

Franco's heirs prosecute Spain's judge Garzón

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The prosecution of Judge Baltasar Garzón by Spanish authorities is both politically and morally obscene. Already barred from office for eleven years, he is now the only man to face charges as a result of the brutal crimes perpetrated by the fascist regime of General Francisco Franco.

Garzón is accused of perverting the course of justice and breaking the 1977 Law of Amnesty by investigating the murders of over 114,000 people during the 1936-1939 Spanish Civil War. The victory of Franco's fascist forces in that conflict, due above all to the counter-revolutionary policies pursued by the Stalinist regime in Moscow, its secret police and the Spanish Communist Party (PCE), set the stage for World War II in Europe. Franco's regime survived the war and allied itself with US imperialism, lasting until the dictator's death in 1975.

Thanks to the amnesty, not a single fascist has been brought to justice for crimes including an estimated 300,000 political opponents murdered, 500,000 imprisoned and 500,000 forced into exile. Garzón's accusers are the fascist Falange and the grotesquely-named rightist trade union, Clean Hands. Behind them stands the ruling right-wing Popular Party (PP), which includes the political descendants of Franco's party.

Political responsibility for the right's ability to persecute Garzón lies with the Socialist Party (PSOE) and the various pseudo-left formations that boosted it as an alternative to the PP.

In 2008 Garzón opened the first investigation of those

responsible for the military coup of July 17, 1936, including examining the disappearances of 114,266 people, ultimately indicting Franco, 44 former generals and ministers and 10 members of the Falange party. He ordered the exhumation of 19 unmarked mass graves.

Long-standing campaigns by the relatives of victims had been re-energized following the PP's electoral defeat in 2004.

The PSOE was brought to office that year due to massive opposition to the PP government's support for the war in Iraq and its anti-working class social policies. After terror bombings by Islamic fundamentalists in Madrid, the PP was blamed for dragging Spain into support for Washington's criminal war.

The PSOE saw itself as faced with the task of championing the interests of the Spanish bourgeoisie, while placating popular hostility. It did so by striking a left pose on some social and cultural questions, to sugar the pill of its right-wing economic policies.

One such popular measure was the passing of the Law of Historical Memory in 2007, which condemned the crimes of the Franco regime, banned certain commemorations of the dictator, and offered state help in exhuming mass graves and identifying victims.

It was on this basis that Garzón launched his 2008 investigation. However, on every important issue the PSOE government capitulated before the right, which mounted a counter-offensive through sections of the military, the media and the Catholic Church.

Disgracefully, the Law of Historical Memory recognised the victims of political, religious and ideological violence on both sides of the civil war. But the PP still attacked the measure for breaching the 1977 Law of Amnesty and its notorious “Pact of Forgetting”. Signing that pact was an historic betrayal of the working class on the part of the PCE and the PSOE.

The reactionary agreement was designed to ensure the “peaceful transition” from Franco’s rule to democracy, at a time when masses of workers were demanding a reckoning with the Falange. Instead, they were told to “forget and forgive,” leaving the far-right to lick its wounds while capitalist rule was stabilised.

On November 17, 2008, Garzón agreed to drop his investigation after state prosecutors questioned his jurisdiction. But he had also launched a criminal investigation, the Gürtel case, into bribes paid to leading PP figures by businessman Francisco Correa. In 2010 the Supreme Court declared admissible three criminal cases against Garzón, one accusing him of accepting a bribe, which was dropped last week, one for breaching the Amnesty Law, and one for ordering illegal wire-taps in the Gürtel case.

The backdrop was the world economic crisis and the collapse of the real estate bubble, which struck Spain with special severity. The PSOE responded with austerity measures that exhausted any remaining popular support it enjoyed. As the only electoral alternatives were the Stalinist United Left coalition and other fake “left” groups with long records of slavish support for the PSOE, the PP romped to victory in the November 2011 general election.

Garzón is the most high-profile victim of the PP’s counter-attack in the aftermath of this victory. But his case has far broader ramifications.

While it still uses provisions of the “Pact of Forgetting” to stymie working class opposition, the Spanish bourgeoisie no longer plans to “forget and forgive” anything. Instead, the political heirs of Franco are seeking to turn back the clock of history.

The treatment meted out to Garzón is only a pale

reflection of what awaits the working class and youth. In the worst economic crisis since the 1930s, the PP is preparing a savage offensive to drive millions more into poverty, unemployment and homelessness. Next month’s budget will contain €16.5 billion (\$US 21.7 billion) in cuts, slash wages by 15 percent, end housing benefits for unemployed youth, and cap the minimum wage at a miserly €641.40 (\$US 842.38) per month—affecting fully one-third of the workforce.

Under conditions where more than a fifth of Spaniards are unemployed—over five million people—and almost half of all 16-25-year-olds are without work, such measures cannot be imposed democratically. In other words, the efforts to conceal the crimes of the Franco era are not motivated only by historic concerns.

Within Spain’s ruling elite, many will have concluded that social revolution is once again a real and growing danger. They are ready to meet this threat, if necessary, with massive repression and a return to dictatorship. The building of an independent political movement of the working class to take forward the struggle against the heirs of Franco is now a matter of great urgency.

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