

HENRI TORRES: DEFENDER OF JEWISH ASSASSINS



Henri Torres

Background:

My father-in-law Irving Brower (Brauer) was born in 1903 in Felshtin (now Hvardyskoye) a small town in Podolia (Ukraine) about 150 miles west of Kiev. In 1980 he told me that during his childhood Felshtin had been “a very happy town” — at least for a while. His father Moshe (1868-1917) was a prosperous merchant and their family lived in a large stone house with beautiful furniture, a full-time maid and a cow. Irving’s relatively idyllic youth was shattered at sunrise on the morning of February 18, 1919 when a band of some 200 Cossacks on horseback arrived in town waving flags and blowing bugles. Within about six hours some 670 Jews (about one third of the Jewish population which comprised more than 90% of the total) were massacred. Stores were pillaged and the town hall where many Jews gathered was burned down. While blood ran in the streets, 16 year old Irving hid on the roof of his house and watched it all; a few of his family were protected by gentile neighbors, several others were bayoneted.

The Jews of Felshtin were tipped off that three days earlier there'd been a pogrom in nearby Proskurov, about 16 miles northwest along the Bug River which then was the border between Podolia (Russia) and Galicia (Austro-Hungary.) Roughly half of Proskurov's population was Jewish and about 1,500 of them were slaughtered. As reported many months later in the *New York Times*, the Ukrainian nationalist strongman Semesenko, at the head of several hundred drunken Cossacks, made his way into Proskurov and "immediately the slaughter of Jews began."

The killing was marked by terrible ferocity and unusual rapidity...No pillage was done, there was no time for that. This was not a pogrom in the old sense of the word; there was no torn bedding or ruined stores — it was a slaughter. After the bloody spectacle the troops remained in the city [before they disappeared and] on their way they made another slaughter in the neighboring town of Felshtin where 600 victims fell.

When a town official warned that he had orders to kill all the Jews of Felshtin, Irving's mother (Pesia) with his two sisters (Etká and Hanna) fled to an out-of-town farm for safety but weren't permitted to stay. According to a report written by Red Cross investigators, "a Jewess named Brauer and her children" were stopped by Cossacks on the road and "led out to be shot but [she] ransomed herself for a large sum of money." They crossed the river into Galicia, stayed for a while with a relative in Tarnopol and then moved to Lvov where they remained until the early 1930s when they immigrated to Palestine.

Irving remained in Felshtin for about ten months. The Ukrainian nationalist White Army headed by Simon Petlura (Petlyura) were defeated by the Bolshevik Red Army and for a while things were quiet in Felshtin. But in June there was renewed violence that Irving evaded by hiding in a latrine. On Christmas night, after walking for miles in waist-high snow, the teenager was carried on the back of a smuggler across the Bug River into Galicia. Reunited with his family in Lvov, he remained there until November 1923 before immigrating to the United States.

In 1937 a nearly 700 page *yizkor* (memorial) book was published by Felshtin survivors living in America. It was written almost entirely in Yiddish, but in 1999 an English translation was completed that contained many gruesome descriptions by survivors of the pogroms. According to one account, shortly after the pogrom, Simon Petlura himself appeared in Felshtin and scorned appeals for mercy from starving widows, orphans and cripples saying "Jews, what you have earned, thus shall you eat."

The Civil War ended badly for the Ukrainian White army and by 1924 Simon Petlura had settled as an expatriate in Paris. On May 25, 1926 Simon he was walking in Paris' Latin Quarter when a young man asked him in Ukrainian, "Are you Mr. Petlura?" When Petlura didn't answer, the man pulled out a gun and shot him seven times — and when the police arrived and asked what he'd done, he replied, "I have killed a great assassin." Seven years earlier, while fighting in the Ukraine with the Bolshevik Revolutionary Red Army, Simon Schwartzbard was told that 15 members of his family had been killed in pogroms. He held Simon Petlura, who headed the Directorate of the Ukrainian National Republic, to be responsible for their deaths as well for the numerous pogroms throughout Podolia and vowed to seek revenge.

THE SCHWARTZBARD TRIAL

Schwartzbard was immediately arrested and to lead his defense a brilliant trial lawyer Henri Torres was assigned who was noted for his flamboyant personality and his left-wing politics. Born in 1891 to a Jewish family in Normandy, as a young man Torres became a journalist and an active Communist. During World War I he was wounded at Verdun and later was awarded several medals. Although Samuel Schwartzbard openly admitted killing Petlura, Henri Torres insisted that the act was justified to avenge a crime against his people. The prosecution argued that Petlura was not directly responsible for the pogroms and suggested that Schwartzbard was a Soviet agent. After a trial of eight days the jury agreed with Torres and after deliberating for 35 minutes Schwartzbard was acquitted! The General's widow and his brother were awarded one franc each in damages. The trial had gripped all Europe and was regarded as proof of the horror perpetrated against Ukrainian Jews under the leadership of Petlura. However, both the details and the decision were violently argued and continue so to this day.

MY RESEARCH

In 1999 I became involved with a project of the Felshtin Society headed by Sidney Shaievitz in order to raise money for an English translation of the town's *yizkor* book. Upon completion of that book a seminar was held at a restaurant in New York where several people gave brief talks. I chose to speak about Henri Torres. Mr. Shaievitz had a good friend living in Paris, Jean-Claude Jegouzo (JC), who agreed to search for material. Although he knew nothing about Torres, JC accepted the task as an intellectual challenge and then became caught up in the story. He discovered a book in the *Centre de Documentation Juive Contemporaine* that was written by Torres in the mid-1950s.

It was called *Accuses hors serie* (Culprits out of the Common) and in it the lawyer described how he decided not to call 80 witnesses whom he'd prepared for Schwartzbard's defense. Instead, he took a calculated risk and delivered only a short speech which was an act of faith in the capacity for justice of the French people.

"My conclusion was short. I evoked the French Revolution about which no living person could say that he has not inherited something from it: "Let this man be free who bears on his forehead the stigma of the tragedy of a People! You hold today in your hands, Members of the Jury, the prestige of this Nation and the destiny of thousands of human lives which is attached to the verdict of France." If I have not been heard, France would have been no longer France and Paris would have been no longer Paris. After the acquittal, there was a project to print my speech with original etchings by Lucien LaForge. Even though this project never came to fruition, Albert Einstein had sent me a forward for this booklet and I am publishing his letter now for the first time:

The Schwartzbard trial has demonstrated that the French people have been faithful to their noble traditions and their Nation continues to be the champion of human rights. Her justice is still unbiased, chivalrous, sensitive and knows to go beyond the rigidity of written law.

This Parisian jury has shown this, once again, in a case which was clearly falling under the provisions of Penal law. As it let its decision be inspired by tragic events which caused this trial and which go far beyond the deed of the perpetrator, the popular jury has wanted the real law to prevail. As such the decision of acquittal has been a tribute to human intelligence and to the true meaning of the law.

The gratitude of all Jews and of all these men who aspire for Justice and respect of mankind is clearly owed forever to Schwartzbard's judges and the French people from whom they emanate....I salute Counsel Torres whose masterly speech, vibrant with a sense of humanity and justice, has built a monument to the cause of Law that time will not erode."

Jean-Claude Jegouzo concluded that Henri Torres was "a Communist, an anarchist, a rather debauched and truculent man who is never indifferent." The jury's extraordinary ruling should be understood in context of French history. Exhausted from the recent disaster of World War I, Frenchmen couldn't have been sympathetic to Petlura whose

nationalist government had been supported by the hated Germans. No doubt many recalled the trauma of the Dreyfus Affair and might have wished to make amends for the institutional anti-Semitism associated with that period. Furthermore, Henri Torres was appealing to the jury's better instincts embedded in the idealistic rhetoric of the French Revolution.

After the Schwartzbard trial, Henri Torres was recognized as one of France's leading trial lawyers and received short-lived international fame as a champion of left-wing causes. Then in 1940 he became involved as a legal consultant for Herschel Feivel Grynszpan, a young Jew who, like Samuel Schwartzbard thirteen years earlier, slew an enemy of his people in Paris.

THE GRYSZPAN CASE

Herschel Grynszpan was born in Hanover in 1921 to Polish Jewish parents. While he struggled for a living in Paris, his family were among some 7,000 deportees, expelled by Germany and rejected by Poland, who were interned along the border under harsh conditions. The family wrote a desperate letter to their son in Paris asking for help. With the intention of demonstrating the injustice, the 17 year old entered the German Embassy on November 7, 1938 and after asking to see the legation secretary to give him a "secret document", shot Ernst von Rath, a lowly third secretary, in the abdomen and chest; exploratory surgery was delayed and he died two days later.

The assassination had profound consequences because it was used by the Nazis as justification to initiate state terrorism against the Jews in Germany resulting two days later in the events of *Kristallnacht* in which 100 Jews died and some 30,000 were sent to concentration camps. The Nazi propaganda minister Joseph Goebbels used the murder as a pretext to unleash violence against the Jewish community, citing the Paris event as proof of the danger they posed.

In 2011 medical historian George Weisz suggested that the regime had no interest in saving von Rath's life and had deliberately falsified the findings of his autopsy. (Israel Medical Association Journal, vol. 13, p. 266-269.) Although Dr. Weisz's conclusion is far from convincing, he noted that the chief surgeon Karl Brandt had noted an incidental finding - tuberculosis of the stomach. He reported this directly to Adolf Hitler and, it was agreed to withhold this diagnosis for "if von Rath were to die, this would be due partly to TB and not simply to the gunshot wounds. A successful assassination would be of far greater propaganda value than an attempted assassination.

After three court-appointed psychiatrists failed to find any signs of mental illness, the Nazis prepared for a huge show trial. Vincent de Moro-Giafferi, a French lawyer famed for his oratory, was assigned to lead the defense team and the American journalist Dorothy Thompson raised money for support. Part of the defense strategy was a fabrication that the incident was a crime of passion related to Grynszpan and von Rath having a homosexual relationship and perhaps this gave temporary pause. Whatever the true reason, the trial was delayed when Germany invaded France and never was to proceed. At some point Herschel seems to have become displeased with his defense lawyer de Moro-Giafferi and appealed to Henri Torres for help; however, Torres was unable to do more than pay a few visits. Later Grynszpan was transferred to the Sachsenhausen concentration camp and afterward to Buchenwald where the last official confirmation of his existence was in September 1942.

AFTERWARD

Henri Torres was forced to flee occupied France during the Petain regime and lived for a time in Brazil and Uruguay where he worked as a law school professor. However, he was expelled because of his leftist associations, moved to Canada and then to New York City where from 1942-46 he was editor-in-chief of the Free French newspaper *La Voix de France*. After the war ended he returned to France where he was reinstated into the French bar, was active in various political and legal positions and was a prolific writer. He died at his Paris home at age 75 in 1966.

After his acquittal Samuel Schwartzbard wished to immigrate to Palestine but British authorities refused him a visa. In 1933 he traveled to the United States where he reenacted his role in the murder in a film and in 1937 he moved to South Africa where he died in 1938. Some thirty years later his remains were disinterred and transported to Israel where he was reinterred.

The fate of Herschel Grynszpan remains unclear and controversial. As suggested by one historian, after late 1942, he “disappeared without a trace.” The conventional belief was that he was killed by the Nazis, but there were occasional rumors that he’d been seen after the war in Paris and even in Israel. In December 2016 a photograph was discovered in the archives of Vienna’s Jewish Museum which appeared to show that Grynszpan had survived the war after all. (see *The Guardian* website, 12/18/16.) The snapshot (see below) taken in Germany in 1946 showed what seemed to be the then 24 year old in a gathering of displaced persons protesting Britain’s refusal to let them immigrate to Palestine. This revelation fueled more speculation and rumors.

Herschel's parents, who had survived the Holocaust, moved to Israel in 1948 and in 1961 his father testified at the Eichman trial, "I have no evidence that he [his son] survived." Nevertheless, some who hold him responsible for stoking the Nazi's wrath, suggest that Herschel Grynszpan might still be alive living under an assumed name in Israel or even in the United States.



?SCHWARTZBARD

TIMELINE

- Nov. 7, 1917 - Lenin starts the Russian Revolution
- February 9, 1918 - Russia exits World War I (Brest-Litovsk treaty)
- April, 1918 - Start of the Russian Civil War between Reds and Whites.
- March, 1918 - Pogroms in Ukraine
- January 1919 - End of Civil War
- May 25, 1926 - Petlura assassinated by Schwartzbard in Paris
- October 18, 1927 - Start of the Schwartzbard Trial
- November 7, 1938 - Herschel Grünspan shoots Ernst vom Rath in Paris.
- November 9, 1938 - *Kristallnacht*

Adapted from a lecture I prepared in 1999 for a program sponsored by The Felshtin Society. The original appears on the website of that organization.

Michael Nevins

ADDENDUM

Extracted from a report about the Torres/Petlura trial:

In the dim court of Assizes, in Paris, during the past fortnight, more than 400 spectators saw the beginning and the end of one of the most gruesome, bloodcurdling, impassioned trials ever to be held in that vaulted hall of justice. Quivering flappers sat to gasp with astonishment beside white & black bearded Jews who exchanged shocked glances with flat-faced Slavic Ukrainians under the noses of red & black-robed judges. Within and without the courtroom was a triple guard of gendarmes to prevent disorder.

Culprit: The accused man, who not only admitted committing the crime but even boasted of it, was a young Jewish Ukrainian, now a naturalized Frenchman, Sholem (Samuel) Schwartzbard, a watchmaker by profession. Short, ugly, he yet commanded the attention of the whole court, for he told his story, not as do many prisoners, shamefaced and haltingly, forced to reveal their crimes and motives by harassing lawyers—no, Watchmaker Schwartzbard openly confessed with gleaming eyes and hysterical mien, his body trembling with passion, how he slew "General" Simon Petlura to avenge the deaths of thousands of Jews slain in pogroms, which he charged "General" Petlura instigated.

Victim: Simon Petlura, in the opinion of many, was an adventurer. The son of a Russian cabman, he is said to have been active in plotting against the Tsar. In 1918 he entered Kiev, capital of the Ukraine, with the Austrian and German armies, under whose auspices he took the lead in trying to separate that province from the rest of Russia. He not only promoted himself a general but also declared himself ruler of the Ukraine. He failed and was obliged to flee. Two years later he reappeared, this time under the Poles, becoming president of a short-lived Ukrainian republic. He played off the Poles against the Bolsheviki and the Bolsheviki against the Poles and, eventually, again fell from power, this time to flee to France, where he lived in Paris until slain there by M. Schwartzbard. Under his regime, it is charged, more than 50,000 Jews were killed.

Lawyers:

-Henri Torres, chief counsel for the defense, florid, bloated, dynamic, put his histrionic abilities to the test when, leaping past his colleagues into the middle of the courtroom, he brandished a revolver, produced from under his voluminous black gown. Shrieks of terror mingled with gasps met this display. Flappers sat with blanched faces; bewhiskered Hebrews rocked back and forth with suppressed excitement; Ukrainians, more pallid than ever, glanced nervously through their narrow eyes. Maitre Torres, aiming at a chair, pulled the trigger—there was a dull click, followed by sighs of relief. He was attempting to prove that M. Schwartzbard could not have shot Simon Petlura as he lay, prone on the ground.

-Cesare Campinchi, flaccid, verbose, excitable, chief prosecution lawyer representing the Petlura family, particularly Widow Petlura, who was in court, proved himself the equal of Maitre Torres in oratorical and theatrical ability. Accused of suppressing evidence by M. Torres, he roared: "Don't accuse me of suppressing evidence, Torres!"* "Don't force me to place in evidence your personal pedigree!" yelled Torres. And thus they continued.

Crime: Simon Petlura was shot at the corner of the Rue Racine, and the Boulevard St. Michel, on May 25, 1926. As M. Schwartzbard described the murder to the court:

"Here's my chance, I thought. 'Are you Petlura?' I asked him. He did not answer, simply lifting his heavy cane. I knew it was he. "I shot him five times. I shot him like a soldier who knows how to shoot, and I shot straight so as not to hit any innocent passerby. At the fifth shot he fell. He didn't say a word. There were only cries and convulsions. "When I saw him fall I knew he had received five bullets. Then I emptied my revolver. The crowd had scattered. A policeman came up quietly and said: 'Is that enough?' I answered: 'Yes.' He said: 'Then give me your revolver.' I gave him the revolver, saying: 'I have killed a great assassin.' "When the policeman told me Petlura was dead I could not hide my Joy. I leaped forward and threw my arms about his neck." "Then you admit premeditation?" asked the judge."Yes, yes!" replied M. Schwartzbard, his face lit with fanatical exultation.

Trial: The case opened with M. Schwartzbard telling the court in a high pitched voice and halting French, his beady eyes gleaming, his face suffused with joy, how he had tracked Petlura down. With a photograph of his intended victim in his pocket and a loaded pistol in another, he was wont to roam the street peering into the faces of passers-by to see if they were Petlura. All this, he said, he did to avenge the assassinations of his coreligionists. Finally, he found and killed him. Reginald Smith, an Englishman, a reputed eye-witness of the crime, was called to describe the crime. Quoting Shakespeare, he ended his testimony by referring to Schwartzbard's expression as Petlura fell: "He wore an expression of 'exaltation mixed with anguish.'" Many witnesses called by the prosecution declared that Petlura was not an enemy of the Jews, but Maitre Torres insisted that "Petlura's proclamations expressing indignation over the pogroms were mere bluffs. While murdering Jewish men, women & children, he had to maintain a straight face before the opinion of the world. He also wanted money from Jewish bankers. ""No," said a massive Slav, "Petlura was not anti-Semitic. He was a humanitarian—a friend of the Jews.""No, no, no, he lies!" chorused a dozen people in the court in as many languages. "They cut them down with naked blades," screamed M. Schwartzbard. "I accuse that man of being an agent of Moscow. I swear it a thousand times!" roared another witness for the prosecution, pointing an accusatory forefinger at M. Schwartzbard. "You—! You—!" yelled Schwartzbard, jumping to his feet, incoherent with rage, his shoulders quivering in spasmodic jerks.

Recovering his power of speech, he continued: "Do you remember the terrible days of 1910 and 1911 at Kiev? Do you remember the accusations that Jews were using Christian blood for Easter ceremonies? You hate me because I am a Jew!" "No," screamed the other in a high falsetto, "because you are a Bolshevik!" "Prove it! Prove it, then!" flung back the defiant Schwartzbard, dropping limp, into his seat. A squat Slav, called by the prosecution, who

described himself as an "historian, a man of letters and at present an assistant to a stonemason," gave evidence in Petlura's philo-Semitism, denying with a grief-contorted face that the "General" had ever killed Jews or caused them to be massacred. "Yes! Yes! He massacred them!" shouted Schwartzbard, unnerved.

The most notable witness called, however, was Mile. Haia Greenberg, 29, a curly bobbed-haired nurse. In a soft, low voice, she told of the carnage and rapine ordered by Simon Petlura and of the blood-bathed home of her grandparents. Murmured she: "I shall never forget the reddened snowsleds, filled with the hacked bodies, going to the cemetery to deposit their sad burden, in a common pit. They brought the wounded to the hospital— armless and legless men, mutilated babies and young women whose screams became faint as their wounds overcame them." Then breaking down and sobbing convulsively she screamed: "Oh, no, no! I cannot go on! They are before my eyes!" "Petlura was responsible. Even Ukrainian officers said so. His soldiers killed our people, shouting his name. One regiment had a band and it played while knives fell on the heads of innocent babies. Petlura could have stopped it, but he wouldn't listen to our pleas."

Verdict: Amid tense excitement, after an absence of 35 minutes, the jury returned a verdict for the young, pale faced Jew's acquittal. Frenzied cheering greeted the decision. M. Schwartzbard, calm, kissed his lawyer, Maitre Henri Torres. "Vive la France!" shouted somebody. "Vive la France!" echoed some 500 voices. In addition to setting M. Schwartzbard free, the verdict ordered the Petlura family, represented by Maitre Cesare Campinchi, to pay the costs of the trial, but awarded damages of one franc each to Mme. Petlura, widow of the slain "General," and to M. Petlura, his brother. The outcome of the trial, which gripped all Europe, was regarded by the Jews as establishing proof of the horrors perpetrated against their co-religionists in the Ukraine under the dictatorship of Simon Petlura; radical opinion rejoiced, but the conservatives saw justice flouted and the decorum of the French courts immeasurably impaired. Schwartzbard, free, went into hiding, fearing assassination at the hands of anti-Semites.

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