

Henry Torrès, Defender of Jewish Assassins

by Michael Nevins, M.D.

I first heard the name *Henry Torrès* when I was doing background reading to put the Felshtin pogrom into some historical context. In Prof. Saul S. Friedman's book *Pogromchik, The Assassination of Simon Petlura (1976)*, the protagonist is Petlura's assassin Sholom Schwartzbard, but I became equally intrigued by Schwartzbard's Jewish attorney who achieved short-lived international fame for his passionate and successful defense despite great odds. At the time of the trial in 1926, Torrès was only 36 years old, but already had made a name for himself first as a war hero and then as a champion of left-wing causes.

Friedman's book provides long translations of Torrès' summary argument, and from it one can piece together the main features and sense the charged atmosphere in the court on that day. Torrès' winning strategy was to appeal to the patriotic pride of the jurors. A dozen years later, when France was under the thumb, if not yet the boot of the Nazis, Torrès was one of several lawyers who attempted to provide legal defense for seventeen-year-old Herschel Grynszpan, who, like Schwartzbard before him, slew a perceived enemy of the Jews, Ernst Edouard von Rath, third secretary at the German embassy in Paris. The direct aftermath of that assassination was the infamous *Kristainacht*.

I resolved to learn more about Torrès, the defender of Jewish assassins, but he proved to be elusive. Aside from a brief essay in the *Encyclopedia Judaica* I could find virtually nothing else written about him. A book about Grynszpan noted that in 1940 he became disgusted with his main defender, the famed lawyer De Moro Giafferi, and appealed to Henry Torrès for help, but the latter was unable to do

more than pay a few visits. I searched the Internet and the stocks of used book stores, but could find nothing more, either in English or in French, except for a polemic that Torrès had written against the traitorous Pierre Laval while he was living in New York in 1941.

I feared that my search for more information about Torrès would bear no more fruit, when a great wealth of information came from an unexpected source. Sid Shaievitz, the leader of our reconstituted Felshtin *landsmanshaftn*, has a good friend who resides in Paris, Jean-Claude Jegouzo. Sid had appealed to J.C. for help in furthering our research, and he responded with admirable zeal and productivity.

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-- Albert Einstein

To begin with, J.C. knew nothing about Torrès, but he accepted Sid's request as an intellectual challenge and then became caught up by the story as it unfolded. In the process, he uncovered material that, if peripheral to our main interest in the Jewish condition in Europe during the 1920s and 1930s, nevertheless makes fascinating reading, some of which I would like to share with others. The translations and notes were done by J.C. himself and, if difficult to find in the original French; the material is totally unavailable elsewhere in English.

Our first good fortune came from a book found in the Centre de Documentation Juive Contemporaine. It was a book written by Torrès in the mid-1950s called *Accuses hors serie* (Culprits out of the common), in which he describes his roles in both the Schwartzbard and Grynszpan cases. In particular, he recalls the events that made him decide not to call the 80 witnesses whom he had prepared for

Schwartzbard's defense. Instead, he took a calculated risk and delivered only a short speech which was a genuine 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 had not been heard, France would have been no longer France and Paris would have been no longer Paris.'

Torrès continued, "After the acquittal, there had been a project to print my speech with original etchings by Lucien Laforge. Even though this project never came to fruition, Einstein had sent me a forward for this booklet. 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 being 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 failing under the provisions of Penal law. As it let its decision be inspired by the 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, this 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 the respect of mankind is clearly owed forever to Schwartzbard's judges and to the French people from whom they emanate. 'This is with profound joy and gratitude that I salute Counsel Torrès 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.' "

Timeless memorial indeed! Torrès' fame was

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ephemeral, and it seems to me that today we have a responsibility in some way to correct this lapse. The following are a few biographical facts that have been pieced together to provide an incomplete accounting:

Torrès was born in Les Andelys in 1891. His grandfather, Isaiah Levaillant, had founded the League for the Defense of Human and Civil Rights during the Dreyfus Affair. As a young man, he became a journalist for various socialist publications. During the First World War he served as an infantry sergeant, was injured at Verdun and won several medals including the Croix de Guerre.

After the war he decided to study law and became a criminal lawyer. With Moro Giafferi and Campinchi he was known as one of the "three Musketeers" -- all brilliant young leaders of the Paris bar. In his early years Torrès had aspired to become a comedian, but his style was encumbered by a pronounced lisp. Nonetheless, in his later years he was famed for his booming voice and flamboyant personality.

Before the Schwartzbard trial, Torrès was involved in several famous criminal trials, not only in Paris but in Moscow and in Rumania. Indeed, upon returning to Paris he initiated a protest campaign denouncing the barbaric treatment of Jews in Bessarabia. After the Schwartzbard trial he was recognized as one of France's leading trial lawyers and remained active in political affairs.

After the Nazi invasion of France, Torrès fled to South America, but was expelled first from Uruguay and then from Brazil because of his leftist contacts. He moved on to Canada and then the United States. While in America, he campaigned against the Petain regime and supported De Gaulle. Because he was a Jew, he had been banned from the French bar and because of his anti-government pamphlets and books he was condemned to death by the Petain regime.

In New York he served as editor-in-chief of *La Voix de France*, a political journal for refugees and later as

a professor of law at the Universities of Rio de Janeiro and Sao Paulo. After the war, he returned to his homeland and was reinstated into the French bar. From 1948 to 1958 he was a Gaullist senator for the Seine Department.

He served briefly as Vice President of the High Court of Justice and did extensive work in the national radio and television system, serving as President of the state monopoly from 1948 to 1959. He was a prolific writer and also wrote plays with a legal background including French translations of *The Trial of Mary Dugan* and *Witness for the Prosecution*. Henry Torrès died at his Paris home in 1966. He was 75.

M. Jégouzo's second major find came from the Keeper of Archives of the French Bar Association who was quite familiar with Torrès. He turned up a book that was first published in 1953 by Robert

Badinter titled *The Execution* (reprinted in 1988 by A. Fayard). Badinter also was a socialist and was Minister of Justice in 1981. When his friend Francois Mitterrand became President, Badinter was appointed as President of the French Constitutional Court.

This book is written in a florid and overheated style. Yet it provides a remarkable portrait not only of Henry Torrès, but of his acolyte, who considered Torrès to be his master. J.C. notes that the formal address to a French lawyer is "maitre" (master) but in this context an equally valid understanding of the word is *mentor*. As J.C. sums up, Torrès was "a Communist, an anarchist, a rather debauched and truculent man who is never indifferent."

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