

Judge Dennis Davis | The Case of Levy vs. Von Moltke

Good evening everybody. I'd like to welcome back Judge Dennis Davis. For those of you who have not met Dennis before, I'm going to just give you a quick introduction. Dennis Davis is a judge of the High Court of South Africa and judge president of the Competition's Appeal Court of South Africa.

He has held professional appointments at both University of Cape Town, and the University of Witwatersrand, and visiting appointments at Harvard and New York law schools. He has written many books, and his latest one is "Lawfare," 2019. Tonight, Dennis is going to present the defamation case of Levy versus Von Moltke, 1934, in which Reverend Levy sued three leaders of a South African fascist organisation for libel after they published a document based on the notorious antisemitic propaganda tools, "The Protocols of the Elders of Zion," and implied it was authorised by him. So thank you, Dennis, and I'm now going to turn the floor over to you.

Thanks very much, Wendy, And thank you very much for inviting me, again, it's a privilege to talk to this group. I have been inspired to give this lecture because of Trudy's wonderful lectures. And in a way it's strange, because she spent some time talking wonderfully about "The Protocols of the Elders of Zion." And as she was talking, she of course referenced the case that I'm going to talk about this evening, which is the case of the Reverend Abraham Levy versus Von Moltke and others, which was decided in 1934 in Port Elizabeth or in Grahamstown.

And why it's odd is because some while back, Milton Shain, who is a professor of history, Jewish history at UCT, had given me the transcript of this trial, which I'd read and then said, "Why don't we write a book about it?" And I've sort of got waylaid with all sorts of other things. and listening the other day to Trudy's lecture, I thought, I phoned Milton and I said, I think we should actually get this project up and running because it really very interesting. And the reason why it's so interesting, for a whole range of reasons. But if I could just kind of give you a sense of what I mean in this regard, it is a form of political trial.

And when I talk about political trials, there are two kinds to which I'm making reference. The one is the political trial of people who were documented in a book many, many years ago by Otto Kirchheimer called "Political Justice." The idea being that political parties, particularly those in power, would use the criminal law as a means by which they would criminalise the political activities of their opponents, par excellence. For South Africans would be the Rivonia trial, which Mr. Mandela and the other leaders of the ANC were essentially treated as criminals for the political opposition to apartheid, And everybody knows about that. But there's another form of political trial. And that's the political trial when somebody comes along and uses the courtroom as a means by which to pursue very legitimate political aims.

And I want to suggest you that what we will see this evening is that the Reverend Levy did exactly that. There's another case which I suppose one needs to talk about after this case, which has some interesting parallels, much more recent case of Lipstadt versus Irving, a case

which was fought out in the English courts, and which has some curious parallels in some way to the Levy case for reasons I will come to. And I think it'd be worthwhile actually spending an hour talking about the Lipstadt case, I had the privilege of interviewing at the Frankfurt Book Fair and that case is also a similar interesting perspective.

So with that in mind, let me also just make one other point. For those of you interested in this whole issue, there are perhaps three sources which you can look at if you wish. Milton Shain's own book called "The Perfect Storm," which documents antisemitism in South Africa, has a very nice chapter on this particular trial. There of course, is a whole book on "The Protocols of the Elders of Zion," "The Lie That Would Not Die" by the Israeli judge and academic Hadassa Ben-Itto, which has some very interesting issues with regard to this. And a woman called Lara Sarzin, I think, sorry, Lisa Sarzin has written the PhD thesis on this. I think she was the great granddaughter of Abraham Levy, so the thesis says, and that is actually available to anybody on the internet. So if you're interested, there is plenty of sources in that regard.

But let me start there by saying, of course, the backdrop to this case was "The Protocols of the Elders of Zion," and I'm not going to traverse all the learning that we, not that I could, that Trudy has given to us in this particular regard. But just to recap for everybody. The thing about "The Protocols of the Elders of Zion" was that it was essentially a crude plagiarism of an anti-Napoleonic satirical novel written by Modest Li in 1864, but then given the context of Tsarist Russia, it was if you were completely prostituted to become a massive anti-Semitic document, Firstly in 1903 with a publication in the St. Petersburg newspaper, Zana Maya, called the "Banner," and then a comprehensive version first published in 1905 by Sergei Lulus, a complete Russian lunatic. And as Walter Lacar said, it shortly thereafter became the Bible of antisemitism in the 20th century. And so it came to South Africa as well.

And the context of this, perhaps, let me give it to you, is said in 1953, man by the name of Louis Verhaard, born in Powell in 1894. And who was nothing, not saying anything wrong with this, but who was a hairdresser. But a hairdresser from a German pedigree, whose parents were sympathetic to the Nazis, and essentially himself then became the leader of what was called the South African Christian National Socialist Movement, more commonly known as The Greyshirts. In 1933, in the coffee haste in Cape Town, which was a great sort of meeting point for these fascists and Nazis, he spoke at a dinner to launch this movement, and said a whole range of things, including the following.

He said, "The Jews were the problem of the utmost importance to both English and Afrikaans speaking South Africans. The Jewish owned press," he said, "Had really created the problem." If you wish, accused them of fake news. He said, "National socialism is something so new "that some people have been told and believed "what I would call deliberate lies, "lies concerning their occurrences "in one of the most important countries in the world." And then having warmed to the task of national socialism, he went on to give a whole range of outrageously fabricated statistics claiming that Jews completely ran the entire South African economy. 90% of licenced hotels were in Jewish hands, 100% of wholesale butcheries, 90% of retail butcheries, 70% of

retailers, 100% of theatres and bioscopes, 65% of all attorneys and advocates, 90% of the press and radio, 70% of the medical profession, and 100% of the stock exchange. And he went on to say that essentially unless they got rid of the Jews, both English and Afrikaans speaking South Africans would be doomed.

And that was the launch in 1933 of the Greyshirts. I should just say this about Verhaard, which is interesting. He, born in 1894, only died in 1985. And to give you a sense of just how pernicious our history was, this Nazi, between 1956 and 1970, was a National Party senator, which just gives you some pause for thought. But it was Verhaard who to a large degree then essentially moved his movement around the country. And Von Moltke, who is the defendant, first defendant in the case that we are about to examine, particularly influenced by Verhaard and started the Eastern Cape Branch of the Greyshirts.

I just want to say that it's perhaps wrong to suggest that these people were the only anti-semites at that time. It's interesting reading some of the literature at that period just to realise how deeply ingrained antisemitism was in South Africa, and what a fruitful soil there was for people like Verhaard and others. Admittedly thereafter, but two quotes that I'd like to offer you, which do not come from hairdressers born in Powell or those who essentially were Afrikaans stock, but the professor of law at the University of Cape Town, my university, is photographed or somewhere hanging in the corridors, although they've all been taken down now, Professor Kerr Wiley, who is regarded as a supporter of the Greyshirts.

He was quoted as saying the following. "Everything points to the fact that the Jews' game "in South Africa is up. "And if they have any sense, they realise that fact. "But history shows that their greed for golden lust "and for power is so ingrained in the Jewish race "that they will cling to their gold and power "for far too long." I might add that Kerr Wiley, who as I say, Professor of law until 1948 at the University of Cape Town. And I do recall some amusement now that one of my own teachers, Professor Rachel DeForce, who used to talk about the history of the South African Law School, said that the other professor at the time was a man called George Villa who referred to Kerr Wiley as an educated buffoon.

And I think that is probably may be right, but it's amazing that it was, and then if you think that was the only one, Patrick Duncan, the governor, general, writing to Lady Selborne in 1938, giving you a context again, said, "Musenbergh has the usual throng of Jews "of the unusually unattractive type. "I am no antisemite and now comes the usual. "I have many Jewish friends whom I like and admire, "but something in me revolts "against our country being peopled by squat bodied, "furtive eyed, loud voice Jews who crowd Musenbergh "from upcountry trading stores." Well that was the context and I raised that context because it's important to understand that in relation to any trial, to any piece of litigation, what is going on in the outside world at that particular point in time.

And so we come to the case and I have here, and you can see an old law report. This is the 1934 report of the Eastern Cape Courts and you will find there the case of Levy versus Famoko.

And it's interesting the way in that sort of very as it word dry way, the Judge President Graham, I'll come to him in a moment, talks about the case. He says, "The plaintiff is the minister in charge of the Port Elizabeth Hebrew Congregation Western Road Synagogue He does not possess the academical degree "r technical qualifications of a rabbi, as will appear is spoken of and known amongst the general public as the rabbi of that congregation, even though he's a reverend."

"The defendant Famoko is the leader "of the eastern province, "lead eastern province of an organisation style, "the South African Gentile Nationalist Socialist Movement. "His object is to combat and destroy "the alleged preversive influence of the Jews and economics, "culture, religion, ethics and statecraft "and to reestablish European arian control in South Africa "for the welfare of the Christian peoples of South Africa." And then there were two other defendants, Unafia, who is the editor of a newspaper called Dire Port. I don't think it's pedigree of the one that we now have, but there it is.

And a third man called Inche, who appears to be no more than as it were, the bodyguard division for The Greyshirts. Now that's as the judge described the parties. So what happened, well, what happened was this, that Mr. Famoko and his cronies are basically claimed that they had stolen a document out of the Port Elizabeth Synagogue in which a document appeared, which was, as it were, a South African, as a short document. It was only, I think something on four full pages of foolscap paper. But it was clearly as it were derived from the "Protocols of the Elders of Zion" and had a sort of South African flavour to it.

And the suggestion was that this was a document which the Jews of Port Elizabeth had compiled, and when you read what the contents thereof, you'll realise that the idea was to suggest that the Jews of Port Elizabeth were involved in this broader international conspiracy, which of course is central to the perfidious "Protocols of the Elders of Zion." Now, in some ways, the document was an extraordinarily amateur production. It was a carbon copy of an original. At the top in the right hand corner of the first page are typed the words copy for M. Lazarus. We'll get back to Mr. Lazarus in a moment.

Below these words, Whereas the judge described it badly, formed a break characters handwritten in red ink. Signifying, Kashea Lapisagh was the judge put it fit for Passover. Lord alone knows what this had to do with anything, but there they were. And under these words were similar characters making up the words, which mean the Book of Memorial or remembrance, the Book of Chronicles. Clearly that was part of the chronicles all design. On the left hand side are Hebrew words, meaning holy congregation. There is then the law report that I've got here, then documents the entire document. I'm not going to read it all to you, I'll just give you a short flavour of what they were on about.

So there it was purported to be a series of lectures of which the last one read, just the first paragraph for your edification. "If we stand for world communism for dictatorship "of the proletariat, "our imperialism of Packsudaka is one for the downfall "of western civilization and it's

replacement "by the Eastern Japanese system. "We have seen the progress of the USSR since 1917 "when our agents, Lennon, Stalin, et cetera "murdered the Csar. "The Pope is a religious imperialist "and that interferes with our world plan. "As we have got control over Russia, "so we will also control the union and achieve our objective "in the destruction of the British Empire "by making propaganda for wars. "As a result, it'll fall to bits as did mighty Rome, "yet we survive and our object has been fulfilled. "Such is the mission of Judah."

And then at the end, the last paragraph. "On your very life take care of these instructions, "do not mention a word to even your own "what is contained in these passages. "You know our law, you know the result, "the propaganda that will shortly arrive from Moscow "that will be in our safekeeping in the synagogue "at West Road will be handed to trustees, "members of the local and Cape Trade Unions. "As soon as the appointed time arrives, "we shall install into the warped minds of Goya, G-O-Y-A "then that we are the proverbial now know all "issued by the select high circle "of the Anti-Nazi Propaganda Vigilante Committee, "an authorship for used by the trustee "and the six council members only rabbi."

That word was not unimportant for reasons that will become apparent now. Well, as I indicated, Abraham Levy was not a rabbi, he was a reverend. But it was perfectly obvious that the document purported to suggest that Reverend Levy had compiled this document which these thugs from the Greyshirts, particularly Inche had stolen. And now they, Unafia publishes and report and Famoko held two meetings in which you read out verse tracks of this document to show that the Jews were ultimately of Port Elizabeth were going to undermine the entire fabric of White South African Society. And it was as a result of that, that the case actually began. See if I can find the point I wanted, yes.

And Reverend Levy, well he said this in cross-examination, but I think it's important, he said, "I am taking action against you "because I consider the good name of myself "and the whole of jury to have been offended." And so he sued for defamation, he sued for defamation and he contended that this document had defamed him, defamed the Jews of Port Elizabeth and therefore he sued for 2,000 pounds each against the three defendants. And essentially the case with Bolton what we lawyers would call innuendos, briefly as a judge summarise them and I'll read them briefly to you.

The first was that the document was, means and intended that Jewish citizens of Port Elizabeth as of the rest of the world were antagonistic to the Christian religion and determined to destroy it. Secondly, it means, it was intended to mean there was arranged that certain Jews were to go onto a meeting of the South African Gentile National Socialist Movement to create a disturbance, to commit crimes amounting to murder, homicide, manslaughter and destruction of property.

That it was intended to mean that the members of Jewish Faith intended to subvert the existing system of civilization and substitute therefore Japanese system, destroy the British empire and hand back South Africa to the natives, that those of the Jewish faith would no longer be in

danger from Nazis who are destitute of good qualities as are the Dutch people of South Africa. And finally that it was intended to mean that the members of Jewish faith should keep silent with regard to the four sig designs and wait propaganda from Moscow to help in the subversive activities. And this was all being correlated, coordinated at the Port Elizabeth Synagogue. That was the essential thrust of the case. And so the Reverend Levy sued, let me just talk a little bit about the characters.

The first thing that was particularly interesting was when Reverend Levy sued for defamation. The question was who was going to represent him. The suggestion was that they had initially approached an eminent Jewish silk, king's council as it then was, I'm not sure who that was. Some people suggest it was Joseph Herpstein later to become a judge in the Cape Supreme Court are passed over for the judge presidentship of that division and eventually made earlier to Israel. But by 1964 he was not a silk, he had not taken silk status, so it couldn't have been him, it couldn't have been Izzy Maisels, he was too young.

I'm not quite sure who they had in mind. But what is significant was that they decided not to have a Jewish council that was fantastically interesting. They decided that the best way to deal with this was to actually brief a very eminent silk, Frederick Reynolds later to become a judge in Grahamstown. But at that time an eminent member of the bar did not happen to be Jewish but to put his heart and soul into the case. And when I suggested to you that there were significant parallels between this and the Irving case, it is interesting that council who represented Deborah Lipstadt was also not Jewish in that case.

And there was, the strategy seemed to be quite similar and very clever, which was that in fact was throwing everybody off balance, because how was somebody who passionately argued the case and with a great deal of forensic skill I might add against these three defendants and against the claim that the "Protocols of the Elders of Zion" had any authenticity at all, but it did not happen to be Jewish but had enormous credibility with the bench. And who were the bench? Well there were two judges, firstly there was Sir Thomas Graham, he is a judge president of the Eastern Cape Court, which was in Grahamstown that time, that building still the same building that those of you ever go to Grahamstown and see if you go to the Grahamstown Festival. And he was an alum assistant, Andrews College in Grahamstown.

He'd been a cabinet minister and the Attorney General in the old Cape Colony, he'd become the judge president of the Eastern Cape in 1913. Thinking to myself, my goodness, he was a judge president for 21 years. That's a very long time until I realised that I'd been the judge president of the competition appeal court for a similar amount of time, which just goes to show you how the years fly. And the other judge, Judge Clemens Gucci, he interesting enough and also being a professor of law at the South African College, later the University of Cape Town, then became a judge in Southwest Africa. And then he'd become some years earlier a judge in the Eastern Cape. I'll talk a little bit about them in a moment if I may, but they were the judges and by the way, Fomoko, Inche and Unifia represented themselves and that presented considerable difficulties for the court because when Levy sued for defamation, the question was, well, what

was the defence? And I found it fascinating reading these yellow pagers of the law report just the other day in preparation for this, just how the defence shifted, it was complicated to know quite what their case was, but to the extent that even the judges understood it, it was this, they first said that they denied that they were referring to Reverend Levy because he wasn't a rabbi.

They denied that the words were capable of bearing the meanings placed upon them and it didn't refer to Levy but to the whole Jewish races, if that really made any difference, but there we are. And then they said that the words were true and they were published for public benefit. At some later stage, they changed their plea to say they reasonably leave the document to be true. So it was a sort of shifting sense, and that of course created a level of complication in the case. Now Levy testified at length and what was interesting of course was when I said this issue about rabbi and reverend, well, there was evidence oddly enough from Reverend Wolfie Hash from the Pretoria Community who essentially was the person called to firstly talk about the ridiculous way in which the Hebrew had been written and that no Jew and also Rabbi Ephraim Levy from Durban who basically spoke about the fact that couldn't be, had to be a forgery because of the way in which the Hebrew being written.

And secondly, the fact that although Reverend Levy wasn't a rabbi and what a rabbi was and the rabbi, the fact of the matter was that for all intents and purposes, Levy was regarded as a rabbi in the broader community. And accordingly the evidence which was given was the effect that it was clearly designed to refer to him. I mentioned earlier that in the document, the document had referred to one M. Lazarus. Well that was quite funny, because Lazarus was Mr. Mark Lazarus and he was a British born labour party activist and the chairman of the Marxist Football Club in Port Elizabeth. I didn't know there was such a thing and he was so far removed from formal Jewish life in the city.

In fact he wasn't particularly enthusiastic about anything religious. But the reason why he was brought into the picture was 'cause he owned the mercantile press which had been responsible for printing anti-Greyshirt pamphlets and they had rarely drawn the eye of both Inche and Famoko. And so perhaps that was the link when he was asked about the link to the Western Road Synagogue, he said, "I have never been inside in my life." And he said that with a great deal of pride apparently. And so the point was that, what on earth was Lazarus's name doing there when Lazarus had absolutely no connection at all with anything to do with the case.

What was also interesting about the defence, sorry, about the plaintiff's case was that the other person who was called to give evidence because he happened to be in South Africa at the time was Naham Sakallo and Naham Sakallo of course, was the head of the World Jewish Congress and he had been visiting South Africa at that time serendipitously. And as a result he gave evidence on behalf of the plaintiff that is behalf of Levy. And let me give you a bit of what he had to say. He said, "There's absolutely no truth in the suggestion "that there was a Jewish pro to overcome the world," he said and he pointed out that the document was clearly derivative from the "Protocols of the Elders of Zion" and that together with World Price back in 1920, it had been shown that the entire document was nothing more than a forgery, it was initially an

anti-Napoleonic pamphlet.

It was in the British Museum Library, he said, "I've handled the original pamphlet myself," he told the judge and informed the court how the name of Hertzfel had been substituted for that of Napoleon three and Jews for the French clique operating against the emperor, in so far as that document was concerned, when Famoko suggested to Sakallo, that the Jews had levelled a pistol at the head of the British government in putting forward the Zionist proposals. Sakallo told him that he was exaggerating the importance of the Jews. Do you think that we could frighten Great Britain? This is your childish imagination, he suggested.

The Sakallo was actually rather an important witness because he was able to give the court an expert evidence as it were about the background to the "Protocols of the Elders of Zion" the fact that this was a complete forgery and that the South African document was a derivative thereof. So, by the time the plaintiff had ended its case or his case, the question was well how was the defendants or the three of them, what were they going to do?

And they relied to a very large extent on what they considered to be their expert. And their expert was a man called Henry Hamilton Beamish. He was a well-known Irish born antisemite and he had been a son of an admiral who served as a naval aid to come Queen Victoria. He found his way to the Cape Colony by Alaska and Salon, as a member of the Salon mounted infantry during the Anglobal war. He'd risen to the rank of captain, he'd remained in South Africa and had meandered between South Africa and Rhodesia during that particular period.

He was their main witness and he claimed with a great deal of confidence that he had talked both Hitler and Henry Ford, that somehow he'd been in Germany in the 1920s, had come across Hitler, had great discussions with him and somehow also influenced Henry Ford that he was an absolute expert on the subject and that he could assure the court that the "Protocols of the Elder of Zion" were absolutely correct. I should say that the judges eventually were not particularly impressed. Judge President had the following to say and I quote from the transcript, "He regards himself as a modern crusader.

"His mission is to reveal to the world "the existence of a world plot "organised by the Jews since the beginning of their history "to overthrow Christianity and destroy civilization. "He has greedily swallowed every anti-Jewish publication "that he's discovered and accepted the facts, "every anti-Jewish sentiment they have contained "and upon this question is a fanatic. "He's been unable to produce a vistage "of relevant evidence in support of his charge "regarding the authenticity "of the "Protocols of the Elders of Zion."

Now that is, I've run ahead of myself because I have now been talking to you about, in a sense, what the judge had to say. But it is clear from looking at some of the evidence that at that time that the case was going on, Frederick Reynolds was not entirely sure that the case was going as well as it turned out. I suppose for many litigate that is probably true. You're never quite sure which way judges are going and you're never quite sure what views they held. But it is

interesting, and I derived this from Hadassa Ben-Itto's book that it's one particular point When Famoko was giving evidence, he said the following, 'We all realise outside and inside this court "that this is a case of a very serious character. "It's not just a defamation case, "as the defendants repeating justification "or expose the international Jewish plot. "It is a case unique in the history of the British Empire."

And to some extent on that point want us to agree with him because it was the first case in which the protocols were now being subjected to forensic scrutiny. And then he turned to the Judges, Sanolke giving his evidence. He said, "I must say your lordships have been so lenient "with us, seeing we are not represented here "and you have given us all the latitude, "which has been very favourably commented upon "by our sympathisers." And Hadassa bent into her comments. She says, "This is outrageous Reynold's thought, "this case was not tried in front of Nazi sympathisers "whispers to his junior. "Don't be so sure, Stuart, the junior whispered back." In short, at the way the case was going at that particular point in time, there was some apprehension as to how the case was going to pan out.

And to give you the sense that whereas Levy had given evidence of his standing in his rail, in Port Elizabeth where he was very respected and that the document could not possibly have been stolen from the synagogue crew. Whereas Sakollo had given extensive evidence that the "Protocols of the Elder of Zion" was a forgery. That the document which was in front of them was a forgery. The Rabbi Ephraim Levy from Durban had said it was perfectly obviously, you just had to look at the Hebrew generously to a crude forgery. No Jew would've written Hebrew like this. No Jew would've written the document, any of that stuff in the way it was.

And I've read that to you, no, that's obvious. When it got to the defence, of course, Famoko was right, it was a political case, it was a political case of very serious antisemitism coming into forensic combat with the case that had been made out by Reverend Levy and by the world Zionist President Sakollo. That what we were talking about was outrageous antisemitism, which was growing throughout the world and which was particularly now significant in South Africa for all the reasons that have advanced.

Now, what Famoko then said in his evidence was this, he made basically five points, and I've distilled them as follows, that the Christian people in South Africa were divided people, that the international law divided them and we'll keep them divided so long as they could be exploited. That within a few generations all the Christian people in South Africa have been forced into unconditional bondage by the international Jews, they're not awake. That the Christian Church and the Christian faith within disgracefully undermined by the immoral code of the Jew. And within the Christian state of South Africa there was a hostile Jewish state, similar Jewish hostile states existed in all countries in the world. So there was a real sensor that what they were putting up was exactly as I've indicated in the political trial, the narrative of the most pernicious form of antisemitism that was imaginable.

But why it pains indicated to you that in 1935 K. Wiley could have said what he did, in 1938,

Duncan could have said what he did and that this was not just restricted to the confines of the coffee heist and Verhaard and a small bunch of crude Greyshirts. And I suppose what Reynolds was concerned about at the time and legitimately so, was, was that kind of attitude which Duncan and which Wiley exhibited albeit a couple of years later, was that the kind of attitude that these judges who had gone to St. Andrews College and Dale College and who essentially probably would not have had much by way of connection with the small Jewish community of Port Elizabeth, let alone the few Jews in Grahamstown, would they not have been such that they could have been captive, at least in part to this kind of pernicious discourse, which would then have resonated to an extent that maybe the case wouldn't have come out in the way it did. I think that was quite obviously from what I've read, the kind of anxiety that Levy's team had at that particular point.

But it is also true to say that because Beamish was such a exaggerator, because he said so many outrageous things that he was personally involved in various publications of the protocols that he knew Victor Marsden, who had translated the protocols into English as well as Theodore French in Lipesic, that he was personally acquainted with all the important Nazi leaders who had drawn many of the ideas from his writings and from personal instruction by him, that he also knew El Fry, the author of "Waters Flowing Eastward," volunteered but gave himself away when he used a masculine gender, speaking of Lesley Fry as if he was a man called himself a student of raciology, as Reynolds noted in his pad, which was then put in documents that later reproduces.

He was a real honest to God admitted Nazi, but he was such an exaggerator and he went on to say, for example, "I defy anyone," this is in his evidence, "To name any government "in the whole of Europe today "that is not absolutely controlled by Jews "with the exception of Germany, 'cause he set an example." He then delivered well expert opinion on the "Protocols of the Elders of Zion" and said that the protocols were true because he can prove how the whole Jewish plan has now been implemented. And so in a sense, because his evidence was quite shocking as it was, you'll see as I indicated already, the judges were unimpressed when Reynolds asked him, "Is there any institution in England "that you are prepared to acquit "from Jewish infants?"

Beamish said unabashed, "I candidly do not know of anything "except possibly to the church to a minor extent, "Reynolds, take the Archbishop of Canterbury, he said, "he does not believe in the protocols, "and the answer is, I've written to him "and I've complained bitterly about that." So there was a real sense in which Beamish was cross-examined for three days, six sessions throughout the day. And in fact if you look at the transcript, 119 pages are taken up in this particular regard. And what is particularly interesting about this is that I think perhaps let me quote here what Hadassa Ben-Itto wrote in her book on this point, "I forced myself to read every page, "I remind myself it was the year 1934, "the world was beginning to realise "that Hitler was indeed in power in Germany. "Jews in other countries were beginning to be apprehensive. "They read their morning papers with a worried expression "and then went on with their lives as usual. "They calmed their collective contrasts "by adding money to help Jews were smart enough "to leave Germany.

"Most Jews never took the trouble to leave that camp. "I'm used just as they never read "the "Protocols of the Elder of Zion" "what garbage they said. "Had they taken the trouble, I think, "they might have seen the writing on the wall "or maybe they wouldn't have believed even then." It's an interesting point and it's certainly true that when you read, as I have myself some of the Beamish transcript, it is extraordinary and it's extraordinary that it's sort of there it is in a sense that a process of examination and cross-examination during a process of three days.

And when I prepared for my interview with Deborah Lipstadt and took the trouble to go through almost everything I possibly could lay my hands on with the Irving trial, it was fascinating to me, and some of you may have seen the film where I think it's fairly accurately documented. The same sort of reaction to the evidence of Irving was apparent in relation seems to me to the evidence of Beamish. Anyway, at the end of the day, the point was that the case kind of collapsed in the one defendant basically walked out at the end of the plaintiff's case almost sort of saying there's no point pursuing it.

The other two did continue but kept on changing their pleas and eventually the judges gave us lengthy judgement which went on for 2 1/2 hours, and in which they found that there was no doubt that the document which I read out to in part clearly was defamatory of Reverend Levy. The innuendos which they had set out in which I described had clearly been proved and as they said Famoko failed to destroy the onus of showing that he did not act recklessly in publishing a document, by his own showing the circumstances surrounding the alleged theft of the document when themselves suspicions and should detained extreme caution. He said he had once distrusted the documents that I said to have come from the manual hall. He thought they were shady, that they were a plant.

Yet these were the very documents which were used for the purpose of affording the explanation why Lynch and burglars entered the Synagogue, and so to explain his possession of the document. and the Famoko thought that the documents were foisted on Inche to trap him a little reflection was shown on how absurd such a belief was and how to induce him to step into another trap. He should have realised that the circumstances, a code for the strictest inquiry in every precaution should have been taken to test the truth of instance story and the generous of the document. Then of course the conduct in relation to the propagation of these clearly compounded the felony.

As a result of which the judges in this, the judges found, of course the Levy, found that the "Protocols of the Elders of Zion" and the document were an utter forgery and then went on to say just a couple of other things. They said that the Inche document could reasonably be construed as referring to Levy is most defamatory of him and that he was utterly entitled to have actually come to the conclusion he did. They said, that, "Beamish was the fanatic "to which I've made reference "and accordingly there was no way "in which they could accept his evidence as well." And the result of the case was that damages were awarded against all of the parties in the sense that 1,000 pounds of damages against both Unifia, sorry, against Inche and against

Famoko and I think it was a case of 750 pounds in the case of Unifia.

Now it is interesting when one then starts to read some of the newspapers and the Jewish communities' response there to that there was considerable disappointment that Beamish they felt should have been condemned in stronger language, that there wasn't enough here to basically satisfy them in this case. And Reynolds then tried to explain because he met with the community afterwards to explain the entire judgement to them. And it's interesting that what he said, he said, "Yes it's true he should have been condemned "in far strangled language, "but this is as far as judges "who raised in the English tradition will go."

I was curious that that kind of English restraint as it were in this particular sense, did not give rise to more than the paragraph that I've read out. The worst of which to repeat was Beamish impressed as a man obsessed with the views he enunciated, intolerant in his beliefs and an exaggerated idea of his own importance. He has greedily swallowed every antisemitic publication that is discovered and accepted as facts. Every anti-Jewish statement may contained and upon this question is a fanatic, he'd been unable to produce a vestige relevant evidence in support of his charge and favour of the protocols.

So the community felt that more should have been done, that the judges had been too restrained, Reynolds instills great credits and I found this really remarkable, actually spent an entire evening as I've indicated, explaining the implications of the judgement to the community and why it came out the way it did. But that pointed out that given, there was his own anxieties about the case to start off with, the fact that they'd found, that not only the document, but that the protocols based on Sakollo's evidence compared to Beamish's was clearly a forgery, was clearly a document that could not be relied upon, was an extraordinary victory.

There is an interesting caveat to the story, which is this, that a few months later, Inche, who essentially had been the person who claimed that he'd stolen these documents from the Synagogue, was charged with the offence uttering a forge document and committing perjury at the trial. So now Inche of the three of them was now subjected to criminal proceedings as opposed to civil proceedings.

And what is interesting about this was that at the end of the trial, the foreman of the jury, really these were white jury men at the time, jury men at the time, I found this significant, asked the judge permission to make a statement because he said that the jury considered the crimes committed by Inche to be egregiously racial and politic racist and political. The court sentenced Victor to six years and three months imprisoned with hard labour. Judge Pittman, another of the judges in the Eastern Cape who presided over this trial explained why it's such a harsh sentence to being imposed. And it's an interesting passage. I'm bound to say there are regard offences in a very serious light.

Your conduct and hatching this plot was one that was calculated I think to work disaster of the most serious character on the community. You launched your plot with extreme recklessness as

to the consequences and in your furtherance of it you've been guilty of what I can only regard as the most flagrant attempt in this court to reverse the course of justice. I cannot shut my eyes to the harm you might have brought to a community and in which in some measure you actually did bring about to a section of that community. Other persons who may be disposed to follow in your footsteps must be warned by the sentence I imposed upon you that any such indulgence on their part will meet with a severe retribution.

So in a way, not only did the civil trial end with a judicial finding that the protocols were a forgery, that the document was a forgery, that this was perpetrated by the most pernicious characters. But in fact, in the criminal trial, the judge and the jury went further than the two judges had in the civil trial, certainly against Inche and that certainly assuaged the Jewish community to a large degree. That wasn't all of it. Then on the 29th of April of that year, the Minister of Interior, which was Hoffmayer, he said the following, you remember, Hoffmayer of course is very much the liberal wing of the United Party before his untimely death.

He said, "Unhappily, there is no lie so foolish, "but some witless folk will be founded believing it. "No liars are cruel, "but eager zealots will give it wider currency "once they hear it. "People talk about the sacred rights of freedom "being in peril, "but the sacred right of freedom should not carry with it "the licence to propagate mass attacks upon communities "or sections of the communities "or any title to put into circulation statements "that can only result in setting race against race, "creed against creed or faith against faith. "And happily it proves too often "that those who talk loudly about civil freedom "are those least fitted to enjoy "the rights they speak about. "It's the business of the government to see at all times "that negligible minorities are not permitted "to go outside the bounds of legitimate propaganda "and let loose such doctrines as are bound "to breed counter activities "amongst people as earnest as they "with inevitable result that the peace of the land "is temporarily endangered."

But I suppose you could say that was written in 1934, and this is appropriate to date in 2020 as it was in 1934. The point of story therefore was at least in Hoffmayer's eyes, he had grasped the point, he had grasped the point of the significance of the trial. And he grasped the point that in Abraham Levy's principles and brave stance in actually going to court in a case that you never know you may win or not. And as I've indicated to you, Reynolds' council was interested various points that they'd grasped the point that this was a political trial of immense proportion, of immense significance.

Because as much as antisemitism grew and we know it did in South Africa over a long period of time, how do you explain the fact that for 14 years the head of the Greyshirts sat in the Senate, South African Parliament vividly departed parliament, and that there were many similar kinds to, you may remember that Mr. B.J. Vorster was the prime minister of South Africa for quite some many years, 13, I think, or 12. And he himself had been internal coffee font contained for similar activities. Fact was that this case was important. It was important because if it had been lost, there would've been utter disaster.

And it is interesting that this was in a sense the forerunner, as I say, of the case that came so many years later, when the Lipstadt at Irving case where again one could ask oneself, my goodness if that case had been lost and David Irving had actually won the case, what would the consequences have been? And it's a case I'd love to discuss, but why I'm mentioning it is to focus your attention on this old case of 1934, which really is an extraordinary story in its own. And what I've been struck by, if I may, is how many people seem to know the Levy family? My wife I know is, first cousin is married to the daughter of Denzel Levy who died very recently, a remarkable man and who was the son of Reverend Levy.

And so there are a lot of people who know the family and perhaps reflect upon this extraordinary story of how at a very bleak time with the rise of Hitler, with the rise of the Greyshirts, somebody stood up and said, "I am prepared to go to court "and prepared to essentially use the court "as a political vehicle for legitimate purpose "of exposing this pernicious kind of hatred."

And actually, therefore, in a strange and ironic way in the small town of Grahamstown, finding that for the very first time, a judicial form after careful consideration by judges who as have indicated there was no certainty what the outcome was going to be. Judges who found that the protocols were an utter forgery and the document that emanated from them was an equal forgery, seems to me quite a remarkable piece of South African legal history. And again, may I say I'm so grateful to Trudy for again, inspiring me to think through this particular case and we'll certainly pursue Milton and I something in the future, thank you.

Q&A and Comments:

Thank you very much, Dennis. I wanted ask question if we have any questions?

Q: So you touched briefly on the relevance of Deborah Lipstadt and David Irving's case, and you've obviously referenced the importance of this. Do you see any reference or relevance today in South African society for this case? The protocols have haunted the Jewish community around the world, but do you see this one as relied on today in South African legal opinions?

A: Well, the protocols of course have never died. I mean, that's a tragedy about it, I mean, when Anita spoke about the lie that never dies, that's true. And you noticed this, I think in some of the propaganda that comes up, the very kind, sadly, even in my own town, some of the kind of really most irresponsible sort of propaganda coming out, I'm sad to say it, out of certain sections of the Muslim community who essentially don't seem to be able to distinguish between legitimate criticism and vicious antisemitism.

It does come out, but not to the extent, thank God, that perhaps otherwise it would, I don't, I've never felt personally quite, antisemitism has always been around than about in South Africa, and it's there and it's there in a different kind in South Africa, there are different guys partly because of so much as it were conflation between, if you wish, what I think may be criticism of the state of Israel on one hand, but unfortunately, which in so many cases is much more than

that, which is a vicious form of antisemitism, which from time to time is buttressed by the protocols.

But the protocols are less seem to be a problem than, if I may say, a broader sense of vicious kinds of antisemitism that I think goes back into far greater explanations of the kind that Yehuda Barr in engaged with about, from when it comes and how does it develop. And the protocols are merely a means to that end now, much less so in South Africa than perhaps this is the case then. At that time, and they were absolutely crucial.

Q: Hi, Dennis, that was superb. I just wanted to mention something to you that I found today, 'cause I was doing some research on Anglo Jewish history and I think this could be a good lead for you and I. And evidently at the time of the blood libel of William of Knowledge, which I'm going to talk about tomorrow, it's all written up by a man called Thomas of Monmouth. And he talks about evidence he received from a chap called "Fear Bold" bear with me that a group of Jews from Spain assembled every year in Marble where they had their royal seed. This refers to Septimania to arrange the annual sacrifice prescribed in the ancient writings of their fathers. Do you know anything about this?

A: I've just heard of it, but not much, that's interesting.

Q: Because it's extraordinary, because what it seems to be saying, because all the evidence we have about this secret meeting of the Jews comes from sort of the 19th century. I'd love to find out if there's a link between this and the blood libel and the protocols.

A: No, that's quite an interesting point. I must talk to Milton about that too.

We better do some, can we meet off--

Yes of course, absolutely.

At their office.

Yeah, absolutely.

It was a great talk, thank you.

Thank you, pleasure.

Are there no more questions from anybody? No, well, Dennis, thank you once again.

Pleasure.

For an incredible time. Very informative, astonishing, captivating. And in this day and age, I'm

just trying to think, it's my parents, I had been born at this time. So it's just hard to believe that was so recent. Thank you, and we look forward to, we're going to take you up on your offer for the Lipstadt case, Irving case, and we will talk offline, thank you. Good night, everybody, thank you.

Good night.