

HISTORY AND CULTURE

A HAMBURG PORTUGUESE IN THE SERVICE OF THE HAGANAH: THE TRIAL AGAINST DAVID SEALTIEL IN HAMBURG (1937)

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Spotlighted in the story here to be told is David de Benjamin Sealtiel (Shaltiel, 1903–1969), a Sephardi Jew from Hamburg, who from 1934 worked for the Haganah in Palestine as a weapons buyer. He paid for that activity with 862 days in incarceration under extremely difficult conditions of detention in the concentration camps of the SS.¹

Jewish Immigration into Palestine and the Founding of the Haganah²

In order to be able to effectively protect the new Jewish settlements in Palestine from Arab attacks, and since possession of weapons was prohibited under the British Mandatory administration, arms and munitions initially were generally being smuggled into Palestine via French-controlled Syria. The leaders of the Haganah and Histadrut transformed the Haganah with the help of the Jewish Agency from a more or less untrained militia into a paramilitary group. The organization, led by Yisrael Galili (1911–1986), which in the rapidly growing Jewish towns had approximately 10,000 members, continued to be subordinate to the civilian leadership of the Histadrut. The Histadrut also was responsible for the

¹ Michael Studemund-Halévy has dealt with the fascinating, complex personality of David Sealtiel/Shaltiel in a number of publications in German, Hebrew, French and English: “From Hamburg to Paris”; “Vom Shaliach in den Yishuv”; “Sioniste au parfum romanesque”; “David Shaltiel.” See also [Shaltiel, David]. “In meines Vaters Haus”; Scholem. “Erinnerungen an David Shaltiel (1903–1968).” The short biographical sketches on David Sealtiel are often based on inadequate, incorrect, wrong or fictitious informations: Avidar-Tschernovitz. *David Shaltiel*; Jacquel [Jacques Lazarus]. “L'étonnant destin du légionnaire David Shaltiel.”

² Studies on the history of the Haganah have been published almost exclusively in Hebrew, such as: Dinur. *Sefer Toldot ha-Haganah*; Slutzky et al. *History of the Haganah*; in English, see Bauer. *From Diplomacy to Resistance*; on the history of Jewish military forces in Palestine, see also *Encyclopaedia Judaica* Vol. 9, 681-689.

requisite financial support for the Haganah.³ In 1936 the Haganah consisted of some 10,000 active and approximately 40,000 fighters ready for deployment, their ranks principally comprised of younger members of the Zionist organization Hechalutz. The most important leadership figure at the highest command level was Elijahu Golomb (1893–1945), who at that same time was head of the Histadrut and later of the *Mossad le-Aliyah Bet* (Organization for Illegal Immigration) and also founder of the political party *Achdut ha-Avodah* (Movement for the Unity of Labor). Since weapons smuggling via Syria proved impossible to expand, people fell back on weapons of their own production, often ridden with defects. The clandestine weapons industry, the Ta'as (*Ta'asiya Tzvait*, Military Industry), was since 1934 under the direction of Shaul Avigur (1899–1978), who together with Reuven Shiloah (1909–1959) played a significant role in setting up the Sherut Yediot (Shai), the intelligence and counter-espionage arm of the Haganah.⁴ In view of increasing confrontations with the Arabs, the Haganah leadership decided to import more weaponry. Since the British Mandatory authorities were likewise unable to protect the Jewish settlements adequately, the Haganah in the 1930s acquired a semi-official status coupled with access to “British” weaponry; however, that was dependent on the goodwill of individual British officers.

David Sealtiel and the Haganah

Since 1929 the Haganah had been sending members to Belgium, France and Italy to purchase weapons. Already between 1922 and 1924, Elijahu Golomb, one of the founders of the Haganah, had procured arms in Berlin, Paris and Vienna. The illegal purchase of weapons was to be implemented via the agency of trustworthy individuals with military experience who knew their way around in Europe, who had knowledge of the necessary languages, were able to operate legally unhindered and had a credible story at hand if necessary. David Sealtiel, aged 30, matched that required profile to a T.

³ Yisrael Galili entered the Haganah in 1927 and was appointed to its leadership in 1935. Initially Galili was a member of the political party Mapam, later active in the party *Achdut ha-Avodah* and then in *Avodah*, the Israeli labor party, and was for a time also a member of Ha-Ma'arach. He served from 1946 to 1948 as Chief of Staff in the Haganah and was responsible inter alia for matters concerning the *Mossad le-Aliyah Bet* (Organization for Illegal Immigration).

⁴ On the Haganah's own weapons production, see Sacharov. *Out of the Limelight*, 21 ff.

David Sealtiel, born January 16, 1903 in Berlin, had grown up in Hamburg in an Orthodox Sephardi family. His father Benjamin was a deeply devout Hamburg merchant, which led to him being given the hardly flattering reputation of being a “meshuggene Portugese.” Sealtiel attracted attention in his youth by his rebellious character, his provocative behavior at school and his opposition to his religious parental home. He was expelled from school several times and tried his hand without success in various business activities.⁵ In 1923, the young Sealtiel, who had been what seemed a failure at school and also in his endeavors to establish a profession, traveled for the first time to Palestine, but returned in 1924 to Hamburg. In 1925 he left Hamburg again, joining the French Foreign Legion in Marseille, where he remained five years, participating in the



Identity Card for David Sealtiel.

© Courtesy Yehudit Shaltiel.

savage struggle against the rebellious Arabs in Morocco. As a squad leader with the rank of sergeant, he settled in France, becoming the director of a small factory for printing equipment. He later worked as a representative of Royal Dutch Shell. In 1933 in Paris after conversations with Perez Leshem (Fritz Lichtenstein, 1903–2003), co-founder of the German Hechalutz and Eliyahu Golomb, he agreed to become active for the Zionist world federation Hechalutz.⁶

⁵ Studemund-Halévy. “David Shaltiel,” 393 ff.

⁶ Lüth. *David Shaltiel*; Leshem. *Strasse zur Rettung 1933–1939*, 45.

This organization, founded in 1917, sought to promote Jewish immigration to Palestine (*aliyah*) and to organize preparation (*hachsharah*) for *aliyah* in Europe. The Nazi takeover of power in early 1933 triggered a huge wave of Jewish emigration. In 1934 the Hechalutz in Germany had, according to its own figures, a membership of some 15,000; other sources placed their membership at 10,000 or less.⁷ There were 96 local groups of the Hechalutz in Germany at the end of 1936.⁸ Under the influence of the Haganah, the Hechalutz became the central, active Jewish aid and resistance organization in Europe. On October 1, 1933 Sealtiel was appointed Secretary of the French Hechalutz. In the summer of 1934, he travelled once again to Palestine with a passport issued by the embassy in Paris.

The connections between the Haganah and Hechalutz were probably very close already in 1934 when David Sealtiel, then 31, traveled a second time to Palestine. It is probable he was approached and recruited by the Haganah at this time. Given his military experience in the Legion, he was predestined for activity in the Haganah. In retrospect, many indications suggest that his entry into the Hechalutz was designed to disguise further assigned tasks. In February 1935 Sealtiel was given a full-time position as a Haganah functionary. His area of responsibility included military organization and training of the cadre. Already in 1936, he was appointed commander of the military sectors in the Jordan Valley in Menachamia (Milchamia) and Bitanya and in Upper Galilee.

The Haganah leadership must have had great confidence in the military and organizational abilities of Sealtiel to have entrusted him so quickly with an important military command position in defense. Because his assigned territory had a very open settlement structure, it was difficult to defend against Arab attack.

⁷ On the development of the Hechalutz in Germany, see Josephthal. *Bericht über den Hechalutz in Deutschland in den Jahren 1933–1939*; Wurm. *Life and Work of Giora Josephthal*; Teichert. *Chasak!*, 116, 117, 123 and State Archive Hamburg (hereafter StAHH) 213-11 Spiro, Bruno Richard et al. wg. *Devisenvergehen*, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fols. 48 ff. – transcript of the interrogation on 30 Dec. 1936; Barlev. *Hechalutz. Deutscher Landesverband*, 8; for a critical assessment, see Meier-Cronmeyer. *Kibbuzim. Geschichte, Geist und Gestalt*, Part I, 156.

⁸ Hechalutz, Deutscher Landesverband (ed.). *Werk und Werden*, 29 ff.; data according to Jehuda Barlev (Kurt Herzberg), managing director of the Hechalutz from 1936 to 1938.

Hachsharah camp Mahar
(Tomorrow)
in Jugeals-Nazareth (Corrèze), one
of four camps in France.



The Haganah commissioned David Sealtiel to acquire weapons for the Haganah in Antwerp, Berlin and Hamburg. We can assume that already in the early summer of 1935, Eliyahu Golomb and Shaul Avigur instructed David Sealtiel to search out arms traffickers in Europe and to examine options for disguised clandestine deliveries. In June 1935 Sealtiel visited a man called ‘Meyers’ (an alias) in his Paris office and Sealtiel was given the code name ‘Shaloni.’ Under this pseudonym Sealtiel also met the Hamburg-based weapons dealer Bruno Spiro in 1935, apparently not directly in Hamburg but probably in Belgium. Spiro was owner of the Hamburg firm Benny Spiro, founded in 1864. Public adverts confirm that the company’s business was “Import – Export, Iron – Steel, Machinery, Automobiles, Military Equipment.” Spiro made no secret of the fact that he was able to arrange a great deal. Thus, he maintained a storage area in the duty-free Hamburg free port with an arms cache and had international business relations at his disposal. It was rumored that Spiro also had access to Czechoslovak firearms caches.

Beginning in the summer of 1934, Bruno Spiro began to stay for longer periods in Paris. He engaged there in discussions about weapons deals with Arthur Bleichröder and Arnold Herzfeld inter alia, both men emigré Hamburg bankers. Spiro then made the acquaintance of a man called ‘Meyers’ through the mediation of Walter Wasserzug, owner of the company Walter Wasserzug & Co GmbH Berlin. ‘Meyers’ also seemed to use the aliases ‘Hoffmann,’ ‘Colon’ and ‘Gumpertz.’ The real identity of ‘Meyers,’ who spoke German with a foreign accent, is not known. Sealtiel thought ‘Meyers’ was a Polish Jew, while Spiro believed he was Dutch.⁹

⁹ Data on the weapon sales and the persons who arranged for weapons abroad are taken from the numerous transcripts of interrogations of Bruno Spiro (1875–1936) by the Hamburg Gestapo, such as the transcript by the Gestapo dated 18 August 1936, in

There are numerous indications that standing behind ‘Meyers’ was the European arm of the Haganah, which for reasons of disguise was also the French and European central office of the Hechalutz. It is unknown what weapons deals ‘Meyers’ was pursuing for the Haganah at this juncture. But it is unconceivable that the Haganah was interested solely in the German weapons market, and there are solid indications to support this assumption. On October 16, 1935, Arab port workers in Jaffa discovered a cache of hidden weapons in barrels of cement while unloading the Belgian ship ‘Leopold II.’¹⁰ One container broke open, revealing 25 light submachine guns (Lewis Gun), 800 rifles and 400,000 rounds of ammunition. The recipient was a Jewish merchant J.[osef] Katan in Tel Aviv. The British authorities were later unable to locate him. It is highly likely this was an alias. But the detectives of the Gestapo who interrogated Sealtiel about ‘Katan’ evidently could not imagine that ‘Katan’ is Hebrew for ‘small.’ Interrogated by the Gestapo, Spiro denied any connection with this attempt to import illegal weapons.¹¹ This is scarcely credible. There is an entry in Spiro’s notebook that reads: “recipient: Josef Kattan, Anglo-Palestine Bank, Tel Aviv.”¹² This obviously was a cover address.



Histadrut membership card of
David Sealtiel.
© Courtesy Yehudit Shaltiel.

Beginning in summer 1935, Spiro arranged several weapons deals with ‘Meyers’ via the port of Antwerp. Then they chose the port in Hamburg,

StaAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 2, fol. 5 ff. (fol. 6).

¹⁰ Sacharov. *Out of the Limelight* (fn. 4), 8. Eliyahu Sacharov was at the time assistant of Shaul Avigur and was an eye-witness at the center of Haganah leadership.

¹¹ Interrogation, 8 July 1936, StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol. 41.

¹² Interrogation Sealtiel, 19 January 1937, StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fols. 41 ff.

where Spiro had stored weapons. In summer 1935 or the spring of 1936, Spiro negotiated with the Hamburg shipping company Carl Wolter about the possibility of secret weapons deliveries. The largely camouflaged deliveries involved at least four weapons transactions. Marked for delivery were 500 old Turkish Mauser rifles with 1,000 plug-in magazines, 100,000 rounds, and 250 brand-new Mauser pistols (caliber 7.63).¹³ To disguise the pistols, crates loaded with glass were to be used. The camouflaging was inspected by Spiro and two other persons in the presence of an employee of the shipping company. That employee would later tell the Gestapo that Spiro had explained that the two persons were from Palestine and had spoken to one another in a language he did not understand. One can assume Hebrew was the language spoken. The two persons involved were Sealtiel and 'Meyers,' as Sealtiel indicated in his interrogation on November 10, 1936.¹⁴ Finally the attempt to camouflage the weapons was abandoned. Spiro, Sealtiel and probably 'Meyers' as well, decided to ship the weapons openly, giving 'Antwerp' as destination. The choice of the Antwerp port was not accidental, as Spiro also negotiated weapon purchases in Belgium. The country had a highly developed arms manufacturing sector, such as the Fabrique Nationale d'Armes de Guerre à Herstal (Liège); in the 1930s, this firm significantly increased its weapons exports via the export port of Antwerp. There it did not attract special attention when other weapons were exported via Antwerp to destinations such as Palestine. In 1935 Spiro still maintained business relations with the Fabrique Nationale d'Armes de Guerre. It would be unrealistic to assume that Sealtiel had not been aware of the more detailed circumstances of such weapons transactions, even if later he would emphasize when interrogated by the Gestapo that he had only a minor subordinate position. That was part of a strategically very astute defense. Sealtiel could only have known about matters from his Paris representative of the Haganah, i.e. 'Meyers' himself. For 'Meyers,' Sealtiel was not an unimportant employee who carried out his assigned smaller tasks. A small-scale arms deal involving 20 Mauser pistols was arranged in May 1936. That same month, Sealtiel, Spiro and 'Meyers' met in Amsterdam in order to discuss further weapons deals. A purchase of 100 improved Bergmann submachine guns and 200,000 Mauser pistol bullets was not finalized. What financial means were used by 'Meyers' in his weapons transactions was something the Gestapo could not clarify during

¹³ Interrogation of Spiro by the Gestapo, 22 July 1936, StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol. 154.

¹⁴ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 19 R.

the interrogations of Spiro and Sealtiel. ‘Meyers’ must have organized the financing in some way in Paris. The travel expenses of Sealtiel, including overnight accommodations, also had to be financed. Information that did not become known until after WW II point to support coming from Jews in London.¹⁵ German Jews may also have made ‘contributions.’ It may be that a circle of emigré Jewish business people, including bankers, had formed a group in Paris in order to deal with the financing of the Haganah and Hechalutz in Europe. In the interrogations, the names Arnold Herzfeld (1889–1975), Paul Bleichröder, Walter Wilhelm Wasserzug (1898–1950) and Baron Robert de Rothschild (1880–1946) are mentioned. The Hamburg Gestapo did not pursue this question any further. Robert de Rothschild was already in 1933 a co-founder of the *Comité national de secours aux réfugiés allemands victimes du nazisme* (Relief Organization for the Victims of German Anti-Semitism). That organization was replaced in 1936 by the *Comité assistance aux réfugiés* (Relief Committee for Refugees).¹⁶

There are various reasons why the weapons deals transacted between Spiro and ‘Meyers’ did not take place in Hamburg, the location of Spiro’s firm, and were not implemented via the port there. One of the reasons may lie in the then valid legislation in Germany regarding weapons sales. The legal situation in this regard in the ‘Third Reich’ is somewhat difficult to establish for the years 1934/35. The Versailles Treaty, Art. 170, generally prohibited any commerce with weapons and also forbade any production whatsoever of ‘heavy’ weaponry. Germany was thus excluded from global commerce in weapons as a major supplier. The Law on the Disarmament of the People passed on August 7, 1920¹⁷ had already prohibited any commerce with military weapons. This was then supplemented by the Law Pertaining to the Import and Export of Implements of War passed on December 22, 1920.¹⁸ The additional Law on Implements of War passed on July 27, 1927¹⁹ intensified the prohibition. This law was a response to

¹⁵ See statements in the interrogation of Dr. Georg Josephthal by the Gestapo in Berlin, 27 January 1937, StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 64 R.

¹⁶ Lottman. *Die Rothschilds in Frankreich*, 221 ff.; see also Fabian and Coulmas. *Die deutsche Emigration in Frankreich nach 1933*. Rothschild was acquainted with Sealtiel through the training programmes for the *Auslandshachshara* (hachshara outside Germany, see Robert de Rothschild to David Saltiel [!], 4 juin 1934, JDC, n° 601; see also Caron. *L’Asile incertain*, 223-225; Leshem. *Strasse zur Rettung* (fn. 6); Grynberg. “Un kibboutz en Corrèze, 1933–1935,” 89-103.

¹⁷ RGBI. 1920, 1553.

¹⁸ RGBI. 1920, 2167.

¹⁹ RGBI. 1920, 239.

complaints by the Allies, which Gustav Stresemann heeded for reasons of foreign policy. The legal and factual situation changed when in his address to the Reichstag of May 21, 1935, Hitler declared that the German Reich no longer recognized itself as being bound by the Versailles Treaty. Subsequently the Law on the Import and Export of Implements of War was passed on November 6, 1935.²⁰ The new legal situation opened the door for German business to engage in arms export, providing the German economy freedom of movement once again in international global armaments sales. The National Socialist regime had great interest in this in order to obtain urgently needed foreign currency.²¹ After the cancellation of the Law on Implements of War, it proved possible to legalize German weapons export and reduce the continuing shortage of foreign currency. Already by 1937, Germany, with 14.9 percent, had become the second-largest export nation in global arms trade after Great Britain. However, weapons trade with Spain became an explosive issue after the Civil War erupted there in the summer of 1936.

On July 3, 1936 the Hamburg Gestapo arrested Bruno Spiro, who was charged with “serious allegations.” Spiro was strongly suspected to have shifted export contracts abroad, to the detriment of the German economy. Spiro contested the charge.²² Since the Gestapo itself had no specific knowledge of its own about firearms export deals, it may seem likely to think that economic envy, a denunciation by competitors was behind the allegation. The sources shed light on what had transpired. In 1936, a Commission for Armaments Purchase had been dispatched by the Kingdom of Yemen to Germany. The engineer Theodor Borczykowsky, a Polish national, had obtained from Yemen a power of attorney for negotiation in order to arrange the corresponding arms purchase. The intention was to buy 10,000 Mauser rifles from the German Mauser factories in Oberndorf am Neckar (today Baden-Württemberg). The Mauser works, relocated to Brno (Czechoslovakia) after World War I, were considered ‘address no. 1,’ because the Versailles Treaty prohibited Germany to produce military weapons. Thus, German armaments firms relocated their production plants not just to Czechoslovakia but especially to Switzerland, the Netherlands, Denmark and Sweden. In Brno the Mauser works developed the Rifle 98 and the Mauser vz. 24, both of which were considered of very high quality and were much in demand.

²⁰ RGBl. I 1920, 1337.

²¹ Volkmann. “Außenhandel und Aufrüstung in Deutschland 1933–1939,” 115.

²² StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol. 17 (Interrogation Spiro 2 July 1937).

The Haganah commissioned Sealtiel to purchase these weapons in the name of 'Meyers.' From 1934 on the Mauser works were (initially in secret) integrated into the rearmament of the German Wehrmacht. The military weapons were produced once again in Germany, even the famous Karabiner 98k, which already in 1935 was declared the standard weapon for the German Wehrmacht. There was thus a great desire in international arms trade to acquire such Mauser guns. Borczykowsky had been in contact with Spiro for business transactions for a long time.²³ Spiro was ready to arrange the weapons purchase for 10,000 Mauser rifles in Germany for Borczykowsky. This proved impossible because, as Spiro explained later in his interrogation, the Mauser works had no spare capacity available for such a large order.²⁴ That is certainly plausible because since 1935 priority was given to the demands of the German Wehrmacht.²⁵ For that reason, Spiro proposed to Borczykowsky the idea of implementing the Yemeni order, which based on his own interest he wished to stick to, somewhere abroad. Belgium naturally came to mind for him. The Hamburg merchant Martin Hansen Jesse (b. 1886) must have gotten wind of what Spiro was intending. He went to the Gestapo and accused Spiro of being suspected of a criminal act. He alleged that Spiro was about to do harm to the German economy by shifting the Yemeni export order out of the country for implementation.

The order for protective custody issued on July 4, 1936 indicates only that Spiro was under strong suspicion of "having shifted abroad foreign contracts for supply of weapons, to the detriment of the German economy." A precise criminal offence is not evident. In this phase of its investigations, the Gestapo was initially not interested in this matter. Its investigation proceeded in a number of different directions. Probably the reference here is to the Law against Betrayal of the German Economy passed on June 12, 1933.²⁶ This law was of huge importance for the economic interests of the

²³ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 4, fol. 54 (Gestapo report. 16 Feb. 1937).

²⁴ Spiro stated that he negotiated with the managing director of the Mauser Works, Hermann Zillinger (1876–1946). StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol.17.

²⁵ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol. 17 (Interrogation Spiro, 2 July 1937).

²⁶ RGBI. I, 360. The law from the time of the Implementation Decree of 28 June 1933 (RGBI. I, 413) was known by its short name 'Law on Treason.'

National Socialists.²⁷ It was among those measures with which the National Socialists reacted soon after seizure of power to the very difficult situation with respect to foreign currency reserves.²⁸ The exchange control instituted during the Brüning era and still ongoing had remained under extreme stress. Violations of the law of June 12, 1933 came under the competence of the special courts.²⁹ The Law on the Foreign Currency Economy of February 4, 1935³⁰ along with its implementation decrees provided further pitfalls. The government 'supervision offices' had since 1934 been controlling the movement of goods with the help of a large number of employees. The prohibitions in the legislation on foreign currency also applied to transactions implemented abroad if the efficacy of these transactions was determined by German law. Since sentencing lay in the jurisdiction of the special courts, the criminal investigation could result in a heavy prison sentence. The criminal investigation that the Gestapo initiated at the Hamburg Special Court against Spiro, working in tandem with the state prosecutor's office, accused him of having caused detriment to the German economy, foreign-exchange violations in several cases, suspected weapons smuggling, and in addition suspicion of racial defilement. A trial before a special court was thus a very threatening matter. However, it was not only the serious economic crimes alleged that formed the basis for the Gestapo to bring a case. Police oversight of German Jewry, which had been declared an enemy of the state, became one of the major tasks of the Gestapo, since mid-1936 increasingly monitored and directed by the staff departments of the Security Service of the SS.

On July 10, 1936, Sealtiel attempted to phone Spiro to tell him that he was coming to Hamburg but got no response. When Sealtiel arrived in Hamburg on July 15, 1936 for a family visit, Ellen Spiro, Bruno's wife, informed him that her husband had been in protective custody of the Hamburg Gestapo since July 3. Sealtiel then informed 'Meyers' in Paris and

²⁷ Volkmann. "Außenhandel und Aufrüstung in Deutschland 1933–1939," 116; for a detailed account of German weapons exports from 1935 on, see Boelcke. *Deutschland als Welthandelsmacht 1930–1945*, 69-117; *Deutsche Wirtschaft 1930–1945*, 100-117; Hilbert. "Waffenexport," 415-431.

²⁸ See also the intensification of the regulations in the sphere of supervision of foreign exchange rationing by the law of 7 December 1933 (RGBl. I, 1045). The law of December 18, 1933 created a separate Reich Office for the Foreign Currency Economy (RGBl. I, 1079).

²⁹ See. § 9 Sec. 1 of the law of June 12, 1933, referring to the Ordinance on the Formation of Special Courts, March 21, 1933 (RGBl. I, 136).

³⁰ RGBl. I, 106.

spoke with Spiro's defense lawyer, Dr. Nicolaus Darboven, Hamburg.³¹ Sealtiel left Hamburg on July 16 and, without having achieved anything, headed via Berlin, Prague and Vienna to Trieste. There he boarded a ship for Palestine.

Despite all conspiratorial secrecy, the Gestapo found numerous indications of business connections with 'Schaloni' in Spiro's papers. Spiro also acknowledged these ties in sufficient detail during his interrogations. On July 13, 1936, the interrogating Gestapo decided to inform the Foreign Currency Office and to have existing "material examined by a special official."³² The Hamburg Customs Investigation Office then joined the investigation. Both offices, the Hamburg Gestapo and the Hamburg Foreign Currency Office were certain that they had 'caught a large fish' in the person of Spiro and Schaloni. In June 1936, SS-Gruppenführer Reinhard Heydrich had set up a Foreign Currency Investigation Office.³³ In doing so he followed a decree by the Plenipotentiary for the Four-Year Plan, the Prussian Prime Minister Hermann Göring. In September 1936, Heydrich ordered all state police offices and foreign exchange bureaus that they had an obligation to file a report "in the case of larger-scale cases involving foreign-currency investigation." The case of 'Spiro' was evidently classified accordingly. It was thought they were on the trail of an internal 'Jewish' arms-smuggling operation. In any case, that was the view of the interrogating customs officials, criminal investigators and their assistants. On July 31, the Hamburg Customs Investigation Office instructed the Gestapo to extend the protective custody of Bruno Spiro, because otherwise they would have to apply for an arrest warrant themselves. On August 7, 1936, the head of the Hamburg Gestapo, SS-Obersturmbannführer Bruno Streckenbach (1902–1977), informed the so-called *Abwehrstelle* (military intelligence service) in Hamburg. Its remit was military secret intelligence (spying) and counter-intelligence in the Reichswehr and armaments industry. The suspicion was that Spiro had illegally sold weapons from the German Military Supplies Office in Güstrow. What is noteworthy here is less that the military counter-intelligence authorities were informed, but the fact that the head of the Hamburg Gestapo knew in early 1936 about the

³¹ Nikolaus Darboven (1897–1950) was until April 1933 a member of the executive board of the Hamburg Lawyers' Association; see Morisse. "Die Tage unseres Berufes sind gezählt," 36.

³² Letter, Customs Investigation Office, 31 July 1936 (D.V. 927/36) to Secret State Police – Inspektion 4- Hamburg, StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol. 55.

³³ Tooze. *Ökonomie der Zerstörung*, 255; Longerich. *Politik der Vernichtung*, 119.

criminal investigation against Spiro being conducted by his own office. Streckenbach also assumed that Spiro was a “notorious international Jewish weapons smuggler.”³⁴ Whether the Hamburg Gestapo at some point had understood that the recipient of weapons Spiro was selling could also be the Haganah is not evident from the files. On September 26, 1936 Bruno Spiro committed suicide in protective custody (Fuhlsbüttel Concentration Camp).³⁵ This created a new situation for the Gestapo officials investigating the case. For three months, they had harbored the hope of being able to uncover a network of “international Jewish arms smugglers” by means of intensive interrogation of Bruno Spiro. The death of Spiro posed the risk of a bitter defeat in the manhunt for suspects by the Gestapo. It thus may have appeared more efficacious to concentrate on supposed accomplices. If concrete clues were now traced, then sooner or later David Sealtiel would invariably have to come into the investigative cross-hairs of the Hamburg Gestapo. Not a month had passed after Spiro’s suicide when the Gestapo decided to initiate investigative measures against Sealtiel. On November 4, 1936 the Hamburg Gestapo placed him on the national ‘wanted list,’ including surveillance at border crossings. They had no indications as to his whereabouts.

The Fuhlsbüttel prison was set up in part as a type of concentration camp in 1933.

The place was called “Konzentrationslager Fuhlsbüttel” and became known as “Kola-Fu” in slang terms.



The Arrest of David Sealtiel by the Gestapo

Neither the Haganah, the Hechalutz in Berlin or Paris, ‘Meyers’ or indeed Sealtiel himself knew anything about this development when Sealtiel, evidently on orders from the Haganah and in coordination with the European Hechalutz, returned on October 18, 1936 by ship from Palestine to France, arriving on October 24 once again in Paris. He met there with ‘Meyers’

³⁴ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 4, fols. 55, 57.

³⁵ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol. 125; see Batz. “Tod eines Waffenhändlers,” 161-169.

and received new orders. Spiro at this point had been behind bars 114 days. As long as he remained in jail and most certainly after his possible release, Haganah weapons transactions handled by Benno Spiro were no longer possible.

For that reason, ‘Meyers’ had to find other avenues of arms procurement for the Haganah. The new assignment was that Sealtiel should seek out in Czechoslovakia possible offers for weapons (small arms). Indeed, Czechoslovakia had developed into a major armaments-producing country. Probably no one at the time thought that given Spiro’s incarceration, it would be wiser to avoid entering Germany for the time being. Moreover, neither Sealtiel nor ‘Meyers’ knew that Bruno Spiro was now dead. Sealtiel initially traveled on October 25, 1936 to Brussels for several days and went on from there on October 30 to visit his family in Hamburg. Only there did he learn from his brother Joseph (1905–1945) about Spiro’s suicide death.³⁶ That same day, Sealtiel travelled on to Berlin in order to speak with Dr. Georg Josephthal (1912–1962) and Naftali Unger (1909–1987) in the Palestine Office (Meinickestr. 10) of the Jewish Agency for Palestine. Georg Josephthal (Giora Joseph-Tal), from the kibbutz association Kibbutz Hameuchad founded in 1927, was appointed Secretary-General of the Hechalutz in Germany in 1936 and was probably already at that juncture connected with the Haganah.³⁷ Naftali Unger, from Kibbutz Givat Brenner, had been given the task by the Histadrut and Jewish Agency to ensure in Germany a fair distribution of the immigration certificates for Palestine.

On November 1, 1936 Sealtiel travelled by train from Berlin via Dresden to Prague and Brno, remaining there for two days. On November 4, 1936 he returned from Prague via Dresden back to Berlin. At this point in time, the border crossing Bodenbach apparently had not yet received the ‘wanted’ notification from the Hamburg Gestapo.

³⁶ Joseph Sealtiel was transported on July 19, 1942 to Theresienstadt, and sent October 4, 1944 on to Auschwitz, and later remanded to Dachau; his day of death is recorded as March 10, 1945, see Sielemann and Flamme (red.). *Hamburger jüdische Opfer des Nationalsozialismus*, 379.

³⁷ Josephthal. *Leben und Arbeit*, 1963; on Georg and Senta Josephthal, see also Erel. *Neue Wurzeln*, 148 ff.; Josephthal is believed to have collected money from Jews in order to be able to pay for weapons destined for the Haganah. The Gestapo found a photograph with him and Sealtiel. After that, Josephthal was repeatedly arrested and interrogated. In September 1938 he fled successfully with his wife Senta to Palestine. See Halpern (ed.). *The Responsible Attitude*.



David Sealtiel survives the hard period of incarceration in the notorious Fuhlsbüttel concentration camp (Kola-Fu), Hamburg's first concentration camp, by studying the Hebrew language. © Courtesy Yehudit Shaltiel.

On the afternoon of November 5, 1936 he travelled by train from Berlin to Cologne. His plan was to travel via Aachen and Liège to Paris. It is evident that there he intended to report to 'Meyers' about his negotiations in Czechoslovakia. But that did not come to pass. After boarding the night train Cologne/Aachen, Sealtiel was arrested on the train during a routine passport check at the border. The next morning at 7:30 a.m. he was handed over at the Aachen train station to the border post of the Gestapo. On November 4, 1936 an arrest warrant had been issued by the Hamburg Gestapo and sent to all state police offices, in particular at the border outposts. The Gestapo had decided to extend the investigation to include David Sealtiel after it had established the identity of 'Schaloni' and was certain it was hot on the trail of a "band of international weapons smugglers." That in any case was the view of the lower-level officials in the Hamburg Gestapo and probably also in the Hamburg Customs Investigation Office. On November 6, the Hamburg state prosecutor's office was informed of David Sealtiel's arrest. The next day two officials in the Hamburg Gestapo whisked him off to Hamburg. There Sealtiel, who had told the Gestapo he was a delegate of the Zionist association Hechalutz, was taken into 'Schutzhaft' (protective custody) at the request of the state prosecutor's office. He was interned in the Fuhlsbüttel concentration camp. There was a serious charge against him alleging that he had participated in Bruno Spiro's illegal weapons purchases and foreign currency transactions. The legal basis for this, as per

usual, was the ‘Notverordnung’ (Emergency Decree) of the Reich President, February 28, 1933.

What Sealtiel’s nationality was at the time of arrest was not a matter of discussion throughout the entire investigation process and later court proceedings. That could have been intentional because the question was indeed unclear. At birth he acquired the citizenship of his parents, i.e. German nationality. It remains uncertain whether Sealtiel had, before or after leaving the Foreign Legion, acquired French citizenship, thus forfeiting his German citizenship. Sealtiel was in the possession of a German passport issued in Paris when he was arrested, along with a *Carte d’Identité des Étrangers*. When leaving the Legion, a former legionnaire had the right to claim a ten-year residence permit for France. The *Carte d’Identité* he possessed listed his nationality as “*allemand*.” A French criminal court decision of May 26, 1933 likewise indicated that he had German citizenship. A further question is whether as a result of his long continuous stay in Mandatory Palestine, Sealtiel had acquired Palestinian citizenship. In terms of international law, already in the 1920s that was a problematic question.³⁸ On May 1, 1925 the British Mandatory power had issued Palestinian Citizenship Order 1925. According to it, Sealtiel would have acquired Palestinian citizenship but would have forfeited his German citizenship from birth.

From this perspective, Great Britain would then have been for him a consular protective power.³⁹ That indeed is not so improbable. In the

³⁸ Art. 7 of the British Mandate stated namely: “The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.” In end effect that was nothing other than implementing in international law the substance of the Balfour Declaration. See Feinberg. “Die völkerrechtlichen Grundlagen der Palästinensischen Staatsangehörigkeit,” 200-211; Schwarzenberger. *Das Völkerbunds-Mandat für Palästina*, 97 ff.; Feinberg. *Some Problems of the Palestine Mandate*. Nathan Feinberg (1895–1988), was a member of the Institute of International Law and taught in the Faculty of Law at the Hebrew University of Jerusalem.

³⁹ Federal Administrative Court (Bundesverwaltungsgericht), Judgement, 28 Sept. 1993 – Aktz. 1 C 25.92 – published in *Entscheidungen des Bundesverwaltungsgerichts (BVerwGE)* 94, 185 = *Deutsche Verwaltungsblätter (DVBl)* 1994, 519 = *Neue Zeitschrift für Verwaltungsrecht (NVwZ)* 1994, 387. It denies the “quality as a state of the entity of Palestine,” which it regards as the prerequisite for a person’s citizenship. The Palestinian Citizenship Order of July 24, 1925 (reprinted in a German and English version in Pagener. *Das Staatsangehörigkeitsrecht des Staates Israel und des ehemaligen Mandatsgebietes Palästina*, 11 ff.) is not ascribed any further legal significance. See also Spiegel. *Das Völkerrechtliche Mandat und seine Anwendung auf Palästina*, 24 ff. (digital 2010); Marcus. *Palästina – ein werdender Staat*.

spring of 1936, the Berlin Police President, at the behest of the Gestapo, deported the Berlin resident and emissary Jizchak Ben Ahron (1906–2006) on the grounds that he was a communist and thus deemed undesirable. The British ambassador then intervened in a memo on April 3, 1936, referring to the importance of the Palestinian citizen Ben Ahron for the work of the Hechalutz in Germany. However, that intervention remained ultimately fruitless.⁴⁰ Yet more important is the fact that the British ambassador had evidently proceeded quite naturally on the basis that Ben Ahron was in fact a Palestinian citizen, and the ambassador thus saw himself in the capacity of a consular protective power by dint of the Mandate.⁴¹ The Hamburg Gestapo ignored this argument. In the personal identity form that Sealtiel signed on November 10, 1936, the column ‘For foreigners’ is crossed through.⁴² The Gestapo thus treated Sealtiel as a German citizen. Noteworthy nonetheless is that a certificate of incarceration from the Comité International de la Croix-Rouge (Arolsen) and dated September 11, 1958, which evidently was issued in connection with questions of indemnification, left the question of his national identity unanswered.⁴³

In Paris people began to wonder about why Sealtiel had not returned from Germany. In Berlin the Hechalutz also wondered where Sealtiel was. The standard procedure for a notification of arrival was that Sealtiel after returning to Paris was to send a postcard to the Hechalutz in Berlin. But this time there was no such postcard. An inquiry was sent to the Hechalutz Paris and confirmation was given that Sealtiel had indeed not returned. David Sealtiel’s family was also concerned about his absence. On June 6, 1934, Sealtiel had married the German Jew Ingeborg Peim, born June 6, 1912 in Chemnitz (Saxony). Her father was the former lawyer Dr. Isidor Goldberg from Plauen (Saxony), where he had served as a socialist alderman in the municipality and head of the local Jewish Community. In 1933, he was stripped of his license to practice law and fled to Paris. David Sealtiel initially resided in the home of his father-in-law in Neuilly-sur-Seine, an exclusive Paris suburb. Later they moved to an apartment in Paris, located at 42 bis Rue de Petites Écuries in the 10th Arrondissement. It was

⁴⁰ Teichert. *Chasak!*, 265.

⁴¹ Other Jews who emigrated also encountered differences of opinion regarding the matter of Palestinian citizenship, such as Werner Feilchenfeld, Director-General of the Ha’avarah; see Teichert. *Chasak!*, 217, fn. 20. In 1938, the Tax Office Berlin-Moabit ordered Feilchenfeld to pay a special tax on his assets as a Jew, the so-called *Vermögensabgabe für Juden*, but he contended that he was no longer a German citizen.

⁴² StAHH 213-11 1135/44 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 13.

⁴³ StAHH 351-11 Amt für Wiedergutmachung, 27306, David Sealtiel, fol. 24.

on the same street where the Paris Hechalutz also had its offices, at No. 27. Sealtiel's sudden disappearance left the Hechalutz in Paris and Berlin and his wife and father-in-law with a sole likely conclusion, namely that David Sealtiel had been arrested in Nazi Germany. Making their own inquiries with the authorities was out of the question, since that would only have disclosed to the Gestapo various connections. On November 9, 1936, a long-distance phone call originating from Paris was placed to David's brother in Hamburg, but without success. The following day another such inquiry was made by a caller who did not give his name, stating that David Sealtiel had been expected to return on November 6. On November 12, 1936 Joseph Sealtiel received another inquiry regarding his brother. The caller, who once again does not give his name, now states his suspicion that David may well have been arrested. On November 13, 1936 Joseph Sealtiel is interrogated by the Gestapo in his Hamburg residence.⁴⁴ Joseph Sealtiel was now certain that his brother must have been arrested. But this was not revealed to him when he replied to the three officials questioning him that he did not know where his brother David was. He tells the officials – two detectives and a customs officer – that he has not received any further phone calls from abroad.

Sometime around November 19, 1936 a Jew entered the law office in Berlin of Alfred Klee.⁴⁵ The man said his name was 'Kuritzki,' he spoke with a non-German accent. Alfred Klee was director of the Zionist Association for Germany (ZVfD). 'Kuritzki' presented as legitimation a letter from Sealtiel's father-in-law Isidor Goldberg, a distant relative of Alfred Klee. 'Kuritzki' stated that he was a friend of the Goldberg family. He asked whether Alfred Klee might be able to help to clarify the whereabouts of David Sealtiel. Initially that yielded no new information. But partial clarification in Berlin became possible two days later: it was determined that Sealtiel was arrested in Aachen and sent on to Hamburg. That information was obtained when the Jewish lawyer Dr. Julius Löwenstein made inquiries at the Gestapo in Aachen.⁴⁶ On November 20,

⁴⁴ Transcript of interrogation, 13 Nov. 1936, StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fols. 31-33.

⁴⁵ Dr. phil. Alfred Klee (1895–1943 [Westerbork concentration camp]) was a lawyer in Berlin and an important Jewish functionary: head of the Zionist Association of Germany (ZVfD), in 1919 co-founder of the Jewish People's Party (JVP), head of the Jewish Community Berlin, co-founder of the International *Hilfskomitee*. He fled to Holland in 1938 and was deported to the Westerbork concentration camp in 1942.

⁴⁶ Dr. Julius Loewenstein (1874–1946) was a lawyer in Aachen. He emigrated in 1939 to Palestine, where he died in 1946 in Kfar Sirkin.

1936 Hans Klee, the son of Alfred Klee, then referred ‘Kuritzki’ to the Hamburg Dr. iur. Max Flesch, whom he knew from his time as a court legal intern. That same day Hans Klee in Berlin rang up Max Flesch. Klee asked him to assist ‘Kuritzki’ in looking for a Zionist-Jewish lawyer in connection with Sealtiel’s arrest. Flesch gave him the name of the Hamburg lawyer Dr. Manfred Zadik. ‘Kuritzki’ then decided to travel from Berlin to Hamburg to meet with Flesch. Max Flesch and Georg Josephthal, head of the Palestine Office in Berlin, were former fellow students. In November 1936, Catriel Katz, who later would become Ben Gurion’s Secretary of State in his 9th cabinet, urgently informed Josephthal by letter of Sealtiel’s arrest.

‘Kuritzki’ remained from November 20 to 22, 1936 in Hamburg, apparently now assuming the guise of a Jewish student, and living at the Zentralhotel, Kirchenallee 33. Flesch at this point in time was active in Hamburg in the framework of the Hamburg Zionist Association (HZV) for the ZVfD. So the Berlin central office found the right go-between in the person of Flesch. However, Flesch was not licensed to practice as an attorney. Due to the so-called Law for the Restoration of the Professional Civil Service of April 7, 1933,⁴⁷ he also would never be able to achieve such a licensed status. ‘Kuritzki’ and Flesch met that same day at the office of the lawyer Dr. Manfred Zadik.⁴⁸ Zadik was a Zionist and had belonged to the Executive of the HZV since 1935. ‘Kuritzki’ was discernably well-informed about Sealtiel’s activity. He knew that Sealtiel was working with the Hechalutz and was also simultaneously active for the Haganah. ‘Kuritzki’ expressed his suspicion that the reason for Sealtiel’s arrest could be connected with some sort of weapons deal. That sounded surprisingly, how could that be? Impossible that ‘Kuritzki’ was just a simple Jewish student.

Initially on this first day the meeting left the participants perplexed as they departed. In the Nazi system that had a strong dictatorial basis in 1936, individuals had exercise caution in making inquiries, and also which persons they approached for that. For that reason, no Zionist institution could step in and inquire regarding Sealtiel, because that could only lead to additional harm for the prisoner. And most importantly, it was not known how much information the Gestapo actually had. People met several more

⁴⁷ RGBl. I, 188.

⁴⁸ Dr. Manfred Zadik (1887–1965), lawyer in Hamburg, Zionist; see Morisse. *Ausgrenzung und Verfolgung*, Vol. I, 181; Lorenz and Berkemann. *Die Hamburger Juden im NS-Staat*, Vol. IV, 83 ff.

time at the home of Max Flesch. Michael Traub arrived from Berlin.⁴⁹ The fact that he chose to come to Hamburg clearly underscored just how seriously the Palestine Office in Berlin and the Berlin Hechalutz regarded the ‘Sealtiel case.’ However, given the extremely scant source material available, it is difficult to determine exactly what Sealtiel’s position actually was inside the Haganah hierarchy in the mid-1930s. A report written after 1945 for the Yad Vashem Archive by Max Flesch states that in 1936, Sealtiel was serving as Chief of the Intelligence and Counter-Espionage Service of the Haganah.⁵⁰ In all probability, that is hardly accurate. We can assume that in the context of his activities abroad, Sealtiel most likely had contact with the Intelligence Service of the Haganah. But he was still then too much a ‘tyro’ to be in such a leadership position in the Haganah, after only two years in Palestine. Flesch suffered from a conceptual shift in time in this regard. Correct is that Sealtiel indeed was appointed Chief of the Haganah Intelligence Counter-Espionage Service (Shai) in April 1946. In 1936, Shaul Avigur was still at the helm of Shai.

Nonetheless, Sealtiel’s supporters in Hamburg attempted then to intervene at the Gestapo and gain certain information. Probably the lawyer Zadik took some action, according to another source it was the Altona-based attorney and later defense lawyer Dr. Julius Jonas. At the latest since November 1935, attempts by lawyers to become formally involved in procedures connected with protective custody were considered basically hopeless.⁵¹ At best such efforts were only possible on an “informal” basis. Nonetheless, the Gestapo confirmed that Sealtiel had been arrested. As Flesch later saw it, it had proved possible to avoid having Sealtiel deported to a concentration camp. Instead he remained in protective custody accused of a criminal offense. However, that did not correspond with the actual facts of his situation. Sealtiel initially was in protective custody, but in the Fuhlsbüttel prison, which was in fact a concentration camp. Not until February 5 was Sealtiel remanded in pre-trial custody. In his report, Flesch noted that he had had the impression back then that the Gestapo suspected Sealtiel of also having been active in providing assistance to the

⁴⁹ Dr. Michael Traub (1891–1946) was from the spring of 1933 head of the Keren Hayessod in Germany and a member of the Reich Representation of the German Jews. In early 1936 he was elected to the Berlin Executive Committee of the Zionist Association in Germany (ZVfD). Along with Salomon Adler-Rudel, he belonged more to the left wing of the ZVfD; see Traub. *Die jüdische Auswanderung aus Deutschland*.

⁵⁰ Lorenz and Berkemann. *Die Hamburger Juden im NS-Staat*, Vol. VI, 305-306.

⁵¹ Gruchmann. *Justiz im Dritten Reich 1933–1940*, 564 ff. (here 570), with reference to a communication from Heinrich Himmler, Chief of the German Police, regarding the personal decision by Hitler.

Republicans fighting in Spain. For that reason, Flesch thought that they had clamped down on him in such a robust manner. That is an interesting hypothesis regarding a conceivable motive for action by the Gestapo. It is in keeping in part with the content of the Gestapo files that will be examined below. His ‘contact persons’ with the Gestapo had advised Flesch to leave Germany as quickly as possible, since the Gestapo apparently had received new orders from their central office for taking a stronger hand in dealing with Sealtiel, as well as any others who were acting on his behalf. He said that these ‘contact persons’ had basically been the simple supervisory officers at the Gestapo. Catriel Katz and Georg Josephthal met in Zürich the end of November 1936, and on January 17, 1937 in Amsterdam. In his interrogation by the Gestapo on January 27, 1937 in Berlin, Josephthal admitted that Katz had mentioned to him the name of Spiro in connection with possible arms transactions.⁵² This level of knowledge that Katz had regarding the details of Sealtiel’s business connections is at the very least astonishing and gives rise to two kinds of suspicion. For one, the personal identity of Catriel Katz with ‘Kuritzki’ is probable. The descriptions of persons that the Gestapo obtained from Hans Klee and Georg Josephthal appear to suggest this. Second, it is tempting to speculate that Katz was in fact identical with the individual ‘Meyers.’ The Gestapo interrogated Max Flesch on January 28, 1937 but was unable to gain any new knowledge from this questioning.

Interrogation by the Gestapo and Discharge of David Sealtiel

A first interim report by the Gestapo interrogating officers in November 1936 notes: “Sealtiel is doubtless an individual of exceptional skill and caution.”⁵³ It adds: “Sealtiel defends himself in a remarkably adept manner. He only admits what can be plainly substantiated.”⁵⁴ “The impression Sealtiel gives is of a very shrewd Jew who is extremely cautious in what he says and who tries to quickly accommodate to his new situation.”⁵⁵

David Sealtiel may well have concluded from the interrogations that the Hamburg Gestapo was to a great extent incapable of grasping the true

⁵² Interrogation, 27 January 1937, StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 65.

⁵³ Memo, 9 November 1936, (Akz. 1566/36 St.P. 4.), StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 1R.

⁵⁴ Ibid., Report, Detective Sgts., 20 January 1937, fol. 58.

⁵⁵ Memo, 9 November 1936, (Akz. 1566/36 St.P. 4.), StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 8.

realities of the weapons deals for the Haganah. That may have been correct in regard to the second or third day of the interrogations. The staid, conservative interrogation officers were no match for the astute Sealtiel. They were detectives in intermediate-level career positions, with the rank of Assistant Detective and Detective Sgt. Yet one cannot allege that these Gestapo officers were not sufficiently experienced with the techniques of interrogation. They alternated, interrogating almost always in pairs, they introduced evidence in a tactically adept manner, in the main correspondence or names of individuals. They repeated the same questions the following day, in another context or by other interrogating personnel. They avoided almost any reference to the actual relevance of the matter central to the question, asking likewise about irrelevant matters in order to confuse the person under interrogation. And they avoided, as far as is discernible in the transcription of the interrogations, any aggressive behavior, aside from a very few exceptions, in which their misgivings appeared in discourse more 'directly,' indeed with greater annoyance.

However, the Gestapo did not succeed in uncovering the real background and thus achieve a successful criminal investigation. There are three main reasons for their failure: first was the lack of clarity in regard to what the real aim of the investigation was. When Spiro was taken into custody, the Gestapo saw the goal of the investigation in determining whether the export deals were being engaged in to the detriment of the German economy.⁵⁶ The interrogation then concentrated on the weapon transactions and whether any actual involvement existed directly between Spiro and Sealtiel. If in mid-July 1936 the central question was whether Spiro had damaged German interests by the camouflaged weapons deals,⁵⁷ a bit later the central question was whether Spiro was to be regarded as "an international Jewish smuggler of the first degree." The interrogating officers evidently believed in their own constructions. For Sealtiel, who knew that no such international Jewish weapons smuggling ring existed, the preconception, indeed ideological blindness of the Gestapo officers constituted a substantial advantage for his own defense. In August 1936, the interrogating officers began to develop a theory about a conspiracy. In their final report of January 20, 1937, they remain certain about this.⁵⁸

⁵⁶ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1 – memo, 3 July 1936.

⁵⁷ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 1, fol. 58 – memo, Gestapo, 13 July 1936.

⁵⁸ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid. 1135/44, Vol. 3 (her against Sealtiel, David), fols. 56 ff. (fol. 61) – memo, Gestapo, 20 January 1937.

The deal for Palestine was by then in their view a secondary matter, of primary interest was now what they believed to be an “organization to acquire weapons for the Reds in Spain.” The organization, it was alleged, was supported by the “most notorious international Jewish Komintern agents.” Sealtiel was to be counted among them. The result of the investigation was, according to the report, that there were ever stronger suspicions regarding arms deliveries to the conflict in Spain. That view was supported by two newspaper articles in the National Socialist *Hamburger Tageblatt* of August 9, 1936 and the *Berliner Lokalanzeiger* of December 3 that same year. However, at the same time it was conceded that there was no proof that Sealtiel was participating in the organization mentioned. Likewise in the interrogations the Gestapo conducted with Georg Josephthal, the suspicion was voiced that the Hechalutz was furnishing arms to the “Red Republicans” in Spain.⁵⁹

The second reason for the failure was the total lack of knowledge that the Gestapo officers had about the Haganah, the European and German Hechalutz and German Zionism. They were unable to correctly classify what were Zionist issues, had no knowledge of Hebrew and their general knowledge was deficient in regard to gaining a better understanding of the German infrastructure of the Zionist Hechalutz.⁶⁰ This was surprising since the Hamburg Gestapo had long since been monitoring the German-Israelite Community, the Jewish associations and various Jewish events.⁶¹ It was obvious that the interrogation officers did not think at all of the option of investigating in Paris through the agency of the Foreign Security Service (SD-Central Office – SD-Abroad/Counterintelligence) or by other means. Known Paris addresses were not checked. Their technique of asking Sealtiel about names and/or addresses found in Spiro’s notebook can scarcely be viewed as purposive investigative inquiry. This brings us to the third – maybe the most important – reason for the failure. Sealtiel quickly recognized that the interrogating officers only asked about matters whose potential relevance they did not

⁵⁹ On these data, see Barlev. *Hechalutz. Deutscher Landesverband*, 20.

⁶⁰ Kulka and Jäckel. *Die Juden in den geheimen NS-Stimmungsberichten*. The reports clearly show that knowledge about the German-Zionist infrastructure was very poor. The term “Hechalutz” appears only 66 times, “Haganah” only once, although Palestine appears 469 times.

⁶¹ Lorenz and Berkemann. *Hamburger Juden im NS-Staat*, Vol. I, 509 ff., 622; Teichert. *Chasak!*, 177 ff. Informative is also the description by Max Flesch (1907–1998) of possible contacts with the supervisory officers of the Gestapo, Lorenz and Berkemann. *Hamburger Juden im NS-Staat*, Vol. VI, 305 ff.

understand. If Sealtiel managed to relativize information and hold back any new detailed information during his interrogation process the Gestapo's only possibility was to point up the internal contradictions in Sealtiel's account, in this way wearing him down. That proved a failure. In early January 1937 the Gestapo discontinued any further interrogation of Sealtiel. It left it up to the Customs Investigation Office to draft a final report. To prove that Sealtiel committed any violations of laws governing foreign currency was difficult for the customs investigators, indeed virtually hopeless. They likewise were unable to prove that Sealtiel had any motive of personal enrichment. In their memorandum, the Gestapo ultimately gave up efforts to unmask Sealtiel in his "capacity as an agent for the international band of weapons smugglers."⁶² The Gestapo had already passed on to the Customs Investigation Office the job of proving a criminal offense against laws on foreign currency. It is evident that no representative of the SD took part in all the interrogations:

Interrogations of David Sealtiel

Date	Interrogating officials Name in the interrogations				Number of persons mentioned
9.11.1936	Mohrbeck	Paschleben			
10.11.1936	Mohrbeck	Paschleben	Heil	Warning	12
11.11.1936	Mohrbeck	Paschleben	Heil	Warning	10
12.11.1936	Mohrbeck	Paschleben	Heil	Warning	8
29.12.1936	Elgert	Paschleben			21
30.12.1936	Elgert	Paschleben			2
5.1.1937	Elgert				7
19.1.1937	Elgert	Paschleben	Heil	Warning	16

Despite their time-intensive interrogations, the officers did not succeed in drawing Sealtiel out of his position. The transcripts of the interrogations show rather that in his reactions, Sealtiel had quickly adapted to the techniques of questioning the Gestapo was employing. By day two of the interrogations, he realized that the Gestapo had no solid knowledge about the weapons deals, and particularly about the Haganah's intentions. Sealtiel possessed an excellent memory, he was able to explain situations plausibly and provide reasons for his own actions. In cross-examination days later,

⁶² StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 72 – Memo, Gestapo, 4 February 1937.

he was able to repeat his earlier answers in almost the same words. In several instances, he seized the initiative, bringing the intended dynamics of the interrogation to a halt, in that in the subsequent interrogation he corrected himself. If one studies the course of the many interrogations, one must acknowledge against the backdrop of what we know today about the situation that Sealtiel possessed both a high level of intelligence and also a strong psychological sense of empathy.

David Sealtiel quickly understood that his arrest was related to the connection with Spiro. Since the arms transactions carried out for the Haganah in 1935/1936 connected him with Spiro, he had to try his utmost not to appear connected in any way with the Haganah in the eyes of the Gestapo. He had known already at the time of his arrestment that Spiro had been taken into custody. Given the period involved, Sealtiel could assume that the Gestapo was proceeding on the basis that Sealtiel was aware of Spiro's earlier arrest and that he would shape his defense strategy accordingly. Since Spiro had taken his own life on September 29, 1936 in his cell, the Gestapo was solely dependent on existing documents and the content of previous interrogations. However, the density of interrogations with Spiro had been quite substantial. That is substantiated by the contents of files, which Sealtiel however did not know. Thus, he did not know what Spiro had perhaps revealed to the Gestapo. Both sides, the Gestapo and Sealtiel, were unaware what the other side knew about Bruno Spiro's death. In this situation of a mutual lack of knowledge, Sealtiel took an extremely astute strategic tack. He had been informed about Spiro's death since the end of October 1936, as he later indicated to the Gestapo.⁶³ For its part, the Gestapo did not inform Sealtiel until November 12, 1936 about Spiro's death. Sealtiel feigned genuine surprise. Only six weeks later did he reveal to the Gestapo his actual knowledge of the suicide already in late October. One example for Sealtiel's highly strategic behavior. He waited to see whether the Gestapo would inform him about Spiro's death. He thus was able to reflect on whether and why the Gestapo had decided to reveal this information to him at a specific juncture in the course of interrogation, and he was also able to think about whether and when he should correct his story regarding what he knew about Spiro's death vis-à-vis the interrogating Gestapo officers. He waited until a much later date to do this. However, his

⁶³ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fols. 48 ff. – transcript of the interrogation on 30 December 1936.

explanation for his late correction is not very convincing. He stated that he had wanted to protect his brother Joseph from being seized by the Gestapo.⁶⁴

On February 5, 1937, an order is issued against Sealtiel changing his previous status of protective custody to a remand in investigative criminal custody.⁶⁵ This procedure was instituted at the Hamburg Special Court (District Court Hamburg – Main Criminal Chamber). One day later the attorney Dr. Julius Jonas appeared as defense lawyer.⁶⁶ It is likely to assume that Joseph Sealtiel arranged for the legal defense of his brother. Joseph Sealtiel at that juncture was head of the Hamburg Portuguese Community. The state prosecutor's office rejected the request by Julius Jonas to have access to the case files. Further investigations pertaining to David Sealtiel were discontinued as of January 1937. So, the authorities were taking their time. A complaint against incarceration of his client by the defense lawyer Jonas was rejected by the Main Criminal Chamber in a ruling on July 8, 1937, which stated that there was a danger the suspect would flee. The real reasons lay somewhere else. The state prosecutor's office hesitated to submit an indictment since it had been waiting for some time for a comprehensive report from the Customs Investigative Office regarding the foreign currency case against Spiro. The report was issued on May 25, 1937. It is highly detailed.⁶⁷

With the indictment submitted on September 13, 1937, the state prosecutor's office called for opening the main prosecution and the affirmation of the arrest order.⁶⁸ The prosecuting authority initially was the state prosecutor at the Hanseatic Special Court. Nothing remained of the 'huge'

⁶⁴ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 46 – Transcript of the interrogation, 30 December 1936.

⁶⁵ On the relation between police protective custody and criminal investigative custody, see Werle. *Justiz-Strafrecht*, 569 ff.

⁶⁶ Dr. Julius Jonas (1874–1939 [suicide]) was a lawyer and notary public in Altona. After being stripped of his license as notary on June 8, 1933, he was active as a recognized attorney at the District Court Hamburg until November 30, 1938. In December 1938 he was licensed as a so-called "Jewish Legal Consultant"; see Morisse. *Ausgrenzung und Verfolgung*, 148. Jonas represented the Portuguese Community via a legal opinion submitted in the dispute regarding the placement of a tombstone for Gabriel Riesser in late 1937 vis-à-vis the Hamburg Jewish Community; see on this Lorenz and Berkemann. *Hamburger Juden im NS-Staat*, Vol. 1, 288; see also Lorenz. "Sefardim contra Ashkenazim," 477-485.

⁶⁷ Official report, Customs Investigative Office Hamburg, May 25, 1937 – Akz. D.V. 927/36 –, StAHH 214-15 Oberfinanzpräsident Str. 382 Sealtiel, Vol. 2 ff.

⁶⁸ StAHH 314-15 Oberfinanzpräsident Str. 382 Sealtiel, fols. 26 ff.

charge of international arms smuggling. The bill of indictment provides no proof whatsoever for the assertion by the prosecuting authority that ‘Meyers’ probably had been a member of an international arms smuggling ring, who “for years had been sending camouflaged arms shipments to all parts of the world.” Such a proof apparently could not be found. The Gestapo was also unable to present any concretely grounded evidence for the charge against Spiro that he had shifted arms contracts abroad to the detriment of the German economy and that this had been done working together with Sealtiel. The criminal liability now was only grounded on §§ 1,5 of the Third Implementation Decree on the Law Governing Foreign Currency of December 1, 1935.⁶⁹ According to that paragraph of the law, it is a punishable offense to send or otherwise “bring into the country” RM currency from abroad without formal permission. As a rule, the penalty involved a jail sentence, and in especially serious cases incarceration in a state prison.

The only charge now against David Sealtiel was that in 1936, without formal permission, he had “brought in” 7,100 RM from abroad (Belgium), and that he then passed on this cash to Spiro in payment of a financial demand. The entire matter is, if indeed congruent with fact, in the best case a “courier activity” that can be charged against Sealtiel. That is not an offense of much gravity. Neither the Gestapo nor the Customs Investigative Office wanted to admit a failure. Punishable is only a case where RM in cash are “brought into the country” from abroad. Is that also the case if someone is a courier? Or in terms of the law, is only that person culpable who brings RM in cash into the country and actually receives this money as part of his assets? That would have applied to Spiro, now deceased. The prosecuting authority did not wish to deal with such quibbling differentiations. In any case, there was no credence in regard to Sealtiel’s role as a courier. The opening resolution was issued on October 23, 1937 with continuation of the investigative detention ordered, the prisoner in solitary confinement.

In 1936/1937, National Socialist politics appeared “indecisive,” indeed in every respect lacking in conception when it came to the position their security organs should adopt toward Zionism and its various associations. However, the Nuremberg Laws passed on September 15, 1935 had put an end to any notions regarding some sort of integration of the German Jews into the Nazi state. The SD Security Service viewed the Haganah as an

⁶⁹ RGBI. I, 1408.

already well-organized defense and intelligence organization of the Jews.⁷⁰ Department II 112 was ordered to observe the Haganah. Head at this juncture was Adolf Eichmann. At the same time, the reports of the SD Upper Echelon determined that there was a clear decline among Jews in Germany in the tendency to emigrate to Palestine. The reason mentioned was the uncertain situation in Palestine as a destination for emigration. Rather it was noted that the tendency to stay on in Germany had strengthened.⁷¹

‘Political’ contact occurred on February 26, 1937 when Feivel Polkes (1900–1982), an agent of the secret Jewish defense organization Haganah, and Adolf Eichmann as a member of the Security Service of the SS met in Berlin.⁷² There they agreed that a forced emigration of the Jews would only be possible by an intensified Zionist emigration. This constituted a macabre convergence of interests between the National Socialist persecutors and the Zionist efforts for a comprehensive, large-scale Jewish migration to Palestine.⁷³ Polkes remained several days in Berlin. The SD deemed Polkes to be a leading member of the intelligence service of the Haganah. The meeting was arranged by Dr. Franz Reichert of the German News Agency (DNB) in Jerusalem, a contact person of the SD. Already in 1936, the SD (Section II 112) had begun secret service activities in Palestine.⁷⁴ In any event, the contacts between the SD and the Haganah had no visible impact on the criminal investigation against Sealtiel. Franz Alfred Six, in his report on June 17, 1937 to Heydrich, suggested that Polkes should be groomed and won over as a constant “provider of intelligence” for the SD.⁷⁵ Six, at this juncture SS-Obersturmbannführer,

⁷⁰ Wildt. *Die Judenpolitik des SD*, Document No. 17, 124-128 (here 127), Referate der Tagung der SD-Judenreferenten am 1.11.1937 im SD-Hauptamt in Berlin.

⁷¹ *Ibid.*, 50 and Document 15, 120-123.

⁷² Nicosia. *Zionismus und Antisemitismus im Dritten Reich*, 168-171, 269; *Zionism and Anti-Semitism in Nazi Germany*. According to Nicosia, it remains somewhat unclear what Polkes’ position actually was and his importance inside the Haganah. The SD considered Polkes’ presumably important position in the Haganah to be a proven fact. But as late as 1963, Shaul Avigur insisted that neither Polkes’ visit in 1937 in Berlin nor his contacts with Eichmann had occurred prompted by the Haganah. Heydrich allowed Eichmann to act, but probably broke off all such contacts around the end of 1937/early 1938.

⁷³ Brechtken. *Madagaskar für Juden*, 184.

⁷⁴ Teichert. *Chasak!*, 283.

⁷⁵ Proof by the American Historical Association (AHA), Microfilm (T. 175, R 411, EAP 173 b-1614/61). The document deals with the secret command matter 981/37, Section II 112 of the Reich Security Main Office (RSHA). The corresponding matter had been presented to the Chief of the Security Police, Reinhard Heydrich, as dis-

was de facto the domestic head of the Security Service of the Reichsführer SS (SD). On October 2, 1937 Eichmann and Herbert Hagen landed by ship in Haifa. Eichmann wished to obtain some picture of the situation in Palestine. In retrospect that may seem a notion naive and half-baked. The British Mandatory government prevented Eichmann from leaving the ship. A meeting between Eichmann, Herbert Hagen and Polkes then took place on October 10 and 11, 1937 in Cairo. This meeting had no recognizable influence on the still pending criminal investigative procedure. On November 1, 1937 Eichmann reported on the Haganah at a conference of the SD Jewish Affairs officers, so-called *Judenreferenten*.⁷⁶ Eichmann noted that their active “fighting group” consisted of settlers, agricultural and industrial workers. He noted that the weaponry in Haganah hands was modern, consisting of rifles, pistols and hand grenades, submachine guns and heavy mortars. This description was hardly correct, and Eichmann at best may have had his information from a second-hand source. Presumably he had been the victim of intentional disinformation. The top echelon of the SD appears in any case not to have followed up the possibilities of any “cooperation” in 1938. Rather, already at the end of 1937 / beginning of 1938, there was a basic new direction emergent in the National Socialist policy on the Jews pursued by Heydrich and Himmler.

The competent court for the trial against David Sealtiel was the 4th Main Criminal Chamber in the District Court Hamburg. The bench consisted of three professional judges and two lay judges (*Schöffen*).⁷⁷ The prosecuting authority was the state prosecutor’s office at the District Court Hamburg. The oral main hearing of the criminal case took place on November 18, 1937. David Sealtiel at this point had been behind bars for more than a year. The hearing extended from 9:30 am to 6:00 pm, with an appropriate break for lunch. Present were the state prosecutor, the lawyer for the defense, Dr. Jonas, and the federal prosecutor Dr. Herbert Schiefelbein as representative for the joint plaintiff, the Chief Finance President of Hamburg. The court heard Gestapo officers and personnel from the Customs Investigative Office (Foreign Currency Dept.) as witnesses, along with the wife of Bruno Spiro, Ms. Ellen Spiro. The state prosecutor called

cernable from the stamp “submit to C.” Heydrich initialed it with “H.” He thus apparently authorized the action; that is also evident from his marginal notes.

⁷⁶ Wildt. *Judenpolitik des SD*, Document No. 19, 133-139 (here 137), Referate der Tagung der SD-Judenreferenten am 1.11.1937 im SD-Hauptamt in Berlin.

⁷⁷ The professional judges were: District Court Director Dr. Heinemann, District Court Councillor Dr. Tralau and District Court Councillor Dr. Baltschun, in addition the lay judges, the carpenter Dünn and merchant Warncke.

for conviction of the defendant to one year in prison and a penalty of 8,000 RM, while counting the six months he had already spent in investigative custody as part of that proposed sentence. The judgment was not announced until two days later, on November 20, 1937.⁷⁸ The criminal court acquitted Sealtiel on the grounds of insufficient evidence. The verdict was in his favor “*in dubio pro reo*.” Schiefelbein, in his report dated November 22, 1937 had already noted: “This decision was expected. The only evidence comprised some notes Spiro had made shortly before his suicide in the concentration camp. These notes (scribbled on torn scraps of paper, the back of envelopes, etc.) were in part illegible, and partially incomprehensible. They were totally inadequate for a conviction.” That is also how the court viewed the matter in its written judgment and rationale at the end of December 1937.⁷⁹

The reasons for the judgment are unusual in their structuring. They initially indicate that the court had undertaken no investigations of its own. The questioning of witnesses was evidently in keeping with the content of the transcripts of the interrogations. This did not provide the court with any further knowledge. The summary of the bill of indictment and the ‘evidence’ given there were accepted. These comprised solely the transcripts of the interrogations by the Gestapo and several hand-written notes as well that Spiro had written down while in detention. This makes it clear that the court desired to limit itself to an assessment of these findings of the investigation. In addition, the court accepted the view of the Gestapo and the prosecuting authority that ‘Meyers’ probably was “a previously unknown leading member of an international Jewish arms smuggling gang.” Thereupon the court juxtaposed two different matters in its reasons for the decision. It explained what the reasons were underlying the fact that the state prosecution had concluded on the basis of the notes made by the deceased Spiro that Sealtiel had paid with domestic funds for a portion of the weapons Spiro had sold. It was reasoned that Sealtiel must have brought this money into Germany from abroad. Sealtiel’s defense

⁷⁸ The verdict of the District Court Hamburg against David Sealtiel made known on November 20, 1937 is reprinted in Lorenz and Berkemann. *Die Hamburger Juden im NS-Staat*, Vol. VI, 295-299. The Hamburg State Archive contains numerous comprehensive criminal trial files on this. Without legal assistance it is extremely difficult to arrive at an exhaustive evaluation. I am very indebted in this respect to Jörg Berke-mann, a recognized specialist on the National Socialist legal and justice system. His work was not renounceable in this study about the trial against David Sealtiel in 1937.

⁷⁹ StAHH 324-15 Oberfinanzpräsident, Str. 382 Strafl. Nr. 73/1937 D17 Bruno Spiro/David Sealtiel 1938–1939.

explained a quite different matter. This is also described in the rationale for the decision. According to it, it was not Sealtiel but ‘Meyers’ who had paid Spiro, partially as part of the bill due for the transaction, or through the payment by a foreign currency holder who was situated abroad. The court thus reconstructed two different descriptions of the situation. Then the court reached the verdict, after consideration of the data given in interrogation and the notes written by Spiro, that it was impossible to determine whether the notes by Bruno Spiro or these statements by the defendant David Sealtiel corresponded to the truth. The notes by Spiro were regarded as insufficiently convincing as evidential proof in order to convict the defendant for misuse of foreign currency. The court stressed that what Sealtiel had stated in the court proceedings had been the same as he had contended from the outset of the investigation. At that point in time Sealtiel had assumed he was being suspected of “illegal arms smuggling.” Actually, he had been charged with a currency offense. The court concluded its reasons for the judgment with a noteworthy admission:

The statement by the defendant may be true. However, it is also possible that exact description of the situation as presented by the defendant is an extremely shrewd defense: a tack of defense that, considering the fact that Spiro now is dead and can no longer make any statement, seeks in all its details to steer clear of every cliff of a possible currency offense. Yet likewise in this case, the assertions of the defendant – which then have in any case been deftly utilized to construct a clever systematic structure – cannot be refuted. Consequently, due to a lack of sufficient evidence, the defendant had perforce to be acquitted.

The judgment in the criminal case became binding when the time period for an appeal had expired. The state prosecutor did not file an appeal. The acquittal was thus binding with effect from December 30, 1937. It was clear that there was insufficient evidence to gain a criminal conviction. Sealtiel was released from investigative custody at 1:45 pm on November 20, 1937, as duly noted in the files.⁸⁰

Concentration Camp and “Liberation”

Protective custody was ordered anew against the acquitted defendant Sealtiel. In Gestapo practice, the ordering of protective custody after the conclusion of a criminal suit was not unusual. If the behavior under scrutiny was not been deemed punishable, but remained an expression of continuing danger, the Gestapo was able to step in on the basis of its general

⁸⁰ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 227.

remit on crime prevention.⁸¹ In this sense, court judgments were “corrected.” The courts were powerless against such intrusions by the “state leadership.”⁸² In the case of imminent discharge from incarceration, the courts had an obligation to report to the Gestapo.⁸³ The District Court Hamburg, Main Criminal Chamber evidently acted in this prescribed manner. The hand-written transcript of the public session on November 20, 1937 states: “The defendant was returned. The official taking action was given notification of the arrest warrant with written reference to protective custody.”⁸⁴ The discharge memo that same day tersely states: “S. has been transferred to the Secret State Police.” That was a common, long-established practice in the criminal courts. The criminal judges knew that; indeed, they took measures to ensure that cooperation between the justice system and the Gestapo was “functioning” properly. That is shown by the quote from the minutes of the court. In this connection, the courts were following instructions from the Reich Justice Minister Franz Gürtner issued on November 19, 1935.⁸⁵ It ordered the courts to inform the Gestapo immediately when they intended to revoke an arrest warrant against an individual suspected of a “political offense.”⁸⁶ There was scarcely any doubt as to how the term “political offense” in Sealtiel’s case was to be understood. There was no protection by the courts against the ordering of protective custody. Since the spring of 1936, that had been expressly excluded by law as an option. Consequently, the Gestapo and the SS had a free zone of latitude for action outside the law. Many courts perceived the ordering of protective custody after a defendant had been legally acquitted as interference in the autonomy of the justice system, since the courts, as mentioned, had no possibility to review the reasons for the order of protective custody.

David Sealtiel was confined from November 1937 to January 1938 in the Fuhlsbüttel concentration camp. Apparently, after the judgment of acquittal became legally binding, he was “transferred” on January 29, 1938

⁸¹ On the OLG-Bezirk Hamburg, see Johe. *Die gleichgeschaltete Justiz*, 155 ff., 165.

⁸² Werle. *Justiz-Strafrecht*, 570 ff.

⁸³ § 112 StPO Novelle vom 28. 6. 1935 (RGBl. I, 844, [847]) “präventive” Sicherungshaft [‘preventive’ security custody]; see also Klug. “Rechtsstaatswidrige Vorbeugehaft”; Gruchmann. *Justiz im Dritten Reich*, 537 ff.

⁸⁴ StAHH 213-11 Spiro, Bruno Richard et al. wg. Devisenvergehen, Meineid, 1135/44, Vol. 3 (here against Sealtiel, David), fol. 208.

⁸⁵ Rundverfügung [Administrative circular], 19.11.1935; on this, see Gruchmann. *Justiz im Dritten Reich*, 578.

⁸⁶ *Ibid.*, see on “Schutzhaft nach gerichtlichem Freispruch” [‘protective custody after court acquittal’], 563, 599-603.

to the Dachau concentration camp.⁸⁷ As far as can be discerned, he was regarded as a “political” prisoner. It cannot be determined in any more detailed way what individual reasons had prompted the Gestapo to order arrest and protective custody against Sealtiel. Presumably the Gestapo was angered that, at the very least, the extremely substantial efforts invested in the investigative inquiry against Sealtiel had proved fruitless. The earlier mentioned report by Franz Alfred Six can perhaps provide another plausible reason. The Six report recommended in the summer of 1937 the arrest of all those individuals in Germany suspected of being Haganah operatives. That would permit the authorities to be prepared for any eventuality vis-à-vis Jews in Palestine, with persons available for a possible prisoner swap.⁸⁸

Sealtiel remained in the Dachau camp until September 22/23, 1938. He was then “transferred” to the Buchenwald concentration camp, and from there sent on January 31, 1939 to the Gestapo prison on Marktgrafenstraße in Berlin. The reasons for his transfers are not known. The state of source materials is in every respect negative for the entire period of his incarceration in concentration camps. But there was a motive for negotiations regarding a possible release of Sealtiel. At least that appears to be the case in retrospect. On March 18, 1939, Sealtiel was discharged from protective custody. According to a memo of the Hamburg Foreign Currency Office, he was to be deported to Palestine.⁸⁹ A sum of 10,000 RM was to be paid for his release from prison. By whom remains an open question. The sole extant source is Sealtiel’s own description as applicant in a postwar indemnification procedure. In the later calculation of the indemnification for persecution as submitted, he indicated the amount of time spent in incarceration as a total of 28 months, and proof is cited. It was noted once more that the applicant mentioned he had been discharged after payment of a sum of 10,000 RM. The competent authority did not draw any conclusions from this. Until the time of his expected emigration (deportation) Sealtiel resided in Hamburg, Brahmsallee 16, in the residence of his sister Pauline Isaak, née Sealtiel and his brother-in-law Michael Isaak.⁹⁰ It may be only

⁸⁷ For greater detail, see Herbert et al. (ed.). *Die nationalsozialistischen Konzentrationslager*.

⁸⁸ Teichert. *Chasak!*, 283.

⁸⁹ StAHH 314-15 Oberfinanzpräsident, Str. 382 Strafl. Nr 73/1937 D 17 Bruno Spiro/David Sealtiel 1937–1939.

⁹⁰ Pauline Isaak (b. 1900 in Berlin) and her husband Michael Isaak (b. 1888 in Hamburg) were deported to Minsk, see Sielemann and Flamme (red.). *Hamburger jüdische Opfer des Nationalsozialismus*, 185; Grolle and Igla (red.). *Stolpersteine in Hamburg Grindel I*, 355-359.

happenstance that this building was also the site of the former offices of the Hamburg Zionist Association (HZV), in the meanwhile dissolved. For the purpose of emigration, Sealtiel was supplied with a passport valid until April 30, 1939. In its temporal and local aspects, all this would appear to have been very precisely arranged. Sealtiel arrived in Haifa already on the end of March 1939. Prior to that, he had met Perez Leshem in Trieste. He reported to him about torture designed to extract a confession.⁹¹ Sealtiel was a broken man when he arrived in Haifa, unable to work.⁹² Golomb and Avigur advised him to recover in the care of Nahum Shadmi [Kramer], Haganah commander in the Jordan Valley. A few weeks later he met Judith Schönstadt (1913–2010), who had emigrated from Germany in 1935. They married in 1942, after Sealtiel had shortly before divorced his first wife Ingeborg.⁹³

The Secret Service of the Haganah and Zionist groups took numerous steps in order to achieve David Sealtiel's discharge and freedom. Success in that endeavor was hardly possible without the agreement of the SD. Initially it may seem like an intriguing idea that the intelligence service of the Haganah, perhaps via the mediation of Feivel Polkes, reactivated its former connection with Franz Reichert or directly with Adolf Eichmann. At that time, it was not unusual to negotiate via secret service contacts at a middle or lower level in the hierarchy. Silence was maintained about any such contacts. In any case, that is how Sealtiel himself behaved. Other sources point to efforts by German Zionists.⁹⁴ Today it can no longer be determined what pathways were actually utilized. Several reasons are probably nothing but 'legendary.' If a ransom was indeed paid, then the sum would have had to be put together inside the country. Hans Klee asserted that the Sealtiel affair proved possible to resolve through the intervention of Georg Kareski.⁹⁵ From an ideological perspective, that is not so unlikely. Kareski's political position was highly controversial within

⁹¹ Perez Leshem, Erinnerungsartikel "zum dreißigsten Tage nach seinem Tode," cited in Lüth. *David Shaltiel*, 18.

⁹² Sacharov. *Out of the Limelight*, 36.

⁹³ Data based on Shaltiel-Gracian. *Shaltiel*, 235. By contrast, Erich Lüth reported (albeit hardly plausible) that they were married already on April 9, 1939, some four weeks after Sealtiel's arrival in Haifa; see Lüth. *David Shaltiel*, 19.

⁹⁴ Barlev. *Hechaluz. Deutscher Landesverband*, 20 ff.; Max Flesch, *Zionist Work*, 3 ff. [YYA/91/246], cited in Teichert. *Chasak!*, 266, fn. 66. Jehuda Barlev (1911–1998) had emigrated to Palestine already in 1929. He was managing director of the Hechalutz from 1936 to 1938.

⁹⁵ Hans Klee. Georg Kareski, 2 [YVA/01/217]; cited in Teichert. *Chasak!*, 266, fn. 66.

Zionism.⁹⁶ In the summer of 1933, the ZVfD ousted him from the association. From 1934 on Kareski was head of the Revisionist State Zionist Organization. This organization called early on for the exodus of Jews from Nazi Germany. To that end, Kareski was prepared to organize the emigration if necessary in cooperation with the Gestapo and the Reich Propaganda Ministry. One consequence of such a position was that this also meant a politics of apartheid for the German Jews. Unquestionably that view brought him into close propinquity with the National Socialists.⁹⁷ However, there are temporal considerations that clash with the hypothesis that Kareski had been able to arrange Sealtiel's release. Kareski emigrated in the autumn of 1937 to Palestine. On August 31, 1938 the SD dissolved the State Zionist Organization.⁹⁸ At both these points in time Sealtiel was confined in the Dachau concentration camp. So, it is quite improbable that Kareski was still able at the beginning of 1939 to have any real influence on the thinking of the SD. The Hamburg journalist Erich Lüth, for a time director of the State Press Office in Hamburg, reported in 1970 that Golomb and the best and most courageous lawyers had achieved Sealtiel's release.⁹⁹ Lüth had met with Sealtiel first in Israel and later in Hamburg for detailed conversations. Thus, his statement on Sealtiel's release can probably be seen as an authentic source.

But what then were the motives of the SD? It is perhaps possible to come somewhat closer to the actual reasons if consideration is given to the evident change in the emigration policy of the SD in the second half of 1938.¹⁰⁰ Already in the spring of that year, there were voices in the Jewish Affairs Section of the SD strongly in favor of Jewish emigration to Palestine.¹⁰¹ There were signs of a general shift in thinking underway already at the beginning of 1938. Alfred Rosenberg, head of the Foreign Office of the NSDAP, stated then he had instructions from Hitler "that the German Jewish emigration likewise to Palestine should, now as before, be promoted

⁹⁶ On Georg Kareski (1878–1947), see Levine. "A Jewish Collaborator in Nazi Germany," 251-281; Nicosia. "Revisionist Zionism in Germany (II)," 231-267; "Ein nützlicher Feind," 367-400.

⁹⁷ Jünger. *Jahre der Ungewissheit*, 131 ff.

⁹⁸ Schreiber. *Elite im Verborgenen*, 237; Nicosia. "Ein nützlicher Feind," 367-400 (here 399).

⁹⁹ Lüth. *David Shaltiel*, 18. On Lüth, see Sywottek. "Die Vorgeschichte der 'Friedensbitte für Israel'," 116-127.

¹⁰⁰ See generally Schoelch. "Das Dritte Reich," 646-674.

¹⁰¹ Wildt. *Judenpolitik des SD*, 41.

by all available means.”¹⁰² However, it remains doubtful in what way in concrete terms it was implemented in the sphere of power of Himmler and Heydrich. At the end of 1938, there were probably two factors that led to a certain change in National Socialist policy on the Jews and thus also helped to facilitate the prerequisites for the release of Sealtiel. The first is directly connected with the November 1938 pogrom. The excesses, particularly at the hands of the SA, had triggered vehement criticism in the public sphere and inside the Nazi regime itself. The lead role for further measures against the Jews was now expressly transferred to the Security Police and its Chief, Reinhard Heydrich. Heydrich, who headed both the SD and SS, took this as an opportunity for expanding the sphere of competence of the SD and SS. Since 1936 the concentration camps had been expressly under the supervision of the Gestapo.¹⁰³ But the functional command issued July 1, 1937 had stressed cooperation between the Gestapo and SD.¹⁰⁴ Consequently, it was not difficult administratively for the SD to intervene in the “personnel policy” of a given concentration camp and to order the release of a given prisoner. The second factor is bound up with a reorientation in National Socialist policy on the Jews to the extent that this was viewed as emigration policy now intensified. In 1936 and 1937 the policy of Jews of the Nazi regime had been indecisive when it came to the question of whether they should promote massive emigration by the German Jews specifically to Palestine. A guideline of the SD dated April 21, 1937 states that a solution to the Palestine question was decisive for the question of “Zionist emigration.”¹⁰⁵ The danger was recognized that this could favor the establishment of a Jewish national state, and the Nazi regime had no interest in that. In any case, that was the view of the Foreign Office. The SD initially shared that position.¹⁰⁶

After the Arabs had rejected the partition plan of the Peel Commission on July 7, 1937 and the Woodhead Commission on November 9, 1938 had not arrived at any solution, it appeared to the National Socialist regime that the danger of the establishment of a Jewish state had been averted. In any case both the Arab and the Jewish side had rejected the considerations advanced by the Woodhead Commission. Already in 1937 and 1938, one

¹⁰² Neubert. *Die deutsche Politik im Palästina-Konflikt*, 155; Feilchenfeld, Michaelis and Pinner. *Haavara-Transfer nach Palästina*, 32; Nicosia. “Arab Nationalism and National Socialist Germany,” 351-372 (here 358 ff.).

¹⁰³ Orth. *Die Konzentrationslager-SS*.

¹⁰⁴ On this order, see Wildt. *Judenpolitik des SD*, 38, Document No. 14, 118-120.

¹⁰⁵ *Ibid.*, Document No. 12, 110-115 (here 112).

¹⁰⁶ *Ibid.*, 44, and Document No. 15, 120-123.

could note that Jews in Palestine were attempting to act against and end British Mandatory rule, some underground groups using terroristic violence. That was also in keeping with the interests of the Arab side. Around the end of 1938 / early 1939, weakening of the British Mandatory power in Palestine was also ultimately able to become a goal of National Socialist foreign policy.

Consequently, it seemed obvious that in order to achieve this aim of weakening of British power there, efforts should be made, keeping Arab concerns in mind, to effectively support the spheres of action of the Jews in Palestine.



1948, Colonel Abdullah el Tel, representing the Arab Legion and all other Arab Forces in the Jerusalem area, negotiating the armistice with General David Sealtiel. © Courtesy Yehudit Shaltiel.

The history of the Jews in Palestine ultimately proceeded down a different path, both for the Haganah and for Sealtiel. At the end of July 1942, the advance was looming of the German Wehrmacht in North Africa under Gen. Erwin Rommel. A German conquest of Egypt would also threaten many Jews in the British Mandatory area. The British army, then fearful of a German breakthrough in North Africa, requested assistance from the Haganah. During World War II, some 25,000 to 30,000 Palestinian Jews served in the British army. On August 6, 1942 three Jewish battalions were formed to give military support to the Allied forces, especially the British army. The Palestine Regiment, including an Arab battalion, was deployed in the two battles at El Alamein. On September 3, 1942 the German Wehrmacht suffered its second heavy defeat. After Rommel was defeated, the British army ended its unrestricted support for the Haganah. At the

beginning of February 1948, David Ben-Gurion appointed David Sealtiel, then aged 45, to commander and General of the Haganah in besieged Jerusalem. At that juncture, this was probably the most difficult command post that the Haganah had to staff. As military commander he had to defend and recapture several sections of the city but lost the eastern part of Jerusalem. After the State of Israel was established, Sealtiel was entrusted with important political and diplomatic tasks. Israel was no longer a dream.



A life for Zion: David Sealtiel (Shaltiel), after an adventurous life that leads him via the Foreign Legion to Palestine, becomes head of the Haganah Counterintelligence Service RAN and the Intelligence Service (Shin Yud), commander in Haifa, defense officer for Jerusalem, and later ambassador of the State of Israel in the Netherlands, Mexico and Brazil. The photo shows David Sealtiel at festivities marking the establishment of the Israeli state, May 14, 1948. © Courtesy Yehudit Shaltiel.

What then remains? David Sealtiel died on February 23, 1969 in Jerusalem. He was buried with honors on Har Herzl in Jerusalem; his father was laid to rest in 1934, his mother in 1938 in the strictly Orthodox Jewish Cemetery Langenfelde in Hamburg.¹⁰⁷ It is thought that Sealtiel strongly considered the idea of writing his autobiography. But that was not to be. So, we will not know how he was able to free himself from the clutches of the Gestapo and survive in the concentration camps. We will also not learn

¹⁰⁷ On the graves of the family Sealtiel, see Studemund-Halévy. *Biographisches Lexikon*, 780-788 (here 781-782).

by means of what stratagems his friends succeeded in liberating him. Nor will we ever know precisely what role the Haganah had in arranging his release. Those who might have known kept their silence. Once Sealtiel was free the Haganah joyfully embraced him. Thus, several legends will remain. In his obit, Gershom Scholem summed up the life of David Sealtiel in Palestine/Israel in the following words: "... from that point on [his arrival in Palestine] the two principal features of his nature were in fruitful contradiction, albeit never fully resolved: his proclivity toward the adventurous, what was risky, venturesome, to be deployed in a dangerous position. And contrasting with that, his sense of discipline, demeanor and form. I have never met a person in whom this paradoxical combination was so strongly determinant. This dualism also decisively dominated his life and career in Israel." And it was "the work in the Haganah that for so many years so completely occupied him."

Translated from the German by William Templer

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