

# Old Loyalists in Spain Battle for Veterans' Rights

By JOHN DARNTON

Special to The New York Times

MADRID, Feb. 13 — Now, more than four decades later, Fernando Medina Martínez can laugh at the words with which he was sentenced to death in August 1939. The prose was so bureaucratic yet so passionate.

A military court set up by the victorious regime of Francisco Franco noted the 22-year-old lieutenant had retreated with the Republican forces into southern France but then slipped back across the border to continue fighting in "the Marxist zone." The court called his ideological commitment a "guilty perversion."

In other words, said Mr. Medina, cutting through the legalese as he paced a friend's living room in modern Madrid, "up against the wall." He raised an imaginary gun.

Mr. Medina told of spending seven months in jail awaiting execution, and of being pardoned by Franco himself when his young sister wrote an emotional plea to Franco's daughter, Carmencita. Four years later he was out of prison.

## A Campaign for Pensions

But he was not able to pursue a normal livelihood as long as the Caudillo reigned. Even now, as a retired door-to-door salesman, able to vote for the Communists and speak out in democratic Spain, he has not, in his own mind, made peace with the civil war.

For this reason Mr. Medina and other veterans are pressing a campaign to win military pensions and privileges of the armed forces for those who fought on the losing Loyalist side.

"We're fighting for principle," said Joaquín Calvo Diago, who like Mr. Medina was a pilot and belongs to a veterans' organization, the Association of Republican Aviators. "If I got the money, I wouldn't throw it away. But it's for dignity. I have children and grandchildren. I want them to know their grandfather was in jail because he was a patriot, not some kind of criminal."

Their cause has more than a touch of irony to it. Up until December, they were petitioning, without success, the insecure, right-of-center governments that followed Franco's death in 1975.

## Door Is Still Unopened

But now the left has been triumphant at the polls, and the men who fought to preserve the predominantly Socialist Government of 1936 find they are knocking on the door of a Socialist Government. So far, it has not opened.

"It's very disappointing," said Luis Roldán Rodríguez, a lawyer representing the Republican aviators. "They gave their loyalty to a Government with a majority of Socialists in it and now this loyalty is not being reciprocated by a Socialist Government."

"The Government is very worried about the military," he continued. "It's preoccupied by financial problems and it doesn't seem to want to take on any new problems."

His reference to the military needed no elaboration. Under Franco the army was steeped in the traditions of a crusade against the left. Some of its officers, including many veterans on the Nationalist side, are suspicious of a Socialist Government to begin with and likely to take umbrage at any move that would, in their eyes, reward the vanquished.

## A General Is Displeased

A reflection of the passions that can still be engendered by the war can be seen in the reactions to a recent television program in which five former Republican soldiers were interviewed. They talked of the hardships of long prison sentences and of finding decent employment after the war. One observed they had fought as the legally constituted army to defend the Government of the day — a remark that by implication painted the Franco forces as rebels.

According to El País, a lieutenant



Fernando Medina Martínez, left, a lieutenant in the Republican forces in the Spanish Civil War, had been sentenced to death in August 1939, by a military court set up by the regime of Francisco Franco, below. Although he was pardoned by Franco he was not able to pursue a normal livelihood. Joaquín Calvo Diago, a Republican veteran, is among those fighting for military pensions and privileges.



The New York Times/John Darnton

general, Alvaro Lacalle, expressed to the Government his profound displeasure over the program, which he found offensive to the honor of the armed forces.

There is also a generational aspect to the dispute. The age range of the members of the two groups agitating for pension rights, the Democratic Fraternity of Soldiers of the Republican Army and the Association of Republican Aviators, is 63 to 85 years. They represent perhaps a total of 5,000 Loyalist veterans in Spain and abroad.

The Socialists in the Government they are appealing to are mostly young — the average age of the Cabinet is 41 years. They are disinclined to reopen old wounds and they seem to want to deal with the war, which few of them experienced personally, by putting it behind and moving on to other business.

## The Matter Will Not Die

One Cabinet member at an off-the-record dinner, pressed repeatedly by a journalist over the Government's reluctance to take up the Loyalists' cause, finally said in a tone of exasperation, "La guerre est finie."

But for the veterans themselves, the matter will not die. On Dec. 2, the Supreme Court refused to rule on the case. Now they are taking the claim to the higher Constitutional Court and if they do not obtain a favorable ruling they plan to petition the Human Rights Commission in Strasbourg, the Socialist International and other outside organizations.

Mr. Medina admits to being a bit disillusioned. But he believes his cause will eventually triumph. "The Socialists have so many problems that ours is left a little to one side. They don't dare have it discussed now. But I believe that with all these pressures, political and juridical, this will eventually come through — we'll be revindicated."

Mr. Calvo appeared to agree, as did José María Bravo, another former aviator. The three soon turned, as veterans invariably do, to reminiscences of the war.

Mr. Bravo told of how, with a death sentence over his head, he escaped to France and then made his way to the Soviet Union. "I became a pilot in World War II," he said. "Believe it or not, I was head of the fighter squadron that accompanied Stalin to the Tehran Conference."

He began philosophizing about the civil war. "On the enemy side, there were people worthy of respect. It was war — good and bad people on both sides. But our side was the one that lost

and the one that suffered. So I say it's time to make amends."

The veterans began their campaign in the mood of national reconciliation

that followed Franco's death. To some extent that reconciliation has been successful. Republicans have been granted official amnesty. Some groups, such as civil servants, have won back their rights to employment or retirement benefits. Republican soldiers who were wounded and remained invalids were granted disability pensions.

The group that has not been able to obtain pensions were combatants who joined the Republican forces after July 18, 1936 — the day Franco rose again against the Popular Front Government.