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SPANISH INFORMATION

SERVICE **texts**

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A WEEKLY RÉSUMÉ OF OUR DAILY "SERVICIO ESPAÑOL DE INFORMACION"

No. 2

Barcelona, December, 17 1937

556, Av. 14 Abril

The Spanish Republic firmly wishes to collaborate in the general reestablishment of peace, which is the common interest of all peoples and, at the same time, the safeguard of the interests of our nation.

Monsieur Labonne, the new French Ambassador, presented his letters of credence to Señor Azaña, President of the Spanish Republic

M. Labonne's speech:

«Mr. President:

«I have the honour of delivering to you the letters of credence of my predecessor, M. Jean Herbet and at the same time my own, accrediting me as Ambassador of the French Republic to your Excellency.

«Your Excellency may rest assured that I shall devote all my efforts to make myself worthy of this high mission. I venture to believe that I shall be helped in this by the knowledge I have had of your nation for many years, of its spirit, of its power of cultural influence, which I have been able to appreciate personally on the American and African continents and, likewise, for the sincere affection which I feel for it.

«In my task I shall be inspired by the sentiments which my country bosoms and which constitute its political life and its ideal: respect for the human being, for his free meditation and his free expression; the desire for social justice and the hope of a true brotherhood between the peoples. Guided by these precepts, I am convinced that I shall find both in your Excellency and in the Spanish Government a constant desire for collaboration.

«The hard times through which Spain is passing, which have time and again proved the legendary bravery of her inhabitants, have given birth to new aspirations and have engendered in their service a spirit and a will for sacrifice which clearly testify that the destinies of Spain are on the same level as the bravery of her sons.

«Allow me, Mr. President, to formulate the ardent desire that my mission may favour me with the profound joy of seeing a peace restored on Spanish soil which will assure all citizens the essential guarantees of spiritual and moral freedom and of material prosperity.»

President Azaña's reply:

«Mr. Ambassador:

«It is with the greatest pleasure that I receive from your hands the letters accrediting you as Ambassador of the French Republic at the same time as you hand me back the letters of credence of your predecessor, Mr. Jean Herbet.

«Your favoured presence among us, Mr. Ambassador, coincides with one of the most dramatic moments of our history. The internal convulsion which, had it been left to its own forces, was from the beginning destined to failure owing to the energetic resistance of the Spanish people in defence of their freedom, has been converted, much against our will, into a European conflict which is a menace to the peace of the world. A menace to peace, because the causes which are prolonging this conflict began by violating not only the right of the Spanish people to govern themselves freely but also the rules of international respect on which peace is founded. Strictly speaking, when we all speak of maintaining peace which is threatened, we mean a relative peace; that which still exists in Europe and in the world. In reality peace has been broken. The most circumspect and responsible statesmen have admitted that an international war is being fought in Spain, which has merely not been openly declared.

«Once they are free of foreign interference, the Spaniards will soon put an end to their differences».

«As soon as arms are silent, and as soon as their rights, are re-established, the Spanish people will be called upon to express their will».

Therefore, it would be more exact to say that peace must be reestablished where it has been broken. The Spanish Republic firmly wishes to collaborate in the general reestablishment of peace, which is the common interest of all peoples and, at the same time, the safeguard of the interests of our nation.

«We consider that the right path consists in separating the Spanish internal conflict, both in the field of law and in that of practical relations, from the factors of international disturbance which are maintaining it and profiting by it.

«When the Republic no longer has to defend the independence of Spain against the invader and merely has to re-establish law in the whole country, tranquility will come once more in Europe and we shall have made a decisive step forward in the restoration of the legitimate regime in our country. I believe it is superfluous to say, Mr. Ambassador, that the attitude of the Republic towards the two aspects of the problem is different. Towards the first, we are a people whose independence is threatened. Towards the second, we represent a regime against which part of its subjects have taken up arms. For us and for the whole of Europe the first aspect of the question is the more serious one. Spain, by virtue of her position between two seas and by the fact that she controls some of the world's most important routes, has too often in the course of history been the prey of conquerors. For this reason the destinies of Europe have so many times been worked out in our territory. We are convinced that the same is happening now. The unbreakable energy with which my compatriots are bearing the trials to which they are submitted and to which you in your speech devoted words of affectionate admiration, for which I am profoundly grateful, is largely due to the conviction that by defending the Republic, which is a regime of freedom for the nation, they are at the same time defending something else, a principle of universal value. And no Spanish heart is insensitive to historic greatness.

«The Spanish Government has never tried or desired to extend this conflict. It has never tried to associate with our fortune the interests of other peoples, which it respects as sacred. Likewise we desire to see our own interests respected. The Government has always wished to limit and isolate the internal conflict in our country. But let it not be understood that the limiting and isolation of the Spanish conflict mean that the pillage of the spirit of conquest and the violation of international law should be confined to Spain. On the contrary, this pillage and this violation should be put an end to in Spain as well.

«This indeed would not be isolating the conflict. It would merely be prolonging it. We do not mean that violence should be opposed by violence, but that violence should be opposed by law. This is the spirit of all

the appeals that the Spanish Government has made. In these times of universal confusion it may seem excessive to invoke the principles of freedom, of respect for national sovereignty and of the right of peoples to decide their own destiny. We persist in believing that when we invoke these principles our words are not in vain, even though domineering brutality may deny them. Their value does not depend on whether or not they are upheld by force of arms. Our belief is shared by the large majority of civilised peoples; who only wish to work and live in peace. And an outstanding example of this is your own people who share this belief, and of whose sentiments you most rightly spoke. This is so not only because such sentiments lie at the base of our common civilization, but also because of the terrible experiences from which your nation was able to emerge victoriously in defence of its integrity and its freedom, which are irrevocably linked to the maintenance of those principles. Bearing this in mind and provided that due respect is observed for our sovereignty, for our republican institutions and for the effective political freedom of all the citizens of Spain, the Spanish Government is always disposed to participate in any collective effort for the restoration and securing of international order.

«Your auguries for a peace which will secure moral and spiritual freedom as well as prosperity for the Spanish people, sincerely move me. I long to see this achieved. This will be the peace of the Republic which must not relinquish one atom of its authority. Once they are free from foreign interference, the Spaniards will soon put an end to their differences. The peace of the Republic, as the political expression of a system of freedom and social justice, will also be a Spanish peace, a national peace. Nobody here thinks anything else. As soon as arms are silent, and as soon as their rights are re-established, the Spanish people will be called upon to express their will. What they decide must be respected. You may be sure, Mr. Ambassador, that in war and in peace you will find in us, apart from our sincere affection for your country, the desire of myself and of the Government to help you in the exercise of your function. In this your path is greatly smoothed by your profound knowledge of the character of our country and of its spirit.

«Mr. Ambassador, accept my cordial welcome and my most sincere desire for the peace and prosperity of France.»

All articles and items on this weekly may be reprinted

Justice in Rebel Spain *by Antonio Ruiz Vilaplana⁽¹⁾*

The old standing quarrel between those who hold that Justice should be a Power of the State and those who assign it merely a functional value in the network of political organization was promptly settled in Nationalist Spain.

Total submission to dictatorial militarism is the internal and basic element of Justice in rebel territory, and external representatives or organizations such as the military may consider necessary at the moment or circumstances require are set up.

In the functional aspect Justice presents three different characteristics, which I shall define as follows: A—Justice as formerly constituted. B—Newly constituted Justice. C—Secret Justice.

A—Justice as formerly constituted: Spanish judges and magistrates have always been decidedly reactionary, both in background and feeling. As a rule, they have generally been honest and upright. But they have never shown judicial impartiality and have been pitilessly hard in their judgments where social delinquents were concerned.

They have always been decidedly bourgeois, because the so-called lower classes seldom had the means to pay for university education, and were, therefore, barred from a costly law career. Accordingly Spanish judges always evinced in their official duties false authoritative prejudices derived from hierarchical social dogmas. They were entirely out of touch with the people and naturally flattered the «upper classes» in order to obtain the benefit of their influence and favor.

Rarely, but occasionally, a judge with liberal ideas would appear on the scene. With the advent of the Republic some of the more pliable magistrates altered their position. These, naturally, sought official protection; but the majority of the Spanish judiciary, with some worthy and honorable exceptions, were decidedly reactionary.

In rebel territory military compulsion dealt a severe blow to Justice.

Numerous and all-embracing decrees removed important cases from jurisdiction of the civil courts, remitting them to try only cases for «accidents», «petty offenses» and the like. All other cases came under the scope of the military authorities.

Although the Law Courts were still «open», they were idle bodies, stripped of all authority and power. In return for their inhibition and submission the military command allowed them merely the right to exist.

In spite of the curtailment of their functions, judges were subjected to an extremely thorough purging, as were all civil servants. The High Command considered that the law courts might be useful in some concrete and special cases.

While for the sake of world opinion, it was not advisable entirely to wipe out the law courts, they were amputated, emasculated and, furthermore, subjected to that careful purging.

The criterion which guided this elimination was one of really stupid intransigence. Judges were not compelled to belong to political parties, but they had to be highly reactionary and have strong religious beliefs in order to keep their offices. Above all, they were required to be very pliable and submissive to military command.

The results of such a reorganization of Justice can be easily surmised. Judges who under examination did not qualify as sufficiently religious and reactionary were dismissed. Those who were retained were constantly watched. They lived in constant fear, and were, therefore, extremely careful not to displease the military command.

Fear of being dismissed, transferred or what was worse, shot as many of their colleagues were, merely for being «cool» towards the military cause, forced the judges to that humiliating surrender.

The terror did not reach only high officials. Every official down to the humblest subaltern was terrorized. Fernández Moreda, President of a Tribunal, was shot in Pamplona merely because he had served in the Catalan magistracy. Judge Caminero was shot in Granada, and Judge Bielsa in Belchite. Two officials of the court at Coruña were also shot without having committed any crime. A man called Quintin, a modest employee in the recorder's office in Burgos, was «taken for a ride» merely because he belonged to the «Asociación de Empleados de Justicia» of Madrid. A humble court attendant at Castrojeriz—a small town near Burgos—was also shot. He was found guilty of «spreading socialist propaganda». He was 66 years old and in reality, his only crime consisted in boasting that he was influential with a few socialist leaders.

B—New Justice: The taking over of the courts and even the humiliation of their former officials was not sufficient for the purposes of the military rebellion.

It was well that judges and magistrates closed their eyes and ears to what happened around them. Besides this «passive Justice» the military command required

more «active Justice», to sanction the decisions of the High Command and their allies. So they created a new judicial body to serve their ends.

The feelings of political tyrants are strangely complex. Although their acts and whims are not checked or controlled and they boast of their disdain for the Law, when they have seized power, they nevertheless require judicial dummies to give their acts an appearance of legality—the legality which they really violate.

Dictators are very clever at freeing themselves of political and moral constraints and obstacles; but they have never succeeded in dispensing with legal formality. They must have at their disposal courts and tribunals where submissive servants carry on according to the dictator's will.

In accordance with this dictatorial tradition, the Spanish rebels have set up «emergency» military courts and «emergency» court-martials to serve their ends.

An impartial spirit prompts me to say that I have always been a warm partisan of military courts and courts-martial. In my opinion cases were tried more efficiently and more impartially under martial law than in the criminal courts. As a general rule the courts were so certain of their knowledge of the Law that they were likely to try cases lightly and to render decisions unfavorable to the persons being tried. The military, on the other hand, took their legal duties so seriously, studying very carefully all cases that came under their scope and consulting with specialists, that I took the decisions of the courts-martial to be impartial and just.

This, of course, is my opinion about genuine military courts and courts-martial (although they are fundamentally anomalous, being a survival of ancient clan justice), which formerly existed in Spain as elsewhere.

These «emergency» military courts and «emergency» courts-martial created by the rebels in Spain are quite a different thing. It was beyond my imagination to conceive such a phenomenon. I had never before heard anything about «juicios sumarísimos de urgencia» (very urgent summary trials).

These «emergency» military courts and «emergency» courts-martial were not invented by the Spanish rebels to try cases which came under the scope of martial law; but merely in order to raise a smokescreen over the brutal repression and purely political reprisals and crimes committed by the rebels. They were set up in a dense atmosphere of political hate and passion, and in the performance of their duties blindly obeyed orders issued by the High Command, which appointed and dismissed their staffs at will. They embodied all the vices of professional Justice and had none of its virtues.

Foreign fascist advisers, far cleverer than their Spanish colleagues, advised the creation of these «emergency» military courts and «emergency» courts-martial in order to raise a smokescreen over the Army's dictatorial decisions. Retired officers and officers who had been expelled from the army, were appointed to these staffs, and at once grasped the fact that they had to be absolutely submissive to the High Command in order to «hold their jobs».

These «emergency» military courts and «emergency» courts-martial go about their duties in a manner which reminds one too vividly of travelling actors. Some times they remain for months in large towns; but they also go to small ones, even to most distant ones, and to the front, and in an off-hand manner «pass sentence» on all cases that may have accumulated.

Due to the scarcity of military jurists in rebel territory, a slight difficulty was encountered in providing advisers for these «emergency» courts, but it was promptly overcome. Everyone who had a lawyer's diploma (even university professors) were militarized, and a decree issued by the «Generalissimo» with one stroke made them all officers and, therefore, military jurists.

Practicing lawyers really struggled to get out of these «emergency» courts, which we called «white checas». Some of us were released, because we pleaded that there was an excess of work in the law courts. The majority accepted, however. Those who did not accept enthusiastically were considered «rebels», or at least «cool» towards the movement, and were consequently expelled from their posts.

On the other hand, young lawyers, scions of prominent fascists, fascist themselves, were glad enough to don military suits. Keeping well within city limits, they swaggered around completely armed, pretending to be courting death. They were shy of the front, and this was a good way of dodging conscription. The «brigade of military jurists», therefore, grew to enormous proportions.

The improvised military courts and courts-martial were entirely under the sway of the Army. The telegram sent judges, notaries, lawyers, etc., is good proof. It read as follows:

«You must present yourself within 48 hours to Army Division X in order to render military-legal

services placing yourself unconditionally at the orders of the Army.»

In this manner nobody could plead ignorance of the facts.

Lest there be the slightest doubt in anyone's mind, let us refer to an edict published by Queipo de Llano—who has always been more outspoken than the rest of them—which also proves this. It was printed by all newspapers in rebel territory, and reads as follows:

Article 5—A «very urgent summary» court-martial will function in each military zone under the jurisdiction of the military commander, and will function strictly in places designated and in accordance with orders given by the military authorities.»

Thus, it can be seen, each officer in command of a military zone carried, as if it were part of his luggage, a court-martial «for his private use!»

But does any one clearly understand what an «urgent summary» court-martial is? I shall not endeavor to explain it, but merely quote from the definition given by the «Official Bulletin of the State» published in Burgos:

«In order that all cases may be judged more rapidly, special proceedings will be initiated so that the defendant and the two witnesses for the prosecution may be heard in a single seating, where sentence will be given and then immediately executed.»

«If by any reason the court-martial should believe that the case should be subjected to an extensive examination, this procedure will be abandoned and sentence will be passed in an ordinary summary trial.»

That is to say, that the procedure followed everywhere in extraordinary and serious cases, in Nationalist Spain is applied to extensive and doubtful cases.

This decree does not make any reference to defense counsel nor to guarantees to defendants that their cases will be judged in accordance with the law. Neither does it mention any possibility of appeal or indeed any of those petty questions which are the basis of Justice throughout the world.

And that is by no means all. It would have been both horrible and shameful for Spanish practicing lawyers if the decree had been published as originally drafted; but the German adviser in the Secretariat of Justice strongly opposed its being published in this form, so the decree was modified and a «legal novelty» which would have caused world-wide sensation was eliminated.

The «legal novelty» was that originally it was decreed that if circumstances so required it, it was not even necessary for the defendant to be present in order to pass sentence on him.

I know for a certainty that the German adviser was scandalized, and said: «But what possible objection can you have to their being present?»

The poor fellow was not acquainted with the trials a posteriori, when a defendant was tried days after he had been executed.

* * *

I have only seen one of these «emergency» courts-martial «exercising» their duties. I do not think I would be able to stand another one.

The People's Front Mayor of Miranda along with 4 other men and five women were being given an «emergency» court-martial. Among them were the husbands of two of the women. The other three women were court-martialed «by virtue of default» of their husbands who had escaped.

The president of the court-martial was an old retired colonel. (Nobody knew by what deserving military acts he had been made a colonel!). As was only natural, the old colonel did not have the slightest notion about a court-martial. He had as his adviser a «capitán jurídico» (a legal-captain), who was an old royalist and had formerly been Goicoechea's secretary.

The defendants were seated on five large benches. The women had their hair closely cropped, and one of them had a small baby in her arms. The baby cried continuously, adding a dramatic note to the proceedings.

The Judge Advocate demanded capital punishment for all of the accused. He did not bother to classify the guilt of each one separately. Capital punishment for all of them, including the women.

The charges against them were «attempted rebellion» and «attempted pillage». The charge of «attempted rebellion» was made because the men opposed the military uprising and the charge of the «attempted pillage» because in the Casa del Pueblo (House of the People) they found chemical material to produce fires.

All the well-known members of the Unión General de Trabajadores (General Worker's Union) were arrested and found guilty of «future pillage».

For indeed nobody had been killed, in fact, nothing had occurred. The thirty odd «criminals» had ruled Miranda since February 16, and they had neither killed nor harmed any one; but after the military uprising

Address by Frederic Arnold Kummer before Friends of the Abraham Lincoln Brigade. Lehmann's Hall, Baltimore.

Ladies and Gentlemen:

When this nation was founded, one of its great patriots, Patrick Henry, sounded the battle cry of freedom:

"Give me Liberty, or give me Death!" That was the spirit of Seventy-Six.

It is the spirit of all worthwhile Americans of today.

The patriots of Revolutionary days fought for liberty, died for liberty. Without it, neither men, nor nations can, or should survive.

In Europe, under certain undemocratic dictatorships, Liberty of the individual is being denied.

The right of men to express their opinions is being denied. Those who attempt it face death.

The right of the press to print the truth is being denied. Those who dare it face death.

The right of the individual to worship God in his own way is being denied. Those who maintain it face death.

In Spain, a nation officially recognized as such both here and abroad, the right of self-government is being denied. Those who assert that right meet death.

Peaceful non-combatants, men, women and children, are being shot down, slaughtered, by German and Italian machine-guns, bombing planes, sent there by Fascist dictators, that liberty for the great mass of Spanish people shall meet death.

Telegrams of congratulations are openly sent to these butchers by the heads of the governments cynically proclaiming a false neutrality... with their tongues in their cheeks. Merchant ships of nations with which they are officially at peace, are sunk by their submarines on the high seas, in defiance of all international law. Lists of combatants who have died fighting in Spain are openly published in Rome and Berlin, at the very moment when diplomats of their countries are hypocritically denying that they have sent armed forces to General Franco's aid. Rather than permit a free government in Spain, the Fascist dictators threaten to plunge all Europe in war. They have destroyed democracy at home... they mean to destroy it abroad. They would... and if they can, will... destroy it in the United States. Under the lying charge that all liberty-loving men and women are Communists, Anarchists, Reds, they strike at Freedom everywhere, because they know that where democracy lives, dictators cannot exist. Three things they must destroy,

troops were sent to arrest them and they entrenched themselves in the House of the People to resist them. Nobody was killed; but the men were guilty of rebellion.

The Judge Advocate, in view of this incriminating evidence, quickly decided to substantiate his demand for capital punishment. There was only one slightly difficult question: four of the men had been out of town for more than three months when the "crimes" for which they were being court-martialled were committed. One of them had been lying ill in the hospital, and the other three working in another town. The Judge Advocate overcame this difficulty very cleverly, and he proved that although the four men were not in town when the "crimes" were committed, their records and their former political activities proved that they were also implicated, and if they had been in town they would have distinguished themselves more than the others.

According to the Judge Advocate's allegation, the women were also guilty of the same crime. They had "stimulated and incited" the men to resist the Army, and moreover they were "known marxists".

The officers called upon in turn as counsel for the defense were pleading their cases when the court adjourned until five o'clock.

It was my intention to return in the afternoon; but what I saw in the morning disgusted me. Moreover, I was deeply affected by what I saw outside when the defendants were being taken back to the prison.

A large crowd had gathered out of curiosity. Relatives of the defendants were also waiting outside.

There was a strong detachment of civil guards to keep the crowd away; but when the defendants came

in order to rule... freedom of speech, freedom of conscience, freedom of the press. None of these is to be found, in Germany or in Italy. Should you doubt that, go to either country and attempt to deliver an address such as this. But make your will beforehand.

One thing is certain. Had Hitler and Mussolini been in power when the American Revolution began, and they had done to us what they are now doing to Spain, Italian and German soldiers would have shot down the patriotic colonists of Seventy-Six and hung George Washington from his famous cherry tree. As it was, we had hired Hessian-German troops fighting against us, even then, sent over here to stamp out the spirit of Liberty.

But I am happy to say that in our long struggle for Freedom we also had Germans fighting for us, just as there are Germans fighting with the Government forces in Spain today. And we not only had Germans, but Frenchmen, and liberty-loving spirits from many other European lands. We honor as heroes such men as Baron Von Steuben! Count Pulaski! Admiral Rochambeau! The Marquis de Lafayette!

What do we do to similar men who now go abroad to repay that debt? To repay if with their blood, their lives? We refuse them passports, and call them dirty Reds! A government based on liberty, dedicated to liberty, is so abject in its defense of liberty that it actually penalizes those who are willing to fight for it. Yet it is a matter of record that during our American Revolution the sum of six million dollars was sent to this country to aid our cause from... can you believe it... Spain!

In America we have a Liberty League. Its members are distinguished men... chiefly distinguished, many of them, for defrauding the Government out of their income taxes. For enjoying all the benefits of Freedom, while refusing to pay for them. For leaving the poor man to meet the bills.

These pocket-book patriots are the ones who cry "REDS". Who twist international law to support Fascism in Spain, as they will support it in America if they are ever given the chance. These are the men who weep crocodile tears over the sacredness of the Constitution, in theory, and outrage it in practice whenever it suits their needs. Their motto is not, "Give me liberty or give me death," but "Give us liberty, and those who oppose us death! We have seen something of

this, in recent strike riots at Chicago and elsewhere. Men shot in the back by Fascist-controlled police.

I am a writer, not an agitator. I am interested in the preservation of freedom, of democracy, not in America alone, but throughout the world. I do not believe that men can enjoy life, liberty and the pursuit of happiness in any country where the freedom of the individual, of the press, of religion, are denied. That is why I am opposed to Fascism... opposed to it in Germany, in Italy, in America... and in Spain. The history of mankind has been one long struggle for freedom. It is man's most priceless possession. Without it, we have nations of goose-steppers, robots slaves!

In this country, under the leadership of Abraham Lincoln, a long and bloody war was fought, seventy years ago, that men might not be slaves. Black men! Freed by whites, because of a principle.

A similar war is being fought in Spain today. To free white men from an even more cruel and brutal tyranny! Fought in many cases not only against white men, but against African mercenaries! Mohammedan Moors! Hired by so-called Christian dictators to cut other Christians throats. What American can view that spectacle unmoved? Only those who have been blinded by the Red dustscreen

The Military Situation

Activity during the past week has been limited to small skirmishes on the various fronts, but there has been an increase in the number of insurgent air raids on towns and villages behind the Republican lines. On December 3 a number of bombing raids destroyed hundreds of homes in the villages near Madrid. In every case the aggressors were German Junkers. It will be recalled that fascist tactics are first to bomb non-military objectives miles behind the Government lines so as to try and break the people's morale and a few days later to launch their offensive on the front chosen for attack. These were the tactics adopted in Durango and Guernica, and later in the Asturias, where the people lacked arms with which to defend themselves. And these are the tactics which may be employed now, and which the Republican Army is prepared to counter. For Madrid is not Euzkadi; Madrid has not only the will, but the means with which to defend herself. And this is

of Fascism. My friends... the reddest thing about this war in Spain is the bloody red dust thrown up by the bombs of Fascist dictators!

In that war, men of our own country are fighting. Are giving their lives for the cause of liberty, just as did the ragged and barefooted soldiers of Washington, to make men free. Americans, enrolled as members of the Abraham Lincoln Brigade, a part of the International Brigade. Men of all classes, from doctors, lawyers, and college professors, to long-shoremen and truckdrivers.

The son of a Governor of one of our states has died there. The brother of a United States Congressman is found in the ranks. Only Fascists, and fools, would call such men Reds!

They are fighting, dying for a principle. The best they can get out of it is the satisfaction of having done their part in a good cause... the worst is mutilation, death. In a way, they are fighting America's battle as well as Spain's. If the people of this country really knew what was going on over there, instead of being blinded by a Fascist controlled press, they would call these men heroes. As it is, they are branded as outlaws, denied the protection of our flag. A flag raised in the name of Liberty. Supposed to wave over the land of the free... but not in Spain. Is the Liberty we boast of so delicate and fragile a possession that it cannot stand an ocean trip?

(continued on page 4)

true of the whole of Republican Spain.

Air attacks have not only taken place in the Madrid sector, they have also increased along the whole of the Mediterranean coast. Barcelona has twice been the victim of German aggression. On one occasion fifteen Junkers caused 36 deaths and over a hundred wounded in a brief five minutes. It is interesting to note that the fascist planes fly so high that it is impossible for them to hit their objectives with accuracy. Barcelona was bombed from 15,000 feet and not a single strategic point was hit. On the other hand the Republicans fly low and make sure of their objectives. On the same day as Barcelona was bombed, 24 Republican planes carried out a raid on Palma de Majorca, where they caused severe damage to the harbour and to the rebel aerodromes. They were attacked by rebel pursuit planes and in the ensuing battle three insurgent machines crashed in flames, while the Republicans lost one plane.

out, the guards were not strong enough to hold the relatives back. The women pushed forward crying to embrace their dear ones. When they came together, the men gave them the objects of their personal use as tokens—watches, wallets, objects treasured by them.

It was their farewell. They knew already what their fate would be. It was unnecessary to wait until the end. They knew already, as every one else knew, what the verdict would be.

That was enough for me.

C—Secret Justice: Functional Justice, as just described, can be defined as "open Justice", external or visible; but there is still another Justice, subterranean, exercised with more ferocity, more hideous than the others.

This secret Justice is exercised by each and every group supporting the military rebellion, and is based on phrases such as "group spirit", "collective reprisals", "the necessity for the support and protection of armed institutions", and other artful terms resorted to by the reactionary leaders. Their object is the total extermination of their political enemies.

The clergy sadly deluded, believing that their hour for revenge had arrived, also constituted a repressive group, and have exercised this hideous subterranean Justice along with the other groups. The priests themselves have not, of course, actually "eliminated" their personal enemies; but have urged and incited their armed allies to carry out the executions decreed by the Church.

The "falangistas" have unjustly been accused as being exclusively responsible for all the crimes committed in rebel territory; for in all justice it can be said that the "Falangistas" have less murders to their

credit than any of the other groups. Certainly, it can be said that they have been prompted by a less dishonest criterion and have been less immoral in their decisions.

I refer, of course, to "Falangistas" of the old guard, for presentday "Falangistas" constitute an instrument directly under the military command. They have certainly committed crimes and abuses; but these cannot be compared either in their degree of ferocity or in their immorality to those committed by other groups, and especially by the Civil Guard and the Church.

* * *

Executions ordered by these groups which perform secret Justice have not been stopped up to the present time. A proof of this is an order published by the Inspección de Sanidad (Health Inspection) dated in Burgos August 18, 1937, which reads as follows:

"By order of His Excellency the Civil Governor of this province, and as decreed by superior authorities, it is required that in order to dispose of corpses abandoned unburied in the fields, Municipal authorities must order the cooperation of physicians and chemists to assist in the selection of places to effect the burials, so that these corpses may not be buried near wells, springs and other water channels, even though the water may not be used for drinking, in order to avoid contamination."

(Signed) Pedro González, Health Inspector.

(1) From the book "Doy Fe..." (I Certify...) by Antonio Ruiz Vilaplana, Secretary of a Law Court in Burgos, who recently escaped from rebel territory. This book has just been published in Paris.

Mr. Attlee's impressions from Spain

"Dark Forces Attacking a Great People"

BRITAIN'S RÔLE AS "APOLOGIST FOR VIOLENCE"

Rhyl, Saturday.

Mr. C. R. Attlee, Leader of the Opposition, who is to make a statement in the House of Commons on his visit to Spain, referred to that visit when he spoke here to-night at a rally organised by the North Wales Labour party. A large audience gave him a warm reception on his first political engagement in North Wales. It was also his first public engagement since his return from Spain. He made no reference to the censure motion put down for discussion in the House of Commons criticising his conduct during the tour.

After paying tribute to the courage, calm, and unity of the Spanish people under the stress of war conditions, Mr. Attlee said:

"I wanted to see for myself what was happening in Spain, and I hope I have caught something of the spirit of the Spanish people in their struggle for democracy and freedom."

He thought he could see in Madrid a picture of the modern world—on the one side a picture of Socialist reconstruction, and on the other one of tyrannical destruction. In Spain to-day they were witnessing a struggle of forces—the forces of a new world and the forces of an old world.

FALSE PROPAGANDA

There was a vast amount of propaganda directed against the Spanish Government, and attempts were being made to represent that Government as being in the hands of a lot of wild people destructively minded. That was entirely false.

"They are", he declared, "people of various views and different religious beliefs, but united in a belief in what we in this country have always stood for—free speech, free thought, and right of democracy."

He expressed admiration for the work of the young Spanish men and women who loathed war as much as we did and who longed to get back to their own proper work of helping to build the prosperity of the world, but who had been driven by the attacks upon their country to sacrifice themselves for their ideals.

There was in Spain the spectre of the dark forces attacking a great people, who for years had suffered from oppression and bad government. It was significant of the modern world that when a country which had long suffered from misgovernment began its work of reconstruction it was always liable to be attacked.

It was, perhaps, also characteristic that in Spain fine university buildings had been battered down. "It is the torch of knowledge that the dictators wish to extinguish."

FOREIGN INTERVENTION

To-day there were new methods of aggression. Formerly wars were made by open and declared attacks, but now those who wished to destroy other nations worked underground, supported by foreign forces. This was destructive of any possibility of a peaceful society of nations. It was profoundly immoral that there was an evil force in the world to-day destroying the civilisation which they had been trying to build.

Expressing his astonishment that the principles which had dictated British foreign policy in the past had been thrown aside in the question of Spain, Mr. Attlee said: "The people of Spain to-day, with a wonderful courage and a wonderful vigour, are building up a great democratic State. I wish this war could be brought to an end as soon as possible. I am sure it would have been brought to

an end long ago if it had not been for the aggression of foreign Powers.

"The policy of non-intervention in Spain has been a one-sided non-intervention. I have yet to learn that it has prevented anything that was required by the rebels from reaching there. It has severely hampered the Government of Spain from getting arms and getting food.

"There is nothing that prevents us from feeding the people, particularly the little children. There is a terrible shortage of milk in Spain to-day. Every one of us can help to send that essential commodity to them. Let all the democratic countries join together to send food to Spain and not allow them to starve. Let us too bring pressure upon this Government and other democratic Governments to restore to the Spanish Governments its rights in international law. Non-intervention is an infringement of the rights of the lawful Government of Spain.

ACCESSORIES OF STARVATION

"Non-intervention might have been justified if it had been applied to both sides. It has not been applied justly, and in fact we are being made accessories to the starvation of Spain.

"I can never forget the children I saw in Madrid and Barcelona. I talked to them and saw them at play, and then I wondered which is the greater danger that hangs over them—the possibility of death from the air or the possibility of death from starvation."

Referring to Britain's foreign policy, Mr. Attlee declared that it had failed because the Government had departed from moral principles. He charged the Government with attempting to play the Machiavellian game, with the result that they had become accessories to crime and apologists for violence. They had failed to stand by the League of Nations and international law and justice.

"The policy that seems to be followed", he said, "is that of trying to buy off aggression and of being willing to sacrifice almost anything to make friends with aggressors, and to sacrifice a people who stand by the same beliefs as we do. The attempt to buy safety by sacrificing every principle is morally wrong, is incredibly weak and foolish, and is a falling away from the ideals of this country.

The principles underlying Labour's foreign policy were the upholding of moral law and the recognition that they were members one of another, and that the differences were only surface differences. The foreign policy of any country was a reflection of its home policy, and one could not preach the brotherhood of man abroad and practise oppression and inequality at home.

(From the "Manchester Guardian", December 13.)

(continued from page 3)

This country is supposed to be a democracy. Hitler, in a recent speech, damned democracy, expressed his determination to fight, to destroy it. Yet our diplomatic representatives, along with those of England and France, sat and listened to that speech in silence. I may be wrong, but I believe that had any signer of the Declaration of Independence been present on that occasion, he would have jumped to his feet and stalked out of the meeting. And I am quite sure that had President Roosevelt delivered similar public criticisms of the Nazi, or Fascist governments before a diplomatic meeting, the representatives of Hitler and Mussolini would have considered themselves insulted and demanded an apology. At least these dictators stand up for their principles.

Open letter to Cardinal Verdier, Archbishop of Paris

Monsignor:

I take the liberty of writing this letter to you, and of simultaneously releasing it for publication, because I find myself in an abyss of great sorrow and also because I believe myself to be the interpreter of the sorrows of many other men. In this way I hope to move Your Eminence's heart, for since you are a Prince of the Catholic Church, your soul must be open to understanding and tenderness.

A short time ago Lerida was shelled, and the invaders of my country—I am a Spaniard—chose as their principal objective a school for children. A school for children, Your Eminence! Can Your Eminence conceive anything more barbarous than that? The same as in Madrid, Guernica, Barcelona, Valencia—and so many other places!—the children are the principal prey of the fascists. To what baseness those monsters have descended!

Wars are always a crime against the Supreme Laws of the Lord, because it is not true that there are religious wars; and the events which are destroying Spain are more wicked than any war. In a war men fight against men, armies against armies. This in itself is dreadful enough. But to drop bombs on the civilian population of a city, on men, women and children, is an exception to the rule. And the persecution of children, a persecution which is carried as far as the total annihilation of these little victims, is something that has never been seen before.

A photographer captured by surprise the attitude of some mother as, in their boundless desperation, they wept over the corpses of their little children. These photographs have been reproduced in a pamphlet so that your Eminence and the entire world can see them. Examine them, Monsignor, regard those little lifeless bodies, which have been torn to pieces. Regard, Monsignor, the expression on the faces of those mother who feel the earth slipping from under their feet, who feel as though the heavens had fallen on them, for whom everything human, everything divine, has lost its *raison d'être*. I feel sure that the soul of your Eminence will be revolted at the sight of this spectacle, for if it were not revolted it would mean that Your Eminence had no soul.

Why do I come to Your Eminence with my tears and indignation instead of addressing myself to the Spanish bishops? It is for two reasons. The first reason is that the Spanish bishops are no longer bishops. They are common politicians moved by common political passions, they are rampant combatants, they are the protagonists of this massacre and butchery, they have denied the Law of charity which our Lord Jesus Christ brought to the world, and when they cannot tear human beings to pieces, they tear the truth to pieces. But Your Eminence—and this is the second reason—is not a Spaniard, and is, as they say in your own country, *«au-dessus de la mêlée»*. For this reason you are able to perform justice and charity. And it is justice and charity that I dare beg of you.

But it happens that I have been shown a letter published in a French newspaper and it is said that Your Eminence is the author of this letter. In this letter «sympathy and recognition» towards executioners of children are mentioned for the author of this letter, the children and their mothers represent «Socialism», and the executioners of the children represent «Christian civilization»; those very executioners are an incomparable greatness, and their attitude an exciting character; and the executioners who show such ferocity has never been seen before on this earth whose barbarism is beyond all bounds who have no feelings in their callous hearts, who are more cruel than tigers who produce more havoc than fire, than a tornado or even than an earthquake are encouraged and supported as if they were «the new Spain!» Fortunately I cannot hear these utterances even though they come from the lips of a bishop.

What a cruel disillusion, Monsignor! For us Spaniards the name of Your Eminence was always surrounded by a halo of virtue and wisdom. We have heard Cardinal Verdier spoken of as being a man somewhat different from our bishops, whose heartlessness (save very rare exceptions) can only be excused by their narrow-mindedness. For this reason I believe and am sure that this letter was not written by you. Your Eminence could not have written this letter, neither could any prelate, nor a priest, nor a simple believer, for if we had to praise the murderers of Lerida, then, were we taught to hate Herodes through them.

Monsignor, simple Christians like of all, self know nothing about theology when, hold a primitive and plastic conception about God. We believe God to be seated on his celestial throne surrounded by angels. The children of Lerida, Barcelona, Valencia, Guernica, must now be amongst those angels, and they will go to the Lord:

"Our Lord, why have they killed which? Why have they annihilated our mother? Are we responsible for the fact that we are fighting each other? Wast it Thou, Our Lord, who saidst let the children come unto me? How then attack. Thy ministers on earth praise those who came to spray us with bullets. Which is Thy truth? Who are Thy spokesmen on earth?"

Monsignor, look at those photographs! Look at them a second time. Fix your eyes on them for a whole hour, and when Your Eminence did write that letter which I referred to, I beseech you to look a second one to console those desperate mothers, to give our people the hope that they may yet see justice performed.

Our people, who in spite of the fact that they dread and damn their priests continue believing in our Lord God, will one day pass judgement on all of us, including the bishops and cardinals, for their conduct... and their words.

A Catholic Spaniard

(From a pamphlet recently published in France)

Very well, Hitler is an enemy of democracy. Mussolini is an enemy of democracy. Both are using every effort to crush it in Spain. The courageous Americans who are fighting for democracy in that country... instead of making windy Fourth of July speeches at home... are outlawed by their own democratic government, declared unworthy of any help. That leaves it to those of us who believe in what Washington taught, what Jefferson taught, what Lincoln taught, to help them individually. To see that they get at least shoes, and socks, and cigarettes, and toilet paper and other crude necessities of life. They haven't them now, any more than the ragged soldiers of Washington's army had them, at Valley Forge. Their feet, too, will be leaving bloody trails in the snow of Spain this winter. There may be some who will call

these footmarks the red trail of Communism. I call them the red badge of courage!

It rests with us, here, tonight, who have enjoyed freedom without fighting for it, to do for those men what we can. Since so many deluded, or frightened, victims, of dictatorship go about raising their right hands on Hitler and Mussolini it might not be a bad idea for liberal loving Americans to lift up their hands... those who aren't afraid to the people... and start a little healing of our souls. We, too, have men worth cheering for... and fighting for!

Principles worth fighting for! Even in Spain!

Put up your hands, Americans! Hail the Abraham Lincoln Brigade! Hail Freedom!