

THE POLITICAL TRANSITION IN SPAIN
(Short version)

Ladies and Gentlemen, Dear Friends:

Before anything else, let me thank the organizers of this event and, in particular, Professors Ana Paula Ferreira, Head of the Spanish and Portuguese Dpt. and Maria Antonia Calvo, whose idea it was, I suspect, of getting me involved in the first place.

Let me also tell you how glad and happy I am for being again in Minneapolis and for having this opportunity to speak before such a distinguished audience about my own country, Spain, and a particular time in her millenary History that was as much a complex and mesmerizing political puzzle as it was emotionally wrenching and passionate for those of us old enough to have lived through those days.

Before I start, allow me just a few disclaimers: I am not a Historian nor particularly versed in History. Secondly, in our Foreign Service the position of Consul General is not – I repeat, not- a political appointment, it is simply an administrative one, and, therefore I do not speak on behalf of anyone but myself and my own analysis. By the same token, some of my points of view might not necessarily coincide with those of my Government.

In reality, in its amplest scope the Political Transition in Spain would encompass from the beginning of the XIX Century with the failure to shed off the “Ancien Regime” of the absolutist monarchies and adhering to the principles of the French Revolution, until 1996, when the winning of the General Elections by a fully democratic Political Party from the conservative right, completed the long circle of transition and consolidated the normal alternation in power. But we do not have time here today for such a long period of Spain’s History.

Let’s just point out that although Spain had a reasonably democratic regime and a Parliamentary system from 1875 until 1923, and from 1930 to 1936, in reality the mentality of the people, the mores and, particularly, the political thinking of the Conservative Parties remained anchored in the Old Regime. That was due, in part, to the tremendously turbulent History of the XIX Century Spain, with a foreign invasion, several revolutions and Coups d’Etat, all the colonial wars, a couple of civil wars and finally the loss of our last colonies in 1898. The following three fourths of the XX Century were equally traumatic with two dictatorships and “the mother” of all civil wars.

The other idea to take into account is the tremendous impact that the Nationalistic Ideas of the XIX Century had in our Country. Those romantic, bucolic ideals caught the imaginations of many in the regions of Spain that had a separate and individual History within the History of Spain.

So we have an intractably undemocratic Conservative thinking and the virus of the centrifuge nationalism as the main negative factors, going into the last years of Franco’s dictatorship and the beginning of the Transition.

But we had also a trove of favorable elements going into that challenge: first and foremost the solid, down to earth common sense displayed by the Spanish People in those crucial years; then the quiet but irreversible evolution that the mentality of the Spanish People had undergone. That Spanish civil society had become much more permissive, liberal and tolerant than the regime and although the Spanish people continued to endure the dictatorship, they would no longer accept interferences with their personal freedoms. Something had already changed drastically. The distance between the Spanish civil society and the government of the dictator was growing every day. This was intimately coupled with the fact that by 1976, more than 70% of the Spanish population was 30 years old or younger. And that evolution was also tied to the extraordinary economic growth experienced by Spain since the mid 60's. As a known Minister of Economy of the time said, answering a question from a foreign correspondent, "Democracy will come when we reach 1,000\$ per capita income". His prediction turned out to be quite accurate as Spain attained that level of income in the last years of the dictatorship (in 1973). Last, but not least, Spain had the historical fortune of counting in those defining times with a small group of men who rose to the occasion and provided the crucial vision and leadership, indispensable to achieve a peaceful political transition from Franco's regime into a full fledged democracy. I am referring to King Juan Carlos I and Prime Minister Adolfo Suarez and their small team.

With these ideas in mind, we can now start looking into the events. We will look only into the most fundamental ones. There were thousands of important actions, reactions, declarations, demonstrations, strikes, manifestos, events, etc. that indeed influenced the outcome of the Political Transition in Spain, but it is just not feasible to mention or comment on all of them, not even on most of them.

I- The Assassination of Admiral Carrero Blanco.

For our purpose, I chose to start on December 20th 1973. On that day Admiral Luis Carrero Blanco, Vice Prime Minister (Franco was also the Prime Minister), number two of the regime immediately after Franco, was killed in a terrorist attack by ETA in the heart of Madrid.

Carrero was the embodiment of the political thinking of Franco's regime, his successor as strong man and the hope for continuing francoism without Franco. He represented also the essence of that ultraconservative utterly undemocratic political thinking of what became known as the 'uncivilized right' in Spain.

I do not believe that the Transition would not have happened, had Carrero been alive, but with all certainty, it would have been much more difficult and lengthy.

II – Carlos Arias Navarro appointed new Vice Prime Minister. The Last Franco's Government.

With the new Vice Prime Minister, Carlos Arias Navarro, designated by Franco, a newer, more informal and more modern appearance was given to the Government. And beyond the appearances in fact there was a modicum of change in attitudes and a division in the regime's ranks was beginning to show: Those who wanted every thing to remain as it was and those who advocated for a slow evolution towards a wider participation of the citizenry in politics.

Arias Navarro flip-flopped hopelessly between his desires to initiate a timid evolution and his fidelity to Franco's regime. His credibility was over by the Spring of 1974. By then reformists became aware of the so called "military question": in 1974, all of the military hierarchy had fought in the civil war (of course on Franco's side). They were completely convinced that they had won a war against international communism and against parliamentary democracy which they considered as the root of all evils. This, in their view, gave them the right to ban all political parties, to control the press, to persecute any deviation from the official doctrine.

III – The Carnations Revolution.

In the Spring of 1974 something else extremely important occurred. In only 12 hours and without bloodshed our neighbors to the West, Portugal, had overthrown the 40 years old Salazarist dictatorship. This was extremely important for Spain: it showed that freedom is possible and can be conquered without bloodshed if the People support it. But it also showed to the Spanish Military Hierarchy what young professional military Officers can do. It would be impossible to exaggerate the tremendous importance that these events in neighboring Portugal had on both sides of the equation in Spain.

IV – The Death of Franco.

In July 1974, Franco suffers the first of his serious illnesses. Juan Carlos, who had been designated in 1969, by Franco, as the Prince of Spain and the future Head of State, is called upon to be Acting Head of State. (*explain briefly the question of the designation of the Prince as Heir*)

During his brief tenure as acting Head of State he sends secret emissaries to talk with and sound out the main parties of the underground democratic opposition (mainly the Spanish Workers Socialist Party or PSOE and the communists PCE) on their outlook for the "day after" Franco's demise. The reports from those emissaries are dismal: the democratic opposition does not believe in a transition directed by the future King Juan Carlos. They consider him a continuation of Franco and installed by Franco. They do not think he will be able or even willing to do anything. Even Juan Carlos father, D. Juan –living in self imposed exile in Estoril, Portugal- is not sure about the future of the Spanish Monarchy in the hands of his son.

On July 30th 1974, the PCE creates, in Paris, the Junta Democratica de España, jointly with a number of smaller parties to their left. The idea is to unite the whole spectrum of the democratic opposition, now forced to be underground, into a Unitarian organization. But it fails: both the Socialist of the PSOE and the Christian Democrats of Ruiz Jimenez refuse to join the Junta. However they all demand a total rupture with Franco's regime as the only way to progress after his death. All accept that nothing can be done as long as Franco is alive.

In the Fall of 1974 events around the world and in Spain seemed to conspire to complicate the political situation. The international economic crisis created by the Arab oil embargo is hitting Spain very hard. At the same time ETA perpetrates its biggest attack yet with the bomb planted in a cafeteria in the very center of Madrid next to the Police Headquarters. No policemen are killed but thirteen civilians died. This is the first indiscriminate attack with civilian casualties from ETA. This brutal attack by ETA in Calle Correo, Madrid, unleashes an unprecedented repression by the

regime in the Basque Country. At the same time the pace of the returning Spanish immigrants from Europe accelerates, creating additional pressures on the beleaguered Spanish economy.

But even within the regime, the new moderate rightist ministers of the Arias Navarro Government started talking about the need for democratization and using -the minimal new possibilities offered by timid new legislation- started new “Associations”. This showed that there were currents of opinion, within the regime itself, which had evolved clearly towards a democratic future for Spain. However, the traditional democratic opposition in exile wouldn’t give them any recognition and insisted in the overthrowing of Franco’s regime as the only alternative before or after his death.

It is difficult to conceive –even if we were writing a script for a political thriller- a more dramatic series of events as those surrounding Franco’s demise. By September-October of 1975, the terrible international economic crisis, was affecting Spain even harder than other western countries because the weakness of the last, divided, government of Franco, would not allow it to impose stern, unpopular conservation measures in energy consumption, which were really indispensable and had already been adopted by most Western nations. At the same time, the new very tough antiterrorist Laws had produced several Military Trials of captured terrorists both from ETA and GRAPO (a mysterious ultra-leftist armed band, which would play an important disruptive role after Franco’s death). These trials handed down 11 death sentences to the dismay of all of the moderate forces within the regime, of most of Spaniards, and a real outrage and uproar in the rest of the world.

As if this was not enough, the Machiavellian King of Morocco, Hassan II saw the perfect opportunity to force Spain out of the Western Saharan territory, a former Spanish colony, and now under her administration and simultaneously avoid the mandate of the United Nations to hold a Self Determination Referendum in the territory. Spain, of course, maintained that it had to comply with the UN mandate and that it was for the Saharan people to decide in a Referendum whether they wanted to become part of Morocco, part of Mauritania, or independent. After waiting for the worsening of Franco’s health, in the worst moment, Hassan II announced a civilian march –the “Green March”- over to Western Sahara to take possession of the Territory. They would be armed only with a copy of the Koran.

After pardoning six of the eleven condemned to death by the military courts, in a futile attempt to appease the international uproar, 5 terrorists of ETA and GRAPO were executed by firing squad in the wee hours of September 27th 1975. There were violent protests all over the world against Franco’s regime in front of the Spanish Embassies and Consulates. Several European Ambassadors and the Canadian Envoy are recalled for consultations and abandon Spain. Luis Echevarria, then President of Mexico, calls at the UN for the expulsion of Spain from that International Organization, and a complete economic embargo and isolation (even postal), as internationally imposed sanctions for the executions. The regime reacts in the usual manner: a gigantic demonstration at the Plaza de Oriente, in Madrid, a ferocious media campaign against the whole world and the reaffirmations in the principles of the regime’s foundation. But Franco’s regime enters a phase of decomposition: International condemnation, suspension of the negotiations to enter the Economic European Community (EEC, predecessor of the present day EU), Saharan conflict, severe discomfort of the Spanish population, frightened by both the terrorist violence and the violence of the State and the activity evermore assertive and violent of the extreme rightist

fringes of the regime. In the middle of all this, on October 14th 1975, Franco falls gravely ill. ETA starts its reprisal for the executions with a chain of assassinations of both policemen and civilians. On October 15th Franco suffers a first heart attack. On the 16th the Green March starts in Morocco: 350.000 civilians march, unarmed, towards the West Sahara border (Franco is not informed of this because he could die from the stress). On the 17th the news filter to the international media (I learn about it that day) but the news is a five lines dispatch saying only that Franco is suffering a flu like illness. On the 18th Franco writes by hand his Political Last Will. On Oct. 21st secret negotiations are started by the Government with King Hassan II. He is not willing to give up his claim on the territory nor to stop the Green March. On Oct. 24th Franco suffers another heart attack. By the 26th it seems that the end is very near. There is a real power void. The government tries to negotiate in secret the handing over of Western Sahara to Morocco, while formally seeking the protection of the UN at the Security Council, in New York. The government starts thinking about a second transfer of the power to the Prince of Spain, Juan Carlos. But Juan Carlos is rather reticent. He knows very well the risks involved. The supreme supervising body in the Franco's regime was not the Parliament but the much more restricted Council of the Kingdom, which had real powers to control the actions of the Head of State, the *future* Head of State, that is, for with Franco, he would let know the Councilors his decision on any matter that came up to the Council and no one, ever, had dared to counter his will. Juan Carlos knew all this and is well aware that he would take all the responsibilities but would not have full powers. By October 30th The Prince accepts grudgingly and becomes, for the second and final time, Acting Head of State of Spain.

His first actions are directed to the Sahara crisis. He travels to the territory and confers with the military commander on the field. He tries to shore up the moral of the troops while assessing the situation. Simultaneously, he sends a close friend, in a secret mission, without any written credentials whatsoever to Washington, to see Dr. Kissinger, then Secretary of State. Juan Carlos knows that the US Government is aware and must have given prior consent to the actions of the King of Morocco, a close ally. The King's emissary manages to be received by Kissinger in the presence of General Vernon Walters. It is easy to surmise that the message was probably very simple: if the Spanish Army is humiliated in the Sahara, there will not be any chance for a peaceful evolution after Franco's death, and Spain will plunge into a very dangerous political instability. You -US- will have to choose between pleasing your friend Hassan II or risking an upheaval and violence in Spain which would certainly affect your Air Force and Navy bases there.

On November 5th, Franco, who had been in his Palace of el Pardo until then, is taken, terminally ill, to the Hospital de la Paz, in Madrid. He is operated on and incredibly recovers from the brink of death. On the 6th, the Spanish forces in the Sahara withdraw from the first line of the border to a second line beyond a mined field. The Green March enters the territory and stops before the mine field. There is a no man land of about 10kms, (6 miles), between the 350.000 civilians and the Spanish Army. Spain announces that it is ready to negotiate the handing over of Western Sahara with Morocco and Mauritania, but will not accept a taking over by the Green March.

Hassan II steps up the blackmail. On Nov. 12th Juan Carlos confers in secret with highest commanders of the Armed Forces. On the 14th Franco's health worsens again. That same, day the Tripartite Agreement of Madrid is signed in the Spanish capital, by which Spain hands over Western Sahara to Morocco and Mauritania failing to comply with its obligations before the

United Nations and the doctrine of the Decolonization Committee of the World Body. The Green March backtracks and the Spanish Army starts its withdrawal from Western Sahara.

On November 20th 1975 at 3:20AM Franco dies. Spaniards are not given the news until 6:15AM (I received a call from friends in the US at 4:15AM telling me the news).

On Nov. 22nd, Juan Carlos is proclaimed King of Spain with the name of Juan Carlos I before the full House of the Parliament (the Cortes). According to the existing laws he has to swear allegiance to the existing Fundamental Laws of the regime. His Speech contained certain passages of hope for the future for instance stating his will to be the King of all the Spaniards, without exclusions and his desire to build the avenues for the participation of all citizens so that each one would have ample room to accommodate his or hers points of view. Never the less, the Speech, in all, is very moderate and does not scare the ultra conservative wing of the Government, but it does dishearten the democratic opposition which reads into it a confirmation of their analysis that the new King was, indeed, a successor chosen by Franco to continue his regime after his passing.

V – The first Government of the Monarchy.

Juan Carlos embodies in himself the national Sovereignty. He has inherited, in theory, all the powers –virtually absolute- of the old dictator, but we have already seen how the Council of the Kingdom was meant to control the new Head of State. In any case Juan Carlos has an immense array of powers, by far more extensive and substantial than any Head of State of a western democracy. He intends to use them to transform the regime from within and, paradoxically, in the end, divest himself of all executive power.

In the streets of Spain, the mere hint of a new era of more freedom has already increased the demands in all fields. One of the more persistent demands is for a general amnesty or pardon for “political crimes”. The King issues a Pardon Decree but its scope is limited and all terrorist crimes are explicitly excluded.

His first priority is to appoint a new government that will be willing to advance cautiously, but without pause, in the reform of the regime, taking exquisite care of not scaring or provoking the ultra conservatives, which could bring to an abrupt end all his aspirations. The King wants to have leverage within the Council of the Kingdom. He uses all his influences and all his friends to have Torcuato Fernandez Miranda, his old mentor and professor of Political Science, appointed Head of the Council. Fernandez Miranda was already a member of the Council in his capacity as Minister Secretary General of the National Movement (Franco’s Party, the only allowed in Spain for 40 years). The King gains another battle and has Fernandez Miranda appointed Head of the Council of the Kingdom and of the Parliament.

At this time the King had already a carefully crafted plan to initiate the transition from the regime left by Franco into a democracy. His first Government should be one with a number of ministers that were reform minded but well known in Franco’s regime. Then, when this 1st government had exhausted its possibilities, a second one would be appointed containing the new faces, men barely known, much younger, roughly of his same age then, in the late thirties or early forties, and totally

convinced –as he was- of the need to transform the regime from within into a full democracy. This second team was the one to go the full length of the Reform.

The democratic opposition, though, continued to mistrust Juan Carlos. But by then Juan Carlos has already his plans very clearly outlined and he receives also the support of his father D. Juan, Count of Barcelona.

The Vice Premier Arias Navarro (with the advent of the Monarchy he is now called Prime Minister), could not be freely dismissed by the King, so, he surrounds him with his reform minded new ministers. The King, in fact, dismissed all the ministers except for the Prime Minister and the three military ministers (Army, Navy and Air Force). Among the new civilian ministers, the king includes a number of well trusted but reform minded names as Manuel Fraga ,Jose Maria de Areilza and Antonio Garrigues Walker, but also some not so known and much younger: Alfonso Osorio, Rodolfo Martin Villa, Adolfo Suarez. The result is, of course, that Arias Navarro was presiding over the first Government of the Monarchy, but it was not his government. But even with these limitations, this first post Franco Government was well aware that there were but 3 alternatives for the road ahead: Continuity of the old regime; total rupture with the past or in depth reform to achieve a democratic regime not yet well defined. The King flair tells him the Spanish civil society is ready for the change, but he does not want any scares. He can not alienate himself neither from the francoist right wing nor from the democratic opposition.

The year 1976 is going to be a decisive year, but again, an extremely dramatic one. The political pressure at the street level increases enormously. The biggest strikes in the History of Spain take place in January, particularly in Catalonia and Basque Country, but also in Madrid and rest of Spain. The communists (PCE) through their Union, Comisiones Obreras (Workers Committees) make an all out effort to destabilize the country and provoke a violent rupture with the present regime and institutions which they see as a pure continuation of Franco's regime without Franco.

At the same time, the economic crisis worsens. The sequels of the oil embargo crisis are felt in all its rude force. On the political front, the reformists within the government become progressively more alienated from the rest, the opposition from the left is also divided, socialists against communists and their differences are already played in public in Spain, where ins spite of being still outlawed, they act with impunity and a surprising amount of freedom.

In February 1976, the King makes a visit to Catalonia which was decisive for his intentions. In his main Speech the King surprises everybody by speaking in perfect Catalanian and acknowledging the self government aspirations of the Region as well as the respect for the language and the culture of Catalonia. A trip that had an icy start ended in a show of warmth and recognition for the new King.

As the reformists in the government advanced cautiously, the Prime Minister Arias Navarro, tilts increasingly towards the die hard francoists in the government and outside of it. The lack of synchrony between the Prime Minister and the Liberal ministers becomes more evident every day. The holdovers from Franco's time seem to be very numerous and entrenched everywhere. The Press –pushing the limits of freedom with each new edition- begins to call this group of ministers and important personalities “The Bunker”, and it seems to be very present in the institutions, the

military, the economy, etc. The situation is such that for the first and last time in its history the King convokes and presides over the Council of the Kingdom and delivers a stern message advising the Councilors of his reformist intentions and that he intends to complete those reforms. At that same time, King Juan Carlos uses once more his personal envoy and sends him to Romania to see the Head of State Ceausescu with a message for Santiago Carrillo the Secretary General of the PCE (who received funds from Romania and was a friend of the President). The message is simply that the King means business and the democratization of Spain will take place, so he would appreciate a higher moderation on Carrillo's speeches, especially in what concerns his person and the Monarchy. Carrillo answers by demanding the legalization of the PCE jointly with the other democratic parties. But, as a matter of fact, he tones down his criticism of Juan Carlos and concedes him and his efforts the benefit of the doubt.

Around this time, given the eminent legalization of political parties in Spain, both the Junta Democrática de España (created by the PCE) and the Plataforma de Convergencia Democrática (set up by the PSOE) decide to unite in one single organization covering the whole democratic opposition. It is called the "Coordinadora Democrática" but Spaniards immediately call it the "PlataJunta"... The PCE moderates its language and its political demands, but the Manifesto of the PlataJunta demands the legalization of all the political parties, including the Communist Party.

The King himself declares that it is necessary to establish a dialog with the opposition, but Prime Minister Arias Navarro stops every attempt. The King takes things in his hands and gives an audience to the opposition Christian Democrats and the Social Democrats. The Minister of the Interior, Fraga, on his part, is talking with and receiving all the representatives of the political parties (still illegal) except the communists. But, as Felipe Gonzalez would recall years later, Fraga did not want to negotiate the Reform but to impose it. However the message of the communists is crystal clear "Democracy will not be built without us".

During all of this time the role played by the increasingly free Press was extraordinary and irreplaceable. Spain having been for so long a voiceless civil society, conformist and without political opinion since there were no political options, needed a powerful machine to create the public opinion. The new additions in those months of "El País", in Madrid and "Avui", in Catalanian and published in Barcelona, were decisive for the process of the democratic reform in Spain.

On June 2nd 1976, King Juan Carlos delivers a historic speech before the Congress of the United States in Washington and later on travels to New York City where he delivers another one. There is no coming back now. The King of Spain makes a true Declaration of Democratic Principles. The Congress of the USA, standing up, applauds him for more than 2 minutes. Later that month, Adolfo Suarez, Minister Secretary General of the National Movement, delivers a truly historic speech on national TV where he outlines one by one all the basic political rights that the government intended to guarantee for all citizens. However, even if the Political Parties were now free to constitute themselves as such, given the existing laws, they still needed the authorization from the Government and that authorization was strictly regulated in the Penal Code. It was indispensable to modify the Penal Code. But there is where "The Bunker" makes its stand. The Prime Minister and the Ministers from the Bunker make it impossible to approve that reform. The

first Government of the Monarchy runs aground on this reform. It is time to change the Government.

VI – The Second Government of the Monarchy

On the 1st of July 1976, the King calls Prime Minister Arias Navarro and asks for his resignation. Although he never suspected such a blunt move on the part of the King, Arias Navarro complies immediately and tends his resignation.

On the 3rd of July, against all odds, the King appoints as new Prime Minister Adolfo Suarez. The reactions were almost totally negative both within the conservatives and the liberals in the establishment and from the opposition. He was not very well known and he was considered a bureaucrat grown within Franco's regime and his Department as Minister, the Secretariat General of Franco's single party seemed to indicate this. This appointment was generally received and criticized as a big mistake, a step backwards, a victory for Franco's rightists. (*I knew better*). The foreign media shared also this negative opinion. However, this appointment was far from an imprudent decision or an accidental choice.

On July 5th Suarez takes office and appoints Alfonso Osorio as his Vice Premier, who provides him with a list of new names for Ministers that coincided very much with the list that the King had been drafting in the last few years. They were young and mostly with scant experience in Government. But they had very clear ideas as to what they wanted to do: generate a radical change in the country but without braking with the legislation in force and in a short period of time.

On July 9th, in the first Cabinet Meeting of the new Government, which the King decides to preside, Juan Carlos announces his decision to renounce to the Historical Privilege to present a Three names for the Pope to choose for the appointment of Bishops in Spain. The Cabinet also decides to reform the Penal Code and makes a Programmatic Declaration stating the intention of the Government to have a full democracy in Spain, recognizes that the National Sovereignty resides on the People, that all the political rights will be promptly restored, that the Government will be representative, as the result of general elections, and, finally, that an immediate Amnesty will be shortly announced. On July 30th 1976, a General Amnesty is decreed.

Around those days, the PCE makes its public presentation in Rome where Carrillo, the Secretary General clearly states that his party no longer depends of any foreign government guidance, that the popular revolution as a method of political struggle is obsolete and that the Party bets firmly on the Parliamentary Democracy and all the freedoms. For moths now, Suarez had been also using a private envoy to contact with Santiago Carrillo. From the contacts that had taken place, it was clear that "rapprochement" with the Communists and its eventual integration in the system was essential to avoid a derailment of the process from the left.

In the mean time, Suarez in person was meeting with the leaders of all the parties, except the communists. The socialist party PSOE, was particularly interesting for the government, as it represented the non communist left and was very respected internationally (had the backing of the International Socialist).

VII – The Law for Political Reform.

On August 24th 1976, Suarez presents to his ministers the draft of the Law for Political Reform which is going to be the veritable key of the whole Political Transition. The draft had been written by Torcuato Fernandez Miranda. It called for the direct installation of Democracy, Universal Suffrage, Sovereignty for the People, all the liberties and, in sum, the definitive end of a regime that still existed. But for this draft to become Law, it had to be approved by the Francoist Cortes (Parliament) which was still the one in session, and if they approved it they would disappear. In other words, they would be asked to commit political suicide. But there was no other way, as both the King and Suarez were convinced that only if the current legal framework was respected was there a chance to make the peaceful transition work. The King, the Prime Minister and all the Ministers had sworn to comply and uphold the current Laws, therefore they could not break them. Were the Government to ignore the institutions and its commitments as the opposition from the left demanded, there could be a civil conflict or a military coup.

On Sept. 8th. Suarez meets with all the military high commanders. He explains, in the best possible light, the contents of the Reform Law. They asked about the legalization of political parties. Suarez replies that they will be all legalized except for the communist party, which will probably be legalized later, after the general elections. On Sept. 10th the Draft of the Law for Political Reform is presented to the public. The military were alarmed because of all the progress in the civil liberties, freedom to unionize etc. There is an irreversible drifting apart between the hierarchy of the Armed Forces and the Government.

On Oct. 4th there had been the assassination of a member of the Council of the Kingdom by ETA terrorists. The military demanded the declaration of State of Siege in the Basque region. The government resists these pressures and manages to remain calm. ETA and GRAPO perpetrate a series of killings in the following days. People fear all this will plunge Spain in another Civil War. Terrorism is clearly and increasingly directed against the process of democratization of Spain, still in its initial and most vulnerable phases.

Meanwhile, the future political parties readied themselves. On the right, Manuel Fraga created the Alianza Popular (Popular Alliance) Party, a collection of small conservative, but democratic parties. They basically want democratic freedoms but also law and order. Further to the center, some Christian figures, like Pio Cabanillas and Ruiz Jimenez founded the Popular Party, which could be defined as from the Liberal Right.

On the left, the Democratic Coordination (“PlataJunta”) lead by the socialists of the PSOE and the communists of the PCE reinvent themselves with the name of Platform of Democratic Organizations (POD in their Spanish Acronym). They still demand rupture with the past regime, but less convincingly every day. They start talking about “negotiated rupture”. They also make clear that at the end of the day there must be a constitutional process to give Spain a new foundation, a new democratic Constitution.

The King, Suarez and his Government are all too aware of the tremendous challenge involved in asking the former francoist Cortes (Parliament) to approve a Law which will mean its own demise, so they try to convince as many as they can: each minister is given a list of between 6 and 10

Representatives which they must contact in person and try to explain the goal of a gradual, peaceful, orderly transition into a democracy and the risks and the price Spain would have to pay if no evolution was allowed.

On November 16th 1976, the full Plenary of the Cortes debates the Draft Law for the Political Reform. The legal procedure is to have it passed by the Parliament, first and then put it to a popular Referendum, as it changes completely the so called Fundamental Laws of the Kingdom. The members of “the bunker” do not let themselves be fooled. They call the Law “a covert rupture”. But, finally, the sheer exuberance of the hopes of millions of Spaniards and all the canvassing done by the Government, carry the day: The Law for the Political Reform is passed by 425 votes in favor, 59 against and 13 abstentions. It is a great victory. Both the King and the Government know that they have crossed the Rubicon. There is no turning back now.

On their part the democratic opposition (remember, still outside the system) was not convinced yet, but not willing to be left totally out of the process, decide to participate in the campaign for the Referendum advocating abstention. Carrillo, recently returned to Spain, announces from the underground that the PCE would follow the path designed by Suarez. The communists jumped on board of the Reform car. On December 1st, the whole democratic opposition meets in Madrid and recognizes that the government’s project of a democratic reform had overwhelmed them. They accept that the political initiative is now with the government. They create a Commission of the 9 (for the nine leaders of the political parties of the opposition) and elaborate a list of seven demands that must be included in the political reform, which will be transmitted to Suarez. But Suarez postpones receiving them until after the Referendum.

Almost all of the seven demands were already included in Suarez’s plans. The only difficult one was the legalization of all Political Parties before the future first free General Elections. Suarez knew that it would be a total and frontal provocation to the military, to legalize the Communist Party at this stage. There was no problem with other parties, including the Socialists.

On December 11th 1976, four days before the Referendum, an important member of the Council of the Kingdom is kidnapped by the terrorists of GRAPO.

On December 15th 1976, the Referendum takes place. The participation is massive 77,4 % of the electorate votes and 94,2 of the voters approve the Law for the Political Reform. The opposition could only convince 22,6% of the voters to stay home. On that day the rules of the game for the political reform are set. In the last Cabinet meeting of the year the Public Order Tribunal (the major judicial tool for political repression, invented by Francoism) is dismantled. The reconciliation can begin.

The Political Reform of the Government had almost 80% of popular support and the Law had been overwhelmingly approved by the Francoist legislators. So, in order to speed things up and until general elections can be held, the Suarez Government starts ruling by Decree/Law, a legal format allowed in the still current laws.

Major reform laws are passed in succession, Political Parties (instead of Associations), freedom of speech and reunion, bases for the future autonomy of Catalonia, etc. The answer from the extreme

right is terrifying. On January 23rd a terrible week –probably the darkest of all the Transition-starts. That day, during a demonstration in favor of Amnesty, a student is killed. The following day another student –this time a girl- is killed. The President of the Military Council (the supreme consultative body of the Armed Forces) is kidnapped. On the 24th five young Labor Lawyers (one of them a colleague and friend from my class at the Law School) were shot to death, and four were seriously wounded, in their office, by gunmen of the extreme right. The lawyers belonged to the Communist Party, and all of Spain read into this massacre a blunt and extremely violent provocation directed at the communists. It becomes obvious that the ultra rightists were trying to pave the way for a Pinochet style coup that would redress the situation.

The Communist Party succeeds in imposing a public funeral for the five lawyers assassinated and have their coffins laying in state at the Palace of Justice (seat of the Supreme Court). They also succeed in organizing the largest demonstration ever seen in Spain until then, and, especially they succeed in maintaining perfect order and silence during the demonstration. That evening the communists gave an impressive show of their strength and discipline. It is said that this show of support convinced Suarez that he had to find a way to legalize the Communist Party before the general elections. In other words, the result was the exact opposite of the probable goal that motivated the killings in the first place.

But violence is going to continue. On January 28th 1977, two policemen and one Civil Guard are killed and two civilians wounded in the streets of Madrid. The extreme right takes advantage of the funeral of these latest victims to protests violently against the government and its reformist plans. Members of the government attending the funerals are insulted and even suffer attempted aggressions. It is apparent that minority groups of military and civilians want to derail the process of democratization at any cost. That night, Prime Minister Suarez goes again on National TV to reassure Spaniards that the process of Political Reform will continue.

Finally on February 11, the Police, in a brilliant operation, rescue alive and well Mr. Oriol y Urquijo and General Villaescusa, who had been kidnapped by GRAPO. At last some good news for the Spanish Transition.

VIII – Legalization of the Communist Party

In the first months of 1977 seven major political parties are legalized. They include socialists, liberals, social-democrats, christian-democrats and democratic right. This was achieved after Suarez accepted one of the conditions imposed by the Commission of the 9, and ended the requisite that the government had to authorize the legalization of each party. From now on, any political group can form its party and register it legally. Only the Supreme Court will be able to bar that registration and only for a very restricted number of reasons.

But the Communist Party and all other parties to its left remain outside the system. On Feb. 11 the PCE presents its statutes and the rest of documentation to be registered. The administration sends it to the Supreme Court. The government wants the high court to share in the responsibility for such a decision, although Suarez knew (through surveys) that 40% of the Spaniards supported legalizing the communists.

On Sunday Feb, 27th, Suarez, risking again his political career and even, perhaps his life, takes the initiative to meet, for the first time and underground with the leader of the communists Santiago Carrillo. They meet on a remote farm house. They talk for more than 7 hours in a row. They talked about every thing, but the main topic was the legalizing of the party before the General Elections. Suarez tries to convince Carrillo to run as independent. Carrillo declines and warns of something that Suarez knew only too well: if the General Elections were held keeping the communists out, they will not be considered as free and fair by the international community, in particular by the Europeans. To hammer this point, a few days later the two most important leaders of the euro-communism, Marchais and Berlinguer meet publicly, in Madrid, with Carrillo.

As the country advances towards the first free General Elections, Suarez chooses the Popular Party of the Liberal Right to be his political base and makes a coalition of that party with several other minor parties of the same political orientation, to create the coalition Union of Democratic Center or UCD in its Spanish acronym. Many other parties are created and registered, under the new liberties, including some of the extreme right, like Fuerza Nueva and the renewed Falangists.

Meanwhile, the legislative output of the government is going full speed: New laws of Unions Freedom, right to strike, conflict of interests for members of the Cabinet, amnesty for ETA members. The old single party of Franco's regime, the National Movement, is finally dismantled on the 1st of April (and it is difficult to believe that the date chosen, which marked 38 years of Franco's victory in the Civil War, was a coincidence).

That same day, the Supreme Court hands back to Suarez the dossier of the PCE's legalization, stating that it is the competence of the Government to decide on it. The Holy Week holidays start. Most Spaniards traditionally travel in these holidays and the same do many ministers of the government. Suarez takes advantage of this situation and, once again with full backing from the King, on Holy Saturday April 9th 1977, he legalizes the Communist Party. But he does it with legal cover, following –once more- a plan carefully crafted: The Ministry of the Interior, in view of the findings of the Supreme Court, sends the dossier to the Ministry of Justice requesting an urgent reply whether there is any legal impediment for the legalization. The Ministry of Justice convokes at 9:00AM of that Saturday, the Junta de Fiscales (Board of State Attorneys, Prosecutors) The Junta meets and issues a report, at noon, stating that they can find no impediment to legalize the Communist Party. An hour later, the legalizing documents are issued. But the news will not be made public until 6:00PM. Suarez needed those 5 hours to make sure several things: that there would be neither public praising nor thanks to his person on the part of the communists, there would be no public celebrations of the legalization nor other manifestations that could exacerbate the expected reactions from the francoist die hard. The sight of a sea of red flags and the chanting of the “International” in the streets of Spain could unleash an intervention of the Army.

As expected, the reaction of the military was furious and venomous. They claimed that Suarez had committed high treason. The military ministers accused Suarez of keeping them in the dark about this decision, but General Gutierrez Mellado, then Minister of Defense, had met them, before April 9th, and warned them about the probable legalizing of the communists. There was an urgent meeting at the Military Headquarters of the Madrid Region where General Milans del Bosch, (later involved in the attempted Coup of 1981) Commander of the Brunete Parachutist Brigade (our 92nd Airborne) states flatly that Prime Minister Suarez was a traitor and the Army should intervene.

The situation is extremely delicate, the instability is great and Spaniards, once again, hold our breath. Next day, the Military Council meets. They are a blink away from launching a coup. Finally they desist from that idea but issue an extremely hard declaration. On the 14th the PCE holds its first legal Plenary meeting in Madrid. Tension with the military could not be higher. They boast publicly of their rejection of the Government's decision and state that they accept it only formally and as a disciplined body they are, but they threaten that they will use all means necessary to keep the country united. Suarez sends an urgent message to the communist meeting: it is absolutely necessary that from that meeting assurances be issued on all major points that worry the military and a sizable part of the civilian population, that is, the acceptance of the national Flag (they had been using the Republican flag of the Civil War times) the Monarchy as the form of the State and the unity of Spain. Carrillo is well aware –and he lets his comrades know- that they are living crucial moments of make or break for the future democracy. So, the Central Committee accepts publicly each one of those points.

Next day, April 15th 1977, General Elections are called for June 15th.

At long last, the huge Diaspora of Spaniards in exile, many of the Western Democracies Governments and the public at large begin to believe that a full Democracy is finally returning to Spain. The reconciliation among Spaniards begins to unfold. On May 14th D. Juan de Borbon, father of the King visits Spain and relinquishes his Dynastic Rights upon his son Juan Carlos who, in this manner obtains the hereditary legitimacy rather than the francoist designation.

IX – The General Elections of June 15th 1977.

On May 22nd 1977, the electoral campaign for the General Election formally starts. There are a myriad of political parties and they all are campaigning. But only 9 of them have candidates for 25 or more electoral districts. Among them the UCD, AP, PSP (Socialist Popular Party), the PSOE and the PCE.

June 15th 1977 was probably one of the happiest days in the life of my generation. At the tender age of 31 years old, I was able, for the first time in my life, to vote in fully democratic and fair elections. We had indeed come a long way!

The results of the elections showed the degree of political maturity achieved by Spaniards. They voted progress but mainly through centrist options: 77% of the registered voters participated (again a record in a modern industrialized country) UCD, the centrist option wins with 34% of the votes and 165 seats in the Parliament; PSOE is second with 29% of the votes and 118 seats; PCE 9% of the votes and 9 seats; AP 8% of the votes and also 9 seats; PSP 4% of the votes and 6 seats. The moderate nationalist parties in the Basque Country (PNV) and Catalonia (PDC) fared very well in their regions and begin to play a role in national politics. Those were the first free elections in more than 40 years, and the result was of an exemplary maturity and moderation.

On July 1st 1977, the Congress of Deputies or Cortes (The Spanish Parliament) resulting from the General Elections meets in Plenary Session to approve the first Government of the Democracy, headed by Prime Minister Adolfo Suarez. The King and Queen of Spain attend this historic

Session. In his speech, the King praises the “Sensible maturity of the Spanish People”. From the previous time the King had attended a Session of the Cortes on November 22nd 1975, with Franco’s corpse still laying in state, to that day of July 1st 1977, only 20 months had elapsed.

X – The New Constitution of 1978

The Parliament resulting from the General Elections constituted itself into the Constituent Cortes. The next priority was to agree upon a new Constitution that Spaniards would give to ourselves. A small Commission of 7 Representatives was chosen to draft a new Constitution that would be approved by the Parliament, then submitted to a Referendum and finally enacted by the King.

These seven men (immediately nicknamed the “magnificent seven”) were among the most important figures in the political, academic and economic fields who were also elected members of the Cortes, representing the full spectrum of the political forces. They struggled for more than a year to bring about a text that included all the democratic liberties, all the checks and balances to control the government and the restructuring of the territorial organization of Spain. This last part was, by far, the most difficult and complex but also the most original from the constitutional point of view, creating in fact a unique model that suited the wishes and the needs of the Spaniards and their complex History.

Thus Spain was re-organized into 17 Autonomous Regions, each one with its elections every 4 years, Parliaments, Governments, Police Forces, Taxes, etc. In fact, a structure not too different from a Federal State.

The Draft of the Constitution was approved by the Plenary of the Cortes on October 31st 1978 and put to the vote of the Spaniards on a National Referendum on December 6th winning a resounding approval. On December 27th King Juan Carlos promulgated the Constitution and it came into effect on December 29th 1978, the day it was published in the Official Gazette.

The Transition from the initially fascist and later authoritarian regime of Franco to a fully developed constitutional and parliamentary monarchy was thus completed without ever braking any laws or using military force. The miracle was achieved.

Thank you.