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Human Rights Center
2008 Fellowship Final Report

Memory and Justice?: Spain 30 years after the “pact of forgetting” Francoist violence

From early July to late October 2008, I worked in Spain in conjunction with the Association for the Recovery of Historical Memory (ARMH), as well as with the Audiovisual Memory Archive of the Spanish Civil War and the Francoist Dictatorship, a UCSD project—supported by ARMH—that I helped create along with Dr. Luis Martín-Cabrera in 2007 (Assistant Professor of Literature, UCSD). My HRC fellowship can be broken down into three distinct periods:

Early July-Early August: Conducting interviews for the Memory Archive project
Early September-Early October: Conducting archival research for a legal case
Mid-Late October: Participating in mass grave exhumations

In this final report, I will first give a general overview of the issues at stake in my work, then I will describe each of these three periods before drawing conclusions about the social justice movement in Spain rooted in the memory of the victims of Francoist violence and commenting on my working relationship with ARMH.

Before proceeding, I would like to thank the HRC for providing this fellowship, as it allowed me to assist ARMH—which largely depends upon volunteer labor—during both an exciting and demanding time. I am happy to say that, in addition, I learned a great deal from such (literally) hands-on work and extended exposure to issues that I am preparing to write about for my Ph.D. dissertation. It is not often that students of cultural studies are given the opportunity to engage so directly in the things we study, since

fieldwork is typically considered a task of social scientists. Yet, my experience in Spain attests to the importance of fieldwork for cultural studies, which although it fails to utilize a quantitative methodology, compensates with rigorous theoretical analysis that offers a unique vantage point distinct from the “objective” observer position hailed by the social sciences, and critiqued by critical theory. I applaud HRC for supporting a wide range of research, and am grateful to have been a 2008 fellow.

1. Overview

The Spanish Civil War (1936-1939) and the period of intense state repression that followed (1939-1953) constitute a chapter of massive human rights violations such as enforced involuntary disappearance, torture and political genocide that have yet to be officially understood as such. This is for three main reasons. First, after the war, Franco ruled Spain as dictator until his death in 1975, making it effectively impossible to investigate the crimes against humanity committed by his regime. Second, after Franco’s death, the Transition engineered by political elites—many of whom had close ties to Franco—chose to ignore such crimes, preferring to look forward to a democratic Spain fully integrated in the global economy, not tied up with messy truth and reconciliation commissions, burdened by complicated history textbooks, or bogged down by paying reparations. Thus, Spain’s 1977 amnesty law, which “forgave” the “crimes” of prisoners involved in anti-fascist resistance also granted impunity to the architects and executioners of the Francoist state. Third, after the Second World War, the Allied powers decided to convene the Nuremburg Trial at the same time they chose not to invade Spain in order to

depose Franco. This move not only permitted one of Hitler's most devoted supporters to keep the flame of fascism alive in Europe, it also bought Franco time to reinvent himself as an anti-communist ally of the West. This image was especially convenient for the United States during the Cold War, since it allowed President Eisenhower to negotiate an economic aid package to the struggling Franco regime in exchange for permission to construct U.S. military bases in Spain. Such open support for Franco by the U.S. legitimized his power and helped minimize international scrutiny of the human rights violations committed in his name, further cemented by Spain's acceptance into the United Nations in 1955, a diplomatic coup backed by the U.S.

Until quite recently, the Transition has remained sacrosanct throughout most sectors of Spanish society. It has been considered a success by people on the right and left, as well as in various parts of Latin America, who have imported it as the quintessential model of what to do in the wake of dictatorship. Yet critics have called the Transition "the pact of forgetting," a political deal that ensured the impunity of those who committed atrocities, while condemning the victims of Francoist repression to a lifetime of silence under the banner of democracy. In 2000, however, the accidental discovery and subsequent exhumation of a mass grave by Emilio Silva radically shifted the political terrain in Spain, which was suddenly forced to deal with the foundation of ghosts upon which Spanish democracy was constructed.

Shortly after that historic exhumation, Emilio Silva and Santiago Macías founded the Association for the Recovery of Historical Memory (ARMH), an organization based upon principles of human rights dedicated primarily to the location and exhumation of mass graves, but also involved in the on-going struggle for the recognition of victims of

Francoist repression within Spanish society. The first organization of its kind, ARMH has spurred the creation of hundreds of similar regional organizations working in the dual names of memory and justice. While they sometimes disagree about the best means to achieve both, such organizations constitute the cornerstone of a large social movement that has made significant gains over the past eight years, including the exhumation of hundreds of mass graves, the passage of Spain's "Law of Historical Memory" (2007), and a consciousness-raising campaign about Francoist repression that has conjoined with an explosion of cultural production related to the Spanish Civil War. Finally, Spanish Judge Baltasar Garzón's decision to open a legal investigation into Francoist repression this fall marks a new milestone for the movement, which pressured the judge to consider whether certain aspects of it constituted crimes against humanity. At the time of writing, it is unclear what results this case will produce, particularly because the Spanish equivalent of the U.S. Attorney General has declared that Garzón does not have jurisdiction to open such a case. However, even if political pressure forces Garzón to close the case, it has reanimated debates about the nature of Francoist repression and introduced human rights terms into them.

II. Interviewing Victims of Francoist Repression

Working with Andrea Davis, a partner from UCSD on the Audiovisual Memory Archive of the Spanish Civil War and Francoist Repression—which included six graduate student interviewers in total—I helped interview ten victims over the course of five weeks. Each interview involved pre-interview research in order to arrive to the

interview well informed of the subject's personal and political background, as well as the nature of the repression they suffered under Franco. We managed to interview several political prisoners who had served many years in some of the most well known Francoist prisons, such as Carabanchel Prison in Madrid and the Burgos Penitentiary, and who for many years have belonged to the Association of Ex-Political Prisoners. Most of the people we interviewed from this organization were involved in underground resistance movements against Franco during the 1950s and 1960s. Nearly all of them were tortured, often while in the custody of the General Security Command, which was housed in a landmark building of Madrid that is now the seat of the Madrid regional government. In addition, we interviewed one of the few living Spanish women involved in the French resistance, a "child of Russia," one of the thousands of Spanish children separated from their families and sent to the U.S.S.R. in 1937 to avoid death or abduction in Spain, as well as Marcos Ana, an internationally known poet and the political prisoner who spent the most time in a cell for his opposition to Franco—twenty-three consecutive years. Each interview was recorded with a high quality video camera and will be available online via UCSD's website in early 2009. They ranged in time from an hour and a half to more than five hours, and each interview was unique since we use an open interview format, in which the subject is the protagonist throughout the interviewing process.

III. Conducting Archival Research for a Legal Case

Judge Garzón's announcement in September that he was considering opening Spain's first legal investigation of Francoist repression to determine if it included crimes

against humanity was a surprise to most people involved in the social movement dedicated to achieving justice for the memory of victims of such repression. It was met with shock and outrage by the Spanish right and the Catholic Church, which failed to cooperate with Garzón, despite his attempts to include the Church in the information gathering process. Garzón set a one-month time limit from the date of his announcement in order to receive information concerning Francoist repression from various organizations and government bodies within Spain. ARMH immediately formed a four-member team to conduct archival research in the BOE (Boletín Oficial de Estado), the official state bulletin published daily in Spain. I was included on that team, and for four weeks I worked approximately twenty hours a week researching issues of the BOE from December 1936-July 1937, page by page, as well as conducting specific searches that spanned from the beginning of the Spanish Civil War to the 1960s.

Advised by lawyers representing ARMH and other organizations, we were instructed to search for any economic assistance provided to family members of Francoist supporters killed during the war, and any evidence we could find that demonstrated how members of the winning side of the war had been declared “victims” by the Francoist state. This strategy was designed to illustrate that the Spanish state had recognized a certain sector of the nation’s population—precisely the Nationalists who won the war—as “victims” of violence stemming from the Spanish Civil War, both through public announcements and economic support. Thus, the data we found was vital to making the argument that since one part of Spain’s population had been recognized as such, and compensated for their loss, it is only just to do the same for the vanquished—those

supporters of the Republic—particularly in light of the fact that many of them were the victims of systematic state violence after the war ended.

In addition to finding much data that supported this strategy, our team also uncovered a variety of information related to Francoist repression, much of which was also submitted to Garzón during his information-gathering period. Among other things, we submitted the following information:

- 1) The names of hundreds of teachers and professors who were “cleansed” from Spanish schools and universities by the Francoist state.
- 2) The names of thousands of people summoned to regional courts for the failure to enlist in the Nationalist Army or for deserting it.
- 3) The names of members of the Falange (Spain’s fascist party) appointed as regional judges as the Nationalists conquered Spanish territory.
- 4) The names of businesses that benefited from economic assistance provided by the Francoist state.
- 5) Instructions for how to transport the bodies of Nationalists killed during the war, whose remains were located in mass graves. In addition, we found passages in which the term “disappeared” was used to reference missing Nationalist soldiers.

Garzón reviewed the information we compiled before he prepared his 68-page decree declaring that he had jurisdiction to open a case against Francoist repression. He also authorized the immediate exhumation of several mass graves—including that of Federico García Lorca—and the creation of a team of experts to further investigate Francoist repression (who have been given the data we collected to review in more detail). After issuing the decree, Garzón was immediately met with fierce resistance from the Spanish equivalent of the U.S. Attorney General, and at the time of writing, the case is at a standstill.

IV. Participating in Mass Grave Exhumations

In October I was able to participate in the exhumation of two mass graves, the first in the province of Lugo (Galicia), and the second in the province of Zamora (Castilla y León). While I had previously visited mass graves in Burgos and Málaga in 2006 and 2007, this was my first opportunity to actually exhume. Both exhumations were organized by ARMH, and largely carried out with the help of volunteers. Some volunteers worked for the entire duration of the exhumations, while others worked for a weekend or an afternoon.

The first mass grave was located in a church cemetery in the largely abandoned town of Cereixido. The victims belonged to the socialist "*La casa del pueblo*" of a nearby town, who were forced to flee when the Falange entered the area in the fall of 1936. Between 15-20 people walked about a day through steep mountains to reach Cereixido, where they found refuge in a barn. They remained there for over a month before someone informed the Falange of their location. Members of the Falange set fire to the barn, which resulted in death by asphyxiation for most of the people inside. Those who exited the barn were shot and killed on sight.

The exhumation was met with several difficulties. First, the few townspeople left in the village were generally uncooperative, while one was adamantly opposed to the exhumation. On the day we began the exhumation we were met with insults, threats and protestations that there was no mass grave in the church cemetery. Second, we were unfortunate also on the first day to dig in the wrong direction, prolonging exhumation

time and losing the labor potential of volunteers who were only able to participate during the weekend. Third, once we began exhuming the remains of the mass grave it quickly became evident that it was not a typical mass grave, and that most likely, the bodies had first been buried elsewhere and then moved to the location in the cemetery. The exhumation lasted a total of four days, and the remains were sent to a lab for further analysis.

The second mass grave was located on the side of a road close to the town of Faramontanos de Tábara. The victims were university students—both male and female—who had just graduated to become teachers in 1936, as well as a couple of professors. Their execution was part of the “cleansing” of the liberal education system promoted by the Republic, which was replaced by a Catholic-fascist hybrid education system under Franco.

This exhumation was much more straightforward than the first. I arrived to the site on the second day and immediately began exhuming the remains of what would become victim #9. Due to tough soil conditions, I spent two full days working on exhuming the remains of this victim. In the process, I discovered a bullet shell and the sole of a shoe of another victim lying next to #9. Other objects found in the mass grave included several other bullet shells and shoes, a pair of pendants, a belt and a ring. The exhumation also lasted a total of four days, and the remains and objects were also sent to a lab for further analysis.

V. Conclusions on the Social Movement for the Recovery of Historical Memory

Due to my direct involvement with the three main aspects of the work carried out by organizations working for the recovery of historical memory in Spain—the collection of survivor testimony, archival research concerning Francoist repression, and the exhumation of mass graves—I feel well-positioned to evaluate the efficacy of the social movement that seeks justice for the victims of Francoist repression, particularly since I've been an observer of the movement, as well as a student of the topic, for the past two years. From my recent experiences in Spain, I think that the movement has great potential to push the Spanish state to act beyond the limited scope of the “Law of Historical Memory” the government passed in 2007. While that law was unanimously received with disappointment by organizations in the movement, and temporarily acted to demoralize people who had placed great hope in the socialist government, Garzón's investigation has reanimated the movement, even if the state attorney blocks the case.

This is for several reasons. First, the issue has explosively resurfaced within the mass media after an extended period of latency. Second, Garzón's decree is the first legal document of its sort, in which Francoist repression is classified in terms of human rights violations, giving judicial weight to arguments made about the nature of the Francoist state by members of the movement, who are easily marginalized in public debates that are often governed by the logic of the Transition and dominant historiography that has tended to equalize Nationalist and Republican violence during the Spanish Civil War. Third, Garzón's decree has also raised the stakes for what is at play in the recovery of historical memory because it includes trying the architects of Francoist

repression. Although the individuals named are all dead, and therefore, cannot actually be tried by the court, Garzón's decision to include this in his decree signals the potential for broader legal action in the future, which could include living agents of the regime such as Manuel Fraga. While that certainly appears a distant possibility, the very fact that it is recognized as a real threat for the first time means that the exhumation of mass graves has gained new support from sectors previously against them. In some cases this is due to the rigorousness and legitimacy of Garzón's decree outlining Francoist repression and presenting the human rights case against enforced involuntary disappearance, and in others it is out of the hope that the movement will simply stop with the exhumations. Fourth, if Garzón is forced to permanently suspend his investigation by the state attorney, it is possible that we will see the first significant demonstrations on this issue from a movement that has by in large relied on the media, the government and now the legal system to wage fights on its behalf. It is important that many of the organizations in the movement celebrated the first united meeting this past summer, which would facilitate the coordination of such public protests. Held at La Granja San Ildefonso (Segovia) for a week in July, I was fortunate to attend this meeting and also to be invited to speak on a panel. It was the first time that ARMH and *Foro Por La Memoria*, the second largest organization within the movement were able to bridge many of the long-standing gaps between them, which may prove crucial if the movement attempts a shift from seeking justice via top-down politics to a more bottom-up approach that employs more direct action techniques. At the moment, it is still difficult to imagine this possibility, but with the likelihood Garzón will be effectively rebuffed by powers higher than him after the euphoria surrounding the release of his decree opens the door to

such a radical—if gradual—shift within the movement. In my opinion, such a shift is necessary if any significant measure of justice is to be achieved for the victims of Francoist repression, aside from the exhumations, which at this point, seem nearly impossible to stop.

VI. Comment on Working Relationship with ARMH

I was fortunate to have collaborated with ARMH in a very limited capacity during the summer of 2007, but the HRC permitted a much closer working relationship with the organization that was mutually beneficial. I was granted extreme freedom to work with ARMH on the basis and timetables I chose at the same time I was given every opportunity to work with ARMH in a variety of capacities. In particular, the fellowship allowed me to conduct the archival research submitted to Garzón by ARMH. If I had not been supported by the fellowship, it would have been impossible to spend so much time in the BOE archive. It also appears that our research will prove invaluable as a starting point for the team of experts Garzón has assembled to investigate Francoist repression, so some of the fruits of the fellowship are still to come. In addition, the time I spent working with ARMH will undoubtedly shape my Ph.D. dissertation in tangible and intangible ways. I plan to continue conducting interviews and working with ARMH on a more limited basis for the rest of this academic year before beginning to write the dissertation in the fall of 2009, which will focus on the social movement to recover historical memory and its relationship to conflicting memories of the Spanish Civil War as presented in cultural production, the law, and historiography.