preserving peace.” Julio Álvarez del Vayo, *Discurso en la Sociedad de Naciones*, 11 December 1936.

procure arms. “Do you know the reason,” Gomís continued, “or we Spanish could say, the pretext, for which neither the French nor the English will help us, nor comply with international treaties that we signed with them?” Gorkin attempted to explain that he was one of the first to criticize the French refusal to send aid, to which Gomís demanded, “I asked you the motive. Was there not a legal reason – out of fear of the Spanish revolution?”

Gorkin: It could be. But the public pretext that Blum and Chamberlain and the rest gave was the fear that this could develop into a world war that would pit them against the Germans and the rest of the powers of the famous fascist Axis. This was the official pretext that appeared and continues to appear.⁴⁴

Gomís took advantage of the opening to posit a counterfactual that was immediately rejected by the President of the TEEAT:

Gomís: In the case of the overthrow of the Republican Government and the establishment of a Revolutionary Government, what would have happened then in the international sphere?

President: Do not answer that question.⁴⁵

Gomís changed his line of questioning. In fact, throughout the trial, TEEAT President Iglesias Portal rejected counterfactual questions, suppositions, and other extraneous questions. He did so for both the prosecution and the defense during the cross-examination of defendants and witnesses.

One of the primary issues addressed during the questioning of defendants, naturally, was the relationship between the war and the revolution. The line of questioning dealt with the POUM’s opposition to the Republican Popular Army. Gorkin rejected the assertion that the choice was between either the revolution or the war. He went on to make parallels to the Russian Revolution, volunteering his identification with Lenin and Trotsky:

Gorkin: For us there is not a separation between the war and the revolution, because if we do not smash fascism, there is no revolution. Then, the revolution is an effect of the victory over fascism... We did nothing more than try to apply in Spain the fortunately triumphant experience of the Russian Revolution, remaining faithful to the theories of Lenin and Trotsky, who partook with Lenin in the Russian Revolution and the ideas of the rest of the theoreticians of the revolution. But in reality we were not against

⁴⁴ CEHI, Procés POUM, Caja 3, Carpeta 7.

⁴⁵ Ibid.

the Popular Army, since we gave our men and our blood to it, although we provided them for a red army of workers and peasants.⁴⁶

Gomís disputed Gorkin’s claim that the Army was not revolutionary, asserting that “true revolutionaries” controlled many battalions in the Popular Army.

Multiple POUM leaders made allegations of Soviet control in Republican Spain. Gorkin, for example, was eager to allege that the Republic followed Soviet demands. In a series of questions regarding the lack of supplies on the Aragon front, he accused the Republican government of having sabotaged that front:

Gorkin: ...we considered it to be a sabotage of the Aragon front to make the delivery of arms dependent on the destruction of our Party and the CNT-FAI.

Gomís: Do you not remember that the truly revolutionary people of the CNT formed part of the government at that time?

Gorkin: The revolutionary valor of persons can change with time.

Gomís: Are you asserting that the Government sabotaged the Aragon Front on the first of May 1937?

Gorkin: The Madrid Government did not send arms that were in Cartagena to the Aragón Front. Without a doubt it could not be the Government who would sabotage, but rather foreign elements inserted into the administration of the Army, the Communist Party taking orders from Moscow.⁴⁷

Enric Adroher Pascual (known as “Gironella”), a POUM leader and the organizer of the POUM’s Lenin barracks, testified on 14 October. Adroher went so far as to respond to Gomís’ questions with, “Si, Señor Vyshinsky” and “No, Señor Vyshinsky,” a reference to the Soviet Procurator General during the Moscow trials. The implication was clear.⁴⁸ In a line of questioning involving the POUM’s posture towards a unified command for military operations, Gomís asked Adroher if he had written an article claiming that the POUM advocated “an efficient, well-armed, and disciplined regular Army, but [we] don’t want to lose its character as a Workers’ Army.” Gomís asked, “Did you write these ideas?”

Adroher: That’s right.

Gomís: And do you remember that the War Commissariat had established several of these principles?

Adroher: As a matter of fact, I was part of the War Commissariat.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Although the name does not appear in the stenographic transcripts, it is confirmed by many witness accounts.

Gomís: And under the inspection of the War Commissariat, can it be said that an army is political or is not political?

President: This is an opinion; it is a matter of opinion.

Adroher: The army is always political.

Gomís: Do you remember that “La Batalla”... until 1 May 1937, was declaring that there were some people who advocated mediation in Spain

Adroher: That’s right.

Gomís: And with that, did you mean that the Government of the Republic, the Government of Spain, or the Government of the Generalidad advocated this mediation?

Adroher: No; the Government of Moscow.⁴⁹

In his questioning, Gomís consistently framed the war in explicitly national terms and put questions in this form directly to the *poumistas*:

Gomís: Why have you declared that the ongoing war is not a national war?

Gorkin: Because Spain has not declared war against any nation but rather built a front against a fascist military uprising that provoked a class war. Spain had not declared war on any nation and it was a class war.⁵⁰

The way in which Gomís framed the question presupposed the POUM’s position that the war was not in fact a national war. Gorkin responded, asserting the POUM’s line and illustrating for the court the POUM’s alleged mistake in treating the war as class war. The next day, Gomís tried to return to the question, asking, “Do you recognize that the war that we sustain is a national war or a war of invasion?” However, Iglesias Portal rejected his question, saying “That is a separate issue because he already talked about it yesterday.”⁵¹ In the questioning of Juan Andrade Rodríguez, the POUM co-founder and former co-founder of the PCE, Gomís hammered away at the issue, explaining his reasoning:

Gomís: ...Do you not know that our war is a war of invasion carried out by Italians and Germans?

Andrade: I don’t know the meaning or the notion that inspires the Sr. Prosecutor to be able to use the word invasion.

Gomís: A national war is a war that is sustained by a people who fight for their independence when other nations attack them. A purely civil war is the fight of two Bands of distinct political ideology... So I ask if you do not believe that we are fighting a war of independence, a war of invasion.

Andrade: In principle we interpret it as a civil war and the enemy counts on the solidarity of powers that, by having aided our enemies, have been converted as well into

⁴⁹ CEHI, Procés POUM, Caja 3, Carpeta 8.

⁵⁰ CEHI, Procés POUM, Caja 3, Carpeta 7.

⁵¹ Ibid.

our enemies. But this is not a war of invasion. And in some certain circumstances, if there would be a reactionary government, or if there would have been a reactionary government and the Soviet Union would have resolved to send its armies to Spain, we would have been alongside this Army from the moment that it was an Army of the international working class. So we are against the German and Italian armies not only as invading foreign troops, but also because of the ideology that they represent.

Gomís: Then this is the way that you interpret it, that Italian and German troops, including the Portuguese, are simply forces that come to help the fascists?

Andrade: They are fascist forces.⁵²

Andrade continued, arguing that the Axis powers had come to Spain out of ideological solidarity and because they desired something from Spain, in particular its natural resources. Gomís continued:

Gomís: Having admitted this paragraph, we are going to see another paragraph of the same manifesto of the Executive Committee. It advocates for obligatory military service, but nothing more than for the workers and peasants “because the bourgeoisie cannot enjoy the honor of taking up arms; it is necessary to give them a secondary post.” Thus the rich would stay in the rearguard and the poor would go to the Front.

Andrade: With that we limit ourselves to interpreting the constitution of the Soviet Union, which establishes obligatory military services for all citizens, and the honor of grasping rifles only to the workers. This is a principle copied from the Soviet Union.⁵³

His statement was in direct violation of the principle that had maintained the Popular Front, namely, the collaboration of “bourgeois” Republican parties with the PSOE, the PCE, and the anarcho-syndicalist CNT-FAI.

Gomís’ tactic of emphasizing the differences between the POUM’s positions towards the war and those of the government meant to underscore his central accusation: that the POUM was implicated in the May events. To make his point, he goaded the POUM defendants into essentially stating their opposition to the current Negrín government. On 13 October, Gomís continued the questioning of Andrade. He pursued a line of questioning related to May 1937, quoting the writing of the *poumista* Jordi Arquer:

Gomís: The Government of Negrín was already established on 31 May. This paper says: “The current counterrevolutionary Government... integrated by all the enemy political fractions of the military offensive... The Negrín government is not what the

⁵² CEHI, Procés POUM, Caja 3, Carpeta 8.

⁵³ Ibid.

Working Class needs: It is a Government of the traditional military and of the counterrevolution in the rearguard.” Is this final paragraph true?

Andrade: I don't remember the terms of the manifesto, and now, after what the Sr. Prosecutor has read, I would need to recognize it.

(The Manifesto from file 192 of the Arquer folder is put before the defendant.)

Gomís: Do you know the handwriting of Arquer?

Andrade: Yes, it is the handwriting of Arquer...

Gomís: Is this the manifesto that you put out?

Andrade: I'm not sure.

Gomís: But do recognize the paragraphs that I have read as familiar?

Andrade: Familiar. It is something that reflects some aspect of our thought, but not with complete exactitude.

Gomís: You made this in the name of the POUM. Was this not a provocation?

Andrade: I cannot consider it as such, given that I have not recognized it completely.

Gomís then turned to questions about the POUM's youth organization. Characteristically, he suddenly introduced the issue of German and Italian espionage:

Gomís: In short, do you categorically deny that the POUM acts as a provocateur?

Andrade: Categorically.

Gomís: You deny that the POUM's Executive Committee is in the pay of the German and Italian General Staff?

Andrade: Not only do I deny it; I consider it slanderous.⁵⁴

TEEAT President Iglesias Portal immediately intervened, saying, “It is completely useless to summarize [the questioning] given that all the questions have been asked.” He then turned the questioning over to defense attorney Revilla.⁵⁵

Gomís asked each defendant about their whereabouts and activities in the first weeks of May. He suggested that they had engaged in secret missions and had prepared seditious actions. On 13 October, Gomís questioned Jordi Arquer i Saltor, the POUM leader and Catalan nationalist. Arquer had only recently been arrested and added to the case. Because he refused to respond in Castilian, speaking instead in his native Catalan, the court had to be suspended. Gomís later asked Arquer where he had been during the May Events. Arquer said that he had been in Valencia. He was then detained and released shortly afterwards, before being detained again in 1938. Gomís asked, “When you were set free, where do you go?” Arquer responded that he had gone to Caspe. Gomís then directly accused Arquer of going to Valencia to launch an

⁵⁴ Ibid.

⁵⁵ Ibid.

uprising, to which Arquer responded, “No, señor; that is a malicious lie of yours.”⁵⁶ When Gomís asked Gorkin about the May events, the latter responded that it had been “a spontaneous movement of the working class.” He responded to a similar question, saying “the POUM found itself within a spontaneous movement in the street that no one had prepared, ordered, or decreed. Not the POUM, nor any other party.”⁵⁷

Like Gomís, the TEEAT judges were interested in establishing the POUM leadership’s activity during the May events. At the end of Gorkin’s testimony, after Revilla had questioned him, TEEAT President Iglesias Portal took the floor and asked, “Would the defendant be so kind as to recount to the tribunal, in the most concrete way possible, the intervention that he made in the May events?” Gorkin claimed that he had met with elements of the CNT and that they agreed that the spontaneous movement “must look for a responsible leadership, that the movement must be organized because if not there would be terrible consequences, that it could lead to a catastrophic defeat of the working class...” After Gorkin’s lengthy statements, Iglesias Portal asked, “Did the Party make any other interventions in the May events?” to which Gorkin responded, “No, Sr. President.”⁵⁸ During the questioning of Adroher, Gomís asked if a specific article in *La Batalla* from 23 March 1937 that he wrote “responded to fascist instructions.” When Adroher retorted indignantly that “that is a vile thing to say,” Gomís objected to the language and Iglesias Portal intervened again:

Gomís: I ask that the words be removed from the minutes.

President: The complete written minutes shall be kept and these words will appear in it. And the defendant should limit his responses to the Fiscal’s questions to “yes” or “no”, without passing judgment on these questions on their own account. The aim is to investigate if the defendants intervened in the events for which they are being prosecuted and that are attributed to them, and they shall answer without insults or arrogance.⁵⁹

Throughout the questioning of the defendants, President Iglesias Portal allowed all questions related to espionage, treason, defeatism, and seditious actions revolving around the May events. He did not permit abuse or insult by either side. The defendants answered questions before the court with complete freedom of defense, often giving long speeches about the positions and

⁵⁶ Ibid.

⁵⁷ CEHI, Procés POUM, Caja 3, Carpeta 7.

⁵⁸ Ibid.

⁵⁹ CEHI, Procés POUM, Caja 3, Carpeta 8.

actions of the POUM. Those observers expecting to read about a trial reminiscent of the concurrent Moscow trials would be (and indeed were) surprised at the court's tolerance.

The POUM defendants repeatedly reduced public order actions in Catalonia to the work of the "Stalinists" acting on orders from Moscow. One particularly illustrative instance took place on 13 October during the questioning of Adroher. When Gomís asked if the POUM had provoked the May events by issuing a manifesto "rousing the people, especially the workers, to rise against the Government of Cataluña and the Central Government," Adroher retorted energetically:

Adroher: It meant precisely the opposite, upside down. By seeing the rousing of the people that existed in Cataluña among the working classes, we had wanted to prevent them from being misled by a provocation, by a "putsch."

Gomís: Do you remember this manifesto?

Adroher: Yes, I remember it.

Gomís: In this manifesto, does it say that the whole proletariat be very attentive in order to not permit provocations?

Adroher: That they should've not permitted provocations; they cannot permit provocation.

Gomís: You saw the existence of some provocation by someone?

Adroher: It was possible.

Gomís: By whom?

Adroher: By elements interested in provoking it.

Gomís: What individuals could these have been?

Adroher: Maybe those who were interested in taking control of Public Order in Barcelona.

Gomís: The Central Government?

Adroher: No; the Stalinists. The Communist Party and the P.S.U.C.

Gomís: And what is this based on, exactly?

Adroher: We just assumed it.

Gomís: Did the Communist Party provoke some situation that was opposed to Public Order remaining in the hands of the Government of the Generalidad?

Adroher: We assumed that it provoked the conflict of the *Telefónica*.

Gomís: The communists made a provocation before the 1st of May, against the workers?

Adroher: They provoked the workers through the newspapers that they published.

Gomís: What did this provocation or these provocations consist of?

Adroher: In going against the Control Committees and in going against the control patrols, which were purely working class and revolutionary institutions.

Gomís: Did the Communist Party go against the Popular Front?

Adroher: I don't know.

Gomís: And against the Government of the Generalidad?

Adroher: In a certain way, yes.

(...)

Adroher: They demanded the disappearance of the control patrols; the disappearance of the control committees and everything that logically must be considered conquests of the revolution.⁶⁰

Gomís continued to zero in on the POUM as the culpable party involved in the street fighting. “Why was the POUM the only one to adhere to the movement?” Adroher responded,

Adroher: Before the event, before the reality of the street movement, the POUM endeavored to channel it, and in this way to prevent it from being converted and transformed into a liquidation of the working class. The POUM channeled the movement because it believed that it was not opportune; and it endeavored that the working class... withdrew from the streets in an orderly way.

Gomís: And the workers’ Parties and the workers’ organizations that were not from the POUM, why did they not attempt this?

Adroher: I suppose that they did attempt it.⁶¹

Gomís jumped at the opportunity to explain that, in fact, the CNT leaders had spoken by radio urging calm, but that the POUM had not, to which Adroher said that “no one invited us to give our opinion.”⁶²

Much of Gomís strategy for implicating the *poumistas* in international espionage consisted in questioning the defendants about foreigners who had worked with the POUM. He often asked about the criteria for admission to or association with the POUM, and whether the POUM had received weapons from abroad. In particular, Gomís asked about the individuals “Puig,” “Abadía,” and “Roca,” and the POUM’s connections with elements in Perpignan and Paris. Gomís also made use of the (falsified) documents and map taken from Golfín and edited by Grigulevich and Orlov, and asked each POUM leader if they knew Golfín. All of them responded in the negative, and some responded by saying that the first they had heard of Golfín had been by reading the PCE and Comintern’s book published several weeks earlier, entitled, *Espionaje en España*. TEEAT President Iglesias Portal questioned much of the documentary evidence that Gomís presented. For example, when Gomís presented a letter to the POUM defendant Daniel Rebull Cabre with the signature of Bartolomeu Costa and asked Rebull to identify the signature, Iglesias Portal intervened:

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

President: If the Sr. Prosecutor would like to recognize the identity of the signature, there would have to be a handwriting expert examination.

Gomís: It is to certify the signature that has been recognized as authentic by the defendant.

President: But that is not procedure, given that the defendant would have to be a handwriting expert.⁶³

Gomís dropped the issue and moved on to questions about Rebull's activities and whereabouts during the May 1937 events. Iglesias Portal was consistent in not permitting any evidence that would be based on the analysis of handwriting until the portion of the trial in which handwriting experts could testify.

Defense attorney Revilla took the floor each time Gomís concluded his examination of each defendant. His questions appear to have largely been reactive questions, inspired by the issues raised by Gomís in the prosecution's examination. Thus, topically, they were similar. The testimony of Gorkin, who underwent the longest examination, took a more political color, while others focused on technical aspects, such as the structure of the POUM and the publishing of *La Batalla*. However, Revilla also asked original questions, which provide some insight into how he, and the POUM's defense in general, understood the trial. In other words, these prepared questions reflect what sort of trial the POUM had expected to see. Understandably then, they dealt with affiliation (or lack thereof) with Trotsky, but also with the POUM activities that constituted the main charges in the prosecution's Provisional Conclusions submitted by Gomís. Thus, Revilla asked the defendants about the POUM's positions on the Popular Front government, the May events, and the political composition and lack of arms on the Aragon front, defeatism, connections abroad, and radio transmissions.

In general, the POUM leadership's responses sought first to counter the implications made by Gomís' questions. But they also sought to generalize the POUM's actions by setting them in a broader context of the activities of most, if not all political organizations in Catalonia. For example, during Andrade's defense questioning, Revilla brought up the political influence of the POUM in the Catalan militias:

Revilla: Is it not true that during the May events the military forces more or less sympathized with the POUM, because it had a certain percentage of affiliates in them, and they were already military forces that were not at all accountable to you?

Andrade: The 29th Division of the Popular Army, as I have already stated.

⁶³ Alba and Ardevol, *El proceso*, 351.

Revilla: And the forces that could have been in the “Lenin Barracks”?

Andrade: They were accountable to the *Consejería de Defensa*.

Revilla: Did the National or Regional Committee of Militias hand over the Lenin Barracks to the POUM in the first place, in order to constitute its militias?

Andrade: Yes.

Revilla: And they came to be influenced by the POUM in a regular way?

Andrade: As occurred in the rest of the Barcelona barracks, which were directly influenced by one party or another.

Revilla: Influence, and the appointment of a Commissar; anything else?

Andrade: Nothing more.⁶⁴

Figure 6.4. Lenin Barracks, Barcelona, c. 1936. Note: George Orwell (Eric Blair) is the tall man, rear left.⁶⁵



During the defense’s questioning of Adroher, Revilla returned to the issue of the Aragon Front, responding to the accusation that the POUM’s troops had left the front and the debate about the Republican Government’s failure to send arms to militias there:

Revilla: Did you claim on some occasion that the Republican Government did not send arms to Catalonia?

Adroher: We have never claimed that.

⁶⁴ CEHI, Procés POUM, Caja 3, Carpeta 8.

⁶⁵ CEHI, DPP.POUM, El Proceso del POUM, 1989-1992 misc.

Revilla: Is it not true that all the Catalan parties had certain grievances with the Central Government because they assessed that it did not provide all the aid for the Aragon front that they asked for?

Adroher: Correct. And on occasion, delegations from the Central Committee of Militias went to meet with the Central Government and try to solve these problems.

Revilla: And these delegations were composed of all the Catalan antifascist Parties?

Adroher: In general, yes.

Revilla: Perhaps it was not the POUM that complained of this lack of assistance, which is more or less alleged with good reason.

Adroher: No. All of the Parties and organizations made complaints.⁶⁶

Revilla also addressed the issue of defeatism, asking the POUM defendants if *La Batalla* had been optimistic despite the portions quoted from the newspaper that the prosecution argued was defeatist. He also asked about the POUM's position towards the May events and the Popular Front government in his questioning, attempting to qualify the questions and responses that had been made during the prosecution's examinations. During his interrogation of Escuder, he was straightforward:

Revilla: During the May events, what news did you have about how they took place?

Escuder: What news did I have? That it was a spontaneous movement of the working class. In Barcelona, that is all that they said to me.

Revilla: To you, had the POUM agreed to promote an uprising in the rearguard?

Escuder: No, that no. And forgive me for smiling.⁶⁷

So too in his examination of Gorkin, Revilla attempted to connect the POUM's calls to the working class to refuse to lay down its arms to similar calls by other working class parties, which had been made before May. However, Gorkin said that he did not remember.⁶⁸

Revilla's questions about the POUM's position towards the Popular Front directly addressed the prosecution's line of questioning:

Revilla: With the permission of the Presidency – as the majority of the questions asked by the prosecuting attorney have referred to the political conduct of the POUM, I ask: has the POUM followed a closed shop political approach against the pacts of the rest of the workers and bourgeois organizations?

Gorkin: The POUM, in its principles and its tactics, admits the necessity in certain circumstances of being outside of the rest of the workers organizations and Parties

⁶⁶ CEHI, Procés POUM, Caja 3, Carpeta 8. It is unclear why Revilla asked first about Catalonia rather than Aragon.

⁶⁷ Ibid.

⁶⁸ CEHI, Procés POUM, Caja 3, Carpeta 7.

of the petty bourgeoisie, so that it would always go against reaction, against fascism, and against any danger that threatens the working class. And good proof of this is that the POUM signed the Popular Front pact before the elections of February.

Revilla: You believed sometimes that comrade Largo Caballero and the rest of the Ministers that constituted the Government were counterrevolutionaries?

Gorkin: We believed that they were workers, bosses of parties, or militants of workers parties, that did not agree with our revolutionary position, but this is not to say that we would have believed that they were counterrevolutionaries. They were moderate socialists, representatives of the small bourgeoisie, but not counterrevolutionaries.

Revilla: How do you see the C.N.T. and F.A.I. in relation to your general ideology?

Gorkin: We believed that the C.N.T. defended different points of view than us; but we believed and still believe that the militants of the C.N.T. were honest and revolutionary militants, as they have proven by giving their blood on the fronts.⁶⁹

One of the most telling refrains of the defense was Revilla's tendency to ask each POUM defendant about connections with Trotsky or Trotskyism. Such questioning suggests that Revilla and the *poumistas* believed that they were going to be put on trial for their association with Trotsky, in line with the charges in the Moscow trials. Nin had in fact worked with Trotsky in the past and maintained a correspondence with him, but Nin was only represented in the courtroom by an empty seat, on which the *poumistas* placed a photo and a bouquet of flowers. Gorkin responded with ease to the questions:

Revilla: Do you have some ideological or [partisan] disciplinary relationship with Trotskyist groups, with the groups that constitute the IV International?

Gorkin: Absolutely no organic relation, neither with Trotsky nor Trotskyist groups.

Revilla: However, is it true that the POUM made arrangements to secure hospitality for Trotsky in Cataluña?

Gorkin: Yes; when we saw the monstrous persecution carried out by the current illegal possessor [*detentador*] of the Soviet State, in which one of the most glorious leaders of the Russian revolution was a victim, and we saw that it was impossible for him to stay in any country, we believed that we could offer him refuge in our country; and that's why we asked if he would be able to take refuge in Cataluña, and we pride ourselves in having done it.

Revilla: And the arrangements had results?

Gorkin: No.⁷⁰

⁶⁹ Ibid.

⁷⁰ Ibid. Gorkin was of course lying here about his relation with Trotskyist groups, as the POUM had been in touch with the Spanish Bolshevik-Leninist Section of the IV International.

Adroher's examination deliberately pointed out that the POUM had broken with Trotsky and the Trotskyist IV International:

Revilla: Did you know of Trotsky's hostility towards Andrade and Nin for many months?

Adroher: Nin and Andrade, who had worked alongside Trotsky, deviated from him because of political differences, and I know that Trotsky had written attacks against comrades Nin and Andrade.

Revilla: Is it true that Trotsky publicly described them as traitors?

Adroher: Yes, more than once.⁷¹

Gomís' previous questions implied or directly accused the POUM of following the orders of Trotsky and other Trotskyists (such as Victor Serge) whose articles the POUM had published. Although ultimately it was of no importance to the court, Revilla addressed the political differences between the POUM and Trotsky:

Revilla: Is it also true that Trotsky has made harsh criticisms against the POUM and its political stance?

Adroher: When the POUM entered into the Government of the Generalidad in September 1936, it received very harsh criticisms from Trotsky.

Revilla: Have you ever followed Trotsky's instructions for the political line of the Party?

Adroher: Never. But we have commonalities in general assumptions with Trotsky, with Marx, and with others.⁷²

In his questioning, Revilla also addressed the allegations that the POUM had carried out espionage, in part by using telecommunications equipment without coding transmissions, or by using secret codes to transmit abroad. He sought to point to the antifascist character of the POUM and underline its record in fighting during the July 1936 uprising that triggered the civil war. He asked questions that allowed the POUM to deny that they had sought to bring down the Republican Government by force. His narrative was clear: the POUM had been dedicated to the antifascist struggle, albeit a revolutionary antifascist struggle.

By the end of the POUM defendant's testimonies on 15 October 1938, Gomís had established little. It was clear that the POUM leadership had met with elements of the CNT during the May Events, that they opposed the Popular Front government in the form in which it existed at the time, and that they had harbored many foreigners. Gomís made it a point to ask

⁷¹ CEHI, Procés POUM, Caja 3, Carpeta 8.

⁷² Ibid.

about numerous foreigners, the majority of whom the *poumistas* claimed that they did not know. However, none of this necessarily constituted criminal activity. According to the defendants, they had tried to “harness” or “channel” the workers in May 1937 to prevent them from responding to any potential provocations that would cause any of the gains made during the first year of the war to be lost. When asked if they ever advocated political conquest of the government by force, Arquer answered obliquely that it was the working class that would take power.⁷³ What was firmly established was the POUM’s posture *vis-à-vis* the Popular Front government. It regarded the government as bourgeois, collaborationist, and ultimately disadvantageous to the working class and the revolution. The *poumistas* also believed that, ultimately, the Soviet leadership in Moscow exercised control over the Republican government, especially since May 1937. These positions came as a surprise to no one, as anyone reading the POUM’s press would have gathered as much. In the next phase of the trial, the focus turned to witness testimony, which was far more important for establishing the alleged crimes of the POUM leadership given the lack of confession to any crime.

6.3 THE CASE COLLAPSES: PROSECUTION WITNESS TESTIMONY

The prosecution called on several witnesses to testify to the alleged crimes of the POUM leadership. Military leaders and police officials represented the majority, but Zugazagoitia also testified. He no doubt did so on Negrín’s explicit instructions, discussed above. The military witnesses were high-ranking officials in the Republican Popular Army, including General Antonio Cerdón (who had been Sub-secretary of Defense), José Ignacio Mantecón (Commissar General of the Army of the East), and Virgilio Llanos (Commissar in the Army of the East).⁷⁴ Police officials included Manuel Aguirre, who had worked with David Vázquez Baldominos in the *Brigada Especiales*, José María Rabasa Reyman (*agente de vigilancia*), and Martín Rouret, who had been Commissar General of Public Order in Catalonia during the May events.⁷⁵ Gomís

⁷³ CEHI, *Proceso POUM*, Caja 3, Carpeta 7.

⁷⁴ In terms of political affiliation, Zugazagoitia (PSOE), Cerdón (PCE), Mantecón (IR), and Llanos (a *Caballerista* in the PSOE, later PCE).

⁷⁵ Aguirre did not testify in court, but his statement was read out before the court. Alba and Ardevol, *El proceso*, 355. José María Rabasa Reyman, a police investigator who had searched the Rebull’s house, described himself in court as

also sought to call a few witnesses to the stand – Fernando Valentín of the *Brigadas Especiales* and director of the PCE newspaper *Frente Rojo*, César Falcón García – but they did not appear in court.⁷⁶ It is clear from the composition of Gomís' prosecution witnesses that his priority was to establish the POUM's culpability in the alleged abandonment of the front and the provocation and participation in the May events.

Gomís began his examination of witnesses with Rabasa, who had searched some of the POUM's locales in Barcelona. Gomís presented Rabasa with secret documents that ostensibly proved the POUM's trafficking of money and purchasing of arms abroad, but the latter could not confirm that the documents presented were those that he had seized from Rebull's residence. Moreover, he could not remember, when Revilla asked him, if the paperboard code for transmissions was the same. Rabasa responded, "I do not think it was discovered there."⁷⁷ Owing to the speed at which they had seized the materials and the fact, which he admitted, that they did not list the items in the affidavit, Revilla was able to easily undermine the evidence.

Gomís also called Isidoro Garriga as an eyewitness to the street fighting that occurred after the *Telefonica* debacle in the first days of May 1937. Garriga testified that the POUM had attacked the Radio Association of Catalonia locale in Barcelona. He told a dramatic story of receiving a phone call in Catalan from a POUM member who, he said, might have been someone from the Executive Committee. As a result, an armistice was called so that both sides could go into the street to recover unexploded hand bombs, as they were a danger to all. He had deduced that it was the POUM who had attacked the Radio Association building because it was the POUM that had asked for a ceasefire to tend to the unexploded bombs. Revilla took a similar approach as he had with the defendant examinations. He sought to generalize the POUM's actions and establish that it had not only been the POUM that had been involved in street fighting. Garriga could not confirm that the POUM was the only party involved, nor could he confirm that the person with whom he spoke was present in court that day.⁷⁸

Colonel Cerdón took the stand and testified that the POUM's clandestine press had been "completely fascist," adding that the then Minister of Defense Indalecio Prieto had realized this

belonging to no political party. Rouret, a member of the *Esquerra*, had worked for the Generalitat's Public Order apparatus.

⁷⁶ For a complete list of intended prosecution witnesses, see CEHI, *Procés POUM*, Caja 3, Carpeta 7. Some who were set to testify did not make it to court. Thus the court secretary read out the statements of Pedro de Buen y López de Heredia, Juan Ferrer Juliá, and Emil Danver/Danwart.

⁷⁷ CEHI, *Procés POUM*, Caja 3, Carpeta 8.

⁷⁸ *Ibid.*

as well. He also testified that the POUM's 29th Division had refused to follow orders and that they abandoned the front on 5 May, moving from Huesca to Binefar and Barbastro. When Revilla took the floor, he asked Cerdón how he could explain Prieto's inaction if he indeed believed such reports. He could not account for this, nor why a judicial investigation had not been opened when he received reports of indiscipline in the 29th Division. Nor could he confirm that the 29th Division responded to orders from the Executive Committee of the POUM. Finally, it was revealed that Cerdón did not even hear about the reports until June 1937, a month after the alleged abandonment of the front. Thus, Cerdón's second-hand testimony was discredited.⁷⁹

Figure 6.5. Military witnesses Antonio Cerdón, José Ignacio Mantecón, and Virgilio Llanos.⁸⁰



The other prominent military witnesses, Llanos and Mantecón both testified that the POUM had been responsible for provoking and promoting the “movement of May.” The underlying argument was that the POUM's activities had favored the enemy and damaged the Republic:

Gomís: ...When and in what capacity were you in Cataluña?

Llanos: I came to Cataluña in May, in the capacity of a Commissar close to General Pozas, named by the Minister of War and the President of the Council of Ministers, His Excellency Sr. D. Francisco Largo Caballero.

Gomís: Did you receive news of what had happened in Barcelona in May of '37?

⁷⁹ Ibid.

⁸⁰ Source: Public Domain.

Llanos: I had general news, which the Secretary of the Ministry Don José M. Aguirre specified more concretely for me. It described the Barcelona movement as a counterrevolutionary movement of the POUM that had deceived some of the unaware elements of the FAI.

Gomís: ...What did you find out about events of May '37 as Commissar of the Forces commanded by General Pozas?

Llanos: As Commissar, It was my responsibility to find out, and I did find out, the political and social composition of the forces that were on that Front. That is to say, I could detect that the parties and organizations continued having influence in the old columns... With regard to the May events... the stories that I got were the following: that one day, I don't remember the date, but everyone knows the events, the fifth of May, the forces of the 29th Division revolted, and with tanks and a great quantity of armaments went to the 28th Division, in the absence of its *Jefe*, who was Jover and was in Barcelona – later I will say why. They deceived a part of the 28th Division and together they all went to Binefar; there they met in order to study the map, about the plan for how they could take Lérida. The commander, Vivancos, the incidental *Jefe* of the 28th Division, found out what was happening and went by car towards Binefar. Upon arriving, he went to the locale in which they were deliberating and found that they were looking for what area of Lérida was the most vulnerable. He talked to those who were there from the 28th Division and told them that what they were doing was senseless; that Lérida, which was of the Government of the Spanish Republicans, was not what they must take, that it was much more advisable to take Huesca or Zaragoza, and that, moreover, what they were doing would be a great help to the enemy. Immediately, the forces of the 28th Division understood this and withdrew. Those of the 29th [POUM] seemed that they would not do the same. All these stories would not have had great importance if it were not the case that in a conversation that I had ten days ago, Vivancos confirmed them to me fully.⁸¹

The line of questioning was meant to implicate the POUM in anti-regime activities, military indiscipline, and outright rebellion against the Popular Army and the Republican Government. Again, Gomís sought to frame the conversation in national terms, and set the POUM's actions in an international context:

Gomís: Do you know for certain that actions carried out by the 29th Division favored the war of independence?

Llanos: I don't deny that it could have done something isolated. But I believe that what you ask me is concretely about the 29th Division, the unit as such. To this I have to say that I don't know any of them. And I don't know any of them because the only thing that I could know was gathered when General Pozas and I did a review of the 29th Division. We reviewed the fortifications, and we saw that there were some nests that they regarded as invulnerable, and that by their look were truly very good. Then General Pozas approached a machine gun nest, entered it, and kicked one of the walls. They had told us that they were shielded against the 15'5. That nest collapsed; not completely but it was seen that it did not correspond to what they had reported, and it could be sure that if

⁸¹ CEHI, Procés POUM, Caja 3, Carpeta 9.

they put republican soldiers in that nest to hold up the enemy, they would have succumbed or would have had to flee, because it was impossible to defend. This, I understand, is not favorable to our struggle.

Gomís: On the other hand, did you know of actions of the 29th Division that favored Franco, Hitler, and Mussolini?

Llanos: I know many. I will enumerate some. The first: it was a front where a pact of non-aggression had been established with the enemy. There they didn't shoot. There they conversed continuously with the enemy. There the enemy came into our ranks and ours went into the ranks of the enemy. But the most concrete of all of this is the following: one day the *Jefe de Estado Mayor* of the 29th Division visited me very secretly, and very scared – I did not know why – he told me that he wanted to speak confidentially with me, that, being a Commissar, I must be informed of the situation. Concretely, he reported to me that the 29th Division had received orders from the fascist camp in which they indicated the necessity to open a pass so that the enemy could penetrate there. I naturally had mental reservations about this. I took careful note, I made some inquiries; but the most concrete was that one day... this *Jefe de Estado Mayor* fell dead in the trenches. Naturally, I have said this before that it was not a very active front. Only a few shots could be heard. But, in addition, some days later two individuals came to see general Pozas – I did not know who they were – to tell him that the *Jefe de Estado Mayor* had been assassinated by the people of the 29th Division, precisely for having made the allegation. This is one of the cases that I know. The form and subversive attitude of this Division is unfailingly, naturally, and clearly something from which Hitler, Franco, and Mussolini benefitted.⁸²

Later in the discussion of POUM propaganda, Gomís asked, “Who benefitted from this propaganda in its form and ends? Franco and the invaders or the Spanish People?” Llanos went on to say that when he heard radio broadcasts, he could not distinguish between those of the Francoist General Queipo de Llano and those of the POUM. He also claimed that the POUM had claimed that the government was counterrevolutionary and that the orders of the government should be disobeyed.⁸³

When Revilla took the floor, he asked about political influence in the military columns. Llanos admitted that divisions had been influenced by the PSUC, the *Estat Catalá*, the Socialist Party of Aragon, and the CNT-FAI. Regarding the May events, Revilla established that Llanos had not even been in Cataluña at the time and had not yet taken up his position there until 18 May. Rather, he got his information from Lieutenant Colonel Vivancos, who had been slated to testify, but did not appear in court.⁸⁴ Regarding the allegations that the POUM had assassinated

⁸² Ibid.

⁸³ Mantecón also testified that the POUM were responsible for “promoting the movement of May in Barcelona,” and that all of the various political parties and unions agreed on this. Ibid.

⁸⁴ It is unclear to the author why Vivancos did not appear in court.

an officer of the military, Revilla asked if there had been any paper trail or judicial investigation into the affair. Llanos became regretful and claimed that he was too “politically weak” to intervene in the situation, “because it was beyond me. It was a lack of capacity on my part at that moment.”⁸⁵ Revilla also established that there had not been an attack by fascist forces when the 29th Division allegedly abandoned the front, which undermined the implied cooperation between the POUM’s militia and fascist forces at the front.

Martín Rouret, the Secretary to the President of the Generalitat, took the witness stand. His testimony actually worked against the case that Gomís was attempting to build. Rouret claimed, “I also do not think that they [the POUM] were the most prominent agent provocateurs. I think that the POUM took part, but I do not have any news that they were the leading agent provocateurs.”⁸⁶ Gomís’ continued his questioning:

Gomís: Now, concretely: the provocation of May, and especially those who were the most active in the streets, were they of the POUM?

Rouret: There were various elements. I am one of those who cannot say if there were elements of the POUM in the street. I was inside of the Generalitat everyday. There were various elements, the CNT, the POUM, the FAI; I don’t know. The news said that the elements of the POUM and the CNT and FAI had risen up against the Government. This was what was said; but I cannot testify to it, because I was in the Generalitat everyday.⁸⁷

When Gomís asked, “Did the movement of May favor the Republic or the fascists?,” Rouret found the question bizarre. He responded, “The movement of May... that question is a bit strange, it is... What do I know if I’m not a fascist? How am I supposed to know if it favored them?” Gomís, somewhat desperately, responded, “But did it favor the Republic?” Rouret replied, “Oh! That’s another thing. I think that movements such as that in May could not favor the Republic; as other attitudes also couldn’t favor it.”⁸⁸ Revilla took the floor and dealt with the witness with ease, asking only two questions:

Revilla: In all conscience, can you say that those who rose up and fought against the public forces during the May events were anti-republicans and were led against the Republic, albeit indirectly?

Rouret: No sir. Absolutely not.

⁸⁵ CEHI, Procés POUM, Caja 3, Carpeta 9.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

Revilla: You know some of those on the dock. Does your knowledge permit you to qualify them as antifascists?

Rouret: Completely.⁸⁹

But the case had all but collapsed even before Rouret took the stand. Gomís had called a fascist spy to the stand, Joaquin Roca Amich (J. Roca), who was awaiting trial for espionage and high treason. Roca admitted to being involved in espionage with Cosme Dalmau and Xifre Riera, but claimed in a letter to the Judge that he had never met the POUM leadership. When asked about his previous statements before the police (in which he had said he worked with the POUM in espionage), Roca claimed that the police had kept him detained without food for forty-eight hours and coerced him to sign the statement.⁹⁰ What he stated before the police, he claimed, was false; what he confessed before the judge was the truth. After Gomís ended his questioning, Revilla took the floor. His questions revealed that the police had wanted Roca to admit that he knew some of the POUM members. The statement that he revoked in court had been used as an epigram in the pamphlet compiled by the French communist journalist George Soria, entitled “Trotskyism in the Service of Franco: A Documented Record of Treachery by the P.O.U.M. in Spain.”⁹¹ Roca had been the alleged connection between the POUM and the fascist spy network in Perpignan. When he revoked his statements, this all but eliminated any line of inquiry into the allegations of espionage. The court threw out the evidence. Nothing could have been more damaging to the prosecution’s case.⁹²

Julián Zugazagoitia’s testimony represented the final nail in the proverbial coffin. His testimony did more to hurt the prosecution than to aid it. Given Zugazagoitia’s role as Interior Minister during the POUM arrests, the disappearance of Nin, the establishment of the TEEAT, and the investigations into the POUM’s activities, his testimony is worth quoting at length. When Zugazagoitia took the stand, Gomís immediately asked,

Gomís: In relation to the insurrectional events of May in Barcelona and Cataluña, do you recall that the organ of POUM, “La Batalla,” claimed that the POUM was in

⁸⁹ Ibid.

⁹⁰ Roca’s revoked statement read, “All the espionage material discovered by the other group, which is made up the secret agents of the P.O.U.M., was transmitted to Perpignan by me... the group of secret agents of the P.O.U.M. which is directed by General Franco’s espionage centre at Perpignan.” Quoted in Rieger, *Espionaje en España*, 187.

⁹¹ Much like the longer *Espionaje en España*, the work presented cherry picked or outright falsified documents to implicate the POUM leadership in espionage. It was published in several languages using Comintern funds.

⁹² CEHI, *Proces POUM*, Caja 3, Carpeta 8; Alba and Ardevol, *El proceso*, 225-226. Although the stenographic transcripts of Roca’s testimony have yet to surface in archives (if they still exist), we do have part of the “judicial version” of his testimony, which was a summary and write up of the stenographic transcripts taken in court.

charge of providing a framework for the insurrectional event in editorials and short articles?

Zugazagoitia: No. I don't remember that. The insurrectional events in Cataluña – let us call it that – happened when the present witness was not the Interior Minister, but rather a simple journalist who, in those circumstances found himself very far from the people who could have put him in touch with those who had knowledge of what happened in Barcelona. In those days, I was in Vizcaya carrying out duties as Deputy of the district of Bilbao. What the POUM's organ could have done regarding the May events in Barcelona is absolutely unknown to me.

Gomís: Apart from that, in particular, do you know if the leaders of said organization stated their direct intervention in the cited events?

Zugazagoitia: Because they told me their own version, I know the consequence of the events and the police repercussions that they had. During my administration as Interior Minister, various militants of the POUM came to demand an audience with me in order to explain their conduct, and to explain that they had proposed to contain the movement, or to say that they proposed to gather it. The version that I give is partial because it comes precisely from some of the interested parties. These gentlemen showed me that, if they had truly directed the movement and had done what a leadership could have, it was because they thought precisely about what was in the interest of the Organization at all costs, to avoid a confusion of the conflict that would bring serious consequences for the Republic. But, as I said, this is what they declared, and I don't have anything else...⁹³

Zugazagoitia had not only refused to associate the POUM with the May events, he went so far as to say that the POUM had in fact done what it thought was most advantageous for the Republic. This directly contradicted the entire thrust of Gomís' case, and cast some doubt on police evidence:

Gomís: Did the reports that you received as Interior Minister indicate that the POUM provoked the movement?

Zugazagoitia: I received very few reports about the movement of May. It was something that was settled when I encountered it. And in large part, above all in its most painful part – the struggle that it produced in Barcelona – was absolutely finished when I took charge of the Ministry of Interior. Because the issue had passed plainly to the jurisdiction of the Tribunals and to a judicial investigation, my role was limited exclusively to collecting those testimonies provided by the police, and to hearing the depositions that were given by some of those who were directly accused by the testimony of the Police, of being authors, promoters, or guiders of the insurrectional movement.

Gomís: Did the May events cause many victims?

Zugazagoitia: I don't know exactly. The testimonies that I was able to collect were in reality no more than second-hand testimonies, and they were very confused. In

⁹³ CEHI, Procés POUM, Caja 3, Carpeta 8.

any case, my predecessor in the Ministry of Interior, who called off the fighting, could answer this question more concretely.⁹⁴

Gomís asked Zugazagoitia about the POUM's alleged abandonment of the front in Aragón. Zugazagoitia responded that, for him, it was "impossible to depict that military episode, since, as I have told the Tribunal from the beginning, I was very far from the events..."⁹⁵ Gomís then turned to the allegation of espionage:

Gomís: Do you remember that around June, approximately, of 1937, the Madrid police discovered a Falangist organization of one Fernández Golfín?

Zugazagoitia: Yes sir.

Gomís: The police spent a lot of time following this organization. Did they give you records of this?

Zugazagoitia: Yes sir, as it plainly corresponded with my administration.

Gomís: Were you aware of all that was discovered?

Zugazagoitia: No sir. The Interior Ministry learned of that operation once it had already been carried out. The issue is clear: the police did not perceive a specific group of supposed saboteurs or spies. Rather, its function naturally consisted in discovering as many groups as possible, and the police knew well that this was not the only group that it could discover. So the function of the police was not to discover *that* group, but *all* possible groups. And in those conditions, the police could not do anything except to report back on their duties when they considered them finished... Once the issue was finished, the discovery of what was called the *Agrupación Golfín*, they informed the Minister of Interior of their discoveries and the ramifications.⁹⁶

Gomís continued his questioning, turning to the infamous "N" document that Orlov and Grigulevich had obtained from Golfín and on which they had written messages in invisible ink implicating Nin in espionage with Franco:

Gomís: Do you remember that the Chief of police gave you a map [*plano milimetrado*] on the back of which something was written in code?

Zugazagoitia: Yes sir.

Gomís: Did the police decipher it or could the police not decipher it?

Zugazagoitia: I think the police did not succeed in deciphering it. I'm not completely sure; but it seems to me that the police did not finish deciphering the *plano milimetrado*. To what do you refer, Sr. Fiscal? That had two parts, if I'm not wrong; one part written normally and another that, it seems to me, was a continuation of the front written in code.

(...)

⁹⁴ Ibid.

⁹⁵ CEHI, Procés POUM, Caja 3, Carpeta 8.

⁹⁶ Ibid. Emphasis added.

Gomís: Regarding the text on the back, do you recall that the POUM was cited there?

Zugazagoitia: Yes sir.

Gomís: And that prominent leaders of the POUM, without indicating the names, were in relation with Franco.

Zugazagoitia: It cited those names.

Gomís: Did this, by chance, give rise to the intention of persecuting the POUM on part of anyone in the Government?

Zugazagoitia: No.⁹⁷

Zugazagoitia's statement is accurate. He had indeed received the document, and despite the insistence of the PCE ministers, the government had not taken measures against the POUM leadership.⁹⁸ Gomís continued,

Gomís: Concretely, did you tell the police to move exclusively against the POUM?

Zugazagoitia: No sir.

Gomís: Did the police work independently in all of this?

Zugazagoitia: Absolutely: at least independent of such a suggestion by the Minister of Interior.

Gomís: Did the detention of the defendants take place here in Barcelona, at the request of said police of Madrid?

Zugazagoitia: Yes sir.⁹⁹

Zugazagoitia continued answering questions, stating that, of course, the May events had not been beneficial to the Republic and that they had "obviously" been beneficial to Franco. When asked a question about the idea, spread by fascist propaganda, that the Largo Caballero government went against the interests of Catalonia, Zugazagoitia responded at length:

Zugazagoitia: I suppose that they would say that. But, to conclude, here we should point out that in any case, there is a kind of political speculation [that is] relatively normal in our country, according to which those political groups that are not represented in the Government assign to this [lack of representation] an intention that is not there. That's why, in reality, the events happened, and I don't dare to say that they were all fascists; it is possible that some of those that said these [illegible] are currently represented in the Government.¹⁰⁰

⁹⁷ Ibid. In fact, the Police could not decipher it. The message was only deciphered with aid from Soviet personnel.

⁹⁸ The report can be found in AFPI, AH-71-6.

⁹⁹ CEHI, Procés POUM, Caja 3, Carpeta 8.

¹⁰⁰ Ibid. Here Zugazagoitia referred to the CNT-FAI.

There was little more that Revilla could do with Zugazagoitia's testimony. He asked Zugazagoitia if he could confirm that the May events had been led explicitly against the Republic, to which the latter responded that he could neither confirm nor deny it. Revilla then had Zugazagoitia confirm that he knew those in the dock; Zugazagoitia confirmed that he indeed knew them, and that they had always been antifascists.¹⁰¹ TEEAT President Iglesias Portal seemed to be more interested in the *plano milimetrado* than anything else. When Revilla completed his brief questioning, Iglesias Portal intervened:

President: The *plano milimetrado*, was it presented to the witness already deciphered, or simply when the plan of Madrid turned up with that indication?

Zugazagoitia: I didn't receive the original plan, but rather a photographed copy of it with the rear not deciphered but simply revealed.¹⁰²

In other words, the Zugazagoitia received message after it had been deciphered. In fact, the actual deciphering, it is clear, had been carried out by "foreign experts," according to both Orlov's 23 May 1937 message to Moscow and the report compiled by the Madrid police.¹⁰³ Grigulevich had deciphered the message using a code that the NKVD operatives knew that they already had. Grigulevich suggested that the *Brigadas Especiales* check the document for invisible ink *after* he had had it in his possession.¹⁰⁴ This of course was not known at the time except by Orlov (who had since defected to North America) and Grigulevich (who had returned to the USSR).

6.4 HIGH POLITICS IN THE COURTROOM: DEFENSE WITNESS TESTIMONY

After the prosecution witnesses had testified and been cross-examined by both attorneys, the defense called a series of very well known political figures to the stand.¹⁰⁵ Defense witness testimony took place on 17 and 18 October. Witnesses included former Prime Minister Francisco

¹⁰¹ CEHI, Procés POUM, Caja 3, Carpeta 8.

¹⁰² Ibid.

¹⁰³ Russian Intelligence Service Archive (RISA), File No. 17679, Vol. 1, pp. 154-156, quoted in Costello and Tsarev, 288-289.

¹⁰⁴ AFPI, AH-71-6. See also Viñas, *El escudo*, 609-610; Preston, *The Spanish Holocaust*, 408-410.

¹⁰⁵ Gomis interrupted the defense witness proceedings and asked that the statements of those prosecution witnesses who had not been able to appear in court be read. Iglesias Portal granted the request, and the statements of Fernando Valentín, César Falcón, and Jacinto Roselló were read aloud on the morning of 18 October.

Largo Caballero (PSOE), former Ambassador to France Luis Araquistáin (PSOE), former Interior Minister Ángel Galarza (PSOE), former Minister of Justice Manuel de Irujo (PNV), and former Minister of Health and Social Assistance Federica Montseny (CNT-FAI). It also called military and judicial officials, including former Chief of the Aragon Front, José Guarner (a Mason), and the President of the *Audiencia* of Barcelona, Josep Andreu i Abelló (ERC).¹⁰⁶ The group also included central members of Largo Caballero's government. It had a strong Socialist color, although Republican and Anarchist organizations were represented as well. This collectively offered a very strong show of support for the POUM.

Figure 6.6. PSOE leaders. Back row left to right: Marcelino Pascua, Julián Zugazagoitia, Juan Negrín, and Luis Araquistáin. Front row left to right: Indalecio Prieto, (Soviet trade rep.) Nikolai Ostrovsky, Francisco Largo Caballero, and Fernando de los Ríos.¹⁰⁷



¹⁰⁶ The journalist Manuel Fernández, who was being tried for the clandestine publication of newspapers, also testified.

¹⁰⁷ AFJN, misc. photographs, 710130002001.

The testimony of Largo Caballero, Araquistáin, and Galarza illustrated the extent to which sections of the *Caballerista* wing of the PSOE had lined up behind the POUM in its ongoing conflict with the PCE and PSUC. Irujo's testimony illustrated the extent to which foreign delegations had advocated on behalf of the imprisoned POUM leaders. The details that he gave also revealed police irregularities in the case but asserted the sovereignty of the Republic's courts. In general, Revilla's questioning sought to illustrate a few central points: first, that the May events, whether they had been led by or aided by the POUM, did not have the intention of overthrowing the Republican government and were not anti-Republican; second, that other parties not being prosecuted took the same actions as the POUM's 29th Division during the May events, thus generalizing and undermining the allegation; and finally, that the POUM's arrest and prosecution had been wrought with police irregularities. In many respects, this was an indictment of the Republic's penal apparatus, which, it was implied, had treated the POUM prisoners unfairly. By pursuing this line of questioning, Revilla sought to identify the POUM leadership as established antifascists of a non-Trotskyist character.

In response, Gomís attempted to pointed out that the POUM's actions had nevertheless been damaging to the Republic. This, by implication, constituted a kind of sabotage. His questions focused almost entirely on the POUM's anti-Popular Front stance and sought to discredit the portrayal of the POUM leadership as antifascist on account of their actions. TEEAT President Iglesias Portal seldom intervened, and when he did, his questions focused on the May events. It was clear that the accusations of espionage and treason had lost credibility in the eyes of the court, but the POUM leaders still had to answer for their participation in the May events.

Largo Caballero took the stand first on 17 October. Revilla, who examined the defense witnesses first, immediately asked him about the May events. Largo attempted to place the events in a broader context:

Revilla: Did the information that you collected about the May events lead you to believe that the POUM had provoked it?

Largo Caballero: It did not lead me to believe that. The Barcelona events led me to believe that what had occurred was a fight that existed between all the political elements of Cataluña and especially in Barcelona, which had already been going on for some time.

Revilla: Do you think that the May events were anti-republican and tended towards the overthrow of the regime?

Largo Caballero: By no means. I have no evidence of that.

Revilla: Did someone ask that you use the government to dissolve the POUM, as you claimed in some public event?

Largo Caballero: Yes.¹⁰⁸

Before Revilla could move to his next question, Gomís intervened:

Gomís – In what period?

Largo Caballero: It would have been around the 10th of May, a little bit before the [cabinet] crisis.

Gomís: And your answer...?

Largo Caballero: I refused to dissolve it – not the POUM, nor any other political or union organization. I did not dissolve it governmentally. I claimed that I had spent fifty years working so that no organization could be dissolved governmentally, and that if there had been some organization that broke the Law, it should be put before the Tribunals and that they would, by sentencing, do what they have to do.¹⁰⁹

Revilla asked if the central government had given orders to take the *Telefónica* building (which triggered the May street fighting). Largo Caballero responded that during those times there had been difficulties with telecommunications, but that he had no knowledge of such an order and that he would not have been able to communicate by telephone. Revilla then asked Caballero to confirm the antifascist credentials of the POUM leaders, whom he knew. He responded, “In my opinion... they are intransigent in their ideas and they fight for them, but they don’t fight for anything else.”¹¹⁰

Gomís asked Largo Caballero cynically about the central government’s alleged sabotage of Catalonia, in a sense mocking the rhetoric of the POUM. TEEAT President Iglesias Portal intervened to redirect the questioning towards concrete evidence:

Gomís: Do you remember that the first Government over which you presided... your Government, because of its composition, because of its program, like its systematic sabotage against Cataluña, constituted a progressive development of the revolution and therefore of the struggle against fascism?

Largo Caballero: I must reject the word sabotage...

President: Sr. Prosecutor, ask the question referring to something published by some newspaper...

Largo Caballero: The newspapers could say what they wanted. The Government did not sabotage anything – not Cataluña nor anyone.

Gomís: Then you reject it?

¹⁰⁸ CEHI, Procés POUM, Caja 3, Carpeta 9.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

Largo Caballero: Absolutely.¹¹¹

Gomís then revealed that his question was a direct quote from a resolution of the POUM. “You, the same as all Spaniards, understand that the Government, with the comrades of the CNT, was a great step forward in the struggle against fascism.” He then read an excerpt from a POUM document from 1 May 1937, and asked Largo Caballero if an antifascist could have said such things, expecting a negative answer. But Largo Caballero responded, “Many antifascists have said this.”¹¹²

When Luis Araquistáin took the stand, Revilla asked him about his connections with Nin in a question that it would seem had a prepared answer. Araquistáin responded that he had worked with Nin on publishing a book by Trotsky, and that he had also worked with Juan Negrín and Alvarez del Vayo on the editorial that had published the book, “España.” This and the subsequent line of questioning made it clear that it was not only the POUM leaders who had been interested in publishing Trotsky’s work. The line of questioning suggests that Revilla still believed that the court would attribute criminal responsibility to association with Trotsky, and this was a way of generalizing the POUM’s activities to include other parties and high-ranking politicians. Araquistáin then confirmed the antifascist credentials of the *poumistas* in the dock. Gomís’ brief examination focused on the May events and the POUM’s allegedly anti-Republican publications. Araquistáin claimed that he did not remember if the foreign press reported that the May events was damaging for the Republic (he had been in Paris as Spanish Ambassador). After reading an excerpt from a POUM publication condemning Republican President Manuel Azaña and Prime Minister Largo Caballero, Gomís again asked if Araquistáin could have published such a manifesto. He responded, “Me, no...”¹¹³

When former Interior Minister Ángel Galarza took the stand, Revilla focused again on the May events, asking if they had been brought to an end by force or by negotiation. Galarza said that Federica Montseny, García Oliver, and others had gone to Barcelona and convinced the workers to stop the street fighting, as it could be “in favor of the enemy, perhaps unwittingly.” He went on, “That was, in my judgment, a great force for ending the events. But also the decision of the Government to send six thousand armed men of the Assault Corps, who arrived in Cataluña within 48 hours. And indeed, within hours the events had ended.” Galarza reported

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

also that there had been complaints that elements in Catalonia had intervened in phone conversations between the central government and other Republican authorities in Barcelona, but that these interventions “always stopped” when the authorities raised the issue. He too confirmed the antifascist credentials of the POUM. Gomís began his questioning, which focused again on the May events and the POUM’s allegations that the government had sabotaged the Aragon front by denying militias arms. Galarza denied it outright. And again Gomís asked if an antifascist could have published the excerpt that he previously read out, which alleged that Republican President Azaña was “the assassin of Casas Viejas... etc.” He claimed that he would not have published it and that he would not have permitted that it be published.¹¹⁴

On the morning of 18 October, Gomís read out the statements of police officials related to the *Brigadas Especiales*, after which questioning continued. Perhaps the most important witness to appear in the trial, former Justice Minister Manuel de Irujo, took the stand. Given his position, his responses should be quoted at length. Irujo testified that many foreign delegations had visited his office to appeal on behalf of the POUM prisoners:

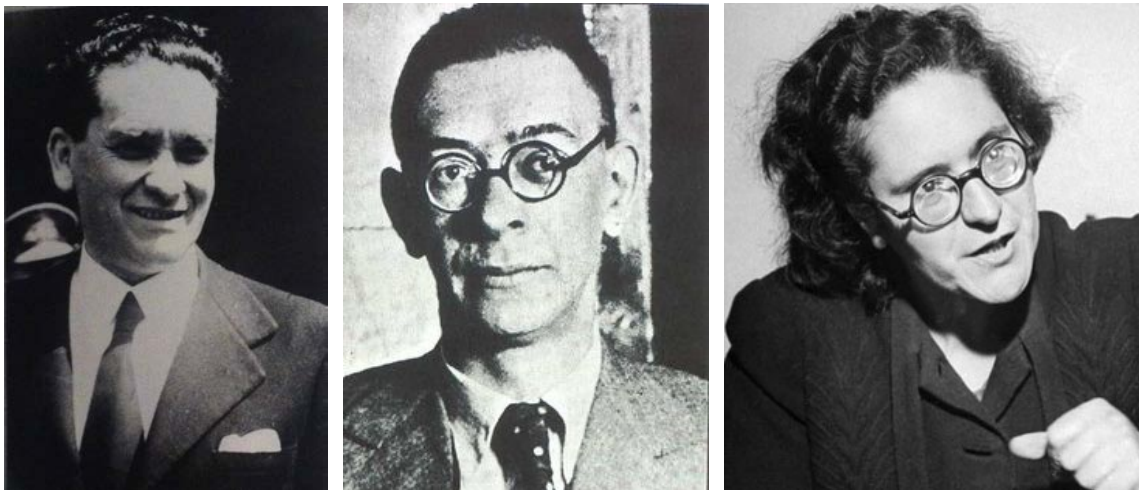
Irujo: The foreign Commissions came here with a pre-existing atmosphere of disapproval towards us. It had been said in their respective countries that Republican justice was going to be in the possession of a specific political Party, an enemy of the defendants...and as Minister of Justice, I would like to attest that I was interested in indicating to those delegates and before the whole world that Republican justice was administered with the maximum independence during my post and still after I held the post, the most absolute and unqualified independence; and that the judges did not have any more guidance than that which emanated from their conscience, nor more than that contained in Law. And therefore they could have the most absolute security at all times that the strictest justice for defendants would be imperative, as is the case for those who are now in the dock as well as any others that would go before a Tribunal of the Republic. I confirmed to them that the propaganda that had been made was false...and I confirmed that no Party, nor anything or anyone could have any small or large influence in the Tribunals’ proceedings. I don’t know if this would be what the defense attorney is interested in. But all that I’ve said is precisely what I remember.¹¹⁵

After Irujo discussed the “variegated” political orientations of those delegations that had come to Spain, Revilla had no further questions.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

Figure 6.7. Witnesses Manuel de Irujo, Julián Zugazagoitia, and Federica Montseny.¹¹⁶



Gomís approached the stand, asking if Irujo had made suggestions or cues to judicial officials involved in the case of the POUM. Irujo denied the claim, saying that he had discussed it with the Minister of Interior, who demanded Antonio Ortega's removal as DGS Chief, and with the Attorney General of the Republic. When Revilla intervened about the Attorney General, Irujo revealed police irregularities, and discussed the episode in which Gregorio Peces-Barba had ordered the arrest of individuals in the *Brigadas Especiales* involved in Nin's arrest.¹¹⁷

Irujo: ...the detention of the POUM leadership in Barcelona and their transfer to Valencia was known in the Council of Ministers, [and] they knew of the transfer of the detainees to Madrid. Against this background, I spoke with the Attorney General of the Republic extensively and also with the Deputy Attorney General, and likewise, at some point, with the President of the Supreme Tribunal, and they supported intervening to prevent the special judge from being detained, who was charged with investigating and clarifying the events and circumstances surrounding the disappearance of Andres Nin, in Valencia. I spoke about this extensively with high officials during those days so that the Law would be applied and, moreover, in order to guarantee the absolute security of those prosecuted, that they must be tried not in accordance with an atmosphere or a situation determined by coercion and political passion, but rather in accordance with the rule of Law.¹¹⁸

¹¹⁶ Source: Public Domain.

¹¹⁷ The investigation and arrest order are discussed above in Chapter 1.

¹¹⁸ CEHI, Procés POUM, Caja 3, Carpeta 9.

Irujo went on: “At that time we had the impression that the police were going to use violent methods against the Judge who oversaw the case because he decreed the detention and prosecution of various individuals, [but] that was not carried out.”

Gomís then asked Irujo about the judicial officials involved in the POUM leadership’s prosecution:

Gomís: During the period of your post, you are sure that all the prosecuting and judicial officials worked within the Law and looked after the guarantees that the Law gives the defendants?

Irujo: I don’t understand what you want to say Sr. Prosecutor.

Gomís: If the judicial and prosecuting officials all worked in accordance with the Laws.

Irujo: I am absolutely sure that, at that time, the Prosecution Service acted within the Law; and also that what the judges did was within their reach and power. I can also say this of governmental powers, that the dismissal of the Director General and Sub-Director of Security took place because they carried out actions deliberately, although officially the removals took an entirely different character.¹¹⁹

Irujo went on, assuring the court that judicial guarantees had been given to the POUM defendants:

Irujo: ...because if anything was significant in my time in the Ministry of Justice, it had been precisely the defense and guarantee of the Law, and the guarantee of the full independence of the judiciary. And I am absolutely sure of having achieved that. Nowhere do I claim anything in relation to prosecution motives, nor that the motives of prosecution were more or less weakened in relation to those who are seated in the dock. The only thing that I claim is that they were given complete guarantees. And it will be understood that I proceed as such, because as Minister of Justice I had the duty of maintaining the authority of the Government at the highest levels. I offered all the legal guarantees, but I did not accept discussion about anything that would be in disagreement with the Law.¹²⁰

To another question regarding his communications with Zugazagoitia about the arrests, Irujo gave his final, lengthy speech:

Irujo: Permit me, Prosecutor, to answer this question in the only way that a witness can answer it: I will recount what happened. The police detained some men in

¹¹⁹ CEHI, Procés POUM, Caja 3, Carpeta 9. Irujo refers to the fact that Antonio Ortega agreed to leave his post, but in fact it had been, in Irujo’s words, “dictated” that he leave his post. This was the agreement reached by Negrín in the wake of Nin’s disappearance, to the chagrin of the PCE and the Comintern.

¹²⁰ Ibid.

Barcelona, perfectly within its rights. And after having detained them within its rights, it transferred them to Valencia, also exercising absolutely perfectly its rights. And exercising perfectly its rights, the General Directorate of Security also stipulated that these detainees be imprisoned in Jail. And after having been imprisoned in the Jail, the detainees were set free.¹²¹

All of this, according to Irujo, had been carried out within the bounds of the law. However, he went on,

...and when they left the jail, the police – now in this case not exercising perfectly their rights, nor even any right – detained them again, put them in a van and drove them to Madrid. My view is that this Police action – the detaining those set free at the doors of the Jail – is not an act they had the perfect right to carry out. And as I was the Minister of Justice and I sought that the people worked within their perfect rights, this was more than sufficient grounds for me to write to the Minister of Interior and explain to him what had happened with these detainees in Valencia. In this way, the Minister of Interior was informed of the case; and in two or three days the issue was taken to the Council of Ministers, when Nin had already disappeared. The rest were imprisoned in Madrid. In this case, what the Minister of Justice understood is that a detainee could be put in Jail. He could be transferred from the Jail handcuffed as desired... But what could not be done is to set him free so that the police who waited for him at the doors could detain him again on their own account. And these anomalies are of such a nature that not only the Minister of Justice but also the Council of Ministers in session, and who had a sense of the Law, worried about the problem, and not precisely to defend the defendants – not one or another, nor those which could be – but that the Law be enforced, that the Law be respected, that the Law shine. Within the law, which falls upon the detainees and the defendants. The full force of the law falls upon all. The force of the law should not frighten them; but the force of the judge should frighten them.¹²²

Gomís quickly responded, “So these circumstances do not justify a kind of lessening of the criminal responsibility of the defendants?” TEEAT President Iglesias Portal intervened: “That question is completely irrelevant.” Gomís ended by asking if the May events had favored the Republic, to which Irujo retorted sharply, “No! It endangered it!”¹²³

When José Guarner, the defense’s only military witness, took the stand, he affirmed that the POUM did not struggle against the Republic, that it fortified its positions, and that although it did not have the strictest military discipline, this was also the case for most of the partisan militias. Federica Montseny, and José Andreu i Abelló each took the stand following Guarner. Montseny, the CNT-FAI leader, identified the POUM leaders as old militants of the left Marxist

¹²¹ CEHI, Procés POUM, Caja 3, Carpeta 9.

¹²² Ibid.

¹²³ Ibid.

tradition. She said that she had the “conviction that neither the POUM nor the CNT nor the FAI took part in the provocation” of the May events. She claimed that the events had harmed “antifascist unity” rather than the Republic. Again TEEAT President asked about the May events. Andreu i Abelló then took the stand and also identified the *poumistas* as left Marxists. The May events, he maintained, were a big mistake that included the participation of all the parties, not one party. The final witness, the well-known Trotskyist journalist Manuel Fernández Grandizo, better known as “Munis,” testified that he was being prosecuted for publishing clandestinely. He affirmed that he was a leader of the Trotskyist *Sección Bolchevique-Leninista de España*, and that he adhered to the Trotskyist IV International. However, he claimed that the group’s relations with the POUM had been strained politically.¹²⁴ It appears that Revilla put Munis on the stand to point to the difference between the POUM and the (actual) Trotskyist group.

When witness testimonies came to a close, the handwriting specialists Luis Alabart and Pedro Vegue took the stand together. There are indications that Gomís may have not been happy with the selection of Alabart and Vegue, as he asked TEEAT President Iglesias Portal to request two other handwriting experts. Iglesias Portal then wrote to the Sub-secretary of Education, under the CNT Education Minister Segundo Blanco González, on 18 October, asking him to name two handwriting experts to testify in court.¹²⁵ At the time, the anarchist Joan Puig i Elías held the position of the sub-secretary.¹²⁶ The response sent back to the TEEAT, though it was not written until after the handwriting experts had testified on 19 October, does not carry the sub-secretary’s signature. Instead, it reads, “P.A. – M. Escorilmelof,” meaning “Por ausencia, M. Escorilmelof.”¹²⁷ Puig i Elías was either not available to respond or chose not to respond to the request.¹²⁸ The request could have been a last ditch effort by Gomís to influence the outcome of the trial. Nevertheless, the two handwriting specialists that Escorilmelof proposed to Iglesias Portal on 20 October, Jesus Ernesto Martínez Ferrando and Ramón Gil Miquel, did not appear in court.¹²⁹ In fact, the letter from the Ministry of Education was not composed until a day after Alabart and Vegue had already testified.

¹²⁴ Ibid.

¹²⁵ AHN, FC-Causa_General, Caja 661(1), Expediente 3, Hoja 4.

¹²⁶ *La Gaceta de la República*, 10 April 1938, No. 100, p. 200.

¹²⁷ This means that Escorilmelof signed the proposal in the absence of Puig Elías. The identity (and nationality) of Escorilmelof is unknown to the author. My thanks to Teresa Tiburcio.

¹²⁸ AHN, FC-Causa_General, Caja 661(1), Expediente 3, Hoja 10.

¹²⁹ Martínez Ferrando was Director of the Archivo de la Corona de Aragón, a position that he held through the Franco dictatorship and until 1961.

Alabart and Vegue determined that although signatures on three separate documents would appear to be the same, on closer examination there were indications that they could be different. There were “undoubtedly some differences in the features, as some appeared identical and others not.” During the testimony, Gomís claimed to have a letter signed by Jordi Arquer and written to one “Peregrí,” which had been sent to Spanish fascist Falange organization. “That’s false!” Arquer yelled, to which TEEAT President Iglesias Portal retorted, “The defendant will keep quiet.”¹³⁰ Revilla asked that the court give the defense time to examine the documents because he doubted their authenticity as well. Iglesias Portal granted the request and suspended the trial session until the following morning.

6.5 DEFINING ANTIFASCISM: TWO NARRATIVES OF STRUGGLE

Over the course of the next two days (20-21 October 1938), state prosecutor Gomís and defense attorney Revilla delivered their closing statements. On the morning of 20 October, Iglesias Portal opened the session. Before reading out his statement, Gomís notified the court that he favored rescinding the charges against Escuder, whose immediate release he requested. But he asked that charges remain for the remainder of the POUM defendants. Finally, he asked that the proposed sentence for Rebull be reduced to fifteen years of work camp imprisonment, and that the remainder of the defendants retain the thirty-year sentences. Revilla agreed to the rescinding of Escuder’s charges but maintained that the remainder of the defendants should also be acquitted and released upon conclusion of the trial. Gomís then took the floor and spent the remainder of the day delivering his lengthy closing argument.¹³¹ The following morning, Revilla delivered his closing statement, which ended in his formal request that the defendants be acquitted and released.

The two closing arguments encapsulated the two variants of antifascist discourse that had been presented throughout the trial. The prosecution and defense delivered the remarks aloud and in writing. In many respects, the statements articulated central debates that reached far beyond the courtroom, and far beyond the POUM’s own specific politics and wartime actions. They

¹³⁰ CEHI, *Proces POUM*, Caja 3, Carpeta 9.

¹³¹ Alba and Ardevol, *El proceso*, 422.

touched on the principle questions of the wartime Republic: the question of the primacy of war versus revolution, the political culture of the Spanish Republic, and its position vis-à-vis the European powers. On the one hand, Gomís emphasized the legitimacy of the Republican government, its antifascist character, its juridical legality, and its war of independence. He pointed to the negative impact that the POUM had on the security of Spain and the importance of the fragile nature of the Republican rearguard. On the other hand, Revilla offered a different narrative: a somewhat detailed story of the collapse of the Republican state, the class character of the war, the revolution in the streets, the POUM's position towards the Popular Front, and the specific story of the POUM's prosecution itself. He discussed the conflict between the police and Special Investigating Judge Miguel de Mora Requejo, the report of "J. Mata" from Paris, and the issue of the POUM's relationship with Trotsky and Victor Serge, another former Bolshevik in exile (who had actually formally joined the POUM from abroad). This was the judicial performance of two wartime narratives, two philosophies of wartime politics, two definitions of antifascism: one which placed the primacy of a liberal Republic at war against foreign invaders, and one which emphasized the importance of the revolution in contextualizing the actions of the POUM and understanding the antifascist struggle. Although they differed on almost all points, the crucial commonality that ran through both narratives was a strong and explicit recognition that the TEEAT had adhered to proper judicial procedure. The two narratives came together to affirm that the judges had been impartial and the court had upheld (and in Revilla's view gone beyond) proper judicial norms.

Gomís' first section, "the historical perspective of the trial," argued that the protracted length of the prosecution had been an advantage as it had allowed passions to ease and provoked deep reflection. He immediately sought to distance the trial from a judgment of ideas: "Absolutely all of the small political details have been disregarded that could muddy the issue at hand, which is a criminal issue, not an issue of ideas; it is a question of criminal acts, not a question of ideas." But to judge the defendants, "we must situate the activities of the Executive Committee of the POUM in the historical context in which they took place." That context, he argued, was the period from the February 1936 elections, when the Popular Front came to power, until the "uprising" of May 1937. "That was one of the moments that validated the legitimacy

and absolute legality of the Spanish Republic.”¹³² It was because of this “triumph of legality and legitimacy” that military rebels rose against the Popular Front on 18-19 July 1936:

This boasted a Republican Government that was purely Republican. There was no extremism in that Government. All of its components were purely republican, liberal republicans, democratic republicans. There were not communists, nor socialists, nor anarchists. There was no aid for Spain from abroad at that time.¹³³

But the fascists, he argued, rebelled against this, making necessary the “absolute union of the Spanish people. And that absolute union – in part – was achieved by Largo Caballero with the formation of his government on 4 September 1936, into which the democratic socialists and republicans entered. There was not extremism!”¹³⁴

At that point the narrative turned from “a struggle not against the rebels, but against invaders.” By August, the war in Spain “had completely lost its character as an exclusively class struggle.” It had, in short, transformed into a “struggle for the independence of Spain.” With Largo’s second government, the anarchists had joined the progressive forces of Republican Spain. Thus, it was no longer a class war but rather a national struggle. Gomís pointed out that the events of May 1937 took place in the context of the Republic’s impending loss of the north. It was, “one of the most serious moments in our current history; the moment that produced the uprising of May 1937 in Cataluña and Aragon... the situation in Spain had taken an international proportion, subject to the interests and appetites of international powers. This international context, he insisted, must inform the court’s judgment.”¹³⁵

Gomís then moved on to discuss the arguments that the Francoist rebels had made against the legitimacy of the Republic. They claimed that it did not represent the Spanish people, that it could not maintain public order, and that it was not legitimate because it was antifascist. The Francoist rebellion claimed to be a legal reaction against a revolution that no one thought would occur, a class war promoted by the Spanish proletariat. Gomís continued with gusto:

And once war had broken out, what argument did the reactionaries give? Ah! That the Spanish war was simply an ideological war, that the Spanish war was simply a civil war between two Spanish sides... a war between one part that wanted to maintain authority and another part that wanted disorder and revolution... And what arguments did the

¹³² CEHI, Procés POUM, Caja 4, Carpeta 10.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

reactionaries use? They said that Spain was subject to Soviet bondage. They said that Spain was nothing more than “a branch of the Soviets, and that the war was a crusade against communism.” And in this way, anticommunist ardor expanded, spreading the most ridiculous fear to the European democracies.¹³⁶

The lies, defamations, and maliciousness of the reactionaries, Gomís held, expanded yet further with the establishment of the Negrín government.

Before moving on to the specifics of the POUM’s crimes, he turned to perhaps the most important section of his remarks, entitled “The juridical value of republican legality.” “[G]iven that this trial has already attained a historic scope,” he argued, “it is appropriate to address the legal validity of Republican legitimacy in both the national and international sphere.” The legitimacy of the Republic, in the international sphere, was precarious. “Because if the Government’s legitimacy would have disappeared from the Republic, if the Republican Government had not maintained a constitutional course, it would have been considered fascist, as an anti-constitutional government, as a government instituted by revolution, by force.” In this case, Gomís argued that in the eyes of the international community, the choice would have been between the “rebellious Soviets of loyalist Spain” or “the noble Christian gentleman,” Franco. “The response is easy,” he continued. “They would not waste a moment in recognizing the legitimacy of the ‘noble gentleman’ and throwing off the Spanish revolutionaries.” Gomís claimed that “here in Spain there was not a civil war, but a war with foreign nations, and more, an international war waged on Spanish soil.”¹³⁷

Gomís then discussed the specific crimes of the POUM. The POUM’s arguments had been “absolutely identical” to those of the reactionaries. They had attacked the Largo Caballero governments in the same way. The POUM’s “bitter criticisms, the crudest acts of malice, and the most damaging insults” had been “exactly the same as the insults and lies launched by the national and international reactionaries!” Gomís attempted to make the parallel by quoting *La Batalla* and specific statements of POUM members. The reactionaries “had said that the February elections had been falsified; and the POUM said that the February elections had been falsified. It is identical! The identical argument!” Both groups claimed that the Republican government lacked legitimacy. Both groups claimed that Spain was going through a communist revolution. But there was not only an affinity between the propaganda of the POUM and that of

¹³⁶ Ibid.

¹³⁷ Ibid.

the fascists; the POUM's executive committee had also spread defeatist attitudes, avoided the government censor, and erroneously claimed that the Republican government had sabotaged parts of its territory. Consistently, Gomís contrasted the irresponsibility of the POUM's rhetoric against the constitutional and legal discourse of the Republic.¹³⁸

Gomís drew on the evidence that he had presented to claim that the POUM's internal activity constituted espionage. He cited the ostensible connections between the Falangist espionage network discovered in Madrid and the POUM leaders, the infamous "N" message on the *plano milimetrado*, and the alleged communications between the POUM and the fascists. Turning to the issue of "Trotskyism," Gomís made his line of argument clear:

I do not in any way want to look for concordances with the ideology of Léon Trotsky, nor any other ideologies. No! I only refer to delinquent offences, to criminal offences... And I ask: If they are enemies of Trotsky because Trotsky called them traitors... how can the defendants then admit the publication of Trotsky's articles? How can they, as they have admitted, try to bring Trotsky to Spain, to Cataluña, as the defendants have confessed?¹³⁹

Gomís discussed the foreigners who had worked with the POUM during the war, either in Spain or from abroad. Citing connections with Victor Serge, Kurt Landau, and the Trotskyist publication *Le Soviet*, Gomís claimed, "When the Prosecutor asked, the defendants answered that none of them had been able to confirm that the Executive Committee controlled the Radio of the POUM." Referring to those who transmitted reports in foreign languages on the POUM's radio, he asked, "What did they control it for? What interests did they have in controlling it?"¹⁴⁰

Gomís moved then directly into a discussion of the May events, accusing the POUM leaders of organizing and preparing the "uprising." Citing both evidence and defendant testimony, he claimed that they had sought to incite a revolutionary coup:

The struggle in Barcelona was provoked by the POUM, which took action to achieve two separate things: either to take Power through the upheaval in order to completely overthrow the illegitimate Republican Government and ensure that foreign Nations assess that the men of the Republic were mere rebels like Franco, in which case we would have seen our immediate annihilation; or to put before the Republican Government the necessity of annihilating the movement, annihilating the workers.¹⁴¹

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

“Meanwhile,” Gomís went on, “What happened on the Front?” Pointing to orders that the Sabadell POUM had allegedly received, he read out a quote that included a call to disarm the forces of public order, to control the streets, to socialize the economy, and to carry out a general strike. He argued that the POUM division had abandoned the front, moved towards Binefar, and had prepared to attack Lérida, which at the time was held by Republican forces. He concluded, “Did the POUM condemn the movement as the other political and workers organizations did? How could they condemn it if they provoked it! Quite the contrary! They praised it, they extolled it, they exalted it as if it were something sublime.”¹⁴²

When Gomís began the section of his remarks entitled, “the psychology of the traitor,” which contained much subjective speculation about the personal character of the *poumistas*, several defendants yelled out that the comments were false and intolerable. President Iglesias Portal retorted that what was intolerable was that the defendants interrupted the Prosecutor’s closing statements. Turning to the “Procedural Guarantees” section of his statement, Gomís claimed that the defendants had been given all the guarantees possible. Regarding the crime of treason, he attempted to place the POUM’s actions within the context of a foreign invasion in which Spain fought not only its internal rebels but also the forces of foreign nations. The POUM’s actions had militated against the security of the state. If a foreigner committed such an offense, it would be espionage; if a Spanish national committed such an offense, he argued, “he is a traitor to his Nation!”¹⁴³

After reading out a series of formalistic considerations involved in delineating treason and espionage, Gomís concluding his closing remarks:

I will now finish my report. This case has been given an importance that it does not have. We have seen here cases far more important than this; cases of much greater significance, without our friends from beyond our frontiers being moved. We have seen trials of greater scope than this, and penalties more severe than what the prosecution requests have been handed down. As such, it is not appropriate to give this trial more importance than it actually has; it is the same as a trial against vulgar criminals. Nothing more, nothing less.¹⁴⁴

Speaking of the police and the judiciary, Gomís continued:

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

They would never request or hand down an order of prosecution for political ideas. How many of these individuals were set free despite having confessed to their participation in the revolutionary acts of the POUM masses! You have never condemned anyone for their political ideas, nor does the prosecution make its charges for such a reason.

Citing his suggested acquittal of Escuder as an example, Gomís demanded, “that the charges be maintained for the others, not because I charge them for their political ideas, but because I charge them with treason.” He read out his requested sentences: twenty years of internment in a penal labor camp for Andrade, Bonet, Gorkin, Adroher, and Arquer; fifteen years of internment in a penal labor camp for Rebull; and the immediate release of Escuder.¹⁴⁵ Iglesias Portal called the court session to a close for the day; the next morning Revilla delivered the defense’s closing statements.

The only publication to the author’s knowledge that examines defense attorney Revilla’s closing statements is Pepe Gutiérrez-Álvarez’ *Un ramo de rosas rojas y una foto: variaciones sobre el proceso del POUM*.¹⁴⁶ However, Gutiérrez-Álvarez begins by omitting Revilla’s first two paragraphs, presumably because they sit very uneasily with his own argument.¹⁴⁷ But the omitted statements are significant, as they illustrate Revilla’s own impression of the TEEAT’s impartiality:

I want to take advantage of this occasion to thank the Tribunal for doing Justice, for its completely and absolutely impartial attitude in this case, and also for having surpassed the current norms in facilitating the work of the defense, even though this same ease, it should be recognized also – and this is not a reproach – has been granted equally to the State Prosecutor.¹⁴⁸

This theme runs through Revilla’s closing statement. He went on to say that “the defense has always felt totally, completely, and legally assisted by the Sr. President in all of his interventions...” Revilla claimed that he had “no axe to grind with the Tribunal, but rather the contrary, [the defense] feels satisfied that a serenity which honors Spanish Justice has prevailed in the Courtroom.” Although outside the court, Revilla asserted that, “an irritating campaign of lies and slanders has continued against the defenseless persons seated in the dock, they are not

¹⁴⁵ Ibid.

¹⁴⁶ The book makes no attempt to integrate any sort of archival research, and simply reproduces large portions of Víctor Alba’s document collection published in 1989, and adds commentary.

¹⁴⁷ Gutiérrez-Álvarez pits himself against both Francoist historians, and historians who he deems approach the issue from an “official Negrínista-comunista” angle. Gutiérrez-Álvarez, 329.

¹⁴⁸ CEHI, Procés POUM, Caja 4, Carpeta 10.

defenseless before the Tribunal. And of course, I have the absolute conviction that they have not had any influence whatsoever over it.”¹⁴⁹ This was a clear reference to the PCE and Comintern press campaign against the POUM and its utter lack of influence over the actual court proceedings.

To Gomís’ charges, Revilla claimed, “the defense cannot effectively present anything more than a simple, pure, and plain negative to all of the claims that the Prosecutor presented.” The POUM had not engaged in espionage, treason, illicit arms trafficking, or the instigation of rebellion during the May events. As in defendant and witness questioning, Revilla’s approach was simple: to give an alternative narrative of antifascist struggle, which the POUM endorsed, and to generalize the POUM’s actions in order to make the case that many other elements, parties, and organizations had committed similar if not identical actions. And only in the case of the POUM were such actions considered criminal. His discourse drew on the same liberal principle of the free right to criticize. But it also centered class as a central factor in the development of the war, and attempted to place the actions the POUM within a broader context of revolutionary actions, including the confiscation of locales and materials, and the assumption of positions of social and political power by the working class.¹⁵⁰

Revilla identified the POUM as a group of militants unified under the rubric of left Marxism. The advancement of the working class through the Popular Front elections triggered the uprising. The military uprising of July 1936 fundamentally shattered the Republican state, and brought a “profound disassociation” between the government and the workers. The former had only sought to legalize the actions of the latter. The workers had been the “firmest and most decisive” in the struggle against the military uprising. “The administering of justice,” he said, “the definition of all rights, all of it, absolutely all of it, was – as someone said on the radio – at the end of the bayonets.” The POUM had a different conception of the Popular Front. It had taken part of the Popular Front in an opportunistic way. It had “only accepted the union with the petite-bourgeoisie and whatever other party, at the moment, out of convenience and exclusively to achieve certain objectives.” And it reserved the right to criticize it.¹⁵¹

Revilla turned to the accusation that the POUM had combatted the Popular Front government. After the military uprising allegedly rendered the government powerless, Revilla

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

asked, “Why would it [the POUM] combat that Government? Was it necessary to combat the Government? The Government did everything it could to stop fascism. We must recognize this. But it did not have Power.” But there was an instrument of power, the Central Committee of Antifascist Militias (CCMA). “In these conditions and this atmosphere,” he went on, “the Spanish Revolution unfolded.” When Largo Caballero formed a government in September of 1936, it did so on the backs of the working class. In that period, the POUM had taken part in the Government in Cataluña, where it was most powerful. Nin occupied the Generalitat’s *Consejería* of Justice. And what did he do in that post?

...the first action he took – and hear this well, gentlemen of the Tribunal – was to dissolve what Barriobero Herrán called the Revolutionary Tribunal, the *Comisión Jurídica*, which worked with great power in the Palace of Justice in Barcelona... When Andrés Nin entered into the Generalitat as *Consejero* of Justice, one of his first measures was to dissolve this organ, which was purely revolutionary. For what reason?... he removed that revolutionary organ and restored to the Judiciary, by way of the Popular Tribunal, the right to do justice legally, the way it should be done.¹⁵²

Those courts, as they responded to the uprising, took a political color, Revilla argued. This was a natural consequence of the uprising. The working class could not allow those who instigated the rebellion to judge the inciters of it in court.

Turning to the POUM’s alleged avoidance of the censor, Revilla sought to generalize the actions of the POUM to include other political organizations. He claimed that the censor was “repugnant in Cataluña,” and that the radio had been used by all the Catalan news organizations. Regarding the May events and claims of espionage, Revilla argued that the prosecution of the POUM had begun in June, long after the May events: “At that point, señor Judges, many weeks had already passed since the May events, and no one in Cataluña, at least publicly, no one in Cataluña thought that the May events had criminal significance.” It was only with the Golfín development that it had taken that form. Revilla then went through the problems that Special Investigating Judge Miguel Mora de Requejo had in working with the police to assemble any sort of evidence or turn over detained foreigners ostensibly wrapped up in espionage with the POUM.¹⁵³

¹⁵² Ibid.

¹⁵³ Ibid.

“I have the satisfaction of saying,” Revilla went on, “that in this indictment there are four or five declarations of the Judge asking for the foreigners who declared that they belonged to the German Gestapo; and I also have the comfort of saying that, from the point of view of the defense, in spite of these requests, these foreigners were never found.” Despite all the resources that Requejo had at his disposal, the investigation spanned almost a year. “The investigation continued, bit by bit, and gradually abandoned the issue of espionage... bit by bit, the Judge, as can be seen by professional eyes in the indictment, abandoned the theory of espionage.” It was the police and not the Investigating Judge, he claimed, who believed that the POUM had been involved in espionage by way of the foreigners with whom it had associated.¹⁵⁴

Revilla proceeded to work his way through the evidence. The photos of air bases, he pointed out, were old and no one knew from where they had come. They had no importance. Requejo repeatedly asked Valentí (of the *Brigadas Especiales*) for information about the foreigners, demanding to take them into his custody, to no avail. All he received was a statement from Valentí saying that he had given evidence to former Barcelona Chief of Police Ricardo Burillo. The foreigners, who had ostensibly been Gestapo spies, had been set free for lack of evidence. In pointing out the disjointed nature of the prosecution and the problematic relationship between police authorities and judicial officials, Revilla clearly distinguished the TEEAT from the police apparatus. The case had lacked evidence and police tried to present forced evidence given by Roca. With that, Revilla said, the indictment procedure was complete.¹⁵⁵

Finally, Revilla addressed the issue of Trotsky. “The issue that seemed most important was undoubtedly the relations with Trotsky and the relations with Víctor Serge.” To Gomís’ claim that the POUM had been directly influenced by Trotsky from abroad, Revilla argued that the man had not had any influence whatsoever on the leadership of the POUM. Trotsky was a persecuted revolutionary who had broken with the POUM:

All of this is incompatible with the appellative Trotskyist, which, above all else, would not be degrading if it were not for the pejorative meaning that has been given to it. And it is incompatible likewise with the prosecution’s portrayal of the influence of León Trotsky

¹⁵⁴ Ibid.

¹⁵⁵ Ibid. It is unclear if Revilla returned to the Roca issue in his final remarks, as the transcripts of the end of his concluding statement have not surfaced in archives.

on the POUM, an influence that at best was limited to a remote issue of theory, and was not in any way an issue of practice...¹⁵⁶

Revilla rejected the criminality of the POUM's attempt to obtain arms abroad by that any party would and had sought such ends. "If they told me that the Spanish Socialist Workers Party, the *Confederación General del Trabajo*, the Communist Party, etc. had presented themselves in Paris to buy arms in order to resolve our problem," he asked, "...would this mean that this trafficking was illicit, that it was something punishable in those days?" The answer was implied. The remainder of Revilla's remarks is not available. However, we do know that he closed by requesting the acquittal of all of the POUM leadership and their immediate release. With that, the trial came to a close.

6.6 CONCLUSION: JUDGMENT AND LEGITIMACY

The TEEAT judges deliberated the case between 25 and 29 October, though the verdict was not published until 2 November in Spain and a few days earlier abroad.¹⁵⁷ The judges cleared the POUM leaders of espionage and high treason because their actions, in the court's view, did not constitute such crimes. But the TEEAT convicted five of the seven defendants of rebellion against the Republican government. According to the sentence, the POUM leadership had "intended to preserve the militarized units under its command and extend the influence of the party over others whenever possible." The POUM's ultimate aim was, "to achieve a solid base of support for the conquest of political power... in order to substitute the legitimate government for another purely worker and peasant government willing to install its doctrines in a revolutionary way..." It had sought to install "a communist government organized in agreement with the tenets of the party." One wonders if the POUM leadership would have even disputed this. Regarding the May events, the sentence read that, "regardless of whether the violent events in Barcelona were originally a spontaneous movement... such a situation was taken advantage of and used by

¹⁵⁶ Ibid.

¹⁵⁷ AFJN, 1MDN2000206020002004-8.

some of the defendants to bring their purposes to reality..." This disrupted social discipline and endangered the legitimate constitutional Republic's reputation in the international sphere.¹⁵⁸

The TEEAT sentenced Gorkin, Andrade, Adroher, and Bonet to fifteen years of imprisonment, "because even if they did not initiate the violent acts, they were promoters of its second phase and sustained it..." It sentenced Arquer to eleven years "because even if he did not take part in the acts of violence, he cooperated with them through his participation in press campaigns and other activities of the Executive Committee of his party." As Gomís had dropped his charge against Escuder, the court cleared him altogether. And as Rebull "had not taken part in the events," he was acquitted. The court also legally dissolved the POUM and its youth organizations, the *Juventud Comunista Ibérica* (JCI), which had been suspended since June 1937. In short, the TEEAT punished the POUM leadership for advocating armed rebellion against the legitimate Republican government. As neither prosecutor nor defense appealed the sentence, it became official on 5 November 1938.¹⁵⁹

The POUM leaders had freely defended their political positions and actions in open court. The TEEAT judges had worked through the complicated political debates that characterized that revolutionary period. It had heard the testimony of military officers, policemen, known spies, and high-ranking former government officials. It heard two distinct narratives of the wartime antifascist struggle: one that emphasized its revolutionary and class character, the other that formulated the events in national terms as a struggle against foreign invaders. Although both the defense and the prosecution concurred that the TEEAT had granted all judicial guarantees to the defendants and handled the trial with the utmost respect for Republican constitutional law, this was not the only element that had a legitimizing effect. Republican power, expressed through the TEEAT, took the position of both prosecutor and judge. Its body of prosecutors set the parameters of the specific case and shaped the contour of courtroom content, and its high judges had the power to decide guilt or innocence. It had a platform for dismissing one narrative and accepting another, the authority to define the acceptable form of antifascism and to castigate unacceptable variations. Thus the POUM's trial, as a sort of judicial performance of state power, communicated in both content and form the legitimacy of the Spanish Republican government, its independence, and its adherence to judicial legality, however precarious it may have been.

¹⁵⁸ AFJN, 1MJU1000000020207002-15.

¹⁵⁹ Ibid.

The verdict embodied this message, which Negrín urged the embassy in Paris to circulate. Given the origin of the POUM's prosecution in the sudden arrest and disappearance of Andreu Nin and the implication of Communist involvement, many within Spain and abroad assumed that the trial would have a similar dynamic to the Moscow trials. Even today, historians tend towards this general interpretation. On account of the covert machinations of Soviet NKVD operatives Alexander Orlov and Iosef Grigulevich in the arrest and murder of Nin, much has been made of the relationship between Soviet-affiliated groups in Spain and the trial of the POUM. It is clear that Spanish Communist and Soviet advisors desired to manipulate or control the trial, but they failed to do so.

The sentence irritated and angered PCE, Comintern, and NKVD officials. The *comisión del proceso del POUM* was unable to exert the influence that it intended. Stoyán Mínev, the Bulgarian Comintern representative in Spain and head of the *comisión*, wrote that he was repulsed by the kindness shown to the defendants and that the sentence was “scandalous.”¹⁶⁰ PCE leader and *comisión* member Pedro Checa wrote directly to Negrín to express his “profound indignation” with the sentence. The “monstrous” trial, he wrote, had confirmed the POUM leaders as antifascists. “We are sure that you will understand, as we do, that such a ‘sentence’ is unacceptable for the government and the people.”¹⁶¹ The last remaining Soviet NKVD official in Spain, Eitingon (“Kotov”), could not even reach Negrín during the trial and was forced to communicate with his son, who often worked as Negrín's personal secretary.¹⁶² Kotov complained that the PCE had not been allowed to publish during the proceedings and protested the anti-Soviet comments made by the POUM leaders during the trial, referring specifically to the comment about Vyshinsky. But he did not ask Negrín to intervene in the sentence proceedings or attempt to himself. Negrín told him that the judges would decide.¹⁶³

Negrín's own involvement in the verdict in the POUM's trial has long been the subject of an ongoing polemic. Negrín's detractors claim that he pushed for the death penalty under pressure from the USSR and the PCE. Nothing could be further from the truth. Materials in Negrín's personal archive illustrate his role clearly. He received transcripts of cross-examinations and witness testimony throughout the trial. Justice Minister González Peña sent the

¹⁶⁰ CEHI, Arxiu Moscú, 4.9h. See also AH-PCE, Sig. 58, ‘STEPANOV.’

¹⁶¹ AFJN, 1MGO9060000020010001.

¹⁶² AFJN, Cartas Negrín, 1a-1b; Viñas, *El honor de la república*.

¹⁶³ AFJN, 1MDN2000206020002004-8.

written sentence to Negrín on 29 October with an attached letter from Attorney General Garrido. Garrido recommended that the sentence stand and that it not be appealed, and González Peña concurred that the POUM leaders warranted such a verdict. “Unless you instruct me otherwise,” González Peña wrote to Negrín, “I will tell the Attorney General to proceed accordingly.” Negrín wrote in pen, “proceed accordingly.”¹⁶⁴

The next day, Negrín met with the new British *Charge d’Affaires* in Spain, Skrine Stevenson, and discussed the Communists. Stevenson sent a dispatch back to London:

Negrín was very cordial and frank. Perhaps the most interesting part of the conversation was his sincere explanation of his attitude towards communism. His political affiliation has always been something suspicious and some of his own ministers are not sure of his true sympathies. This time there can be no doubt in his statements. He said that communism was not an ideology that adapts well to the Spanish people. The objectives and politics of the Spanish government illustrate how far its sympathies are from communism... The Communist Party was still the most enthusiastic and energetic supporter of the government. In such circumstances, the removal of communist influence would not give any advantage to the government. But Mr. Negrín said that he could, and would, eliminate the Communist Party in a week if he could obtain the necessary supplies from France and England.¹⁶⁵

Negrín then listed, “joking but serious,” the materials that he required. Stevenson wrote,

Apparently, the price of democracy is the following: 500,000 rifles, 12,000 machine guns, 1,600 cannons, 200 medium and light tanks, 300 bombers, and 300 fighter planes. With these materials and the necessary munitions, he could end the war by April.¹⁶⁶

What was missing was not the means by which Britain and France could have aided the Republic, but rather the political will. The war did indeed end on 1 April 1939, when Franco proclaimed victory and the last Republican forces laid down their arms. Thus began Franco’s thirty-six year dictatorship.

¹⁶⁴ AFJN, 1MJU1000000020205001, 1MJU1000000020207001.

¹⁶⁵ Dispatch of Skrine Stevenson, 31 October 1938, Foreign Office 425/415, W14.601, quoted in Moradiellos, *Don Juan Negrín*, 405-406.

¹⁶⁶ *Ibid.*, 406.

CONCLUSION

RECONSIDERING JUAN NEGRÍN AND THE POUM'S PROSECUTION

At the end, after the prosecuting attorney had tried their patience to the breaking point, Gorkin, Andrade, Bonet, Gironella, Arquer, Escuder, and Rebull rose to their full stature with their clenched fists held high in the air, sure of themselves and defiant against their enemies. That was indeed a splendid demonstration in the court, which the people who unscrupulously prepared their undoing will not so easily forget.

–Emma Goldman (1938)¹

Negrín, who was ideologically very far off from communism, but who was passionately committed to the idea of defeating fascism and saving the Republic, had no other option than to rely on the communists. Thus, all of those who for one reason or another had succumbed to the tendencies of capitulation launched all of their attacks against Negrín and the communists. The result was immediately apparent: the black night of Francoism that spanned almost forty years.

–Santiago Carrillo²

In a speech in Valencia on 10 August 1937, less than two months after police arrested the POUM's leadership, PCE leader Dolores Ibárruri (*Pasionaria*) roared: "When we point to the need for a struggle against Trotskyism, we are met with a very strange phenomenon, for voices are raised in its defense in the ranks of certain organizations and among certain circles in certain parties. These voices belong to people who themselves are saturated with this counterrevolutionary ideology." The Trotskyists, she argued, had been converted through their actions and ideology into "agents of fascism, into the agents of the Gestapo." Events had made this clear: "We saw this in practice during the May putsch in Catalonia... [a]nd everyone will see this when the trial begins against the P.O.U.M. leaders who were caught in their spying activity." Ibárruri went on: "And we see the hand of fascism in all the actions which are directed toward demoralizing our rear, toward undermining the authority of the Republic. Therefore it is essential

¹ Goldman, *Vision on Fire*, 167. The article from which the quote is taken was originally published in November 1938.

² Santiago Carrillo, "Yo lo conocí," quoted in *Juan Negrín: Médico y Jefe de Gobierno, 1892-1956*, exhibition catalogue of the *Sociedad Estatal de Conmemoraciones Culturales* (Madrid, 2006), 393. Carrillo was an important figure in the PCE apparatus and its youth movement during the war, and went on to serve as PCE Secretary General from 1960 to 1982.

that we destroy Trotskyism with a firm hand, for Trotskyism is no longer a political trend in the working class, but a weapon of the counterrevolution.”³ Neither the Kremlin nor the Comintern could have better conveyed the alleged threat of Trotskyism in August 1937.

But when the POUM leadership’s case went to court in October 1938, it revealed nothing of the sort to the Spanish populace. The PCE and Comintern’s attempt to associate the POUM’s trial with the broader Soviet campaign against Trotskyist organizations as “enemies of the people” and “agents of the Gestapo” fell flat. Prominent Republican politicians and militants appeared in court in defense of the POUM. The TEEAT judges explicitly acknowledged the POUM leadership’s “long-standing and markedly antifascist” credentials. They handed down far less severe sentences than the prosecution requested, and Negrín did not support any change in the sentence. Attorney General Garrido did complain that he would have preferred that the TEEAT dictate the sentence that he had recommended to prosecuting attorney, José Gomís (thirty years instead of fifteen), but he did not support appealing the verdict. The *poumistas* themselves could be relieved that the sentence had not been more severe. Nevertheless, the five of seven POUM leaders who had been convicted remained in jail until the fall of Barcelona, when their guards set them free. They escaped across the French border just before the advancing Francoist troops captured Barcelona in late 1938, and began their long exile in Europe and Latin America. Negrín too had reason to be pleased with the verdict and sentence, which he publicized abroad to counter the prevailing (mis)perception in the western democracies that the trial had been controlled by the PCE, Comintern officials, or even the Kremlin.

What follows is somewhat different from a traditional conclusion. Before moving into concluding remarks, it provides a brief analysis of new material regarding the reception of the sentence within and outside of Spain, and the POUM affair’s role in the anti-communist coup against Negrín that brought a brutal end to the war in April 1939. Before discussing the project’s central lines of argument, relevance, and limitations, it also discusses the ways in which the project forces a reconsideration and rethinking of Juan Negrín, the POUM’s history, claims about Soviet involvement in Spain, and the meaning of the “show trial” more broadly.

³ Dolores Ibárruri, *Communist International* Vol. XIV, No. 11, November 1937, 808-813.

7.1 RECEPTION OF THE VERDICT IN SPAIN AND ABROAD

After Negrín lifted the censorship on publications about the trial, PCE and Comintern advisors rushed to cover what had happened in the courtroom. Between the end of the trial (22 October) and the announcement of the sentence (30 November), they published a series of misleading headlines such as “The leaders of the POUM, guilty of high treason” and “the POUM is a refuge for spies.”⁴ One story read, “Trotskyism is the same everywhere. Internationally, it has three basic missions: to attack the Soviet Union, to thwart aid to Spain under the pretext that here ‘revolutionary’ workers are persecuted (that is to say, Gorkin and the rest of the agents of the Gestapo), and to applaud the diktat of Munich.”⁵ However, after the TEEAT released the actual trial verdict on 30 November, the PCE’s *Frente Rojo* did not publish anything about it until 9 November, although its *Mundo Obrero* published a brief excerpt of the sentence on 30 October in a small story on page two.⁶ Thereafter, the few stories that the PCE published about the trial within Spain mentioned that all judicial guarantees had been given to the defendants and sought explicitly to counter the campaign of the Pivert group of French socialists, which had argued that the POUM’s trial had been directed by the PCE. *Frente Rojo* did not mention the trial for the rest of the month. For all intents and purposes, the trial was a disappointment for the Communists.

Nonetheless, the PCE attempted to make sense of the trial’s outcome. Pedro Checa demanded a meeting with Negrín to discuss the “scandalous” sentence.⁷ The Comintern’s *comisión del proceso del POUM* produced at least two reports. Stepánov convened the *comisión* to produce a report for the Comintern leadership in Moscow, in which it scrambled to account for the debacle. The report complained that the TEEAT judges had been on the side of the *poumistas*, and that the prosecutor (Gomís) “constantly gave in” and “took a passive attitude.” The “scandalous” sentence, it read, resulted from pressure from the French and British “Trotskyists” Fenner Brockway and Marceau Pivert, and “was apparently dictated by the POUM itself.” It also claimed that, “the state apparatus put constant pressure on the court,” but not to

⁴ *Frente Rojo*, 25 October 1938, in CDMH, Mf/R, 1622. The front-page story was featured more prominently than the report on the speeches for the International Brigades and came after weeks of silence on the POUM.

⁵ *Frente Rojo*, 26 October 1938, in CDMH, Mf/R, 1622. The story also carried excerpts from Mantecón’s prosecution witness testimony.

⁶ *Frente Rojo*, 9 November 1938, in CDMH, Mf/R, 1623. One for example quoted Spanish Republican Ambassador in Paris, Marcelino Pascua, that “the procedure and guarantees of the defense for the defendants has been absolute.” *Frente Rojo*, 9 November 1938, in CDMH, Mf/R, 1623.

⁷ AFJN, 1MGO9060000020010001.

urge a harsh sentence; rather, it sought to “reduce and mitigate the punishment.” When Comintern leaders read the report, they noted that Stepánov had been “too passive” and that “the party had not been sufficiently mobilized for the trial.”⁸

The *comisión*’s other report, written by Luis Cabo Giorla, was intended for the PCE’s regional and local party organizations and affiliated groups, which had struggled to interpret developments during the trial. For example, one PCE organization, the *Agrupación de Mujeres Antifascistas* (led by Dolores Ibárruri), noted during the trial that it was “regrettable that the Central Committee has not bothered to have a comrade inform us about the development of the POUM’s trial, given that the censor has not allowed anything to be published in the Press about it.”⁹ After the publication of the verdict, the group met on 7 November to discuss Giorla’s report about the outcome of the trial and the necessary tasks ahead. Those attending the meeting concluded that, “the party should have worked more intensely among the masses so that they understood what the POUM means.” One comrade (“Plasencia”) agreed, saying “we must work with constant vigilance to clarify to the masses what the POUM means.” Another (Encarnación Fuyola) concluded that “the tasks that the result of the trial underline are: vigilance and clarification.”¹⁰ The last exchange of the meeting, which was recorded in shorthand, is perhaps the most significant:

BAUTISTA: The Sentence does not satisfy us. Many comrades have made errors and have been very disappointed by the sentence because they have not kept in mind all the conditions and events taking place within the Tribunal of High Treason. There are those who wanted to position the trial as the same as those in Moscow in its form and development. A position of absolute defense [against this] must be taken up against [the anarchist newspapers] “Soli[daridad Obrera]” and “CNT”... But what has been achieved has been done through the work of the Party. The Government’s judgment was to condemn them to 30 years, since many resolutions flooded in from all over requesting exemplary punishment for the POUM. It ends by urging vigilance against the provocateurs, who are everywhere.¹¹

The transcript continues in third person: “After the discussion, comrade BAUTISTA asked DOLORES [Ibárruri] about how to explain the sentence handed down against the POUM.” The transcript does not carry any response. The PCE struggled to take credit for the sentence, even

⁸ CEHI, Fons AM.4.9h.

⁹ CDMH, PS-Barcelona, Caja 616.

¹⁰ Ibid.

¹¹ Ibid. It is quite possible that “BAUTISTA” was actually Bautista Garcet, who helped lead the *comisión*.

though it came as an extreme disappointment. Nevertheless, the result necessitated a more intense informational campaign about the danger of Trotskyists and *poumistas*. Two days later, *Frente Rojo* ran an advertisement for a seminar entitled “Why Trotskyism is the enemy of the Popular Front.”¹² It also devoted funds and personnel to publicizing *Espionaje en España*, the book of documents that the PCE had compiled in collaboration with Comintern personnel to denounce the POUM as spies and saboteurs.¹³ But the fact remains that the actual trial was a setback in the PCE and Comintern’s campaign against the POUM.

The extent to which the PCE and Comintern’s position during and after the trial matched that of the Soviet leadership in Moscow, however, remains unknown. The available evidence only permits speculation. Ironically, there exists no evidence to the author’s knowledge of Stalin’s own position on the trial, despite the fact that his position vis-à-vis the POUM’s trial has been the center of historical debate and political polemic about the POUM. Nor is it clear that the trial’s outcome frustrated the Soviet leadership in general. Stalin, for example, remained on good terms with Negrín. And as Ángel Viñas has pointed out, the USSR continued to grant the Republic substantial lines of credit to fund the war. It may well be the case that, in contrast to the Comintern and the PCE, Stalin was less concerned with the POUM’s trial than with the victory of the Republic.

As we have seen, Negrín’s own role in the verdict was rather hands off, despite the prevailing narrative. Historians have long claimed that Negrín intervened in the sentencing procedures and, under pressure from Soviet operatives, the PCE, or the Comintern, to demand that TEEAT President Iglesias Portal dictate a death sentence for the *poumistas*. The evidence for this claim is derived from an anecdote given in the memories of Luis Araquistáin. But given that Araquistáin maintained close ties with POUM defendant Julián Gorkin in the 1950s when the latter worked for the CIA-backed Congress for Cultural Freedom, one must treat this carefully.¹⁴ In fact, Gorkin contracted out an article entitled “Stalinism in the Spanish Civil War” to Araquistáin in 1956, which Gorkin wrote had the explicit goal of “setting the crimes of Stalinism in Spain into relief” and “informing the young Spanish generation, which knows very

¹² *Frente Rojo*, 9 November 1938, in CDMH, Mf/R, 1623.

¹³ The Comintern translated the work into several languages and published it abroad.

¹⁴ See letters between Gorkin, Gironella (POUM), and Araquistáin in AHN, Diversos, L. Araquistáin, Legaje 28, E-29, G-192, G-197, and others. For a prime example of the use of anecdotal evidence, see Bolloten, *The Spanish Civil War*, Ch. “Highlights from the POUM trial.”

little or nothing about our war.”¹⁵ According to Araquistáin, Republican Supreme Tribunal President Mariano Gómez claimed that Negrín demanded that he make sure the POUM defendants received the death penalty.¹⁶ Gómez ostensibly resisted. The story typically told is that Negrín met with Gómez, Minister of Justice González Peña, prosecutor Gomís, and TEEAT President Iglesias Portal on 22 October, and demanded a death penalty “in order to give satisfaction to the army.” “The international situation,” Negrín allegedly claimed, “compels me to demand this sacrifice of you, señores...” Negrín also supposedly claimed that if the death penalty were not handed down, he would place himself “at the head of the army against the Tribunal.”¹⁷ Fortunately, we now have a far more complete picture of Negrín’s actions during and immediately after the trial. It is clear that this pervasive narrative has little to no evidentiary basis; in fact, the documentary evidence that does exist directly contradicts it.

Negrín and his confidants in the PSOE had such confidence that the trial’s outcome would please its critics in France and Britain that he arranged to have the sentence and a summary of the trial translated, published, and circulated abroad *before* the sentence had been decided or announced. The notion that he would force a death sentence and then publicize it is unconceivable, especially considering the fact that he had suspended all executions in accordance with the British Chetwode Commission for months as a gesture of good will.¹⁸ Negrín and Spanish Republican Ambassador in Paris, Marcelino Pascua, planned to address the negative publicity that the association between the POUM’s trial and the concurrent Moscow trials had brought. Negrín received a telegram from Pascua on 17 October 1938:

SECRET. Given the likelihood [of an] agitation campaign and [a] protest after the trial [of the] POUM, [I] remind you of the advisability [of the] rapid publication [of the] trial minutes in French. – PASCUA¹⁹

The two had in fact planned to publish the results abroad long before the intervention of Negrín (discussed above) is alleged to have occurred. On 20 October, Pascua wired Negrín again:

SECRET. Announcing [a] campaign of public agitation on the occasion of the POUM trial, which will begin with a Saturday meeting in the *sala Mutualidad* with the speakers

¹⁵ AHN, Diversos, L. Araquistáin, Legaje 30, G-255. Gorkin to Araquistáin.

¹⁶ Jacinto Toranzo also claimed that Gómez told him the same story.

¹⁷ Bolloten, *The Spanish Civil War*, 518-519. Negrín also apparently gave assurances that he would suspend the death penalty if it were passed.

¹⁸ See Chapter 5, “Crisis and War: The Preparation of the POUM’s Trial, Summer 1937-Autumn 1938.”

¹⁹ AHN, Diversos, M. Pascua, Caja 1, Expediente 21.

Torres and dissident socialists of the Pivert group, with Ferner [sic] Brockway. Large posters in the streets seeking to draw attention, citing phrases of the ex-President Caballero, ex-Minister Irujo, ex-Fiscal Ortega, and Miravittles of the Generalitat opposing the trial and attacking the communists. Your Excellency should remember my suggestion to publish the proceedings of the trial in French and very rapidly, almost simultaneously with the [publication] of the sentence, to have [a] pamphlet prepared with the essential aspects of the trial, emphasizing the public character [of the] event and [that] all the guarantees of the defendants [were] in accordance with Spanish laws, and [to] distribute them very effectively and rapidly abroad. As I have warned, this issue will probably be used very much for campaigns in the so-called left press, by the enemies [of the] Government and communists, and possibly with help [from the] rebels and their allies, and it requires careful attention. – PASCUA²⁰

Negrín took action on 23 October, sending Pascua's note, slightly modified, to his Sub-secretary of Propaganda and asking him to prepare the pamphlet:

The Ambassador in Paris communicates the following: "Before the agitation campaign on behalf of the POUM trial that will begin with a Saturday meeting... As I warned, this issue will probably be used for a leftist media campaign by enemies of the Spanish Government and the communists, probably with the help of rebels and their allies, which is why it requires careful attention. Salud." Transmit this text to the Sub-secretary of Propaganda so that he can prepare what the Ambassador has indicated so that he meets with the Minister of Justice and the State Prosecutor [Gomís]. I decree that the Minister of Interior authorize the censored publication of the trial.²¹ – NEGRÍN

Negrín's Sub-secretary of Propaganda, the PCE member Manuel Sánchez Arcas, oversaw the selections from the trial's transcripts, and then passed them to the PSOE Minister of Interior, Paulino Gómez Sáiz, for inspection and authorization. Once again, Negrín relied on his PSOE colleague for ultimately making sure that the text met with his and Pascua's intentions, but he left it to his subordinates to produce the pamphlet. The trial selections were then translated into several languages and distributed abroad, as Negrín and Pascua had discussed. It is quite clear from these (and other documents) that Pascua and Negrín published the result of the trial precisely to allay fears that it had represented a sort of Moscow-style trial in Spain.

This tactic succeeded with some international observers. For example, the Socialist Party of the United States, despite having been harshly critical of the government's treatment of the POUM, lauded the outcome in a pamphlet entitled "Justice Triumphs in Spain!" "We feel confident," it read, "that the trial will mark the definite end of those irregularities in justice that

²⁰ Ibid.

²¹ AFJN, 1PCM1020000032142001-2.

unfortunately occurred...” It then turned to the trial’s role in Republican diplomacy, which was taken for granted: “We hope that the trial is the first step toward guaranteeing further unity of Spain by carrying through, in the field of international diplomacy, a policy which bases itself upon the independence and integrity of Spain...”²² Others were more skeptical. The Workers’ International Front Against War (run by the International Federation of Trade Unions, or “the Amsterdam International”) called a special meeting in Brussels to discuss the trial’s outcome. It unanimously adopted a resolution that claimed that, “the trial was carried out to give satisfaction to Stalinism in Spain” and that the trial “is the culminating point of the revolutionary defeat commenced during the May days 1937 [sic].” However, it also “registered with satisfaction the abandonment of the accusation of espionage and noted the fact that the accused were only condemned on account of their participation in the May Days...” The only acceptable verdict however, it claimed, was complete acquittal.²³ In the months following the publication of the sentence, the British ILP and the Pivert group within the French Socialist Party organized a series of pleas for the revision of the sentence. Justice Minister González Peña defended the trial against calls for revision of the sentence from the ILP and the League for the Rights of Man, saying that it had been carried out humanely and in accordance with Spanish Republican law.²⁴

7.2 ANTI-COMMUNISM AND THE END OF THE WAR

Indeed, even after the trial, the POUM issue continued to divide the PSOE and the Republican Popular Front coalition more broadly. Negrín ordered the collection of information on the perspectives of various individuals and parties on the trial’s outcome, which were compiled into a report delivered through the Ministry of Defense in December 1938. The report was based on the meetings with various individuals, including Largo Caballero, Prieto, and Araquistáin. According to this intelligence, many individuals, especially those aligned with Largo Caballero, wanted Negrín and the PCE out of the government in order to make way for “another

²² Norman Thomas, “Justice Triumphs in Spain! A Letter About the Trial of the P.O.U.M.,” (Chicago: SPUSA, 1938).

²³ “Special Issue: The P.O.U.M. Trial in Barcelona,” Warwick Digital Collections, Hugo Dewar papers, 206/3/5/4/1(i).

²⁴ AFJN, 1MJU1000000020209001-3.

government with an outspoken anti-communist complexion.” The report concluded that various anti-communist elements were intent on “bringing down the government,” and speculated that those disapproving of the POUM’s trial “wanted the POUM to become the binding center of anticommunism (in reality the ‘shock troops’).”²⁵ This was a rhetorical precursor to the fateful coup against Negrín of 5 March 1939 organized by Colonel Segismundo Casado and supported by Besteiro of the PSOE and disillusioned members of the anarchist CNT. The coup, which effectively ended the Republic’s ability to resist, was put forward as a preventative action to avoid a “communist takeover.”²⁶ Casado naively thought that, with the PCE out of the picture, he could cut a make with Franco and avoid reprisals. He was sadly mistaken.

On the other hand, Negrín believed that the only hope for achieving a Republican victory and avoiding a European war was the possibility that Britain would change its non-intervention policy and support the Republic. Because he believed that Franco would never accept a mediated peace without reprisals, resistance was the only option. Negrín also understood that Soviet aid to the Republic was both invaluable and political inconvenient for any potential agreement with the British. He discussed these issues openly with Stalin in correspondence. For example, on 11 November 1938, he wrote Stalin directly. His words showed a keen understanding of international politics:

If we are defeated in Spain, I doubt that the summer of 1939 would pass without the outbreak of a general conflict. As France and Britain are not willing to tolerate and compromise with the demands... of the Nazi-fascist bloc, the two powers will definitively collapse...²⁷

Both Negrín and Stalin agreed that any change in the non-intervention policy lay with the British government, which essentially dictated policy vis-à-vis Republican Spain to France. In other words, the Republic’s fate was in Neville Chamberlain’s hands. But in spite of the disbanding of the International Brigades, the POUM’s trial and the attendant public relations campaign, and other diplomatic overtures directed at the British, Chamberlain remained unwilling to act. Negrín concluded that,

²⁵ 1MDN0000000050065001-7.

²⁶ The best treatment in any language on the destructive impact of Casado’s coup is Paul Preston, *The Last Days of the Spanish Republic* (London: HarperCollins, 2016).

²⁷ AFJN, 1PCM100010104 a 1PCM100010108.

Those who govern in England are completely hostile to Spain... Chamberlain is impervious to public opinion... he does not hear nor understand the advice or assessments of experts and specialists. There are a series of affective elements that shape his political position: 1. a sympathy for Hitler and Mussolini; 2. a profound suspicion and mistrust towards the USSR, not only for what the regime symbolizes, but also as an age-old “Tory” reaction towards any country that could be a formidable competitor for world hegemony and, in the case of the Soviet Union, a dangerous neighbor in its zones of influence in Asia... and 4; the marked class spirit characteristic of the provincial manufacturer, the mentality of the narrow-minded philistine businessman, that disgust for the proletariat driven by a hatred that makes him spit towards anything like communism, socialism, or simple liberalism... the communists are the horror of all the good subjects of his majesty, who in their frenzy would ally with the devil to combat the Bolsheviks...²⁸

Although a majority of the British masses disapproved of their government’s line on Spain, Negrín argued, there was not a political force to combat the politics of appeasement and harness that popular enthusiasm. “Eden, Churchill, Lloyd George, perhaps Morrison; they could be the men around whom the movement of opinion could converge,” he continued. “It matters little who it is, as long as it occurs.”²⁹

In terms of the domestic situation, Negrín pointed out that the unity of the Popular Front coalition was difficult to maintain in a nation as heterogeneous as Spain. He was frank about the central internal problem of anti-communism, which, in spite of his efforts, had been exacerbated by the POUM affair:

There is a virulent and bitter campaign against the communists because of external influences; because of the influence of enemy propaganda; because of the jealousies of parties that have lost their vitality or have not found their roots among the people. I won’t hide it from you. I do not hesitate to say that the communists are among my best and most loyal collaborators. They are the most self-sacrificing in pursuit of victory. But the fact is that the slightest pretext serves as a motive to poison the atmosphere with the intention of making people believe that the [Republican] government is controlled and manipulated by foreign influences.³⁰

This was a reference to the polemic that had developed since summer 1937 over the precise role of the Soviet advisors in the Republic and the power of the PCE, a debate that had as its axis the POUM fiasco. He continued,

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

Foreign diplomatic missions and foreign politicians as well as Spaniards have contributed to these intrigues. Today we cannot yet respond in an adequate way because it would mean creating a new conflict.³¹

This was, in Negrín's view, the last thing that the Republic needed, given how precarious the Popular Front had become, especially as a result of the conflicts surrounding the POUM affair. Gabriel Jackson has written that "the single non-military event which had done the most harm to the wartime Republic, both within Spain and internationally" had been the kidnapping and murder of Nin. This was perhaps the case, and Negrín, who had scarcely been in office a month at the time, attempted to make something of the terrible situation. And though he successfully prevented the PCE and its comrades in the Comintern from turning the POUM's prosecution and trial into a Trotskyist witch-hunt, in the end Negrín's tactic of using the trial as part of diplomatic efforts failed as well.

As 1938 gave way to 1939, Franco's troops closed in on Barcelona. Afraid of a European conflagration, Chamberlain and the British political establishment only became even more ardent in their policy of "non-intervention." On 22 January 1939, Negrín ordered the evacuation of the city. Two days later, he finally declared a state of war. Negrín himself was forced to flee Spain into France at the end of the month. The British began the process of formal recognition of Franco in February. When Negrín returned to Spain on 10 February, he had trouble establishing the new seat of the government in the Levante. The conflict between communist and anti-communist blocs within the Spanish Republic had only worsened through the first few months of 1939. Three and a half weeks later, he was overthrown by Casado's coup and forced to flee the country again; he would never return. Negrín died in exile in 1956 of cardiac arrest in Paris.

7.3 AFTERWORD AND SUMMATION

This dissertation project began as an investigation of available archival material related the POUM's prosecution and trial, which I chose in many respects as a result of the scarcity of scholarship on the topic. Owing to the secondary material that did exist, I initially conceptualized the POUM's trial as a Soviet-run frame-up trial comparable to the Moscow trials of 1936-1938. I

³¹ Ibid.

intended to extend and enrich what little work had been done on the topic with newly available archival materials. I hypothesized that the trial not only responded to Stalin's policy in Spain (in relation to the broader Soviet anti-Trotskyist campaign), but also that it functioned as a way of providing explanations for the failures of the Republican government, much like the concurrent Moscow trials. In this sense, I expected to analyze the discourse of the trial in relation to the political priorities and concerns of both Soviet officials and Republican politicians. However, upon immersing myself in the archives, I came to realize that the trial was a product of a long and strenuous political conflict between Republican officials and PCE and Comintern advisors, rather than a collaborative effort between them. Thus, my preliminary investigations forced a complete rethinking of the causes of the prosecution, the political interests involved in the trial, and the language used in debates about it.

This became a process of unlearning or modifying the assumptions that I had made about the extent of Soviet power in Spain, the political culture of the Republic, the place of the POUM in the Spanish war, Stalin's posture towards Spain, and the specific role of Juan Negrín. As the evidence accumulated, it became clear that the explanations given for these issues more often relied on empty supposition rather than the evaluation of evidence. In part, this owed to the fact that the necessary evidence had not been available for previous scholars. But it also reflected the impact that the refractive and distorting lens of Cold War politics has had on histories of the Spanish war. Thus, the alleged monolithic nature of Soviet involvement in Spain began to break down. The presumed direct causal relationship between the directives of Comintern and Soviet leaders and the actual actions of the PCE was complicated. "The Communists" did not have a consistent or fixed pattern of action. Moreover, there appeared, as it were, many different "Stalinisms," that is, a variety of meanings attributed to the term (not unlike its supposed opposite, "Trotskyism"). Above all, it became clear that the POUM's trial represented far more than the internecine political struggles of the international communist movement of the 1930s. Negrín began to come into focus less as one beholden to the Kremlin and more as a cunning political maneuverer and a human being desperately attempting to maintain an intensely divided Popular Front coalition government in a time of war. The conceptualization, arguments, and explanations that I have given in this dissertation are the result of this general overhaul. The project represents a challenge to long-held arguments about Moscow's influence in Spain and offers an argument based on rich archival evidence and shorn of Cold War era assumptions.

The project has also necessitated a clean departure from the polemic about the POUM's role in the May events, and the extent to which the party harbored "enemies" or was indeed "Trotskyist." This dissertation has deliberately avoided reductionist arguments that explain complex phenomena with amorphous terms such as "Stalinism" or "Trotskyism." Nevertheless, it has remained faithful to the sources, investigating how (and when possible, why) relevant actors deployed these concepts and labels, and attempting to account for their diversity of meaning. Despite the dominance of such terms in historiography and political polemic, as well as in the rhetoric of the Spanish left, most Spaniards and Catalans understood their experiences on their own terms and decidedly not on those derived from obscure political disputes in a distant country on the other edge of Europe.

The dissertation has traced four principal lines of argument regarding the TEEAT, the POUM's prosecution, and the role of Republican officials and Communist advisors therein. First, it has argued that the POUM's trial should be understood as one representative and emblematic part of a broader process of the Spanish Republic's reconstruction of its penal apparatus. Efforts at judicial and public order reform began as a response to the breakdown of the political authority of the state and the undertaking of revolutionary "peoples justice" by non-state and often political groups. The POUM's repression underlined the need to de-politicize penal institutions. Although he did not initiate the reforms to institutionalize the process of justice, Negrín and his moderate socialist and republican confidants took a leading role from summer 1937 until essentially the end of the war in doing so. Under Negrín, reforms in public order and judicial politics increasingly took a non-Communist color.³²

The second thread of argument addresses the concept of the "show trial." It argues that the POUM's trial was a "show trial" in that it sought to communicate the Republic's political culture abroad and to reinforce Spanish Republican legitimacy and stability internally through the exemplary punishment of the POUM. In the comparison drawn between POUM's trial and the Moscow trials of 1936-1938, this dissertation has also put forward a conceptual framework for analyzing highly publicized political trials in the modern period, often referred to as "show trials." The approach seeks to illustrate the relationship between such trials and processes of political mobilization. In contrast to the standard conception of the "show trial" as a top-down

³² Although the TEEAT's prosecutions of the POUM leadership have been treated here in detail, the current work does not investigate less publicized prosecutions and trials of other antifascists, especially trials of anarchists.

affair of high politics, it emphasizes the necessity of examining cultures of reception and understanding from below. It suggests that the “show trial” can only succeed insofar as it appeals to or draws on popular understandings, anxieties, and priorities, and provides a mobilizational (or demobilizational) narrative that is legible to audiences. By exploring the didactic aspects of politicized trials and extending the concept to non-communist polities, it offers a critique of much of the literature on “show trials,” and illustrates how concepts of justice and legality are malleable, inscribed with cultural meaning, and tied to processes of political legitimation. The dissertation thus significantly modifies the concept of the “show trial” and opens avenues for further comparative work.

The third line of argument deals with the impact of Soviet involvement in the Spanish Republic by focusing on the prosecution and trial of the POUM. Insofar as it can be established that the USSR attempted to intervene in the POUM’s prosecution and trial through its emissaries, the PCE, or the Comintern, on the whole, it failed to do so. The reasons for that failure can be attributed to the deliberate and often cunning efforts of Negrín to appease Soviet-affiliated advisors and operatives while not permitting them to exercise concrete institutional power within the TEEAT, and especially in the POUM’s prosecution. Negrín ensured that his non-Communist collaborators retain control of the prosecution. However, the present work does not claim to provide a full account of Soviet (and especially NKVD) actions in relation to the POUM’s repression. It is possible and indeed likely that further archival declassifications in Soviet-era archives will modify the narrative by providing further evidence. This is perhaps the largest limitation of the project. Nevertheless, the dissertation concludes that the lack of Soviet, Comintern, or PCE influence over the prosecution of one of its primary enemies in Spain, the “Trotskyist” POUM, clearly illustrates the limits of Soviet power in Spain in 1936-1939. Although the degree of the Kremlin’s interest in the trial is unclear, the same cannot be said of the Comintern and the PCE, which, as this study has argued, hoped to influence the trial. Additional explanation along these lines requires further research.

The fourth line of argument has addressed Juan Negrín, his specific impact on the POUM’s trial, and his relationship with Soviet-affiliated apparatuses in Spain. It holds that Negrín’s relationship with the PCE, Comintern, and Soviet leadership has been misconstrued for a variety of reasons. The most important of these has been a basic misunderstanding of Negrín’s political strategy as Prime Minister. This is unsurprising, as Negrín himself often feigned or

appeared to convey support for PCE and Comintern initiatives while he covertly obstructed them. A closer look at his actions related to the POUM's prosecution, made possible by access to the previously unused archival collections of the *Archivo Fundación Juan Negrín*, illustrate his political maneuvering and underline his own broadly liberal (or today we might say "Social Democratic") politics. Negrín was not a Communist dupe. Rather, he was a skilled political maneuverer who was forced to mediate between Communists and anti-Communists in the Popular Front coalition and did so in a reasonably effective way. At the most basic level, Negrín was a liberal modernizer whose attraction to the PSOE should be attributed to its capacity to organize and whose collaboration with the PCE was born of wartime necessity rather than shared ideology.

7.4 CONCLUSION

The TEEAT did not carry out the POUM's trial according to any diktat from Moscow. The prosecution did not represent the "metastasis" of the infamous Moscow trials across Europe to Republican Spain. Importantly, this was neither by chance nor accident. Instead, it resulted from Negrín's concerted effort and intention, as well as the efforts of his trusted non-Communist confidants (in particular, Julián Zugazagoitia, Manuel de Irujo, Mariano Ansó, Ramón González Peña, and others). Although there were many obstacles and many events throughout the sixteen-month prosecution that challenged Negrín's plan for the POUM prosecution, they were met with resolution and diligence. He oversaw the investigations into Nin, monitored the Special Investigating Judges that looked into the POUM's activities, and maintained control over judicial appointments in the TEEAT. He intervened when necessary to keep the prosecution from straying from the basic principles of Republican justice to which he adhered. The Negrín who emerges from this story is a far cry from the tired characterization of Negrín as a crypto-communist, or an erratic, voracious, irresponsible, or lazy politician. Negrín had a clear, if somewhat nationalist, conception of Spain as a unified and modern liberal democracy. Although conditions imposed by the war necessitated his collaboration with unlikely bedfellows and to some extent violated his liberal sensibilities, his vision for Spain remained unchanged.

In many respects, the historical legacies of the POUM and Juan Negrín are intertwined. It is perhaps no coincidence that Negrín wrote the first and only sections of his memoirs towards the end of his life about Nin, the POUM, and other irregularities during his premiership. Today, both the POUM and Negrín remain touchstones in the polemics about “Stalinism” in Spain, which continue to appear on Spanish bookshelves. The former is featured predominantly as the victim, while the latter takes the position of perpetrator. Both Negrín and the POUM have been the focus of recent efforts at historical “vindication” and “rehabilitation.” Enrique Moradiellos’ adulatory 2006 biography (which translates to *Negrín: A Biography of the Most Nebulous Figure of 20th Century Spain*) elicited the polemical 2008 response of Antonio Cruz González (*Las Víctimas de Negrín: Reivindicación del POUM*), which seeks to vindicate and recover the POUM. Moreover, although they work at cross-purposes, the *Fundación Juan Negrín* and the POUM’s *Fundación Andreu Nin* are in constant if not direct dialogue. With the opening of new collections in Spain and Russia, historical literature concerning both Negrín and the POUM has increased rapidly. The “rehabilitation” of the character of Negrín from the defamation to which he is typically subjected in the historiography has provided new approaches to the study of the history of the Spanish Civil War. The recovery of Negrín’s individual agency within Republican politics has also brought a broader understanding of the role and actions of the network of contacts that Negrín drew on from his political life and his life as a doctor in pursuit of his goals.³³

New work on the POUM has unfortunately not contributed nearly as much. While there is no shortage of new essays on the POUM and its role in the Spanish Civil War, almost none of them attempt to consider the available archival evidence with an impartial approach. And although the recovery of the Catalan and Spanish revolutionary tradition (long repressed during the Franco dictatorship) is indeed a noble pursuit, it is not useful unless it actually attempts to give a broader historical understanding and to provide a more a detailed context for developments. The historical discourse of the Spanish and Catalan left instead directs us back to the familiar (and refuted) interpretations that evoke the political considerations of the past. We are again confronted with the “leyenda negra” of Negrín as the willing “Stalinist” and executioner of the revolution, and that of Nin as an almost sacred martyr of revolutionary politics.

³³ This is the group of people whom Gabriel Jackson has deemed Negrín’s “kitchen cabinet.” See Chapter 4, “Negrín’s Mandate: Public Order and Judicial Reform after May and the Creation of the Special Tribunal for Espionage and High Treason.”

When these archetypes are discussed in a vacuum, the concern is not with any sort of historical understanding but rather value-laden appraisals or moral judgments. This it would appear owes to the importance that both the POUM and Negrín had, in opposing directions, in the development of the Spanish Revolution that emerged in the wake of the military uprising of summer 1936.

The recovery or rehabilitation of individuals or parties does not inherently contribute anything new to our understanding of the dynamics of Spain's revolution or the complexities of its war. Nor does it necessarily provide new tools to explain the causes of the war, account for the defeat of the Republic (and the revolution) and the victory of fascism in Spain, or address the questions posed by revolutionary politics today. Any "lessons" drawn from Spain, as Trotsky and an innumerable amount of contributors have put it, must necessarily examine the contexts in which ideas spread, events played out, and decisions were made.³⁴ It is not enough to put forward a study, as Pepe Gutiérrez-Álvarez's book on the POUM has done recently, as simply a part of the struggle against *el olvido* (obscurity or oblivion) in the name of the recovery of historical memory. The task of the historian is both analytical and interpretive, and must necessarily integrate deep and balanced examination of context and retain a commitment to historicism. Historians should strive above all else to understand, and only engage in "rehabilitation" when it serves that end. The story of the POUM can no longer only be a story about repression and "Stalinism," just as new insights about Negrín should not simply seek to address the slanders born in the civil war and exacerbated during the Cold War. Careful study of both can provide a fuller appreciation of the development of the Spanish Civil War and the subsequent experience of exile.

³⁴ See Leon Trotsky, *The Lessons of Spain: the Last Warning* (London: J.R. Strachen, 1938 [1937]).

BIBLIOGRAPHY

DOCUMENT COLLECTIONS:

- ALBA, Victor and Marisa Ardevol, *El Proceso del P.O.U.M.: documentos judiciales y policiales*. Barcelona: Editorial Lerna, 1989.
- BANAC, Ivo. *The Diary of Georgi Dimitrov, 1933-1949*. New Haven: Yale University Press, 2003.
- RADOSH, Ronald, Mary R. Habeck, and Grigory Sevostianov. *Spain Betrayed: The Soviet Union in the Spanish Civil War*. New Haven: Yale University Press, 2001.
- CHASE, William. *Enemies Within the Gates? The Comintern and the Stalinist Repression, 1934-1939*. New Haven: Yale University Press, 2001.
- DALLIN, Alexander and Fridrikh I. Firsov. *Dimitrov and Stalin: Letters from the Soviet Archives, 1934-1943*. New Haven: Yale University Press, 2000.
- FIRSOV, Fredrikh I., Harvey Klehr, and John Earl Haynes. *Secret Cables of the Comintern: 1933-1943*. New Haven: Yale University Press.
- GETTY, J. Arch and Oleg V. Naumov. *The Road to Terror: Stalin and the Self-Destruction of the Bolsheviks, 1932-1939*. New Haven: Yale University Press, 1999.
- NEGRÍN, Juan. *Textos y discursos políticos*. Edited by Enrique Moradiellos. Madrid: Centro de Estudios Políticos y Constitucionales y Fundación Juan Negrín, 2010.
- ORWELL, George. *Orwell in Spain*. London: Penguin, 2001.
- RODDEN, John. *The Cambridge Companion to George Orwell*. Cambridge: Cambridge UP, 2007.

PARTICIPANTS' MEMOIRS & ACCOUNTS:

- ANDRADE, Juan. *Notas sobre la guerra civil: Actuación del POUM*. Madrid: Editorial Libertarias, 1986.
- _____. *Recuerdos personales*. Barcelona: Editorial del Serbal, 1983.
- ANSÓ, Mariano. *Yo fui ministro de Negrín*. Madrid: Editorial Planeta, 1976.
- ARAQUISTÁIN, Luis. *El comunismo y la guerra de España*. San José: Costa Rica, 1939.
- AZAÑA, Manuel. *Memorias políticas y de guerra*. 2 vols. Barcelona: Crítica, 1978.

- _____. *Obras Completas*, vol. VI, ed. Santos Juliá. Madrid: Ministerio de la Presidencia, 2007.
- BALBONTÍN, José Antonio. *La España de mi experiencia: reminiscencias y esperanzas de un Español en el exilio*. Sevilla: Centro de Estudios Andaluces, Junta de Andalucía, 2007.
- BARRIOBERO, Eduardo. *Memorias de un tribunal revolucionario*. Barcelona: Imprenta y Librería Aviñó, 1937.
- BORKENAU, Franz. *The Totalitarian Enemy*. London: AMS Press, 1940.
- _____. *The Spanish Cockpit*. London: Faber and Faber, 1937.
- CABO, Francesc de. *Nuestros años treinta: recuerdos de un militante del POUM*. Madrid: Sepha, 2005.
- CLAUDÍN, Fernando. *La crisis del movimiento comunista internacional*. París: Ruedo Ibérico, 1970.
- DAVIES, Joseph E. *Mission to Moscow*. New York: Simon and Schuster, 1941.
- DEL VAYO, Julio Álvarez. *En la lucha: memorias*. Grijalbo, 1975.
- FISCHER, Louis. *Men and Politics*. Duell: Sloan and Pearce, 1941.
- _____. *Russia's Road from Peace to War*. New York: Harper and Row, 1969.
- GARCÍA OLIVER, Juan. *El eco de los pasos*. Barcelona: Ruedo Ibérico, 1978.
- GOLDMAN, Emma. *Vision on Fire: Emma Goldman on the Spanish Revolution*. Edinburgh: AK Press, 2006.
- GORKIN, Julián. *Caníbales Políticos: Hitler y Stalin en España*. Ediciones Quetzal: Mexico, 1941.
- _____. *El proceso del Moscú en Barcelona: El sacrificio de Andrés Nin*. Aymá S. A. Editora: Barcelona, 1973.
- _____. *Les communistes contre la revolution espagnole*. Paris: Belfond, 1978.
- HERNÁNDEZ, Jesús. *Yo fui un ministro de Stalin*. Mexico City: Editorial América, 1953.
- IBARRURI, Dolores, et al. *Guerra y Revolución en España 1936-1939*, 4 vols. Moscow: Progreso, 1966.
- IGLESIAS, Ignacio. *Experiencias de la revolución española*. Barcelona: Editorial Laertes, 2003.
- IRUJO, Manuel. *Un vasco en el ministerio de justicia*. Buenos Aires: Editorial Vasca Ekin S.R.L., 1976.
- KRIVITSKY, Walter. *In Stalin's Secret Service*. New York & London: Harper & Brothers, 1939.

- _____. *I Was Stalin's Agent*. London: Hamish Hamilton, 1939.
- LANDAU, Katia. "Stalinism in Spain." *Revolutionary History* 1, No. 2 (summer 1988).
- LARGO CABALLERO, Francisco. *Mis recuerdos: Cartas a un amigo*. México, D.F.: Ediciones Unidas, S.A., 1976 [1954].
- MÍNEV, Stoyán. *Las causas de la derrota de la Republica Española: informe elaborado por Stoyan, alias Stepanov y Moreno delegado en España de la Komintern, 1937-1939*. Madrid: Miraguano Ediciones, 2003.
- MUNIS, Grandizo. *Jalones de derrota, promesas de victoria*. Mérida: Editorial Extremeños, 2003.
- ORLOV, Alexander. "The NKVD in Spain: Questions by Stanley Payne, Answers by Alexander Orlov, with an Introduction by Frank Schauff." *Forum für osteuropäische Ideen- und Zeitgeschichte* 4, Issue 2 (Dec. 2000 [1968]).
- ORWELL, George. *Why I Write*. London: Gangrel, 1946.
- _____. *Homage to Catalonia*. London: HarperPerennial, 2012.
- _____. "Review of The Totalitarian Enemy." *Time and Tide* (May 1940).
- _____. "Literature and Totalitarianism." *Listener* (1941).
- PRIETO, Indalecio. *Convulsiones de España*. Ediciones Oasis, 1967.
- _____. *La tragedia en España*. Editorial Claridad, 1939.
- _____. *Yo y Moscú*. Madrid, 1960.
- _____. *Epistolario Prieto-Negrín: puntos de vista sobre el desarrollo y consecuencias de la guerra civil española*. Paris: Imprimerie Nouvelle, 1939.
- ROS, Félix. *Preventorio D. Ocho meses en la cheka*. Madrid: Editorial Prensa Española, 1974.
- SOLANO, Wilebaldo. *El proceso del POUM: En Barcelona no fue como en Moscú*. Fundación Andreu Nin, 1999 [1988].
- _____. *El POUM en la historia*. Madrid: Catarata, 1998.
- _____. *En los archivos rusos: Stalin en la guerra civil española*. Fundación Andreu Nin, 2007.
- _____. "Andreu Nin, la URSS y el estalinismo." *Cuadernos 90* (January 1992).
- _____. "The POUM's Seven Decades." *Against the Current* 143 (2009).
- SORIA, Georges. *Trotskyism in the Service of Franco*. New York: International Publishers, 1938.

- _____. *Espionaje en España seguido de el trotskismo al servicio de franco: Un testimonio documentado de la traición del POUM en España*. Sevilla: Espuela de Plata, 2007.
- TOGLIATTI, Palmiro. *Escritos sobre la guerra de España*. Barcelona: Crítica, 1979.
- TROTSKY, Leon. *The Lessons of Spain: the Last Warning*. London: J.R. Strachen, 1938 [1937].
- URIBARRI, Manuel. *El S.I.M. de la República*. La Habana: Tipografía la Universal Habana No. 466, 1943.
- VIDARTE, Juan Simeón. *Todos fuimos culpables: Testimonio de un socialista español*. México: Teozntle, 1973.
- ZUGAZAGOITIA, Julián. *Guerra y vicisitudes de los españoles*. Barcelona: Editorial Crítica, 1977 [1968].

SECONDARY MATERIAL:

- ALBA, Víctor. *Historia del POUM*. Paris: Champ Libre, 1975.
- _____. *Marxismo en España, 1919-1939: Historia del BOC y del POUM*. 2 vols. Mexico City: Costa-Amic, 1973.
- _____. "Barcelona no fue Moscú. El proceso contra el POUM." Unpublished, 1998.
- _____. *Spanish Marxism versus Soviet Communism*. London: Transaction, 1988.
- _____. *The Communist Party in Spain*. London: Transaction, 1983.
- _____. *Dos revolucionarios: Andreu Nin Joaquín Maurin*. Madrid: Seminarios y Ediciones S.A., 1937.
- _____. "De los Tribunales Populares al Tribunal Especial", in *Justicia en Guerra: jornadas sobre la administración de justicia durante la guerra civil española: instituciones y fuentes documentales*. Madrid: Ministerio de Cultura, 1990.
- _____. "Cinco magistrados, cinco acusados y una silla vacía." *Polemica*, no. 35-36 (December 1988).
- ALEXANDER, Martin S. and Helen Graham, eds., *The French and Spanish Popular Fronts: Comparative Perspectives* (Cambridge: Cambridge UP, 2002).
- AMORÓS, Miquel. *La revolución traicionada: La verdadera historia de Balus y Los Amigos de Durruti*. Barcelona: Editorial Virus, 2003.
- ANDREW, Christopher and Vasili Mitrokhin. *The Mitrokhin Archive: The KGB in Europe and the West*. London: Penguin Press, 1999.

- ANTONI POZO, Josep. *Del orden revolucionario al orden antifascista: la lucha política en la retaguardia catalana (septiembre de 1936 – abril de 1937)*. Sevilla: Espuela de Plata, 2015.
- AZNAR SOLER, Manuel. *Los laberintos del exilio: diecisiete estudios sobre la obra literaria de Max Aub*. Sevilla: Editorial Renacimiento, 2003.
- BADIA, Francesc. *Els camps de treball a Catalunya durant la guerra civil (1936-1939)*. Barcelona: Publicacions de l'Abadia de Montserrat, 2001.
- BARRULL i PELEGRÍ, Juame. *Violència popular i justícia revolucionària: El Tribunal Popular de Lleida (1936-1937)*. Lleida: Pagès, 1995.
- _____. *Violencia popular i justícia revolucionària: el tribunal popular de Lleida, 1936-1937*. Barcelona: Pagès Editors, 1995.
- BEEVOR, Antony. *The Battle for Spain: The Spanish Civil War (1936-1939)*. New York: Penguin, 2006.
- BOLLOTEN, Burnet. *The Spanish Civil War: Revolution and Counterrevolution*. Chapel Hill: University of North Carolina Press, 1991.
- _____. *The Spanish Revolution: The Left and the Struggle for Power During the Civil War*. University of North Carolina Press, 1979.
- _____. *The Grand Camouflage: The Communist Conspiracy in the Spanish Civil War*. New York: Praeger, 1961.
- BROUÉ, Pierre and Emile Témime. *The Revolution and Civil War in Spain*. Cambridge: MIT Press, 1970.
- BROWNE, Harry. *Spain's Civil War*. London: Longman, 1996.
- CARR, E. H. *The Comintern & the Spanish Civil War*. New York: Pantheon Books, 1984.
- CASANOVA, Julián. *The Spanish Republic and Civil War*. Cambridge: Cambridge University Press, 2010.
- CASSIDAY, Julie. "Marble Columns and Jupiter Lights: Theatrical and Cinematic Modeling of the Soviet Show Trial in the 1920s." *Slavic and East European Journal* 42, no. 4 (Winter 1998): 640-60.
- _____. *The Enemy on Trial: Early Soviet Courts on Stage and Screen*. DeKalb, IL: Northern Illinois UP, 2000.
- CATTELL, David T. *Communism and the Spanish Civil War*. Berkeley: University of California Press, 1955.
- CERVERA GIL, Javier. *Madrid en guerra: La ciudad clandestine*. Madrid: Alianza, 2006 [1998].

- _____. "Violencia en el Madrid de la Guerra Civil: Los 'Paseos' (Julio a Diciembre de 1936)." *Studia Historica. Historia contemporánea*, No. 13-14 (1995-1996): 63-82.
- CHASE, William. "Stalin as producer: the Moscow show trials and the construction of mortal threats." In *Stalin: A New History*, edited by Sarah Davies and James Harris, 226-248. Cambridge: Cambridge University Press, 2005.
- COSTELLO, John and Oleg Tsarev. *Deadly Illusions: The KGB Orlov Dossier Reveals Stalin's Master Spy*. London: Century Press, 1993.
- CRUZ GONZÁLEZ, Antonio. *Las víctimas de Negrín: Reivindicación del POUM*. Sepha: Malaga, 2008.
- DURGAN, Andy. *B.O.C., 1930-1936 El Bloque Obrero y Campesino*. Barcelona: Laertes, 1996.
- _____. *Comunismo, revolución, y movimiento obrero en Cataluña, 1920-1936*. Barcelona: Laertes, 2016.
- _____. *The Spanish Civil War*. New York: Palgrave MacMillan, 2007.
- EALHAM, Chris. *Class, Culture, and Conflict in Barcelona, 1898-1937*. London: Routledge, 2005.
- _____. *Anarchism and the City: Revolution and Counter-Revolution in Barcelona, 1898-1937*. Oakland: AK Press, 2010.
- ELORZA, Antonio and Marta Bizcarrondo. *Queridos camaradas: La Internacional Comunista y España, 1919-1939*. Barcelona: Planeta, 1999.
- _____. "La Segunda República: ideologías socialistas." In *El socialismo en España*, edited by Santos Juliá. Anales de Historia, Vol. 1. Madrid, 1986.
- ESENWEIN, George. *The Spanish Civil War: A Modern Tragedy*. New York: Routledge, 2005.
- _____. "The Persistence of Politics: The Impact of the Cold War on Anglo-American Writings on the Spanish Civil War." *Bulletin of Spanish Studies* XCI, No. 1-2 (2014): 115-135.
- ESENWEIN, George and Adrian Schubert. *Spain at War: The Spanish Civil War in Context, 1931-1939*. London: Longman, 1995.
- FERNÁNDEZ, Carlos. *Paracuellos del Jarama: ¿Carrillo culpable?* Barcelona: Argos Vergara, 1983.
- FOUCAULT, Michel. *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. New York: Pantheon, 1980.
- FRASER, Ronald. *Blood of Spain: An Oral History of the Spanish Civil War*. New York: Pantheon, 1979.

- GALBE LOSHUERTOS, José Luis and Alberto Sabio Alcutén. *La justicia de la República: memorias de un fiscal del Tribunal Supremo en 1936*. Madrid: Marcial Pons, Ediciones de Historia, 2011.
- GENOVÉS, M. Dolores Genovés. “Especial A. Nin: Operació NIKOLAI.” *Televisió de Catalunya, SA*, 1992.
- GIBSON, Ian. *Paracuellos: cómo fue*. Barcelona: Plaza & Janés, 1987.
- GODICHEAU, François. “El proceso del POUM: Proceso ordinario de una justicia extraordinaria.” *Historia Contemporánea* 29 (2005): 839-869.
- _____. *La Guerre d’Espagne: République et Révolution en Catalogne, 1936-1937* (Paris: Editions Odile Jacob, 2004).
- GOLDMAN, Wendy. *Inventing the Enemy: Denunciation and Terror in Stalin's Russia*. Cambridge: Cambridge UP, 2011.
- _____. *Terror and Democracy in the Age of Stalin: The Social Dynamics of Repression*. Cambridge: Cambridge UP, 2007.
- GONZÁLEZ MARTÍNEZ, Carmen. *Guerra Civil en Murcia: un análisis sobre el poder y los comportamientos colectivos*. Murcia: Universidad de Murcia Servicio de Publicaciones, 1999.
- GRAHAM, Helen. *The War and its Shadow: Spain's Civil War in Europe's Long Twentieth Century*. Brighton: Sussex Academic Press, 2012.
- _____. *The Spanish Republic at War*. Cambridge University Press, 2002.
- _____. *Socialism and War: The Spanish Socialist Party in Crisis and Crisis, 1936-1939*. Cambridge University Press, 1991.
- _____. “Guerra, modernidad y reforma: Juan Negrín en la jefatura del gobierno (1937-1939).” *Historia Contemporánea*, no. 17 (1998): 423-454.
- _____. “Spain Betrayed? The New Historical McCarthyism.” *Science & Society* 36, no. 3 (Fall 2004): 364-369.
- _____. “‘Against the State’: A Genealogy of the Barcelona May Days (1937),” *European History Quarterly* 29, No. 4 (1999): 485-542.
- _____. “El partido socialista en el poder y el gobierno de Juan Negrín.” In *Socialismo y guerra civil*, edited by Santos Juliá, 347-380. Madrid: Editorial Pablo Iglesias, 1987.
- GUILLAMÓN, Agustín. *Documentación histórica del trosquismo Español (1936-1948)* Madrid: Editorial de la Torre, 1996.
- _____. *Barricadas en Barcelona: La CNT de la victoria de Julio de 1936 a la necesaria derrota de mayor de 1937*. Barcelona: Editorial Espartaco Interacional, 2007.

- _____. *Los Amigos de Durruti: Historia y antología de textos*. Barcelona: Aldarull-Dskntrl Editorial, 2013.
- GUTIÉRREZ-ÁLVAREZ, Pepe. *Un ramo de rosas rojas y un foto: variaciones sobre el proceso del POUM*. Editorial Laertes, 2009.
- _____. *Retratos Poumistas*. Ediciones Espuela de Plata, 2006.
- HERNÁNDEZ SÁNCHEZ, Fernando. *Guerra o revolución: El Partido Comunista de España en la guerra civil*. Barcelona: Crítica, 2010.
- _____. "El PCE en la Guerra Civil." PhD diss., Universidad Nacional de Educación a Distancia, 2010.
- HERRMANN, Gina. "The Spanish Civil War and the Routes of Stalinization." In *Bolshevism, Stalinism and the Comintern: Perspectives on Stalinization, 1917-1953*, edited by Norman LaPorte, Kevin Morgan, and Matthew Worly, 167-187. New York: Palgrave MacMillan, 2008.
- _____. *Written in Red: The Communist Memoir in Spain*. Urbana-Champaign: University of Illinois Press, 2010.
- HODOS, George H. *Show Trials: Stalinist Purges in Eastern Europe, 1948-1954*. New York: Praeger, 1987.
- HOSWON, Gerald. *Armas para España*. Barcelona: Península, 2000.
- JACKSON, Gabriel. *The Spanish Republic and Civil War, 1931-1939*. Princeton: Princeton University Press, 1965.
- _____. *La República Española y la Guerra Civil: 1931-1939*. Barcelona: Crítica, 1999.
- _____. *Juan Negrín: Physiologist, Socialist, and Spanish Republican War Leader*. Brighton: Sussex Academic Press, 2010.
- _____. *The Spanish Civil War: Domestic Crisis or International Conspiracy?* D. C. Heath and Company, 1967.
- JONES, William David. "Toward a Theory of Totalitarianism: Franz Borkenau's Pareto." *Journal of the History of Ideas* 53, No. 3 (1992): 455-466.
- JUDT, Tony and Timothy Snyder. *Thinking the Twentieth Century*. New York: Penguin, 2012.
- JULIÁ, Santos (ed.). *El socialismo en España: Desde la fundación del PSOE hasta 1975*. Madrid: Editorial Pablo Iglesias, 1986.
- KNIGHT, Amy. "The Selling of the KGB." *The Wilson Quarterly* 24, no. 1 (Winter, 2000): 16-23.
- KOTKIN, Stephen. *Magnetic Mountain: Stalinism as a Civilization*. Berkeley: University of California Press, 1995.

- KOWALSKY, Daniel. *Stalin and the Spanish Civil War*. New York: Columbia University Press, 2004. Gutenberg e-book, <http://www.gutenberg-e.org/kod01/> (Accessed January 12, 2017).
- _____. "The Soviet Union and the International Brigades, 1936-1939," *Journal of Slavic Military Studies* 19 (2006): 681-701.
- _____. *La Unión Soviética y la guerra civil española: un revision crítica*. Barcelona: Crítica, 2004.
- LIH, Lars T. "Melodrama and the Myth of the Soviet Union." In *Imitations of Life: Two Centuries of Melodrama in Russia*, edited by Louise McReynolds and Joan Neuberger, 178-207. Durham: University of North Carolina Press, 2002.
- LITTLE, Douglas. *Malevolent Neutrality: The United States, Great Britain, and the Origins of the Spanish Civil War*. London: Cornell University Press, 1985.
- LOACH, Ken. *Land and Freedom*. DVD. Messidor Films. Barcelona: Cameo Media, 1995.
- MALEFAKIS, Edward. "The Parties of the Left and the Second Republic" in *The Republic and the Civil War in Spain*, edited by Raymond Carr. London: Macmillan, 1971.
- MÁRQUEZ, Carlos José. *Cómo se ha escrito la Guerra Civil española*. Madrid: Lengua de Trapo, 2006.
- MIRALLES, Ricardo. *Juan Negrín: La República en guerra*. Madrid: Ediciones Temas de Hoy, 2003.
- MORROW, Felix. *Revolución y contrarrevolución en España*. Madrid: Editorial Akal, 1976.
- MORADIELLOS, Enrique. *Don Juan Negrín*. Barcelona: Ediciones Península, 2006.
- _____. *1936, los mitos de la Guerra Civil*. Ediciones Península, 2004.
- _____. "El enigma del Doctor Juan Negrín: perfil político de un gobernante socialista." *Revista de Estudios Políticos* 109 (July-September 2000): 245-263.
- _____. *La Perfidia de Albión: El Gobierno británico y la guerra civil española*. Madrid: Siglo XXI, 1996.
- NASH, Mary. *Defying Male Civilization: Women in the Spanish Civil War*. London: Arden Press, 1995.
- OLAYA MORALES, Francisco. *La Gran Estafa de la Guerra Civil*. Barcelona: Belacqva, 2004.
- PAGÈS i BLANCH, Pelai. *Andreu Nin: Una vida al servei de la classe obrera*. Barcelona: Editorial Laertes, 2009.
- _____. *El movimiento trotskista en España (1930-1935)*. Barcelona: Editorial Península, 1978.

- _____. *Justícia i guerra civil: Els tribunals de justícia a Catalunya*. Barcelona: Editorial Base, 2015.
- _____. *Cataluña en guerra y revolución (1936-1939)*. Sevilla: Ediciones Espuela de Plata, 2007.
- _____. *War and Revolution in Catalonia, 1936-1939*. Chicago: Haymarket Books, 2014.
- _____. *La presó Model de Barcelona: Història d'un centre penitenciari en temps de guerra (1936-1939)*. Barcelona: Publicacions de l'Abadia de Montserrat, 1996.
- _____. "La Administración de Justicia en Catalunya durante la guerra civil española (1936-1939)." In *Justicia en Guerra: jornadas sobre la administración de justicia durante la guerra civil española: instituciones y fuentes documentales*. Madrid: Ministerio de Cultura, 1990.
- PAGÈS i BLANCH, Pelai and Pepe Gutiérrez-Álvarez. *El POUM y el caso Nin*. Barcelona: Editorial Laertes, 2013.
- PAYNE, Stanley. *The Spanish Civil War, The Soviet Union, and Communism*. New Haven: Yale University Press, 2004.
- _____. *Spain's First Democracy: The Second Republic, 1931-1936*. Madison: University of Wisconsin Press, 1993.
- PEIRATS, José. *La CNT en la revolución española*. 3 vols. París: Ruedo Ibérico, 1971.
- PRESTON, Paul. *The Spanish Holocaust: Inquisition and Extermination in Twentieth-Century Spain*. London: Harper-Collins, 2012.
- _____. *El zorro rojo: La vida de Santiago Carrillo*. Barcelona: Debate, 2015 [2013].
- _____. *The Spanish Civil War: Reaction, Revolution, and Revenge*. London: W.W. Norton, 2006.
- _____. *Franco*. New York: Basic Books, 1994.
- _____. *The Coming of the Spanish Civil War*. London: Macmillan, 1978.
- _____. *Revolution and War in Spain, 1931-1939*. New York, 1984.
- _____. *The Last Days of the Spanish Republic*. London: HarperCollins, 2016.
- _____. "Lights and Shadows in Orwell's Homage to Catalonia." Lecture, Catalan Observatory Seminar. London School of Economics and Political Science, February 2017.
- PRESTON, Paul and A. Mackenzie, eds. *The Republic Besieged: Civil War in Spain, 1936-1939*. Edinburgh: Edinburgh University Press, 1996.

- PUIGSECH FARRÀS, Josep. *Entre Franco y Stalin: El difícil itinerario de los comunistas en Cataluña, 1936-1949*. Barcelona: El Viejo Topo, 2009.
- _____. *La falsa leyenda del Kremlin: el consulado y la URSS en la Guerra Civil española*. Madrid: Editorial Biblioteca Nueva, 2014.
- _____. "El peso de la hoz y el martillo: la internacional comunista y el PCE frente al PCE, 1936-1943," *Hispania: Revista Española de Historia*, Vol. LXIX, No. 232 (May-August 2009): 449-476.
- QUINTANA, González A. "La justicia militar en la España república durante la guerra civil española." In *Justicia en Guerra: jornadas sobre la administración de justicia durante la guerra civil española: instituciones y fuentes documentales*. Madrid: Ministerio de Cultura, 1990.
- REES, Tim. "Deviation and Discipline: Anti-Trotskyism, Bolshevization and the Spanish Communist Party, 1924-1934." *Historical Research* 82, no. 215 (Feb. 2009): 131-156.
- _____. "The highpoint of Comintern influence? The Communist Party and the Civil War in Spain." In *International Communism and the Communist International*, edited by Tim Rees and Andrew Thorpe, 143-167. Manchester: Manchester University Press, 1998.
- _____. "Battleground of the Revolutionaries: the Republic and Civil War in Spain, 1931-1939." In *Reinterpreting Revolution in Twentieth-Century Europe*, edited by Tim Rees and Moira Donald. New York: Palgrave, 2000.
- RÉV, István. "In Mendacio Veritas (In lies there lies the truth)." *Representations* 35 (Summer 1991): 1-20.
- RIEBER, Alfred J. "Stalin as foreign policy-maker: avoiding war, 1927-1953." In *Stalin: A New History*, edited by Sarah Davies and James Harris, 140-158. Cambridge: Cambridge University Press, 2005.
- ROBERTS, Geoffrey. "Soviet Foreign Policy and the Spanish Civil War." In *Spain in an International Context, 1936-1959*, edited by Christian Leitz and David Joseph Dunthorn. New York: Berghahn Books, 1999.
- ROBINSON, Richard A. H. *The Origins of Franco's Spain: The Right, the Republic, and Revolution, 1931-1936*. Pittsburgh: University of Pittsburgh Press, 1970.
- RUEDA HERNANZ, Germán. "Suspensión de jueces y fiscales municipales por ideología política (Vizcaya, 1936)." In *Justicia en Guerra: jornadas sobre la administración de justicia durante la guerra civil española: instituciones y fuentes documentales*. Madrid: Ministerio de Cultura, 1990.
- RUIZ, Julius. *The 'Red Terror' and the Spanish Civil War: Revolutionary Violence in Madrid*. Cambridge: Cambridge UP, 2014.
- _____. "Seventy Years On: Historians and Repression During and After the Spanish Civil War." *Journal of Contemporary History* 44, Issue 3 (2009): 449-472.

- _____. "Defending the Republic: The García Atadell Brigade in Madrid, 1936." *Journal of Contemporary History* 42, no. 1 (Jan. 2007): 97-115.
- RYBALKIN, Yuri. *Operatsiya 'X': Sovetskaya voennaya pomoshch' republikanskoi ispanii (1936-1939)*. Moscow, 2000.
- _____. *Stalin y España: la ayuda militar soviética a la República*. Madrid: Marcial Pons Historia, 2007.
- SALAS LARRAZÁBAL, Ramón. "El Ministerio de Justicia en la España Republicana." In *Justicia en Guerra: jornadas sobre la administración de justicia durante la guerra civil española: instituciones y fuentes documentales*. Madrid: Ministerio de Cultura, 1990.
- SÁNCHEZ RECIO, Glicerio. "El control político de la retaguardia republicana durante la Guerra Civil: Los tribunales populares de justicia." *Espacio, Tiempo, y Forma, Serie V, Historia Contemporánea* 7 (1994): 585-598.
- _____. "Justicia ordinaria y Justicia popular durante la guerra civil." In *Justicia en guerra: jornadas sobre la administración de justicia durante la guerra civil española: instituciones y fuentes documentales*. Madrid: Ministerio de Cultura, 1990.
- SCHLÖGEL, Karl. *Terror und Traum: Moskau 1937*. Munich: Carl Hanser Verlag, 2008.
- _____. *Moscow, 1937*. Cambridge: Polity Press, 2012.
- SCHAUFF, Frank. *Der Verspielte Sieg: Sowjetunion, Kommunistische Internationale und Spanischer Bürgerkrieg, 1936-1939*. Frankfurt/Main: Campus Verlag, 2004.
- _____. *Der Spanischer Bürgerkrieg*. Göttingen: Ruprecht, 2006.
- _____. *La victoria frustrada: La Unión Soviética, la Internacional Comunista y la Guerra Civil española*. Barcelona: Debate, 2008 [2004 in German].
- SCHWARTZ, Stephen. "Reading the Runes: new perspectives on the Spanish Civil War." *Arena* 2 (February 2011): 113-131.
- SCOTT, John. *Behind the Urals*. Bloomington: Indiana University Press, 1973 [1942].
- SHEARER, David. *Policing Stalin's Socialism: Repression and Social Order in the Soviet Union, 1924-1953*. New Haven: Yale University Press, 2010.
- SMYTH, Dennis. "'We are with you': Solidarity and Self-interest in Soviet Policy towards Republican Spain." In *The Republic Besieged: Civil War in Spain, 1936-1939*, edited by Paul Preston and A. Mackenzie, 87-106. Edinburgh: Edinburgh University Press, 1996.
- SOUTHWORTH, Herbert. "The Grand Camouflage: Julián Gorkin, Burnett Bolloten and the Spanish Civil War." In *The Republic Besieged: Civil War in Spain, 1936-1939*, edited by Paul Preston and Ann L. Mackenzie, 261-310. Edinburgh: Edinburgh University Press, 1996.

- THOMAS, Hugh. *The Spanish Civil War*. Revised Edition. New York: The Modern Library, 2001 [1961].
- TORYHO, Jacinto. *Del triunfo a la derrota*. Barcelona: Editorial Argos Vergara, S.A., 1978.
- TOSSTORFF, Reiner. *Die POUM im spanischen Bürgerkrieg*. Köln: Neuer ISP Verlag, 1987.
- _____. "Ein Moskauer Prozeß in Barcelona: Die Verfolgung der POUM und ihre internationale Bedeutung." *Forum für Geschichte und ihre Quellen* 115-139.
- _____. *El POUM en la revolució espanyola*. Barcelona: Editorial Base, 2011.
- _____. *Die POUM in der Spanischen Revolution*. Köln: Neuer ISP Verlag, 2006.
- _____. "Ein Moskauer Prozess in Barcelona: Die Verfolgung der POUM und ihre internationale Bedeutung." In *Kommunisten verfolgen Kommunisten. Stalinistischer Terror und „Säuberungen“ in den kommunistischen Parteien Europas seit den dreißiger Jahren*, edited by Hermann Weber and Deitrich Staritz, 193-216. Berlin: Akademie-Verlag Berlin, 1993.
- VIÑAS, Ángel. *El escudo de la república: El oro de España, la apuesta soviética, y los hechos de mayo de 1937*. Barcelona: Crítica, 2007.
- _____. *El desplome de la república: La verdadera historia del fin de la guerra civil*. Barcelona: Crítica, 2010.
- _____. *El el combate por la historia: La república, la guerra civil, el franquismo*. Madrid: Pasado y Presente, 2012.
- _____. *El honor de la república: Entre el acoso fascista, la hostilidad británica, y la política de Stalin*. Barcelona: Crítica, 2010.
- _____. *La república en guerra: contra Franco, Hitler, Mussolini, y la hostilidad británica*. Barcelona: Crítica, 2014.
- _____. *La soledad de la Republica: el abandono de las democracias y el viraje hacia la Unión Soviética*. Barcelona: Crítica, 2006.
- VOLODARSKY, Boris. "Soviet Intelligence Services in the Spanish Civil War, 1936-1939." PhD diss., London School of Economics, 2011.
- _____. *Stalin's Agent: The Life and Death of Alexander Orlov*. Oxford: Oxford University Press, 2014.
- _____. *El Caso Orlov: Los servicios secretos soviéticos en la guerra de España*. Barcelona: Crítica, 2013.
- WHITAKER, John. "Prelude to World War: A Witness from Spain." *Foreign Affairs* 21 (Oct. 1942).

WOOD, Elizabeth. *Performing Justice: Agitation Trials in Early Soviet Russia*. Ithaca: Cornell University Press, 2005.