

The mysterious trial of the POUM—Juan Peiró



A brief polemical article intended for publication in *Solidaridad Obrera* in November 1938, but suppressed by the government censors of Loyalist Spain, in which one of the leaders of the CNT expresses his outrage at the vindictive kangaroo trial of the leaders of the POUM, and issues a resounding appeal to bring the kidnapers and presumed murderers of Andrés Nin to justice in a real court, and to subject them to real laws and proceedings rather than the extraordinary practices of the secret judicial proceedings of the politically privileged Communist Party, to whom he only refers indirectly and with prudent circumlocutions.

The Mysterious Trial of the POUM—Juan Peiró^[1]

(An article that was not published due to censorship.)

Everyone knows that the Barcelona Espionage and High Treason Tribunal failed to obtain convictions for espionage or high treason against the various leaders of the POUM, who had been vilified by the Communists in an infamous campaign of calumny, for the purpose, in accordance with the classical Stalinist method, of overwhelming them with the stigma of being agents of Franco.

The Tribunal rejected this accusation, and instead found them guilty of being the presumptive instigators of the events of May 1937 in Barcelona, which is just as false as the other accusation, although, of course, by condemning several of the defendants to fifteen years in prison, the sentence testifies to the fact that they are anti-fascist and revolutionary militants.

The Libertarian Movement, separated by profound doctrinal disagreements from the persecuted Marxist fraction, displayed extensive moral solidarity with these comrades, and has made a major contribution to the task of extirpating from public opinion the legend that Stalinism sought to weave around them.

*We are publishing an excellent article written by comrade Juan Peiró under the title, "The Mysterious Trial of the POUM", which the censors would not allow to be published in the Barcelona newspaper, **Solidaridad Obrera**, and which we think would be of interest to persons outside of Spain, because it faithfully reflects the point of view of our comrades concerning this question, which inflicted so much harm on the anti-fascist cause in Spain.*²

Here is the article:

Less reverential than my dear, special friend Señor Rouret,³ nothing can stand in the way of my human inclination to investigate topics and follies when it perceives that justice is being transformed into its opposite and, even more so, when the events in question may have been brought about, and are still being brought about, by one of the most repulsive and despicable political maneuvers. With respect to the individual who fights on a level playing field against his enemy, face to face, and is victorious, even if the cause he supports is not just, his nobility and courage make him worthy of the respect and even the sympathy of his enemies in the struggle. The same thing is true when the struggle is a struggle between

parties. But the terrible struggle between the POUM and the Party that opposes it⁴ has not been fought on a level playing field. The enemies of the POUM have taken advantage of an extraordinary political situation, a situation in which they enjoy a privileged position, to engineer the POUM's downfall, and their conduct is distinctly lacking in nobility, nor did it display that frankness and courage that are consistent with the political dignity of those who are fighting for an ideal.

In this environment characterized by such an absence of frankness and courage, the same thing might have happened to the CNT and the FAI that happened to the POUM. It was not for a lack of trying; it was just that they ran up against a brick wall in their attempts. The CNT and the FAI comprise a more positive and stronger factor than the POUM, so the enterprise had to be abandoned....

And as for the process that has led to the odyssey of the leaders of the POUM, it has not yet reached its conclusion—it cannot have reached its conclusion—because you would have to have a heart of stone to believe that these men who have made some mistakes but who never did anything to belie their rightful and proven claim to be revolutionaries would ever yield and accept the dishonorable label of fascists, of agents of Franco; and if they lack the means to defend their good name as revolutionaries and anti-fascists, there will be no shortage of men who, driven by civic zeal, will take up their cause so that TRUTH and JUSTICE will blaze with brilliant light.

I once said that the atrocity committed against Andrés Nin would bury his enemies in public opprobrium and would lead to the moral and political extinction of those who planned and executed the criminal murder of the greatest Catalonian Marxist.

Why would it matter that now the leaders of the POUM have been made to appear as the perpetrators of a dreadful crime? Yes, why would it matter? What is interesting about this incident, is that one would think that it would be necessary for the enemies of the Workers Party of Marxist Unification [Partido Obrero de Únificación Marxista—POUM], in order to successfully pin on the POUM the label we hardly dare to utter out loud, to prove beyond the shadow of a doubt that the defendants are guilty of the crime they have been accused of committing, and that the trial should not be a flimsy tissue of vague assertions and testimonies without any clear source, of mysteries.... I unambiguously declare that my words do not conceal even the least insinuation against the tribunal that sits in judgment in the trial of the leaders of the Workers Party of Marxist Unification, nor even against the Police as an institution. The constituted powers and public institutions have nothing to do with what has taken place. Nor does the justice system of the Republic. This tribunal has found itself confronted with a trial proceeding based on police reports and documents, all concocted by that very same police force, as was pointed out by the former Minister, D. Manuel Irujo, by that Police force that acted behind the back of the Minister of the Republic in Barcelona and arrested Andrés Nin, took him under guard to Valencia, held him in a private villa instead of taking him to a prison ... by that Police force that made him disappear and still has not given an account of the whereabouts of the Catalonian Marxist leader, and which has threatened to arrest the judge who has been assigned to investigate the fate of the missing man.

I expected to be called to appear as a witness in the trial against the POUM. I was not summoned, after promising that I would appear if cited; there is, however, one very significant fact concerning which I am not aware whether or not it has been taken into account, despite the eloquent silence surrounding it. In view of my uncertainty that it was addressed, there is nothing to lose in examining it.

When deeds as repugnant as those imputed to the leaders of the POUM are involved, the prevailing laws of the Republic deny the defendants the right to be provisionally released on bail prior to their trial. The leaders of the POUM, accused of an unspeakable crime that only a few months before would have been punishable with the death penalty, have enjoyed, for almost one year, this right that is denied by the law. Why do they enjoy such liberty? This mercy shown by the republican Justice system has only one explanation: it was conceded there was no serious evidence proving the defendants' guilt.

In order to manufacture this proof—and the one that was manufactured is nothing but a laughable and childish fake—the enemies of the POUM needed several months and they only used this opportunity to prove that they have no talent. Because the whole proof consists in documents whose authors' identities are only known by the enemies of the defendants, and in the statements of suspect witnesses, witnesses whose conduct in the special pre-trial proceedings caused them to be prohibited from appearing before the Tribunal or undergoing cross-examination, so that they will appear and be cross-examined not before a judge, but rather before that same Police force that has an interest in justifying what it will never be able to justify, for which the instigators of this Police force will never be forgiven, which has nothing to do with the justice of the Republic, or with the regime that has defended the Spanish people with such heroism and such glory.

If, after Nin's disappearance, and after the scandal that atrocity provoked throughout Europe and the Americas; if, after those fearsome press campaigns against the POUM—which were composed exclusively of assertions and promises to confirm them with incontrovertible proofs—the charges against the defendants are still not plausible, what is the moral and political status of the instigators and executors of something that History will be at a loss to define?

A situation of political privilege made it possible for hatred directed against a party to be satisfied, and from the ensuing wreckage, nonpartisan public opinion has constructed a martyr; then, stricken with fear of its own works, whose artifices are nothing more than hatred and lack of reflection, the privileged enemies of the POUM erected a castle in the midst of a foul swamp, all deceit, all calumny, and Justice, which is ordinarily understood to consist in obligatory prosecution and defense, was compelled to act on a flimsy foundation, without resistance to any objective proof.

Everything has taken place in an environment that is corrupted by the scandal of those who know how to abuse political situations of privilege, but public opinion has not allowed itself to be swept away. The scandal, rather than the evidence, made it possible to intimidate certain milieus. Public opinion, however, which must pronounce the final verdict, has noted the noisy racket and the flashy show, shrugging its shoulders and waiting for the right time when the truth cannot be disguised with procedures of the worst political and moral character, neither by the terror of irresponsible power centers, nor by the horror produced by the memory of the outrages of the Inquisition....

Wars often give rise to impassioned moments when anything is possible, even the worst atrocities; in Spain, however, we will still have the Republic, a Republic that is more humane and more liberal than that other type of government that the enemies of the POUM and of individual freedom want to plagiarize; a Republic in which public opinion can pass judgment on and despise those who are, rather than Spaniards and citizens ... something unspeakable.

This is not to say that all those who say the kinds of things I am saying are on the side of those opposed to the enemies of the POUM. What we have in common is that we are among the countless citizens who have not allowed themselves to be blinded by the despicable "bluff" [in English in the original] mounted against the leaders of the dismantled Marxist Party, and we are also among those who ask themselves: Where is Andrés Nin? Who arrested him? Who made him disappear?

And we are, finally, among those who want to loyally sound the alarm, in the holocaust of the war and for the future of Spain, warning that the scale of public indignation is on the verge of exploding and posing a threat to that which lies above the Parties and the Churches and even above Saint Ignatius of Loyola.

As I am writing these lines, and I am writing them under a cloud of painful impressions, a prey to indignation, I do not know whether the leaders of the POUM were found guilty or innocent. We close our eyes to the worst cases, since, at this stage, they are incurable. But the collective dignity of the Spanish

People demands a new trial. The kidnapping and disappearance of Andrés Nin cannot be allowed to pass as a precedent, as a crime consigned to indifference and impunity. We have all engaged in unprecedented efforts to bring an end to this bloodbath that has besmirched the majesty of the Spanish Republic, and we did not work so hard just to allow crimes that exceed, in their perversity, those of Asiatic provenance to go unpunished.

Now the verdict is being announced and, perhaps, the leaders of the POUM have been found guilty. Now it is the turn of those who arrested, kidnapped and, without any doubt, sacrificed Andrés Nin, to be brought to trial. The Republic cannot forget that it is the political institution of a European People, one that is noble and exemplary for its civic virtues, and if great efforts were made to see to it that the trial of the Workers Party of Marxist Unification should be removed from the realm of political abuse and situated instead within the domain of Justice, we must now devote the same effort, with the same impartiality, to see to it that the clarification of the “affair” of the disappearance of Andrés Nin is brought to a court of proper legal jurisdiction. Everyone knows the identity of the instigators of this criminal act, and while it is not so easy to discover the identity of its direct perpetrators, we must not forget that you can follow the thread to the spool. This is called for, and demanded by, the collective dignity of the Spanish People. Justice must not be left without effective assistance.

Up until now, the only people who have been whipped into a frenzy are those who ultimately have no other goal than to concoct a sinister drama, with no other foundation than a craving for political vengeance. From now on, it will be those who, in order to be worthy of the Republic, and for their own dignity, demand Justice in the case of Andrés Nin, will be the ones who will be incited to anger.

Otherwise, it would seem to me that even Martínez Anido⁵ is to be counted among those Spaniards who are worthy of the name.

Juan Peiró⁶

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<https://bataillesocialiste.files.wordpress.com/2007/07/peiro-el-misterioso-proceso-del-poum.pdf>

- ¹. Juan Peiró, “En torno al proceso del POUM. Un artículo de Juan Peiró (“El misterioso proceso del POUM”), que la censura impidió publicar” [“Concerning the Trial of the POUM. An Article by Juan Peiró (“The Mysterious Trial of the POUM”) that was not published due to censorship”], [i]Cultura proletaria, New York, January 1, 1939. We have compared this text with another version of this same article, which evinced some minor differences and which also omitted the last paragraph, that was published in *Documentos históricos de España*, Buenos Aires, Year II, No. 11, May 1939 special issue. This article was supposed to be included in a collection of Peiró’s writings dating from 1937 and 1938, scheduled to be published in January 1939 under the title, *Problemas y cintarazos* [Problems and Wake-Up Calls]; its publication was prevented by the occupation of Catalonia by Franco’s troops. It was later published in Rennes in 1946. [This and all subsequent footnotes were added by Agustín Guillamón on behalf of *Balance. Cuadernos de historia*—translator’s note.]
- ². This introduction is a prefatory note to Peiró’s article in the *CNT-FAI Information Bulletin*, No. 69, Barcelona, November 9, 1938.
- ³. Martí Rouret (1902-1968) was a militant in the Esquerra Republicana, a deputy in the Catalanian parliament, imprisoned for his role in the events of October 6, 1934, Minister of Health from July to September 1936, and later Commissar of Public Order and undersecretary in the President’s office. Went into exile in Mexico after the war.
- ⁴. The PSUC, the Catalanian Stalinist party.
- ⁵. Severiano Martínez Anido (1862-1938). General in the Spanish Army. As Civil Governor of Barcelona (1920-1922), he used terrorist methods to exterminate syndicalists and anarchists during the so-called “years of *pistolero*” (1920-1923). He was said to be responsible for the sinister “law of flight”. Cabinet Minister (1925-1930) during the Primo de Rivera dictatorship. Exiled during the Republic. Chief of police operations in the Burgos Junta (1936-1938) and Minister of Public Order in the first Franco Government (1938). His name is included on the list of those being investigated by the judge, Garzón, in the judicial case opened against Franco and other generals, Ministers of state and political figures, for genocide and crimes against humanity.

- [6.](#) Joan Peiró Belis (1887-1942), glass worker and syndicalist. An outstanding militant of the CNT. Advocated trade union organization by industry. In 1922 and 1928 he was the general secretary of the CNT. In 1925 he founded the glass making cooperative of Mataró. Editor in chief of *Solidaridad Obrera* in 1930. One of the signatories of the “Manifesto of the Thirty” (1931). Minister of Industry (1936-1937). Exiled in France, he was handed over to Franco’s government by the Nazis. When asked whether he would serve as a leader of Franco’s trade unions, he replied: “steel doesn’t bend, it breaks first”. He was therefore sentenced to death, despite numerous testimonials on his behalf at his pre-trial hearing. He was shot at the Paterna execution camp.