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# Judging Kasztner

## A Historical Analysis and Reader

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LÁSZLÓ BERNÁT VESZPRÉMY

# **Judging Kasztner: A Historical Analysis and Reader**

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# 1. Historiography

The uniqueness of the Hungarian Holocaust has long been discussed by scholarship.<sup>1</sup> But the Hungarian Holocaust was a unique chapter in the story of the Shoah not only in its timing and scope, but also in the scandals involved in the rescue of its victims: of the nine key personalities listed by Yehuda Bauer in his 1994 *Jews for Sale?*, a book on the most controversial Nazi-Jewish rescue deals, all nine were Hungarian Jews, most of them Zionists.<sup>2</sup> An examination of the literature available on such controversies also produces baffling results. A number of books and pamphlets claim that the Zionist movement willingly collaborated with the Nazis in the destruction of their own people. It is necessary to note that no comprehensive history of the Zionist movement in Hungary has been written before. The works available – namely those of Attila Novák, Mária Schmidt and others – either concentrate on the pre-war or post-war years, while a monography discussing the entire history of the idea and the movement in Hungary throughout its decades is yet to be written.<sup>3</sup>

During the Socialist era, discussion of the Holocaust was reduced to the classical Communist narrative of the “fight of the proletariat against fascism.” Victims of the Holocaust were not the victims of anti-Semitism, but the strictly “proletarian (Jewish) victims of fascism.”<sup>4</sup> Some state-sponsored pamphlets and historical works even accused the Zionist movement of collaboration with the Nazis during the Holocaust.<sup>5</sup> This was meant to fit into the Soviet narrative of the Holocaust, which had Zionism wilfully collaborating with the Nazis in order to defeat the Jewish working class (one of these charges was that of “selective Aliyah”, meaning that only Zionists were welcomed in Palestine by the movement and the others were left to die).<sup>6</sup> This narrative found its way even into Hungarian-language historical plays and fine literature, such as the works of a Holocaust survivor Communist, György Moldova.<sup>7</sup>

While similar charges have been raised against the international Zionist movement at large, balanced and fair works – especially by Abraham Edelheit, Dina Porat and Tuvia Friling – are already available on the Holocaust-era record of the Zionist leadership in Palestine.<sup>8</sup> Such

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<sup>1</sup> Jacob Katz: The Uniqueness of Hungarian Jewry, *Forum on the Jewish People, Zionism and Israel*, 27 (1977), 45-53. Holocaust historians Gábor Kádár and Zoltán Vági emphasised that the Hungarian Holocaust was „the final point and the high point” of the series of events that was the Holocaust. See Kádár Gábor, Vági Zoltán: *Aranyvonat. Fejezetek a zsidó vagyion történetéből* (Budapest: Osiris, 2001), 12.

<sup>2</sup> Yehuda Bauer: *Jews for sale? Nazi-Jewish negotiations, 1933-1945* (New Haven: Yale University Press, 1994), 259-260.

<sup>3</sup> See Schmidt Mária: A harmincas évek magyar cionista mozgalma a rendőrségi megfigyelések tükrében, *Történelmi Szemle*, 30:30 (1987-88), 340-355; Attila Novák: A Chance Not Taken. Zionist-Hungarian Diplomatic Cooperation in the Second Half of the 1930s.” In: *Jewish Studies at the CEU, 1999-2001*. Edited by Andras Kovacs and Eszter Andor (Budapest: CEU, 2002) 327-353.

<sup>4</sup> See Petoe Andrea, Barna Ildiko: *Political Justice in Budapest after World War II* (Budapest-New York: CEU Press, 2015), 97-104. See also a history PhD dissertation by Kata Bohus: *Jews, Israelites, Zionists. The Hungarian State's Policies on Jewish Issues in a Comparative Perspective (1956-1968)* (Budapest: CEU history PhD thesis, 2013), especially 87ff. Available for download on the CEU Library's website.

<sup>5</sup> For such works, see: Csatári Dániel: A burzsoá nacionalizmus ikertestvérei az antiszemitizmus és a cionizmus, *Pártélet*, 12:9 (September 1967), 66-77; Makai György: *Izrael Állam és a cionizmus* (Budapest: Kossuth Könyvkiadó, 1973).

<sup>6</sup> Several Soviet history-books make this case. The most well-known English-language work that charges Zionism with complicity in the Holocaust was written by the Trotskyist author Lenni Brenner: *Zionism in the Age of the Dictators* (London: Croom Helm, 1983).

<sup>7</sup> Moldova György: *Szent Imre induló* (Budapest: Magvető, 1975). While not a Hungarian-language play, Jim Allen's 1987 *Perdition* dealt with the Hungarian Holocaust in a similar way.

<sup>8</sup> Abraham J. Edelheit: *The Yishuv in the Shadow of the Holocaust. Zionist Politics and Rescue Aliyah, 1933-1939* (Boulder: Westview, 1996); Dina Porat: *The blue and the yellow stars of David: the Zionist leadership in Palestine and the Holocaust: 1939-1945* (Cambridge, Mass.: Harvard University Press, 1990); Tuvia Friling:

works have not been written on the Hungarian Zionist leadership before, except on the person of Rezső (Rudolf) Kasztner.<sup>9</sup> Historian Attila Novák's Hungarian-language essays deal with the Zionist partisan groups' efforts at rescue, while the only available English-language study on the topic by Gábor Kádár and Zoltán Vági discusses Jewish self-defence during the Holocaust in general.<sup>10</sup> In short, the charges against Hungarian Zionists like Béla Berend, Dénes Szilágyi and Rezső Kasztner are "out there" and easily available for any reader, but few if any works offer a well-adjusted and balanced discussion of their story. This historical introduction will concentrate on these men and the controversial aspects of their rescue efforts.

Although the workings of the Kasztner group and other Budapest Zionists mainly involved Hungarian Jews, Hungarian historical literature has seldom dealt with Kasztner and his collaborators, and almost no historical works mention Berend, Szilágyi or the Hungarian Revisionists.<sup>11</sup> The few works that discuss their dealings are largely critical of both their motivations and results.<sup>12</sup> It is also important to keep in mind that many of the historical works that offer a seething condemnation of Kasztner himself and the Zionist movement and ideology as a whole are highly politically motivated. Israeli-Hungarian historian Moshe Golan has offered a fascinating study of the political reasons that loomed behind the charges against Kasztner. His main accuser, Shmuel Tamir sought to discredit the ruling Israeli Labour party by attacking Kasztner who served as its spokesman: through Kasztner, he aimed at David Ben-Gurion and the Labour leadership.<sup>13</sup> Holocaust historian Francis Nicosia has similarly penned an extensive and critical assessment of Brenner's *Zionism in the Age of the Dictators*, the most important work attacking Kasztner.<sup>14</sup>

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*Arrows in the dark: David Ben-Gurion, the Yishuv leadership, and rescue attempts during the Holocaust* (Madison, Wis.: University of Wisconsin Press, 2005). The latter was explicitly written as an answer to Tom Segev: *The Seventh Million. The Israelis and the Holocaust* (New York: Hill and Wang, 1993).

<sup>9</sup> For the most damning work on Kasztner, see Ben Hecht: *Perfidy* (New York: Messner, 1961). Very recently a similarly condemning work has been published on Kasztner: Paul Bogdanor: *Kasztner's Crime* (London: Transaction, 2016). For works that provide a balanced account of the Kasztner-case, see: Anna Porter: *Kasztner's train: the true story of an unknown hero of the Holocaust* (New York: Macmillan, 2008).

<sup>10</sup> Novák Attila: Ellenállás vagy önmentés? Adalékok az 1944-es magyarországi cionista ellenállás problémájához, *Századok* 141:1 (2007), 143-166; Kádár Gábor, Christine Schmidt, Vági Zoltán: Defying Genocide. Jewish Resistance and Self-Rescue in Hungary. In Patrick Henry (ed.): *Jewish Resistance against the Nazis* (Washington: The Catholic University of America Press, 2014), 519-546.

<sup>11</sup> For the works on Kasztner authored by Hungarian historians, see Ladislaus Löb: *Megvásárolt életek - Kasztner Rezső vakmerő mentőakciója* (Budapest: Athenaeum, 2009); Szita Szabolcs: *Aki egy embert megment - a világot menti meg: mentőbizottság, Kasztner Rezső, SS-embervásár, 1944-1945* (Budapest: Corvina, 2005). For a discussion of Berend's case, see: Randolph L. Braham: *The Tragedy of Hungarian Jewry. Essays, Documents, Depositions* (New York: Social Science Monographs, 1986); Randolph L. Braham (ed.): *The Destruction of Hungarian Jewry: A Documentary Account* (New York: World Federation of Hungarian Jews, 1963); Munkácsi Krisztina: Berend Béla főrabbi népbírósi pere, *Századok* 130:6 (1996), 1525-1552. Each of the following works briefly mention Szilágyi's Working Group: Gyurgyák János: *A zsidókérdés Magyarországon. Politikai eszmetörténet* (Budapest: Osiris, 2001); Novák Attila: *Átmenetben. A cionista mozgalom négy éve Magyarországon* (Budapest: Múlt és Jövő, 2000); Nathaniel Katzburg: "Zionist Reactions to Hungarian Anti-Jewish Legislation, 1939-1942," *Yad Vashem Studies* 16 (1984), 155-167; Zeke Gyula: Szilágyi Dénes, Tábor Béla, Pap Károly: három zsidó önkép a vézskorszak küszöbén, *Szombat*, 4:10 (1992), 29-31.

<sup>12</sup> See Novák and Braham. Gyurgyák, a Conservative and non-Jewish historian of political ideas is largely neutral.

<sup>13</sup> Mose Golan: *A Kasztner-ügy történelmi torzításainak jelentősége* (Budapest: MTA-ORZSE, 2008).

<sup>14</sup> Francis R. Nicosia: Victims as Perpetrators. German Zionism and Collaboration in Recent Historical Controversy. In: John Roth (ed.): *Remembering for the Future. The Impact of the Holocaust on the Contemporary World. Proceedings of the International Scholars Conference at Oxford University, 10-13 July 1988* (Oxford: Oxford University Press, 1988), 2134-2148.

While arguments regarding the exact problematic aspects of Kasztner's dealings vary, the authors in question agree in their condemnation of Kasztner. Anti-Zionist Socialists such as Lenni Brenner<sup>15</sup> and Tony Greenstein,<sup>16</sup> religious anti-Zionists like Moshe Schönfeld<sup>17</sup> or Michael Dov Weissmandl,<sup>18</sup> right-wing Zionists like Ben Hecht,<sup>19</sup> Shabtai Beit-Tsvi<sup>20</sup> or Paul Bogdanor<sup>21</sup> and liberal post-Zionists like Tom Segev<sup>22</sup> all seem to find fault with Kasztner's dealings, albeit driven by different motives. It is altogether not a rash statement that many of the works cited above are plain pieces of propaganda. Brenner's book was popularized in the Soviet *Izvestia* and reproduced in parts in the official organ of the Iranian revolutionary government – a fact that he boasted about in a later work of his.<sup>23</sup>

Since the charges come from historians of various political schools, the charges themselves differ greatly as well: the anti-Zionist Socialists accuse Kasztner of having selected only the bourgeois Zionists, the religious anti-Zionists and the right-wing Zionists accuse him of having neglected the Orthodox and the right-wing Zionist community, and lastly, Segev seems to be critical of the entire notion of dealing with the Nazis. All these charges will be dealt with in detail in this book; suffice it to say, many of the charges described here already contradict each other (one cannot at the same time be “too much of a Zionist”, as the anti-Zionist Socialists argued about Kasztner, and be “too little of a Zionist” as the right-wing Zionists claimed about him).

While most of the defamatory works dealt with here – namely those by the playwright Ben Hecht, Brenner and Greenstein – are not only widely discredited but also outdated, recently the accusations against Kasztner have been resurrected by British historian Paul Bogdanor. In 2016 a book has been published by Bogdanor, who in the past has wonderfully refuted the propaganda works of Brenner and Greenstein. Yet, his recent work titled *Kasztner's Crime* simply rewords the old accusations against Kasztner. Bogdanor's book only differs from that of Brenner in the focus of the charges: as a strongly pro-Israel author, he does not wish to accuse Zionism nor the Zionist movement of wilful collaboration, therefore he blames Kasztner the man.

Bogdanor claims that Kasztner was a Nazi agent who, out of egoistic interest, actively and wilfully collaborated with the German authorities that invaded Hungary in 1944 in murdering most the country's Jewish citizens. This hypothesis is merely hinted in his book, but is outspokenly worded against Kasztner on the book's website.<sup>24</sup> In support of this claim he cites rumours by Simon Wiesenthal and Elie Wiesel – two men who, in spite of their widely lauded merits, often employed simple arguments to prove their die-hard right-wing points. In yet another ironic twist of the historiography of the Kasztner-case, it was Wiesenthal's

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<sup>15</sup> Brenner: *Zionism in the Age of the Dictators*.

<sup>16</sup> For Greenstein's works, see:

<https://www.marxists.org/history/etol/document/mideast/greenstein/zionism2.htm>;

<http://www.workersliberty.org/story/2012/05/10/tony-greensteins-first-polemic-perdition>;

<http://www.workersliberty.org/story/2012/05/10/tony-greensteins-second-polemic-perdition> (Retrieved: 10<sup>th</sup> December 2016)

<sup>17</sup> Reb Moshe Shonfeld: *The Holocaust Victims Accuse. Documents and Testimony on Jewish War Criminals* (New York, N.Y.: Bnei Yeshivos, 1977).

<sup>18</sup> Abraham Fuchs: *The Unheeded Cry* (Brooklyn, NY: Mesorah, 1984).

<sup>19</sup> Hecht: *Perfidy*.

<sup>20</sup> Shabtai B. Beit-Zvi: *Post-Ugandan Zionism on Trial: a Study of the Factors that Caused the Mistakes Made by the Zionist Movement During the Holocaust* (Tel-Aviv: Zahala, 1991).

<sup>21</sup> Bogdanor: *Kasztner's Crime*.

<sup>22</sup> Tom Segev: *The Seventh Million. The Israelis and the Holocaust* (New York: Hill and Wang, 1993).

<sup>23</sup> Lenni Brenner: *Jews in America Today* (London: Al Saqi Books, 1986), 172.

<sup>24</sup> <http://www.kasztnerscrime.com/documents/index.html> (Retrieved: 10<sup>th</sup> December 2016).

biographer, Tom Segev who saw the rumours as unfounded.<sup>25</sup> Needless to say, strong archival evidence should be presented in order to prove such a horrendous claim, and that Bogdanor's book does not do.

Other claims of the work have already debunked a number of times by experts on the Hungarian Holocaust. Bogdanor argues that the 15,000 Jews that Kasztner claimed to have diverted from Auschwitz to Vienna were meant for Vienna by the Nazis in the first place, and therefore Kasztner saved no one. This charge has already been answered by two of the most well-known Hungarian Holocaust historians, Professor László Karsai and Professor Judit Molnár. In their 2004 article they proved that while it is true that the Nazis wanted to send these Jews to Vienna anyway, the Nazi mayor of Vienna admittedly asked on 7<sup>th</sup> June 1944 for Jews to perform hard labour. Bogdanor fails to mention that the mayor received a reply only at the end of the month: he was told that 70% of the Jews provided would be unable to work. Karsai and Molnár correctly ask the question: why were women and children sent to perform hard labour? The Nazis asked for strong Jews, but the strong Jews were on the front lines already, so Kasztner had the weak ones, who would have been gassed at Auschwitz, diverted to Vienna. After their arrival he and fellow Zionist Ottó Komoly tended to their feeding and clothing, thereby saving the lives of most of them.<sup>26</sup>

Bogdanor also discusses the handling of the so-called "Auschwitz protocols" by Kasztner. According to Israeli historian Tsvi Erez, Kasztner himself handed the Auschwitz protocols to the Budapest Jewish leadership as fast as he could, on 29<sup>th</sup> April 1944. From historian György Haraszi we also know that Kasztner's assistant, Joel Brand took abroad a copy of the report describing the workings of the death camp and handed it to the foreign Zionist leadership.<sup>27</sup> The claim that the Hungarian authorities did not know about the Holocaust because Kasztner did not hand them the protocols is also dubious because by early 1944 the Hungarian political leadership knew all that was to know about the true meaning of Nazi Jewish policy. The discussion on the role of the protocols is lopsided in any case: Governor Horthy did not stop the deportations because he had been handed the protocols and thus had some sort of "philosemitic" or "philanthropic" change of heart, but because he felt that his authority was challenged by the pro-Nazi Hungarian government.<sup>28</sup> The question of when and how Kasztner handed the protocols to the Hungarian authorities is therefore rather meaningless.

An important part of Bogdanor's book is Kasztner's so-called "admittance" of silence. He forgets to mention that the document in question<sup>29</sup> is a note of his conversation with an SS officer, Kurt Becher, and not a guilt-ridden admittance of collaboration. In the heat of debate, Kasztner blurted out the lines "our people went into the wagons like cattle because we trusted in the success of the negotiations and failed to tell them the terrible fate awaiting them." He

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<sup>25</sup> Tom Segev: *Simon Wiesenthal. The Life and Legends* (London: Jonathan Cape, 2010), 103, 132.

<sup>26</sup> Karsai László-Molnár Judit: Kasztner Rezső: Hős vagy áruló?, *Élet és Irodalom*, 14<sup>th</sup> May 2004. See also Karsai László-Molnár Judit: Kasztner Rezsőről, *Élet és Irodalom*, September 26<sup>th</sup> 2008. Bogdanor acknowledges in his book the role Kasztner played in selecting the Jews who went to Vienna, but claims that he did so in order to avoid revolt in the ghettos. See Bogdanor: *Kasztner's Crime*, 147ff.

<sup>27</sup> See Cvi Erez: Mikor és hogyan kerültek az auschwitzi jegyzőkönyvek Budapestre?, *Remény*, 1988/5, 17-23, there 19 and Haraszi György: *Auschwitzi jegyzőkönyv* (Budapest: Múlt és Jövő, 2005), 34-36. Haraszi's work is quoted in an essay that Bogdanor in turn cites in his own book: Tibori Szabó Zoltán: The Auschwitz Reports: Who Get Them and Why? In: Randolph L. Brahm (ed.): *The Auschwitz Reports and the Holocaust in Hungary* (Boulder, Co.: Social Science Monographs, 2011), 85-120. Seeing how this information was available to Bogdanor, one can't help but wonder why he concludes in his book that Kasztner was trying to deceive the Jewish Agency abroad. See: Bogdanor: *Kasztner's Crime*, 129ff.

<sup>28</sup> For this well-known tenet of Hungarian historiography, see Ungváry Krisztián: Egy döntés háttere – a magyar zsidóság deportálása, *BBC History* (Hungary), 4:3 (March 2014), 84-89; Ormos Mária: *Egy magyar médiavezér: Kozma Miklós*, vol. 2. (Budapest: Polgart, 2000), 763-767.

<sup>29</sup> <http://www.kasztnerscrime.com/documents/minutes.pdf> (Retrieved: 10<sup>th</sup> December 2016.)

probably employed this as emotional seasoning to his arguments, since he also told Becher that perhaps the Zionists should have organised an armed revolt – which was an outright lie, seeing how physical resistance on the part of the Jews was impossible.<sup>30</sup>

However, as it is explained later in this book, it is known for fact that Zionist activists from Kasztner's group warned numerous rural ghettos about Auschwitz, but their warnings went unheeded. The head of these activists, according to Bogdanor himself, was the leader of the Revisionist Zionist part of the Kasztner-group, Lajos Gottesman.<sup>31</sup> Bogdanor himself admits that some Zionist youth activists reached the ghettos, albeit according to him, not on Kasztner's imperative. Here he claims that the Zionist youth had not been adequately informed about the role of Auschwitz and the destination of the deportations, and because of this, the Jewish masses did not follow their warnings.<sup>32</sup> However, Novák's article, cited below in this book, clearly shows that the Zionist youth had detailed knowledge on Auschwitz.

Bogdanor also reverberates the charge that Kasztner helped Nazi criminals escape post-war justice. This is, in fact, true, but Israeli historian Shoshana Barri-Ishoni has already produced archival evidence to prove that Kasztner was acting on behalf of the future Israeli government in testifying for all but one of the Nazi criminals in question so that they could later help the Jewish state in locating plundered Jewish wealth or hiding Nazis (as it was in the case of Otto Skorzeny for example). Obviously Kasztner could not admit this in his defence – but it is also faulty to assume that he protected Nazis in court because he “liked” them or because he wanted to “hide his own guilt.”<sup>33</sup> Bogdanor quotes Barri-Ishoni's article, simply adding that he found it unconvincing.<sup>34</sup> Instead, based on Kasztner's letters to his father-in-law József Fischer, he proposes that Kasztner became intimidated because some of his accusers made aliyah from Kolozsvár. His own quoting of survivor David Rosner contradicts this argument: Kasztner was already hated by the people who could not board the train back in the city, therefore such accusations were not news to Kasztner and caused no change in his policy regarding Nazi criminals. It is altogether surprising that Bogdanor would trust letters exchanged between Kasztner and his father-in-law (written in a language that he does not understand) rather than Barri-Ishoni's extensive research.

Bogdanor also admittedly has no knowledge of the Hungarian, and instead used the translations of Israeli historian Eli Reichenthal; Reichenthal, however, mistranslated many crucial documents in his own essay dealing with the topic, as it was pointed out by Professor Ladislaus Löb.<sup>35</sup> Bogdanor's lack of knowledge in the Hungarian forced him to exclude several crucial history books from his bibliography, where one looks in vain for important works written by László Karsai, Judit Molnár, Krisztián Ungváry, Attila Novák or György Haraszti. The two most important writings on what the Kolozsvár Jewish community could have known about the deportations are also completely missing from Bogdanor's work: Ágnes Hegyi and

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<sup>30</sup> On the nigh-complete impossibility of armed resistance to the Nazi invasion of Hungary in 1944, see: Karsai Elek (ed.): *"Fegyvertelen álltak az aknamezőkön"*. *Dokumentumok a munkaszolgálat történetéhez Magyarországon*, vols. 1-2 (Budapest: MIOK, 1962). See also the collection of interviews with Zionist youth activists: Benedek István Gábor-Vámos György: *Tépd le a sárga csillagot!* (Budapest: Pallas, 1990), especially 34ff. See also Karsai László: *Lőni vagy túlélni?*, *Beszélő*, 4:7-8 (1999), 104-115. It is needless to say that all of these important works written in the Hungarian are missing from Bogdanor's bibliography.

<sup>31</sup> On his website, Bogdanor mentions that the activists were sent by Lajos Gottesman. In his book, he mentions that Gottesman was part of the Kasztner-group. Not on one occasion does he combine the two pieces of information. See: <http://www.kasztnerscrime.com/history/faq.html> and Bogdanor: *Kasztner's Crime*, 194.

<sup>32</sup> See his claim at Bogdanor: *Kasztner's Crime*, 103 and 106.

<sup>33</sup> See Shoshana Barri-Ishoni: *The Question of Kastner's Testimonies on Behalf of Nazi War Criminals*, *The Journal of Israeli History*, 18:2-3 (1997), 139-165.

<sup>34</sup> Bogdanor: *Kasztner's Crime*, 256-258 and 264.

<sup>35</sup> Ladislaus Löb: *Letter to the Editor*, *East European Jewish Affairs*, 41:1-2 (2011), 89-90.

Dániel Lówy both concluded that the city's Jews could have learned the destination of the deportation trains.<sup>36</sup>

Kasztner, of course, was not the all-important figure that Bogdanor tries to make him to be, but a Jewish lawyer-turned-victim from a rural Eastern European town who tried to save many, but in the end could rescue only a few from the storm of the Shoah. Kasztner certainly cooperated with the Nazis, but as he put it very clearly in his post-war report, his only aim was “to save Jewish lives.” Bogdanor seems to propose in his book that instead of Kasztner's scheme, the Zionists should have revolted against the Nazis. He seems oblivious of the fact that physical resistance was almost impossible in Hungary – not only on the part of the Jews but also on the part of Gentile anti-Nazi or left-wing elements.<sup>37</sup>

## 2. Problems Addressed and New Sources Used

Regardless of which description of Kasztner we believe, Kasztner certainly saw himself as an ardent Zionist and a leader of his political branch. Recent scholarly works – such as those of Paul Bogdanor<sup>38</sup> - argue that Kasztner ignored most of his Zionist peers and acted all on his own. This effort – with trying to find excuses for the movement as a whole – strengthens the previous historiographical consensus that the certain Zionist branches acted without any form of cooperation, almost solely on grounds of personal merit and not out of partisan or ideological convictions. In this book I wish to shed light – based on the letters of Béla Berend and Dénes Szilágyi – on the loose, yet real contacts that connected the various Zionist groups that pursued different methods of resistance and rescue in Holocaust-era Hungary.

Another important charge is that of selective aliyah: as Rabbi Menashe Fulop, a fierce Orthodox attacker of Kasztner claimed, he only cared about placing the majority of the Budapest Zionist leaders on the train.<sup>39</sup> An investigation of this claim requires an objective assessment of what Zionist rescue policy meant during the Holocaust, whether or not such a policy was followed by the Hungarian Zionist movement, and to what extent did Kasztner – and his group – select Zionists for the train. A previously unexamined list of the passengers of the Kasztner train – found among the personal papers of Joel Peter, a resident of Tel-Aviv, and used with the permission of his family – will shed clear light on the selection results of the Hungarian Zionists and will help to determine the policies of selection employed.<sup>40</sup> A discussion of the selection process among the Revisionist Zionist movement – whose followers formed a major part of Kasztner's subsequent accusers – will similarly be necessary, based on new documentation available from the *Jabotinsky Institute* in Tel-Aviv.<sup>41</sup>

The writer of these lines is firmly convinced that the events of the Holocaust in Hungary and the issues of Jewish self-rescue can only be understood in context. These questions must be explored on the basis of Hungarian sources, since we are talking about Hungarian Jews who were active in Hungary. It is in this light, therefore, that we must also critically view the judgment of Judge Benjamin Halevi, who “sentenced” Kasztner. This sentence – actually given against Kasztner's accuser, Malkiel Gruenwald – is published here after this historical introduction, in English, for the first time, and provided with critical footnotes. Here it is

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<sup>36</sup> Hegyi Ágnes: Információáramlás; Lówy Dániel: *A téglagyártól a tehervonatig. Kolozsvár zsidó lakosságának története* (Kolozsvár: Erdélyi Szépművés Céh, 1998)

<sup>37</sup> For Bogdanor's incomplete argument, see: Bogdanor: *Kasztner's Crime*, 10-13.

<sup>38</sup> Bogdanor: *Kasztner's Crime*, 284.

<sup>39</sup> Rabbi Menashe Fulop: No Thanks to Kasztner, *Der Yid*, 6<sup>th</sup> November 2009. (see in English translation online: <http://www.truetorahjews.org/kasztner>. 10<sup>th</sup> December 2016.)

<sup>40</sup> See the list of passengers – probably compiled in Bergen-Belsen – in the personal papers of Yoel (Miklós) Spéter, Tel-Aviv. (Copy in possession of the author)

<sup>41</sup> See *Jabotinsky Institute*, G6a-1/33, papers of the NZO Rescue Committee. (1943-1944)

necessary to note that the introductory historical study focuses on the Hungarian context of the Kasztner case, and does not deal with the Israeli trial beyond the publication of the Halevi verdict, since the trial is part of a subsequent formation of narratives, rather than a credible account of the concrete events.

While numerous works are available on Kasztner – in fact, the problem is precisely that subjective, seething judgements abound –, little to nothing has been published about Rabbi Béla Berend and Dénes Szilágyi. The two were members of Hungarian right-wing Zionist (*Revisionist Zionist*) circles, in which the former played a largely unofficial role, and the latter served as a recognised leader. After the war ended, Rabbi Berend was hauled to court to answer to the charges of many a ghetto resident who accused him of collaboration with the Nazis, assistance to the deportation of his rural community and even of grave robbing.<sup>42</sup> In fact, the Rabbi took part in the controversial campaign of the so-called Jewish Working Group (*Zsidó Munkaközösség*), along with Zionists Imre Kálmán and Dénes Szilágyi. I have personally organized Berend's personal papers, kept at the *Wiener Library* in London in 2015. While a comprehensive catalogue along with pagination for the material has yet to be added, the documents kept there testify to the innocence of the rabbi and the slanderous Communist campaign aimed at proving his guilt. During the times of Arrow-Cross terror in the Budapest ghetto – when Jews were stopped and executed at random by armed bandits and Nazi raiders –, Berend shaved his beard, donned a Catholic priest's clothing, followed the Arrow-Cross men into the ghetto and risked his life in trying to stop the killings of his fellow Jews. His masquerade was never discovered, and he did, indeed, succeed in halting some murders; in other cases, he failed, and as it often is with leaders who fail, his failure was subsequently interpreted as passivity, guilty inaction or even gleeful collaboration by some survivors.

Preserved among the rabbi's papers are the Communist newspaper articles from his 1945-1947 trials; the writings show a clear indication of will to find fault with at least one Jewish community leader in order to prove that fascism and clerical reaction were unrelated to one's ethnicity.<sup>43</sup> And while the rabbi was finally acquitted in the end, his other colleagues also had their fair share of Communist blame. Dénes Szilágyi, a hard-line follower of right-wing Zionist Vladimir Jabotinsky saw his books put on the list of "banned fascist literature" along with Hitler's *Mein Kampf* and Mussolini's *Doctrine of Fascism*.<sup>44</sup>

Szilágyi's work and its connection to Berend's – partly private, partly Revisionist-backed – action have been subject to debate. Letters between the two Zionists from the post-war years, found in the *United States Holocaust Memorial Museum*<sup>45</sup> and examined here for the first time reflect clearly on the wartime cooperation of Szilágyi's Working Group and Rabbi Berend himself. Szilágyi's actions mostly consisted of assisting Betar (Berith Trumpeldor, Revisionist youth group) members in their escape from Budapest to Palestine. Yet he also pursued a delicate political mission: supplying members of the Hungarian right-wing with Zionist literature in order to convince them to support Jewish emigration as opposed to violent solutions to the "Jewish question." Some of these documents have been examined and even re-published before – namely the *First* and *Second Jewish Yellow Books* –, but not even Szilágyi could find a copy of the *Third Jewish Yellow Book* for his own post-war account of his work.

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<sup>42</sup> For a summary of the charges, see a collection of sources on the Budapest Jewish Council. Schmidt Mária: *Kollaboráció vagy kooperáció? A budapesti Zsidó Tanács* [With a foreword by Randolph L. Braham] (Budapest: Minerva, 1990)

<sup>43</sup> *Wiener Library* (London), 598b, Bela Berend trial papers and personal documents. Proceedings of his trial were partly published in: Schmidt: *Kollaboráció*.

<sup>44</sup> The list of „fascist works” banned in 1945 has been accurately reprinted on the following Wikipedia page: [https://hu.wikipedia.org/wiki/1945-ben\\_Magyarorsz%C3%A1gon\\_betiltott\\_k%C3%B6nyvek](https://hu.wikipedia.org/wiki/1945-ben_Magyarorsz%C3%A1gon_betiltott_k%C3%B6nyvek) (Retrieved: 10<sup>th</sup> December 2016.)

<sup>45</sup> See *United States Holocaust Memorial Museum*, 2000.49.

Unearthed from the collections of the *Budapest Metropolitan Library*, a copy of the *Third Jewish Yellow Book* is discussed in this thesis within the framework of Szilágyi's general mission to save Jewish lives.

### 3. Hungarian Zionism Prior to the Holocaust

By and large, Zionism was a marginal movement among Hungarian Jewry – a minority within a minority. Between the two World Wars Jewish nationalism had 5000 adherents in a country boasting half a million Jews – one of the largest Jewish communities in Eastern Europe.<sup>46</sup> Hungarian Zionism was legalised in 1927 and continued its activities within the frames of the Hungarian Zionist Union (*Magyarországi Cionista Szövetség*) until its banning in 1941. Of the 5000 followers of the movement at its peak days, roughly 1200 members belonged to WIZO, the female Zionist organizations and about 600 in various Zionist youth groups. The latter does not include the hundreds of illegal Zionist refugees who found shelter in Hungary during the Second World War. The Hungarian Zionist Union generally followed the *klal*, that is, general Zionist line, but the only available essay detailing party affiliations concluded that more than 80% of Hungarian Zionists took part in left-wing Zionist activities. Right-wing Zionism – namely, the Revisionist group, discussed in detail below – numbered around 200 persons in Hungary.<sup>47</sup>

In spite of this, Zionism would play a crucial part in rescuing Hungarian Jews from the hands of the anti-Semites during the Shoah. As the case was more often than not, Zionists had to negotiate with anti-Semites during these rescue efforts. As it had already been described in the introduction, charges were later raised against the movement accusing it of “collaboration with the anti-Semites.” Therefore it is vital to inspect Zionist approaches to anti-Semitism in Hungary prior to the Holocaust.

The attitudes of the movement to anti-Semitism were best defined by three of its early Hungarian adherents, namely Theodore Herzl, József Patai and József Schönfeld. Herzl introduced to Jewish thought the radically new belief that anti-Semites were right in their criticism of Jewish assimilation, and therefore Jews had to leave Europe for Palestine. He also argued that this could best be done through a voluntary exodus in collaboration with anti-Semitic governments.<sup>48</sup> József Patai echoed Herzl's lines that in order to win Hungarian Jewry, Zionism had to be “red, white and green” – that is, presented as an idea that fits into Hungarian nationalism, which was held so dearly by so many of the country's Jews.<sup>49</sup> József Schönfeld argued in 1921 that the Jews of the country should not play part in internal politics but should approach all political powers – including anti-Semitic ones – neutrally.<sup>50</sup>

Acting on these principles, Hungarian Zionists approached Hungarian politicians – outright anti-Semites and moderate anti-Semites – on a number of occasions before the Shoah. Before the dissolution of the Austro-Hungarian Empire, Hungarian Zionists approached Győző Istóczy, head of the Hungarian Anti-Semitic Party and discussed the establishment of a Jewish state with him.<sup>51</sup> In the 1920-s Hungarian Zionists initiated contact with Hungarian politicians

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<sup>46</sup> Walter Laqueur: *A History of Zionism* (New York: Holt, Rinehart and Winston, 1972), 503.

<sup>47</sup> For the numbers cited here, see Schmidt: *Harmincas évek magyar cionista mozgalma*, 340-345; Novák: *A Chance Not Taken*, 327-328; Novák Attila: *Testvérharc. A revizionista-cionisták és a Magyar Cionista Szövetség viszonya a harmincas évek második felében*, *Múlt és Jövő*, 1993/4, 50-54, there 52.

<sup>48</sup> Theodor Herzl: *Theodor Herzls Tagebücher 1895-1904*, vol. 1. (Berlin: Jüdischer Verlag, 1922), 92-93.

<sup>49</sup> Haraszi György: *A zsidó történetírás nehézsége, avagy egy illúzió fogságában*, *Múlt és Jövő*, 1997/2, 70-82, there 73.

<sup>50</sup> See Schönfeld's urging of Hungarian Jews not to take part in Hungarian politics on the occasion of ex-Emperor Charles IV.'s return to Hungary on the front page of *Zsidó Szemle* 28<sup>th</sup> October 1921.

<sup>51</sup> Istóczy Győző: *Emlékiratfélék és egyebek* (Budapest: Buschmann F. utódai könyvnyomdája, 1911), 23.

on a number of occasions – not once with the premise that Jewish assimilation was a success or that Jews should stay in the country.<sup>52</sup> Hungarian politics gradually moved towards starker anti-Semitism in the thirties, and it was in this period that Yitzhak Gruenbaum, Jewish Agency official and later minister in the first Israeli government penned a memorandum to the Hungarian National Bank offering economic cooperation in exchange for Jewish emigration.<sup>53</sup> As historian Attila Novák put it, in this period Zionists saw “corresponding interests” with the highly anti-Semitic Hungarian government.<sup>54</sup> This common interest of course was not “ruining” Jewish life in the Diaspora: the anti-Semites and the Zionists both wanted Jews to leave Hungary, but for different reasons. The Zionists for their part wanted to preserve Jewish life – if not in Hungary, then in Palestine.

However, it was not only government circles that had relations with Hungarian Zionists. It is clear that some Zionists approached Hungarian far-right fringe groups – who would later take on a leading position during the Arrow-Cross takeover of October 1944 – and educated them on the “merits” of Jewish emigration. Some of these connections would later serve vital in the cases of Ottó Komoly, Rezső Kasztner, Béla Berend and Hungarian Zionist activists. The supports for Zionism on the part of the anti-Semites was striking in some examples. In 1938 Ferenc Ulain, early Hungarian supporter of Adolf Hitler demanded an emigration of 20,000 Jews per year that was to be supported by official Jewish circles. Following his speech in the Hungarian parliament, count Sándor Festetics, who proudly wore the swastika on his jacket voiced “the need to support Zionism and Jewish emigration.”<sup>55</sup> A Zionist journal commented on their speeches, declaring that there was certainly “something positive” in this attitude. According to the journal, one cannot be called an anti-Semite for demanding Jewish emigration when the Jews demand the same.<sup>56</sup> In fact, count Festetics had previously lent one of his rural lands to a Zionist agricultural training camp.<sup>57</sup>

The anti-Semites’ support for Zionism – out of their own malicious reasons – was not coincidental. A Jewish organ made an interview with count Festetics in 1937 in which he admitted that he read “Zionist authors daily.”<sup>58</sup> Zoltán Meskó, a Hungarian pro-Nazi member of parliament similarly declared in 1942 that he had read a book by Hungarian Zionist and later rescuer Ottó Komoly and that “they sent this book to me just like other Jewish books which I regularly receive by mail.”<sup>59</sup> It is not entirely clear who sent these books to Meskó, but we know that Komoly was chastised by Budapest Jewish leaders in the same year for what Komoly called “visiting leading men of our public life and enlightening them about Zionism.”<sup>60</sup> The Jewish establishment of the capital city often protested against Zionists reaching out to Hungarian nationalist politicians, and certainly their common critique of assimilation often produced troubling scenes. A Hungarian anti-Semitic journal published a eulogy on the anniversary of Theodore Herzl’s death saying that the Budapest Jewish quarter should be “covered in flags” to honour his memory.<sup>61</sup> The head of the Arrow Cross party, Ferenc Szálasi similarly declared that if elected, he would “assist Jews in their Zionistic aspirations.”<sup>62</sup>

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<sup>52</sup> For one such approach see the memorandum addressed to the Hungarian government in 1922 by the Hungarian Zionists in the *Central Zionist Archives*, Z4/42369.

<sup>53</sup> See Novák: A Chance Not Taken.

<sup>54</sup> Attila Novák: „Itt érdekesség van.” *Szombat*, 1996/6, 27-29.

<sup>55</sup> Speeches by Ferenc Ulain and Sándor Festetics, 12<sup>th</sup> May 1938. *Képviselőházi napló*, vol. 18. 515-517.

<sup>56</sup> Valami pozitívum. *Bné Betár*, June 1938, 44-45.

<sup>57</sup> On this see his April 25<sup>th</sup> 1934 speech, *Képviselőházi napló*, vol. 21. 395-398. See also the newspaper *Zsidó Szemle*, 4<sup>th</sup> May 1934, 12.

<sup>58</sup> Berend Pál: Mire készül Festetics? *Egyenlőség*, 18<sup>th</sup> February 1937. 3-4.

<sup>59</sup> Speech by Zoltán Meskó. December 15<sup>th</sup> 1942. *Felsőházi napló*, vol. 3. 251.

<sup>60</sup> Novák: Ellenállás, 160-161.

<sup>61</sup> Május 11. *Új Magyarország*, 11<sup>th</sup> May 1935. 2.

<sup>62</sup> *BFL*, XV.20.71.XXV.1.a.2973., 1317-1318. Documents of the Szálasi-trial.

Through the connections of count Festetics and local Zionists, a working connection between Revisionist Zionist Rabbi Béla Berend and leading anti-Semitic opinion-makers was formed.

## 4. Rabbi Béla Berend and his Connections to Zoltán Bosnyák

One of the most violent anti-Semitic newspapers that was published during the Nazi occupation of Hungary was *Harc!*, organ of the so-called Institute for the Study of the Jewish Question run by high-school teacher Zoltán Bosnyák. Bosnyák was one of the many anti-Semitic pseudo-intellectuals who seemed to find likeable tenets in Zionism. An article in his newspaper explained to the readers that Zionism was the “solution to the Jews’ tragedy” while in one of his books he declared that Zionism was “a lot more open and honest” than assimilation.<sup>63</sup> Bosnyák’s ties to leading anti-Semitic government circles proved essential during the Holocaust. His connections were recognised early on by right-wing Zionists and it was for this reason that Rabbi Béla Berend contacted Bosnyák.

Berend established connections with Bosnyák through count Domonkos Festetics, a relative of count Sándor Festetics who shared his pro-Nazi sentiments. The count recalled Berend as a “clear-headed nationalist Jewish priest.”<sup>64</sup> The rabbi went to Bosnyák’s office in the high school where he served as a headmaster. He remembered the visit as follows: “He was touched that 1. a Jew would speak to him, 2. a Rabbi would debate him, 3. that there existed a Jewish movement (the Zionists), which indeed wanted to reduce the number of Jews by emigration to the future Jewish state.”<sup>65</sup> The date of the meeting remains a question: Berend insisted that he contacted Bosnyák on the urging of the Jewish Working Group before 1942: “[I] was given to task of contacting Bosnyák and develop a connection with him to attempt to ‘Zionise’ this racist Hungarian.” Berend claimed that he had received these instructions from Revisionist Zionist Imre Kálmán.<sup>66</sup>

Szilágyi, head of the Jewish Working Group, later debated both the date – insisting that it had to be after May 1942 when he was taken to labour service – and the fact that Berend was given a task by him or his Working Group. In his *Foiled Jewish Venture* he argued that the Group had not been in operation at the given time. Yet we have the post-war testimonies of Working Group member Imre Kálmán and Bosnyák himself: Kálmán stated that Berend had indeed been given the job of contacting Bosnyák, of which Bosnyák himself – strangely enough – also knew.<sup>67</sup> Only Szilágyi debated Berend’s mission, yet in a previously unexamined 1974 letter to Berend, Szilágyi himself attested that “I do not doubt for one second that you contacted Bosnyák with the knowledge and commending of my friends and colleagues who remained in Budapest.”<sup>68</sup> Szilágyi’s was the only voice countering the version given by Berend of the events, and with the surfacing of this letter the debate can finally settle.

During the Nazi occupation, Bosnyák helped Berend approach leading anti-Semites and tried to help him gain a seat in the Budapest Jewish Council on April 19<sup>th</sup> 1944, one month after the occupation. Berend received numerous attacks after the war for his activities in the

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<sup>63</sup> A zsidó pénzemberek akadályozták, hogy a világszidóság elvándoroljon „ősei földjére” és megszülessen Erec Jisráél, *Harc*, 25<sup>th</sup> November 1944, 4-5; Bosnyák Zoltán: *A zsidókérdés törvényes rendezése. Az egyenjogúsítás 70. évfordulójára* (Mezőberény: Baltha János Ny., 1937), 6-8.

<sup>64</sup> Randolph L. Braham: *A népiertás politikája. A holokauszt Magyarországon*, vol. 1. (Budapest: Belvárosi Kvk., 1997), 461.

<sup>65</sup> *USHMM*, 2000.49. Berend Béla: *Az 1944-es Magyarországi Zsidók Szövetsége keletkezése és az Intéző Bizottság kinevezésének előtörténete.* (1975, typewritten)

<sup>66</sup> *Ibid.* Berend’s letter to Dénes Szilágyi, 12<sup>th</sup> August 1974.

<sup>67</sup> Both quoted in Munkácsi: Berend Béla, 1534.

<sup>68</sup> *USHMM*, 2000.49. Szilágyi’s letter to Berend, 6<sup>th</sup> October 1974.

Budapest ghetto. A newspaper wrote that he “technically professed the Arrow Cross agenda” while another paper wondered why he hadn’t been executed as a war criminal.<sup>69</sup> Before the Holocaust Berend served as a chaplain in the Hungarian army and clearly professed assimilationist ideas.<sup>70</sup> It is not clear when he was converted to Zionism, but by the time he was placed on the Budapest Jewish Council, he clearly believed in some of its core tenets and believed that through his own nationalist approach, he could convince leading anti-Semites not to hurt Jews. Some historians, clearly perplexed as to Berend’s motivations, argued that the Rabbi’s views were “obviously not part of the Zionist worldview” and that he had “no contacts with the Zionist movement.” This, in the light of the documents treated here, is clearly mistaken.<sup>71</sup>

One month after the Nazi invasion of the country Berend addressed a letter to László Endre, secretary of the interior in the Nazi-appointed Sztójay-government who was among those responsible for the deportation of rural Jewry. “Our goal is one, so why shouldn’t we work together?” – Berend asked in his letter. “My goal is the same as yours: to separate ‘Hungarian-Jewish’ coexistence so markedly during the war years that it should never again be restored; so that only one solution remains, the one employed in Egypt 3279 years ago: *a final exodus from the country*.”<sup>72</sup> Having received no answer, Berend sent another letter to Endre: “Again I humbly offer my services and beg you to find use for me in the National [Jewish] Council [of Budapest]... Since my letter dated 12<sup>th</sup> April I have addressed numerous schemes and work-plans to Zoltán Bosnyák.”<sup>73</sup> One of these „work-plans” included changing the yellow stars to blue and white ones so that the Jews would find them „less humiliating.”<sup>74</sup> During his war crime trial Endre claimed that he had never read the rabbi’s letters, but through Bosnyák’s assistance Berend was indeed made member of the Budapest Jewish Council.<sup>75</sup> Holocaust-survivors attested after the war that Berend “could be seen in the ministry of interior daily” and that there he could gain favours from officials and “managed to positively influence them.”<sup>76</sup> The rabbi tried to get the pro-Nazi authorities to establish an “all Zionist” Jewish council and to convince them that a post-war mass emigration to Palestine would suit everyone’s needs better than deportation.<sup>77</sup>

How much of this did Berend actually believe to be feasible and to what extent did he understand the Nazis’ and the Hungarian authorities’ murderous intentions? To the latter we have ample information. After the Arrow Cross putsch of 15<sup>th</sup> October 1944 – after deadly atrocities engulfed the streets of Budapest<sup>78</sup> – he addressed the following letter to the Arrow Cross Party headquarters:

“I am a rabbi, a member of the Jewish Council and a convinced Zionist. I believe that the Jews are indeed a race, a separate nationality and that the final solution is the Jewish state. My goal is the same as yours: Jewish emigration. But this is only possible after

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<sup>69</sup> For such press cutting see Berend’s material in the *Wiener Library*, 598b, without pagination.

<sup>70</sup> Berend Béla: *Ünnepi hitszónoklat* (Szigetvár: Minerva Ny., 1940), 3., 9., 12.

<sup>71</sup> Komoróczy Géza: *A zsidók története Magyarországon*, vol. 2. (Pozsony: Kalligram, 2012), 679.

<sup>72</sup> Ibid. As for the original letter written by Berend, it can be found in *BFL*, 2600/1946, Berend trial papers, 386.

<sup>73</sup> Schmidt: *Kollaboráció*, 341-342.

<sup>74</sup> Braham: *Népiártás*, vol. 1. 458.

<sup>75</sup> Molnár Judit: *The Foundation and Activities of the Hungarian Jewish Council, March 20-July 7, 1944*, *Yad Vashem Studies*, vol. 30. (2002), 110-123, there 112-113.

<sup>76</sup> Munkácsi Ernő: *Hogyan történt? Adatok és okmányok a magyar zsidóság tragédiájához* (Budapest: Renaissance, 1947), 60.

<sup>77</sup> Braham: *Népiártás*, vol. 1. 458.

<sup>78</sup> On the policy of the Arrow Cross Party regarding Jews see Karsai László: *Szálasi zsidópolitikája volt a jobb*, 14<sup>th</sup> June 2008, <http://www.szombat.org/archivum/szalasi-zsidopolitikaja-volt-a-jobb-1373028923> (Retrieved: 10<sup>th</sup> December 2016.)

the war. If you managed to wait a thousand years with [solving] the Jewish question, then you can wait a few more months until the war settles in Europe and the affected nations and world Jewry can solve this matter [once and for all]... But until then you must put an end to all agitation, atrocities and cruelty. Atrocities must be punished... for these... murders will besmirch the name of the Arrow Cross Party and all Hungarians in front of the whole world and men of culture... Please ensure the protection of the ghetto denizens, spare their lives, give them ample food... and keep the common thieves and murderers away from their homes... Rest assured: the events of the past 6 years have reinforced the conviction in every Jew of Hungary to LEAVE. WE WILL NOT STAY HERE. NOT IF YOU BEGGED US. We only ask for a little more patience.”<sup>79</sup>

Berend’s letter betrays his precise knowledge of the atrocities that commenced in the ghettos and his obvious intention of gaining the good will of the Arrow Cross by declaring early on that he was a nationalist who agreed with some core tenets of the anti-Semitic worldview. His request that Jewish lives be spared puts the rest of the letter in perspective. Aside from the outspoken intentions of the rabbi numerous testimonies also attest to Berend having shaved his beard, donned a Catholic priest’s clothing and entered the Budapest ghetto – the larger one out of the two – when executions were perpetrated there by Arrow Cross personnel. It is known that he had managed to stop such murders of a number of occasions.<sup>80</sup> Such accounts have been quoted by historian Krisztina Munkácsi and are present in both Berend’s post-war notes – kept at the *Yad Vashem Archives* in Jerusalem – and in his Budapest trial papers. According to testimonies by local synagogue employees Izrael Katz and Izsák Lorbeer, the rabbi personally intervened with a number of Arrow Cross executions. Charges of taking jewelry from dead Jews raised against Berend were also refuted by the testimony of the cantor of the Dohány street synagogue who explained that according to Jewish tradition, the Jewish dead were buried immediately and that Berend as a Cohanite had never had contact with dead bodies.<sup>81</sup> Randolph L. Braham was critical of Berend’s post-war excuses but historians Mária Schmidt and Krisztina Munkácsi deem his role overwhelmingly positive.<sup>82</sup>

More of Berend’s conduct can be understood from his post-war essay promptly titled “*The Zionization of Anti-Semitism: Achievements and Results.*” Here he explained his reasons for seemingly sanctioning anti-Semitism and his outwardly eager attempts at cooperating with the pro-Nazi authorities. Berend wrote that “after internalising basic Zionist truths” he has come to realise “the chance of ‘Zionizing anti-Semitism’, which was of crucial importance in those days of bloodshed.” “The idea itself”, he explained, was “not new.”

“It is obvious that in times of distress those caring for the life of our people need to find contacts with the men who hold power. And when you have to deal with convinced maniacs it is best to approach them the way one works with mental cases:... you let ‘Napoleon’ believe that he indeed is Napoleon, the ‘emperor’ to think that he in fact is the emperor etc. - and thus gain benefits and time. The one who speaks on behalf of the persecuted needs to speak the tongue of beasts and ‘in principle’ agree to their tenets: namely, that the Jewish question exists and that its final solution is the permanent removal of ‘racially foreign Jewry’ from the Hungarian *Lebensraum* – but only after the war... The raging enemy can be turned into a friend of Zionism. [You can tell them that]

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<sup>79</sup> Schmidt: *Kollaboráció*, 343-345.

<sup>80</sup> On this see *Ibid.* 343-345. See also Berend’s trial papers in *BFL*.

<sup>81</sup> See testimonies of Berend’s trial: *Állambiztonsági Szolgálatok Történelmi Levéltára* (Historical Archives of the State Security, hereon referred to as *ÁBSZTL*), 3. 1. 9. V. 129355. Berend files, trial no. 2600/1946, 274-276, 525.

<sup>82</sup> Munkácsi: Berend Béla, 1546-1549; Schmidt: *Kollaboráció*, 343ff; *Yad Vashem Archives*, O.33/3461, 129ff.

there is no need for deportation, for the Jews will leave the country anyway after the war... and so if the bloodthirsty anti-Semites show a little patience and humanity... they can achieve their dream: ‘*Judenrein* Hungary’... This is the essence of the ‘Zionization of Anti-Semitism’... which is an idea as old as the Dispersion itself.”

In his essay Berend quoted historical examples of Jewish leaders negotiating with anti-Semites, from Ezra and Nehemiah to Theodore Herzl and Chaim Weizmann adding that “the number of positive results I have managed to achieve through my Zionized anti-Semites is beyond counting.”<sup>83</sup> And while the number of Jews rescued through Berend’s endeavours are certainly not “beyond counting,” it would be difficult not to see the positive side of Berend’s peculiar kind of bold action-taking.

## 5. Dénes Szilágyi, the Jewish Working Group and its “Shock Therapy”

In his post-war apologetics Berend claimed to have been instructed to contact Bosnyák by the Jewish Working Group. The group – headed by the Revisionist Zionist Dénes Szilágyi and his father-in-law, Imre Kálmán – developed an extensive web of connections to Hungarian politicians and a radical rhetorical method of approaching such politicians. Israeli historian Nathaniel Katzburg lauded the group for having introduced “new elements” into the debate regarding the “Jewish question” in Hungary and for having offered an “objective analysis” of the contemporary state of affairs.<sup>84</sup> Szilágyi later wrote of this “objective analysis” in his 1986 essay titled “*A Foiled Jewish Political Venture in Hungary*.” Here he declared that they have developed “a sort of ideological shock-therapy” described as follows:

“We needed more non-Jewish allies. If the Hungarian Jews wanted to survive the war, they had to convince influential Hungarians that it was in their ‘patriotic’ need to listen to us. Of course we could only target hand-picked Hungarian anti-Semites. We wanted to reach key people in the press, the parliament, the administration: hardly any of them were friends of the Jews... The ‘therapy’ had two parts. First I enlightened my target by saying that we Jews were no Hungarians and did not want to assimilate. Then I told him that I saw no problem with him having been an anti-Semite as long as he did not practice aggression – since, as I explained, the feelings of animosity were mutual. By this point they treated me as an equal. This technique always worked. I also explained that we, Jewish nationalists and they, Hungarian nationalists, shared some common goals... We wanted to leave Hungary for Palestine and they wanted the same... that we leave their country.”<sup>85</sup>

Szilágyi and his Jewish Working Group published three so-called *Yellow Books* and distributed them among leading Hungarian politicians. Two of these books have been discussed before by historical literature. The first *Yellow Book* declared that anti-Semitism was a “constant” phenomenon because “all majorities attempt to remove minorities that are deemed foreign bodies or incapable of assimilation. This is a general law of nature.” Anti-Semitism, argued the paper, was understandable on the part of the ethnic Hungarians because of the sheer number of

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<sup>83</sup> Schmidt: *Kollaboráció*, 346-353.

<sup>84</sup> Katzburg: *Zionist Reactions*, 175.

<sup>85</sup> Denis Silagi: *A Foiled Jewish Political Venture in Hungary, 1939-1942*. In: Randolph L. Braham (ed.): *The Tragedy of Hungarian Jewry. Essays, Documents, Depositions* (New York: Columbia University Press, 1986), 200-217.

Jews in Hungarian commerce and public life. The paper dedicated little space to liberal counter-arguments: “We will not waste time to convince those who would deny facts. Decent, sane people will not debate that roses are red, the sky is blue and that Jews are a nation. Jews are a nation due to their connection of bloodline aside from several other factors... in every Jew there lurks the sense of racial cohesion regardless of where they live.”<sup>86</sup> If Szilágyi wanted to gain the trust and lauding of anti-Semitic politicians, his words were well picked. His goal was, according to the first *Yellow Book*, “to end Hungarian-Jewish coexistence.” Then he continued in this vein:

“Historical experience shows that all coexistence between Jew and non-Jew has to come to an end at some point, because of the inassimilable character of the Jewish minority eventually leads to heavy social tensions. Therefore the Hungarian-Jewish coexistence has to end as well. It will come to an end even if Jews do not wish for it, but then the Hungarians will put an end to it alone and the operation will hurt all the more... Every other sort of solution (like ghettos) bears the possibility of the coexistence being restored in the future and thus the resurrection of the Jewish question.”<sup>87</sup>

Therefore Szilágyi proposed in 1941 that Jewish private property be confiscated to finance mass Jewish emigration to Palestine. Hungarian press and printing had to go through severe censorship after the second Teleki-government and Szilágyi had trouble printing his pamphlet. He approached János Makkai, a highly anti-Semitic politician and polemicist who was personally responsible for drafting the text of the first anti-Jewish legislation. Makkai “was not only friendly but outright enthusiastic” about the contents of the *Yellow Book* and made sure that Szilágyi received the necessary permits. He also helped distribute the paper which found its way into the hands of not only Premier Kálmán Darányi but also Governor Miklós Horthy. Szilágyi also noted that the contents of the first *Yellow Book* “spurred general appreciation and acceptance from the far-right press.”<sup>88</sup>

The second *Yellow Book* followed the lines defined in the first. Szilágyi declared that “it is in the eminent interest of the Hungarian people to resettle Jewry... Even the truest friends of Jewry must profess *asemitism*.”<sup>89</sup> Szilágyi again argued for the establishment of a “sensible cadastre” – meaning either ghettoization or tallying up Jewish real estate. He also proposed holding a referendum on whether Hungarians and Jews wanted to live together. He argued – perhaps rightly – that the Hungarians would have said no. He also believed that the Jews would have said no as well. Whatever the case, he was convinced that such a choice for exodus would also be a “choice to live.”<sup>90</sup>

Again, the anti-Semitic press praised the contents of the *Yellow Book*. One organ wrote that “even the most convinced racists supported this solution at all times. They never meant to torture Jewry but wanted to be rid of the Jews.” Another declared that “we anti-Semites see the post-war situation of Jewry the exact same way as the nationalist” *Yellow Book*.

The contents of the *Third Yellow Book* have previously been unknown not only to Hungarian historians who dealt with Szilágyi – namely János Gyurgyák, Tibor Zeke and Géza Komoróczy<sup>91</sup> -, but to Szilágyi himself who had lost his last copy by the time he wrote his

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<sup>86</sup> D. Sabbatai [Szilágyi Dénes]: *Első zsidó sárgakönyv* (Budapest: Gondos, 1941), 2-7.

<sup>87</sup> Ibid.

<sup>88</sup> Silagi: Foiled Jewish Venture, 216-217.

<sup>89</sup> This term, first used by Nachum Sokolow, was later adapted by Hungarian anti-Semites like Ferenc Szálasi and possibly Béla Bangha SJ. The meaning of the term is generally understood as working for a society „without Jews”, but not „against” them. Needless to say, it was mostly used as a euphemism for anti-Semitism.

<sup>90</sup> D. Sabbatai: *Második zsidó sárgakönyv* (Budapest: Gondos, 1941), 4-5.

<sup>91</sup> See Gyurgyák: *Zsidókérdés*, 342; Zeke: Szilágyi, Tábor, Pap, 30; Komoróczy: *Zsidók*, vol. 2. 132.

memoirs and could not recall its text. After extensive search I have managed to unearth one copy – belonging to a high-ranking anti-Semitic Hungarian nobleman – from the *Budapest Collection* of the Budapest Metropolitan Library. In this paper, written in 1943, Szilágyi chastised the Hungarian leadership for having encouraged assimilation and seemingly assuring the Jews that after the war “it would be alright.” Szilágyi proposed that the authorities should not use the word “Israelite” again, since the anti-Jewish legislations in effect already treated Jews as a race. He also begged then-Premier Miklós Kállay to establish mass *haksharachs* (agricultural training camps). Interestingly, he also tried to exploit possibly existing Hungarian fears that their anti-Semitism might draw heavy repercussions after a lost war. If the Hungarian anti-Jewish measures were directed at Jewish emigration to a future Jewish state, argued Szilágyi, then it would “grant the anti-Jewish measures demanded by the ‘spirit of the times’ a positive effect.”<sup>92</sup>

Szilágyi himself was aware that “our message probably sounded crazy for the reader in 1941.” He also added they had to tone down the voicing of their belief in the “inevitable defeat of Hitler.” Therefore it is important to ask what Szilágyi knew about Nazi intentions to murder European Jewry and what was his “shock therapy” good for? In his post-war memoirs he wrote that “after the end of 1940 we received alarming news... that the Nazi *Judenpolitik*... went through a change [from emigration to murder]... After this point we could not limit ourselves to the ideological training of Hungarian Jewry. We had to give momentum to *aliyah bet*.” Yet in his *Second Yellow Book* he mentioned his belief that regardless of the outcome of the war, Jews would receive a state of their own in Palestine. This could sound as an extremely naïve statement, but one has to keep in mind that he was addressing anti-Semitic and occasionally pro-German politicians and therefore he might have thought that voicing such - clearly unfounded - views might influence them for the better. Szilágyi related to this in his *Foiled Jewish Venture*: „It would have been stupid to hand in a pamphlet... saying that ‘Hitler’s final hour has come and America will reign after the war.’”<sup>93</sup> Yet he admitted that Jews might be exterminated “through an unending chain of personal tragedies.”<sup>94</sup> In his 1943 *Third Yellow Book* Szilágyi clearly mentioned that Jews were facing “extermination.”<sup>95</sup> After the war he emphasized, albeit not mentioning his sources, that since March 1939 he was informed of the Nazi plan to “engulf the whole of Europe in a gigantic pogrom.”

Szilágyi’s contacts also seem to have aided his efforts at rescuing Jews. In his 1986 memoir he mentioned that his father-in-law, Imre Kálmán was the “number one facilitator of *aliyah bet*”, that is, illegal *aliyah*. The group had the approval of Ha’tsohar, the Zionist Revisionist central committee, and through Joseph Schechtman, Jabotinsky himself. Kálmán used his connections to anti-Semitic politicians to gain the necessary papers for immigration: “His influence and the Hungarians’ efforts to get rid of their Jews triumphed.” The first such group of illegal immigrants, consisting of 750 Hungarian *betarim*, left Hungary through Austria in the summer of 1937. Next winter 150 Hungarian *betarim* boarded a ship in Budapest, followed by other illegal ships. According to Szilágyi, 4500 *betarim* left Hungary up to the Nazi occupation. This number, however, seems exaggerated when compared with scholarly literature: Israeli historian Yehuda Bauer believes that 5,300 Jews left via Revisionist ships from the *whole* continent.<sup>96</sup>

Szilágyi’s extensive building of contacts not only assisted illegal *aliyah* but also helped him spread news of the 1942 pogrom committed by Hungarian forces in occupied Yugoslavia.

<sup>92</sup> Szilágyi Dénes: *Harmadik zsidó sárgakönyv* (Budapest: n. p., 1943) 4-7.

<sup>93</sup> Silagi: *Foiled Jewish Venture*, 207.

<sup>94</sup> Sabbatai: *Második*, 4-6.

<sup>95</sup> Szilágyi: *Harmadik*, 7.

<sup>96</sup> Yehuda Bauer: *Illegal Immigration*. In: Raphael Patai (ed.): *Encyclopedia of Zionism and Israel*, vol. 1. (New York: Herzl Press, 1971), 532.

The publications of the Working Group reached Habsburg Archduke Joseph Francis who demanded a meeting with Szilágyi. Szilágyi described the prince as a “benevolent anti-Semite” who was legitimately interested in the establishment of a “Jewish monarchy” in Palestine. Among Szilágyi’s Budapest assistants was Ferenc Ofner, ex-head of Betar Yugoslavia who had first-hand knowledge of the 1942 pogrom. Although many other politicians – among them nationalist Endre Bajcsy-Zsilinszky or socialist Anna Kéthly – called public attention to the affair, Archduke Joseph first heard of the massacre from Szilágyi and then personally passed on news of the killings to foreign envoys.<sup>97</sup>

The last political move recorded by Szilágyi was his successful visit to Commissioner for Press Affairs Mihály Kolosváry-Borcsa, a war criminal later executed by the post-war Hungarian state. Kolosváry used his position to ban a number of Jewish works, among them the writings of the Hungarian Revisionist Zionists. Szilágyi, through his political connections, met the anti-Semitic politician who had previously worded his support for Jewish nationalism<sup>98</sup> and got him to lift the ban from Zionist brochures. Writer György Dalos, who interviewed Szilágyi in Munich in 1983, recalled Szilágyi’s version of the story as such:

“Kolosváry-Borcsa was happy to turn his fanatic anti-Semitism into direct action... As Commissioner for Press Affairs he banned 200 Jewish publications, among them the [Revisionist Zionist] organ *Bné Betár*. Szilágyi told me that he immediately complained about the decision and asked for a personal interview with the Press Secretary who was happy to have him. ‘Sir’ – Szilágyi pleaded – ‘I do not understand the ban. In the end we Zionists want the same thing as you do: to get the Jews out of Hungary for good.’ Kolosváry-Borcsa made sure that *Bné Betár* could be published again. Even decades after the event Szilágyi was sure that Kolosváry-Borcsa – who was, by the way, a highly educated person – saw in the young, marginalised Jewish journalist some harbinger of ‘Jewish power.’ ‘He fell for his own propaganda’ – gloated Szilágyi.”<sup>99</sup>

## 6. A Network of Inspirations: the Working Group and Rezső Kasztner

In his *Foiled Jewish Venture*, Szilágyi declared that while they tried to win over Jewish actors of public life to their cause, they rarely approached convinced Zionists due to the 1935 break between the Zionist Revisionists and the World Zionist Organization (WZO). Hungarian Revisionists and the Betar tried to remain within the frames of the Hungarian Zionist Union but the WZO forced the latter to exclude the former from its ranks. According to Szilágyi, however, relations remained cordial. Szilágyi believed that cooperation was difficult with groups that were being run from London and Tel-Aviv and had little care for the “special situation in Hungary.” Another reason for frictions between the Revisionists and the mainstream Zionists was the latter’s opposition to *aliyah bet*.<sup>100</sup>

Except for Israeli historian Nathaniel Katzburg, no historian has pointed out the relation between the Revisionist Working Group and Rezső (Rudolf, later Israel) Kasztner, organiser of the so-called Kasztner-train. Kasztner, in fact, had been inspired by the publications of the Working Group and had contact with Szilágyi, who described this relation as follows:

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<sup>97</sup> Silagi: *Foiled Jewish Venture*, 211-212.

<sup>98</sup> Kolosváry-Borcsa Mihály: *A zsidókérdés magyarországi irodalma. A zsidóság szerepe a magyar szellemi életben, a zsidó származású írók névsorával* (Budapest: Stádium, 1943), 47.

<sup>99</sup> Dalos György: Radnóti körül, *Múlt és Jövő*, 2009/4, 66-67.

<sup>100</sup> Silagi: *Foiled Jewish Venture*, 213-214.

“A Jewish supporter of ours who showed sympathy to our cause and was even more active than some persons from our inner circle was Rezső Kasztner – although the idea of him ‘joining’ our group or becoming a ‘member’ of the Working Group was out of the question. This was the direct result of our group not having a clear network or a straightforward set of rules: we wanted to perform our work far away from Zionist party politics. Kasztner also had a sober assessment of the situation: even though he was a dedicated member of the Zionist Labour movement, he had perfect understanding of our policy of Jewish national unity, but his Labour circles would never have accepted that.”<sup>101</sup>

When Kasztner read the first *Yellow Book*, he initiated contact with Szilágyi and met him in his flat in Uszály street a number of times, “almost as if taking part in a conspiracy.” This not only shows the divisions within the Hungarian Zionist movement but also Kasztner’s dedication to working with the Szilágyi group, strengthened by Szilágyi’s emphasis on Kasztner’s having been unable to formally join the circle. “Kasztner told us that we have worded his deepest convictions [in our pamphlets]” but that he would “keep to himself” “the unity of thought” between him and the Working Group. They both agreed that in the face of the “impeding cataclysm,” unity had to be formed among the warring Jewish political groups. Kasztner organised a meeting between “prominent Jews” – unnamed in Szilágyi’s account – in December 1941 but his efforts at forming such unity failed. His warnings – not specified by Szilágyi but probably related to the escalation of Nazi anti-Jewish policies – were “shushed away” by those present.<sup>102</sup>

Seeing the difficulty of the affairs, Kasztner waged even starker campaigning on behalf of the Working Group and in February 1942 managed to organise a meeting between secretary of the Pest Israelite Congregation and Szilágyi in Kasztner’s very own flat in Váci street. Eppler seemed highly interested in Szilágyi’s perception of the situation and even organised a further meeting between head of the Congregation Samu Stern and Szilágyi, at the end of which Stern, always confident in the merits of emancipation and the “knightly” behaviour of the Hungarian people, assured Szilágyi that he would “forever wage a war against our views.” This, however, was not the end of Kasztner’s assistance to the Szilágyi group. He also organised a meeting between Szilágyi and Ottó Komoly, head of the Hungarian Zionist Association, this time in the latter’s flat. This meeting, just like the previous ones, failed to produce results. Zionist Béla Dénes also assured Szilágyi after the war that Kasztner and Komoly were heavily inspired by the Working Group’s pamphlets. Szilágyi wrote that Kálmán made unclear efforts to facilitate further Jewish emigration during the war years and finally left Budapest for Palestine on the Kasztner-train.<sup>103</sup>

## 7. The Budapest Rescue Committee

On March 19<sup>th</sup> 1944, German troops crossed the Hungarian border and occupied the country. Adolf Eichmann claimed to have expected resistance, yet – according to his post-war account – was met with greetings and cheers by the local populace.<sup>104</sup> Holocaust historians have referred to the Hungarian Holocaust as the most damning chapter of the Shoah, “the final point *and* zenith of the Final Solution.”<sup>105</sup> Perhaps one of the most heavily debated chapters of the

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<sup>101</sup> Ibid.

<sup>102</sup> Ibid. 215-216.

<sup>103</sup> Ibid.

<sup>104</sup> „I Transported Them to the Butcher.” Eichmann’s Own Story: Part I. *Life*, 28<sup>th</sup> November 1960. 19-24, 101-112, there 101.

<sup>105</sup> Kádár, Vági: *Aranyvona*t, 12.

Hungarian Holocaust were the actions of Hungarian Zionist and lawyer Rezső Kasztner, who managed to save the lives of 1684 Jews on the so-called “Kasztner-train.”

Kasztner was born in Kolozsvár (today Kolozsvár-Napoca in Romania) in a religious non-Zionist family. As a young man he became a stalwart supporter of Zionism and often voiced his lack of faith in Jewish assimilation and even emancipation. His political skills were legendary: he was capable of securing interviews with leading Romanian politicians.<sup>106</sup> The following early anecdote about Kasztner was recounted by Dán Ofry, a Hungarian-Israeli journalist:

“One of the first actions of the pro-Hitler, anti-Semitic Goga-Cuza government [in Romania] was to close the hachshara camps which prepared the youth for aliyah and agricultural work. Kasztner asked for a meeting from the police chief of Kolozsvár, who was not known for having been a philo-Semite... ‘Sir, is it true that the Romanian state wishes for the emigration of the Jews?’ ‘Very true!’ – thus came the crisp, but frank answer. ‘Then why close the camps that train Jewish youth for emigration?’ ‘I have orders to shut down your haksa... haksha... those camps of yours!’ ‘No problem sir, then let me propose a solution: we will close the hachshara camps, and open camps for Jewish emigration. Is that fine with you?’ And so the camp continued to exist in peace – until the troops of Admiral Horthy entered Transylvania in the Autumn of 1940.”<sup>107</sup>

This story about Kasztner indicates that early on the Zionist lawyer gained a clear picture regarding the prospects of using anti-Semitic politicians to facilitate Jewish emigration. His boundless sense of self-importance and ambition, mentioned in both friendly and hostile accounts of Kasztner’s dealings, largely contributed to his later role in Nazi-Jewish negotiations during the Holocaust. Fülöp (Pinkas) Freudiger, head of the Hungarian Orthodox Community and subsequent member of the Budapest Jewish council described Kasztner as a talented lawyer with a great sense for politics, but also criticised the Zionist lawyer: “Kasztner was Zionist to the bone and saw almost everything through the scope of party politics.”<sup>108</sup> Other Transylvanian Zionists like Dezső Hermann and Hansi Brand also described him as “first and foremost” a Zionist, who “like good Zionists, only thought of the movement.”<sup>109</sup> From various other sources, however, come further words of criticism. András Steiner, assistant to the Slovakian rescue activist Rabbi Michael Dov Weissmandl, described Kasztner as a man who “played God.”<sup>110</sup> One-time member of a Budapest Zionist youth group Ernő Stein went the furthest: to him, Kasztner was “less than a rat.”<sup>111</sup> István Fischer, Communist playwright and one of the more recent discussers of the Kasztner-case proposed the following question in a 2006 article: “What shall we think of... Rezső Kasztner’s action to save Jews?” Then he gave the following reply: “We can only reply... [that] until we know the facts, it is better not to think anything.”<sup>112</sup> In fact, most facts are readily available about the political venture that Rezső

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<sup>106</sup> On Kasztner’s background see: Porter: *Kasztner vonata*, 24-30; Michael A. Shmidman: *Turim: Studies in Jewish History and Literature* (New York: Touro College Press, 2007), 129.

<sup>107</sup> Dán Ofry: *Egy évszázad tanúja: a Dr. Hermann Dezső-dossieré* (Budapest: Aranykés, 2000), 50-51.

<sup>108</sup> Schmidt: *Kollaboráció*, 280.

<sup>109</sup> Ofry: *Évszázad*, 247; *USHMM*, Steven Spielberg Film and Video Archive, Story RG-60.5002, Tape 3109-3111, Claude Lanzmann Shoah Collection, Interview with Hansi Brand, 34.

<sup>110</sup> *USHMM*, Steven Spielberg Film and Video Archive, Story RG-60.5010, Tape 3414-3419, Claude Lanzmann Shoah Collection, Interview with Andre Steiner, Winter 1978-1979, 68-69.

<sup>111</sup> Adam LeBor: *Eichmann’s List: a Pact with the Devil*, 23<sup>d</sup> August 2000, <http://www.independent.co.uk/news/world/europe/eichmanns-list-a-pact-with-the-devil-711468.html> (Retrieved: 7<sup>th</sup> December 2013.)

<sup>112</sup> Fischer István: *Ki volt a gyilkos?, Élet és Irodalom*, 50:46. (17<sup>th</sup> November 2006)

Kasztner started when he moved from rural Kolozsvár to the capital city of Budapest during the last months of 1941.

Kasztner became executive vice-president and de facto head of the Zionist-organised Budapest Help- and Rescue Committee (Va'adat Ha-Ezrah ve-ha-Hatzalah) in 1942. Other leaders included Ottó Komoly, Hansi Brand, Yoel Brand and Ernő Szilágyi (not related to the aforementioned Revisionist of the same family name). The Committee originally engaged in rescuing Polish and Slovakian Zionist activists and taking them to Hungary (called *tiyul*, which is Hebrew for making a trip). The Nazi invasion of Hungary, however, created a new situation. On March 13<sup>th</sup> 1944, a few days before the invasion József Winniger, an agent of *Abwehr* informed Rezső Kasztner about the impending danger – and also about the possibility of approaching the SS with the intention of saving Jewish lives.<sup>113</sup> Kasztner knew about SS Hauptsturmführer Dieter Wisliceny's previous deals involving the Jews of Slovakia, and therefore his presence in Budapest “raised hopes to establish an immediate contact with the SS.”<sup>114</sup> The first meeting between the members of the Committee and SS personnel took place on 5<sup>th</sup> April. Ernő Szilágyi, who previously tried to establish something of a “Hungarian Ha'avara-deal” with the Hungarian government in order to rescue the country's Jewry, remembered the talks as follows:

“The gentlemen at the Astoria hotel [where the SS headquarters were] knew everything about us, Zionists. They knew what we wanted. They had dealt with us many times in the past, for example in Bratislava, and would certainly not have understood had we not showed up. They were ready to present their demands and knew that we are tough people to deal with – but they also knew that we keep our word, that we offer precise services. And they also knew that they would ask people from us in vain. Yet they trusted us, in their own way... We needed contacts even with the Germans, and this contact could not be one-sided. It could not be limited to taking their orders mutely or to simply replying *jawohl* [to everything]... Yes, we certainly needed contacts with the Germans!”<sup>115</sup>

Perhaps ironically, the Germans and the Hungarian Zionists also agreed during the initial talks that “Hungarian Jewry [had] an unhealthy social structure,” which needed reorganisation, particularly in the field of physical work.<sup>116</sup> According to Kasztner, Wisliceny declared that “there can be no debate... whether Jewry should be reduced drastically in every aspect of life... But we can talk about the preservation of Jewish material.” In return the SS officer demanded 200,000 dollars as a “gesture of good will.”<sup>117</sup> The Committee, which has previously agreed with the well-off Budapest Orthodox community on its funding, secured the sum from Freudiger and the Reform Jewish tycoon Samu Stern. Some remaining part of the ransom was paid by the Zionists.<sup>118</sup>

Yoel Brand of the Committee was invited by Eichmann to his office in one of the high-class districts of Budapest and presented with the following question: “Who do you want to save? Fertile women, productive men, children, maybe the elderly?” In spite of Eichmann's

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<sup>113</sup> On the Committee and Winniger, see Szita: *Aki egy embert megment*, 8-19.

<sup>114</sup> Dr. Rezső Kasztner: *The Report of the Budapest Jewish Rescue Committee – 1942-1945*, II. 10-12. In: Lenni Brenner (ed.): *51 documents. Zionist Collaboration with the Nazis* (Fort Lee: Barricade Books, 2002) 223-258. Brenner's reader, while aimed at the contrary, largely proves Kasztner's good intentions.

<sup>115</sup> Novák Attila (ed.): *Ismeretlen memoár a magyar vészkorszakból* (Budapest: Akad, 2005), 60-61.

<sup>116</sup> *Ibid.* 35.

<sup>117</sup> Kasztner: Report, II. 10-12.

<sup>118</sup> Frojimovics Kinga: Zsidó hitközségi szervezet Magyarországon 1944-ben. In: Braham: *Tanulmányok*, vol. 2. 9-52, there 31; Novák: *Ismeretlen*, 12; Kasztner: Report, II. 13.

declaration that they were both “idealists” (probably meaning Nationalists) and so “could talk honestly,” Brand replied that he was in no position to choose between lives.<sup>119</sup> Brand was soon sent to Turkey to convey a so-called deal – in reality, a few words scribbled on a small piece of paper – about the rescue of all of Hungarian Jewry in return for 10,000 trucks and other items. Holocaust historians largely agree that the deal was never taken seriously by the Germans,<sup>120</sup> but Brand believed that he had a very real chance of saving Hungarian Jewry and produced a scathing account of the Zionist movement after the war for its supposed failure to assist him with the “deal.”<sup>121</sup> Lenni Brenner asserted that Brand surely did not believe in the possibility of a successful negotiation, and merely wanted to gain time.<sup>122</sup> Yet a contemporary interrogation record of Brand by Ira Hirschmann testified to Brand’s naïve faith in the “blood for goods” deal: according to the document, Brand said that “my opinion is that they would keep their word.”<sup>123</sup>

## 8. Yoel Brand’s “Advocacy for the Dead”

Brand’s story, first of all, was widely disbelieved, both by Zionist leaders and the Allies. Yitzhak Grünbaum called it a “devilish piece of provocation,” while David Ben-Gurion deemed the offer “strange,” yet opted to grab the opportunity – *and* to notify the Allies.<sup>124</sup> Brand was supposed to meet members of the Jewish Agency in Aleppo, Syria, but was arrested by the British there. Anti-Zionist historian Lenni Brenner has claimed that the Jewish Agency abandoned Brand out of some undisclosed reason.<sup>125</sup> Brand’s memoirs do not help the matter: he called himself the “ambassador of the dead,” lashed out against Jewish Agency Executive member Moshe Sharett for having neglected his cause and blamed Zionist party discipline for the lack of organised action. He spoke about it as follows:

“I even thought about making my escape. But only those can understand my actions who have ever belonged to a party which was bound together by the strongest ideological links. I was a Zionist, a member of the party, and my superiors were the Executive. Party discipline bound me and I did not dare rebel against it. Oftentimes it came to my mind that I should escape, secretly return to German territory and try and save whoever could still be saved in Budapest. But I felt as small and powerless as a man thrown into the boiling cauldron of world history. I did not dare take the responsibility of the lives of hundreds of thousands upon my shoulder. I was not brave enough and therein lay my historical guilt.”<sup>126</sup>

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<sup>119</sup> Yoel Brand’s testimony during the trial of Adolf Eichmann, Session 56, 3/4, <http://www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/Sessions/Session-056-03.html> (Retrieved: 10<sup>th</sup> December 2016.)

<sup>120</sup> For such a conclusion see Segev: *Seventh Million*, 93.

<sup>121</sup> For an English version of the story see Alex Weissberg: *Desperate Mission: Joel Brand's Story As Told to Alex Weissberg* (Whitefish: Kessinger Publishing, 2005).

<sup>122</sup> Brenner: *Zionism*, 222-223.

<sup>123</sup> See the documents reproduced in John Mendelsohn (ed): *The Holocaust. Selected Documents in Eighteen Volumes*, vol. 15 (New York-London: Garland, 1982), 166-172, especially 170.

<sup>124</sup> See the minutes of the 25<sup>th</sup> May 1944 meeting of the Jewish Agency: Zionists Debate Rescue of Hungarian Jews, <http://www.jewishvirtuallibrary.org/zionists-debate-rescue-of-hungarian-jews> (Retrieved: 10<sup>th</sup> December 2016.) The Hebrew language record can be consulted at the library of the *Central Zionist Archives* in Jerusalem.

<sup>125</sup> Brenner: *Zionism*, 223.

<sup>126</sup> Weissberg: *Desperate*, 165-166.

Thus in Brand's version of the event responsibility is laid upon him and partly on Zionist party politics. Since the publication of the relevant documents, however, we know that the Jewish Agency tried to intervene in vain on Brand's behalf. Chaim Weizmann, accused in Brand's memoirs of not having cared for his mission,<sup>127</sup> personally cabled the Foreign Office to help the Hungarian Zionist and so did other members of the Jewish Agency.<sup>128</sup> Brand, however, did not have access to such documents, and several authors cited herein did not bother to check.

Tom Segev charged the Jewish Agency with a lack of political entrepreneurial spirit, writing that "the Yishuv [Jewish Palestine] leadership... did not dare engage in secret deals" to save Hungarian Jewry.<sup>129</sup> In reality, of course, not only are the completely illegal rescue efforts of the Jewish Agency and other Zionist branches widely documented,<sup>130</sup> but the entire question of Yishuv leadership requires a lot more attention, research and care – attributes which hardly describe Segev's journalism.<sup>131</sup>

Another example of the little resemblance Brand's memoirs bear to the historic facts is shown in his memoirs. During the height of the Hungarian Holocaust, Brand was taken to a Tel-Aviv left-wing Socialist conference where he was introduced as "having brought the greetings of Hungarian Jewry." Upon these remarks Brand broke out in yelling, accusing the Zionist establishment of having "abandoned Hungarian Jewry," and wrote that after the scandal, the leading Zionist "begged me to keep silent on the matter" because members of the press were present.<sup>132</sup> The press, of course, had been largely informed on the Hungarian Holocaust by then, and criticism of the Zionist leaders – especially Yitzhak Grünbaum – and their dealings regarding the Shoah were rampant.<sup>133</sup> There was nothing to keep silent on. Brand also published defamatory remarks on Kasztner in his memoirs but later withdrew them. According to material in the *Wiener Library* of London, upon being faced with his previous remarks about Kasztner being a "pig," Brand replied that "I have called many people pigs during my life whom I didn't agree with." Shmuel Tamir believed that Brand had his "brain washed."<sup>134</sup>

## 9. Zionist Youth Resistance

A factor complicating the ensuing deal between the SS and the Budapest Rescue Committee was the parachutist mission to Hungary sanctioned by the Jewish Agency. Hanna Szenes,

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<sup>127</sup> Ibid. 84-85. Also Shonfeld: *Holocaust Victims Accuse*, 38.

<sup>128</sup> Francis R. Nicosia (ed.): *Archives of the Holocaust: an international collection of selected documents. Central Zionist Archives, 1939-1945*, vol. 4 (New York: Garland, 1990), 229-231, 246-247, 294-295. These documents demonstrate the efforts of Sharett, Weizmann, Chaim Barlas and other JA personnel. For further information on Weizmann, see letter by Weizmann to Anthony Eden, 6<sup>th</sup> June 1944. 31-2506, *Weizmann Archives*, Rehovot, Israel.

<sup>129</sup> Segev: *Seventh*, 95-96.

<sup>130</sup> Dalia Ofer: *Escaping the Holocaust: illegal immigration to the Land of Israel, 1939-1944* (New York: Oxford University Press, 1990); Friling: *Arrows in the Dark*, vols. 1-2.

<sup>131</sup> Segev constantly ignored archival material that testified to the attention given by the Jewish Agency to the rescue of Hungarian Jewry. For such material, see Friling: *Arrows in the Dark*, vol. 2. 3, 10, 50, 65, 216-218. At no point of Segev's book is the financial aspect of rescue discussed: of course it is difficult to cast a judgement upon rescue efforts if one only reads juicy quotes, and is not faced with hard data. Dina Porat not only explored the Jewish Agency's financial effort dedicated to rescue but also the complicated positions of various JA leaders that were often subject to change. On this see Porat: *Blue and Yellow Stars*, 91-92, 189-192, 200-203, 208.

<sup>132</sup> Weissberg: *Desperate*, 210.

<sup>133</sup> Bela Vago: Some Aspects of the Yishuv Leadership's Activities During the Holocaust. In: Randolph L. Braham (ed.): *Jewish Leadership during the Nazi Era: Patterns of Behaviour in the Free World* (New York: Columbia Univ Press, 1985), 45-57, there 45-46.

<sup>134</sup> *Wiener Library*, Reel 199. VII.100.B on the Kasztner case, without marks or pagination.

Peretz Goldstein and Yoel Palgi, now icons of wartime Jewish heroism in Israel, had a complicated and contradictory relationship with Kasztner and the rescue Committee, a conflict which was later interpreted as one between “heroic” Zionism and “diaspora tactics.”<sup>135</sup> The irony of branding the Zionist rescue efforts of the Committee “diaspora tactics” should not be lost upon a historian. The affair produced considerable debate that has perhaps been lost among the many scandals of the Kasztner-case. A movie produced in Israel in the ‘90s but practically banned on behest of Szenes’s relatives had a fictive Kasztner say the following: “I will tell you who betrayed Palgi and Goldstein to the Hungarians. It was the girl... the hero, Hanna Szenes! She broke during interrogation and told them everything... The boys were not arrested because of me but because of her!”<sup>136</sup>

While Hanna Szenes was captured soon after her arrival to southern Hungary, Goldstein and Palgi sought out Kasztner who – according to Palgi – was afraid that “all that they have worked so hard for with his colleagues could be lost in a snap.” “You are insane for having come here!” – Kasztner reportedly told Palgi.<sup>137</sup> Contrasting Kasztner’s behaviour with that of the parachutists and Brand is further convoluted by the fact that the parachutists had no means of rescuing anybody – as Palgi’s memoirs clearly indicate – and that Hansi Brand, Yoel Brand’s wife had a reaction similar to Kasztner’s: the parachutist mission, according to her, was “insane... in Budapest of July 1944.”<sup>138</sup> The fact that Kasztner suggested the parachutists hand themselves over to the Germans is often cited by critical works, and while Kasztner’s naïve advice is difficult to understand, it is also known that he tried to get the Germans to treat the Jewish parachutists as prisoners of war.<sup>139</sup> It is perhaps also interesting to note that Palgi, ever critical of negotiations with anti-Semitic political factors, spent considerable time with Hungarian nationalist MP János Makkai in his prison cell. Makkai had had a serious role in drafting anti-Jewish legislation prior to the war years, but was also opposed to Nazism, and so he ended up in prison along with Palgi after the Nazi occupation of Hungary. Palgi, who later became Israeli ambassador to Tanzania, tried to convince Makkai to take a pro-Zionist stance if he were ever to get out of prison and into Hungarian politics again. Makkai agreed to the idea.<sup>140</sup>

Shmuel Tamir, veteran of the right-wing militia Irgun charged Kasztner with having abandoned the prospect of broad rescue, and similar attacks were voiced by other youth activists.<sup>141</sup> In reality, the youth movements – which were closely affiliated with the Committee and the official parties – employed similar tactics. Historian Attila Novák published important testimonies by Zionist youth movement members regarding rescue methods. He concluded that “one of the characteristic aspects of the resistance movement... was the strong ideological bond that existed between the Zionist movement members... The archival documents suggest that the Zionists, out of both ideological and practical reasons, vacillated for a long time between saving only their political kin or every Jew... In the end, the former approach triumphed, as up to the bloodiest days of the Arrow Cross-putsch they only rescued their own men.” Novák went

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<sup>135</sup> Leora Bilsky: In a Different Voice: Nathan Alterman and Hannah Arendt on the Kasztner and Eichmann Trials, *Theoretical Inquiries in Law* 1:2 (2000), 509-547, here 514

<sup>136</sup> Dan Laor: Israel Kasztner vs. Hannah Szenes: Who was really the hero during the Holocaust?, 9<sup>th</sup> November 2013. <http://www.haaretz.com/israel-news/.premium-1.557024> (Retrieved: 15<sup>th</sup> May 2014.)

<sup>137</sup> Joél Palgi: *...és jött a felegeteg* (Tel Aviv: Alexander, 1952), 300.

<sup>138</sup> Her words are cited in Porter: *Kasztner*, 205, 207.

<sup>139</sup> Gazi József: Palesztinai magyar ejtőernyősök a fasizmus elleni harcban, *Múlt és Jövő*, 1991/2, 80-82, there 81.

<sup>140</sup> Pálgi: *Jött*, 178.

<sup>141</sup> Veszprémy László Bernát: „Istenjátszás”, embermentés. Kiket és miért mentett meg Kasztner Rezső?, 2<sup>nd</sup> March 2017, <http://www.szombat.org/tortenelem/istenjatszas-embermentes-kiket-es-miert-mentett-meg-kasztner-rezso> (Retrieved: 3<sup>d</sup> May 2017.)

on to quote Budapest Zionists like József Schäffer, who mentioned “saving the most precious human material,” and Alpan Moshe, who recalled their activities as follows:

“Concerning the nucleus and the veterans of the movement, we had to apply a cruel truth in practice. Namely, that one Jew did not equal another... Therefore if I had a chance to save three Jews but had to risk one man from the inner circle, I could not go for it. The reason was that I had to keep alive the men from the inner circle through all means.”<sup>142</sup>

Palgi in his post-war memoirs similarly said that “the important, opposing factions [left and right-wing Zionism] agreed on one thing: that both selected very meticulously – based on their best convictions and conscience – the ones to save.”<sup>143</sup> The Austrian Revisionist William R. Perl, responsible for illegal right-wing aliyah from Hungary, was similarly outspoken about his methods: “Priority went to members of our own Betarim,”<sup>144</sup> referring to Betar, the right-wing Zionist youth group founded by Vladimir Ze’ev Jabotinsky.

The Zionist youth movement also participated in what little resistance there was against the Nazi invaders and their Hungarian accomplices. David Gur and Peretz Révész received Arrow Cross uniforms and intercepted a number of death marches to the river Danube, rescuing many Jews through their actions. Dezső Weinberger threw a hand grenade into a crowd of Arrow Cross supporters, injuring many, but sacrificing his own life in the action.<sup>145</sup> Atrocities however, not reported by partisan historiography, also happened. Yoel Palgi recounted an event during which Zionist resisters threw a grenade into a crowded tram in order to divert the attention of policemen from one of their comrades. Many people died and many were injured, but Palgi reported on the events with an emotionless tone.<sup>146</sup>

## 10. Selecting Passengers for the Kolozsvár and Budapest Trains

Kasztner took over the Zionist-SS negotiations after Brand left for Istanbul. The deal for saving the whole of Hungarian Jewry was reduced to a mere train after the “blood for goods” deal came to the Allies’ attention who signalled their objection.<sup>147</sup> According to Israeli historian Avihu Ronen, a similar question regarding the selection of the Jews who would be saved was posed to Kasztner by Eichmann.<sup>148</sup> Kasztner made no mention of such a question in his post-war report, but Eichman, in an interview published in *Life* magazine in 1960, did:

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<sup>142</sup> Novák: *Ellenállás*, 143, 150, 154-156.

<sup>143</sup> Pálgi: *Jött*, 338-339.

<sup>144</sup> William R. Perl: *The Four-Front War: From the Holocaust to the Promised Land* (New York: Crown, 1979), 60-61, 226, 302-306. For a countering statement see: Otto Seidmann: *Saga of Aliyah Beth* (1947), *USHMM* 2002.84.1, 13. A survey of Revisionist aliyah certificate requests seems to indicate that they did, in fact, select veteran Zionists. See *Jabotinsky Institute*, G6a-1/33, certificate papers from 1943 to December 1944. One Revisionist, Simon Wüllinger, voiced strong pro-selection views in a relatively early article in *Bné Betár*, organ of the Hungarian Zionist right. See Wüllinger Simon: *Kihalásra ítélt nemzedék*, *Bné Betár*, February 1937, 47.

<sup>145</sup> Ávihu Ronén: *Harc az életért: cionista (Somér) ellenállás Budapesten, 1944* (Budapest: Belvárosi Kvk., 1998), 206-207; Komoróczy: *Zsidók*, vol. 2. 832-833.

<sup>146</sup> Palgi: *Jött*, 352.

<sup>147</sup> Kasztner: Report, II. 24-25.

<sup>148</sup> Ronen: *Harc az életért*, 150.

“Dr. Kasztner was... an ice-cold lawyer and a fanatical Zionist. He agreed to help keep the Jews from resisting deportation – and even keep order in the collection camps – if I would close my eyes and let a few hundred or a few thousand young Jews emigrate illegally to Palestine. It was a good bargain. For keeping order in the camps, the price of 15,000 or 20,000 Jews – in the end there may have been more – was not too high for me... I believe that Kasztner would have sacrificed a thousand or a hundred thousand of his blood to achieve his political goal. He was not interested in old Jews or those who had become assimilated into Hungarian society. But he was incredibly persistent in trying to save biologically valuable Jewish blood – that is, human material that was capable of reproduction and hard work. ‘You can have the others’ he would say, ‘but let me have this group here.’”<sup>149</sup>

This statement has been taken seriously but a number of pamphleteers and historians, ignoring the fact that Eichmann actively blamed the Holocaust on various groups other than the Germans in his post-war statements.<sup>150</sup> His words could be related to the phenomenon described by Christopher Browning in his *Ordinary Men*, a book dealing with the Holocaust in Poland and citing numerous post-war German accounts that laid a major part of the blame on the Polish people: there was “considerable physiological relief in sharing blame with the Poles,” or in this case, the Jews.<sup>151</sup>

It is not only through Browning’s thesis, however, that we can see the problems with Eichmann’s story. It was David Cesarani who unearthed a document written by Eichmann in which he outspokenly opposed the emigration of “biologically useful” Jews, declaring that he did not want to see such men reach Palestine: he certainly did not see their emigration as a “good deal.”<sup>152</sup> The charge of “keeping up order in the collection camps,” repeated very recently by British historian Paul Bogdanor,<sup>153</sup> also fails to stand up to scholarly scrutiny. Kasztner was in no position to influence Jewish behaviour in the camps, and the factors which his critics attribute to his actions – namely, that Jews thought they were going to be taken to a fictive places called “Kenyérmező” (“Field of Bread”) and not to Auschwitz – were present in camps that Kasztner and his co-workers had no relation to. Numerous Holocaust testimonies show that the false rumours were spread by the Hungarian authorities and not by the Zionists.<sup>154</sup>

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<sup>149</sup> „To Sum It All Up, I Regret Nothing.” Eichmann’s Own Story: Part II., *Life*, 5<sup>th</sup> December 1960. 146-161, there 146.

<sup>150</sup> For example the Hungarians, the Dutch or (as in the case above) the Zionists. See Braham: *Népiártás*, 646-647; Bart van der Boom: *Ordinary Dutchmen and the Holocaust: a summary of findings*. In: Wichert ten Have (ed.): *The Persecution of the Jews in the Netherlands, 1940-1945* (Amsterdam: UvA, 2012), 29-54, there 31. This does not, of course, imply that the Hungarians or the Dutch were not accomplices or that the Zionists left an impeccable record, but drawing on Browning’s work cited below one could say that Eichmann’s remarks were made in order to diminish German guilt.

<sup>151</sup> Christopher Browning: *Ordinary Men. Reserve Police Battalion 101 and the Final Solution in Poland* (London: Penguin, 2001), 155.

<sup>152</sup> David Cesarani: *Eichmann élete és bűnei* (Budapest: Gold, 2004), 192.

<sup>153</sup> Cited in Veszprémy: „Istenjátszás.”

<sup>154</sup> *Ibid.*, citing the website run by the *Hungarian Jewish Museum* which offers a digestion of Hungarian Holocaust testimonies („protocols”) that mention at least five more fictional destinations, rumours about which circulated in various towns across Hungary: <http://www.degob.hu/index.php?showarticle=25> (Retrieved: 10<sup>th</sup> December 2016.) Ironically, Bogdanor seems to be familiar with this site, but only quotes protocols that support his claim that the Kolozsvár Jews did not know where they were being taken. He quotes none of the protocols indicating that deception was used by the Hungarian authorities in other ghettos as well. All of the protocols quoted in his book can be found in the article linked here, based on which we can safely assume that Bogdanor did not read the testimonies himself. See Bogdanor: *Kasztner’s Crime*, 119.

We also know that Zionist youth groups closely affiliated with Kasztner and his Committee sent envoys to the collection camps that explicitly warned the Jews about Auschwitz. Their stories, however, were met with disbelief. One of them related to this as follows: “At my parents' place I had to learn with regret [the mood] that characterised the whole of Hungarian Jewry: even in the face of imminent death, they did not believe that they were in danger. My parents refused to go into hiding and angrily chastised me, saying 'you fell in love with those [Zionist] Poles [refugees]!’” This referred to the hundreds of Zionists who fled to Hungary from occupied Poland and knew of the Nazi methods employed there. The activists entering the ghettos described here were in contact with Kasztner who personally attended at least one of their pre-invasion top council meetings where they discussed the methods of warning the populace about the deportations.<sup>155</sup> The thesis of Hungarian Jewry having been properly informed about the death camps but not having internalised their meaning is strengthened by the fact that at least 3000 Jews survived the previous 1941 deportations from Hungary and returned home: their stories were also not believed.<sup>156</sup> One such story was quoted in Elie Wiesel’s memoirs: a certain Moshe returned from the deportations and warned his community of the murders. The responses of the local Jews were: “He’s just trying to make us pity him. What an imagination he has!”, and “Poor fellow. He’s gone mad.”<sup>157</sup>

Communist playwright István Fischer and Trotskyist historian Lenni Brenner have both asserted, based on Eichmann’s version of the story, that Kasztner employed Zionist selection and that the Kasztner-train was something of a “Zionist VIP” venture. Brenner called this a “crime within the crime” while Fischer said that “this elitist, selective mentality present in Kasztner showed itself in his choosing more of the select few than the masses of Jews, all nameless to him.”<sup>158</sup> Certain memoirs seem to strengthen this thesis. Yoel Palgi recalled that Kasztner called the train “technically an aliyah to Erets Yisrael.”<sup>159</sup> Ladislaus Löb, otherwise an ardent defender of Kasztner, similarly conceded that there was “a grain of truth” in the charge.<sup>160</sup> Kasztner himself employed the term “prominent” for his Jews of choice a number of times in his post-war report.<sup>161</sup>

It is perhaps ironic that Kasztner would be accused of such a selection, since he personally did not take part in the drawing up of the lists of passengers – not for the Kolozsvár-Budapest train that took the first “prominent” Transylvanian Jews to the capital city, and not for “the” Kasztner-train that took the 1684 Jews to Bergen-Belsen. The selection process in Kolozsvár was overseen by the local Jewish Council, established 20<sup>th</sup> April by SS officer Dieter Wisliceny. It was headed by a prominent Transylvanian Zionist, József Fischer, while other members included religious Zionist Rabbis Akiba Glasner and Mózes Weinberger, along with Gyula Klein, Ernő Marton, Zsigmond Léb, József Moskovits and Dezső Hermann. To these members were latter added Sándor Lilienthal, Jenő László, Ernő Kasztner, Pál Klein and Jenő Weiss. The only non-Zionist member of the Council, József Fenichel, soon stepped down.<sup>162</sup>

<sup>155</sup> Novák: *Ellenállás*, 148-149, 155.

<sup>156</sup> Stark Tamás, George Eisen: *Az 1941-es galíciai deportálás és a kamenyec-podolszkiji tömegmészárlás: a magyar holokauszt első fejezete*, *Valóság* 57:9 (2014), 77-99, there 77.

<sup>157</sup> Cited in Helen Fein: *Accounting for Genocide. National Responses and Jewish Victimization during the Holocaust* (London: Collier Macmillan, 1979), 296-297.

<sup>158</sup> See Brenner: *Zionism*, ch. 25. „Hungary, a Crime within a Crime.” On Fischer, see Vári György: *Akik valahogy becsúsztak*, 26<sup>th</sup> January 2010, <http://www.litera.hu/hirek/akik-valahogy-becsusztak> (Retrieved: 21<sup>st</sup> May 2013.)

<sup>159</sup> Pálgi: *Jött*, 148-149.

<sup>160</sup> Vári: *Akik valahogy becsúsztak*.

<sup>161</sup> Kasztner: *Report*, II. 27-29, 31-32; *Ibid.* III. 18ff.

<sup>162</sup> Lőwy Dániel: *A Kálváriától a tragédiáig: Kolozsvár zsidó lakosságának története* (Kolozsvár: Koinónia, 2005), 170-171. On the political affiliations of the Council members listed, see Szabó Imre: *Erdély zsidói* (Kolozsvár: Kadima, 1938), 136, 231, 168, 178, 173, 167, 172-173, 136-139, 159, 173, and also Ofry: *Évszázad*, 127-128.

Jewish survivor testimonies – compiled by Kolozsvár scholar Dániel Lőwy – accused the Kolozsvár Jewish Council and the Jewish ghetto guards of violence and suppressing the news of the Holocaust.<sup>163</sup> Many of the survivor testimonies emphasised the fact that the Council “brutes” employed to keep order in the Kolozsvár ghetto – Bernát Krämer, Endre Balázs and Sándor Weisz – were also Zionists, a fact which seems to be supported by contemporary Transylvanian Jewish anthologies and later records.<sup>164</sup> This was hardly a unique phenomenon: in fact, according to Isaiah Trunk, an expert on the history of Eastern European Jewish Councils, most Council members and ghetto policemen in occupied Poland were Zionists.<sup>165</sup> Yet even the worst accounts on the Kolozsvár Jewish Council personnel can only cite instances of cigarettes, money, alcohol and matches being taken away from local Jews.

The “suppressing” of the news of the Holocaust from the city’s Jews have been cited in numerous places, most recently in Paul Bogdanor’s work.<sup>166</sup> In fact, Kolozsvár Council member Dezső Hermann testified that Kasztner had informed them about Auschwitz.<sup>167</sup> Numerous testimonies attest to the Kolozsvár community having been informed about the Holocaust.<sup>168</sup> One of the most ardent anti-Zionist Transylvanian Jewish leaders, Rabbi Yoel Teitelbaum was similarly informed about the Nazis’ systematic killing of Jews.<sup>169</sup> Albeit not informed about Auschwitz per se, the rabbi was present in the ghetto, had no interest in pushing any sort of “Zionist agenda,” and knew what fate awaited Jews once under Nazi occupation. Other scholarly works – namely by László Karsai and Ágnes Hegyi – similarly concluded that the Jewish community could have known what fate awaited them.<sup>170</sup> Yehuda Bauer concluded that Hungarian Jewry did not flee not because they weren’t told about the Holocaust, but in spite of having received the information: “Epistemology shows that it is a natural human tendency. You receive information, but it doesn’t mean you understand it or you accept it, which would mean that you have knowledge.”<sup>171</sup> The subsequent placing of the blame on the local – Zionist – leadership could similarly be explained by “natural human tendencies.” In

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<sup>163</sup> Lőwy: *Kálváriától*, 189, 192, 195.

<sup>164</sup> Szabó: *Erdély*, 149, 167-170, 174; Ion C. Butnaru: *Waiting for Jerusalem: Surviving the Holocaust in Romania* (Westport: Greenwood Press, 1993), 162-164.

<sup>165</sup> Isaiah Trunk: *Judenrat. The Jewish Councils in Eastern Europe under Nazi Occupation* (New York: Macmillan 1972), 491 (table for policemen), 34 (table for councilmen). As explained in its introduction, the work does not deal with „Western type” Jewish Councils, like those in Hungary and the Netherlands. See *Ibid.* xxx. As to why most ghetto policemen and councils were comprised of Zionists, we can only guess, as Trunk himself does not offer an explanation and merely notes the overrepresentation. One feasible answer could be that Zionists were preferred as councilmen because of the well-established nature of their movement – already organised in the pre-war years - and their political experience. Zionists could have also made “good” policemen because many Jewish nationalists received military training, especially the right-wing Zionists – who, incidentally, outnumbered any other Zionist faction among the Jewish police.

<sup>166</sup> Veszprémy: „Istenjátszás.”

<sup>167</sup> Ofry: *Évszázad*, 32.

<sup>168</sup> Fischer István: Bocsánat, de élek, *168 óra*, 12:44 (November 2<sup>nd</sup> 2000) 24-26, and 12:45 (8<sup>th</sup> November 2000), 28-29; Löb: *Megvásárolt*, 118.

<sup>169</sup> Menachem Keren-Kratz: Hast Thou Escaped and Also Taken Possession? The Responses of the Satmar Rebbe–Rabbi Yoel Teitelbaum–and his Followers to Criticism of his Conduct During and After the Holocaust, *Dapim: Studies on the Holocaust*, 28:2 (2014), 97-120, there 102 and 119. See the relevant documents scanned here: <http://www.tabletmag.com/jewish-arts-and-culture/books/178925/satmar-rebbe-2> (Retrieved: 10<sup>th</sup> December 2016.)

<sup>170</sup> Karsai László: A holokausztról szóló információk a magyar sajtóban 1941-1944, *Századok* 148:1 (2014), 1365-1374, there 1365. For an English language summary of the article, see 1373-1374; Hegyi Ágnes: Információáramlás az információ korlátozásának idején a Holocaust erdélyi dokumentumai alapján. In: Randolph L. Braham (ed.): *Tanulmányok a Holokausztról*, vol. 2. (Budapest: Balassi Kiadó, 2002), 155-202.

<sup>171</sup> [http://www.yadvashem.org/yv/en/education/interviews/baruch\\_bauer.asp](http://www.yadvashem.org/yv/en/education/interviews/baruch_bauer.asp) (Retrieved: 10<sup>th</sup> December 2016.)

fact, hatred against all the Jews who were spared the ordeals and torments of the Holocaust was so extensive in post-war Kolozsvár that part of the new Jewish leadership had the survivors' property confiscated.<sup>172</sup> The charge of "keeping order in the camps" also falsely presumes that Kasztner or his colleagues had any role whatsoever in the erection, maintenance and guarding of the Jewish ghettos. No Jewish politician had any political power over Nazi measures in occupied Hungary: in fact, as historian Henry Feingold put it, the story of Jewish leadership in Holocaust-era Hungary was one of "powerlessness," and not one of an abuse of power.<sup>173</sup>

The selection of the passengers for the Kasztner train in Kolozsvár followed mainstream Zionist policies regarding "labour aliyah" already accepted by the Transylvanian Zionists in 1935.<sup>174</sup> The list of passengers for the train from Kolozsvár to Budapest was compiled by members of the Zionist Jewish Council.<sup>175</sup> A large number of the selectees were youngsters, because, as Hillél Danzig put it, "Erets Yisrael needed youth."<sup>176</sup> Hansi Brandi similarly believed that the rescue of children was of utmost importance.<sup>177</sup> Out of the 388 Jews taken from Kolozsvár to Budapest, 199 were Zionist party members. Of the remainder, 80 seats were reserved for non-Zionist Orthodox Jews and a 109 for children.<sup>178</sup> Other records reinforce the impression that Zionists constituted a majority of the rescued.<sup>179</sup> The selection process in Kolozsvár thus seems to have matched the general Jewish Agency rescue rules put forward by David Ben-Gurion: "We prefer children over adults, Zionists over other adults."<sup>180</sup> This might seem rigid or even cruel, but it is necessary to note that non-Zionist and anti-Zionist Jewish groups employed their own policies of selection when it came to rescue: everybody rescued their own first.<sup>181</sup>

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<sup>172</sup> Olosz Levente: Felelősségre vonás a vézskorszak bűneiért Észak-Erdélyben, *Századvég*, 19:74 (2014), 85-102. While the tendency of some historians to "give voice" to the suffering masses of everyday Jewry is certainly laudable, spiteful and angry recollections have been given disproportionately large ground even in mainstream scholarship. For such recollections see: Rudolf Vrba: *I Escaped from Auschwitz* (Fort Lee: Barricade Books, 2002), 280; *USHMM*, Steven Spielberg Film and Video Archive, Story RG-60.5016, Tape 3226-3235, Claude Lanzmann Shoah Collection, Interview with Rudolf Vrba, 65-66; Vári: Akik valahogy becsúsztak; LeBor: Eichmann's Deal; Lőwy: *Kálváriától*, 192-193; Hecht: *Perfidy*, 91-95. For renowned historians making use of such statements, see Novák: Ellenállás, 149; Karsai László: A holokauszt utolsó fejezete, October 2005, <https://beszelo.c3.hu/cikkek/a-holokauszt-utolso-fejezete> (Retrieved: 21<sup>st</sup> May 2013.); Randolph L. Braham: *Román nacionalisták és a holocaust* (Budapest: Múlt és Jövő, 1998), 92.

<sup>173</sup> Henry L. Feingold: *Bearing Witness. How America and its Jews responded to the Holocaust* (Syracuse: Syracuse University Press, 1998), 167.

<sup>174</sup> Gidó Attila: *Úton. Erdélyi zsidó társadalom- és nemzetépítései kísérletek (1918-1940)* (Csíkszereda: Pro-Print Könyvkiadó, 2009), 226ff. For an earlier similar statement, see József Fischer's foreword to Danzig Hillél, Kasztner Rezső (ed.): *A zsidókérdés kézikönyve* (Kolozsvár: Noar, 1934), 3-4. On the later employing of such a policy see *The Strochlitz Institute for Holocaust Research* (Haifa), Ernest Marton material, Box 23, ME III/7; *Central Zionist Archives*, Mizrahi testimonies from Transylvania, S26/1189.

<sup>175</sup> Lőwy: *Kálváriától*, 206-208. Attila Novák's remarks in his introduction to Ernő Szilágyi's memoirs name different names as the drafters of the lists. See Novák: *Ismeretlen*, 16-17.

<sup>176</sup> Lőwy: *Kálváriától*, 209.

<sup>177</sup> Hansi Brand interview, 31.

<sup>178</sup> *USHMM*, Story RG-60.5008, Tape 3148-3157, Claude Lanzmann Shoah Collection, Interview with Hanna Marton (reading from her husband's diary); *Ghetto Fighters' House Archives* (Kibbutz Lohamei Ha'getaot), holding no. 1678, Devecseri Szidónia diary, 8-9; David Kranzler: *Thy Brother's Blood. The Orthodox Jewish Response During the Holocaust* (Brooklyn, N.Y.: Mesorah, 1987), 107.

<sup>179</sup> Novák: *Ismeretlen*, 231; Szita: *Aki egy ember megment*, 54-55, 75 (citing Zsigmond Léb); Löb: *Megvásárolt*, 98.

<sup>180</sup> Friling: *Arrows in the Dark*, vol. 1. 247.

<sup>181</sup> Efraim Zuroff: *The Response of Orthodox Jewry in the United States to the Holocaust; The Activities of the Vaad ha-Hatzala Rescue Committee, 1939-1945* (New Jersey: Ktav, 2000), xvii, 287. See also 148-149, 165-166, 151.

The Budapest passenger list for the larger transport destined for Switzerland – and which, in reality, went first to Bergen-Belsen – was compiled by Zionists Ottó Komoly, Ernő Szilágyi, Zoltán (Tsvi) Federit and József Weinberger.<sup>182</sup> Far from the “cold hearted selectors” depicted by anti-Zionist propaganda, the selection process put a heavy burden on the Zionists. Ottó Komoly spoke thus in his diary: “I cannot bear... the unavoidable injustice involved in the selection process.”<sup>183</sup> Kasztner mentioned the same dilemma in his report: “It is impossible to assemble a list of 600 persons.”<sup>184</sup> Moshe Alpan recalled the problem in his memoirs too. Albeit the work contains fictive elements as well, it is nevertheless a forceful example of the moral dilemmas the selectors had to grapple with:

“We spend the next few days with compiling lists of names. To be exact... with playing God. It is said that God decides who is to remain alive and who is to perish on Rosh Hashana, the Jewish new-year. We feel just like this as we are deciding between life and death. We make our choices based on age and looks. “Having a Jewish face is a privilege for once” – jokes one of us... Alas, life is such a treasure! We cannot know how many Jews would survive this wretched war. I wish I could rescue everybody. But the movement always emphasized determined action... Kasztner told me once... that all that mattered was determination.”<sup>185</sup>

The objections raised against the Committee’s conduct came from dubious places. Head of the Jewish Agency’s Budapest Palestine Office – responsible for the allocation of aliyah certificates – Moshe Krausz is lauded by historians like Bogdanor<sup>186</sup> as a person who opposed Kasztner’s dealings. Therefore it is perhaps ironic that according to Ernő Szilágyi’s memoirs, Krausz himself also opposed an armed revolt against the Nazis and opted for negotiations instead.<sup>187</sup> Krausz also employed the same selection process that the Committee stuck to: he admitted to Orthodox historian David Kranzler that throughout his whole career he never gave emigration certificates to non-Zionists, having made only one exception with a non-Zionist teacher of the Hebrew language who nevertheless intended to settle in Palestine.<sup>188</sup> His colleagues at the Office were even more picky, often accusing Krausz of helping the emigration of people “who had never been Zionists.”<sup>189</sup> In the light of Krausz’s self-admitted behaviour, the objections raised against Kasztner seem even more tenuous.

The passenger list of the Budapest-Switzerland train eventually expanded to more than 1,600 seats. Kasztner made it clear that the Budapest Zionist leadership was present on the train, but some important persons like Komoly and himself stayed behind.<sup>190</sup> Two lists of passengers remained, one kept by the late New York scholar Egon Mayer and one among the

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<sup>182</sup> Kasztner: *Report*, II. 20-21; see also Novák’s introduction in Novák: *Ismeretlen*, 16.

<sup>183</sup> Molnár Judit: „Vajon megtelnek-e följegyzéseimmel e könyv lapjai”? Komoly Ottó naplója (1944). In: Karsai László (ed.): *Küzdelem az igazságért: tanulmányok Randolph L. Braham 80. születésnapjára* (Budapest: Mazsihisz, 2002), 473-490, there 485.

<sup>184</sup> Kasztner: *Report*, II. 20-21.

<sup>185</sup> Mose Alpan: *A viharban* (Budapest: Makkabi, 2004), 238, 276.

<sup>186</sup> <http://www.paulbogdanor.com/antisemitism/greenstein/tonygreensteinreply.pdf> (Retrieved: 10<sup>th</sup> December 2016.)

<sup>187</sup> Novák Attila: Egy „ismeretlen” a magyar vézskorszak nyitányáról. Szilágyi Ernő memoárja. In: Molnár Judit (ed.): *A holokauszt Magyarországon európai perspektívában* (Budapest: Balassi, 2005), 219-246. It is perhaps important to note that Hungarian Zionist veteran Alexander (Sándor) Grossman debated Krausz’s motivations against Kasztner in a post-war interview: “All he [Krausz] aims for is a scandal [against Kasztner].” See *Strochlitz Institute*, H3c1, undated Hungarian language interview with Alexander Grossman, 2-3.

<sup>188</sup> Kranzler: *Thy Brother’s Blood*, 63.

<sup>189</sup> Ester Farbstein: *Hidden in Thunder*, vol. 1. (Jerusalem: Mossad Harav Kuk, 2007), 97.

<sup>190</sup> Kasztner: *Report*, III. 11-18.

Tel-Aviv papers of Yoel (Miklós) Spéter. The former was compiled in Budapest and the latter in Bergen-Belsen, during a time when the camp elders thought that only a portion of the group would be allowed to continue to Switzerland. Based on these lists we can conclude that the majority of the adult selectees were small industrialists, traders and agricultural workers. Intellectuals were a minority. Hanna Márton put it thus: “They were poor people, working class men. Zionist workers, to be exact.”<sup>191</sup> About 1500 persons were under 55. The list from the papers of Yoel Péter, examined here for the first time, sheds new light on the results of the Zionist selection process.<sup>192</sup>

The compilers of the lists marked each passenger on the list according to whether they wanted to see them go on from Bergen-Belsen or not.<sup>193</sup> They also indicated with the letter “Z” whether the persons were useful for the Zionist cause or not. This is demonstrated by the fact that renowned Kolozsvár Zionist Ödön Léb’s name was first crossed out, then somebody with a different pen drew a large question mark next to the name, corrected the initial crossing out, and finally drew a large letter “Z” next to his name. The same happened to Kolozsvár Zionist Sándor Grün.<sup>194</sup>

The two markings did not necessarily overlap.<sup>195</sup> Of the 1684 Jews, 979 were marked with the letter “Z”, and 705 received no such marking. This could imply that the Zionists constituted a slight majority of the group, but the passenger list also includes the dates of birth. The dates reveal that many small children were marked as Zionists, for example Judit Lewy, a baby born in April 1944 – a mere three months before the train’s arrival in Bergen-Belsen! Therefore one can safely conclude that the letter “Z” indicated not party preference but “usefulness to the Zionist cause.”<sup>196</sup>

It is questionable just how much ideological training these Jewish kids have gone through. While some Jews might have had profound political views even before they reached adulthood, based on reports by the Youth Aliyah department of the Jewish Agency this should not be presumed in most cases. One such report described the process of how the majority of Jewish kids in post-war DP camps chose their Zionist “parties”: they picked the movement the *madrach* (youth leader) of which they liked the best, or in the case of young boys, the prettiest *madricha*.<sup>197</sup> In any case, 10-year-olds could hardly be counted among indoctrinated Zionists. A survey of the birth dates shows that 229 passengers were underage, reducing the number of

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<sup>191</sup> Hanna Márton interview.

<sup>192</sup> Pages of the list have previously been published on the internet without a proper citation of their origins. Ladislaus Löb, the only scholar to have offered a sociological analysis of the Mayer list so far, denied having seen the Peter list in an e-mail to the author on 8<sup>th</sup> December 2014. Dafna Shazaf, daughter of Yoel Péter helped me identify the source of the documents and granted me a scanned copy of the entire list on 14<sup>th</sup> December 2014. The later professor Mayer’s list is presented on his website: The Rescued, <http://www.kasztnermemorial.com/a.html> (Retrieved: 18<sup>th</sup> July 2013.)

<sup>193</sup> Information from Dafna Shazaf in the aforementioned e-mails. Löb also implies this in his book, but apparently from sources other than Yoel Péter or his daughter. Löb in his aforementioned e-mail cited the diaries of Jenő Kolb, today kept in *Yad Vashem*. An examination of the Kolb diary by the author both in its original Hungarian and in a German translation did not produce the matching lines. See *Yad Vashem Archives*, O.33/8722, Diary kept by Eugen (Jenő) Kolb.

<sup>194</sup> On their records as famous Zionists see Szabó: *Erdély*, 170, 173. For their names on the list, see *Bergen-Belsen camp list*, copy in possession of the author, 24, 14.

<sup>195</sup> Certain Zionists, such as the relatives of Ottó Komoly and Hillél Danzig had to stay behind in order to serve as “hostages.” See their relatives’ names crossed out on the *Bergen-Belsen camp list*, 6, 22, 39. On their staying behind, see Szita: *Aki egy ember megment*, 78.

<sup>196</sup> See Judit Lewy’s name on the *Bergen-Belsen camp list*, passenger no. 973.

<sup>197</sup> See *Gemeindearchiv Amsterdam*, 1127/18, St. Hachsbara en Alyah, letter by Eva Michaelis (JA) to Mrs. Blueth-Henschel, September 20<sup>th</sup> 1946, 2.

possible “convinced Zionists” to 750. This gives the latter group a negligible majority of 45 persons in a train of 1684 passengers.

Furthermore, we can know the exact number of Revisionist Zionists on the train, although the specific party membership of each person tagged with the letter “Z” is not indicated on the Bergen-Belsen list. I compared the names on a list of Hungarian Betar and Zohar (Revisionist Zionist organization) members in Switzerland compiled by Lajos Gottesman for Reuven Hecht in January 1945, after the (second) Kasztner-train from Bergen-Belsen has taken its last passengers to Switzerland.<sup>198</sup> Of the list of 80 names, 17 names cannot be found on the Bergen-Belsen camp list. A number of birth dates and names have been mistyped on the Gottesman list, therefore further matches could be hiding. Zohar members Harry and Fanny Feig, for example, gave their names as Fischmann Michael and Fischmann-Katz Fanny on the Bergen-Belsen list, but could be identified based on Fanny’s rare given name and their matching birthdates and towns of birth.<sup>199</sup> 63 Revisionist Zionist passengers on the Kasztner train could be identified. If we derive the number of Revisionists from the list, who were bitter enemies of Kasztner and his Labour party, the left-wing Zionists even end up in a slight minority.

In spite of this after the war it was the Revisionists who accused Kasztner of having neglected the rescue of right-wing Zionists,<sup>200</sup> and in fact, even Kasztner’s assassin Ze’ev Eckstein was an adherent of Revisionism. The Revisionist Lajos Gottesman, however, told historian David Kranzler in an interview that they also made sure that the places on the train would “go to *bona fide* Zionists.”<sup>201</sup> Yoel Brand reinforced this in his memoirs.<sup>202</sup> Thus an analysis of passenger lists found in various private collections and archives along with post-war memoirs effectively debunks the myth of the “cold-blooded, cruel Kasztner” who “only picked party members.” It was not Kasztner but his colleagues who picked the passenger lists and the Labour Zionists barely even formed a majority. Kasztner’s statement that the train was like “Noah’s Ark” has been cited in an ironic tone by a number of historians, but apparently, he was telling the truth.<sup>203</sup>

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<sup>198</sup> *Jabotinsky Institute*, P124-3/20, 8-9.

<sup>199</sup> Compare passengers nos. 10-11 on the Gottesman list with passengers nos. 370-371 on the Bergen-Belsen list.

<sup>200</sup> Oddly enough, Kasztner’s accuser in court Shmuel Tamir argued at the same time that 1) Kasztner did not rescue right-wing Jews, and 2) the Revisionist Jews had nothing to do with the train (which, of course, could imply that they did not deserve any seats on it). On these arguments see Hecht: *Perfidy*, 149-150; Annie Szamosi: *Rudolf Kasztner in History, in Testimony and in Memory* (University of Toronto, Interdisciplinary Studies MA thesis, 2006), 181. In reality, as it has been explained in this thesis, the Revisionists fought for their seats and agreed with the deal.

<sup>201</sup> David Kranzler: *The man who stopped the trains to Auschwitz: George Mantello, El Salvador, and Switzerland’s finest hour* (Syracuse, N.Y.: Syracuse University Press, 2000), 275.

<sup>202</sup> Weissberg: *Desperate*, 83.

<sup>203</sup> Kasztner: Report, III. 21-22.

# **Ruling of Presiding Judge Benjamin Halevi in Criminal Case 125/53. The Attorney General of the State of Israel vs. Malkiel Gruenwald**

**District Court of Jerusalem  
The Honorable Judge Dr. Benjamin Halevi Presiding**

**The Plaintiff: The Attorney General of the State of Israel**

**Versus**

**The Defendant: Malkiel Gruenwald (son of Menachem)**

**The Charge: Libel, Violation of Section 201 of the Criminal Law Ordinance, 1936**

Criminal libel - section 201 of the Criminal Law Ordinance, 1936 - the claim: "I spoke the truth". - Burden of Proof - The Rescue Committee and its Duties. - De Facto Collaboration with the Nazis. - Kasztner's Public Role and Duties as Head of the Rescue Committee. - The defendant's burden of proof according to section 208(B) of the Criminal Law Ordinance, 1936. - Removal of the defendant's defense given that he is innocent of the crucial section of the charges - Symbolic punishment.

The accused is charged with libel in violation of section 201 of the 1936 Criminal Law Ordinance. The violation occurred through the publication of a pamphlet containing material slandering the name of Dr. Israel Kasztner. The pamphlet's article focused principally on Dr. Kasztner's public activities during Nazi rule of Hungary. In the pamphlet, Kasztner is accused of:

- A. Collaboration with the Nazis
- B. "Indirect murder"/"laying the foundations for the murder" of Hungary's Jews
- C. Joint theft in collaboration with a Nazi war criminal
- D. Rescuing a Nazi war criminal after the war

The defendant's principal claim was: "I spoke the truth" and that he published the pamphlet for the benefit of the public. The attorney general acknowledged that publishing such information would indeed benefit the public, however it was incumbent upon the defendant to prove these accusations.

The district court acquitted the defendant regarding sections A, B and D and convicted him only regarding section C and imposed a symbolic fine of one lira. The court also ruled the government's treasury must pay for the defendant's legal defense at the cost of 200 Israeli lira.

The court ruled as follows:

1. The court distinguished between the various charges of libel, with the defendant acquitted of part of the charge and convicted of part of the charge. The court is empowered to do so on its own initiative despite the fact that neither side requested this distinction.

2. A. One accused of criminal slander who wishes to rely on the claim “I spoke the truth” (“justification) according to section 205 (A) of the 1936 criminal law ordinance must prove:
  1. That the material is true
  2. That its publication is beneficial to the public
 B. The attorney general acknowledged that publishing such information does indeed benefit the public. It was incumbent upon the defendant to prove these accusations, and he need not prove that publishing this material is beneficial to the public.
  
3. The testimony of Holocaust survivors must be carefully and critically examined, since they have accumulated numerous bitter feelings and deep anger in their hearts.
  
4. When the enemy instigated its genocidal plan - the Rescue Committee was obligated to arrange for the escape of those targeted for extermination on a scale befitting the severity of the situation.
  
5. In light of the vast evidence of the danger of deportation and the efforts of the Nazis to calm the Jews and hide the deportation preparations, the Rescue Committee had an obligation to spread the truth and warn the people about the Nazis’ lies and reveal their true intentions, to strengthen an organized escape by any means necessary and to prepare Jews for organized action as needed.
  
6. The fact is that despite the full knowledge that the head of the Rescue Committee in Budapest had regarding the extermination of the Jews of Hungary, numerous Jews in provincial towns boarded trains that took them to Auschwitz - proving<sup>204</sup> that the head of the Rescue Committee did not warn the victims, despite knowing the fate that awaited them.
  
7. The plan to save a privileged few did constitute a convergence of interests between the Nazis, Kasztner and those he planned to save. Going from a convergence of interests to collaboration required one mere step.
  
8. The actions of the head of the Rescue Committee, in offering the leaders of Koložsvár [Cluj, Klausenburg] the lure of the “Zionist plan”, that is, to save them specifically, without divulging to them the Nazis’ intention to send the rest of their community to Auschwitz,<sup>205</sup> constituted an anesthetizing of their consciences and an act that distracted them from their public responsibilities in the matter.
  
9. A. Not organizing for the rescue of the general Jewish population constituted a practical acceptance of their deportation to Auschwitz.
  - B. The administering of the approved rescue plan in Koložsvár constituted collaboration with the Nazis and their plan.
  
10. The head of the Jewish Rescue Committee’s cooperation with the head of those who exterminated the Jews of Hungary - by deporting them to Auschwitz, knowing that the trains

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<sup>204</sup> It is here that Halevi first makes the logical jump that there is any connection whatsoever between Kasztner supposedly not having warned rural Jews in general and the masses of rural Hungarian Jewry having boarded the deportation trains.

<sup>205</sup> In reality, at least two members of the Koložsvár Judenrat had clear knowledge of the Nazi mass murder against European Jews: Hillel Danzig and Dezső (David) Hermann. Veszprémy László Bernát: *Tanácsstalanság. A zsidó vezetés Magyarországon és a holokauszt* (Budapest: Jaffa, 2023), 86, 280.

were bringing their many innocent passengers directly to Auschwitz for “selection” - this was not simply “de facto” cooperation, but rather criminal collaboration in the full sense of the word.

11. The head of the Rescue Committee was obligated to inform the Hungarian Jewish public of the imminent deportation of the entire community and about the gas chambers being prepared for them at Auschwitz. He was also obligated to warn the Jews of Hungary about the deceitful messages about their fate that the Nazis were spreading throughout Hungary. He was likewise obligated to organize and encourage those living in the border areas to escape urgently to Romania and Yugoslavia, in light of his knowledge that their total collective deportation was inevitable.

12. A. The head of the Rescue Committee was not permitted to make an agreement with the Nazis to designate for rescue a small group of privileged individuals and withhold his assistance from the Jewish masses. He was not a private individual free to save only whomever he wanted and to refrain from rescuing others.

B. Kasztner’s appointment to the public role of head of the Assistance and Rescue Committee placed him in the position of being “loyal” to all Hungarian Jews who needed assistance and rescue.

C. Kasztner’s public role and obligation to be “loyal” to the Jews of Hungary obligated him to do everything in his power to rescue the Jews of Hungary with discrimination among them. In particular, he was obligated to reveal to all the Jews the tangible knowledge that he had of their expected fate at the hands of the Nazis.

D. The head of the Rescue Committee was forbidden from keeping the Nazi murderers’ secret and conceal from the Nazis’ victims their anticipated fate.

E. The agreement itself between Kasztner and the SS to rescue a privileged few as well as the manner in which the two parties to the agreement carried out this task constituted a violation of the committee head’s loyalty to the Jews of Hungary and collaboration with the exterminator.

13. *Obiter dictum*, according to Jewish law:

A. One of the three sins for which a Jew must give up his life rather than transgress is murder.

B. Even if one’s life is in danger, a Jew may not save his own life by shedding the blood of an innocent person.

C. It is likewise forbidden to save one individual by shedding the blood of an innocent person.

D. It is also forbidden to save one individual or even multiple individuals by means of extraditing an innocent person to a murderer.

E. It is forbidden to extradite the minority even in order to save the majority of the community. Not even “one Jewish soul” may be extradited to murderers. How much

more so is the inverse forbidden: to extradite the innocent majority of the community to murderers in order to save a few individuals. One who transgresses this prohibition forfeits his right to life.

14. If the enemy informs a guard or sentry posted to protect a camp taken by surprise in the dead of night by the enemy, that the camp is completely surrounded by an overwhelming enemy force that intends to completely annihilate the camp, and even if the guard attempted to awaken the sleeping camp and sound the alarm to warn his compatriots, they would not be able to escape; the enemy promises the guard that it will show mercy to a small number of his chosen friends on the condition that he not alert the rest of the camp or make any attempt to rescue the rest of his compatriots in the camp, and the guard provides the enemy with a list of his best friends and refrains from alerting the camp to the enemy's presence and does nothing to save the camp, and the enemy annihilates the camp according to plan and spares the select few listed by the guard - the guard's actions constitute a betrayal to his compatriots, a betrayal of his role, collaboration with the enemy and assisting in the extermination of his camp.

15. The "agreed" method of rescue - Nazi oversight of the rescue, reducing the rescue to a Nazi-predetermined quota of individuals, the waiver of independent rescue operations, failure to intervene in the operation to full deportation etc. - these constituted the rescuer's prolonged collaboration with the destroyer that was stronger than him, a destroyer that dictated the terms of the rescue, i.e.: the rescue was subjugated to the will of the annihilator and to the annihilation itself.

16. In presenting himself, both before and after the Nazi conquest, as a trustee of the Jewish Agency and of the Haganah in a hostile country, Kasztner accepted upon himself an obligation of complete loyalty to the paratroopers - a duty to provide personal shelter and assistance to Allied and Haganah soldiers on secret and dangerous missions in enemy territory.

17. Applying heavy moral pressure on people with a conscience to turn themselves in - is tantamount to coercion and forced extradition.

18. A person who commits an act that begins with a crime and ends in unintended consequences is guilty.

19. Even testimony that includes the phrase "I do not remember" can be false.

20. A. In order to determine whether or not a senior Nazi officer is a war criminal, one can rely upon the general rulings of the International Court in Nuremberg against the primary war criminals.

B. Any individual that belonged to an organization that took an active role in crimes against humanity and was aware of these crimes yet remained a member of such an organization in good will - is a war criminal.

21. Regarding general events that occurred during the Holocaust period, we shall rely upon the report of the body known as the "War Refugee Board" appointed by President Roosevelt.

22. The defendant's lies in his statement and the defendant's lies as to the content of his statement and his reasons for giving the statement combine as general proof that the statement was not given in good faith.

23. The contradictions in which a defendant becomes involved in reports of funds collected by another should not be seen as proof that he participated in the theft of these funds.

24. It is not necessary to determine the motive of a defendant when the act has been proven.

25. A brief mention of the defendant in an article published after the article that is the subject of the libel trial indicates that he published his statements without sufficiently examining whether the accusations were true or not. He did not fulfill his obligation according to section 208(B) of the Criminal Law Ordinance and must therefore be held accountable.

26. A. When a defendant in a defamation trial is acquitted of the vast majority of the charges filed and found guilty of a small portion of them - there is room to apply section 36 of the Penal Code Amendment Act of 1954 (methods of punishment) and order the state treasury to pay the defendant his defense costs in an amount determined by the court.

B. In such an instance, the just course of action is to punish the defendant with a solely symbolic punishment.

### **Peripheral to the Verdict:**

Note:

The Attorney General appealed parts A, B and D of the ruling and criminal offense 232/5, the rulings on L. L., p. 3, the appeal was rejected unanimously regarding part (d) mentioned above, but was accepted by a majority of opinions regarding part A and regarding part (b) was accepted unanimously.

In convicting the defendant of libel in respect to aforementioned parts (A) (B) and (C) above, the Supreme Court imposed on the defendant one year probation and court costs in the amount of 500 Israeli pounds.

Council:

For the plaintiff: The Government Attorney General and Mr. Tel

For the defendant: S[hmuel] Tamir

## **Ruling**

### **The Basis of the Trial**

1. The defendant in this trial, Mr. Malchiel Gruenwald, age 71, from Jerusalem, is accused of libel by the Attorney General, a violation of section 201 of the Criminal Law Ordinance of 1936 by publishing a printed bulletin dated 10 Av 5712 (1 August 1952). The pamphlet contained material tarnishing the reputation of Dr. Israel Kasztner, a spokesman for the Ministry of Trade and Industry, illegally with the intention of ruining his reputation. The article

in question relates mainly to Dr. Kasztner's public activities during the Nazi regime in Hungary and to other known activities after the period mentioned above, and although the wording of the article does not easily summarize the various accusations he made against Dr. Kasztner, the main ones may be divided into four sections:

- A. Collaboration with the Nazis;
- B. "Indirect murder" or "laying the groundwork for the murder" of the Jews of Hungary;
- C. An accomplice of a Nazi war criminal in theft;
- D. Saving that same war criminal from punishment after the war.

The defendant has acknowledged that he published the article in question, and his primary defense is that the content of the article is true. A defendant wishing to rely on this claim (the claim of "Justification") in a criminal trial must prove according to section 205 (A) of the ordinance that the material is true and that it was in the public interest to publish it. The attorney general acknowledged in the second part of the claim (that it would have been in the public interest to publish the material in question if it was indeed true); the burden of proof that the material is true rests on the defendant.

### **The First Two Accusations**

2. The two accusations (A) and (B) mentioned above appear in the article in question both together and separately in the following language:

"On the basis of his criminal tricks and because of his cooperation with the Nazis, I see him as an indirect killer of my beloved brethren";  
"The man I define as being deeply aware of his collaboration with the Nazis";  
"He laid the groundwork for the conditions that led to the mass murder of hundreds of thousands of Hungarian Jews in the "accidental transport" out of the country through Bergen-Belsen."

The first and primary period in which the first two accusations relate to the period of the Holocaust of half a million Jews in the rural towns of Hungary in May and June 1944. The defendant claims that during this period -

- A. Kasztner collaborated with the Nazis;
- B. By means of this cooperation in general, and specifically by sending a group of Jews through Bergen-Belsen to a neutral country (henceforth referred to as the "Bergen-Belsen Delivery") "he laid the groundwork" for the mass murder of Jews at the hands of the Nazis, such that he should be regarded as an "indirect murderer" of the murdered previously mentioned.

What are the proven facts in relation to these accusations?

### **The Holocaust of the Rural Towns**

3. On 19 March 1944 the Nazis invaded Hungary. On that very day a special SS unit appeared in Budapest, "The Special Jewish Unit" (also known as the *Sondereinsatzkommando*), whose sole aim was "extermination" (the official Nazi expression for genocide) of Hungary's 800,000 Jews. Hungary remained a solitary island of refuge amid the destruction of European Jewry. The infamous Adolf Eichmann, the head of Department 4B of the *Reichssicherheitshauptamt* (the Reich Main Security Office - the supreme SS headquarters), the man who, from his office at *Kurfürsten-Straße 116* in Berlin, led by *Reichs-Führer SS Heinrich Himmler*, the execution of the "final solution" to the question of the Jews using the gas chambers and other well-known

methods - appeared himself at the head of the "Special Jewish Unit", to plan the genocide operation in Hungary and monitor its execution.

The enemy had to finish his work quickly. The Russians had consistently advanced on the entire front since Stalingrad, and in March 1944 reached the foot of the Carpathians on the Hungarian border. On June 6, 1944 - just three weeks after the start of the "total deportation" in Hungary - the Allied armies landed in Normandy and the last campaign of the war began. In view of the difficult war and Germany's difficult international situation, the Nazis remained sensitive to the Regent Horthy's reactions even after their invasion of Hungary; And the cessation of deportation in early July 1944 by virtue of the veto that Horthy (who then succumbed to international and religious pressure, and especially to an American ultimatum) would prove. The manpower available to the "Special Jewish Unit" was extremely limited; All the concentration and deportation operations of half a million Jews were carried out by 150 SS soldiers with the help of 5,000 Hungarian gendarmes,<sup>206</sup> who were placed - until Horthy's veto - at the disposal of the Nazis<sup>207</sup> for this task (Freudiger's testimony, 23:31).

Eichmann carried out his mission at an unparalleled pace and with exceptional efficiency throughout the Nazi extermination campaign. In mid-April,<sup>208</sup> the Nazis began imprisoning Jews in ghettos, progressing in stages from the Carpathian regions in the north and east to the southern and western regions of Hungary, until the process reached the capital in mid-June. There, the Nazis did not gather the Jews in ghettos, but rather in special "Jewish houses" in various parts of the city.<sup>209</sup> In mid-May, the deportation of Hungarian Jews to Auschwitz began in the same regional order and at an astonishing rate. Each and every day, about 12,000 Jews were taken to the extermination camp on locked trains, and during the seven weeks from 15 May to 7 July, the day the deportations stopped, the enemy managed to exterminate almost all the Jews from Hungary's rural towns, men,<sup>210</sup> women, the elderly and children - approximately half a million. The date of around 7 July was set for the beginning of the deportation of the Jews from Budapest, and had Eichmann not been forced to stop the deportations by circumstances beyond his control, he would have been able to "exterminate" all the Jews of Hungary in a continuous, comprehensive deportation process.

### **Psychological war**

4. It is impossible to transport half a million Jews for seven weeks to an extermination camp by the use of force alone, and needless to say with such limited manpower.<sup>211</sup> Eichmann and

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<sup>206</sup> In 1944 Hungary there were 25,000 gendarmes and 14,600 policemen in service. See Veszprémy László Bernát: *Gyilkos irodák. A magyar közigazgatás, a német megszállás és a holokauszt* (Budapest: Jaffa, 2019), 137.

<sup>207</sup> The Hungarian gendarmerie and police were controlled by the collaborationist Hungarian Ministry of the Interior.

<sup>208</sup> While most Hungarian ghettos were established after 16th April, one town – Vác in Pest county – received verbal orders to establish a ghetto as early as March. Veszprémy, *Tanácsstalanság*, 64.

<sup>209</sup> A similar method was used in a number of other rural towns where the local leadership refused for one reason or another to establish ghettos.

<sup>210</sup> A telling choice of words: most Hungarian Jewish men of military age were on unarmed labor service and were not deported. Throughout the entire verdict, Halevi largely ignores labor service, and seems to believe that there were ample numbers of Jewish men who could have resisted the Nazis and the Hungarian collaborators.

<sup>211</sup> Halevi is completely right in this assessment, but instead of placing the blame on the collaborationist Hungarian state administration, he goes on to explain that the Germans needed the "psychological" help of collaborationist Jews such as Kasztner – and not the assistance of the tens of thousands of armed men serving in the Hungarian police and gendarmerie.

his aides needed to prepare for the total deportation by carrying out all forms of "psychological warfare": methods of soothing and of distraction, of surprise and intimidation, of concealment and deception and also (as will be seen below) collaboration - all these tactics and tricks were used systematically against Hungarian Jews and played an important role in the efficient execution of the sudden massive operation.

In a report of the "Jewish Aid and Rescue Committee in Budapest", compiled by Dr. Kasztner in 1946 and submitted to the 22<sup>nd</sup> Zionist Congress in Basel in Kislev, 1946 - a report approved by Kasztner in his testimony as generally true and that was basis of his testimony - stated under the heading "The psychological preparation for Deportation" (pp. 6-6), inter alia: -

"Eichmann organized an entire effort to undermine the resistance of the masses and to deceive Jewish leaders. The 'Judenkommmando' used all the experience it had gained for this purpose in the extermination of the Jews in various European countries. By concentrating the Jews in squares under an open sky, the Nazis avoided the possibility of resistance in the first place. Eichmann 'did not want a second Warsaw' (the author's quotation marks). In the Hungarian press and radio there was no talk of 'deportation.'<sup>212</sup> The laws against the Jews (e.g. every month Jews were allowed to withdraw a limit of 1,000 pengős from the bank, Jewish officials had to leave their jobs by the first of November, etc.) evoked the illusion of long-term measures."

Page 22 of the report, under the heading "Why did they not rebel", states, among other things: - "The rural regions (and especially the Jewish nationals of the Carpathians, Transylvania and the southern regions) were cut off from the capital with the dizzying pace of concentration and deportation, and did not grasp the true meaning of these events.

And on page 35, before the passage quoted above, it is stated, inter alia: -

"In every ghetto ... they were convinced until the last minute that the trains would not take them beyond Hungary's borders. Hungarian police and gendarmerie officers and SS men "secretly" told Jewish leaders the names of the Hungarian towns to which they were transferring the Jews. Doctors, pharmacists and engineers were promised special treatment." (End of quote from Kasztner's report; the author's emphasis)

### **Testimony from Holocaust survivors**

5. A shocking picture of the deception of the Jewish masses on the one hand, and of the failure of the Jewish leaders on the other, are revealed in the testimony of the residents of the former large communities of Kolozsvár and Nagyvárad in Transylvania, survivors of the pyre that returned from Auschwitz.

The witness Yechiel Shmueli, one of the 18,000 residents of Kolozsvár who were imprisoned in the ghetto and were transferred in the 3000 shipments to Auschwitz, boarded the deportation train on May 23 with his family, without imagining that the passengers were being led to their extermination. Even when he arrived in Auschwitz, where he was separated from his wife, mother, daughter and grandson - and never saw them alive again - the witness did not

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<sup>212</sup> The Hungarian illegal press and Hungarian language foreign radio services did, in fact, warn of the deportation and impending mass murder of Hungarian Jews. Kasztner did not have to possess these sources in 1946, but by 1953 copies of these sources could have easily been ordered from major Hungarian libraries. *Vádirat a náciizmus ellen*. Eds. Karsai Elek, Benoschofsky Ilona. Budapest: MIOK, 1956. Vol. 1. 41-42, 89-91.

understand the nature of the place, until he arrived in Warsaw four days later and became aware.

“When you boarded the train, did you resist?”

No, we boarded as usual.

Why did you board as usual?

Because they said we were being taken to Kenyérmező, and there (in Kolozsvár) was the commander of the ghetto Dr. [Endre] Balázs, a Jew, and he said: Brothers, the Hungarian government decided to empty the city of Kenyérmező of its entire population, and all the Jews of Hungary will be concentrated there until the end of the war. Accept this happily - you will stay alive together with your family!”

The witness was asked:

Did the members of the Judenrat, especially Dr. József Fischer, warn you, the officials of the community, for example, that you were being taken to Auschwitz?

No.

Did you hear any word from them about Auschwitz, about the danger of extermination?

Nothing.

Fischer was a respected Jew?

Yes. He was the head of the community committee.

If Fischer had said that you were going to Auschwitz, you would have taken his words seriously?

Yes, he was a serious person.”

The witness said that only about 20 guards guarded the Kolozsvár Ghetto.<sup>213</sup> When he saw the guards beating Jews, he suggested to his friends that they break out of the ghetto and cross the border into Romania, 5 kilometers from the city –

"And if they kill us, then it is better to be killed than to stay here and be killed with blows. Plus we can burn the city. But they didn't listen to me.

The witness was questioned by the attorney general:

“Was that same commander, Dr. [Endre] Balázs, sent to Auschwitz as well?”

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<sup>213</sup> In 1943 Kolozsvár had 266 policemen on patrol duty, not counting office personnel. This was the third highest number of all the cities in the country (number two was Szabadka, and number one was naturally Budapest). See: *Rendőrségi zsebkönyv* 23. (1943). 46.

No.

To where then?

To Switzerland, on the Bergen-Belsen transport.”<sup>214</sup>

The witness David Rosner, former factory owner in Kolozsvár, Zionist, member of the “World Union”, was drafted into a Hungarian labor brigade, and on 28 April came to Kolozsvár on vacation to visit. When the deportation began, the witness could have returned to his brigade, or even cross the nearby border to the Romanian city of Torda, where his mother lived; yet he preferred to accompany his wife and son who had been sent from the ghetto on the first transport. The witness recounts the announcement of a Jew named Kohányi<sup>215</sup> in the Kolozsvár ghetto, the day before the departure of the first transport:

“He (Kohányi) stood on a table one (day) before being sent to Auschwitz and asked that everyone in the ghetto remain disciplined, as the the Jewish Council had promised the residents of the ghetto that they would be transferred to Kenyérmező. He said this on behalf of the council.”

When the Jews were put on the deportation train, the witness - who was the commander of a train car - got off the train, accompanied by a Hungarian policeman. He went to one of the courtyards to fetch water; At that point -

“The policeman said to me, ‘You will not reboard the train, since you belong to the labor brigade!’

I told that policeman that we were allowed to go to Kenyérmező, and I got back on the train.”

Dr. Elkash, a doctor at the Kolozsvár Jewish Hospital, also rode the same train. Witness Rosner went on to recount: -

“When I brought water onto the train I asked Dr. Elkash: ‘Why does the esteemed doctor have to leave with the first transport? He replied: We’re organizing health care in Kenyérmező and we’ll get the best places there. In Auschwitz we both wore prisoners’ clothes. I said, ‘The doctor told us that we were on our way to Kenyérmező.’ Then he said, ‘They misled us.’”

The witness passed the "selection" in Auschwitz and survived as a professional laborer; his wife and child and were murdered. His mother remained in Torda, Romania, and immigrated to the Land of Israel after the war.

Witness Yaakov Freifeld, born in Kolozsvár, served in a Hungarian labor brigade in Ukraine for eighteen months and returned to Kolozsvár shortly before the Nazi occupation. He testified that after the departure of the first group deported from the Kolozsvár ghetto -

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<sup>214</sup> Balázs András, born 24th July 1889, Kolozsvár, lawyer, is passenger number 34 on the Bersen-Belsen passenger list.

<sup>215</sup> Kohányi Sámuel, born 1892, Jánd, decorator, is passenger number 831 on the Bersen-Belsen passenger list.

“Kohányi... read a letter stating that the first group had arrived in Kenyérmező, families would remain together, the elderly were taking care of the children, young adults were taken for labor, and that there were regular living conditions there compared to the conditions of the ghetto.”

The witness said that Kohányi read the letter in the presence of Dr. Balázs and other leaders in front of the ghetto residents who had gathered in a large courtyard in the center of the ghetto. The witness continued: -

“There was an order on behalf of the Judenrat stating that those in labor battalions and their families had the right to leave with the last group. I had just served for eighteen months with Hillel Danzig, so I turned to him and asked him in a friendly way: Tell me Hilli, what is this letter really all about?... I preempted his reply by saying: You know quite well that I just came back here because I am sick, and I cannot take more turmoil like that again. I asked him if we should take this letter seriously and he said that we should. He suggested that I leave, saying: We know from our experience that if you go you'll get the chance to rest and recover. I accepted what he said and left with the third transport, even though I might have had the right to leave with the very last group.”

Hillel Danzig, who served with the witness in the labor brigade in Ukraine, was the deputy chairman of the Zionist Union in Transylvania, a member of the Kolozsvár Rescue Committee, which was a branch of Dr. Kasztner's Rescue Committee. Until the deportations began, Danzig held an important position (though not an official member) on the Kolozsvár Jewish Council, headed by Dr. József Fischer, Kasztner's father-in-law. Witness Freifeld traveled with his family on the third deportation transport and arrived in Auschwitz. Dr. Fischer, Danzig, Dr. Balázs, Kohányi and their families were transferred by the SS to a “privileged camp” in Budapest, from there to Bergen-Belsen and finally to Switzerland.

The witness Yosef Katz (H. 6), a lawyer from Nagyvárád, was one of the 24,000 Jews, the city and the surrounding area, concentrated in the Nagyvárád Ghetto. According to his testimony, the ghetto was initially guarded by 20 policemen<sup>216</sup> and later by 40 to 50 gendarmes. The Jewish men knew how to use weapons.<sup>217</sup> It was easy to escape to the Romanian border, which was about 4 kilometers from the city, but few fled, because most of them, like everyone else, believed in the reassuring messages conveyed to them by the authorities through the Jewish administration. When the deportation began, the Jews were informed that they would be transferred to Kenyérmező and would live and work there in peace until the end of the war.

“I said, I was in forced labor and I knew the Nazis' methods and their lies, and I said: You should not believe this lie! There was someone from the Jewish administration there said that if I continued upsetting people, that they must report me to the appropriate authorities.”

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<sup>216</sup> In 1943 Nagyvárád had 224 policemen on patrol duty, not counting office personnel. See: *Rendőrségi zsebkönyv* 23. (1943). 47.

<sup>217</sup> Jewish men of military age were drafted into labor service, and it was illegal for Jews to own weapons. Hungarian gendarmes and police, on the other hand, were equipped with firearms and had special license to open fire on disobeying Jews. For the history of the unarmed labor service system, see: Veszprémy László Bernát: *Piszkos munka. A munkaszolgálat és a “keretlegények” történetei a népbírószágon.* (Budapest: Jaffa, 2024).

One member of the local Jewish council threatened the witness that if he continued to “upset the crowd” with his warnings, the administration would be forced to take action against him; a Jewish guard was entrusted with the witness, and even he was summoned for questioning by the Hungarian police. They also threatened the small minority of Jews, who like the witness did not believe the Nazis’ lies. The administration threatened them, lest they “disturb the crowd.”

“There was not a single person among those in charge, who would tell us the truth.”

"Who was at the head of the Jews in Nagyvárad? The main person?"

Sándor Leitner.

From whom did you hear that you were going to Kenyérmező?

From everyone, and the administration also stated it.”

On June 3, the witness and his family were put on the last deportation train, after hearing the rumor that the train was headed in the direction of the border town of Kassa [Košice, Kaschau]. As he boarded the train he hid a nail file in a loaf of bread and intended to open the train floor with two to three friends, in order to escape on the way; The Jewish supervisor of his train car prevented him from doing so, saying:

“What will I say in Kenyérmező, if I’m missing three Jews?” the witness was asked.

“When you did that, did you think that you thought you were being brought to Auschwitz to be killed?”

If we had known, then no one would have boarded the car.”

The man and his family, as well as the other 24,000 Jews of the Nagyvárad Ghetto, were taken to Auschwitz. Sándor Leitner, the head of the Jewish administration, was transferred via Bergen-Belsen to Switzerland.<sup>218</sup>

The witness Eliezer Rosenthal (CA 43), one of the Nagyvárad residents sent to Auschwitz, confirmed the testimony that the Jews were deceptively calmed and deceived by the spreading of the Kenyérmező rumor on behalf of the Jewish Council. The witness also testified that it was possible to escape from the ghetto to nearby Romania. The witness answered the court's questions: -

“When could you have fled to Romania, before or after you were transferred to the ghetto?”

Both before and in the ghetto. Opportunities abounded.

It was also possible to escape from the ghetto?

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<sup>218</sup> Sándor Leitner, born 5<sup>th</sup> November 1889, Nagyvárad, trader, is passenger number 969 on the Bersen-Belsen passenger list.

Yes. Some escaped from the ghetto.

How many people were in the ghetto altogether?

30,000 people.

How many of them could have escaped?

That's hard to say. If we knew what was waiting for us, the border was there, three, four, or five kilometers away. This might have led to panic. In any case, if people had crossed the border, it would have been possible to save more people than were saved in Bergen-Belsen.

Was the border guarded?

Yes, it was guarded.

So how could the Jews have escaped?

Despite the guards, there was a forest near the border, a place called Felix, where Jews passed through the forest.

Were these individual Jews?

Groups as well. Also groups of families.

But could the masses have escaped?

Yes. There was a possibility.

Before the ghetto?

Yes... there were many children, and families could have hidden their children and then they wouldn't have had to take them into the ghetto. There were families outside the ghetto that asked to help hide children, but the mothers took their children with them into the ghetto. I myself know countless such cases. But they didn't take the opportunity; the authorities kept the Jewish masses calm.

Did you hear about Kenyérmező in the ghetto?

Only in the ghetto.

To what extent could the people still have escaped from the ghetto, cross the border, if you had known about Auschwitz?

The Jews would not have been transferred to Auschwitz, it would have been impossible to transfer Hungarian Jewry, if we had known. It would not have been possible to transport the 600,000 to Auschwitz.

Why?

If they had spread the word that whoever could escape should escape, it would have caused panic and would have completely changed the situation.

But would they have survived?

I'm not saying that, but 600,000 would not have been exterminated. There also would have been the possibility of resistance... by chance in Nagyvárad there was a possibility to escape, which there might not have been in other ghettos. A large sewer passed through the ghetto and many people managed to escape through this sewer. I do not want to exaggerate, but if we had known what was in store for us, many thousands could have escaped this way, since the sewer's exit was in the direction of the forest.”

The witnesses Irena Hirsch, Paul Grosz, Friedrich Munir and others confirmed the above testimony and added similar additional accounts.

### **Kasztner's Critique of the Aforementioned Testimonies**

6. When Kasztner was questioned in his final testimony (28:28) about the matter of the Jews of Kolozsvár, regarding the aforementioned testimonies he said:

“I am very sorry for the witnesses who appeared here from Kolozsvár and who in my opinion do not represent Kolozsvár Jewry. It was no coincidence that no Kolozsvár activist was included in this group of witnesses. I understand how they feel, given that they lost precious relatives, but to say that they did not know anything - that takes a bit of courage.”

This view contrasts with the excerpts presented above (paragraph 4) from Kasztner's report, pages 22 and 35, and in particular, his words there:

“Every ghetto was convinced until the last minute that the transport would not cross national borders.”<sup>219</sup>

Moreover, the testimony of the Zionist activists from Kolozsvár, Dr. David Herman and Mr. Hillel Danzig, both close friends of Kasztner's and the organizers of the Bergen-Belsen transport, lend tremendous support to the testimony of those who survived the inferno.

### **Herman's testimony**

7. The witness Dr. David Herman, Deputy Secretary of the Council of Jews in Kolozsvár, said (pp. 380-378, 390) inter alia:

“Kenyérmező - there were rumors in the ghetto of being transferred there, that it was a safer place. I cannot say as to whether or not any residents of the ghetto knew that this was deliberate deception; there was confusion. There were two theories, and the residents made efforts to determine the trains' destinations. Two opinions formed: (1) that the trains were going to Kenyérmező, a labor camp. And (2), the second theory was that the trains were crossing the Hungarian border and headed out of the country.

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<sup>219</sup> The two statements, in fact, do not contradict each other. First Kasztner speaks of his belief that the general idea of Nazi mass murder was known to many Jews; in the second quote, he says that most Jews believed that the trains would not leave Hungary's borders.

Anyone who heard about the second theory, of course, realized that the Kenyérmező story was a lie. Those who did not learn of this had no idea that they were going to be transported out of Hungary. Whoever believed the second theory had a certain vague notion so to speak... but the idea of deportation to Auschwitz never occurred to us at all.<sup>220</sup> The danger of the extermination of the Jews of Hungary never crossed our minds, so I never joined those who sought to escape. The notions of extermination or a crematorium never occurred to us. We thought we were going to join labor battalions... The authorities inside the ghetto made great efforts to spread the notion of labor. [László] Urbán himself also gave a speech about this if I remember correctly. There was a rumor going around that someone from the Social-Democratic Party had followed the train and asserted that it had headed to Kenyérmező. There was also a conflicting rumor that it was not Kenyérmező, rather that the trains had crossed the border through Kassa [Košice, Kaschau] not to perform forced labor in Hungary, but to an unknown destination abroad.”

When asked what he and his friends did to warn the Jews when they learned that the Kenyérmező rumor spread by the ghetto authorities was scam, he replied: -

“It was impossible for any movement to raise awareness within the ghetto. Those who believed the second theory did not make any noise that would have aroused public attention, because they could not. I do not know if there were any other outcries. The crowding was horrible, 18,000 people in one factory. They lay like salted fish, and there was no possibility for organized action.

### **Testimony of Danzig**

8. Witness Hillel Danzig confirmed Herman's testimony regarding the two rumors. He added that the rumor of Kenyérmező was first brought to his attention by Kohányi, around the time of the second or third transport, and that he did not check the credibility of the source of the rumor at the time (Kohányi claimed that he had heard about the Kenyérmező story from two young members of the Hungarian Social-Democratic Party who had been near the ghetto fence and that he heard from them, under the supervision of a Hungarian policeman, that they had accompanied the train to Kenyérmező, and that “everything was fine.”);

“But it was clear, as we approached the last few days, that these two young men were Hungarian agents.”

Two days after Kohányi brought him the Kenyérmező rumor, a Jewish source informed Danzig about the Kaschau rumor.

"We thought that perhaps we were headed across the border as well. There were even some who said that it was towards Germany, and some said it was in the direction of Poland. I can not confirm that we considered the possibility of Auschwitz” (25 62).

In light of the second rumor, the witness thought about the “possibility” that the Kenyérmező rumor was “deception”, but only when he learned that this rumor had been spread by Hungarian agents - he realized that it was clearly meant to pacify and mislead the ghetto residents.”

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<sup>220</sup> Hermann, in his memoirs, claimed that Kasztner had, in fact, warned them of Auschwitz. Veszprémy, *Tanácstalanság*, 84.

The witness was asked:

“Did Fischer inform you that the trains were taking passengers to be exterminated?”

No.

Or that the trains were headed to Auschwitz?

No. I remember the exact moment that I realized the full truth. There were certainly thoughts and suspicions. Where we reached Camp Columbus in Budapest, the first person with whom I met was Ernő Szilágyi (a member of Kasztner’s rescue committee). I asked him what had happened to my family, my parents and my sisters, and he told me that they had all been brought to Auschwitz to be exterminated.”

The witness vociferously denied the testimony of Yaakov Freifeld (above) and stated that he had indeed recognized him from a labor camp in Russia, but he did not have any conversations with him in the Kolozsvár ghetto: -

“I can only confirm... that I heard a lot about the Kenyérmező rumor, but I never tried to verify it with anyone. I am careful to not spread unclear rumors. I don’t recall any meeting or conversation or that I even saw Freifeld in the Kolozsvár ghetto. This whole narrative that I argued that he should hurry because we had learned from our bitter experience in Russia to preempt - it’s completely implausible. I never said it and there was no basis for me to make such a suggestion.”

Having said this, the witness acknowledged that Kohányi was a friend of his, a Zionist and a member of his movement, and that initially he didn’t doubt the Kenyérmező rumor that Kohányi told him. Danzig did not know any reason why Freifeld would regard him as a liar. I believe Freifeld (regarding the degree of Danzig’s credibility, see paragraphs 11, 13 and 53 below), and I am convinced that Freifeld did indeed turn to Danzig,<sup>221</sup> his comrade-in-arms, to see if there was any basis for Kohányi’s claim: Danzig had extensive contact with that same individual that Freifeld mentioned above (Kohányi). This contact was in regard to the Kenyérmező rumor and it was during that same period of time (between the first and the third transports) that Freifeld mentioned. After Danzig responded to Freifeld’s question - and the details of the answer are not relevant here, because the result proves the intention of the response - Freifeld joined the third transport. During those same days, before Danzig, according to his testimony, knew that the Kenyérmező rumor was false, and before he learned of the Kaschau rumor (which contradicted the Kenyérmező rumor), and also the fact that, according to Kohányi, he was told the rumor by the two young Hungarian men near the ghetto fence, under the supervision of a Hungarian policeman, he (Danzig) had no particular suspicions in his heart, and he did not mislead Freifeld, nor was he misled by him with any sort of hasty confirmation of the Kenyérmező rumor that Kohani told him.

### **Kasztner’s Criticism of the Aforementioned Testimonies**

9. When Kasztner was asked in his final testimony how his friend Danzig did not know about the danger of extermination that was expected for the deportation train’s passengers, he replied (28:29):

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<sup>221</sup> Here Halevi essentially states that Danzig 1. Had knowledge of Auschwitz and 2. Did not stop his own family from boarding the trains, instead urged other Jews to board early.

“There are probably certain functions of human memory that cover up that which is unpleasant.”

When asked how it was possible that the witness Dr. Herman expected only labor camps, and that extermination never crossed his (Herman’s) mind, Dr. Kasztner replied:

“This requires a deeper explanation of the unique psychology of Hungarian Jewry at that time - it is the psychology of patients who are ill and know that they are in mortal danger, yet they refuse to believe it; they knew, but they would not let this knowledge penetrate their consciousness.”

It is certainly necessary to carefully and critically examine all the testimonies given regarding the extermination of Hungarian Jewry, including the the testimony of those who were deported to Auschwitz and survived, the testimony of the activists involved in the Bergen-Belsen transport, and the testimony of Dr. Kasztner himself (below).

### **The Degree of Reliability of Holocaust Survivors**

10. There is no doubt that among the first group of witnesses, many of whom lost everyone and everything dear to them in Auschwitz, there are deep feelings of bitterness and anger. If the court is not careful with their testimony, it may unintentionally undermine the rule of law. Therefore, I have ignored many details of their testimonies. Not just details that constitute rumors and are therefore not lawfully acceptable, such as the heartbreaking words of the widow and bereaved mother Irena Hirsch about her refusal to send her son on the transport to Bergen-Belsen, but also testimonies regarding the public inquiry in Kolozsvár after the war and the accusations brought up against Kasztner, Herman and others in absentia, and more. I have furthermore ignored extreme details in various testimonies that are dubious or exaggerated, such as the story of the witness Paul Grosz, according to whom, there was a conversation conducted in whispers - that the witness heard with “half an ear” - between Dr. Balázs and [László] Urbán, the Hungarian appointed to oversee the Kolozsvár ghetto, about a possible pause in the deportations and a delay of the “Swiss” group due to a medical quarantine because of typhus, and other similar testimonies that did not have sufficient support from other testimonies. On the other hand, there is a solid foundation and much support for the common general testimony of the refugees of this horror regarding the circumstances of the deportations, and after filtering through the details, I accept their testimony as the principal truth.<sup>222</sup>

### **The Degree of Reliability of Herman and Danzig**

11. As for the second group of witnesses, the activists Herman and Danzig, their testimony should be regarded with great reservation. These two witnesses, who were forced to defend their conduct in Kolozsvár, displayed a marked tendency in their testimony to minimize their knowledge. The witness Herman went so far as to say: -

“Even in Columbus it still was not clear that the deportations were going to Auschwitz.”

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<sup>222</sup> This paragraph is very important to understand Halevi’s general thinking. Here he explains how to approach Holocaust history in the early 50’s in Israel. Instead of acquiring primary documents and reliable sources, he largely relied on the testimonies of survivors, who – as Halevi himself has noted – had bitter feelings toward Kasztner. Halevi only excluded testimonies that were blatantly inaccurate or exaggerated. As we have pointed out in other footnotes, many of the testimonies that made it through Halevi’s vetting also contained serious mistakes and misinformation.

Kasztner, Szilágyi and other activists that visited Camp Columbus daily knew, with exceeding clarity, that the Kolozsvár community along with other communities would be deported to Auschwitz, and there is no doubt<sup>223</sup> that just as they told the witnesses Danzig, Palgi and others, Herman was also informed of the terrifying truth in Camp Columbus. Likewise, I do not accept witness Herman's claim that the overcrowded conditions in the Kolozsvár ghetto prevented him from warning the Jews that the Kenyérmező rumor was a lie, when he knew it was false; these same overcrowded conditions did not prevent Dr. Balázs, Kohányi and others from spreading this false rumor with exceeding efficiency.

Kasztner is right in pointing out that Herman and Danzig were quite knowledgeable as to what had happened to European Jewry and they had a general awareness of what the Nazi occupation meant for Hungarian Jewry. They remained in close contact with Dr. József Fischer, chairman of the Jewish Council who was often outside the ghetto and who received additional information in general. This meant that Danzig and Herman usually had more information than the Jewish masses in the ghetto. At the very least, from the moment these two witnesses knew that there was reason to believe that the deportation trains were crossing the Hungarian border and that the Kenyérmező rumor was false and was deliberately spread to deceive the Jews, they could have concluded<sup>224</sup> that the Jews of Kolozsvár travelling on the deportation trains were in danger of extermination.

However, there exists a gulf from that point to the point of real knowledge. Whatever Herman and Danzig knew, Dr. József Fischer also generally knew. All of the witnesses described Dr. Fischer as a man of conscience and a noted Zionist. It is difficult to assume that Dr. Fischer knew that the trains were headed to Auschwitz and did not warn the members of his community;<sup>225</sup> the conclusion is that the leaders of Kolozsvár did indeed know more than most of the ghetto residents, but they did not know the whole truth (see also paragraph 35 below).

### **The Possibility of Escape - Finkelstein's Testimony**

12. The testimony of Holocaust survivors as to the possibility of escape from Transylvania (Kolozsvár, Nagyvárad) to Romania was fully and factually confirmed and strengthened by the testimony of Dr. David Finkelstein (4:47, 10:17), a Jew who was not personally affected by the deportation of Hungarian Jews to Auschwitz, but rather lived during the same period of time in Romania in the city of Torda, which was near the border. The witness was the community secretary in Torda and was active, together with another member of a Zionist youth movement, Aryeh Hirsch, who in December of 1943 still had a clear way of bringing Zionist pioneers (halutzim) from Hungary to Romania and then on to the Land of Israel. After the Nazi conquest of Hungary, they set up a rescue mechanism to facilitate the escape of Jews from Hungary by

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<sup>223</sup> Here Halevi makes another logical jump. Even though there is no proof about his statement, he writes "there is no doubt" instead of "it can be assumed" or something similar. In this way rumors and presumptions became facts, and through the pen of a judge, the word of the law.

<sup>224</sup> Again, Halevi expects contemporary Jewish leaders to have known things for sure that could not have been known then. The Kenyérmező story being a lie did not necessarily mean that all deportation trains were heading for Auschwitz, and in fact, a number of trains were directed elsewhere (such as Strasshof near Vienna). It is also important to point out that the deception was heard in other ghettos as well, where Kasztner's men were not present. These memoirists claim to have heard it from Hungarian gendarmes. See: DEGOB, 694, 930, 987, 1496, 1592, 1989, 2903, 3159, 3214, 3289, 3512. <http://www.degob.hu/index.php>

<sup>225</sup> Halevi did not possess the letters between Kasztner and Fischer written in the years following the Holocaust. In these letters, now available for historians, Fischer shows no anger toward Kasztner for any kind of deception or withholding of information, even though Fischer's mother perished in the deportations. (YVA P.54).

way of Torda to Bucharest by providing them with false Romanian identity documents, etc. Using this method, they smuggled approximately 1,000-1,200 Jews from all over Hungary. In April and May, several activists from Kolozsvár used this established route to escape, including three of the four members of the local rescue committee (Hátszegi, Gotfried, and Dr. Marton) and only a few hundred “regular Jews” from Kolozsvár (4:49):

“About 200. Maybe more.

“They didn’t escape by the thousands?”

No.

Are there forests between Kolozsvár and Torda?

Around Kolozsvár there are forests, and there is a good forest at the border.

The thousands who were going to Auschwitz, could thousands have reached Torda from Kolozsvár?

The facts prove that they could have, since there were many who took their lives in their hands and fled, and arrived safely. I’m only referring to my particular mechanism, my route. The way it worked, as long as this mechanism was active, it could have done the same thing that it did for between 1,000 and 1,200 people that successfully escaped Transylvania and Hungary - this method could have worked for 3,000 or 4,000 people with the same effort.

In his additional testimony (10:18), the witness said: -

“I was concerned that I was blaming the Zionist leadership in Kolozsvár, that they behaved irresponsibly, perhaps even criminally in that they did not take advantage of this opportunity to save the Jewish masses... later I looked through my documents and found, to my great regret, that this accusation did not weaken, it was strengthened by what I found. The proof is that, as I said, they had a clear route [into Romania], and they knew that there was a way to cross the border, that there was an organization there to take care of refugee absorption, safety and security, yet they still only brought a small number of people out. I will mention one instance out of many: there was a professional smuggler in Satmar, 200 kilometers from the Hungarian-Romanian border. Acting on his own, he brought his family to Torda, without even knowing that there was an organized effort in Torda to smuggle Jews. This man crossed the border three times back and forth and helped no less than 38 people get from Satmar to Romania... the rabbi in Ilonda was in the Dés ghetto. He relied on miracles and escaped the camp and hid in the forest for eight full weeks... a Romanian woman brought them food for eight weeks... later we were informed of this rabbi’s hiding place, and we brought him across the border. At this point I made an inference. If people who had no connections on the other side of the border succeeded in bringing a not insignificant number of people, and they were not public representatives, and had no access to public funds, and nevertheless successfully saved themselves and others, and then there were people who claimed to be leaders, with public funds at their discretion, as well as a clear escape route, and they found a way to save themselves and their property, then I could only infer that they only cared about themselves and not about anyone else’s troubles.”

The witness added that 90% of the escapees successfully crossed the border safely, and that he knew of only one case in which eighteen Jews were caught by the Romanian border guards and returned to Hungary. In regards to this, the court asked the witness:

“You yourself are saying that the border was guarded on the Romanian side.

On the Romanian side and also on the Hungarian side.

Don’t you think that if there had been a mass escape there, more than what took place, that they would have increased the border patrol and stopped the border crossings?

That is a very legitimate question, but the reality on the ground proved that there was no reason for such a concern - because they were not caught. Meaning: the authorities were not aware that they were crossing, which means that they would not have increased the border patrol, because they did not know.<sup>226</sup>

Here, many witnesses from Kolozsvár appeared and said: if we had known that they were sending us to Auschwitz, we could have escaped across the border, to Torda. If there had been a huge frenzy of 18,000 Jews trying to cross the border, what would have happened?

It is obviously impossible to know. I am sure that there would have been panic if so many people had tried to cross the border at once. Here’s the key: we had an established route and method for saving people which posed no danger. Since we were able to get 1,200 people across that same border, I assume that we could have saved another 2,000. The mechanism that we established wasn’t built for only 2,000, but rather for 4,000.

All of this was done quietly, in secret. What if the masses had openly tried to escape?

That would not have worked, of course.

Let’s assume that panic broke out in Kolozsvár one day, and that massive numbers of people tried to escape.

It is not possible that 18,000 people would openly storm the border all of a sudden, or even a fraction of that number.

Well, what would have happened?

They would have been returned to the ghetto, and then to Auschwitz, it’s as simple as that... All I can say is that the area was very well-suited to sneaking across the border. Why? Because the entire city of Kolozsvár and its hinterland was populated by

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<sup>226</sup> The Hungarian authorities were, of course, fully aware that Jews were crossing the border and in fact increased the number of patrols. (*Hadtörténeti Levéltár* [Military Archives, hereon cited as HL] EGY Magyarország 172. 1-2.). Local authorities were warned that Jews might cross into Hungary or might escape Hungary, and such warnings were published in newspapers as well.

Romanians that acted kindly to the Jews and hid them.<sup>227</sup> I know many instances in which Jews were able to hide and cross the border.

### **The End of Organized Escape - the Testimony of Herman and Danzig**

13. The escape organization in Kolozsvár consisted of a committee with four members: Dr. Ernst Marton, the chairman of the Zionist Union in Transylvania, Hillel Danzig, the vice-chairman of the Zionist Union, Eugen Gottfried and Ernst Hátszegi. This committee was a branch of Dr. Kasztner's Assistance and Rescue Committee (see below) and received both direction and material assistance from it. According to the testimony of Dr. Hermann and Hillel Danzig, it turns out that three members of the committee mentioned above - first Hátszegi then Gottfried and afterwards Marton - they themselves escaped<sup>228</sup> to Romania in April and early May, and the remaining member - Danzig, did not continue his activity with the escape organization and did not organize any escape from the ghetto. Regarding the cessation of organized escape, Dr. Herman testified that (70:378):

“I do not know if Danzig continued helping others escape from the ghetto. Everyone advised all ghetto residents to escape if possible, but I do not know of any organized activity.”

The court asked Danzig about this matter (25:73):

“Were you involved in helping others escape, did you have a role in helping people flee?”

Until the ghetto, that is, until the route we used was closed.

What do you mean?

There was a specific route that we used to cross people into Romania. It lasted more or less until they concentrated people in the ghetto, maybe a few days longer. I don't exactly remember. It was then that the Romanian smuggler was picked up by the authorities. After that, the escape effort was generally haphazard. Jews were fleeing in every direction.

What do you mean 'then'?

Then, in the final days before they rounded people up, and especially in the first days that they concentrated Jews in the ghetto, the escape effort became haphazard. Jews were fleeing in every direction, there were Germans helping who had been bribed, there were Hungarians helping, there were so many different ways that people tried. It was no longer possible to use that established route.

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<sup>227</sup> In 1941, Kolozsvár had a populace of 110,956, of which 10,029 were Romanians and 97,698 were Hungarians. Kolozs county had a populace of 521,451, of which 64,4% were Romanians and 29,7% were Hungarians. Of course, the ethnicity of a rescuer was not a determining factor. The idea that the local populace could hide tens of thousands of Jews is ahistorical and inaccurate.

<sup>228</sup> They didn't simply „escape” but continued their rescue activities from Romania. The Jewish Council of Kolozsvár also sent its member, the neológ rabbi Mózes Weinberger to Palestine via Romania to gain support for the rescue efforts. Needless to say, none of this truly affected the story of the Holocaust in Hungary. Veszprémy, *Tanácsstalanság*, 245-246.

How so?

The authorities increased the border patrol. It was too conspicuous. According to what I later heard, in the last days, after we were concentrated into the ghetto, the escape movement was renewed, albeit to a very modest extent. They found some way to get through again. At that point, I could no longer participate in any of this because I was in the ghetto.

You weren't involved in escape efforts in the ghetto?

No, I had no way of being involved and I had no knowledge of any possible escape.

So whoever escaped from the ghetto did so on his own?

Yes. There were people who planned to leave and try their luck.

Dr. Marton, for example? Did he escape from the ghetto? Or was that before the ghetto?

Not from the ghetto. He was in the city.

And the others? The other two?

Gottfried and Hátszegi crossed the border about two weeks before we were rounded up.

Were there Jews who also escaped from the ghetto?

There were.

Without any organized effort?

With no organized effort. Only individuals could escape.

Did you know anything about the organized possibility of escaping by way of Torda by the border?

There was an escape movement to which I'm referring, and it was organized. However there was no possibility of a mass escape movement, because there were guards. Anyone who talks about a mass escape is distorting reality and is speaking irresponsibly.

I am asking about Torda.

We had connections there with the escape organization in Torda. They received people and guided them on to Bucharest.

And all of this went on only until the Jews were rounded up into the ghetto?

It continued into the first few days of the ghetto.

After that, the routes to Torda were blocked?

Up until the end of May, I believe - I may be mistaken.

In his continued testimony (26:26), during his extensive interrogation by the defendant's attorney, Danzig admitted the accuracy of Finkelstein's testimony regarding the extent of the organized escape effort from Kolozsvár:

"In Kolozsvár there were 18,000 Jews. How many escaped during this period? I am asking about escape, not those who crossed the border.

Hundreds.

And if I say one hundred?

You can clarify this with Gottfried.

I am asking you what you know and what you are certain of - under oath.

Under oath, I cannot specify a number. According to what I know, hundreds crossed.

With Gottfried's organization? And when did hundreds cross?

With Gottfried's organization and with his encouragement.

I am not referring to his encouragement. During which period did hundreds cross?

From the Nazi conquest until the route was blocked.

When did the escape route become blocked?

Before the ghettoization.

When?

I do not recall.

In April? In May?

At the end of April and the beginning of May."

Danzig's testimony that the escape route became "blocked" or that there was "no possibility of a mass escape" contradicts Finkelstein's testimony, which seems to me to be more credible than Danzig's (see also paragraph 53 below).<sup>229</sup> His claims that there was an increase in the border patrol and that the "Romanian smuggler" was caught, and even that a group of escapees

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<sup>229</sup> There is no contradiction here, Finkelstein also did not claim that there was a possibility of mass escape. The idea that thousands of elderly, women, and children could break out of the Kolozsvár ghetto and could have stormed the border is so far removed from reality that the historian feels that he does not even need to argue against it.

was caught at the border and brought to the ghetto - this is not enough to explain why the Assistance and Rescue Committee stopped the organized escape at the time that the 18,000 Jews in ghetto faced deportation.

### Summary

14. Based on all of the aforementioned testimonies I hereby summarize and establish the following facts:

A. The masses of Jews in the ghetto boarded the deportation trains with total obedience, due to the fact that they did not know their true destination and because they believed the false message that they were being transferred to a labor camp within Hungary (Kenyérmező).<sup>230</sup> Only a small portion of these same Jews that were deported with the last transports stopped believing that the trains were headed to the border town of Kassa, yet even they did not know that the trains were headed for the Auschwitz extermination camp.

B. The Nazis could not have deceived the masses of Jews so efficiently unless they spread false rumors through Jewish channels.<sup>231</sup> The Jews of the ghetto would not have believed the Nazi or Hungarian authorities;<sup>232</sup> they trusted their own Jewish leaders. Eichman and his assistants utilized their tried and tested method (Brand's testimony, 646) in order to organize, deceive and destroy Jews with the help of other Jews. The Nazis and their Hungarian accomplices spread the Kenyérmező rumor throughout the Kolozsvár and Nagyvárad ghettos by using Jewish intermediaries. Jewish leaders confirmed the Kenyérmező rumor in these ghettos, by explicitly confirming the rumor as well as by not denying it. These communal leaders thereby lent the rumor convincing validity. Communal leaders in Kolozsvár and in Nagyvárad played an active role in spreading the official message, and for their part knew that others would spread this message in their name. These leaders did nothing to stop the rumor's propagation. Not one communal leader stood up against this rumor's spread to warn the masses. On the contrary, Jews in Nagyvárad that tried to warn others were hounded by Jewish leaders.<sup>233</sup>

C. The credence that the Jews gave to these aforementioned false messages, and their lack of knowledge that they, their wives and their children were on the brink of being sent to the gas chambers of Auschwitz, made it such that the Nazis' own victims caused no disruption to the efficiency of the ghetto. These victims never opposed boarding the trains and did not interfere with the deportations. The masses of Jews in these ghettos were guarded by a few dozen Hungarian policemen and gendarmes,<sup>234</sup> but even healthy young Jews made no effort to overpower the ghetto guards and reach the nearby Romanian border.<sup>235</sup> In these ghettos,<sup>236</sup> there was no active resistance or attempt to disrupt the deportations, and the Jewish leaders did everything they could to keep the masses calm and prevent this sort of active resistance.<sup>237</sup>

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<sup>230</sup> Even when Hungarian Jews were warned that they were being deported to their deaths, no serious attempts at mass resistance were organized. Veszprémy, *Tanácstalanság*, 20-40.

<sup>231</sup> The rumors in question were spread by the Hungarian authorities as well.

<sup>232</sup> It is a well-established fact that even during the ghettoization and the deportations, most Hungarian Jews had (naïve) faith in the collaborationist government and the largely inactive governor, Horthy.

<sup>233</sup> There is absolutely no primary documentation to prove this.

<sup>234</sup> Again, this numbers are inaccurate, the ghettos were heavily guarded.

<sup>235</sup> Healthy, young male Jews were performing unarmed labor service, far from the ghettos.

<sup>236</sup> Not just in these ghettos.

<sup>237</sup> Again, there were no serious attempts for armed resistance in any of the rural ghettos.

D. A not insignificant number<sup>238</sup> of Jews had opportunities to safely escape the Kolozsvár and Nagyvárad ghettos and cross the border, but since they believed the aforementioned false messages they did not take advantage of the opportunities that they had. Furthermore, many Jews could have tried to cross the border at the risk that they would be caught and returned to the ghetto, yet they didn't try their luck. They didn't know that they were in danger of extermination and so they made a mistaken calculation of the relative risk of escape. Before the Jews were rounded up into the ghettos, there was an organized route in the Romanian city of Torda, via which Jews could escape from Hungary into Romania. The rescue committee of Kolozsvár smuggled hundreds of Jews out of Kolozsvár using this route, and a number of others also used this route. However, as the Nazis concentrated the Jews of Kolozsvár into the ghetto, the organized escape came to a halt for reasons that were insufficiently objective.<sup>239</sup> However, had the Jews of Kolozsvár and Nagyvárad attempted to make a frenzied escape, it would not have succeeded. Yet, there were opportunities for thousands of Jews from both ghettos to escape in an organized manner. Instead of stopping the smuggling operation, the Kolozsvár Rescue Committee, given the urgent situation, could have - and was obligated - to organize an orderly escape effort for young people and others who could make the journey to the greatest extent possible as befitted that desperate time.<sup>240</sup>

E. Those same Jews that spread or confirmed the Kenyérmező rumor in the Kolozsvár and Nagyvárad ghettos, those same communal leaders that did not warn the members of their communities about this false rumor, those same leaders that organized no resistance or disruption to the deportations and those same rescue committee members who stopped the organized escape efforts from Kolozsvár to Romania - they did not escort the members of their community to Auschwitz, but rather were included in the Bergen-Belsen transport. It was not only the leadership, such as Leitner in Nagyvárad or Fischer, Herman, Danzig and Balázs in Kolozsvár, but rather also average simple Zionist Jews like Kohányi, who stood out only by the fact that he spread the Kenyérmező rumor - most if not all of these people were among those privileged ("prominent") Jews who, along with their families,<sup>241</sup> were saved with the help of the SS.

Was there a connection between facts A-D on the one hand and fact E on the other hand, or was fact E an unintentional result?<sup>242</sup> If the aforementioned events were connected, what was the root of all these occurrences? In order to answer these questions, we must examine the history of the plan called "the Emigration of the Privileged" ("the prominent" is the term that

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<sup>238</sup> This is a very general statement. Halevi should clarify 1. how many Jews he thinks could have escaped, 2. how.

<sup>239</sup> Here Halevi again claims, without evidence, that the rescue operation was stopped by the Zionists for unknown or wrong reasons. There is no evidence that the Zionists stopped rescuing people out of bad intentions. The Hungarian authorities constantly tightened border controls, precisely as a result of the Jewish rescue activity. HL EGY Magyarország, 172. 1-2.

<sup>240</sup> These lines are very typical of Halevi's thinking. Again, he uses vague wording, according to which "thousands" could have been saved, and he condemns the Jewish leaders for not "organizing" - who knows in what way, with what means, how and where? - the rescue of people. He assumes that thousands were prepared for the hardships of crossing the border. The truth is that not a single large ghetto was able to set up a mass escape and rescue system.

<sup>241</sup> The parents of Fischer and Danzig, just like the parents of rabbi Weinberger, were deported and killed. Most Zionists from Kolozsvár lost a great number of immediate or distant relatives in the Holocaust. This statement is, therefore, without basis.

<sup>242</sup> Almost every point of Halevi's reasoning is based on misinformation, assumptions, deliberate distortions and vague theories. After a thorough historical investigation, the whole train of thought collapses, so it is pointless to look for a logical connection between points A-E.

Kasztner used in his report) and that shall henceforth be known as “The Bergen-Belsen Transport”.

## **The Agreement Between Kasztner and the SS**

### **The Kasztner-Krumey Agreement**

15. “The Emigration of the Privileged” plan was the result of an agreement reached on 2 May 1944 between Dr. Kasztner, the acting director of the Jewish Rescue Committee in Budapest, and Krumey, the commanding officer of the “Special Jewish Unit” (the Einsatzkommando within the SS. that took Hungarian Jewry to be exterminated). According to this agreement, the Nazis allowed for the emigration of 600 Jews (individuals) out of Hungary, 300 from the rural towns and 300 from Budapest, according to the list provided by Kasztner; it was agreed that the Jews from the rural towns would be transferred to a “camp for the privileged” in Budapest, and from there, the emigrants from Budapest, would be taken through Germany to Spain or to another neutral country. Eichmann approved of this agreement and it went through several stages, to which we shall return. How did Kasztner come to make an agreement with the SS., and what was its meaning?

### **Kasztner’s Story and the History of the Rescue Committee**

16. Dr. Israel (Rezső) Kasztner, who was born in 1906 in Kolozsvár, was a lawyer, journalist and Zionist activist. In 1929, he was elected general secretary of the Club of Jewish Deputies in the Romanian parliament; in 1933, as delegate to the Zionist Congress in Prague, and in 1935, as chairman of the executive committee of the Zionist Union in Transylvania. He was also a member of the broader administration of the Jewish community of Kolozsvár. With the Hungarian annexation of Transylvania in 1940, he relocated to Budapest, where he received a role in the United Israel Appeal and was selected as one of three vice-presidents of the Zionist Union in Hungary.

At that time, the Zionist movement was forbidden in the rural areas, and the activities of the Zionist Organization were limited to Budapest. The Zionists were a small minority within the Jewish community of Budapest. Another minority, larger than the Zionists, were the Haredim, whose separate community was led by Mr. Pinchas (Fülöp) Freudiger. The vast majority of Budapest’s Jews (and of the “motherland” overall, as opposed to the annexed areas), were assimilated Jews who belonged to the neológ community, led by the “Royal Councilman”, the late Mr. Sámuel Stern.

In 1941 a small group of Zionists volunteered - Shmuel Springman, Joel Brand and Kasztner - to help war refugees that had begun to arrive in Hungary from adjacent countries where Jews had suffered extermination. They supplied the refugees with money, fake identity and resident documents and organized the smuggling of refugees from Poland and Slovakia into Hungary (the “tiyul/trip”). The stream of refugees grew in 1942. The Haredi leadership in Budapest, Freudiger and his associates among them, also reached out to assist the refugees.<sup>243</sup> In order to obtain the necessary financial means needed to assist the refugees, at the end of 1942 Springman successfully made contact with the rescue committee of the Jewish Agency in Istanbul and with the Joint Distribution Committee in Switzerland, the late Mr. Saly Mayer. This contact was made by using messengers (diplomatic workers, Hungarian officers and even

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<sup>243</sup> Not only the Orthodox Jewish leadership helped. The neológ community was also heavily involved in the Magyar Izraeliták Pártfogó Irodája (Office for the Assistance to Hungarian Israelites, MIPI), which provided material and legal aid. Jewish refugees were sheltered in rural neológ and Orthodox communities as well.

German officers) that brought messages and funds to the committee in exchange for money. The refugees brought with them reliable accounts and first hand knowledge of the extermination, its dimensions and its methods, and Springman shared this knowledge with his colleagues in the world Jewish centers in Turkey and Switzerland. Freudiger and Springman's ties to Bratislava, the capital of Nazi Slovakia, continued on the other side. There, a group of Haredim and Zionists led by Rabbi Weissmandl and the late Gizi Fleischman, were working together as an assistance and rescue unit.

At the beginning of 1943, at the request of the Jewish Agency, the Zionist rescue group in Budapest was given a more set form. The late Dr. Nathan (Ottó) Komoly, the president of the Zionist Union in Hungary, took upon himself to lead the committee (which was not legal then). Kasztner became the acting director, Springman was in charge of funds and messenger communications and Brand was the primary person running the "tiyul" and the refugee aid. Practically speaking, matters became concentrated in Kasztner's hands, and he gradually took over the committee. At the beginning of 1944, Springman immigrated to the Land of Israel and Brand left Hungary in the middle of May 1944. All the new members of the committee that Kasztner brought onto the committee from time to time, such as Szilágyi, Mrs. Hansi Brand, Offenbach, Biss; they were all under Kasztner's strong personal authority. All the attempts to influence Kasztner before and especially after the Nazi conquest (among them attempts by Komoly, Marton, Freudiger, Bresslauer) - failed; Kasztner did not want to share his role with those outside of his direct influence.

The rescue committee was in close contact with the pioneer movements, and he organized many of the refugees that reached Hungary within the framework of these movements. Most of the work related to the refugees - rehabilitating them, providing them with false documents and the "tiyul" were jointly organized by the pioneer movements and the committee. The committee financed these operations with the funds it received for this purpose from the Jewish Agency Rescue Committee in Istanbul and from the Joint Distribution Committee in Switzerland.

### **Kasztner's Knowledge at the Time of the Conquest**

17. With the Nazi occupation of Hungary on March 19, 1944, Kasztner and his comrades did not reconcile themselves to the intentions of the Nazis. They knew about the extermination of five million Jews in Europe, they knew about Auschwitz and its methods. They knew that the "Judenkommando" had come to Hungary with one goal - to exterminate the Jews of Hungary. As Kasztner testified at the Veessenmayer trial in Nuremberg, in his testimony dated March 19, 1948 (Exhibit 4) (pp. 3622 - 3620) -

"In Budapest we had a unique opportunity to follow the fate of Europe's Jews. We saw how one group after another disappeared from the map of Europe. As soon as the Nazis conquered Hungary the number of Jews increased to five million. We knew very well about the "Kommandos" ("Einsatzgruppen"). We knew more than enough about Auschwitz. We also knew, and if we did not know, we could have guessed, for it was easy to guess that the same fate was planned for us.

Dr. Kasztner, at that time, were you in a position that allowed you to get a clear picture of the situation of the Jews of Hungary, and if so, could you explain how?

I was the president of the Zionist Union of Hungary,<sup>244</sup> and after the first refugees arrived from Slovakia I received power of attorney to set up a rescue committee to help these refugees. In this capacity I think I was one of the people in Hungary with best information about the Jews' situation at that time. Other than that, I spoke with these refugees, some of whom had managed to escape from Auschwitz. As early as 1942 we had a complete picture of what had happened to the Jews in the east who were deported to Auschwitz and other extermination camps... With the German conquest we could not harbor any illusions. We knew that this was the beginning of the end. It was something like a death sentence for the approximately 800,000 Jews in Hungary at that time.

### **The Pioneers' Warnings**

18. Immediately following the conquest, the pioneer movements sent messengers to their branches in the rural areas to warn their colleagues about the danger of extermination. The envoys were mostly refugees who had seen the Nazis' methods for themselves, and they encouraged their comrades to flee to Romania, Yugoslavia and even back to Slovakia.<sup>245</sup> During the occupation, the Nazis imposed a severe travel ban on Jews, and many of the envoys risked their lives on the roads and were caught and sent to concentration camps. Those envoys who did safely reach the rural areas encountered there the same nostalgic, conservative, naive or complacent attitude that was also common among the Jews of Budapest, who relied on Horthy and his power to protect the Jews. They did not believe that the refugees' bitter experiences would ever happen in Hungary.<sup>246</sup> Indeed, during the initial period of the Nazi regime in Hungary, before the Jews in rural towns were rounded up into ghettos, the envoys still had no tangible proof that the Nazis planned to exterminate the Jews. After ghettoization, as the ominous signs increased, it was almost impossible to get into the cut off ghettos and to come in contact with the Jews there.<sup>247</sup>

### **Wisliczeny's Suggestion to Freudiger**

19. A few days after the conquest, Wisliczeny, one of the head officers of the "Judenkommando" invited Freudiger and presented him with a letter in Hebrew from Rabbi Weissmandl of Bratislava. Rabbi Weissmandl had written to Freudiger as the representative of the Haredim, to Dr. Niszon Kahán as the representative of the Zionists and to Baroness [Edith] Weiss, as representative of the neológs.<sup>248</sup> In the letter, he advised the representatives of the three main streams of Hungarian Jewry to renew negotiations with Wisliczeny about the "Europe Plan". In the years 1942-1943, when Wisliczeny was in charge of the extermination of the Jews of Slovakia (and he occupied a similar role in Greece and Bulgaria), Wisliczeny suggested that he would stop the extermination in Slovakia and in several other countries in exchange for a payment of two million dollars. The rescue groups in Bratislava and Budapest brought this "Europe Plan" to the Jewish Agency and to the Joint Distribution Committee, but the two million dollar price was not paid and the seriousness of this Nazi proposal was never

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<sup>244</sup> Kasztner was never the president of the Zionist Organization of Hungary.

<sup>245</sup> Not only pioneers were sent to the ghettos. Individual exempted Jews – for example, highly decorated veterans of WW1 – could enter ghettos and leave them. Such envoys were sent by the Budapest Jewish Council, and some of them had explicit knowledge of Auschwitz. Veszprémy, *Tanácsstalanság*, 137-138.

<sup>246</sup> This paragraph, up to this point, is largely accurate, and is therefore in complete contradiction with paragraph 14 („Summary”).

<sup>247</sup> Individual Jewish messengers could get into the ghettos until the last moment. The pioneers and the Budapest Jewish Council had full knowledge of the Nazi plans and methods to exterminate the Jews of Europe. Some of them mentioned Auschwitz explicitly. Veszprémy, *Tanácsstalanság*, 137-138.

<sup>248</sup> Weiss was from an influential and rich family and she was engaged in charity work, loosely connected to the neológ congregation. She did not „represent” the neológs.

put to the test. Now, by presenting Rabbi Weissmandl's letter to Freudiger, Wisliczeny was hinting that he was ready to financially negotiate the fate of Hungarian Jewry, or at least receive money from them. Freudiger, a careful and responsible man, was not certain of Wisliczeny's true intentions and did not respond to the proposal at that meeting. Instead, he brought the letter to the attention of all the representatives of the Jewish community, among them Kasztner (24, 11-12).

### **Kasztner and Brand begin Negotiations with Wisliczeny**

20. Before Freudiger could meet with Wisliczeny again or give him any authoritative response, Kasztner and Brand took the political initiative and removed Freudiger from the negotiations. Going through Schmidt and Weininger, the committee's German Agency, they turned to Wisliczeny with a question (Kasztner's testimony, 25) -

“We asked if he was prepared to negotiate with Jewish rescue committee about the future of Hungarian Jewry.”

Or (according to the wording in Kasztner's report, 24):

“Was the Judenkommando prepared to conduct negotiations with the illegal rescue committee, on a general basis, to mitigate the anti-Jewish operations.”

The “general basis” that they proposed to Wisliczeny was the price of the “Europe Plan” mentioned in Rabbi Weissmandl's letter - two million dollars; however, the rescue committee never possessed an amount like this or even a fraction of it. Kasztner and Brand, however, hoped that if Wisliczeny would accept their proposal, then perhaps they would get the opportunity (unlike in the previous instance in Slovakia) to gather the requested money from the Jewish Agency and primarily from the Joint Distribution Committee. Kasztner testified (p. 27):

“Our primary goal was to buy time. We told ourselves that we had to make this attempt, to open negotiations, to promise, and in doing so to delay the extermination date by as much as possible. To push it off - by negotiating. We decided to suggest two million dollars toward this goal.”

At the meeting with Wisliczeny, which took place on 5 April, Kasztner and Brand asked him if, in exchange for the payment of the aforementioned amount, the Nazi authorities would agree to

the following four points:

- A. To spare the lives of Hungarian Jews (meaning - to not remove the Jewish masses from their homes and kill them where they lived, as they did in Russia);
- B. To not concentrate the Jews into ghettos;
- C. To not deport the Jews;
- D. To allow the Jews to emigrate to the Land of Israel or to a different destination.

Wisliczeny expressed his agreement in principle to each point, with well-known reservations. He promised that the SS. did not intend to exterminate Hungarian Jewry, or to concentrate them into ghettos, or to deport them; according to him, neither concentration nor deportation would be considered unless such measures were required from Berlin by the Hungarian government directly. He promised that Hungarian Jewry would “exist in substance” or have a “biological foundation”, but refused to explain these terms more precisely. Regarding the question of

emigration, he said he had to send the question to someone of higher rank, implying that the Nazis were not interested in the emigration of several hundred Jews, but rather in the emigration of Hungarian Jews on a large scale. Regarding the proposed amount, Wisliczeny said that the SS. would not be able to settle for two million dollars as ransom for one million Jews, but for the moment would accept a down payment of 200,000 dollars (6.5 million pengős).

In order to gather the “down payment”, Kasztner and Brand went through Freudiger and through him approached Stern, the chairman of the neológ community, who had been appointed chairman of the Jewish Council of Budapest (the other members of the council were Freudiger, Dr. Nissan Cohen and others<sup>249</sup>). Even though Stern and Freudiger doubted the value of Wisliczeny’s promises, they collected the amount needed to purchase "goodwill" or negotiation "entry fees". It was not easy, because at that time, the Hungarian government had confiscated the Jews' money, frozen their deposits and closed their businesses. Wisliczeny hinted to Freudiger that he was only conducting negotiations with the Kasztner-Brand group. Kasztner and Brand gave the money in several installments over the month of April to Krumej, commander of the "Judenkommando". Wisliczeny was sent to the rural towns to prepare the concentration of the Jews into ghettos.

### **Negotiations with Krumej**

21. On the occasion of payments of the aforementioned installments, several conversations took place between Krumej, Kasztner and Brand. Kasztner and Brand reiterated the content of their conversation with Wisliczeny and asked Krumej to confirm Wisliczeny’s promises that the Nazis did not intend to concentrate the Jews into ghettos and deport them from Hungary. Krumej was silent and avoided answering these questions, which Kasztner and Brand repeated to him at several meetings. Krumej, on the other hand, raised hopes about emigration and said that this question was under urgent discussion at a higher level.

### **Emigration Certificates**

22. Three days before the Nazi conquest, the Palestine Office in Budapest (which throughout the war years continued its work under the leadership of Mr. Mózes Krausz and sent immigrants from Hungary and refugees who had arrived in Hungary, to the Land of Israel via Constanța-Istanbul), received a telegram from Mr. Barlas, the director of the Jewish Agency in Istanbul, which stated that 600 emigration certificates were available to veteran candidates of the Palestine Office in Budapest and that a ship was waiting for the immigrants in the port of Constanța. Krausz took all the steps needed to obtain the necessary permits for the group’s departure to Constanța; he obtained an exit permit from the new Hungarian government (which had been appointed after the Nazi conquest). This exit permit required German approval, and requested that the Hungarian Foreign Ministry apply to the German delegation in order to approve the exit permit; The delegation forwarded the request to Berlin for a decision.<sup>250</sup>

### **Emigration Negotiations between Kasztner and Krumej**

23. At this stage, with Krausz’ approval, Kasztner entered and asked Krumej if the Nazis were prepared to approve departure for 600 Jewish emigrants. Krumej informed him that there was a chance that this would be approved, but only on condition that Hungarian authorities disguise the emigration to Palestine as deportation to Germany. Krumej justified this demand by saying

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<sup>249</sup> The members of the first Budapest Jewish Council were: Samu Stern (president), Ernő Boda, Ernő Pető, Károly Wilhelm, Samu Júda Csobádi (neológ), Samu Kahan-Frankl and Fülöp Freudiger (Orthodox) and Niszon Kahán (Zionist).

<sup>250</sup> There are absolutely no primary sources to suggest that the Hungarian government ever approved such an aliyah scheme at this time.

that the Hungarian government wanted to deport the Jews and did not approve of them emigrating to Palestine, and that the Germans could not come across to the Hungarians as rescuing Jews. Krumej added and warned Kasztner that this entire plan would become a “secret of the Reich”. At a meeting of Zionist activists, Kasztner announced that in regards to emigration to the Land of Israel, the Nazis had demands that he could not reveal because they were defined as “secrets of the Reich.” The Palestine Office demanded that Kasztner reveal the secret to Krausz, and Krausz participated in several of the rescue committee’s meetings and heard the details of the Nazis demands vis-a-vis emigration to Israel. Krausz advised Kasztner to bring Krumej proof that the Hungarian government supported Jewish emigration to the Land of Israel, but Kasztner replied that the Nazis had forbidden him from having any contact with the Hungarian authorities.<sup>251</sup> Krausz then generated some publicity by publishing three articles in favor of Jewish emigration to Israel in a Hungarian newspaper with close ties to the government.<sup>252</sup> This would then enable Kasztner to demonstrate Hungarian sympathy for Jewish emigration to Israel. In the end, the Nazis refused to change their position and deemed it unnecessary to read these articles (Kraus’ testimony 10:51-53, Kasztner’s testimony, 35, Kasztner’s report 27). In Kasztner’s report (27) it states:

“We told Krumej with certainty that the Hungarian authorities would permit Jewish emigration to Israel. However, both Krumej and Hunsche vigorously objected to any Hungarian involvement in our negotiations. ‘This action,’ declared Krumej, ‘is a “secret of the Reich”’”.

From here, Krausz concluded that Krumej’s whole “Hungarian” argument was just an excuse and that “emigration disguised as deportation” was a dangerous Nazi plot that the Palestine Office would not support. Krausz warned Kasztner that “emigration” in the form of deportation could give the impression to both the Jewish and Hungarian public that the Jews were giving their prior consent to their own deportation to Germany and could weaken the Jews ethical resistance to deportation. Kasztner did not accept Krausz’ arguments and, without the Palestine Office, continued negotiating with the SS about “emigration disguised as deportation.”

### **Concentrating Jews into Ghettos**

24. In mid-April the concentration of Jews into Ghettos began, in stark contrast to Wisliczeny’s promises to Kasztner and Brand. Wisliczeny himself was in charge of ghettoization, and the head of the Hungarian gendarmes,<sup>253</sup> [László] Ferenczy, was his right-hand-man. The Jews were rounded up with excessive cruelty. They were forced out of their homes, beaten and tortured in order to reveal all information about their property. All the Jews from rural towns and villages were brought to the main rural towns, and there they were concentrated by the tens of thousands in terribly crowded conditions in a rectangularly shaped field, as well as in factories and the like, generally outside with no food and in unsanitary conditions. These “ghettos” were completely cut off from Hungarian residents, who were even banned from bringing food to the Jews. It was clear that imprisoning the Jews in ghettos was meant to be a transitional act. In Kasztner’s report (p. 29), it states:

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<sup>251</sup> In reality, even after this point, Kasztner approached the Hungarian government in a number of cases and with the knowledge of his Zionist colleagues. Veszprémy, *Tanácsalanság*, 153.

<sup>252</sup> No articles under Krausz’ name or regarding the subject in question appeared in the Hungarian press in the period in question. It is inconceivable that the wartime censorship would have allowed a Jew to leak secrets of the German Reich in the tightly controlled, collaborationist press.

<sup>253</sup> Colonel László Ferenczy (1898-1946) was not the “head” of the Hungarian gendarmerie, but rather the liaison officer between the gendarmerie and the Germans. The head of the Hungarian gendarmerie at the time was General Gábor Faragho (1890-1953).

“A situation was created that was clearly impossible to maintain. This was Eichmann and [László] Endre’s goal: an untenable situation would serve as an argument in favor of total mandatory deportation.”

Kasztner and others who were familiar with Nazi extermination methods in nearby countries knew that the stage after ghettoization was deportation to extermination camps (exhibit 29:11).

### **Knowledge of Auschwitz**

At the end of April, Kasztner received truly disturbing news. The committee’s German agents revealed that the final decision was to deport all Hungarian Jews. Kasztner received word from the rescue committee in Bratislava that Auschwitz was preparing for the arrival of the Jews of Hungary, and that the SS was being reinforced and had begun to prepare the gas chambers and the furnaces that were out of use (exhibit 29 - Kasztner’s oath in London from 13.9.45 - p. 6, Kasztner’s report 30, Kasztner’s testimony 37). Freudiger gave Kasztner additional information from Bratislava, that the railway administrations of Hungary, Slovakia and Germany had reached an agreement to transfer 150 deportation trains from Hungary via Slovakia to Auschwitz (Kasztner’s testimony, Kasztner’s report and his oath, and exhibit 153 - Freudiger’s report which is an integral part of his testimony - p. 25). Another piece of news reached Kasztner, that 1,500 out of 1,800 of the Jews interned at the Kistarcsa concentration camp near Budapest (all the Jews there besides children and the elderly) had been deported on April 28 to Auschwitz; the committee in Bratislava informed Kasztner that the deportation train had passed through the city in the direction of Auschwitz (Kasztner’s report 30, exhibit 29:6, exhibit 153:24, Kasztner’s testimony 34).

“All the signs indicated that there would be no further delays in the deportation - unless a miracle occurred” (Kasztner’s report 30).

### **The Negotiation Crisis**

26. Kasztner’s negotiations with the SS “about the future of Hungarian Jewry,” which was intended to delay (if not prevent) the Holocaust, was an absolute failure. Of the four points that Kasztner and Brand presented to Wisliczeny (paragraph 20 above), only one remained – “emigration to the Land of Israel” – and even that would be in a distorted form and in dwarfed dimensions.<sup>254</sup> Point A was emptied of its content and was not mentioned at all in conversations with Krumei. Point B – preventing ghettoization – the Nazis openly violated this. On point C, the main point – preventing deportation – Krumei consistently refrained from discussing it with Kasztner and Brand and it was quietly yet forcefully removed from the discussion. They even stopped discussing the two million dollars (or the larger final amount) and Krumei was satisfied with the 6.5 million pengő down payment. The negotiations quickly deteriorated and was effectively reduced to approving the emigration of 600 Jews as “disguised deportation”.<sup>255</sup> The fate of 800,000 Hungarian Jews, who were expected to be deported and exterminated, ceased to be the subject of the negotiations. During the month in which Kasztner and Brand

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<sup>254</sup> Here it is interesting to see that Halevi admits: Kasztner’s original intention was the rescue of all Hungarian Jews. He seems to judge Kasztner negatively because he failed, not because he had bad intentions.

<sup>255</sup> This is not true, Kasztner simply changed his negotiation partners. He no longer asked the Germans to stop the deportations, especially because the chief portion of the deportation work was performed by the Hungarian collaborationist administration – as it could be clearly seen after the deportations started. Even in August, Kasztner lobbied the Hungarian government to halt the deportation of the remaining Jews and use them for agricultural work in Hungary instead. (YVA, P.54/8.)

conducted negotiation with Wisliczeny and Krumej, the Nazis created the facts on the ground to move forward with the “total” extermination.

Kasztner sensed the crisis. He saw that deportation was imminent, that it was a matter of weeks, if not days (Kasztner’s report 30), and that no one could delay it. He asked himself:

“What will happen now in our ‘negotiations’ with the SS?” (the writer placed the word “negotiations” in quotation marks, Kasztner’s report 30-31).

He decided to request an urgent meeting with Krumej, in order to clarify the situation.

### **The Conversation with Krumej and the Agreement**

27. The meeting took place on 2 May 1944.

“Krumej, who appeared only four days after being invited to have a conversation in Weininger’s apartment, announced, with a smile on his face, that he had also received authorization from Berlin for the emigration of the group of 600, and that the emigration could begin in a week or two (Kasztner’s report 30).

At the same time, it was agreed that 300 of the emigrants would be from rural towns and Krumej promised to transfer them with an SS escort to Budapest to a “privileged camp.” In order to do this, Krumej asked Kasztner for a list of names. Krumej added that he was prepared to agree to the emigration of 100 additional Jews, in exchange for no less than ten million pengős (100,000 per person), and commented that he had received “much more appealing offers.”

After reaching agreement on 600 emigrants, Kasztner asked Krumej about the 1,500 detainees from Kistarcsa. Krumej did not deny that they were transported out of Hungary, but claimed that they were sent to work and not exterminated. He gave proof: children and the elderly were not included in the deportation. He said that the deportees were in “Waldsee” in Germany, a place that he could not locate, and that soon they would be in contact with their relatives. According to the information that Kasztner received from Bratislava, the Kistarcsa detainees had been deported to Auschwitz, and Kasztner understood from Krumej’s evasive answers about the location of “Waldsee” and his vague description of their labor that this was an imaginary place, and that Krumej was lying. Indeed, it became clear to Kasztner after this conversation that this was an imaginary place, and that the Nazis had forced the deportees to write postcards to their relatives from “Waldsee” - one of the ploys the Nazis used to trick the Jews of Hungary (exhibit 29:6, exhibit 153:25, Kasztner’s report 30, Kasztner’s testimony 36).<sup>256</sup>

### **Solidifying the Negotiations**

28. What conclusion could Kasztner draw from the conversation with Krumej regarding his main question: “What will now become of our negotiations with the SS?” Two conclusions were clear:

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<sup>256</sup> By the time the “Waldsee” postcards arrived, most of the rural deportations were over: the postcards had no true effect on the course of events. Veszprémy, *Tanácstalanság*, 133.

A. The conversation again confirmed for Kasztner that the SS representative was not prepared to conduct any negotiations about the moment's pressing question: Hungarian Jewry's expected deportation to Auschwitz;

B. On the other hand, this conversation gave Kasztner one concrete idea, the first tangible result of the negotiations with the SS, that had lasted an entire month: permission for the emigration of 600 Jews, half from the rural ghettos, according to Kasztner's list. The negotiations had reached a narrow, albeit practical point.

## **The Meaning of the Agreement with the SS**

### **The Nazis' Motives - Not Emigration Certificates nor Down Payments**

29. The possibility given to Kasztner to save 600 Jews from the Holocaust was no trifle. What motivated the Nazis to take this step?

600 emigration certificates, that ostensibly were the subject of the approval, served as a cause and a starting point in the negotiations. The certificates do not explain what motivated the Nazis to approve this plan. The Nazis did not consider those with emigration certificates as foreign citizens and an immigration certificate did not bestow its bearer with any additional rights during this period; it was only after the deportations stopped, that Krausz, going through the Swiss envoys, began to realize that those with emigration certificates to Israel had unique standing. Their main advantage was that Turkey was prepared to grant them passage through it to the Land of Israel; yet the Nazis did not transfer these "immigrants to Israel" to the port of Constanța toward Turkey, but rather to Germany, westward (Eichmann had promised to send them to Spain, but sent them to Bergen-Belsen, and it was only after Kasztner's extensive efforts that they were sent to Switzerland). Eichmann opposed all emigration to the Land of Israel, claiming that he had promised his friend the Mufti to prevent all Jewish arrival in the Land of Israel. In truth, what the Nazis granted were not certificates to come to the Land of Israel, but general emigration papers. The emigrants did not need the certificates granted by the Palestine Office and were not provided with them, and that group of transport emigrants that left Switzerland for the Land of Israel after the war needed new certificates in order to do so, and these certificates came only with great difficulty (Dr. Herman's testimony). After the Palestine Office decided not to participate in "emigration disguised as deportation" (paragraph 23), Kasztner told Krausz that "the Germans said that papers to go to the Land of Israel were unnecessary and that they could arrange for this without the Palestine Office's emigration certificates" (Krausz' testimony, 14:17). The essence of Krumei's offer was to increase the number of candidates to be saved in exchange for an additional ten million pengős, to 700 people (even though there were only 600 immigration certificates to the Land of Israel). The fact that the number was indeed gradually increased to 1,000, then to 1,200 and at the last minute to 1,300 and that in the end 1,684 Jews were included in the transport to Bergen-Belsen, proves that Nazi approval of the plan had nothing to do with immigration certificates to the Land of Israel.<sup>257</sup>

Even the "down payment" that Kasztner and Brand paid with money from the Jews of Budapest should not be viewed as the motive for this Nazi move. The "down payment" was not paid in

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<sup>257</sup> This is a logical leap by the judge. The Zionists have made it clear throughout their negotiations that a significant number of the rescued Jews would later leave for Palestine. Eichmann was well aware of this, as he himself had indicated to his superiors that Jewish material of importance to the Zionist cause should not be allowed to go abroad.

exchange for the emigration of 600 Jews, but rather as an “entrance fee” to begin negotiations (as Stern put it), as a “goodwill gesture (as Freudiger explained).<sup>258</sup> Krumej collected the sum of six and a half million pengős as debt owed to the SS, a debt that was repaid almost in full before the conversation on 2 May (the final amount of one million pengős, which Krumej demanded as "overdue", was collected from Kasztner the day after the aforementioned conversation as a precondition for granting a permit for his trip to Kolozsvár) (Kasztner's testimony, 38, Kasztner's report 31). During that same conversation, regarding the request of ten million pengős for up to 100 more individuals, Krumej remarked to Kasztner that the SS had received "much more attractive" offers, and he was said that a Jewish family of three offered three million pengős in exchange for emigration certificates; indeed during that same period the well-known Manfred Weiss family transferred its entire concern, which constituted a significant portion of all Hungarian industry, as a “trusteeship” to the SS. in exchange for the rescue of 40 members of the family. Granting immigration permission for 600 people without payment was thus an outstanding "gift" according to the SS. Even not including in the calculation the entire down payment paid in order to enter into negotiations (something unjustified according to the aforesaid), for the emigration of 600 individuals, a sum was paid including 6.5 million pengős constituting only two-thirds of the amount that Krumej demanded for 100 additional individuals (ten million pengős). The fact that at the same time payment was demanded (or no additional payment) for the emigration of the aforementioned 600 persons did not prevent Eichmann and the head of the economic department of the SS., Kurt Becher, at a later stage to demand \$1,000 per person for each participant in the Bergen-Belsen transport, including the above 600 persons, and collect this payment from the the rescue committee in Budapest, before the Bergen-Belsen transport was allowed to leave Budapest; but this late financial extortion happened under new circumstances, and it does not explain the Krumej's original approval on 2 May.

The question therefore returns full circle: what motivated Krumej to give the head of the Jewish rescue committee, on the day that Kasztner despaired of the negotiations over the fate of the Jews of Hungary and saw their total deportation as inevitable, the possibility of rescuing 600 Jews from the impending Holocaust? It was not the Nazi way to show any kindness toward Jews. The Judenkommando's commanding officer's job was not to save Jews, but to exterminate them. What brought about his great generosity?

### **The Similar Case of Freudiger**

30. The general background to the assessment of Krumej's behavior was largely clarified by the sincere and informative testimony of Mr. Freudiger, a member of the Jewish Council, who fled Budapest in August 1944 to Romania and prepared a brief report in September of that year (exhibit 153), in which he recorded his fresh memories from the recent period (from March to July 1944). In his testimony Freudiger confirmed the veracity of the aforementioned report and expanded on the details. Pp. 34-35 of the report state:

“Even at the time the ghetto system was introduced, it had become a regular practice to evacuate - according to the orders of Wisliczeny or Eichmann - a few prominent people from the ghettos of the rural towns, of special value to the Jews, or relatives of such people as well the heads of the Jewish Councils of the rural towns, and transfer them to

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<sup>258</sup> Here Halevi is again making assumptions. According to primary sources, the Zionists were raising funds for the departure of the Kastner train until the last minute. It is not true that the Germans let the Jews out for free.

Budapest. This step was really taken thanks to the initiative of the Central Jewish Council, which was represented by Freudiger.

After lengthy negotiations with Eichmann, Dr. Kasztner, who hailed from Kolozsvár, succeeded in saving 380 people from this city... all the people who survived the ghetto towns were transferred to a privileged camp on Columbus Street ("Camp Columbus")... This camp was undoubtedly created thanks to Dr. Kasztner, and is commendable for creating at least temporary refuge...

This action on the part of the SS. was not motivated by any humanitarian emotion. In every country that they conquered, they would create camps like this, so that they would have a stock of personalities to be used as "tradable" (i.e. could be sold), in the event that any emigration plan would arise, or simply to put the responsible personalities, with whom they negotiated the fate of the Jewish population, in their debt."

In his testimony, Freudiger clarified the above passages in more detail. He recounted that at the end of April, when the concentration of Jews into ghettos in the "military zones" in northeastern Hungary alone was completed, he went together with Dr. Reiner, one of the senior officials of the Jewish Council, to Kromey's office, to seek the release of Dr. Reiner's elderly parents from the ghetto.

"Eichmann grabbed us and asked: What do the Jews want here? We told him about the message that we received. He said: Yes, he gave an order to round up the Jews within this territory, because the Russians were on the other side of the Carpathians and it was unacceptable that the Jews should roam free, because they are enemies; therefore, they should be transferred to a concentration camp. He told us that we must maintain cleanliness and order there, so that everything would be alright. It was for us, the Judenrat, to make sure that everything would be alright.

How could you keep order there?

We could give an order from Budapest to the people there.

Were you in contact with them from Budapest?

Until we were concentrated into ghettos, yes. It was forbidden to travel by train, but it was nevertheless possible, albeit not easy. Dr. Reiner asked: how can we keep things calm? Eichmann was very nervous about epidemics - if each person was given only one square meter, how could order be maintained? And what about the elderly? Reiner said: I have an 82-year-old father and an 80-year-old mother, are they enemies? Why should they be taken to a concentration camp? Eichmann said that first-degree relatives should be brought to Budapest. I asked: What is first-degree? Eichmann said: father, mother, son, daughter, husband and wife.

Whose first-degree relatives?

He was referring to the first-degree relatives of the members of the Judenrat. They must be brought to Budapest. I asked: Does this apply to brothers and sisters as well? He said: that's already second degree, but still them too. He told us to give him a list of all those families of members of the Judenrat who have close relatives in that area. The list

was made. I did not participate in it, because I had no close family there. Dr. Reiner got his whole family on the list, but Kahán-Frankl - his mother and sister - and also Dr. Wilhelm's sister - were deported. After a while we asked Wisliczeny to expand the parameters of the list and bring in all the members of the Judenrat. He agreed. He said: We are prepared to send you the leaders of each and every community, of each and every place. Make the lists and pass them on to me. There were places where we succeeded. But for 80% of these communities, we did not succeed.

Was money paid for this?

No. This is what I said earlier about Wisliczeny, who seemed as if he wanted to help us.

Did he help with this?

Yes, in this he helped.

Eichmann also helped?

He gave the order that Dr. Reiner requested. In hindsight I see that he only did it to make them indebted to him.

How did this make them indebted to him?

He gave Dr. Reiner permission to bring his parents and family in order to maintain quiet. A person close to himself, if his family is killed, it's worse."

(23:37) "What was the Nazis' goal in freeing a small portion of the Jews?

Back then, we accepted it with great gratitude, because we thought we had at least saved one or two. In hindsight I realized that they did it to confuse the people, that everyone would be preoccupied with the thought that he will be among the people saved. That was their plan. They were well aware of the people's psychology."

Regarding the words of his report (p. 35) quoted above:

"In order make those with whom they negotiated the fate of the Jews feel indebted."

The witness was asked (24:49):

"Is that what the gentleman said yesterday about people from the countryside?

Yes, at the time I wrote this report it was already clear to us that the Nazis did nothing for free. They would do a small favor here and there, not for our sake, but for theirs. They allowed 10 or 1000 Jews to be saved, in order to catch the others more easily."

### **The Nazi's Goal - Collaboration**

31. Freudiger's detailed testimony shows that not only did Krumei and Wisliczeny save Jews but also the executioner himself, Eichmann saved Jews - without immigration permits and without receiving money. These "privileged" individuals, whether they were relatives of

members of the Central Jewish Council or were heads of their own local Jewish councils, were transferred to Budapest by order of Eichmann or Wisliczeny from the rural towns, using the same list method agreed upon by Krumej and Kasztner. Freudiger added and testified that he and his group, too (referring to a small circle of Haredi Jews who engaged in rescue efforts with him) made lists, and he gave the lists directly to Wisliczeny, or to Kasztner, who gave them to Wisliczeny. He said (23:38):

“We always asked for the rabbi or the head of the community, if it was known to them. After we knew about the deportations to Auschwitz and asked for families that we knew had a lot of children because we knew that the children were going to die; but it was only possible to include four, five or six families from anywhere.”

There was therefore no fundamental difference between Freudiger's and Kasztner's approach, both of which originated from one source: from the headquarters of the “Judenkommando” - Eichmann, Krumej, Wisliczeny. Indeed Kasztner's work, which was called “immigration to the Land of Israel”, was intended for emigration and not just for transfer to Budapest, and his lists - naturally - mostly included Zionist activists. Another difference was that Kasztner's work was larger in scope than that of Freudiger, who did not go big. But in regards to the intentions of the Nazis in rescuing these “privileged” Jews, these differences do not matter to these.<sup>259</sup>

The organizers of the extermination and its perpetrators (Eichmann, Krumej, Wisliczeny) allowed both Kasztner and the members of the Jewish Council in Budapest to save their relatives and friends<sup>260</sup> in the country towns for “free”, in order to make their rescuers (Kasztner and the Jewish Council of Budapest) and the survivors (leaders of the communities and the rest of the “privileged” people in the rural towns) “indebted” and to bring them closer to the Nazi regime and to make them dependent on this regime and interested in its good will during the total deportation plan. In short – to bring the leaders of the people, both in Budapest and in the country cities, to collaboration with the Nazis during the Holocaust.<sup>261</sup>

This does not mean that all those involved were tempted by the temptation or corrupted by the Nazi bribe and thus became collaborators; I do not state this and I am far from believing it.<sup>262</sup> On the contrary, I believe that Freudiger, Stern, Niszon Kahán, Dr. Wilhelm and the other members of the Jewish Council of Budapest were people of sufficient moral stature so as to withstand the temptation and heavy pressure that the Nazi regime placed on them, and they did not become collaborators.

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<sup>259</sup> The Jewish Council of the capital and the Kasztner case were fundamentally different. The Jewish councils were not directly linked to the Kasztner group. Some Jewish Councils cooperated with the Kasztner group, through messages from the Zionist Organization or the Budapest Jewish Council. Others organized rescue efforts on their own. Some Jewish Council leaders escaped to the capital city on their own accord. Halevi mixes these complicated and unique stories together, to create the impression that the Budapest Jewish Council, together with the local, rural Jewish Councils, betrayed Hungarian Jews, just like Kasztner. To understand the question in general, see my book on the Hungarian Jewish Councils: *Veszprémy, Tanácsátalanság*.

<sup>260</sup> Jewish councils did not just save “friends” - in almost every known case they focused on individual children and families with many children. Those Jewish councils that had the opportunity to rescue relatives were unsuccessful in the majority of known cases. The vast majority of the chairmen, members and employees of the Jewish councils in the provinces were victims of the Holocaust. *Veszprémy, Tanácsátalanság*, 80-81.

<sup>261</sup> This is, again, a gross, unfair, and inaccurate generalization that ignores the specific, local realities of hundreds of rural ghettos, the individual - and limited - choices of local leaders, and the narrower and wider context of the Holocaust in Hungary.

<sup>262</sup> This is a futile attempt to blunt the distortionist view above. In fact, that is exactly what Halevi's lines above claim.

But according to all the proof there is no doubt about the Nazis' plot in this matter. It was no coincidence that Eichmann gave his surprising response to Freudiger and Reiner's request that the latter's parents be transferred to Budapest. Eichmann even expanded this order to include the relatives of the entire Jewish Council.<sup>263</sup> It is no coincidence that at the same time as this act of "kindness" that Eichmann demanded that the Jewish Council concern itself with the "orderliness, cleanliness and calm" of the ghettos. Freudiger's spontaneous and candid testimony, as a member of the Jewish Council, about Eichmann's request, seem to have more credibility than Kasztner's denials in the cross-examination (see 243):

"Eichmann and the rest of the Germans demanded nothing from us except money and Brand's offer ... he made no demands regarding the organization of Jewish life in Hungary. He did not dare demand anything regarding the mood of Hungarian Jewry. He didn't demand this of us, and maintained our dignity because he never demanded these sorts of things. It is because he knew it would be in vain. He did not even try."

Later in the verdict, we will examine exactly what Eichmann did and did not dare to demand. Also Freudiger's words in the report (subject date 1 October 1944) that only afterwards did the Nazis' ploys become clear to him. Freudiger's words are more convincing than Kasztner's position, who in his 1946 report ignores the existence of such ploys against him and he maintains this position to this day. We, however, are not here to discuss the question of Kasztner's thoughts, but rather Krumey's goals.

I'm convinced that Freudiger is right in stating (above) that the Nazis did nothing for free, and that they let a small number of Jews be saved, "in order to catch the others more easily." Krumey as well did not let Kasztner save 600 Jews for free.

### **The Jewish Council**

32. In the cases mentioned in Freudiger's testimony - Eichmann and Wisliczeny's orders to transfer relatives of the members of the Central Jewish Council and heads of local Jewish councils to Budapest - it is natural that the Nazis expected collaboration as a result of this special treatment of the Jewish council members or their relatives. The very institution of the "Jewish Council" was established by the Nazis' orders and was part of their proven method (Brand in his testimony p. 646 and in his report, exhibit 39, 16, as well as other witnesses who spoke of this more broadly) to organize the Jews by Jews and carry out their actions against the Jews through Jews. It is no wonder that the Nazis used members of these councils by all means of temptation and close ties so that these Jews would fulfill their designated role more willingly.

In Kasztner's report, in the chapter "Jewish Councils in Hungary" (pp. 66-88) it states, among other things:

"We knew about the controversy over the Jewish councils long before the Nazi occupation in Budapest as it was described by Polish, Slovak, Austrian refugees, etc. The Jewish Council, which was born out of abysmal distress ... ultimately became a device in the extermination mechanism. From that moment on, the terrible problem of the Jewish Council began. If it acted and obeyed, it could hasten the extermination

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<sup>263</sup> In reality, Reiner's parents were murdered by the Arrow Cross, and the members and high level employees of the Budapest Jewish Council lost many relatives to the Holocaust.

process. If it refused to obey, then that would lead to retaliatory actions against the masses, without any guarantee that it would even delay the extermination process at all...almost everywhere in Europe the Jewish councils acted the same way. They were gradually brought to obedience.”

(See below, paragraph 68.)

“As for Hungary, the Jewish councils in the rural towns were preserved by the astonishing pace of the extermination, as they set the transport queues to Auschwitz. They hardly knew any more, and perhaps less, than the average Jew, as to what awaited them through ghetto and deportation. They were misled by false rumors just like some of their predecessors in the rest of Europe, or they avoided - perhaps out of fear, a narrowing sense of self-existence, or out of dread of the consequences - of diverting the attention of the masses as to the ominous threat. The question shall remain open to the world if and to what extent they could infuse (into the hearts of the masses) such a warning ... The heads of the Budapest Jewish Council: Shmuel Stern, Karl Wilhelm and later Ludig Steckler, gave examples of personal courage and self-sacrifice, which do not detract from the moral significance of the mistakes that were made.”

And in the introduction to Kasztner’s report (p. 9) it is stated:

"The united efforts of assimilated Jews and the Zionists, the neológs and the Haredim in Budapest made a great contribution to the rescue operation. Samu Stern and Dr. Károly Wilhelm, leading the neológs and Fülöp Freudiger (until he left Hungary) at the head of the Haredim, did everything humanly possible to make the rescue happen.”

It is not our role to discuss the Jewish councils here except to the extent that it concerns Kasztner. What relates to Kasztner is that all parties indicate that the generosity of SS leaders toward Kasztner in the matter of rescuing the privileged stemmed from the same motives and accomplished the same goal as their generosity to Freudiger and the Jewish Councils: it was an attempt to get Kasztner and his privileged few to collaborate with the Nazi regime during the Holocaust.

### **The Zionist Rescue Committee as a Center of Possible Resistance**

33. The benefit that the Jewish Council in Budapest could bring to the Nazi regime was limited due to the Jewish public’s knowledge that the council was an official institution created by the Nazi authorities (its members were for the most part the heads of the communities and other official representatives of Hungarian Jewry, who were forcibly appointed by the Nazis and were not free to resign<sup>264</sup>) and that the orders, the demands and the notices conveyed by the council were the orders, demands and notices of the authorities. Among the Jews, the moral authority of the council was therefore incomplete.

This was not so with Kasztner and his associates - the Zionist Rescue Committee. The rescue committee was not appointed by the hostile government, but by the Jewish Agency for the Land of Israel and the Zionist Organization in Hungary. Its actions prior to the Nazi occupation were illegal and demanded courage, personal dedication and Jewish loyalty from each member. From its small beginnings in 1941, the committee’s activities developed during the years 1942-1943 into extensive rescue work - until the Nazi occupation not only the refugees and the

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<sup>264</sup> In fact, Jewish Council members could and sometimes did resign.

pioneer organizations, who have always been associated with the committee and its work, but also the common Jew began to admire Zionist rescue operations. Brand's report shows (exhibit 39), which was confirmed as essentially true in his testimony, although somewhat exaggerated (p. 9):

“In carrying out this work (the rescue work by the committee) Hungarian Jewry quickly came to recognize the successes achieved by Zionism. Eventually a whole leadership developed from here, for the Zionists to work on the affairs of the Jewish community. In other words: the fact that the Zionist movement instinctively feels - albeit late, but still in time - the tangible demand of the Jewish masses to be rescued, it led to Jewish leadership gradually shifting to the Zionists and the Jewish masses began to trust in the Zionists.”

The other witnesses (the pioneers, Freudiger, Krausz and others) confirmed the growing influence of the Zionists in general, the Rescue Committee in particular, on the general Jewish public. The fact that the committee maintained contact with the Jewish Agency in Istanbul and with the Joint Distribution Committee in Geneva during the Nazi occupation increased its authority among the Jews.

The Rescue Committee and the pioneer organizations associated with it also formed the "defense" nucleus in Hungary. Dr. Bar-Zvi (Schweiger), a veteran lawyer and Zionist from Szabadka [today: Subotica], Yugoslavia (who, after the annexation of his area of residence to Hungary in 1941, organized acts of resistance and sabotage against the Hungarian army, was arrested in 1941 and 1942 twice in connection with such operations and a third time for the imaginary accusation of being part of an “organization attempting to assassinate Hitler at the Zionist Congress in Geneva in 1939”). From 1941-1942, he tried to organize Jewish resistance cells in Hungary - attempts and feelers that failed because of the complacency and disinclination of the Hungarian Jews to whom he turned. Schweiger, who was a member of the Rescue Committee and a friend of Kasztner's, was appointed in late 1943 or early 1944 by the Jewish Agency in Istanbul to be the commander of the “Haganah” militia in Hungary. At the same time letters were exchanged between Istanbul and the committee (Schweiger and Kasztner) about the Jewish Agency's plan to send Haganah officers from Israel to Hungary. Schweiger, at the Agency's request, prepared documents for a man and a young woman to cross the border from Yugoslavia into Hungary. The Zionist establishment in the Land of Israel considered Schweiger, Brand and Kasztner as trusted allies of the “Haganah” in Hungary, and their names and addresses were given to the paratroopers Yoel Palgi, Hannah Szenes and Peretz Goldstein, who were sent via Yugoslavia to Hungary (see below). The shouts of the Jewish community's leadership in Israel - including Yitzhak Ben-Zvi, Moshe Sharet, Yitzhak Greenbaum - who encouraged the Jews of the diaspora to defend themselves and resist, reached the rescue committee in Budapest. With the Nazi conquest, the pioneer movements established their own "headquarters" in Budapest, which organized advocacy, escape, bunker-digging and preparations for resistance.<sup>265</sup> War refugees who personally witnessed the Nazi extermination tried to rouse the Jews of Hungary out of their complacency, to warn them about the gas chambers prepared for them in Auschwitz and get them to defend themselves and resist extermination.

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<sup>265</sup> It cannot be stressed enough that although some brave and heroic resistance efforts were indeed organized, there was no serious, organized Jewish resistance movement in Hungary during the German occupation. The few attempts, such as the Teleki Square revolt in October 1944 in Budapest, were quickly put down. Veszprémy, *Tanáctalanság*, 179.

### **Nazi Fears of Resistance**

34. From the beginning of the occupation, Eichmann and his aides knew from about the existence of the rescue committee, its actions and connections. As early as 1942-1943, the committee, through the Bratislava Committee, participated in the financial negotiations with Wisliczeny to try to stop the extermination of the Jews of Slovakia. Weininger and Schmitt, German army officers who were in charge of German counterespionage in Budapest before the occupation (Kasztner's report 13-14, Brand's report 18), served as agents and messengers for the Committee. The Nazi spy network was spread over Hungary long before the occupation and before the Fifth Corps laid all the groundwork for the conquest (Freudiger's report 1). Veesenmayer, the Nazi ruler of Hungary<sup>266</sup> since the beginning of the occupation, was sent twice in 1943 to Hungary and gave Ribbentrop and Himmler detailed reports, which dealt mainly with the question of the Jews in Hungary (Veesenmayer Verdict, Exhibit 32, 137). On the day they conquered Budapest, SS officers appeared with long lists, according to which all Hungarians who were considered dangerous or hostile to the Nazi Regime were arrested (Freudiger's report 1-2):

“Anyone who was known as anti-Nazi or not pro-German was incarcerated... within 36 hours, every brave and conscientious personality was removed from the public sphere... anyone who could have caused difficulties for the Germans... The road was open to economic and political adventurers, to politicians whose whole purpose was to gain the power they longed for and for the sake of power, they would sell their souls to the devil.”

Schweiger was incarcerated on 4 April by SS officers, who came to Szabadka specifically for this purpose, and was transferred to the Gestapo prison in Budapest and from there in mid-July to the Mauthausen concentration and extermination camp. All of Kasztner's efforts to release him as a member of the committee (compare below to the release of committee member Szilagyi, due to Kasztner's intervention) did not help, but he survived in Mauthausen (whether through a miracle, or, according to Kasztner's testimony, 69, thanks to Kasztner's protection<sup>267</sup>) and was released from there at Kasztner's request in a special act by Becher at the end of the war (see below).

Whether the Nazis knew - which is plausible according to all the above data - that Schweiger and the committee were involved in “Hagana” activities, and whether or not they knew, was clear and apparent to all, and it goes without saying that the Gestapo and Eichmann knew that the Zionist activists, the refugees and the pioneers, centered around the Rescue Committee and its environs, constituted the most vibrant and active element among Hungarian Jews, the nucleus of forceful resistance, which may, on the contrary, in the coming of the Holocaust, become a center of active resistance.<sup>268</sup> The Nazis learned the lesson of the Warsaw Ghetto and other ghettos and came to know that the Jews might sell their lives at a high cost to the Nazis, if properly guided. The experience taught the Nazis that the Zionists constituted the “activist” element everywhere within the Jewish population and were capable of producing leaders who would defend Jews and coordinate anti-Nazi activity.

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<sup>266</sup> Edmund Veesenmayer was an SS-Brigadeführer and Reich plenipotentiary after the German occupation of Hungary.

<sup>267</sup> It is quite typical of Halevi's approach that he casts doubt on Kasztner's merits without presenting any evidence or more detailed discussion.

<sup>268</sup> Halevi uses expressions like „forceful” and „active” Jewish resistance. On how these do not reflect historical reality, see the previous footnotes.

The oppressor, who had paved his way toward total deportation, was afraid that these plans would be disrupted by Jewish resistance. Eichmann - as Kasztner points out in the report (above) in quotation marks, stated by the oppressor himself - "did not want a second Warsaw". From the first moment of the occupation the SS worked hard to calm the Jews by making false promises, "to prevent possible panic and hinder any attempted resistance" (Freudiger's report 7). Wisliczeny, who appeared with Krumej at an assembly of all the Jewish leaders, "warned against creating panic" (Kasztner's testimony 18) and promised the leaders that no harm would come to the Jews, "if they cooperate without friction" (Freudiger's report 7). In his testimony, Freudiger recounts (23:36) an instructive incident that happened to him in the middle of June, while the deportation trains from the rural towns headed to Auschwitz without interruption at full steam for a whole month and the Jews of Budapest began to be rounded up in designated houses; the Jewish Council was ordered to carry out the round up order, and Freudiger went to Krumej in his office on Gellért Hill,<sup>269</sup> where all the offices of the SS, the Gestapo and the SD (the Sicherheitsdienst - the Nazi Security Service) were grouped, to ask the commander of the "Judenkommando" to extend the short extension granted to carry out the order. Krumej sent him to the SD office and said that one of the officers there wanted to talk to him.

"It was a young officer, like our lieutenant. He told me: Sit down. At first, it was strange to me, because I had not sat among Germans. He closed the door and gave me a cigarette and asked if I wanted to smoke... he asked me a few things among them: Are you concentrating the Jews in Budapest? I said: Yes, the operation is in full swing. During the conversation he asked if it was done quietly, if the Jews do not object to it. I took the small knife that was in my pocket and asked: With this knife? We do not have weapons. I said he should not be afraid that we were rebelling or resisting. We talked a lot more... I was with him for 4 hours and in the end I still did not know what he wanted. Then a thought came to my mind that he wanted to hear from me if there was any opposition among the Jews of Budapest in this matter."

The question before us is not whether the Jews had weapons or whether the objective or subjective data existed that was needed for successful resistance or defense; most of the witnesses denied the data above during this period (until the end of the deportations).<sup>270</sup> The question is whether those in charge of the extermination were concerned that the Jews could realistically have disrupted their plans and what was the basis for this concern. The existence of this concern has been proven not only by the aforementioned direct testimonies, but thoroughly proven by all the evidence in this trial: the plethora of tricks and precautions the Nazis used at every stage of preparation and execution of the deportations, severing connections between the Jews by prohibiting travel and telephone, the isolation of Jews into ghettos, the attempts to calm the Jews, the diversion and systematic and sophisticated deception of the Jews at stages and places, beginning with the conversations that Krumej and Wisliczeny had with Jewish leaders and up until the Kenyérmező rumors and the postcards from "Waldsee" - all of these facts attest to the Nazis' extreme diligence in preventing any resistance or disruption to the execution of their plan and the reason for this is clear: in light of the limited

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<sup>269</sup> Krumej's office was on Sváb Hill (Svábhegy).

<sup>270</sup> After the German occupation, weapons were confiscated from the Jews. It is typical that Halevi seems to be aware of this, since here he distances himself from his earlier absurd claim of "active" and "forceful" resistance. On the confiscation of weapons, see Decree no. 1630/1944 of the Prime Minister's Office, published in issue 28 April 1944 of the *Budapest Közlöny*, page 3.

(or unpredictable) time and manpower available<sup>271</sup> to Eichmann, and in light of Germany's difficult international war situation and the delicate equilibrium in Hungary described above (paragraph 3), the Nazis could not plan the deportation of 800,000 Hungarian Jews as a pure military operation, i.e. as a coerced operation against a civilian population, but as an operation based in part on the voluntary participation of the (cheated, oppressed and disorganized) victims themselves in the execution of the plan. A plan of this kind required on the one hand the maximum cooperation (knowingly or unknowingly) of the Jews - hence the multiple efforts to deceive, tempt and bribe Jewish leaders. On the other hand, this sort of plan could be undermined by warning the masses of the real danger, their organization of active or passive resistance, organized escape from the ghettos, sabotage of the railway tracks passing through Hungary<sup>272</sup> and the Carpathian mountains on the way to Auschwitz, and any other act of resistance or disruption - hence the Nazis' peculiar fear of the Zionists and the excessive attention devoted to the Zionist Rescue Committee.

### **Kasztner's Recklessness in Approaching the Nazis**

35. Kasztner's personality and manner made him a convenient and natural target for Eichmann's plots and Eichmann sought to establish a collaboration with Kasztner to make their work easier. Kasztner, who was the rescue committee's "political expert", suggested at the beginning of the occupation that he and Brand would try to make contact with the new government, and his proposal was unanimously accepted by the committee (Kasztner's testimony 19-20, 24). Regardless of the fact that Wisliczeny had already offered Freudiger financial negotiations based on Rabbi Weissmandl's letter, which was addressed to representatives of all streams of Hungarian Jewry and whose contents Freudiger brought to the attention of all those concerned, Kasztner and Brand went over Freudiger's head through their German agents to Wisliczeny to ask him whether he was willing to financially negotiate with the "Illegal Rescue Committee", according to the framework laid out by Rabbi Weissmandel's "Europe Plan" on the "future of Hungarian Jewry." This direct turn that Kasztner and Brand took toward Wisliczeny was not just a matter of undermining Freudiger's position, who at this early stage represented all streams of Judaism<sup>273</sup> vis-à-vis Wisliczeny, but it also constituted an unauthorized and irresponsible act vis-à-vis the vast majority of Hungarian Jews (the neológs and the Haredim) who did not empower Kasztner and Brand to negotiate with the Nazis over their future and destiny.<sup>274</sup> In his testimony (pp. 24-25), Kasztner attempted to justify his behavior by stating that before he turned to Wisliczeny he consulted with the Haredi and neológ leaders, Freudiger

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<sup>271</sup> In practice, this deportation was not carried out by Eichmann's team, but by the collaborationist Hungarian Interior Ministry. The Ministry of the Interior had 200,000 men to carry out the task, not counting the Hungarian Army, which, although rarely, but occasionally - for example in Transylvania in September 1944 - took an active part in mass murders of Hungarian Jews. See: Ablonczy Balázs: *Utolsó nyár. Magyarország, 1944.* (Budapest: Jaffa, 2024), 211ff.

<sup>272</sup> The unlikelihood and weakness of the other possibilities in the sentence have already been discussed in earlier footnotes. Here, however, it should be pointed out that the railway lines and trains were sabotaged on several occasions by resistance activists working at the Hungarian railways. These acts of sabotage were unable to stop the deportations for even 24 hours.

<sup>273</sup> Freudiger of course represented only the Budapest orthodoxy. The organization that brought together Hungarian Orthodoxy was the Ortodox Izraelita Központi Iroda (Orthodox Israelita Central Bureau, OIKI), headed by Samu Kahan-Frankl. They, too, represented only the non-Hasidic line of Orthodoxy, the rural Hasidim were not part of it.

<sup>274</sup> It is a ludicrous assumption that Kasztner should have sought the authorization of the masses of neológ and orthodox Jews before his illegal negotiating action. The historian is left with the question: how should this have happened? Should they have placed an advertisement in the press? Should they have called a referendum? Needless to say: the Jewish Council of the capital, which broadly represented the Jewish community of Budapest, was aware of Kasztner's negotiations, did not oppose them, and participated in the rescue actions.

and the late Stern, and obtained their prior consent to this step. There is no mention of this in Kasztner's detailed report (pp. 23-26), which does mention, on the other hand, that Kasztner and others consulted with Stern after the meeting with Wisliczeny, a consultation that occurred in order to take advantage of Stern's influence and help raise the sum of 200,000 dollars (6.5 million pengős), which Wisliczeny required as a "down payment" towards the two million dollar sum that Kasztner and Brand offered. Kasztner's account of the aforementioned prior consultation and consent is contradicted by Freudiger (27:7) who testified that Kasztner said that it was a fait accompli that he (Kasztner) would conduct negotiations with Wisliczeny, and that he was only meeting with Stern - via Freudiger - in order to raise the required funds. I do not believe Kasztner's story and I am convinced that by going over Freudiger's head, together with Brand, Kasztner acted in an unauthorized manner and presented the responsible leaders of most Hungarian Jewry with the fait accompli of negotiations between the Zionist Rescue Committee and the SS leaders.

The Nazis, for their part, preferred the "political" negotiations offered to them by the rescue committee's representatives, over Freudiger's cautious approach, and shortly after Wisliczeny's meeting with Kasztner and Brand, the leaders of the SS removed Freudiger from the negotiations and announced that the negotiations were being conducted solely with Kasztner and Brand (Freudiger's testimony 7). Stern, Freudiger and the rest of the leaders of the general Jewish public were forced to reconcile themselves to Kasztner's will. To the Jewish Council, of which Stern was chairman and Freudiger was the main representative in daily contact with the Nazi regime (Dr. Niszon Kahán, representing the Zionists, was also a member of the council), was destined to become a purely administrative institution, which had to carry out the the administrative orders of the regime, while the high-level contact, the so-called "political" negotiations, was only between the leaders of the SS and Kasztner and his comrades. This fact, which became crystal clear as a result of Freudiger's testimony (24: 16-17), was confirmed by the witness Krausz,<sup>275</sup> who provided the esteemed Attorney General on this occasion with a firm answer, which was atypical for him (17:34):

“Was the Judenrat in touch with the Sváb Hill?

The Judenrat had a more technical connection.

I tell you that this is utter nonsense, that the Judenrat had strong ties to the specific people involved in this.

Apparently the gentleman was in Budapest longer than I was.<sup>276</sup> I say that all Hungarian Jews knew that this was the connection: the connection between the Judenrat and the Germans was almost a technical connection, and the Judenrat's political ties went through Kasztner as well.”

Not only in opening negotiations, but also as negotiations continued Kasztner's approach was to present Hungarian Jewish leaders with predetermined facts. In his report (p. 27) Freudiger describes Kasztner's general behavior with these words:

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<sup>275</sup> Krausz, of course, had no substantive information about the day-to-day activities of the Jewish Council of Budapest, of which he was not a member.

<sup>276</sup> This is an important sentence in Krausz's testimony. Halevi and Gruenwald's lawyer, Shmuel Tamir could not understand the historical realities of the Holocaust in Hungary, because they had not spent a single minute in occupied Hungary.

“The negotiations that they (Kasztner and Brand) conducted as though in secret, and only rarely did Jewish leaders receive some minimal report, something that Kasztner and Brand almost never produced of their own good will. Every time Dr. Kasztner agreed to provide information, after the strong entreaties of some very important people, there was a feeling among the few people allowed to listen that these reports were deliberately left incomplete, in a way that no one other than Dr. Kasztner could know the exact state of affairs and compete with him for leadership... it seemed that the questions most vital to the Jews of Hungary were discussed ‘de nobis sine nobis’ (nothing about us without us), that is to say, as if they were only to be discussed by Dr. Kasztner and his circle.”

This summary, which was fully confirmed by Dr. Freudiger in his testimony, is weighty in light of the moderation and the self-restraint that characterize it. Freudiger's testimony was confirmed not only by other witnesses, but also by many facts which clearly prove Kasztner's aforementioned attitude.

### **Nazi Protection of the Committee**

36. We have seen above (paragraphs 30-34) the strong interest that the Nazis had in cultivating relations and strengthening ties with Jewish leaders in general, and with the active Zionist circle around the Rescue Committee in particular. We have likewise seen (paragraph 35) how they took advantage of the opportunity offered to them by the head of the rescue committee himself to enter into negotiations with him, and preferred to negotiate with Kasztner and Brand rather than with any other Jewish authority.<sup>277</sup> It should be added here that since the time that Kasztner and Brand stood before Wisliczeny as representatives of the “illegal” Rescue Committee, the Nazis encouraged and supported them in various ways. Kasztner and the other members of the committee and their wives were among the few Jews<sup>278</sup> in Hungary who were excused early on from having to wear the yellow badge - a sign that served not only as a symbol of contempt for the Jew, but also a practical means of identifying the Jews, supervising them and facilitating persecution operations (see Brand, Exhibit 39, 12); even the members of the Jewish Council were not excused from the obligation to wear the yellow patch.<sup>279</sup> (Freudiger's testimony 24:21). Kasztner and Brand were released from the ban on the use of the telephone, and their telephones were either never confiscated or returned to them and to the committee.<sup>280</sup> Kasztner and Brand (or his wife) were among the few Jews permitted to retain their private cars and allowed to use them at all hours of the day and night. The Jewish Council's car, on the other hand, was available to Freudiger only during the normal working hours of the council, and in the evening he had no means of transportation.<sup>281</sup> Jews were banned from inter-city travel<sup>282</sup> from the beginning of the occupation, and any Jew caught violating the strict ban was sent to

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<sup>277</sup> In fact, the SS held regular meetings with almost all members of the Jewish Council in the capital, and the SS branches in the countryside negotiated with local Jewish Council members. Freudiger's links with the SS remained so strong that in August 1944 he fled Hungary for Romania with the help of Wisliczeny.

<sup>278</sup> Exemption from the anti-Jewish legislation was regulated by the law. Highly decorated veterans of the First World War and their immediate families, those who had achieved anti-communist merit or merit in the Hungarian revisionist campaigns, and the spouses of Christians ("Aryans") were exempt.

<sup>279</sup> Some members of the Budapest Jewish Councils were, in fact, exempt.

<sup>280</sup> The Budapest Jewish Council also had a phone, which they did use. Veszprémy, *Tanácsstalanság*, 59-60, 87.

<sup>281</sup> The Hungarian Ministry of Defence provided the Jewish Council of Budapest with military trucks, which they could use whenever they wanted. High-ranking employees of the Jewish Council also had documents authorizing them to go out at night.

<sup>282</sup> Jews travelling on urgent business could apply to the local administration and often received permission to travel. The Jewish Council in the capital could and did send delegates to the countryside. Veszprémy, *Tanácsstalanság*, 43-44.

the extermination camp; in mid-April, Kasztner travelled from Budapest to Kolozsvár and back, with the permission of the Hungarian counterespionage service, with which the committee was in contact and which was subordinate to the Gestapo.

“I justified this on the grounds that these were private matters. That was enough. It was possible to apply for such a permit to travel to other rural towns”<sup>283</sup> Kasztner’s testimony 8/237).

On 5 March, Kasztner traveled to Kolozsvár again under a special license from Krumej, commander of the "Judenkommando." During the round up of the Jews of Budapest, Kasztner and Mrs. Brand (Mr. Brand was no longer in Hungary at that time) were not required to live in “Jewish houses.”<sup>284</sup> At the beginning of April, Szilágyi, one of the leaders of the Zionist youth movement “Hashomer Hatzair” in Hungary, was apprehended by Nazi agents while he was trying to contact Tito's partisan envoys - a serious offense against the Nazi regime. Kasztner told Krumej that Szilágyi was a member of the rescue committee and his main assistant - and Szilágyi was released.<sup>285</sup> In April, the Gestapo seized a secret postal shipment sent to the committee from Switzerland containing 270,000 francs, 57,000 dollars and 30-40 letters written with “dangerous recklessness”; Klages, head of the Security Service (SD) and the Gestapo, delivered the shipment to Eichmann to transfer it to the committee, and Eichmann handed the money and letters to Brand for the committee (Brand’s testimony 679, Bondy Grosz, 73).<sup>286</sup> Jews were not allowed to hold money, except for minimal amounts of pengős, and any amount of money found in their apartments was confiscated by the Hungarian authorities. The committee, however, kept a large sum of money in its apartment in dollars, francs and pengős,<sup>287</sup> which was intended for the rescue needs (“tiyul trips”), based on the repeated promises of the Nazis to "protect" the committee against all government intervention (Kasztner’s report 40).<sup>288</sup> Kasztner was arrested several times by the Hungarian police and each time he was released from prison thanks to the Gestapo’s intervention. On 27 May the Hungarian Gestapo arrested Kasztner, his wife, Mrs. Brand, and Offenbach, as well as the “tiyul” organizer, Menachem Klein, and a number of pioneers; they were arrested in connection with false documents that were forged for the “tiyul”, and Mrs. Brand was forced to admit that she had ordered the counterfeit papers from the printer. Then she was severely beaten so that she would reveal her husband’s secret mission, but she withstood the torture and did not reveal to the Hungarians “the Reich’s secret”. This time, even the intervention of Gestapo heads and “Judenkommando” leaders was to no avail and it required the personal intervention of Veessenmayer, the supreme Nazi ruler of Hungary on behalf of the Third Reich, and the Hungarian Prime Minister Sztójay, to obtain the release of Kasztner and his comrades after six days in prison; Menachem Klein and the pioneers were not released (Kasztner’s report 39-41, testimony of Ms. Hansi Brand). In the month of June the Hungarian authorities already knew

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<sup>283</sup> Halevi quotes these lines as proof of Kasztner's lying and corruption. However, the historical facts support Kasztner's lines perfectly.

<sup>284</sup> Exempted Jews and certain employees of the Jewish Council were exempted from entering the "starry houses [Jewish houses]". Jews who converted to Christianity lived in “Christian Jewish houses”.

<sup>285</sup> This is another fascinating attempt by Halevi to present Kasztner's good deeds as crimes.

<sup>286</sup> This is not particularly surprising, since the Germans needed the Jews' money and were waiting for reassuring messages from the West for further negotiations.

<sup>287</sup> The Jewish Council of the capital naturally accumulated huge sums to finance its extensive activities. So did the Jewish councils of the larger rural towns. Veszprémy, *Tanácsstalanság*, 110.

<sup>288</sup> A special sign on the door of the headquarters of the Jewish Council in the capital announced that they were under the protection of the German authorities. Veszprémy, *Tanácsstalanság*, 117.

the rule that they could not arrest Kasztner without receiving an immediate German order to release him (Dr. Breslauer's testimony 9:7). In Kasztner's report it is stated (p. 47):

“The connection of the ‘Judenkommando’ gave us some protection for the committee members from both the German Gestapo and the Hungarian Gestapo... in their commitment as neighbors, gatekeepers and informers, the ‘Judenkommando’, in an astonishing way, gave us a certain cover for our illegal work, though sometimes doubtful and uncertain.”

Mrs. Katalin Szenes, who was imprisoned from mid-June to the end of September in the Gestapo prison and in a detention camp and did not know everything that had happened in the meantime in Budapest, in the second week of October visited Kasztner's office several times and innocently testified (documents 39-40):

“It was a house that the Gestapo did not touch.”

All of the above facts prove that Kasztner and his friends, since the beginning of negotiations with the SS, received support and protection from the Nazis, who did everything to bring them closer to the authorities. The Rescue Committee went from being “illegal” to becoming a group that acted on the Nazis behalf. It was under the patronage of the "Judenkommando" and the Gestapo.

The question here is not, as presented in the esteemed Attorney General's summary, whether the members of the committee could or could not have fulfilled their role without the protection of the SS. Clearly without Nazi protection, the committee could only have operated underground. The question is, as presented by the esteemed defense attorney: Why were the Nazis interested in perpetuating the committee? Why did the SS leaders make every effort to enable and even encourage the ongoing existence of the Jewish Rescue Committee?<sup>289</sup>

Did the murderers become saviors? The same question arose above (paragraph 29) regarding the “Judenkommando” headquarters in that it brought about the "immigration of the privileged". Was saving Jews a part of the Nazis' plan?

Even Kasztner wrote in the report, following his remarks on the "strange protection" given to the committee by the “Judenkommando" (p. 48):

“We could not determine what cards Eichmann was holding. We had no choice but to say to ourselves: If Eichmann welcomes us at all, and even gives us small concessions, if the German envoy Veessenmayer was openly intervening on our behalf with the Hungarian government, then it was unthinkable that they were acting this way on their own or for their own amusement. It had to be that behind and above them there was a higher German authority that provided them with cover that perhaps we were intended to play a role in their plans.”

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<sup>289</sup> As I have just explained in the notes, these privileges, which were neither blatant nor unique, affected all the Jewish institutions that still existed (which were placed under the Jewish Council). The existence of these privileges does not prove that the Zionist Rescue Committee was an indispensable instrument for carrying out the deportations, but that it was a Jewish organization, recognized by the Nazis, in the same way as the Jewish Councils.

The support that the planners of the extermination gave to Kasztner's rescue committee proves, ostensibly, that the intention was for Kasztner and his friends to have a place in their plans for the "final solution" regarding the question of the Jews of Hungary. As we demonstrated above (paragraphs 4, 34), Eichmann's rescue plan was, in no small part, based on the methods of "psychological warfare". The Nazi patronage given to Kasztner and his committee, as well the approval of the emigration of the 600 privileged Jews to be determined by Kasztner, were an integral part of the tactics of the "psychological war" of the extermination of the Jews.<sup>290</sup>

### **Preparing Kasztner for Temptation**

37. The approval that Krumej gave to Kasztner on 2 May for the emigration of 600 Jews was intentionally timed as part of the Nazis' "psychological war". For an entire month the leaders of the "Judenkommando" engaged in conversations with Kasztner and Brand about the "Europe Plan" and the "Four Points" proposed by the two of them (paragraph 20) on mass migration and a large "rescue operation" to be carried out by Kasztner and his friends with the help of the SS. In his report (p. 25), Kasztner says that in the first conversation (dated 4 May), Wisliczeny told him, among other things:

"As far as the question of immigration is concerned, I must seek instructions from the government in charge of me. I myself do not believe that our higher authorities are interested in small-scale immigration. Please work out a plan for the emigration of at least 100,000 Jews! We will try to convince Berlin to accept it."

Brand's report (exhibit 19, pp. 20-22) states:

"Shortly after the Germans entered Hungary, we made contact with Wisliczeny, and then afterwards with Krumej, Schreder, Klages and Eichmann. The demands we made were" - (here he listed the four known points).

"In principle, we received the following answer during lengthy negotiations:

...Regarding point 4 - immigration to the Land of Israel - they declared that this was the essence of our negotiation; that they were ready to solve the Jewish problem with us, though not through aliyah (immigration to Israel), but through the complete emigration of the Jews; however, they would not allow only the partial emigration of the Jews, because it would not solve the Jewish problem, and that we must offer them suggestions as to how to evacuate all Jews, that is, not just Hungarian Jews, but also the Jews who had survived in the German-occupied lands, such as Poland, Slovakia and so on; they were not willing in principle to allow aliyah, because it is was contrary to their policy; on the other hand, they are also prepared to allow immigration to other countries overseas.

In the plan to evacuate European Jewry that we were required to submit, we could not offer anything but the numbers permitted by the White Paper. However we "played" with these numbers to the greatest extent possible, and we claimed that we had at our disposal 30,000 aliyah certificates, and that each certificate included family members,

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<sup>290</sup> The emigration of 600 Jews - eventually the number grew, of course – did not affect the agenda of the deportations Hungarian Jews, except for the fact that it saves the people in question from the gas chambers.

and that in this way we could facilitate the emigration of about 150,000 Jews. But even that number was far too low for the Germans.”

As early as 25 April, the situation worsened with the beginning of the concentration of the Jews into ghettos and the increasing fears of deportation on many leaders' minds, including Kasztner and Brand (paragraph 24). In their joint letter (exhibit 25) to the representative of the JDC in Switzerland, the late Mr. Saly Mayer, who was president of the Swiss Jewish Communities, they repeated all the details of the “Europe Plan” and the four points that they had proposed, as well as Wisliczeny's consent in principle to relay their proposal to higher German authorities. They mention three additional meetings that took place with the officer in charge of Wisliczeny (Krumey), payment of the advance fee of \$200,000 raised from Hungarian Jews, the hope that 600 elite Jews could emigrate to the Land of Israel “on a ship”, and they conclude with an appeal to the JDC representative to raise the remaining 2 million needed to save the Jews of Hungary according to the aforementioned plan.

A few days following this letter, in the last days of April, the dark news from Auschwitz reached Kasztner (gas chambers prepared for the Hungarian Jews, the train agreement, the first deportation to Auschwitz, a secret rumor about general deportation) that brought him to the brink of giving up. From all the data he drew the conclusion that the deportation was imminent and inevitable, and suddenly saw the futility of all the lengthy negotiations that had taken place so far. As this crisis worsened, Kasztner became depressed. Nevertheless, he requested a meeting with Krumey in order to see if there was any reason to continue the “negotiations” (paragraph 26). At this meeting, Krumey presented a document authorizing the issuance of 600 immigration permits. It is clear that Krumey's goal was to prevent Kasztner from cutting off ties, and to give Kasztner something tangible which would justify continuing ties with the SS and even tightening this connection as the extermination drew nearer.

### **The Temptation**

38. The temptation was great. Kasztner was now in the position to save 600 individuals from the oncoming Holocaust, with the possibility of increasing this number either by paying or by further negotiations. Furthermore, not just any 600, but those very same individuals that Kasztner saw as most important and most worthy of saving, for whatever reason: they could be his relatives if he so desired, his friends, fellow members of his movement, and if he wanted, the most important Jews in Hungary. The extermination plan threatened not only provincial communities, but also the Jews in the capital, and Kasztner did not imagine that this total extermination would stop at the gates of Budapest. He now had the opportunity to save his wife and his mother in Budapest, his brother and father-in-law from Kolozsvár, and all his other relatives and friends. He also became enchanted with the possibility of saving “prominent” Jews both in the provincial towns and in Budapest. He regarded the committee's rescuing important public figures as a Zionist success as well as a personal success. He felt that this success could also justify his entire behavior prior: his negotiation initiative with the Nazis, his takeover of all “political” contact with the authorities, the exhausting negotiations, the relationship of patronage between the committee and the government; Kasztner had still not lost hope that he could reach an overall arrangement with the Nazis based the “Europe Plan” or an even bigger plan based on similar foundations. Kasztner was very pessimistic about the Jews' chances of escaping the Nazi extermination machine on their own, which had already “exterminated” almost all European Jews, and he saw his best chance for rescue in an agreement with the Nazis. It is no wonder that given all these reasons, he accepted Krumey's gift without hesitation.

### **Kasztner's Dependence on Eichmann**

39. However - "*Timeo Danaos et dona ferentes*" ("I fear the Greeks, even when they bring gifts"). In accepting this gift, Kasztner sold his soul to the devil.

The immediate result of this agreement was that Kasztner became dependent on the Nazis' benevolence. That is not to say that Kasztner was not dependent before; in turning to Wisliczeny on behalf of the "illegal" Rescue Committee, negotiating with the head of the SS and accepting Nazi protection for the committee, Kasztner made himself and the committee largely dependent on the Nazi regime. But before the agreement with Krumej, Kasztner was a free man, and if need be, he could sever his ties with the government and take the committee underground, as the Zionists did in the Warsaw ghetto and other extermination sites. After the agreement with Krumej, Kasztner became intertwined with the Nazis in rescuing the 600. As long as there was any hope in his heart that the Nazis would abide by the rescue agreement - and indeed, despite some severe disappointments in this matter, the agreement was ultimately flawed - Kasztner remained interested, in order to save the 600, to maintain proper ties with the regime.<sup>291</sup> To the extent that the general agreement with Krumej became more tangible and came to life as Kasztner provided the list of candidates to be rescued - which included his extended family (more than 20 individuals), his friends and associates, the leaders of the Zionist movement and other prominent Jews<sup>292</sup> - and to the extent that the number of individuals included in the rescue agreement continued to grow, so did Kasztner's good relations with the Nazis grow stronger. The fulfillment of the rescue agreement was dependent on the Nazis until the last moment, and that last moment only came long after the Jews in provincial towns had been exterminated. Throughout the period of extermination, Kasztner was dependent on the exterminators and sought the exterminators' desires, in order to save his 600 candidates.

Krumej made the first promise to Kasztner to save the 600, but the ultimate arbiter in keeping that promise was Eichmann. Kasztner, who along with Mrs. Brand met with Eichmann several days after the complete deportations began, did not delude himself about this enemy's role and authority:

"We knew we stood across from the chief organizer of the extermination of the Jews. Nevertheless, within his hand also lay the possibility of rescue. He - and he alone - determined life and death." (Kasztner's report, 38)

Kasztner regarded saving his privileged candidates (the "prominent", as he referred to them in his report) not just as a public and a personal matter - he considered himself responsible for their fate. Among other things, an excerpt from his report concerning an incident that occurred on June 3 testifies to that. 300,000 Jews from provincial towns had already been sent to Auschwitz and none of the 300 privileged people were spared, even though Krumej had promised that they would be rescued and Eichmann had approved the promise. That day Eichmann sought to play a joke Kasztner (or perhaps he was serious), and he informed Kasztner that unfortunately he could not save Jews from provincial towns. Kasztner challenged him directly (report, 42):

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<sup>291</sup> This statement is essentially true of any contemporary Hungarian Jewish leader.

<sup>292</sup> Halevi regularly mentions Kasztner's "relatives", ignoring the fact that Kasztner was married into the neológ leadership in Kolozsvár and the Zionist leadership in Transylvania. Kasztner's "relatives" actually occupied a negligible number of seats on the train. More than half of the train's passengers were children.

“You promised! You always told me that you are man who keeps his word. I already know that you telegraphed Kolozsvár for this purpose!

“I cancelled the order by telegraph yesterday. Everything is clear, isn't it? I have no time for you right now.”

Kasztner went on in his report:

“It took some time before clear thinking overcame my anger, helplessness and despair. I evaluated our “negotiations”. First we tried to prevent or at least postpone the deportations. The Germans had promised, and we had paid in exchange. We demanded emigration and they agreed. They promised to bring 300 privileged Jews from provincial towns to Budapest. Over 300,000 had been deported to Auschwitz, without rescuing any of the 300 privileged individuals... Eichmann had used excuses thus far; at first we were told that we had submitted the lists of names to the wrong office; in another instance he claimed that “they had forgotten to grant the telegraphic instructions, and the ghetto was emptied.” Another time the lower offices “disobeyed”; and now Eichmann declares that he simply does not want to keep his promises... if I accept this, then we will become accomplices in the deportation of the very people chosen to be rescued - this after so many hardships. We have reached rock-bottom. We must not continue this way.”

This passage sheds some light on Eichmann’s abuse of Kasztner as well as on the extent of Kasztner’s dependence on the enemy’s arbitrariness. The words “we will become accomplices in the deportation of the very people chosen to be rescued” indicate that Kasztner felt responsible for the fate that befell the people who relied on his rescue plan (the citation above refers mainly to the Kolozsvár leaders, as they constituted the majority of those to be rescued from the provincial towns. Kasztner indeed had a basis for this: the Kolozsvár leaders, whom Kasztner had visited the day after making the agreement with Krumej and with whom he was in constant telephone contact (see below), trusted him and his plan to save them with the help of the Nazis and therefore neglected to explore other escape options (except for Dr. Marton, a member of the Kolozsvár Rescue Committee, who, after Kasztner’s visit, preferred to escape to Romania instead of relying on Kasztner’s rescue plan<sup>293</sup>)).

Those privileged Kolozsvár residents on the rescue list (whose number eventually reached 388 individuals) were not transferred to Budapest until the last Jew from the Kolozsvár ghetto was sent to Auschwitz. They were concentrated in the capital along with those on the Budapest rescue list and interned at a designated camp under SS guard. They were taken out of Budapest only on the night of June 6-July 1, when the deportation reached the capital’s suburbs and Horthy’s veto had already been imposed, which led to the cessation of the deportations after a few days. There they waited for the day that they would be permitted to emigrate to a neutral country, as the Nazis had promised. Even after leaving Hungary, the 1685 train passengers were not transferred to a neutral country, as promised by the Nazis, but rather to the Bergen-Belsen concentration camp, where they were held by the SS as “privileged” - privileged to be exterminated at any time with Eichmann’s whim, if Kasztner’s behavior was not to Eichmann’s liking. It was only after Kasztner made great efforts that 318 passengers were taken to Switzerland in August. The remainder (which included Kasztner’s family), were only taken to

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<sup>293</sup> Marton actually tried to continue his rescue activities from Romania with the encouragement of the leaders of the Kolozsvár Jewish Council. The same is true of Mózes Weinberger, the chief rabbi of Kolozsvár.

Switzerland in December. Until that time, the Nazis used these passengers' lives as leverage in order to control Kasztner and the rescue committee.

Kasztner's agreement with Krumei therefore had two sides. The positive - the possibility of saving Jews, albeit in limited numbers, by the Nazis. The negative - which was actually intertwined with in the rescue: the dependence of this rescue on Nazi benevolence, which meant that both the rescued and the rescuers (the committee) were equally dependent on the Nazis. Kasztner had entrusted the fate of the survivors, including his relatives and friends, to Eichmann. This method of rescue was dangerous, not only for the rescued, who were Eichmann's hostages with the fate whom he could control Kasztner's behavior, but also - and especially - for Kasztner and his public approach. Kasztner had no reason to believe that Eichmann was engaged in rescuing Jews for altruistic reasons; he was well aware that all of Eichmann's actions were aimed at one purpose - the "elimination" of the Jews of Hungary. The fact that at a crucial time for the fate of the Jews, the head of the rescue committee in Budapest was associated with the enemy's leadership in a joint rescue plan and dependent on his good will, was undoubtedly a serious weakness in the Hungarian Jewish defense effort.<sup>294</sup>

### **The Choice Between the two Means of Rescue**

40. On May 2, (the day of the agreement with Krumei), Kasztner stood at a crossroads. One way that lay before the committee was to continue with the rescue system that was independent of the Nazis, the way paved by the committee even before the Nazi occupation and which increased after the occupation with the help of the Zionist organizations.<sup>295</sup> The primary means of this rescue method so far had been the warnings and the "trips." In light of the worsening situation at the end of April, there was ample evidence of the danger of complete deportation and the Nazis' efforts to appease the Jews and to conceal from them the truth about deportations. Thus the task at hand for the committee was to spread the truth, to warn the people against the Nazis' lies and their plots, to increase the organized escape by all possible means and to train the masses of Jews everywhere in preparation for organized action when needed.<sup>296</sup> The Jews in the ghettos - until the beginning of May, only some of the provincial communities were in ghettos and the concentration was still ongoing - were completely cut off from all accurate sources of information.<sup>297</sup> The Jews who had not yet been imprisoned in the ghettos were confused by the waves of false Nazi propaganda and lies disseminated about their future. At this moment, Kasztner first heard about the gas chambers being prepared Auschwitz for the Jews of Hungary,<sup>298</sup> the agreement between the railway administrations of Hungary, Slovakia and Germany to send 150 trains to Auschwitz, the first actual deportation of 1500 Hungarian

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<sup>294</sup> As explained in the previous footnote, there was no "Hungarian Jewish defense effort". Kasztner's negotiations with the enemy - not very different from other Jewish negotiations in Hungary either with the Hungarian government or the Germans, nor from other Jewish negotiations with the enemy in other parts of Europe - did not affect the deportations at all and caused no damage to Hungarian Jewry.

<sup>295</sup> There was no meaningful resistance option of any kind before Kasztner, the "fork in the road" posed by Halevi is a false dilemma. The Zionist movement, in spite of brave missions to the ghettos, the production of fake identity cards and the digging of bunkers, could not organize any serious resistance activity.

<sup>296</sup> Halevi judges the situation from the comfort of posterity and produces alternative historical scenarios based on a fictional interpretation of reality. The Zionists could not "train" the "Jewish masses" for anything. The "Jewish masses" meant children, women, the elderly, and the sick. The borders were strictly guarded, it was not possible to "smuggle" masses out of the country. The Nazis' genocidal plan had been an open secret to the Jews for years - in fact, it was sometimes public information, in the press and on the radio.

<sup>297</sup> The documents and correspondence of the rural Jewish councils make it perfectly clear that they were able to understand what was happening to them. Veszprémy, *Tanácsalanság*, 87-88.

<sup>298</sup> Kasztner and the Hungarian Jewish leadership - including the neológs and the Orthodox - had known about the Nazis' genocidal plan for years. Veszprémy, *Tanácsalanság*, 15-40.

Jews to Auschwitz and the secret information from German agents about the decision to deport all Hungarian Jews. This first rescue option would have required disseminating this tangible news among Jewish leaders, and especially the Zionists, in provincial towns, and through them among the masses.<sup>299</sup> It would have required more than the previous general warnings of Holocaust refugees who encountered complacency and disbelief.<sup>300</sup> It would have meant alerting the leaders and the people of the real and imminent danger of total deportation and destruction, warning them against the Nazis' deceptions. It would have meant spreading the truth about the actual preparations being made to deport the Jews to Auschwitz. This would not only have hindered the Nazis' deceptions, or at least made things difficult for the Nazis to a considerable extent. Rather, it was also a precondition for the training of the people for any organized action, such as large-scale escape, hiding or hiding children among Hungarians, disrupting ghettoization operations, disrupting the deportations, organized resistance to the deportations - active or passive - defensive measures or acts of sabotage.<sup>301</sup> I do not mean to say that all these measures were appropriate or possible everywhere, at every stage and in every case, except that when faced with Auschwitz, the Jews, as leaders, as a people, would have been able to fully consider their options and determine the ways and means suitable for protection or rescue, according to the conditions of the place and time.<sup>302</sup> There is no doubt that this approach - a rescue effort free and independent of the Nazis - would have been dangerous to all who engaged in it and its success was not guaranteed in advance; it is impossible to know how many would have been saved this way and how many would have been lost. No one could have determined in advance who would be saved and who would fall victim. The Nazis would have absolutely opposed these efforts, and it would only have been possible to travel this path without Nazi knowledge and against Nazi will, that is, through underground efforts.

Kasztner's other option was, through Krumei, to involve the Nazis themselves in the rescue and rely on their help. This was the agreement with the SS chiefs. It was convenient and even promised the expected results. The number of Jews who could be saved in this way was fixed, and it was possible to determine in advance who would be saved. Although the number of candidates for rescue according to this method was extremely limited, as already stated, it could be increased to some extent by additional negotiations and by the payment of a large ransom.

The head of the rescue committee had to choose between the two aforementioned rescue options. It would have been difficult to choose both: to benefit from the Nazis' help in rescuing the "privileged", while simultaneously rescuing Jews through anti-Nazi means. It is possible that in an effort to bring Kasztner and the committee itself closer to the Nazis, the Nazis might have allowed trivial rescue operations, such as forging papers and small-scale "trip" funding. It is clear, however, that the Nazis could not allow Kasztner to warn Jews in the provincial towns about their lies and plots or to allow them to organize disruptions to deportation. The totalitarian regime put Kasztner - like any person with whom it sought closeness - in a sharp

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<sup>299</sup> As we have already indicated, attempts have been made to do this. The Zionist and non-Zionist Jewish missions sent to rural ghettos all ended in failure.

<sup>300</sup> These were not "general" warnings, some of the refugees and activists had explicit knowledge of Auschwitz and the gas chambers.

<sup>301</sup> Halevi once again expected impossible actions from the masses of children, women, the elderly and the sick. It goes without saying that although there were Christian Hungarian rescuers - in fact more than the number recognized by Yad Vashem in Israel - there was no openness to the mass rescue of Jewish children on the part of the Christian population, who generally watched passively. The idea that the "Jewish masses" should have "sabotaged" the deportations is unrealistic, almost ridiculous.

<sup>302</sup> Halevi himself realizes here that he is talking about a completely fictional, theoretical possibility, which had only a microscopic chance of truly happening, and even then, it would have guaranteed no results.

bind: you're either with us or against us. Once Kasztner chose one path, he was in fact forced to give up the other.<sup>303</sup>

In order to take both approaches, Kasztner would have had to deceive both the Gestapo and the "Judenkommando" - a very difficult and dangerous endeavor. It was not without justification that Eichmann told him (regarding a different matter - Brand's mission) that he (Eichmann) was more clever than his opponents and could not be deceived. On more than one occasion Eichmann very courteously hinted about the possibility of sending Kasztner to Auschwitz as well:

"Your nerves are too tense, Kasztner; I will send you to Theresienstadt to recover; or perhaps you prefer Auschwitz?" (Kasztner's report, 43)<sup>304</sup>

Indeed, one of the main reasons why Kasztner and the members of the rescue committee, despite their ties with the Zionist underground, were not sent to Auschwitz,<sup>305</sup> was because Kasztner chose the second method of rescue, which depended on the Nazis' consent, and preferred it over the first method; Eichmann was interested in preventing a Jewish and Zionist rescue effort and stopping the Jews from developing an organized anti-Nazi defense.

Kasztner did not dare to deceive the Nazis or play a double game with them; from the moment he opted for the second approach to rescue, the joint rescue with the Nazis (rescuing the privileged) he remained loyal to this approach and to his Nazi partners in this rescue. It was not only the danger of Auschwitz that stopped him from any actual deviation from this plan. Kasztner was well aware that any anti-Nazi action on his part or even on the part of those subject to his influence would endanger the rescue of the privileged, the rescue enterprise which he began and whose completion depended on the mercy of the Nazis. Kasztner did not want to destroy with his left hand what he had built with his right. Nor did he want to endanger the lives of the people who relied on his rescue. For these reasons, Kasztner clung to the rescue work that the Nazis had set for him.<sup>306</sup>

The rescue agreement with the Nazis forced Kasztner and the committee to give up all rescue operations which could have jeopardized the outcome of the agreement. Kasztner and the committee were forced to stop pursuing independent rescue work; they were forced to refrain from giving any concrete warnings to the Jews in the provincial towns, from warning the escape organizations to any significant measure, and it goes without saying - from organizing defense or interfering with the deportations.<sup>307</sup> They were forced to cease or refrain from attempts and efforts to save the people at large or from exceeding the number defined by the agreement. They were forced to not use all the means fit for this purpose, and were compelled to limit and reduce the activities of the committee to rescue only the people pre-determined by the

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<sup>303</sup> As already indicated above, Halevi starts from premises that are wrong: that the rural Jews did not have any information about the Holocaust and that mass Jewish resistance was a real option. Consequently, there is not a single sentence in this paragraph that makes sense.

<sup>304</sup> This is an incredibly important detail that is completely overlooked in Halevi's judgment. Kasztner himself was a persecuted Jew, whose relatives and loved ones were also persecuted, and who himself lost relatives in the Holocaust. Kasztner was gambling with his life when he assumed his role as a rescuer.

<sup>305</sup> Halevi essentially states here that he would only be willing to "acquit" Kasztner of the "charge" of collaboration if the Zionist lawyer eventually perished in Auschwitz.

<sup>306</sup> Here, Halevi essentially condemns Kasztner because he refused to directly endanger the lives of hundreds, ultimately more than a thousand Jews.

<sup>307</sup> Again, it is necessary to state that the "possibilities" described by Halevi were not real possibilities.

agreement with the Nazis. The true ramification of the rescue agreement between Kasztner and the SS was to limit the committee to only engaging in rescue that depended on the consent of the Nazis.<sup>308</sup> The "authorized" method of rescue on behalf of the government had to become the only rescue method of the committee. Giving up unrestricted rescue was the price that Kasztner paid for the "authorized" rescue on behalf of the SS.

The Nazi murderers thus succeeded in "regulating" Jewish rescue affairs and brought them under Nazi supervision and control. It was Eichmann who now determined the rescue quota and its conditions, and he could see it carried out. The Jewish Rescue Committee was allowed to engage in rescue "on behalf of" its taskmasters, to submit lists of rescue candidates, to negotiate for an increase in the quota, to raise funds from Hungarian Jews and from Jews around the world (the JDC and the Jewish Agency) for the purpose of transferring them to the SS as ransom. The rescue committee could take care of the camp in Budapest for the rescue candidates<sup>309</sup> on its list and deal with all other matters related to the authorized rescue under supervision of the SS. On the other hand, the committee was forbidden to engage in rescuing Jews in unauthorized ways that were beyond the control of the SS. The Jewish Rescue Committee was given the limited number of lives to which Eichmann had agreed; it was not allowed to try to save Jews that the executioner did not give permission to save.

The "agreed upon" rescue on behalf of the SS was the rescue of the privileged<sup>310</sup>; the "free" rescue that Kasztner had given up on touched all the other Jews. The price that Kasztner paid for rescuing the privileged few was to waive the chance at illegal rescue of the rest of the Jews who were "unqualified". Indeed, non-interference with the Nazis' plans and actions, non-interference in the comprehensive deportation operation - this was the minimum "good behavior" that Eichmann could have expected and demanded of a man very much dependent on him and in need of his help. The agreement with Kasztner allowed the oppressor to achieve his goal of taking control during the Holocaust by controlling the Zionist Rescue Committee and to exclude it from the battle<sup>311</sup> for the fate of the Jews of Hungary.

A message from Kasztner that placed the fate of the entire rescue on the Nazi card only, is implied from the same passage in the report, in which Kasztner describes his reflections on June 3, due to Eichmann's temporary refusal to fulfill his promise regarding the rescue of the privileged candidates from Kolozsvár and from the other provincial towns (paragraph 39). In this passage, Kasztner states (p. 43):

"It's clear to me what's at stake now. It's not a matter of saving a few hundred Jews from the countryside alone. If we can't get Eichmann to compromise, then the committee, which placed its bets on the German number in the roulette game of life, will have naively lost just as much as its predecessors in occupied Europe. In our vain attempt, the masses of millions will be left with nothing but consternation. The loser in this game will also be called a traitor."

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<sup>308</sup> Of course, the Zionist movement and Kasztner's team - for example Ottó Komoly, Ernő Szilágyi, etc. - tried to help Jews in many other, smaller actions. Kasztner's task was to negotiate with the "German line", so it is unnecessary to hold him accountable for the fact that he performed this task.

<sup>309</sup> The numerous hiding places, apartments and bunkers maintained by the Zionists and the Kasztner team naturally provided shelter not only to the persons leaving on the train later, but also to hundreds of other people in hiding. Only in the "Glass House" on Vadász Street in November - after the departure of the Kasztner train! - they gave food to two thousand people daily.

<sup>310</sup> Again, more than half of the passengers of the Kasztner train were children.

<sup>311</sup> Unfortunately, no such battle was being fought.

## The Secrecy of the Agreement with the SS

### The Obligation of Secrecy

41. The agreement with the SS imposed secrecy on Kasztner: he was now involved in “Reich secrets”. Even at the negotiation stage, prior to the agreement, Krumei warned Kasztner that the plan to allow 600 Jews to emigrate with the Nazis’ consent, as well as all matters related to the negotiations constituted a “Reich secret”. In fact, Kasztner only reluctantly revealed to Krausz, the man in charge of the 600 Palestine immigration permits, that this would be “emigration to the Land of Israel disguised as deportation.” (paragraph 23) At the very start of the negotiations, the SS chiefs forbade Kasztner from having any contact with the Hungarian authorities, and they were insistent that the negotiations be kept secret. On 10 May Kasztner was imprisoned by the Gestapo, and over the course of his two day incarceration he was interrogated by Klages, the head of the Gestapo, about his ties to [József] Garzuly, a member of the Hungarian General Staff, and on the provision of information regarding the negotiations with the SS to people in Hungarian circles (Kasztner’s report, 34).<sup>312</sup>

The rescue of the privileged few from provincial towns was a “secret of the Reich”, a secret from both the Hungarians and the Jews in the provincial towns. In Kasztner’s report, in the chapter entitled “Zionist Conspirators”, Kasztner recounts how Eichmann was persuaded on June 3, after revoking his consent to save the privileged few from provincial towns (paragraph 39), with the help of Wisliczeny, Eichmann eventually agreed to the transfer of privileged Jews on the list from Kolozsvár to Budapest. According to the report, Eichmann said to Kasztner (p. 44):

“Don’t you understand? I cannot take this responsibility upon myself in the eyes of the Hungarian government. I cannot play the role of savior of the Jews. I promised Laszlo Andre that no Jew would return to this country alive!”

Then Wisliczeny... intervened in our conversation. ‘Adolf,’ he said. ‘I don’t think we’ll have any difficulties with the Hungarians. I told Officer [László] Ferenczy that we’ve discovered a dangerous Zionist connection and we are monitoring it in other provincial ghettos. I told him that these conspirators could not be lumped together with the others, otherwise it would cause unrest in the Reich and interfere with work.’

‘And what did Ferenczy say about that? Did he swallow it?’

‘He swallowed it. Baky and Andre know about this matter as well.’

‘They swallowed that!’, Eichmann repeated with a smile. On his face, he had an expression of supreme satisfaction over the diplomatic genius of the master race. After weighing his thoughts for a brief moment, he said, ‘Fine then, the people of Kolozsvár will come to Budapest!’”

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<sup>312</sup> Halevi presents Kasztner's promise of secrecy as if it were proof of collaboration with the Germans. Looking at the wider context of the story, the truth is that behind the scenes of their alliance there were many frictions between the collaborating Hungarian bodies and the German occupying forces, among other things over Jewish property. It is completely reasonable that the Germans obliged all parties concerned to secrecy, as the Hungarian government would have expected in the opposite case.

Later in this chapter, in explaining how the 388 people to be rescued from Kolozsvár, out of 18,000, were chosen, Kasztner said, *inter alia* (p. 46):

“Eichmann insisted that we in Budapest *had to stipulate the names* of these people (the author’s emphasis). We nevertheless attempted to suggest to Eichmann that he leave the group’s train under the control of the local Jewish council in Kolozsvár. Eichmann refused. He said that doing so would *lead to murder* in the ghetto (he went on to say) that he did not want to attract attention, otherwise ‘it would be impossible to keep the Hungarians from sensing a ‘Zionist connection’.’ Therefore, it was necessary to create a list... We very, very much wanted to only include small children and young people on the list, without regard to their parents or or older relatives. We could not do this for two reasons:

1. We had to save many adults, otherwise we might arouse suspicion of the ‘connection’, and Eichmann stood firm on this point.
2. We did not want to dare to separate relatives from each other... some might wrongly assume that we were saving wealthy people who had paid for their own rescue. Only very few people on Kolozsvár knew why they were placed on a special transport. We had to guard ‘the secret of the rescue.’”

That is where Kasztner’s report ends regarding “the secret rescue”.

### **Kasztner’s Report**

42. At this point, it is important to point out the merger of partial truth, feigned innocence, and the distortion that characterizes Kasztner’s entire report and reflected in the aforementioned as well. When reading Kasztner’s report, one gets a sense of Brand, who was asked in his testimony (2:2) why he had not met with Kasztner since 1948, and replied that one of the main reasons for this was the aforementioned report provided by Kasztner on behalf of the “Budapest Rescue Committee” unbeknownst to the witness (Brand), a committee member and one of its founders, and that he “disagreed with its content completely”. The witness was asked — since at that point the report had not yet been submitted as presented and it was impossible to inquire about its details — if there was any main point in the report that with which he disagreed, or did he disagree with “all sorts of fine print,” to which he replied:

“The fine print contains many important points.”

Let’s take, for example, the section that begins with the words, “We very, very much wanted to only include small children and young people on the list”. Indeed, the question is very important: If it was only possible to save a limited number of people, why did those in charge of making the lists not give priority to children?<sup>313</sup> Grósz, the witness from Kolozsvár, who worked closely with Balázs, recounts:

“Members of the labor battalions asked and requested that their children be taken to Switzerland, instead of taking the elderly and the rich... they didn’t take their children, they took only the rich and the well-connected... we saw this. They put the list together and saved the people listed, but the young kids all went to the gas chambers.”

Kasztner’s reply to this question mentioned above was that children and teenagers could not be saved for two reasons:

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<sup>313</sup> Again: more than half of the passengers of the Kasztner train were children.

1. „It was necessary to save many adults, otherwise it might arouse suspicion that there was a 'connection', and Eichmann stood firm on this.
2. We couldn't muster the mental strength to separate family members from each other.”<sup>314</sup>

However, the seeming “Zionist connection” only became known to Eichmann on 3 June, according to Kasztner's report (p. 44), whereas Kasztner's lists were assembled and submitted in the first half of May, and they stayed more or less consistent after that (see testimony of Herman, Danzig, Freudiger, and Kasztner himself). On 19 May, Kasztner and Mrs. Brand asked Eichmann “why haven't the people designated for immigration been transferred from the provincial towns to Budapest, as Krumej promised?” (Kasztner's report, 38). On 22 May, “I again requested that those designated for rescue from the provincial towns be brought to Budapest and I gave him (Eichmann) copies of the lists again” (ibid., p. 39); on 1 June, “I again requested that those to be rescued in the provincial towns be brought here,” and Eichmann promised to send an order by telegraph “that those on the list be brought out of the remaining ghettos in Transylvania” (ibid., p. 39), and at the end of that meeting on 3 June in which Eichmann first heard about the “Zionist connection” ruse, he ordered one sergeant to go immediately to Kolozsvár, and the sergeant “took the list of names that I submitted to Eichmann with him” and left “in a hurry” (ibid., p. 44). Therefore, it is clear that the composition of the lists was not at all affected by the “Zionist connection, upon which Eichmann insisted”. The lists that Kasztner compiled, whether for Kolozsvár or for the other provincial towns, were based on the principle of keeping whole families together (reason B of the above section). This principle limited the number of individuals that could be saved according to the set minimum. For example, only seven families from Debrecen were brought to Budapest, who were comprised of 85-88 individuals (Dr. Weiss' testimony, p. 492, Kasztner's report, p. 53), and the same approach was implemented in Kolozsvár and the other provincial towns. Kasztner never attempted to generate his lists according to the principle of “child rescue”.

The rescue of the privileged few (the “prominent” was Kasztner's term) fit better with Eichmann's goals than rescuing children, and we can presume that Eichmann would have rejected lists of children, had Kasztner attempted to present lists of children instead of lists of adults<sup>315</sup> - not because of the alleged concern about a “Zionist connection”, which only appeared after the fact. It was because of Eichmann's murderous goals, which were aimed first and foremost against Jewish children, “the biological foundation” of the Jewish people. The Nazis gave intense focus to the extermination of Jewish children. In the “selection” at Auschwitz, the Nazis prioritized sending children to the gas chambers and the crematoria. He would not have easily given children rescue priority. Therefore, Kasztner should not be faulted for not gaining Eichmann's permission for children's emigration to the Land of Israel. Had Kasztner acknowledged that his entire rescue effort was dependent on the SS and therefore only enabled the rescue of a privileged few along with their families, and not “lists of children and teenagers,” then there would not be room to object to this point in his report; however his

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<sup>314</sup> Halevi was not aware of the reality of the ghettos, so it does not occur to him that Kasztner might be telling the truth. The truth is that parents often did not want to be separated from their children even when they had the opportunity to save them. This is clear from the stories of the rural Hungarian ghettos from which certain passengers were finally selected for the deportation wagons bound for Strasshof instead of Auschwitz. Veszprémy, *Tanácstalanság*, 80-81.

<sup>315</sup> Halevi proves here again that his previous argument was meaningless: he calls Kasztner a liar for missing an opportunity that Halevi did not even think was real. The truth is, of course, that the Zionists and Kasztner prioritized the rescue of children, and in the end more than half of the passengers on the Kasztner train were children. In light of the above, this was a brilliant performance, which deserves praise in itself.

self-righteous claim that he “very, very much wanted to” save children, along with his excuse about a “Zionist connection, on which Eichmann insisted” are words that are simply untrue.

### **Rescuing Children**

42. Eichmann's relation to the rescue of children is evidenced by a passage in the verdict in the Veessenmayer trial (exhibit 32, p. 104), and also sheds light on Brand's mission (below). It states there:

“The files include substitute documents (official) extending from the beginning of May 1943 until the end of May 1944. At that time a proposal was made that Romania would allow 70000 Jewish children up to age eight to emigrate to the Land of Israel. The German representative in Bucharest, Killinger, requested that a final decision be made...the matter was also presented to Eichmann of the Reich Security Main Office, who answered that the proposal to allow Jewish children to emigrate should be rejected out of principle; and if 5000 Jewish children from the occupied east would be allowed to emigrate, they should be exchanged for arrested Germans at a ration of four to one. These 20000 repatriated Germans should be young enough to have children, that is, under age 40, and the negotiations had to be finished quickly because it was almost time for ‘our actions against the Jews’, and after that, the emigration of 5000 children from the eastern areas could not happen due to a technicality. Eichmann's words ‘due to a technicality’ had one very specific meaning: that these young, unfortunate children would soon no longer be alive. At the end of May 1943, the Swiss envoy Feldscher conveyed a request from the British government to Albrecht, the head of the legal department that asked Germany to agree to the emigration of 5000 Jews, 85% children and 15% adults from Poland, Lithuania and Latvia to the Land of Israel... On June 25, Von Thadden formulated a memo... that included the machiavellian proposal to prevent the emigration by insisting on impossible conditions; that England should declare its readiness to allow the children to come to England instead of to the Land of Israel, and that it must prove its readiness by passing a resolution in Parliament. It was expected that the English would not fulfill this request and England would be responsible for the fate of these 5000 Jews. If England unexpectedly did meet this requirement, then it would be possible to take advantage of the proposal for propaganda purposes, and Germany could propose exchanging the Jews for captured Germans... On 2 May 1944 Feldscher returned to the legal department administrator and communicated that regarding the emigration of 5000 Jewish children, the British government sought to place them within the British empire, but not in the Land of Israel or in the Middle East. Von Thadden remarked that the Reich Security Main Office had secretly informed him that the only place where 5,000 children could still be found for emigration was the Litzmannstadt ghetto (Łódź) and that this ghetto as well would soon be liquidated as per Himmler's orders... Ultimately, on 17 May 1944, Ribbentrop ordered that regarding the Feldscher matter, no new steps should be taken. In the negotiations described above, the Nazis played the dirtiest trick... all the steps taken by the German foreign ministry and all of its proposals were for the purpose of rendering worthless all the efforts of the respected, neutral and enemy countries who wanted to take in the children; the goal was to cause the act of these 'good Samaritans' to fail, and to distort their proposals for the sake of Nazi propoganda.”

It is important to highlight the following passage from the same ruling (p. 105):

“On 29 June 1944, Veessenmayer requested instructions regarding how to respond to the proposals from the Swedish, Swiss and American governments to allow emigration of certain groups of Jews. The first proposal came from the Swedish government to allow 400 Jews to emigrate to Sweden or to the Land of Israel. The second was a Swiss proposal regarding 10000 children to be accompanied by 1000 adults. There were also three additional proposals involving smaller groups. The American War Refugee Board requested that children under the age of ten be allowed to emigrate to the Land of Israel. Hungary sought to accept the American request. The German foreign ministry recommended that Veessenmayer ask the Hungarian government to respond to Switzerland and America not to allow emigration to the Land of Israel, as the Land of Israel was located in Arab territory and Hungary must not participate in dispossessing Arabs from their homeland. Aside from that, the order was that the response should delay the entire matter for two to three weeks and by then the actions against the Jews would be complete - that is to say the deportation of the Jews from Hungary - and any intervention would be unnecessary... Germany’s repeated claim that it was concerned about upsetting the Arabs was not made in good faith. Rather, it was an excuse in order to enable the ongoing deportations, the forced labor transfers and the murders.”

### **“The Secret Rescue”**

43. We shall return to the matter at hand - the SS leaders had obligated Kasztner to secrecy regarding the rescue. We saw that all the negotiations between Kasztner and the SS and the entire plan to rescue the “privileged” were "secrets of the Reich", which Kasztner was not allowed to disclose. Rescuing the privileged from the provincial cities was kept secret not only from the Hungarians, but even from the Jews of the provincial towns themselves. In one of the passages mentioned above from Kasztner’s report it states (p. 46):

“Only a few people in Kolozsvár knew why they were placed on a special transport. We had to maintain ‘rescue secrecy’.”

In a different passage it states that Eichmann refused to allow the train list of passengers to be in the hands of the Jewish committee in Kolozsvár, which he justified by saying -

“It will lead to murder in the ghetto.”

The mere existence of this argument has a reason and it requires attention. Why would Eichmann be concerned about preventing Jews from murdering each other in the ghetto? The passage goes on to say that Eichmann -

“...did not want to arouse attention.”

Here, the report quotes someone (Eichmann) as saying, that there was a different justification - “It would be impossible to keep the Hungarians from seeing through the pretense of a ‘Zionist connection.’” However here as well, just as in the adjacent passage about “the rescue of children”, this justification attributed to Eichmann does not fit the date of our current matter. The entire passage, beginning with the sentence: “Eichmann insisted that we, in Budapest, had to specify by name those who would be rescued”, and up until the final sentence: “It was therefore necessary to create a list”. All of this deals with a matter that preceded this time period

significantly - as became clear above - that Eichmann relied entirely on the “Zionist connection.”<sup>316</sup>

Kasztner’s report contains nothing that rationally explains the need for all this secrecy. Why was the rescue of these privileged individuals a “secret of the Reich”?<sup>317</sup> Why did Eichmann make himself seem concerned with preventing murder in the ghetto, why did he seek to avoid drawing attention to the rescue plan? Why could no one inform the residents of Kolozsvár, even - according to Kasztner - those who themselves would be rescued until they were out of Kolozsvár about the “secret rescue”?

### **The Root of the Secrecy**

44. The truth is that both Eichmann and Kasztner had a reason to keep the rescue a secret. Eichmann’s words to Kasztner about the danger of murder in the ghetto hint at this joint rationale. Had the ghetto residents known or suspected that Nazis were planning to send them to Auschwitz and send a privileged few to a safe haven, this could have caused a rebellion that could both endanger the lives of those designated for rescue and endanger the deportation plan as well.<sup>318</sup> Not only would complete, clear knowledge of the Nazis plan to exterminate the masses and rescue a select few endanger these plans, but even partial knowledge or any infiltration of the details of the agreement between Kasztner and the SS for a separate rescue of a privileged few - could have potentially stirred suspicion in the Jews’ hearts. The success of the extermination plan depended on surprising the Jews and completely misleading them, and so there was a need to keep any and all suspicions out of the victims’ hearts. In order to ensure the success of his task, Eichmann imposed a total blackout on his plans, including the rescue component. The essence of the term “rescue” was likely to imply to the victims that there was a danger of extermination, and so it was convenient for the leaders of the SS that Kasztner used the term “Aliyah” (immigration to the Land of Israel). Dr. Hermann, one of the Zionist leaders in Kolozsvár and one of the heads of the Bergen-Belsen transport, testified that (380, 382):

“In our eyes, this was not a rescue train, but rather an aliyah train, and so we wanted to board it and emigrate to the Land of Israel via Spain. In those days, aliyah was a very, very appealing prospect given the cruel conditions of our situation... The choice was not to rescue 380 Jews out of 18000, but rather to enable aliyah. We were not aware of the extermination, only that there was danger. We were not aware of the extermination.”<sup>319</sup>

Even if Hermann is overstating things in this testimony (compared to his words in paragraph 53 below), in any case it is clear that there was a close Zionist connection to the operation (Hermann 366). The group was largely composed of Zionists and the defined goal was to eventually have those rescued make Aliyah. This served as an effective cover for the rescue operation so that it would not arouse any suspicion of extermination. Kasztner understood well

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<sup>316</sup> An important element in Halevi's argument is that Eichmann could not have wanted to keep his negotiations with Kasztner a secret, because at that time the Hungarians did not suspect anything. The truth is that the Hungarian secret service was watching Kasztner even before March 1944. The secrecy was perfectly justified from Eichmann's own point of view and is not evidence of the conspiracy theory explained below.

<sup>317</sup> It is almost amusing that according to Halevi, Kasztner should have explained the SS's own security concerns.

<sup>318</sup> Again, Hungarian Jewry had clear knowledge of the Nazi plans to exterminate European Jewry even before the German occupation.

<sup>319</sup> As already noted, Hermann later admitted that by this time, they were aware of Auschwitz.

- and the aforementioned passages about “murder in the ghetto”, preventing “attention” and keeping the “secret of the rescue” attest to the fact that Eichmann and his aides expressed to him in very explicit language - that those listed for rescue, including his friends in Kolozsvár would not be saved from the Holocaust, if even a trace of knowledge about the real purpose of the rescue reached the ears of the masses: the purpose was to rescue the leaders from the imminent Holocaust of the Jews. Kasztner knew that the more the differing fate of the privileged and the fate of the masses became blurred, the more likely the rescue operation was to succeed. Also, the more knowledge of the Nazis’ plans, whether regarding the extermination of the majority or the rescue of a minority, would filter into the ghettos, the lower the chance that the privileged few would be rescued. Eichmann and Kasztner, for differing reasons, were both interested in keeping the “Reich’s secrets”. Eichmann - in order to ensure the success of the extermination, and Kasztner - in order to ensure the success of the rescue plan.<sup>320</sup>

These matters do not boil down to merely “the secret of the rescue”. The secret, to which Kasztner gave such an innocent-sounding moniker, when he said that “we must keep the ‘secret of the rescue’” - was, in truth, part and parcel of the terrifying secret that the Nazis had obscured - the secret of the impending extermination. The extermination and the rescue were bound up in each other. Anyone who divulged the “secret of the rescue” was also revealing traces of the secret extermination. The rescue operation was deemed a “Reich secret” in order to create additional secrecy regarding the extermination plan. If Kasztner was forbidden from revealing the “secret rescue”, then how much more so was he forbidden from revealing the imminent extermination. If revealing the “secret rescue” would lead to “murder in the ghetto”, then revealing the secret extermination would lead to exponentially more murder. If revealing the “secret rescue” would cause upheaval and rebellion in the ghettos, endangering the rescue and interfering with the deportation and extermination, then revealing the impending extermination would have been explosive and would have ruined all the plans. Kasztner knew well that any breach in the wall of secrecy that surrounded the extermination plans would endanger him and the rescue committee and would put an end to the joint rescue plans. The ties to the leaders of the SS, upon which Kasztner placed the fate of the rescue plan, obligated him to keep the extermination plans a secret from the majority of Hungary’s Jews.<sup>321</sup>

## **What Kasztner Knew**

### **What Kasztner Knew**

45. Kasztner indeed learned of the extermination plan at the same time as the “secret rescue”. The essence of the rescue plan (that is “the secret rescue”) began and materialized because Kasztner knew about the extermination plan. Even the SS leaders knew that Kasztner knew about the extermination plan, and their conversation with Kasztner revealed more and more.

In his testimony, Kasztner said (p. 222):

“Wisliczeny told the Jewish organizations in Budapest to prevent panic. The Germans used tricks in order to hide their intentions to exterminate. They spread rumors

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<sup>320</sup> Apparently, it does not occur to Halevi that 1. a single Jewish lawyer could not significantly influence the course of the Holocaust in Hungary, 2. the Jews of Kolozsvár did know about the Holocaust before the German occupation, and 3. that the Jewish community of a city knows about the Holocaust does not in itself mean that they will try to rebel before the deportations.

<sup>321</sup> Again: Kasztner could not, in any way, influence the Jews of Hungary who lived in more than 300 ghettos scattered around the country.

throughout the country using many means and methods so that the Jews would stay in Hungary. The Hungarian authorities publicized laws made to give the Jews the impression that they would not be deported out of Hungary - this was also part of the German deception; and there were more tricks. They tried to use these tricks with us at first, but we didn't believe them for a moment."

At the end of April Kasztner knew that the ghettos were camps to facilitate the coming deportations, and that in Auschwitz preparations were made to receive the Jews of Hungary, that the deportation trains were ready and the the first deportation train had brought 1500 Jews to Auschwitz, and he concluded (paragraphs 24-26) that the total deportation of Hungarian Jewry was inevitable and quite imminent. On 5 May Kasztner turned to Krumei to clarify the situation and asked him to explain why the Jews of Kistarcsa were deported (with Auschwitz as their destination). Krumei gave an evasive answer - that they were sent to a place seemingly called "Waldsee" - he barely tried to conceal the truth (see the description of this conversation in Kasztner's report, 31). At the same time, Krumei changed the subject away from the lost cause of the fate of Hungarian Jews to the practical matter of the rescue plan, which they had agreed upon in the same meeting.

On 3 May, Kasztner traveled to Kolozsvár with special permission from Krumei, in order to meet with Wisliczeny and to get a definitive answer from him about the general deportation. Wisliczeny (according to Kasztner's testimony, p. 38) -

"He complained that the trust they had seemingly given (to us, the committee, and to Kasztner personally, when we turned to him) aroused Eichmann's wrath, and so he sent him (Eichmann sent Wisliczeny) to do the dirty work of rounding up the Jews, as he put it - so that he could not build an 'alibi.' He didn't specify, but it was understood - that he, as a leading murderer, would not be involved in rescuing Jews, but rather in exterminating them... As for the question of what the final decision was, he told me that he was pessimistic as far as we were concerned, but we asked to meet him at his private apartment in Budapest in a few days, and that meanwhile he would examine the situation and tell us precisely what was planned."

On 8 May, Wisliczeny, at his villa in Budapest, privately informed Kasztner (Kasztner's report, 34; Kasztner's testimony 39) that it had been decided that the Jews of Hungary would all be deported.

### **Eichmann's Proposal to Brand**

46. That same day, 8 May (according to Kasztner's report, 34, and according to Brand's testimony, p. 648, in April already) Eichmann invited Brand to meet and proposed the following, to which Brand testified (p. 648):

"The conversation with Eichmann remains in my head like a gramophone recording. He turned to me and said, in these measured words (the witness imitates the German accent): 'Do you know who I am? I carried out the operation in Germany, Austria, Poland, Slovakia, etc. I was chosen to carry out the operations in Hungary. I have investigated you to see if you and the Joint (the JDC) have the ability to make a deal. I want to do business with you - goods for blood, blood for goods. I am prepared to sell you one million Jews. What do you want me to save - women who can give birth? Men

who can father children, the young,<sup>322</sup> the old? Speak!’... I was in shock, as if I had just received a punch. I was not a politician, and I answered with the words that came into my mouth:

‘I am not authorized to determine who will be murdered by your hand, I want to save everyone. I don’t understand this business. From where will I obtain goods? You have confiscated everything. Perhaps I can obtain money, from the Jews here or from our friends abroad, to save the Jews.’

He answered: ‘If so, then travel abroad, go to Switzerland, go to Turkey, go to Spain or wherever you want, and get me the goods.’ I asked him what goods, and he answered:

‘Get me any kind of goods, for example - cargo trucks! For 10.000 cargo trucks I am prepared to sell you one million Jews, and add another 1000 tons of tea or coffee and soap - I need all these things’ (p.654). ‘We won’t use these cargo trucks on the Western front, rather on the Eastern front’ - this stood out as an attempt to drive a wedge between the allies (p. 659). My answer was: ‘I don’t know if I can obtain this, but beyond that I don’t think that anyone will consider this a serious proposal. No official source would assume that if he gives you 10.000 cargo trucks, then you will actually free one million Jews.’ He then proposed that he would give a ‘down payment’ of 100.000 Jews, and only then would he request 10% of the goods. Afterwards he would give another down payment of 100.000 Jews, and that I could choose the Jews from Hungary, Auschwitz, Theresienstadt, Slovakia, from any place I wanted. He also stated sharply and explicitly (Wisliczeny and Krumej had already mentioned it in earlier conversations) that he could not allow emigration to the Land of Israel, because he had an agreement with his friend the Mufti and he had promised him this. He said that he wanted to send the Jews to Spain and that we should take them to Africa, to South America or to North America, etc.’

I left like a madman, all the members of the committee were waiting for me... there were strenuous discussions between all of us about this fantastic-satanic proposal. We took turns speaking and no one could think of anything else. All the committee members took part, Councilor Stern, the leaders of the neológ community, Freudiger on behalf of the Orthodox, every important Jewish personality.<sup>323</sup> I knew the nature of the SS and the Nazis. I had heard it with my own ears: ‘We are prepared to give you a down payment of 100.000 Jews, we are prepared to halt the deportations and the exterminations (Eichmann went so far as to say this and admitted to the exterminations)’... I had nothing to lose, if I could get a down payment of 100.000 Jews and meanwhile the deportations would stop - I didn’t consider Eichmann’s intentions and goals and I wasn’t interested in them.”

Kasztner said in his testimony (p. 42, 44):

“I had been working continuously for a year on the proposal that Brand was given. Eichmann and the other German authorities repeatedly went over it with me. Brand contacted me and then later the committee saying that Eichmann had proposed allowing the Jews of Hungary to get out of Hungary in exchange for goods and not in exchange for money. He specifically mentioned cargo trucks. He was prepared to release 100 Jews for every truck. However, he could not do anything for the Jews as long as they

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<sup>322</sup> This quote alone contradicts Halevi's assertion above that the Germans were completely against the rescue of the children during the negotiations with Kasztner.

<sup>323</sup> This quotation clearly refutes Halevi's argument, already presented, that Stern and Freudiger were not aware of the substance of the negotiations, even if this doesn't mean that they fully agreed with them.

remained in Hungary. 'I can only sell them to you from Germany', he said. Therefore, he was going to begin deporting these Jews to Germany and at the same time he was prepared to enable Brand to reach Istanbul and to offer this proposal. If there was a favorable response in principle within two weeks, then he was prepared to negotiate the details of the operation, otherwise we would have to suffer the consequences... In the committee we said to ourselves that this was a perverted approach on the part of the Germans to ask the Allies to assist German war efforts. We were under no illusions regarding the realisticness of these proposals, but we had not gathered to judge the matter. Our job was to save Jewish lives. We had to get the proposal to the top Jewish organizations and alert them about the decision and the initiative. We considered our chances quite slim, if not impossible, but we hoped that the Jewish organizations along with the Allies would find some way to maintain the contact that we had made, thereby buying us a lot of time."

In his testimony, Freudinger was asked (23:12):

"Before Brand left, did the Jews consult with each other?"

No. We accepted it as a fact, as a fait accompli. One day Kasztner said that we wanted to speak with us... urgently, and there was a meeting. Dr. Kasztner and Brand came to Orthodox community's offices. Then Kasztner told us... the proposal about the trucks and that they wanted to send someone... to Istanbul, and he felt that Brand should go and not him. I was sorry to hear this and there was a vigorous debate between us, Kasztner and Brand.

Why were you sorry to hear about this?

Because I said this won't be good. First of all, we can't give trucks to the enemy... money can be received and given - '*non olet*' [doesn't smell]; but trucks?! And how are you going to get them? And from whom? He said: In Istanbul there is a rescue committee, there are Jewish Agency representatives there, and we can arrange it. I told him that I didn't think so. He said: You are not a Zionist, that's why you don't think it can be done. I said true, I'm not a Zionist, but aside from that I don't think it's possible.

Kasztner then said: What can we do? This wasn't what we proposed, Eichmann came along and offered this. After that Link (Gizi) said: If we do something like this, we can't send Brand. We know Brand, he was basically a good man, a man of vigor who was ready to sacrifice, but anyone who knows him knows that we can't send him on this sort of diplomatic mission. He wasn't well-known. Link said that we had to send Dr. Károly Wilhelm... Dr. Kasztner said: it's not up to us, and since Eichmann only knows me and Brand, it's a choice between us, and he wants to send Brand. I said: At least you go! I genuinely thought that Kasztner had more of a talent for this sort of thing than Brand. He said: it's not up to me, whoever Eichmann chooses has to be the one to go... we gave Brand a letter of support signed by Stern and me and I think Niszon Kahán also signed it.

You gave it to Brand?

Yes, it was necessary to give him such a thing.

So that they would receive him in Istanbul?

Yes, that he was authorized to speak on behalf of the Jews of Hungary.

Meaning that you agreed to this mission?

Yes, we had no choice. It was impossible to say that he shouldn't go."

Krausz testified (17:66):

"I once participated... in a gathering of all the Zionists. And Kasztner informed us that a certain man would be travelling - he didn't say whom... no one said what Brand's role was, only that he would be travelling... to Turkey to provide details to the higher-ups at the Jewish Agency and to World Jewry, and that if Brand's negotiations and his proposals succeeded, then the deportations would stop. At that point, I asked for one answer: If the Germans were dealing with such a serious question such as this and they were sending a Jew to establish contact with world Jewry, then why had the Germans begun the deportations three or four days ago? Neither Kasztner nor Brand gave me an answer.

What was the date?

13 or 14 May."

In a joint letter on 14 May (exhibit 26), Kasztner and Brand gave Saly Mayer a report about how matters were developing since their previous letter on 25 April (paragraph 37). After approving two letters and receiving "gifts" from Saly Mayer, they described the catastrophic situation in the ghetto, the anti-Jewish incitement in the newspapers and on the radio that had recently peaked. They mentioned the deportation of those held in Kistarcsa "to an unknown location outside of Hungary, according to rumors that cannot be verified - to the industrial center of Birkenau" (Birkenau was part of Auschwitz, the gas chambers were there). They continued:

"The first deportation transports... have left Hungary, and according to the latest information we have it looks like they are preparing additional deportation transports on a very large scale. As far as we know they have already prepared sufficient locomotives and train cars, and the Jewish masses are apprehensive waiting to see how things develop... In the last few days, we've been brought before new people with whom we are to negotiate, and their appearance can be thought of as a sort of deus ex machina. These new supervisors are apparently in complete charge of the Jewish question. They do not have friendly intentions, yet they apparently appreciate having sensible people with whom to collaborate in the negotiation.

...In this changing situation, we have tried over the last few weeks to prevent the coming catastrophe by showing flexibility. The negotiations that began with Wili (Wisliczeny) have therefore reached a stage that gives us a ray of light in the darkness and offers us a new perspective. We hope that in the coming weeks we will have the opportunity to travel to you and give you a more detailed report. Meanwhile, we are focusing our efforts on preventing the deportations and arranging for large-scale aliyah, to the extent possible... Regarding aliyah, we are facing circumstances that we regard as

exceedingly challenging... as far as aliyah to Stephan (emigration to America), our current partners can be seen as exceedingly placating. They are vigorously encouraging large-scale aliyah to Stephan using every justification, and in contrast, they are only allowing 750 individuals to make aliyah to my land [Palestine]... From among the signatories below, Yoel will travel this Friday to Istanbul to communicate the proposals...”<sup>324</sup>

### **“12.000 Daily”**

47. The total deportation of the Jews of Hungary to Auschwitz at a pace of 12.000 daily began in the middle of May, after a few individual deportations took place several days earlier. On 15 May, Eichmann met with Brand for a final interview (Brand’s testimony, 650):

“You will now be travelling, and I am starting deportations today, 12.000 Jews every day, but I will not exterminate these Jews. You have one to two weeks to respond. I cannot hold your Jews in place forever, but if the negotiations need to continue, so be it. However you must respond quickly, and if you reply that the proposal has been accepted, then I am prepared to give you a down payment immediately, halt the deportations, stop the gassing and stop the exterminations in general.”

On 17 May (or 18) Krumey accompanied Brand from Budapest to Vienna and on 19 May, Brand, along with Bandi Grosz, flew to Istanbul on a German plane. Menachem Bader, chairman of the Jewish Agency’s rescue committee in Istanbul, testified about the report that Brand gave the aforementioned committee on the day he arrived in Istanbul (p. 528):

“Brand told us at a meeting... about the Jews’ situation, about the fact that 12.000 Jews were being sent every day to be exterminated (men, women and children), that most of the Jews from provincial areas had already been transferred to deportation sites, and we knew that this meant extermination sites; he informed us that the crematoria at Auschwitz did not have the capacity to burn all the bodies, and so in the forest next to Birkenau, next to Auschwitz, they had set up pyres. The bodies of those already killed not by gas but by machine gun fire were brought there to be burned... we sat there in shock.”

### **Eichmann’s Refusal to Halt the Deportations**

On 19 May (or 20) Kasztner and Mrs. Brand, who had been with her husband in the final meeting with the enemy (her testimony, p. 631) went to see Eichmann. Kasztner testified (p. 45):

“On about 20 May, with the deportations already begun at a stunning pace that we never imagined possible, we went to see Eichmann and asked him to halt the deportations, otherwise Brand’s mission would be a failure in advance. He answered in the negative... We asked about emigration for the group to which Krumey had already agreed... he said that he wanted a list of everyone who would be part of that group, for various reasons.”

Mrs. Brand testified (p. 617, 618, 628, 633):

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<sup>324</sup> Although the wording of this letter may seem too subtle and misleading, it is important to bear in mind what Halevi forgets to mention: the letters of the rescue committee could have been opened at any time by the Hungarian and German secret services. This is also implied by the use of secret code words.

“I knew about my husband’s conversation with Eichmann... Eichmann told my husband that until he returned with an answer, the deportations would continue at a strong pace.... I spoke with Eichmann after my husband left on his mission, and he informed us that the deportations were continuing... We pressed Eichmann, saying that we had not seen any [rescue] transport from the provincial towns and the deportations continued, and Eichmann said that Wisliczeny had not provided him with the lists... During those days, Kasztner and I went just about every day to Krumej and to Eichmann, to complain about the continuing deportations, etc.<sup>325</sup> We had no other option at that point. I knew that my husband was to return within two weeks. I knew that Eichmann had promised that if my husband returned with a concrete proposal then the gassing would stop... when my husband did not come back, it was horrifying.”

### **Kasztner did not Warn the Victims**

49. From the aforementioned (paragraphs 17, 45-48) it emerges that Kasztner was correct when he testified in Veessenmayer’s trial in Nuremberg (exhibit 4, p. 3620-3622) that in his capacity as head of the rescue committee he was “one of the most informed people in Hungary about the Jewish situation at the time.” From the beginning of the Nazi occupation, he never deluded himself about Eichmann and his gang’s true objectives; he knew that after the slaughter of more than five million Jews in all parts of the Nazi occupation zone and the horrors of Auschwitz, the appearance of the “Judenkommando” in Hungary meant only one thing - that the Jews of Hungary were destined for Auschwitz (Kasztner’s testimony *ibid.*, paragraph 17 above). This general knowledge about SS plans were augmented over the course of April by the concrete knowledge of the Jews being concentrated into ghettos and the deportation preparations. By the end of April, Kasztner was convinced that the total deportation of Hungary’s Jews was imminent and inevitable. On 8 May he went from being convinced to knowing with certainty after Wisliczeny authorized the decision to completely deport Hungarian Jewry (paragraph 45) and from the conversation between Eichmann and Brand (paragraph 46). From 15 May onward, Kasztner had firsthand knowledge that 12.000 Jews were being sent to Auschwitz every day (from Eichmann directly, and via Brand, paragraph 47); as Kasztner himself testified when during cross-examination (p. 199):

“I then knew what deportation to Auschwitz meant.”

One of the most shocking facts in this trial is that despite what the head of the rescue committee in Budapest knew, about half a million Jewish men, women and children from the provincial towns boarded trains for Auschwitz without full knowledge of their destination.<sup>326</sup> They were victims who had been deliberately misled. This fact in and of itself proves, for all the reasons explained in this trial, that Kasztner never warned the victims, even though he knew their expected fate. The cruel truth is that the head of the Jewish rescue committee left the vast majority of Hungarian Jews to the fate that he knew ahead of time, in order to save a handful of “privileged” Jews.

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<sup>325</sup> This quote clearly shows that, contrary to Halevi’s statement, Kasztner was not only interested in saving selected individuals, but all of Hungarian Jewry.

<sup>326</sup> This comment clearly shows that Halevi completely misunderstands the nature of the flow of information during the Holocaust in Hungary. As has been pointed out several times, (1) Hungarian Jews were aware of the German genocidal policy, (2) many knew about Auschwitz, (3) even the latter did not show any resistance, (4) Kasztner and his associates, i.e. a few individuals, could not have concealed anything from half a million people.

## No Warning for the Jews of Kolozsvár

### The Jews of Kolozsvár - Proof

50. The case of the 18.000 Jews of Kolozsvár serves as evidence. Kasztner was born in Kolozsvár. At the same time that the vast majority of the Jews of Kolozsvár were sent to Auschwitz, Kasztner saved 388 of its privileged citizens from the Holocaust. The particulars of this case became clear through detailed testimony, from Kolozsvár residents who survived the Holocaust, from prominent Jews from Kolozsvár who were among the privileged few rescued, as well as from Kasztner's own testimony. These testimonies allow us to examine the systems of power that led to the destruction of this community under a microscope.

The Kolozsvár leadership consisted of Kasztner's friends and relatives. First and foremost among the leaders of Kolozsvár was Kasztner's father-in-law, the late Dr. József Fischer. The witness Dr. Hermann described Dr. Fischer in his testimony (p. 374, 391):

“Dr. József Fischer... was an outstanding personality in Zionist and Jewish political life in Romania and Hungary. I would place him between numbers one and three among the leading personalities of the time. He was always the most prominent member of the Zionist Congress, and he served as vice-president of the Zionist Congress several times. He was the chairman of the Jewish community of Kolozsvár since he was a young man. He was a personality that overshadowed everyone in public life. He was the chairman of the Union of Communities, he was a representative in the Romanian parliament on behalf of the ‘Jewish Party’. He was one of the driving forces of Zionism in Transylvania. He was a personality whose authority was never in doubt, a moral authority in general. In every Jewish matter, whether Zionist or non-Zionist, Dr. Fischer was number one, two and three. He enjoyed the esteem of the non-Zionists who opposed him... I consider Dr. József Fischer to be a Jew who acquired for himself such merit that his memory will be forever pure, because he was truly a pure Jewish soul.”

The Nazi authorities appointed Dr. Fischer, as the chairman of the Kolozsvár Jewish council, as the head of the Jewish committee. He then selected the other members of the committee in consultation with the other Jewish bodies and with Nazi approval. The overall Jewish council, in addition to Dr. Fischer, consisted of many Zionist leaders, such as Dr. David [Dezső] Hermann, the committee's assistant secretary, Dr. Ernő Marton, chairman of the Zionist Union of Transylvania, József Gottlieb, Jenő László - these were all friends of Kasztner's. Hillel Danzig, the vice-chairman of the Zionist Union of Transylvania and a friend of Kasztner's, was not a member of the committee,<sup>327</sup> yet played an important role in it (he enjoyed the privilege as those on the committee of living outside the ghetto until mid-May, just before the deportations began). The committee also consisted of non-Zionist members, such as József Moskovits, who was the committee's secretary, and Zsigmond Léb, the previous chairman of the Kolozsvár Orthodox community (Kasztner's testimony, p. 190).<sup>328</sup> Léb was a friend of Kasztner's (Danzig's testimony, 26:79), who met with him during his second visit to Kolozsvár on 3 May and gave him money to help with rescue efforts (Kasztner's testimony, 28:19,21).

Thanks to his connections with the Hungarians, Léb succeeded in leaving Kolozsvár and reaching Budapest during the period between the establishment of the ghetto and the beginning of the deportations. According to Kasztner's testimony (p. 190), Léb helped Kasztner compile

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<sup>327</sup> At some point Danzig became the clerk of the local Jewish council.

<sup>328</sup> Léb and Moskovits were Zionists as well.

the list of those who would be rescued from Kolozsvár. Moskovits, who was pro-Zionist (Kasztner's testimony, 189) and one of "Fischer's people" (Danzig's testimony 26:63), was also friends with Balázs and a member of the ghetto leadership (Hermann's testimony 393). Dr. Balázs himself, who was appointed by the Hungarian authorities (an officer in Urbán's Gendarmerie<sup>329</sup>) as head of the Jewish ghetto, was a non-Zionist (Hermann's testimony, 376).<sup>330</sup> However, as Kasztner reluctantly admitted in his final testimony (28:5), during "a certain period, the leadership of the organization was modeled on the set-up of the Jewish Agency...which meant Zionist - non-Zionist, in order to help with the train cars."

Kolozsvár was the only community in Hungary that had a branch of the Budapest Rescue and Aid Committee. The aforementioned Dr. Ernő Marton led the Kolozsvár branch, and after he fled to Romania, Hillel Danzig was the leader. The Kolozsvár rescue committee was under "Kasztner's moral authority" (Kasztner's testimony, 198). Kasztner testified (28:21) that on his two visits to Kolozsvár he brought a certain amount of dollars and gold and gave them once to Marton and once to Léb or Gottlieb (28:21).

Kasztner, who lived and worked in Kolozsvár until 1940, had closer ties with the Jewish residents of Kolozsvár than with the Jews of Budapest or any other community in Hungary. During Nazi rule, he visited Kolozsvár twice with special permits, once in the middle of April (Kasztner's testimony, 238, 28:20), and once on 5 May (Kasztner's report, p. 31). In his testimony (p. 237) Kasztner says:

"Aside from Kolozsvár, I never visited any provincial towns... I traveled to Kolozsvár twice, because I was familiar with Kolozsvár, its people and its situation, therefore I was well-suited for this task."

Kasztner's second visit to Kolozsvár (on 3 May) took place just as the ghetto was being set up, i.e. the concentration of Jews into one part of town. (Kasztner's report, p. 32) Kasztner obtained the visitation permit from Krumei only by paying the last portion of the "debt" of the down payment - one million pengős (Kasztner's testimony, 38). With this opportunity, after meeting with Wisliczeny in Kolozsvár, Kasztner informed his father-in-law, his brother, his relatives and his friends about the "aliyah of the privileged" (Kasztner's testimony, 28:30), according to the agreement between him and Krumei that he had made the day before.

In the entire matter of saving the privileged few Kasztner gave top priority to Kolozsvár over the other Jewish communities in Hungary, not only in terms of how many were saved, but overall in the rescue itself. In Kasztner's report, it says, *inter alia* (p. 41):

"We waited days for the arrival of these transports, but only Dr. József Fischer, head of the Jewish committee in Kolozsvár, informed us that the SS had received an order from Budapest to set up a special group (Eichmann knew that Kolozsvár was especially close to our hearts)."

When the crisis with Eichmann began on 6 June due to his not keeping his promise to save the Jews of the provincial towns, Kasztner only insisted on saving the Jews of Kolozsvár (Kasztner's report 42,44, see above paragraphs 39, 41), and only after "the Kolozsvár advance" did Kasztner ask to bring "other smaller groups of especially prominent Jews" from the other

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<sup>329</sup> Urbán was head of the police, not the gendarmerie.

<sup>330</sup> Balázs was also a Zionist.

communities (Kasztner's report, 53). In addition to the 388 individuals brought from Kolozsvár, there were 85 from Debrecen (or 88), 66 from Szeged, 40 from Békéscsaba, and from the other communities, including those larger than Kolozsvár (such as Nagyvárád) - one or two families per community - all in all "several hundred" individuals (Kasztner's report, 53-54). There is no room for doubt that in Kolozsvár, Kasztner promised his relatives and friends to give them the lion's share of the 300 permits that Krumej had authorized for the provincial towns.

Kasztner's lists were indeed late in arriving to Kolozsvár - and the authorities were to blame - and when they were finally given, after numerous delays, to Dr. Fischer, some of those designated to be rescued, including some of Kasztner's distant relatives, had been deported to Auschwitz; however, the hope for a separate rescue and the anticipated list of those to be reduced influenced the leaders of Kolozsvár from the day Kasztner had visited (3 May), i.e. from the time that the Kolozsvár ghetto was established.

From the day that Kasztner's list arrived in Kolozsvár, the leadership's anticipation turned into aggressive activity. Dr. Fischer gave the list to a committee with four members: Danzig, Gottlieb, László and Moskovits, that worked to complete Kasztner's list (it had been damaged in its first two deliveries as described above) and to expand it. In order to expand the list, they consulted with Balázs, Hermann and other leaders; according to Hermann's testimony (p. 381), "there wasn't one person with whom they didn't speak about one name or another." Fischer sent the expanded list to Kasztner via the Nazi authorities, and after a number of days, an edited list from Budapest arrived in Kolozsvár; the leaders in Kolozsvár tried to expand the edited list, and lists went back and forth between Kolozsvár and Budapest several times (according to Danzig's testimony, "no less than four times"). No less than ten inter-city telephone conversations took place between Fischer and Kasztner with the use of a special Nazi permit. Fischer, as chairman of the Jewish committee, was one of the last to enter the ghetto; he remained in close contact with SS commanders in Kolozsvár (Mond's testimony, 21:42, Danzig's testimony as well as that of others). They allowed him to occasionally leave the ghetto to go to the Jewish hospital for his medical needs and to make telephone calls to Kasztner from there.<sup>331</sup> Regarding these conversations, Kasztner testified (p. 191, 226-228):

"The information I had about the Kolozsvár ghetto was not just from Léb, but also from Dr. Fischer. However he and I only had brief telephone conversations. I didn't say that I wasn't in contact with Dr. Fischer. He asked by phone if there was a way to save some of the Jews there. We didn't discuss the list; we talked about saving some of the Jews of Kolozsvár. We discussed this ten times. During the last third of May I told him that there was a list. The first time I spoke with him was in mid-May. I don't remember when the last conversation took place. The train arrived in Budapest on 10 June. There was no telephone in the ghetto; he called me from the hospital. He used every opportunity to contact me. We did not discuss the details of the list by phone. We discussed the possibility of rescuing a group of Jews from the Kolozsvár ghetto. Once, we discussed names - it was then that he personally requested that I add Rabbi Yoel Teitelbaum's name to the list... I honestly don't remember every other request. I am almost certain that no other names were mentioned... It is true that József Fischer spoke with me by phone from Kolozsvár ten times. It was only with me that the Jews of Kolozsvár had telephone contact... I didn't succeed, except in Kolozsvár - I couldn't do

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<sup>331</sup> Halevi forgets to mention it, but it is worth noting that Fischer was first arrested and beaten by the Gestapo, and then the Hungarian police did the same. Veszprémy, *Tanácsstalanság*, 48.

it all on my own... It was only in Kolozsvár that I myself spoke directly by phone with someone from the provincial times.”

The entire time that the ghetto existed, rescuing the prominent Jews of Kolozsvár was the Jewish leaders of Kolozsvár’s primary interest; not just Dr. Fischer and those leaders who were actively involved in the list, but rather all the Jewish leaders of Kolozsvár, whether they were on the list or requested to be on the list. They pursued the opportunity to be rescued with vital interest. This was the great lure that dangled in front of their eyes when Kasztner visited on 3 May, as the ghetto was first established, and gripped these leaders’ eyes and efforts more and more until the liquidation of the ghetto on 9 June. As the Kolozsvár Jewish leadership frantically focused on rescuing itself, the local rescue committee also stopped all organized escape efforts. The Nazi and Hungarian authorities, with the active aid some Jews such as Dr. Balázs and Kohányi, sent falsely reassuring messages to the ghetto residents in the name of the Jewish council, and no Jewish leader contradicted these false messages. 18.000 of Eichmann’s, Krumej’s and Wisliczeny’s deceived victims boarded trains, transport after transport, to the gas chambers of Auschwitz. It was only on 6 June, after the Kolozsvár ghetto had been emptied of its residents, that the SS received the signal to transfer the leaders of the community, Kasztner’s relatives and other privileged Jews, including Balázs and Kohányi, along with several dozen Jews as well as Urbán’s proteges and the head of the Gestapo (Hermann’s testimony, 356-6), altogether 388 individuals rescued from Kolozsvár, to a camp in Budapest for privileged people who had been rescued.<sup>332</sup>

### **Kasztner did not Warn the Jews of Kolozsvár**

51. If Kasztner had truly wanted to fulfill his role as the head of the rescue committee, then he would have warned the Jews of Hungary that the Nazis intended to exterminate them. In the case of Kolozsvár, he had ample and unique opportunities to do so. Not just in mid-April, but until 3 May, when the ghetto was established, Kasztner travelled from Budapest to Kolozsvár in order to meet freely with the community and to inform them (had he wanted to) of everything he knew - something that no Jew in Hungary was allowed to do and that others who had attempted to do so had paid with their lives.<sup>333</sup> Kasztner knew about the preparations for total deportation then, he knew about the gas chambers of Auschwitz set up for Hungary’s Jews, about the deportation train agreement, about the transport of 1.500 Jews from Kistarcsa to Auschwitz, about the secret rumor among the German agents about the general deportation, about the permit that Wisliczeny had issued him to travel to Kolozsvár in order to do Eichmann’s “dirty work” and that he would therefore not be able to create an “alibi” (Kasztner understood, according to his testimony - paragraph 45 -, what Wisliczeny was referring to when he said “that a leading murderer would never be involved in rescuing Jews, but rather in exterminating them”). Therefore, regarding the final decision Wisliczeny had said that he was “pessimistic regarding us” when we were invited to visit him in Budapest “in his private apartment in a few days, and in the meantime he would clarify the situation and tell us precisely

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<sup>332</sup> Halevi blames the members of the Jewish Council of Kolozsvár for mainly saving themselves and their relatives, and the Zionists for mainly saving Zionists. Regarding the latter: the historical context shows that each group primarily saved its own, because it was not possible to save everyone. The Orthodox saved the Orthodox, the neológs the neológs, the Zionists the Zionists, the Jews who converted to Christianity the Christians. As for the former, Halevi was in a comfortable position, since he did not have to decide whether to "send" his own relatives or, for example, the small children of a neighboring family to the gas chambers. This was a shocking lack of sensitivity from a judge in 1950s Israel, a country full of Holocaust survivors.

<sup>333</sup> As we have already pointed out, there have been many missions by Zionists and non-Zionists to rural ghettos. Not all the delegates paid for their lives. In any case, none of the warning missions were successful, even those where the envoys had specific knowledge of Auschwitz.

what was to be” (Kasztner’s testimony, *ibid.*); Kasztner could have conveyed all of this information on 3 May to his father-in-law and the other Kolozsvár leaders, including the local rescue committee, had he wanted to.<sup>334</sup> In the last third of May, he succeeded in sending his father-in-law and friends in Kolozsvár a note that they should try to expand the lists and send recommendations (Danzig’s testimony, 28:68). Beginning in mid-May (according to Kasztner’s testimony 191), i.e. after his second conversation with Wisliczeny and his conversations with Brand and Eichmann, Kasztner spoke with his father-in-law ten times by phone. During this same period, the *Kenyérmező* rumors began spreading through the Kolozsvár ghetto and on 20 May, the misled ghetto residents began boarding deportation trains by the masses to Auschwitz. The question of where the trains were headed was the question in Kolozsvár. The Jews in the ghetto sent messengers into the city of Kolozsvár in order to gather rumors as to the direction of the trains and even tried to follow the trains (Hermann and Danzig’s testimony). At the same time, the Nazis gave Fischer the opportunity to leave the ghetto to go to the hospital and speak with his son-in-law by phone. They certainly had a common language and could have discussed the aforementioned information. These were not occasional talks; they had ten conversations during this period that was so fateful for the Jews of Kolozsvár. Kasztner knew the situation in Kolozsvár not just because he had visited, but also from Zsigmond Léb who arrived in Budapest from Kolozsvár shortly before the deportations began (paragraph 50). There is no evidence that at that time Kasztner knew about the *Kenyérmező* rumor *per se*, but Kasztner knew, according to his testimony (p. 222, paragraph 45 above) that –

“The Germans used tricks to hide their intention to exterminate: they spread rumors all over the country in various ways and through various means so that Jews would stay in Hungary.”

It is hard to believe given all of these circumstances, that if Kasztner had the sincere desire to convey the cut-off residents of the Kolozsvár ghetto accurate information about their fate and warn them about the Nazis’ tricks, it would have been impossible for him. In light of all the aforementioned evidence, and especially Kasztner’s final opinion (below, paragraph 53), I am convinced that just as Kasztner, when he visited Kolozsvár, could have told the Kolozsvár leadership the concrete knowledge that he had that the total deportation was imminent and inevitable, so could he have ample opportunity to warn his father-in-law about the total deportation to Auschwitz and to warn him about the German’s deceptive tricks. It is a fact that Fischer did not warn the 18.000 Jews of Kolozsvár (above, paragraph 5, Shmueli’s testimony as well as that of others, Danzig’s testimony as well 28:68). An entire community was deceived and sent to Auschwitz, even though the leader of the community was in touch with the head of the rescue committee in Budapest, who knew the truth about the Nazi extermination plan and deceptive ruses throughout this entire period. Was it Kasztner who did not give Fischer this urgent information, or was it Fischer that didn’t tell the victims-to-be what he heard from Kasztner about Nazi deception? The testimonies in this case point to the former being the case. According to Danzig’s testimony, who was in close contact with Fischer in the Kolozsvár ghetto, Fischer received no information about the directions in which the trains were headed (25:68-69). If there is any doubt as to Danzig’s credibility on this point, since up until this point he was too interested in only saving himself (see above), Hermann’s testimony about Fischer’s personality (paragraph 50 above) (see also Danzig’s testimony, 26, 1-2) doesn’t square with the assumption that Fischer had received information from Kasztner about the deportations to Auschwitz and despite knowing failed to warn his community. Even if we take into account all

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<sup>334</sup> Again, according to Hermann, Kasztner did just that.

the pressures of the Holocaust and the life-threatening situation that Fischer himself was also in at the time, it is hard to believe that a man as trustworthy as Fischer could stand back and watch his 18.000 member community sent to die based on lies spread in his name as well. It is difficult to believe that Fischer, as head of the Jewish committee, could conceal the truth that he had heard from Kasztner from the victims and only work to save himself and his friends. All the proof points to the conclusion that despite Kasztner's visit to Kolozsvár and despite the ten telephone conversations between them, until the end, Fischer did not know the whole truth, and Kasztner did not use the opportunities that he had to share this vital information with his father-in-law (see also paragraph 53 below).<sup>335</sup>

### **Kasztner's Testimony Regarding the Warning**

52. According to Kasztner's testimony in this matter, it should be pointed out that neither in his report nor in his testimony (aside from the additional testimony at the end of the trial) Kasztner never claimed to have personally - as opposed to via envoys - warned the Jews of Kolozsvár or to have given them any concrete information about the Nazi extermination plan. In his report (p. 31-32), Kasztner describes his visit to Kolozsvár on 3 May and his meeting with Wisliczeny there, without ever mentioning meeting with Jews. Kasztner testified about this (p. 38-39) by merely stating the following:

“Obviously I used this opportunity to give money to our friends in Kolozsvár to be used for rescue purposes, and I succeeded in meeting with Wisliczeny... he asked me to inform my friends in Kolozsvár that the Romanian border, which only four kilometers away, had been fortified (this was an escape route that we had used the entire time) - Wisliczeny told me that I must inform those seeking to escape to Romania to be more cautious and find other routes.”

And in his cross-examination (pp. 204, 238):

“I did not give any speeches to the Jewish masses in Kolozsvár, not even in small settings of 20 people. I did not tell the Jews of Kolozsvár not to panic... Mr. Sharett wrote to us from Istanbul, and Mr. Ben-Zvi (state president) sent us a proclamation for the Jews of Europe. They called for both resistance and rescue. I did not pass the part about resistance on to Kolozsvár.”

On p. 195 of his testimony, Kasztner says:

“Aside from the my phone calls with Fischer, I had other contact with Kolozsvár - as I had been there myself before the establishment of the ghetto. After the ghetto was established I was in contact via envoys - workers from the escape sub-committee... I had no other contact with Kolozsvár.”

In the report (p. 35), after the aforementioned portion (paragraph 4) that “until the final moment there were people throughout the entire ghetto who were convinced that the transport would not cross the Hungarian border” etc., and Kasztner added:

“The warnings that the committee sent, some via pioneers who risked their lives and some via friendly Hungarians who wanted to help with the rescue, to many ghettos in

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<sup>335</sup> It is important to indicate that the correspondence between Kasztner and Fischer has survived from the post-war period. Fischer did not make any accusations against Kasztner. (YVA P.54.)

the provincial towns, did not help. Our envoys tried to persuade them to escape and to refuse to board the trains, but didn't believe us."

In his testimony about Eichmann's proposal to Brand, after what was mentioned above (paragraph 45) that Eichmann told Brand that he could "only sell Jews that were in Germany" and that therefore "he would begin deporting these Jews to Germany," Kasztner continued:

"The committee considered this. We agreed to send the proposal to Istanbul. We simultaneously increased our rescue activities and we sent envoys to Jewish areas in order to warn them about the danger of deportation."

Among the envoys, Moshe Alpan, a member of the "Ha'ogen" kibbutz, at the time was a member of the underground pioneer headquarters (p. 501) and testified in detail about the information and warnings that the pioneer envoys gave in the provincial towns. Regarding Kolozsvár, he said (pp. 565-566):

"There were some ten to fifteen members that went to the provincial towns. They went to various places. Zoltán Hochhauser went to Kolozsvár... he left for Kolozsvár on 19 March and had to get into Romania. We gave him the assignment to contact Kolozsvár... to tell them that we were ready, that we were planning escape activities, that we were organizing, planning for self-defense, and that we anticipated that the Jews would be rounded up into ghettos... He crossed the border around 20,21 or 22 March. If I'm not mistaken, we also sent another member with him, Eszter Schechter, she lives in my kibbutz. She was sent on behalf of headquarters several weeks after the Germans arrived. She was there a few days, maybe a week, I'm not certain, and then the Germans captured her. They sent her to Auschwitz along with the ghetto and she returned from Auschwitz. I don't have any details about her activities in Kolozsvár. She has lived in my kibbutz for a number of years."

The first envoy (Zoltán Hochhauser), who left for Kolozsvár on 19 March and crossed the Romanian border a day or two after that, could obviously not have provided the Jews of Kolozsvár with the information of the sort that we have now - knowledge of the developments that only happened at the end of April and in the first half of May.<sup>336</sup> The witness was uncertain of the circumstances of the second envoy's (Eszter Schechter) mission and did not know any details about it. Schechter was not called in to testify. The witness Danzig was asked (pp. 70-71):

"Did envoys from Budapest reach the ghetto?"

No.

Did envoys from Budapest reach Kolozsvár before the Jews were rounded up, before the German invasion?

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<sup>336</sup> Here we see an important element of Halevi's argument: the warnings of the Zionist youths, who were also closely connected with the Kasztner group, "don't count", because they had no "concrete" knowledge about Auschwitz. Let's compare this with the testimony of Moshe Rosenberg, the head of the Rural Department of the capital's Jewish Council, the organization that took a key role in sending the Zionist envoys, in the Eichmann trial, according to which they already knew what was happening in Auschwitz from 1943. Veszprémy, *Tanácsstalanság*, 34.

Yes.

What did these envoys say?

They had no clear information for us. The refugees there warned us about especially grave danger. I remember that one of them told us: Why don't you all escape? Before the ghetto, we weren't ready to take these rumors as seriously as we should have. We did not appreciate the gravity of the situation.<sup>337</sup>

Did the envoys warn you not to board the trains?

There was no talk of trains then. There was no ghetto and no trains.

Did the envoys warn you that the Germans were planning to deport you all to Auschwitz and exterminate you?

No, I don't remember.

In Kolozsvár, did you meet a man named Zoltán Hochhauser?

No.

Did you meet a woman named Eszter Schechter?

No.

Did you meet them in the ghetto?

I am not familiar with these names.<sup>338</sup>

Do you know of any instances of envoys from Budapest captured by the Nazis?

I don't remember. I don't know, there may have been such instances.

But you never encountered such instances?

No. What is her name?

Her name is Eszter Schechter.

No.

She is now a member of the "Ha'ogen" kibbutz that is part of the "Hashomer Hatza'ir" movement.

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<sup>337</sup> As we have already pointed out, Danzig, in his own memoirs, admits to having known about the Nazi plans to exterminate European Jewry before the German occupation.

<sup>338</sup> This answer is also a clear sign that it was unnecessary to question Danzig about what the Zionist envoys said, if he did not meet them at all.

No, I never met her.

Did envoys from the Budapest rescue committee reach the ghetto?

No.

Did Hungarians serving as envoys of the Budapest rescue committee reach the ghetto?

To the ghetto, no.

Pioneers, Jewish pioneers?

No. As far as I know - no.

You did not receive any information from the Budapest rescue committee after the Jews were put into the ghetto?

No.”

The next day, the witness asked to amend his testimony (26:24-25-1):

“I was asked in regard to the envoys, if they reached Kolozsvár and I heard names that I did not remember. However I remember one named Hanna Ganz, who came to Kolozsvár at least twice. She brought money to be used for escape as well as people and instructions to increase escape activity...

When did Hanna Ganz come?

Before ghettoization... She came to Kolozsvár and returned to Budapest. She brought money and people to help escape...

Before the first Jew was put into the ghetto?

Correct.

What did she tell you on behalf of Kasztner?

She told me one thing: the situation is grave... She brought the money from the rescue committee.

Did she give you any information from Kasztner...?

One instruction: to increase the rescue... she did not know and did not mention the anticipated dangers. She said that the situation was grave.

She did not mention the expected dangers on behalf of Kasztner?

She did not know and did not mention the things that were going to happen.

Did you talk to her about what was going to happen?

I asked her.

What was her answer?

She didn't know, she said that the Germans' and Hungarians' intentions were unknown."

Freudiger and other witnesses also testified that it was almost impossible for an unauthorized person, especially a Jew, to get into the ghetto.<sup>339</sup> After consideration of all of the aforementioned testimonies, I am convinced that all of these envoys were sent to Kolozsvár before the ghettoization and before Kasztner's final visit, which occurred two days after the start of the concentration (Kasztner's report, p. 32). No important information reached Kolozsvár. I am convinced that there is no truth in Kasztner's words when he wrote in his report (above) that he sent envoys that called for "Jews to refuse to board the train cars," and that his testimony was untrue when he stated that Eichmann's offer to Brand he sent envoys to "Jewish areas in order to warn them about the danger of deportation."

### **Kasztner's Final Testimony**

53. At the end of the trial I insisted that Kasztner clearly and explicitly address the fundamental question as to what information he gave his friends and his father-in-law in Kolozsvár and that he address the other questions in this case. I gave him the full opportunity to explain all of the important facts in this matter. His answers in this final testimony (28:20-32) were evasive, contradictory and some of them false, and convinced me once and for all that Kasztner did not reveal his concrete knowledge to the leaders of the Kolozsvár community.

The first question presented to Kasztner was with which Jews did he speak during his final visit to Kolozsvár. It is important to mention at this point that the only two witnesses in this trial who were among Kasztner's friends in Kolozsvár were Danzig and Hermann. Danzig, a member of the rescue committee, testified regarding his conversation with Kasztner in Kolozsvár that he (Danzig) asked the head of the rescue committee what the fate of the ghetto would be, and that Kasztner "did not have anything concrete to say about the intentions of the Germans or the Hungarians" (28:36, p. 37 as well). Likewise Hermann, Fischer's right-hand man, testified that throughout the entire ghetto period he did not know about the danger of Auschwitz (paragraph 7 above).<sup>340</sup> Kasztner's answer regarding this was:

"I spoke with my father-in-law, my brother, Dr. Marton, Zsigmond Léb... József Gottlieb, I don't recall when I spoke with Danzig - whether it was the first time or the second time, I read his testimony and I can't remember. I recall that my conversation with him was not particularly important, because he was sick then. I don't remember seeing Hermann, but it could be, I met with several people. I was in the community and I met with a number of Jews, with those mentioned I recall having discussions with them."

Kasztner was asked:

"Who in Kolozsvár did you inform about the results of your conversation with Wisliczeny?"

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<sup>339</sup> There are hundreds of known cases of Jews or non-Jews entering ghettos or internment camps.

<sup>340</sup> This is in clear contradiction with his later testimony.

I told Marton, and I told my late father-in-law.

Who else?

I'm certain I told these two.

What did you tell them about the situation?

I told them that the situation was grave, that there was a danger of deportation and that they should save as many people as possible by any means necessary.<sup>341</sup> I asked them to increase the escape efforts, to hide people, I don't know if it was then or a few days later that I sent a suitcase with Christian identity documents. It was on the eve of the ghettoization. It was then that I learned first hand about the decision to concentrate the Jews in the ghetto. Today I know that Wisliczeny was sent to round up the Jews, but at that time I did not know. At that time, all the Jews lived in Kolozsvár, not in the ghetto."

The two final sentences contradict Kasztner's report and his testimony at the beginning of the trial.<sup>342</sup> In his report (p. 32) it says:

"We traveled... to Kolozsvár. We met small groups of Jews in the street everywhere. They rode on carts with oxen and horses, with their meager possessions. Most of them went by foot. Young men and women as well as elderly people dragged their tired feet. Their faces were pale as though it was Yom Kippur, their faces sad and terrified. The gendarmes were behind them with rifles. They were taken to the urban ghettos: a place where they were concentrated, their last stop before deportation. In Kolozsvár, two days earlier, as the Jews began to be transported to rectangularly shaped fields before being forced into the ghetto, Wisliczeny received me in Hungarian Political Police Station. (He said): Eichmann has ordered me to do this extremely dirty work and it is now my job to transfer the Jews into ghettos."

We have already presented Kasztner's testimony (p. 38) that Wisliczeny told him in Kolozsvár that Eichmann had sent him "to do this dirty work of supervising the round up of the Jews, as he expressed it - so that he could not create an alibi."

In his further testimony Kasztner was asked:

"Did you tell anyone in Kolozsvár what you knew about the preparations in Auschwitz?

I request permission to give a bit of an explanation, I cannot answer in one word. Those with whom I came into contact knew what the Germans had done in Poland, in Russia.<sup>343</sup>

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<sup>341</sup> These are lines any rescuer of Jews would be proud of. If Kasztner only said this much to the Kolozsvár Jewish Council, he had already said enough and done a lot.

<sup>342</sup> Here, Halevi points out small discrepancies and inaccuracies between Kasztner's confessions and report, drawing the exaggerated and untrue conclusion that Kasztner is knowingly lying.

<sup>343</sup> This is a very important sentence the significance of which Halevi does not know or does not want to understand: Hungarian Jews and especially their leaders knew enough about the Holocaust even before the German occupation to not find the specific methods of execution particularly important. The Jews knew that

That was not the question. Did you tell anyone that the Germans were preparing to, at least: perhaps preparing to send the Jews of Hungary to Auschwitz?

I did not actually know that then, I only suspected it. This was only one hypothesis. I certainly told people in Kolozsvár that I suspected that the Germans were planning this<sup>344</sup> - that is to say, I told everyone in Kolozsvár with whom I came into contact, including Hillel Danzig...”

Kasztner was later asked:

“Once the deportations had already begun and it was clear that they were headed to Auschwitz, did you inform anyone in Kolozsvár?”

At that point I no longer had contact with Kolozsvár. I spoke with my father-in-law by phone and told what I could tell him. I told him that the situation was quite terrible, and he knew what I meant. We spoke of the possibility of deportation and extermination, and when I finished with Wisliczeny I told my father-in-law and Marton that I had the impression that we could no longer prevent the deportations, judging from the way Wisliczeny spoke with me, but I told them that I would go to Budapest and then I would know more. After I spoke with Wisliczeny in Budapest I did know more, almost everything, but not everything, since I knew that transporting hundreds of thousands of Jews and exterminating them in cold blood was almost impossible, even if we knew that this was their intention. I knew in the full sense at the end of May, from Eichmann directly.

So what did you do then one the phone?

I told you, your honor. After I heard from Eichmann, I no longer spoke to people by phone. I want to add: I was sick for about three days, from 14-17 May. After that, a number of days later, I was arrested by the Hungarian political police for six or seven days, and these were the pivotal days during which I would have been able to inform people, to do something. Hansi Brand and Offenbach also sat in jail - from the 21-28 of May, with a difference of maybe a day or two.”

As became clear from Kasztner’s prior testimony, from his report, from Brand’s testimony, Mrs. Brand’s testimony and Menachem Bader’s testimony (paragraphs 47, 48 above), on 15 May Kasztner knew about the beginning of the mass deportation to Auschwitz that was proceeding at a pace of 12.000 Jews a day, and on 19 May or 20 May he stood before Eichmann with Mrs. Brand after “the deportations had already begun at an alarming pace that we never imagined possible.” Eichmann refused to halt the deportations, and of the ten phone conversations with his father-in-law, “the first took place in mid-May and I don’t remember when the last one took place” (paragraph 50). As far as Kasztner, Hansi Brand and Offenbach’s six to seven day imprisonment is concerned, “the pivotal time was between 21-28 May, when I could have told someone, done something” - in his report (p.39), Kasztner recorded the dates

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they wanted to kill them, so in the spring and summer of 1944 they did not talk among themselves about whether it would happen with gas or bullets, but, for example, about how to save as many Jews as possible.

<sup>344</sup> Kasztner could have answered more simply, but what Halevi misses from his testimony is actually here.

of his imprisonment as 27 May - 2 June, and he was forced to amend the dates accordingly at the end of his testimony (28:31).

Kasztner was asked:

“Your father-in-law didn’t tell you by phone that there were encouraging rumours there about Hungarian labor camps?”

That wasn’t the topic of our conversations - deportation and to where. I didn’t dare and he didn’t dare discuss this.

But wasn’t that the most important issue facing Kolozsvár?

In Budapest, we heard the rumours that the Germans and the Hungarians were spreading, we heard about this a bit later, and we tried to investigate the rumours. In his diary, Komoly wrote that the Kenyérmező rumor had been confirmed - he wrote that around the middle of July, which was typical of the environment at the time, an environment of rumours and deceitful rumours.”<sup>345</sup>

There is no validity to these last statements. A few lines earlier, Kasztner had claimed that “he knew that transporting hundreds of thousands of Jews and exterminating them in cold blood was almost impossible, even if we knew that this was their intention. I knew in the full sense at the end of May, from Eichmann directly” - but the time-frame “the end of May” is a lie. How could Kasztner (or Komoly, according to Kasztner), have believed in the middle of July “that the Kenyérmező rumor had been confirmed”? On 10 June, 388 rescued people from Kolozsvár arrived at the Columbus Camp in Budapest and Kasztner, Szilágyi and the other members of the rescue committee immediately informed them that all of the other deportation trains had been sent to Auschwitz (Danzig’s testimony).

The previous response warrants attention:

“That wasn’t the topic of our conversations - deportation and to where. I didn’t dare and he didn’t dare discuss this.”

It is clear that the aforementioned conversations between Kasztner and Fischer were being monitored by the Nazis and that it was dangerous to discuss “the deportations and where the trains were headed”; however it was possible, given the emergency situation, for son-in-law and father-in-law to find a way to communicate successfully between them.<sup>346</sup> Here were two active Zionists who had met recently and who faced this matter all the time (see Kasztner’s below that he gave his father-in-law a “clear hint”). I do not believe - despite the calls being censured or monitored by Nazi ears - that Fischer “did not dare” to ask his son-in-law, the head of the rescue committee, the most important question that would determine the fate of the 18.000 members of his community. And over ten conversations. But according to Kasztner: “I didn’t dare talk about this.”

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<sup>345</sup> No such statement can be found in Komoly’s diaries, then again, most of the entries from the Summer months are missing. (YVA P.31).

<sup>346</sup> This is again a quite striking example of Halevi explaining point by point from Israel in 1954 what the Jews should have done in Hungary in 1944: a complete misunderstanding of the role of the judge - and historian - and a very arrogant one.

In his continued testimony, Kasztner was asked:

“Brand left Budapest on 16 May and in Istanbul he was already telling people that 12.000 Jews were being sent to Auschwitz a day?!”

I don't know what he based that on.

On his meeting with Eichmann!

Even Eichmann didn't say that he would wait two weeks.”

Eichmann did indeed tell Brand that he would wait two weeks on Auschwitz in exterminating the Jews that would arrive there starting on 15 May at a pace of 12.000 per day. But does that answer the question as to why Kasztner didn't warn the Jews of Kolozsvár about the deportations to Auschwitz after Eichmann's final conversation with Brand? And did Kasztner seriously believe that fourteen times 12.000, that is 168.000 Jews “would be put on ice” in Auschwitz, until Eichmann heard back from Brand? And did Kasztner believe, knowing the way the Nazis operated, that those Jews sent to Auschwitz would return home alive, no matter what? And furthermore - did Kasztner expect a positive response from Brand? He said in his testimony (p. 44, paragraph 46 above):

“We estimated our chances as extremely slim, if not impossible.”

Kasztner was further asked:

“So extermination after two weeks, and deportations at a pace of 12.000 per day!

Yes, I don't know if he knew about the pace.

But that's what he said in Istanbul, so didn't you know as well?

By the end of May I had no doubts, but before then I thought maybe not, not to that extent, not in those proportions.

From mid-May trains left every day - that you knew, closed trains that crossed the border?

Yes. I knew that as a fact from mid-May.

So why didn't you tell the Jews of Kolozsvár everything you knew?

I told them everything I knew each time I was in touch with them, and after that I was only in touch with my father-in-law. I only dared give him a clear hint, and he should have known that there were deportations and possibly extermination.

So why didn't every Jew in Kolozsvár know that?

Your honor, you're asking my opinion? I think that my friends in Kolozsvár, including my father-in-law, did not do everything they could have and everything they should have. Not only should they have stepped up escape activities, they also should have

done more to warn people. I'm not saying they didn't do that, but I'm saying that they did so to a lesser extent than they could have. I do not deny that they could have been worried that spreading rumours to the masses could be dangerous and that this could have made them responsible for the fate of the other Jews."

At this point, it is important to point out the extent to which the facts proven in this case have forced Kasztner to withdraw his testimony, in order to escape responsibility for his actions. He has even attempted to shift responsibility onto his friends, the leaders of Kolozsvar, even going so far as to blame his late father-in-law, who, according to Hermann's testimony (above, paragraph 50) -

"I consider Dr. József Fischer to be a Jew who acquired for himself such merit that his memory will be forever pure, because he was truly a pure Jewish soul."

Kasztner is blaming him in a semi-disguised way, saying that he did not pass Kasztner's warnings onto the Jews of Kolozsvar, because it would have been dangerous for him. Needless to say, I find Kasztner's testimony and his "opinion" against his father-in-law unconvincing and unreliable.<sup>347</sup>

In his answer, Kasztner continued:

"On the other hand I am very sorry about the witnesses from Kolozsvar who have appeared here and in my opinion they do not represent the Jews of Kolozsvar. It is no coincidence that there are no leaders from Kolozsvar among them. I understand how they feel after having lost precious relatives, but to say that they knew nothing - that's a bit bold."

This is obviously a reference to survivors from among the 18,000 Jews of Kolozsvar that testified that these victims were deceived right up until the moment they were sent to Auschwitz. I could have been satisfied with the assertion that the veracity of these bereaved men and women has been confirmed by their fate, their family members' fate and the fate of half a million murdered Jews that fell victim to the deceptions of the Nazi extermination machine. In any case, the majority of these witnesses' testimony in this trial seems much more reliable to me than Kasztner's testimony. Kasztner's comment, "to say that they knew nothing - that's a bit bold", can be contradicted by his own words, from page 35 of his report above, in paragraph 4:

"Until the final moment there were people throughout the entire ghetto who were convinced that the transport would not cross the Hungarian border."

As to the leaders who according to Kasztner, "represent the Jews of Kolozsvar" better than those who survived among the 18,000 victims, Kasztner was immediately asked:

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<sup>347</sup> It is important to point out that Halevi has not provided any evidence that Kasztner is lying, quoting only Hermann's words that Fischer was a great man. But the historian knows that sometimes even great men make mistakes - if we consider it a "mistake" that a few Jews from Kolozsvar did not prevent the largest and fastest genocidal operation in Hungarian history against the armies and law enforcement agencies of two countries. The truth is that Kasztner was certainly being completely honest here, since we know that Danzig, for example, was by this time aware of the fact of the German genocidal policy. It is typical that even his rare outbursts of honesty are described by the judge as lies.

“It seems to me that Mr. Danzig, who was a leader, said the same thing or almost the same thing?!”

Danzig is still a leader, yet it seems that there are certain functions of his memory that cover up uncomfortable thoughts. I don't want to claim that he is not telling the truth, but if he had understood what I said in Kolozsvár, then what he has said here would make him an Englishman, for only an Englishman could make such a 'double understatement'.

In Kolozsvár there were Polish and Slovak refugees and dozens of refugees who had returned from Russia and knew what had been done there. I invited Danzig, Marton and Fischer to Budapest before the invasion and I told them the possibilities - 1,2,3,4.

Danzig was the chairman of the Zionist Union of Transylvania, and after he learned what had happened in Poland and Russia, and after he heard from me directly about the possibilities involved in the invasion, and the invasion came - and he still knew nothing! And afterwards, when we met in Kolozsvár after these developments, I told him: the situation is grave -

When was the situation not grave?

At the beginning of April it wasn't. At the end of April, it was already grave, meaning deportation.”

At this point, as Kasztner was trying to evade responsibility, he felt pressured to attack his friend Danzig, who in his testimony, had tried to protect Kasztner and cover up his actions, even to the point of going beyond the limits of truth. Kasztner's criticism of Danzig's testimony is partially justified. Kasztner is right in his contention<sup>348</sup> that Danzig (who had been in Russia with the witness Freifeld) knew quite well what was done to the Jews of Russia, Poland and Slovakia, because on the eve of the Nazi invasion, Danzig, Fischer and Marton had met with Kasztner and the other members of the rescue committee in Budapest to consult about the situation (Danzig's testimony, 25:58; Kasztner's report, 15). Danzig's testimony about his lack of knowledge and general understanding should not be taken as credible. To illustrate the nature of his testimony, we shall now include several passages from his testimony (25:59-62, 72-73), when the court asked this witness:

“When the round up of the Jews into the Kolozsvár ghetto began, did you already start to have a concrete thought as to what this concentration meant?

My first thought was that they want to isolate the disloyal Jewish population, being that the Russians were already getting close to this area. The knowledge that this was not happening in Budapest strengthened this assumption.

...What did you think regarding the purpose of the deportations, the trains' direction, where they were headed? What did you think or what did you do to get some clear answers?

Our first thought, to the extent that thoughts and feelings can be replicated with precision, was to characterize the situation as an absolute mental and emotional

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<sup>348</sup> Compare this with Halevi stressing above that Danzig did not know about the envoys Schechter and Hochhauser and how this meant that Kasztner did not, in fact, warn the ghetto.

catastrophe. Our initial assumption was that they wanted to distance the disloyal Jewish population from the front, and again - we had knowledge that this sort of action was not happening in Budapest and in the middle of the country.

How long did you continue to think this way?

Afterwards we heard rumours.

What rumours?

One was Kenyérmező, and another rumour was Kassa... Kassa, a city on the northern border of Hungary. This rumour came from a Jewish source. People who had been out of the ghetto in various capacities became interested. The rumour just wouldn't stop spreading.

Did the rumour claim that the train would reach Kassa, and that the people would disembark there, or did it claim that the train would continue past Kassa?

It wasn't exactly clear... we thought it might also be crossing the border. There were even people who said that the trains were not headed toward Germany and there were those who said that the trains were headed for Poland.

Is that also the direction of Auschwitz?

I cannot confirm that we were thinking about the trains going in the direction of Auschwitz. The whole idea of Auschwitz wasn't as clear to us back then as it is now.

I ask you: Does the track to Kassa pass by Auschwitz?

I don't know.

...If you had known that you were about to board a train directly to Auschwitz, and if you had known what Auschwitz meant, what it truly meant, would you have willingly gotten onto such a train?

I was never faced with that difficult situation, plus I didn't have a clear sense of Auschwitz.

I'm asking "if" you had known. It's a hypothetical question.

That is a theoretical question. Whatever I say today would be a partial answer, an imperfect answer that doesn't match reality.<sup>349</sup>

Meaning, it is possible that you would have willingly boarded a train to your death?

It's possible.

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<sup>349</sup> Halevi quotes these lines to cast Danzig in a bad light. Danzig actually gives a perfect answer from a historian's point of view: it is not possible to judge in 1954, from Israel, what Danzig thought in 1944 in Kolozsvár.

Why would you do that?

I'm pointing it out as one of the possibilities.

If so, then there are other possibilities. What are the other possibilities?

I was connected to two women - my wife and my mother, and not even I had total freedom of movement or the freedom to choose any option.

Would you have allowed them to get on that train?

Under what circumstances?

If you had not known that it led to extermination.

I think not. I don't see the alternative.

I am asking if you could have figured out an alternative.

Had there been an alternative.

Not "Had there been an alternative", but rather: If you had known that the train was headed to Auschwitz, what would you have directed your family to do and what would you have done?

I don't know, your honor. I could think about it and give an answer, but that has no relevance to this situation, what I would have done.

Why isn't it relevant?

We're in a completely different situation. What we ask and how we respond here today, in the state of Israel, ten years later - is completely irrelevant to the situation back then.

You can't recall the situation back then?

I do remember. However I cannot say what I would have done, if things had been a certain way. Since all of the Jews boarded those trains, my family and I would have also boarded, if there had been no other choice.

Wouldn't you have warned the other Jews about the danger if you had known that the train was bringing them to their death? Wouldn't you have warned everyone, thus giving each person the opportunity to make their own informed choice, to find some way one their own?

Possibly. This is all just a theoretical possibility, as we did not have such clear information, and I cannot give an honest, clear answer.

Wouldn't you, for example, have tried to escape?

I could have tried to escape on my own, but I didn't see a way of getting an entire family out of the ghetto.

Couldn't you have escaped with your mother and your wife?

I don't think so. Individuals could get out. With an elderly woman - it's doubtful. I myself could have escaped, after all, other Jews escaped. Young couples escaped. But an entire family - I doubt it. Couples got out, but not with children or elderly people. Maybe there was a way. I do not know.

You were involved in helping others escape?

Until the ghetto, meaning until the escape route we used was blocked.”

We could go on, but these passages suffice in demonstrating this witness' evasiveness and they illustrate the nature of his testimony in general.<sup>350</sup> Danzig's testimony about the reasons for stopping the organized escape effort, and regarding his ties to Kohányi and his conversation with Freifeld, etc. are not accurate based on these passages. Therefore, I have prioritized Finkelstein's testimony, Freifeld's testimony and the truthful testimony of others over this witness' testimony.<sup>351</sup>

Let us return to Kasztner's testimony. Danzig stated that when Kasztner visited Kolozsvár, Kasztner “did not have anything concrete to say about the intentions of the Germans or the Hungarians” (Danzig's testimony 26:36). Kasztner said that for his friend to say such a thing, “then he must be an Englishman, for only an Englishman could make such a ‘double understatement.’” To prove this,<sup>352</sup> Kasztner emphasizes at the time of the invasion Danzig's general knowledge and that “after these developments, I told him: the situation is grave.” At this point, Kasztner apparently remembered what he had not been able to remember at all until this point. He said (above):

“I don't recall when I spoke with Danzig - whether it was the first time or the second time, I read his testimony and I can't remember. I recall that my conversation with him was not particularly important, because he was sick then.”

If Kasztner does not remember whether or not he met with Danzig during his first visit, which took place in mid-April according to his testimony, or during his second visit, which began on 3 May, then why did he add that “at the end of April, it was already grave, meaning deportation.” Furthermore, even at this point, Kasztner did not claim that he gave Danzig any concrete information, and this contradicts what he said in his later testimony. With all the concerns about Danzig's testimony, who obviously knew more than he admitted in his testimony, Kasztner's testimony does not convince me that he told Danzig, a member of the Kolozsvár rescue committee, what he knew about the Nazis' plans when he had the opportunity to do so when he visited Kolozsvár.

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<sup>350</sup> If these lines prove anything, then it's Halevi's aggressive, rude questioning style that focused on pointless details.

<sup>351</sup> Halevi chooses between the confessions completely arbitrarily, without evidence he classifies some as completely truthful individuals, others as liars, and ultimately relies on the confessions of people (e.g. Finkelstein) who knew nothing about the reality of the Kolozsvár ghetto.

<sup>352</sup> Kasztner had no burden of proof, he was a witness in the trial.

In further testimony, Kasztner was asked:

“How can it be that Dr. Hermann, a Zionist and a leader, only thought about labor camps<sup>353</sup> and that extermination never occurred to him?

This would require a deeper explanation of the unique psychology of Hungarian Jews at that time - a psychology of sick prisoners that knew that their lives were in danger, but did not want to believe it. They knew it, but they refused to internalize it. I saw this in my own brother, and it gave me a clear picture of how all the efforts to warn people were in vain. And these were Zionists. Danzig himself remained in the ghetto, and if not for my incidental success with Eichmann, then my brother, my father-in-law and Danzig would have been exterminated.<sup>354</sup>

Were they relying on you to rescue them?

I told them I would, but I did not promise them. I couldn't promise. That's why Marton escaped, he was strongly decisive. But Danzig and my father-in-law, it's hard to say that they didn't know or that they didn't have clear enough knowledge to suspect what awaited them. On the one hand, I say this optimistically, but on the other hand it reflects apathy and fatalism.

Is your brother still alive?

Yes.”

Nor do I believe that Hermann considered his options as consisting only of “aliyah to the Land of Israel” or “forced labor” (whether “in Hungary” or “outside its borders”), as he testified (paragraph 7). It is hard to believe that “the danger of extermination or deportation to Auschwitz” didn't occur to him. This is not “a psychology of sick prisoners that knew that their lives were in danger, but did not want to believe it,” as Kasztner put it. These are feelings of guilt in a person who knew at a specific point that “Kenyérmező is a lie”, as Hermann admitted in his testimony above.<sup>355</sup> Despite knowing this, Kasztner did not warn the lie's victims. Furthermore, Danzig's heart also pulsates with these guilty feelings for the same reason, his feelings prevented him from revealing the truth in his testimony (see Danzig's testimony, 25:62). I agree with Kasztner that the witnesses Danzig and Hermann knew more than they cared to admit about the danger lurking for the Jews of the Kolozsvár ghetto, and it can be assumed that the extent of Fischer's knowledge was comparable to theirs. However, there is still a recognizable difference between what they knew and what Kasztner had learned from a first hand Nazi source.

Regarding Kasztner's words, “On the one hand, I say this optimistically, but on the other hand it reflects apathy and fatalism,” that Kasztner attributes to Hermann, Danzig, his father-in-law

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<sup>353</sup> It is a peculiar idea on Halevi's part that Jewish children, women, the elderly, and the sick would not have died en masse in a labor camp. If the Jews of Kolozsvár only knew that they would starve in forced labor camps, under the open sky, even in winter, they could have known from that that they would die there en masse - although, let's add, they knew much more than that.

<sup>354</sup> Among all of Kasztner's quoted statements, these are perhaps the most important lines that best describe the situation.

<sup>355</sup> Here, to illustrate Kasztner's point of view, Halevi uses a testimony that he did not give - this is a serious error in the management of sources by someone who devotes himself to reconstructing the past.

and his brother - as opposed to Marton who escaped - but this explanation, like the entire passage, is nothing but a distraction from the truth. Kasztner is trying to blur the lines between those Jews destined to be victims of the Holocaust and those Jews destined to be rescued. The basis for Hermann, Danzig, Fischer and Kasztner's brother's behavior at the time was not "(unfounded) optimism, apathy and fatalism". They behaved the way they did because of the agreement between Kasztner and Krumei, upon whom they were relying to save them from the dangers of the Holocaust. Marton, who preferred to escape to Romania instead of relying on Nazi promises, and who had a golden opportunity to do so in the Romanian consul's car (Finkelstein's testimony), in light of the 3 June crisis was right to be cautious; however, in no way does that prove that those privileged individuals who didn't escape like him were counting on miracles or that they deluded themselves into thinking that they were "sick prisoners". The sentence "if not for my incidental success with Eichmann, then my brother, my father-in-law and Danzig would have been exterminated," is correct - except for the word "incidental" (compare this to what the accused said - paragraph 2 above - about "'the incidental' transport" out of Hungary via Bergen Belsen.") In order for this transport not be "incidental" but rather guaranteed, Kasztner formed particularly close ties with Eichmann and sacrificed all other interests except for rescuing the privileged few - in what is especially relevant to the matter at hand - did not warn the victims.

At the end of his testimony, the court asked Kasztner:

"Is there any part of your testimony that you would like to amend, or is there anything you would like to add? Is there anything important that you have forgotten? I am giving you the opportunity to add and amend."

Kasztner answered this question with a long lecture that touched on many subjects. Only the beginning of the lecture was relevant to the matter at hand:

"Regarding the question of warning that your honor raised, I attempted to refresh my memory several times, and I would like to emphasize that we did the best we could given our limited options. However there is more I wish to add, compared to the catastrophe, a bit more. We basically lost the cause for Hungarian Jewry from 1941-1943, when we were not successful in laying the groundwork for underground action. This could have enabled us to warn people and perhaps even to resist. In the initial period, underground activity was completely impossible, among other things, because we could only rely on Jewish forces."<sup>356</sup>

A lack of underground preparation work does not suffice to explain why the head of the aid and rescue committee did not warn people. In a place like Kolozsvár, Kasztner had an extraordinary number of opportunities to pass on solid information - with no need for an underground network - and to prevent the Nazis from successfully misleading the victims, and he did not do so. Kasztner didn't need "underground action" that "could have enabled us to warn people" in order to warn his father-in-law and friends in Kolozsvár. Kasztner's overall declaration that "we did the best we could given our limited options" has been tested and solidly refuted by the proven facts about Kolozsvár.

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<sup>356</sup> Kasztner's lines - although Halevi was not satisfied with them - are actually too self-critical. The cause of Hungarian Jewry was indeed lost before March 19, 1944, but not because of Zionist unpreparedness. Jews were excluded by the anti-Jewish laws, Jewish men of military age were taken to labor service, the Hungarian public administration was servile, cooperating and anti-Semitic, and - ironically - Hungarian attempts to leave the German side and join the Allies all contributed to sealing the fate of Hungarian Jewry.

When I presented all of the above questions to Kasztner in his final testimony, it had not yet become clear to me that he was forced by the Nazis to keep their secrets (paragraphs 40-44, and paragraph 54 below). All I saw before me were the masses of deceived Jews that boarded trains to their own deaths, Kasztner's knowledge of the Nazis' schemes, and the close ties that existed between Kasztner and the Kolozsvár ghetto via his conversations with his father-in-law, which offered him enough chances to warn the victims, the Jews of Kolozsvár. Is it possible that while the distressed Brand was trying scream and shock world Jewry as "the advocate of the murdered" by painting the picture that 12.000 Jews a day were being transported to the fiery furnace, that Kasztner could have had ten inter-city conversations with his father-in-law about saving Kolozsvár's "prominent" citizens and staying silent about the fate of those boarding the trains?

Kasztner was capable of this. He confessed ever so slightly to the truth when he said:

"That wasn't the topic of our conversations - deportation and to where. I didn't dare and he didn't dare discuss this."

But this was only one of his answers. In another answer Kasztner added:

"I only dared give him a clear hint, and he should have known that there were deportations and possibly extermination."

The second answer, however, does not negate the first answer, it merely qualifies it; the words "a clear hint" and "he should have known" and "possibly" attest to a particularly weak argument. As Kasztner went on, he felt the need to hurl semi-disguised blame at his father-in-law, as we have already discussed above.

All of Kasztner's answers in his final testimony became a long chain of evading the truth (partially denying what he knew, claiming that he only knew later, moving up the dates of his imprisonment, partially denying that the victims were deceived, not remembering his conversation with Danzig, refuting Danzig's words, shifting responsibility onto his father-in-law and his friends, etc., etc.); Kasztner tried to escape through every breach he saw in the wall of evidence. When one gap would close up in his face, he would try to escape through another breach.<sup>357</sup> The contradictions between Kasztner's various explanations and the fact that some of what he said has been proven false is enough to void the value of everything he has said and it demonstrates that Kasztner has no valid explanation for not warning the Jews of Kolozsvár. His final testimony directly and indirectly confirms the proven conclusion in this trial: that Kasztner could have given the Jews of Kolozsvár a concrete warning about Eichmann and his gang's murderous plans, yet he did not.<sup>358</sup>

### **His Motivations for not Warning**

54. This conclusion is strengthened in light of evidence and the considerations mentioned above (paragraphs 40-44) regarding Kasztner keeping Nazi secrets. The head of the Jewish

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<sup>357</sup> These lines give an insight into how Halevi saw Kasztner: as a cornered animal, a rat slipping through holes in the wall, almost no longer human, but a dehumanized "diaspora Jew".

<sup>358</sup> "Conclusion in this trial" – this is another slip of the tongue that shows Halevi has forgotten what his role as a judge was: he was supposed to examine whether Gruenwald defamed Kasztner, not whether Kasztner could defend himself against certain charges. In Israeli criminal law at the time, in a defamatory libel case, the burden of proof was on the accused. Kasztner was, again, a mere witness in the trial.

rescue committee not warning the Jews of Kolozsvár, his withholding his tangible knowledge from his friends and from his father-in-law in Kolozsvár, despite his opportunities simply cannot be explained, given the circumstances, as incidental neglect or due to Kasztner having a quiet nature. It had to have been intentional, and he had to have very powerful motivations. These motivations have been proven: Kasztner's lips were sealed as a result of his joint plans with the Nazis to save the privileged few. Kasztner was forbidden from revealing the Nazis' secrets to their victims. Had Kasztner violated this strict rule, he would have put not only himself in danger, but also would have jeopardized his entire rescue operation, which completely depended on Kasztner maintaining good relations with the Nazis and depended on their good will.

Furthermore, revealing the Nazis' schemes to the Jews of Kolozsvár would likely have frustrated the practical aspects of carrying out the rescue plan for the privileged few in Kolozsvár (paragraph 44). Had Kasztner revealed the Nazis' true plans even to only a limited number of his closest friends or just to his father-in-law, it likely would have weighed on their consciences and endangered their rescue. Kasztner saw his father-in-law as a responsible and ethical leader, so how could he expect the leader of the Kolozsvár Jewish community to keep this secret, quietly working to rescue himself and his friends and not warning the victims, had he known clearly that 18.000 members of his community were being deceptively brought to Auschwitz? Kasztner's behaviour was therefore absolutely logical and consistent: in order to ensure that these privileged few were rescued, including his relatives and friends, he was mandated to keep his mouth shut.

### **The Nazis' Reliance on Kasztner's Silence**

55. The fact that the Nazis gave Kasztner the permission that he sought to travel to Kolozsvár and that they allowed him to meet with Jewish leaders unmonitored, and the fact that they gave his father-in-law permission to occasionally leave the ghetto in order to speak with Kasztner by phone and then return to the ghetto - these facts are important in and of themselves and warrant attention. During the first half of May, Eichmann, Krumei and Wisliczeny, the general staff of the "Judenkommando", focused on their final preparations for the complete deportation that was set to take the Jews in the ghettos by surprise. By the middle of May, they were involved in carrying out the flash operation itself, which depended to a large extent on the element of surprise and deceiving the victims. Eichmann and his accomplices were well aware that Kasztner was "one of the best-informed people in Hungary" about the extermination of the Jews and that he knew their plan. Krumei had the opportunity to test Kasztner's knowledge in a conversation on 2 May, when Kasztner asked Krumei about the 1.500 Jews from Kistarcsa who had been deported; on 3 May in Kolozsvár, Wisliczeny himself revealed to Kasztner that Eichmann had given him a task that would prevent him from having an "alibi", meaning, as Kasztner understood, that he "would be tasked with exterminating the Jews, not saving them"; on 8 May Wisliczeny informed Kasztner about the decision to deport all the Jews, and on the same day as well as on 15 May, Eichmann made revelations to Brand, Kasztner's friend, about the deportation of Hungarian Jewry to Auschwitz and their extermination in the gas chambers. With all of this information, which would likely have prevented the 18.000 Jews in the Kolozsvár ghetto from being misled and would have made deportation more difficult,<sup>359</sup> the

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<sup>359</sup> This is a matter that Halevi never elaborates on in any meaningful way. In fact, why and how much more difficult would it have been to deport the Jews of Kolozsvár, had Kasztner warned them? Why was Kolozsvár so important to the Nazis? The Nagyvárad ghetto was larger than the one in Kolozsvár, with 27,000 people. The size of the ghetto in Kolozsvár was similar to that of the ghetto in Ungvár (17,000 people), the ghetto in Munkács was 13,000, the ghetto in Debrecen was the same size, and the ghetto in Kassa numbered 12,000

Nazi planners of the deportation allowed Kasztner to visit Kolozsvár and to be in constant telephone contact with his father-in-law throughout the process of deception and deportation. The Nazis were certain that Kasztner would keep quiet about all this. The fact that those tasked with carrying out the deportations to Auschwitz had created the link between Kasztner and the Kolozsvár ghetto, with no suspicions whatsoever that Kasztner would use these opportunities to reveal (whether directly or through his friends or father-in-law) to the 18,000 victims the trap that the murderers were laying for them - this fact demonstrates the extent of Kasztner's ties to the Nazis. Even if we do not question the honorable counsel's speculation that we're going too far, at the very least this fact proves what we stated above (paragraph 40), that Kasztner chose the "authorized" approach to rescue: the agreement with the SS forced Kasztner, who didn't dare deceive the Nazis or play a double game with them, to avoid any independent rescue activity and to refrain from taking any anti-Nazi steps, all this obliged Kasztner not to interfere with the deportations and not to give any concrete warning to the Jews in the provincial towns and to restrict his rescue activity to just saving the privileged few. The Nazis used the agreement to save a few prominent Jews to control Kasztner's behavior to the point that they could send him to Kolozsvár and enable him to talk to his father-in-law by phone ten times, with no concern that Kasztner would try to take advantage of these opportunities and give forbidden warnings to the ghetto residents.

### **Kasztner's Relationship to the Privileged and to the People**

56. What stands out in Kasztner's behavior is the way he related to the "privileged" on the one hand, and the way he treated the rest of the Jews, that is those destined to become the Nazis' victims, on the other. Kasztner worked on behalf of the privileged, without considering the fate of the victims. He worked for the benefit of the privileged, with no consideration for how this would affect the rest of the Jews. He was consistent in this regard to the point of being heartless: in order to successfully save the privileged few, Kasztner did not warn the vast majority of the Jews in Kolozsvár about the murderous plot against them. The witness Krausz, who knew Kasztner well, was accurate in his description of Kasztner (13:21):

"To describe his interest... he was also a man without a conscience. He lacked a conscience and he lacked consideration."<sup>360</sup>

Sacrificing the welfare of the majority of Jews for the sake of rescuing the privileged few was the foundation of the agreement between Kasztner and the Nazis. The agreement divided the people into two unequal camps: the privileged few, whom the Nazis promised Kasztner that they would save, and the vast majority of Hungarian Jews, upon whom the Nazis had decreed destruction. One camp was destined to be reduced, and the other - to be exterminated. For the first camp to be saved, it was necessary for Kasztner not to interfere with Nazis' extermination of the second camp. Kasztner complied with this condition regarding the second camp, in order to ensure that the murderers kept their promise regarding the first camp. He concentrated all of his efforts on saving the privileged camp and treated the other camp of those condemned to die as though they had already been erased from the book of life. As Kasztner wrote on 14 May in a joint letter with Brand to Saly Mayer (exhibit 26), when he spoke about Eichmann and one of his associates (paragraph 45):

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Jews. Why was it only in Kolozsvár that such an extensive and elaborate conspiracy was needed for the deportations?

<sup>360</sup> Here Halevi again betrays his strong dislike for Kasztner. He sees Kasztner as a man without a conscience, a man without standards, a psychopath.

“It seems that our new masters have been tasked with making arrangements regarding the Jewish question; they do not have friendly intentions toward us, but apparently they nevertheless appreciate having fair-minded negotiation partners.”

The fact that Kasznter did not warn the Kolozsvár victims proves his loyalty as a “fair-minded partner” in the agreement with his new overlords, whose “arrangements” regarding the Hungarian Jewish question was to take the path of “the final solution.”

## Collaboration

### Collaboration in Kolozsvár

57. We have not yet closed the case of the Jews of Kolozsvár. We have proven (paragraph 14) several basic facts regarding Kolozsvár, and we shall list them here as headings only:

- A. Deceiving the deportation victims via the Kenyérmező rumor;
- B. Jews helped spread the rumor and confirmed it - it was explicitly confirmed as well as confirmed by silence and lack of denial - on the part of the Jewish leadership;
- C. The victims, due to their being deceived, did not resist or interfere with the deportations;
- D. The victims, due to their being deceived, did not escape, and the local rescue committee halted organized rescue efforts without sufficient reason;
- E. The fact that all of those responsible for the above phenomena were included in the Bergen-Belsen transport;
- F. Leaders in Kolozsvár were concentrated on saving the privileged few.<sup>361</sup>

As to the question of whether there is a connection between the phenomena listed above, or if the fact (E) was coincidental, we have thus far left open. The time has come for an answer.

From the day that Kasztner presented the privileged rescue plan to the leaders of Kolozsvár, there was a profound division in the community - perhaps hidden at first - into two camps: the “privileged” camp, which included the families of local leaders and especially of prominent Zionists, Kasztner’s relatives and other likewise privileged Jews; and the “commoners” camp, which included the other 18.000 Jews. The majority camp was destined for extermination, the tiny minority - for rescue. That very same evil regime that decreed destruction upon the masses, was the very same one that promised to rescue its leaders. The two camps no longer shared a common fate.

From an objective perspective, this chasm between the aforementioned camps, and all of their vital interests were in conflict. The privileged camp - just like Kasztner, that took advantage of the rescue plan - was interested in saving itself via good or at least sound relations with the Nazis. This led to leaders having an objective interest in maintaining silence in the ghetto, as per the regime’s instructions not to disturb public order and to not interfere in the Jews’ transfer to “Kenyérmező.” The leaders, whose rescue was delayed until the deportations were completed, were responsible not only for their own behaviour, but for the behaviour of all of the ghetto’s residents at the time of deportation. Since they were dependent on the Nazis to rescue them, the leaders’ own lives served as collateral so that they kept control over the other ghetto residents.

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<sup>361</sup> As we have shown above, none of the points A to F hold, so Halevi's logical reasoning is completely worthless.

Something about this reality stands out in Kasztner's final testimony as well (paragraph 53), when he made the following remark about his father-in-law and his friends in Kolozsvár:

“It is possible that they suspected that it was dangerous for them to spread rumours to the masses, as this would make them responsible for the other Jews' fate.”

The privileged camp had nothing to gain and everything to lose if there was any Jewish attempt to interfere with Nazi plans, disobey the regime's orders or deny any of the regime's official or non-official announcements. The rescue plan created a situation where the privileged group's objective interests were aligned with Nazi's objective interests.

The people's camp's<sup>362</sup> interests were precisely the opposite. Maintaining silence in the ghetto, disobeying the regime's orders, not denying deceitful announcements, a lack of organized escape activity and a lack of resistance to the deportations - these are exactly what helped the enemy bring the vast majority of the Jews of Kolozsvár to the gas chambers with complete efficiency.<sup>363</sup> The only real chance<sup>364</sup> that each of the 18.000 condemned to death had was to escape, to resist or to interfere with the Nazis' actions; they had nothing to lose, and anyone fortunate would have been able to save his life through this type of action. It is impossible to determine how many would have been saved this way, nevertheless we can say that thousands could have been saved through organized escape alone.<sup>365</sup> The point here is that each of the 18.000 condemned to death (had he known the truth) would have made a radically different calculation<sup>366</sup> than the 388 rescue candidates, and that the vital interests of each camp were in total conflict with each other.

In fact, the plan to rescue the privileged created an objective convergence of interests between the Nazis, Kasztner and the privileged camp on one side, and objectively conflicting interests between these three parties and the people's camp on the other hand. The Jews of Kolozsvár's united front<sup>367</sup> against the enemy was shattered, and it was replaced by a fundamental division of interests that distinguished between the victims on the one side and the murderers and the

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<sup>362</sup> This is the first time Halevi uses this word, which he mentions several times later in his argument. No such group existed in the Kolozsvár ghetto, either officially or unofficially.

<sup>363</sup> "These are precisely what helped" - a shameful omission of the real causes: the anti-Jewish laws, unarmed labor service, the indifference of local residents, the enthusiastic collaboration of the Hungarian administration and, above all, the German occupation.

<sup>364</sup> We have already mentioned this, but none of these remarks can be left without a historian's comment: there was no "real chance" for the resistance activities listed here.

<sup>365</sup> This is an unfounded, downright random number, pure speculation, which has no place in any historical discussion, let alone in a court judgment.

<sup>366</sup> Again, pure speculation. There is no substantial evidence that Hungarian Jews, confronted with the purpose of the deportations, would have engaged in mass resistance or even changed their own behavior. Good examples of this are the late summer weeks, when the news spread in Budapest that the Jews of the capital would soon be deported. Apart from an increase in suicides, there was no significant change in the behavior of the Jews. It was already a well-known fact then in the capital that Jews had been gassed in Auschwitz, as the Allied planes had been warning the populace through leaflets in July.

<sup>367</sup> Even a researcher well versed in the history of the Hungarian Holocaust cannot understand what the judge meant here. What "front" and what "unity"? The Jews, broken, deprived of their male members of military age, spent their miserable days in the ghettos, divided into families and communities at most. Hunger and deprivation led to increased conflicts, thefts were frequent and there was no sign of unity. Jewish councils tried to intervene on behalf of the residents, usually without success. This was hardly the „united front” of resistance that Halevi envisions, therefore no such „front” was broken by Kasztner and his colleagues.

dependent camp on the other. It was merely one step to go from having converging interests to collaborating with the Nazis.

The plan to rescue the privileged made the leaders of Kolozsvár, and similarly the leaders of every community on Kasztner's lists,<sup>368</sup> interested in the Nazis' goodwill and dependent on their benevolence, just as Kasztner the members of his committee were. Furthermore: for the survivors - and not for their rescuers - this plan was literally a matter of personal life or death. At a time of extreme, life-threatening danger, both in general and for each individual, it was very difficult for any Jew to resist the temptation to save himself and his family with the help of the Nazis, that was presented to him as a "Zionist endeavor". It is quite certain that very few acted with the same righteousness as Rabbi Weisz of Debrecen, who, when he was involuntarily included in the transport for the privileged, asked to remain with his community and go with them wherever they were taken - and he merited the following response from the Hungarian officer in charge of carrying out the operation: "Since when do we ask a Jew where he wants to go and who he wants to go with?"

The leaders of Kolozsvár were not heroes and did not withstand the powerful temptation to be saved in Kasztner and the Nazis' joint plan. This plan to rescue the privileged camp was a sort of group bribe that brought them, whether they felt it or not, into collaboration with the Nazis. This collaboration expressed itself via all the negative phenomena mentioned above: Jews spreading the false Kenyérmező rumour, such as Balázs and Kohányi. One of them was among the Jewish leadership, the other a simple Jew, an ordinary Zionist who was included on the "privileged" list; Danzig, from among the leadership, confirming the aforementioned rumor, Freifeld, from the people's camp, confirming the rumor without verifying the reliability of the rumor's source with Danzig; Fischer and the rest of the Jewish Council not denying the rumor - Kohányi spread the rumor in the name of the council; Hermann and Danzig's non-denial of the rumor, even after they found out that Nazi agents had spread the rumor throughout the ghetto in order to deceive the Jews about the trains' direction; throughout the period of concentrating the Jews in the ghetto, the Jewish leadership focused its activity and attention on rescuing the privileged. During this decisive period, the local rescue committee (Danzig) stopped the organized rescue effort as of Kasztner's visit. "Bribery blinds the eyes of the wise and perverts the words of the righteous"<sup>369</sup>; therefore it is no wonder the danger of deportation of the people's camp (18.000 ghetto residents) to Auschwitz "did not occur" to Hermann, and that Danzig did not see the possibility that organized escape could have saved thousands from the Holocaust. The leaders of Kolozsvár and the "privileged" were tempted into active and passive collaboration, and as a result the Nazis succeeded in paralyzing the escape, calming and deceiving the ghetto residents with a false rumor, preventing any possible interference or resistance to the deportations, and the Nazis caused their victims to willingly board the trains to Auschwitz, led like sheeps to the slaughter.<sup>370</sup> Rescuing the privileged aided the Nazis in deporting and exterminating most of the Jews of Kolozsvár.

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<sup>368</sup> At this point Halevi makes a huge logical leap in his reasoning. Despite the fact that he has not brought any evidence from other ghettos and other Jewish councils, he suddenly claims that Kasztner's influence extended to all the ghettos in the country! After all, the deportations were carried out everywhere in an "orderly" manner - if Kasztner's collaboration was essential to this, and Halevi is now referring to "other communities" here, then it makes sense that must have been Kasztner who made it happen everywhere else. But this is a complete conspiracy theory, an accusation without evidence.

<sup>369</sup> Deuteronomy 16:19.

<sup>370</sup> Crude and offensive language, but common in the Israeli press of the time.

In his article “In Dire Straights” (see 416 in the book “Secret Shield”, Jewish Agency Publishers - exhibit 40) Yoel Palgi writes (compare his testimony as well, p, 402, 428) that at his meeting with Kasztner in Budapest in June 1944, before the deportation process was complete, Palgi heard the following from directly from Kasztner:

“He told me about things that had happened, that made my hair stand on end. Hundreds of thousands of Jews were deceived by their own leaders, who promised them that they were being taken to labor camps with good conditions within Hungary. These leaders knew the expected fate of those taken, but they hoped that in this way, they would save themselves. This is how the Jews of Hungary went to the slaughter without even raising their voices in protest.”

I don't know if that summary, as expressed, properly reflects Kasztner's opinion at the time, and nothing in the above summary could be used, in and of itself, as proof in this trial. However, in this trial we have heard detailed evidence about the circumstances of the deportation of the Kolozsvár Jews (and the Jews of Nagyvárad as well) which lead to a similar, if not slightly less extreme conclusion: it is not clear that “these leaders knew the expected fate of those taken”, but rather they knew half, a third, a quarter.<sup>371</sup> As far as the power of the temptation of the rescue plan, it makes no practical difference: the leaders in Kolozsvár had enough serious information and grave suspicions about the fate of those deported (“awareness of danger, not of extermination”, as Hermann testified, p. 382), certainly enough that they saw Kasztner's “special transport” as a sufficient means of rescue, whether it meant aliyah to the Land of Israel or emigration to a neutral country. Since the rescue plan was entirely dependent on the Nazis' benevolence, they were influenced in the direction of collaboration. On the contrary - since most people are neither perfect saints nor completely evil, it was easy for the Nazis to bring in these leaders as their collaborators, since the anticipated fate of their Jewish brethren was not entirely clear.

### **Kasztner's Responsibility in the Kolozsvár Collaboration**

58. Was Kasztner responsible for the Kolozsvár Jewish leaders' collaboration with the Nazis? If so, to what extent, and why would Kasztner be responsible for their failure?

#### **A. His Responsibility for a Lack of Organized Escape Activity<sup>372</sup>**

We will first clarify the question in terms of one the Kolozsvár leaders' outstanding failures, which constitutes part of the general picture of collaboration in Kolozsvár - halting organized escape (paragraph 14 [D]). Kasztner was the head of the Jewish rescue committee in Budapest, and one of its primary and consistent activities was the “tiyul” (trip) escape enterprise. In doing so, the committee rightly saw an open path<sup>373</sup> to rescue some Hungarian Jews, especially the residents of the border areas. Ostensibly, the organized escape was not a clearly anti-Nazi act, and according to Kasztner's own words, both in this trial and in his report, it is inconceivable that the agreement to rescue the privileged would have undermined his freedom to organize escape. Kasztner's version is, on the contrary, at the same time that he was rescuing the privileged with the Nazis' help, he continued to save all who could be saved from the general Jewish community. There was no conflict between these two rescue operations, on the contrary, according to Kasztner's version of events, even the Nazis' attitude to the committee's organized

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<sup>371</sup> A peculiar line of reasoning: so Palgi's lines cannot be evidence, but yet he uses them to claim that other unnamed people in other unnamed places knew “a quarter” of the truth.

<sup>372</sup> Interestingly, here Halevi starts to organize his argument into subsections marked with letters, but he does not get beyond the letter A.

<sup>373</sup> Again, there was no “open path”, the borders were heavily guarded.

escape activity was positive: SS leaders allowed Kasztner and his friends to engage in a "tiyul" and hold rescue funds for the "tiyul". They released Mrs. Brand, who had been detained by "the Hungarian Gestapo", and who confessed to her captors that she was guilty of carrying forged documents for "tiyul" purposes. When she was imprisoned (paragraph 36), they allowed Kasztner to transfer rescue funds to Kolozsvár,<sup>374</sup> and Wisliczeny gave Kasztner friendly advice about how those who were escaping could avoid the border patrol (see below), and more. This idyll, as described, seems too good to be true, but before we investigate its veracity, we shall examine how Kasztner fulfilled his obligations vis-a-vis organized escape in Kolozsvár.

The natural conditions for escape from Kolozsvár, a city four kilometers from the Romanian border and surrounded by forests along the border, were better suited for escape than any other place in Hungary where Jews lived.<sup>375</sup> Even before the Nazi conquest, Kolozsvár was a way station to Romania for Zionist pioneers, and after the conquest, an escape mechanism was established in Torda, on the opposite side of the border to help escapees from Kolozsvár. Kolozsvár was the only Jewish community with a flourishing branch of the rescue committee; the members of the branch were Kasztner's good friends (Marton, Danzig, Gottfried, Hátszegi), that worked closely with his father-in-law, the leader of the Jews of Kolozsvár. They were under Kasztner's "moral guidance" and he gave them guidance and material support (dollars, gold, and forged documents) to help with the rescue, which mostly consisted of organized escape. Kasztner himself visited Kolozsvár twice, in the middle of April and on 3 May. The second visit occurred as the Jews of Kolozsvár were being transferred to the ghetto. The transfer had already begun, but before it had ended, and many of the 18.000 Jews in Kolozsvár were still living in the city outside the ghetto - something that would have made their escape easier. At that time, Kasztner already knew about the comprehensive deportation plan, both in Hungary and in Auschwitz; on that same day, Wisliczeny told Kasztner that he was "pessimistic" about the Jews' fate and hinted about the task given to him in the extermination plan. Kasztner saw the comprehensive deportation as inevitable and the ghetto - as the last stop before Auschwitz. Kasztner knew what the Jews of Kolozsvár did not know: that their imprisonment in the ghetto and their being forced to sit idly within it meant death, and that their only hope of survival was to escape across the border. Kasztner knew what even the members of the local rescue committee and community leaders did not know and could not properly appreciate: that the danger posed by some escapees being caught by the border guard was nothing compared to the danger of not escaping, and that the fate of those caught at the border and sent back to the ghetto was no worse than those who remained in the ghetto.<sup>376</sup> Kasztner, as head of the rescue committee and having the information that he had, was obligated to inform the leaders of Kolozsvár responsible for organizing the escape efforts of the grave importance of escape. He was obligated to tell them the true meaning of escape - that it was the only way for the masses to escape and that they had to enable the Jews of Kolozsvár to escape by any means necessary and at any price. Everything mentioned above (paragraph

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<sup>374</sup> It was not impossible to transfer funds to, for example, rural Jewish councils. The Jewish Council in the capital transferred tens of thousands of pengős to rural banks on several occasions, which the local Jewish councils could use to buy food and medicine.

<sup>375</sup> This is a remark that can be refuted by looking at a map of contemporary Hungary. Halevi could not have seriously thought that (1) only Kolozsvár was a big border town, (2) only the area around Kolozsvár had forests, (3) the area around Kolozsvár was the most forested. The areas in Northern Hungary (today's Southern Slovakia) and Transcarpathia (today's South-Eastern Ukraine) were even more ideal for hiding, not only with dense forests, but mountains and numerous caves.

<sup>376</sup> Jews who did not wear the yellow star were interned according to the laws in force, and then deported to Auschwitz.

14 [D]) about the possibility and duty to save the thousands of Jews in Kolozsvár via organized escape of young people and others fit to escape - responsibility began first and foremost with Kasztner, the head of the rescue committee and the one with the best information about the expected fate of the Jews of Kolozsvár.<sup>377</sup>

We do not have reliable testimony as to what Kasztner did and did not do when he visited Kolozsvár, but we can plainly see the results of his visit: the organized escape effort from Kolozsvár, which before his visit was proceeding sluggishly and on a very limited scale (paragraphs 12-13 above), not only did not increase after Kasztner's visit, but rather the opposite occurred - it ceased entirely. This fact alone proves, in light of all the circumstances, that Kasztner did not fulfill his obligations vis-a-vis the organized rescue efforts in Kolozsvár. Had Kasztner fulfilled his basic duty as head of the rescue committee when he visited Kolozsvár, before the Jews were rounded up into the ghetto, it is impossible that 18.000 Jews from Kolozsvár would have been sent to Auschwitz.<sup>378</sup> An all-out serious effort to help them escape across the border would have saved at least some of them.

What does Kasztner himself say about his activities in Kolozsvár on 3 May regarding organized escape? He is silent in his report (p. 32), and had he made a serious effort to save some of the Jews by means of organized escape, he certainly would have mentioned it in his detailed report about all of the rescue committee's actions. However in his testimony (p. 38-39), Kasztner says:

“Obviously I used the opportunity to provide funds to our friends in Kolozsvár to go toward resume efforts, and I managed to meet with Wisliczeny... he asked me to tell my friends in Kolozsvár that there had been an increase in patrols at the Romanian border that was only four kilometers away (we would use that escape route all the time) - I had to tell those who wanted to escape to Romania that they should exercise more caution and use other routes.”

Wisliczeny's warning could have served two purposes, therefore I asked Kasztner in his final testimony (28:22):

“Was this a favor that Wisliczeny did for the Jews? How do you understand this?”

I need to describe Wisliczeny's personality in order to answer. On the one hand, he loyally carried out Eichmann's orders, and on the other hand he tried to show us courtesy. This was a gesture; if he couldn't keep his promises to us, then at least he could make courteous gestures. He said that he knew that people were escaping, and that there were orders to increase the border guard. He said that I should warn my friends that they should find more secure escape routes. He also told me that they had caught a significant number of people and sent them back.”

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<sup>377</sup> Again, Halevi seems to think that there were masses of young, fit adults in the ghetto, who were capable of escaping, but did not do so because of Kasztner. This was not the case: the ghetto was full of women, children, the elderly and the sick. No “organized escape of the masses” happened before or after.

<sup>378</sup> Halevi argues that since the (non-existent) organized mass escape of fit, young Jews ceased (didn't even start?) after Kasztner's visit, Kasztner is logically the cause of this, in fact, without him, the deportation of 18,000 people would have been impossible. But then how could the rest of the country's Jews have been deported without Kasztner's help? Surely, he did not visit all of the more than 300 ghettos of Hungary. Halevi leaves this question unanswered.

If we compare this testimony to Danzig's (25:73 - paragraph 13 above) and his explanation as to why the organized escape effort ended, we shall become convinced that the very facts mentioned in Wisliczeny's warning - an increase in border patrols, the previously used route now "blocked", catching "a significant number of people" and sending them back - all of these served to weaken Danzig's motivation and to get the organized escape to come to a complete stop. He says: in light of the influx of escapees from Kolozsvár to Romania, which naturally grew on the verge of transferring the Jews to the ghetto (Danzig's testimony, paragraph 13), the Nazi regime in charge of rounding up the Jews found it proper not only to augment the border patrol, but also to use his meeting with Kasztner, the head of the rescue committee, such that Kasztner would relay a warning to those organizing the escape efforts, to "use other routes" or to "look for more secure routes"; Danzig and his colleagues did not find other routes or more secure routes and they brought the organized escape to complete stop. Wisliczeny's warning was disguised as friendly advice to Kasztner and his friends, but I am skeptical as to whether or not this was a "gesture" for the Jews' benefit, as Kasztner explained it. Wisliczeny didn't simply "loyally carry out Eichmann's orders", as Kasztner put it, but he was indeed loyal to Eichmann; he played a leading role in the extermination of Hungarian Jewry. To the extent that his "gesture" was the cause, or one of the causes, of the cessation of organized escape from Kolozsvár, Wisliczeny helped achieve the Nazis' goals and earned the Jews' friendship, using Kasztner as a tool.

However, let us assume for a moment the nature of Wisliczeny's warning; let us assume that Kasztner regarded it as good advice for the Jews to genuinely "search for other, more secure routes" to escape to Romania, and that in this spirit Kasztner passed Wisliczeny's words onto his friends in Kolozsvár. However Marton, the head of the local rescue committee, found himself "a more secure route" to Romania (see Finkelstein's testimony, 4:50-A); while Danzig, the remaining member of the committee, found no way to continue any organized escape. We have established (paragraph 57) that one of the causes of Danzig's weakening vigor in the organized escape that turned his attention elsewhere was the plan to rescue the privileged, in which he became especially active. Yet it must be noted that Danzig alone was not entirely responsible for the cessation of organized escape from Kolozsvár, after the other three members escaped; an emergency situation mandates the formal division of roles, and after Danzig was left alone on the rescue committee in Kolozsvár, it was Fischer (who was there with Marton and Danzig on the eve of the Nazi occupation at the rescue committee meeting in Budapest) and the other Zionist leaders from Kasztner's circle who had a duty to assist Danzig in fulfilling his duties, despite their not having a formal role on the committee.

The Kolozsvár leaders' failure in rescuing the masses, expressed sharply by the halting of organized escape to Romania at the precise moment that organized escape to Romania constituted the only practical way to save the 18,000 Kolozsvár Jews<sup>379</sup> from the Holocaust - this devastating failure had two principal causes, one positive and one negative - and both of them are tied to Kasztner. The positive cause was the destructive power of the plan to rescue the privileged, that Kasztner tossed at the Kolozsvár leadership; the negative cause was the Kolozsvár leadership's partial lack of knowledge, and Kasztner did not reveal to them at the time (nor later) the concrete knowledge that he had about the anticipated fate of the members of their community. These two factors combined to create an atmosphere in which no one took

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<sup>379</sup> Halevi constantly changes his position: sometimes he writes that he does not know how many people could have been saved by crossing the Romanian border, but here he writes that all 18,000 Jews could have been saved. It is almost unnecessary to point out: it would have been completely impossible to smuggle 18,000 people across the Romanian border.

communal responsibility. The leaders of Kolozsvár worked to rescue themselves and completely took their minds off of rescuing their brethren.<sup>380</sup> When Kasztner presented the plan to rescue the privileged, which had Nazi agreement, and told the Kolozsvár leaders the Nazi warning about the dangers of escape, he had a profound responsibility to share all of the information he had about the Nazi extermination plan; the disclosure of this information by the head of the rescue committee was necessary, among other things, in order to inform the Kolozsvár leaders about the true importance of organized escape organization at this time when their brothers were sentenced to death. This would have enabled those responsible for the Kolozsvár organized escape effort to make accurate and realistic considerations - all the more so in the face of Wisliczeny's warning - regarding the benefits of escape compared to the risk. Kasztner's action, which dangled the bait of a so-called "Zionist" rescue plan to save themselves, without at the same time revealing to them the Nazi plan to send the rest of their community to Auschwitz - this action of the head of the rescue committee is akin to anesthetizing the conscience of the Kolozsvár leadership and it is akin to a deliberate distraction from their designated public responsibility. As time went on, Kasztner still did not use his connections with Kolozsvár to draw the leaders' attention to the importance of organized escape; all his other actions were aimed at speeding up the rescue of the privileged. In organizing the escape effort, this verifies what became clear regarding the warning (paragraph 56): that Kasztner sacrificed the good of the people for the benefit of the privileged.

There is indeed no truth in Kasztner's narrative that the organized escape effort did not conflict or contradict the rescue of the privileged, and that the agreement with the Nazis did not restrict his freedom of action regarding escape efforts. The very need to disclose the Nazi extermination plan to the Kolozsvár leadership, in order to make them realize the significance of their role in organizing the escape - something that Kasztner was unable to do because of his ties with the Nazis -, this proves that the agreement to save the privileged stood in his way and did not allow Kasztner to fulfill his duty regarding organized escape efforts to help the Jews of Kolozsvár. Moreover, the SS leaders, whose goodwill Kasztner depended on, focused on the extermination of the Jews and could not afford to let their recruit organize the smuggling of their victims under their noses on any serious scale; Kasztner's narrative implies the opposite, and the idyll mentioned above is not plausible at all. It is possible that the Nazi patronage of Kasztner's rescue committee caused the Nazis to turn a blind eye here and there regarding for some trivial smuggling operation, or also for ambiguous "gestures", Wisliczeny-style. Moreover, the Gestapo was interested, for obvious reasons, in monitoring the Jewish underground. Therefore, it is not surprising that SS leaders allowed the committee to continue to organize the "tiyul", which at the time essentially meant handing over of the rescue funds to the leaders of the pioneering underground that ran the smuggling operations; by continuing these activities, the constant contact between Kasztner and his friends in Jewish underground leadership continued, and underground continued to be financially dependent on Kasztner - two results that were desirable to the Nazis. It is interesting to note that even though Mrs. Brand and the other members of the committee detained by the Hungarians in connection with the forgery of the "tiyul" papers, were released through very high-level Nazi intervention (paragraph 36), the Zionist pioneers who were imprisoned with them for the same reason were not released, including Menachem Klein, "the brave director of the smuggling operations in the underground" (Kasztner's report , 40). Any serious smuggling operation went against the Nazis' main interest, and the Nazis could not allow such actions on a large scale - not in Kolozsvár (as Wisliczeny had hinted to Kasztner in his friendly warning) and not anywhere else either. The organized escape efforts, except in the cases noted above, was forbidden to

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<sup>380</sup> The truth is that after Kasztner's first visit, the Chief Rabbi Weinberger was sent to Palestine to ask for help.

Kasztner under the agreement with the Nazis no less than any other anti-Nazi act, and Kasztner did not violate the ban.

### **Kasztner's General Responsibility in the Kolozsvár Collaboration**

59. Just as Kasztner knowingly led the Kolozsvár leaders to fail in their role in organizing the escape, he also knowingly brought about collaboration with the Nazis in other ways. Objectively, it is clear that Kasztner created (together with the Nazis) the bait that caused collaboration in Kolozsvár. The plan to rescue the privileged, which was born on 2 May out of an agreement between Kasztner and Krumej and implemented from 3 May until 9 June by Kasztner and the Nazis in Kolozsvár, divided the Kolozsvár community into two camps for the whole period of the ghetto and the deportation, and brought the privileged camp into a state of collaboration with the Nazis against the people's camp. It is clear, therefore, that Kasztner, through his joint venture with the Nazis, caused collaboration in Kolozsvár, and the only question that arises is whether he knowingly caused this collaboration with the Nazis.

In collaborating with the Nazis in his rescue plan, Kasztner tied the privileged camp in Kolozsvár to the Nazi regime and to himself and got Kolozsvár involved in his "agreed upon" rescue plan. Kasztner remained in Budapest, in contact with the leader of the SS, and his father-in-law remained in Kolozsvár in contact with SS representatives there. A double connection existed throughout the ghetto and deportation period between Kasztner and the privileged camp in Kolozsvár: a telephone connection via his father-in-law, and an official connection via the Nazi regime. This dual connection enabled Kasztner to guide and direct the privileged camp's behaviour in Kolozsvár according to the needs of their rescue plan. This plan made the privileged camp in Kolozsvár dependent on the Nazis in precisely the same way that Kasztner and his rescue committee were. All of the objective interests that caused the privileged camp to collaborate with the Nazis (paragraph 57) were also Kasztner's interests. Just like the privileged who would be reduced, Kasztner likewise had an interest in maintaining silence in the ghetto, so that the Jews obeyed the regime's orders and did not disturb public order; the Jews did not resist being transferred to "Kenyérmező", and in general did not interfere with the Nazis' plans. Kasztner's interest in maintaining that behavior of the Kolozsvár Jews stemmed not only from his concern for the success of the rescue plan of the privileged camp but also through the mere basis of his method which was founded on the consent of the Nazis.

Kasztner knew that the "agreed upon" rescue method (paragraph 40) would not allow anti-Nazi activities or independent rescue operations of any kind. He knew that having two rescue operations, one his "agreed upon" rescue method and the other a separate rescue operation could cause each method to frustrate the other, and that there was only room to operate one of these two methods. He had to decide between them. By activating the agreed upon rescue method in Kolozsvár, Kasztner made his decision.

What Kasztner knew and the Kolozsvár leaders did not know enough about at the time was that the second camp in Kolozsvár (the people's camp) had been condemned to extermination. The agreed upon rescue method was good for the privileged camp, but not for the people's camp. The only means of rescue that would have benefited the people's camp were those methods that did not depend on the Nazis, such as organizing a large-scale escape, warning people against Nazis' reassuring messages and the deceptions of the Nazis and their aides, organizing resistance and defense and interfering with deportation operations.<sup>381</sup>

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<sup>381</sup> Again, these were not realistic "means" at the time.

Depriving the people's camp of free rescue meant, in practice: accepting the deportation to Auschwitz. Rescuing the privileged in Kolozsvár meant, in practice: collaboration with the Nazis and their plan. This was the true implication, and Kasztner knew it, he knew full well the fate decreed upon the people's camp, and not upon the leaders of Kolozsvár, and Kasztner did not reveal to them everything he knew in this matter.

Kasztner therefore knowingly created all the conditions that led the Kolozsvár leaders to collaborate with the Nazis, without revealing to them all the facts involved, which would have enabled them to realize the true implications of their behaviour and would have deterred them from such actions. If Kasztner had revealed his knowledge of the impending fate of the people's camp to Kolozsvár's leaders, then these leaders would have been able to choose for themselves between the two methods: between self-rescue while cooperating with the Nazis and free rescue for the benefit of all, while relinquishing their separate rescue. It is also possible that the Kolozsvár leaders could have tried to use both methods: to attempt to get the Nazis to save them while at the same time organizing a general rescue for the benefit of the people's camp - though such an attempt to deceive the Nazis would have been very dangerous for them. The bottom line is: if Kasztner had revealed to the Kolozsvár leaders the truth about the fate that was about to befall the people, then they would have had the choice to behave towards the Nazis and towards the people according to their conscience. By concealing the truth, Kasztner hid the choice from the Jewish leaders of Kolozsvár and put them directly on the path of collaboration with the Nazis, i.e he decided for them.

This behaviour on Kasztner's part was not incidental. We have already mentioned (paragraph 54) that one of the Kasztner's motivations for concealing the truth from his father-in-law was the fear that if his father-in-law knew the fate destined for 18.000 members of his community, then he would not quietly engage in rescuing himself and his friends, but would warn the victims and thus endanger the success of the plan to rescue the privileged. Kasztner knowingly guided and directed the Kolozsvár leadership's behavior in the direction that the Nazis desired, by running their separate rescue program while hiding the news about the expected fate of their community members. Kasztner did not want to leave it to the Kolozsvár leadership to make the choice and to decide according to their conscience, so that they would not thwart the joint rescue operation that he had planned with the Nazis.

Why was Kasztner so interested in the success of his plan to the point that he did not even give those involved the chance to decide for themselves? Why did he force them, so to speak, to be rescued against their will? This type of behavior does indeed fit Kasztner's character (see the testimonies of Freudiger and Krausz), but this explanation alone is not enough. This behavior indicates that Kasztner had a strong personal interest in the success of his plan, a separate matter from the rescue plan itself. Kasztner's report indeed reveals this (p. 43), in the passage quoted above (paragraph 40):

“It's not a matter of saving a few hundred Jews from the countryside alone. If we can't get Eichmann to compromise, then the committee, which placed its bets on the German number in the roulette game of life, will have naively lost just as much as its predecessors in occupied Europe. In our vain attempt, the masses of millions will be left with nothing but consternation. The loser in this game will also be called a traitor.”

We see here clearly that Kasztner was not only interested in rescuing his relatives and friends in Kolozsvár, who trusted his work, and in the event of their not being rescued, he would consider himself an “accomplice in the sin of their deportation” (paragraph 39); but rather -

and this is the main thing - the action Kolozsvár, which constituted the first opportunity to implement Kasztner's approach based on the agreement with the Nazis was, in his eyes, a decisive test of this method and of this agreement; and because the agreement made Kasztner abandon any other rescue route and threw the fate of the entire rescue only on the Nazi card, Kasztner was very afraid that he would fail the test and saw his possible failure as an end and as a bankruptcy for his entire enterprise as head of the Rescue Committee. Therefore, Kasztner concentrated all of his efforts into this operation and mobilized all his strength in the campaign to save the Kolozsvár leaders no matter what. Only Kasztner's strong personal interest in the success of the operation, his deep fear of losing the whole "game" explains all his firmness in rescuing the Kolozsvár leaders and his heartlessness and lack of consideration for the fate of the victims that we mentioned above (paragraph 56). Kasztner was in a bind, and he fought by all means and without restraint for the only way out that he saw.<sup>382</sup>

We have seen (paragraph 29) that the granting of emigration permits to 600 Jews by the heads of the SS was an act that was definitely out of the ordinary<sup>383</sup> and in those days - on the eve of the Holocaust - was a great gift; Kasztner must have asked himself what the required price was for this "kindness". Kasztner was familiar with the extermination methods in Poland, Slovakia and the other occupied countries, where the Nazis had caused Jews to collaborate with them against their brethren, using all kinds of pressure and temptations, including temptation in the guise of "rescue" actions (paragraph 32, Kasztner's report, 43, 66-68). Krausz had repeatedly warned Kasztner of Nazi plots involving "aliyah disguised as deportation" (paragraph 23); but Kasztner - who in his eagerness after achievements with the help of the Nazis had already pushed Freudiger aside and not allowed the leaders of Hungarian Jewry any real criticism of his actions<sup>384</sup> (paragraph 35) - showed contempt for Krausz' warnings. In his testimony in this trial, Kasztner said (while being cross-examined, p. 250):

"I was not warned that it was dangerous to turn to the Germans... 'I was not warned' - I say this as an expression. I was told... this was the position of one man in all of Hungarian Jewry... a man who had no idea of the real situation."<sup>385</sup>

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<sup>382</sup> The Jewish leaders were obviously "in a bind", but not only Kasztner - everyone else. To attribute Kasztner's predicament solely and exclusively to his plan to save people is at the very least short-sighted on the part of the judge.

<sup>383</sup> It was not uncommon for the perpetrators of the Holocaust to rescue Jews for one reason or another. This does not make them "rescuers", it does not mean that they were not antisemitic, and it does not take away from their status as perpetrators. It is true that the Kasztner train was a rare and very successful rescue operation - that is not Kasztner's crime, but his merit. However, it cannot be said that there were no "antisemitic rescuers of Jews" during the Hungarian Holocaust. Some famous examples include the Arrow Cross Minister for Foreign Affairs, Gábor Kemény, the former Minister for Culture and supporter of anti-Jewish legislation, Gábor Hóman, the Press Officer of Arrow Cross Dictator Ferenc Szálasi, Ferenc Fiala, or the Minister for Transport and Trade until the German occupation, Ferenc Zsindely. On this see: Ujváry Gábor: *Antiszemita zsidómentők?* (Budapest: Magyar Napló, 2024.).

<sup>384</sup> Halevi assumes that there and at that time the leaders of Hungarian Jewry - i.e. the Jewish Council of Budapest - were strongly opposed to Kasztner. In fact, the Jewish Council had cooperated with Kasztner and his team all along, even providing them with premises in the Council's headquarters at 12 Síp Street. Between July and September, they cooperated in even more daring rescue attempts than the Kasztner train, including suggesting to the Hungarian government that, in order to stall for time, the Jews of Budapest should be relocated to a concentration camp to be built outside Budapest, but still on Hungarian territory, thus avoiding deportation by the Germans. Kasztner and Samu Stern gave their names to this plan.

<sup>385</sup> This answer, in the light of the other sources, perfectly reflects reality.

The attorney general stated in his summary: “Apparently there was only one Jew in Hungary whose wisdom was not to be believed” (regarding the intrigues of the Nazis), “and that was the witness Krausz.” I do not think that Krausz surpassed Kasztner in his wisdom, but there is no doubt that he surpassed him in his sense of personal and collective responsibility.

In Kasztner’s engagement with the Nazis in the joint plan to rescue the Kolozsvár leaders, the interests of both parties converged and sought to be satisfied: Kasztner’s desperate aspiration for a success, for his first achievement as the rescuer who saved people from the sea of the Holocaust that was drowning Hungarian Jewry, and Eichmann’s typical interest (paragraph 34) in coopting Jewish leaders as he carried out comprehensive deportation. In these circumstances, and in light of Kasztner’s utter dependence on the kindness of the Nazis, there was no need for an explicit demand from Eichmann, Krumej or Wisliczeny to make it clear to Kasztner that they expected the cooperation of the Kolozsvár leaders to be a precondition for their rescue. However, Eichmann had to present himself as something other than a cynical and brutal butcher, as he was described by all the witnesses who knew him personally (Kasztner himself, Brand, Mrs. Brand and others), so as not to demand that Kasztner in this situation (whether directly or through Krumej or Wisliczeny, to co-opt the Kolozsvár leaders into collaboration as a necessary condition to save them. Eichmann “the monster” and “the bloodhound,” as Kasztner called him, the sadist who enjoyed transporting innocent men, women and children to the gas chambers and bragging to Brand about his exploits, Eichmann who boasted at the end of the war, to his friend Wisliczeny (Wisliczeny’s testimony in Nuremberg, exhibit 10, p. 288, Kasztner’s report 184) -

“He will jump into his grave laughing, because the feeling that he has the blood of five million people on his hands gives him an extraordinary source of satisfaction.”

This Eichmann and his evil gang must have been quite strangely refined, in order to behave according to Kasztner’s description in his testimony (cross-examination, p. 243):

“Eichmann and the rest of the Germans demanded nothing from us except money and Brand’s offer ... he made no demands regarding the organization of Jewish life in Hungary. He did not dare demand anything regarding the mood of Hungarian Jewry. He didn’t demand this of us, and maintained our dignity because he never demanded these sorts of things. It is because he knew it would be in vain. He did not even try.”

All of the circumstances detailed above (paragraphs 58-59) come together and prove that it was absolutely clear to Kasztner, from the beginning of his engagement with the Nazis to the end of the liquidation of the Kolozsvár ghetto, what the price was that the SS demanded and charged for rescuing his relatives and friends in Kolozsvár; this price included, according to what Kasztner knew, the collaboration of the Kolozsvár leaders. Kasztner dangled the bait that led them to cooperate with the Nazis, while deliberately hiding the information that could have inoculated them against the temptation and kept them from collaborating with the Nazis. Kasztner knowingly guided and directed the Kolozsvár leadership’s behavior in the desired direction for the Nazis, in the direction of obedience to the regime that was preparing and carrying out, to the best of his knowledge, the deportation of the community to Auschwitz. He led them in the direction of defeat, he led them to abandon their public responsibility during this fateful period, his actions led them to not warn the community about the deportations, to not organize escape efforts, and his actions led to the Kolozsvár leadership not encouraging the people to stand up for themselves and to interfere with the process of deportation to Auschwitz - all with the aim of advancing his plan to rescue the privileged with the help of the Nazis.

Kasztner clearly realized that he was causing collaboration with the enemy in Kolozsvár; it was out of a conscious surrender to the murderers' interest and will that Kasztner knowingly brought the Kolozsvár leaders to collaborate with the exterminators, in order to gain their help in rescuing them. That is why Kasztner is responsible - and he is one of the main individuals responsible - for that collaboration in Kolozsvár that helped the Nazis destroy most of the members of the community.<sup>386</sup>

### **Collaborating and Spreading Collaboration in Kolozsvár**

60. We called the collaboration of the Kolozsvár leaders “de facto collaboration” (paragraph 57), in order to point out that most of the community leaders, except perhaps a few wicked ones<sup>387</sup> who may have been in on the Nazis' secret - did not have full and clear knowledge that they were helping to deport members of their community to Auschwitz. But the local collaboration in Kolozsvár was nothing but a result of central collaboration at a higher level - Kasztner's collaboration with Krumej, Wisliczeny and Eichmann, who were in charge of exterminating the Jews. Kasztner knew from a highly qualified source - from the executioners themselves - that the trains from the camp in Kolozsvár, like the trains from the rest of the ghettos, were carrying the innocent masses straight to the “selection” in Auschwitz. The cooperation in the deportation of these victims to Auschwitz between the head of the Jewish Rescue Committee and the leaders of the exterminators of the Jews of Hungary, in order to rescue the privileged, was not merely “de facto” collaboration but criminal collaboration in the full sense of the word.

Kasztner helped the Nazis to exterminate the Jews of Kolozsvár in two ways:

- A. By knowingly bringing Kolozsvár leaders into collaboration in deporting members of their community to Auschwitz;
- B. By knowingly preventing himself from fulfilling his duty, as head of the Rescue Committee, to inform the Jews of Kolozsvár of the secret information that he had about the fate that awaited them and not fulfilling his obligation to organize an effort to smuggle some of them out over the Romanian border.

Kasztner's treatment of the Jews can only be explained as a result of his engagement with the Nazis to rescue the privileged, an engagement that obligated him to secrecy and non-interference in the fate of those condemned to death. Kasztner's behavior on both points (A) and (B) both stemmed from one root: from the agreement with the “Judenkommando” headquarters, that Kasztner made in order to save the privileged and that the Nazis made in

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<sup>386</sup> For Halevi, it proves to be a difficult task to pin the events of the Holocaust in Kolozsvár on a marginalized lawyer in Budapest. Somehow, he has to prove that Kasztner's actions not only aided and abetted the events, but that Kasztner was a conscious participant in them, aware of the outcome all along, and guiding the actions of all the Jewish leaders in Kolozsvár as a kind of diabolical mastermind. The above reasoning is an attempt - weak and unfounded - to do so. It is worth looking, however, at those who are almost absent from Halevi's discussion. They are the real culprits: the German occupiers and the leaders of the Hungarian administration and law enforcement agencies. To blame the Jews for the terrible outcome of the Holocaust is a capital crime for today's Holocaust scholars, not only because it places the blame on the victims, but also because it obscures the responsibility of the real perpetrators.

<sup>387</sup> This is a very important comment, especially in light of the fact that Halevi described Danzig and Hermann as misguided individuals, and Fischer as a perfectly moral leader. The remark is therefore obviously a reference to Kasztner, even if he was not a “leader from Kolozsvár”. Halevi tries to conceal his dislike of Kasztner behind a shroud of objectivity, but sometimes his real feelings come to the surface: here we see him calling the witness - and victim - of the criminal trial the “wicked one”.

order to exterminate the Jews. Through this agreement, Kasztner was crowned savior, and at the same time became a collaborator and the cause of others' collaboration with the Nazis.

### **Extending the Collaboration**

61. As for extending the collaboration (point A above), the question arises as to what was the impact of the rescue plan on other communities in Hungary. The plan was not limited to Kolozsvár, although Kasztner - for private reasons (paragraph 50) - gave Kolozsvár rescue priority over all other provincial cities. During the crisis with Eichmann, which began on 3 June, Kasztner was involved in rescuing the Kolozsvár privileged only, and only after the transfer of "Kolozsvár down payment" on 10 June did he ask to bring additional "smaller groups of the most privileged" from other ghettos that still existed (paragraph 50). This is how Jews from the ghettos in Békéscsaba (40), Debrecen (88), Szabadka, Óbuda, Székesfehérvár, Szombathely, Kecskemét and Szeged (66)" and more arrived in Budapest after the Kolozsvár Jews, "all in all they totaled a few hundred Jews" (Kasztner's report 53).

These are the privileged few from the provincial cities that were rescued in practice by the aforementioned plan; but these were not all the communities initially included in the rescue plan. Already in the first half of May, after the agreement with Krumej and before the beginning of the comprehensive deportations, Kasztner submitted the lists of the privileged whom he sought to save from the provincial cities within the quota of 300 individuals, approved by Krumej, and also re-submitted the lists several times. On 1 June, after the liquidation of many ghettos, Kasztner returned and asked Eichmann to transfer the privileged "from the remaining ghettos in Transylvania (Szatmárnémeti, Nagyvárad, Kolozsvár, Marosvásárhely and more) (Kasztner's report, 41). Eichmann used various excuses (paragraph 39), to exterminate the candidates on the above lists with the first 300,000 Jews, and on 3 June, he openly informed Kasztner regarding the Kolozsvár families and the rest of the communities on the lists, that he did not intend to keep his promise. Indeed, this was the Nazis' method of first bringing the Jewish leaders close to the Nazi regime, and through them maintaining discipline and obedience among the people and bringing the leaders, if possible, into a state of collaboration during the deportation period, and to finally eliminate them as well (see Kasztner's sworn statement in London, exhibit 29). We find that the number of communities from which privileged people were actually saved is much smaller in many cases than the number of communities in which Kasztner and Krumej's joint rescue program operated and to which Kasztner's lists were sent and that excited rescue among the leadership. We can presume that the Nazis used the rescue plan and the rescue lists everywhere as they used them in Kolozsvár: as bait for Jewish leaders Jews to collaborate in the process of comprehensive deportation.

We have no detailed testimony of the circumstances in which the Nazis carried out their deception and deportation in most of the communities,<sup>388</sup> but testimony from Nagyvárad

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<sup>388</sup> In the 70 years since Halevi's verdict, the Holocaust of every major Hungarian city has been thoroughly researched. In no other city has there been any suggestion that members of the Kasztner team deceived Jews. We have a great number of memoirs and other records from most of these cities; none of them mention the "Kenyérmező" deception. Those memoirists who do were from other towns, and did not claim that they heard them from Zionists; some of them heard it from Hungarian gendarmes. There is no evidence whatsoever that Zionists, the Kasztner team or even the local Jewish councils played a serious role in preparing or carrying out the deportations. All such activities were carried out by the Hungarian administration. In addition, most of the towns listed by Halevi are not border towns, so the thesis that the Germans feared a mass breakout or border crossing does not even hold in their case. Of the cities listed, Debrecen, Óbuda, Székesfehérvár, Kecskemét,

(paragraph 5) combined with testimony from Kolozsvár combine to indicate that what happened in Kolozsvár was a precedent for many communities. It has also been proven that in the Nagyvárad ghetto, where 25.000 Jews were concentrated with the cooperation of the Jewish Council, headed by a Jew named Sándor Leitner. The Jewish council provided real assistance to the Nazis in deceiving the Jews of the ghetto and deporting them efficiently to Auschwitz. There were thousands who could have escaped from Nagyvárad to nearby Romania, but did not take advantage of the possibility of escape because they were not aware of their fate. The collaboration in Nagyvárad was similar in all its details to the collaboration in Kolozsvár, and the detailed testimonies of Nagyvárad witnesses support the similar testimonies heard about Kolozsvár. It was also proven that Leitner, the head of the Jewish Council, was included in the Bergen-Belsen transport (see Kasztner's report, 41), who sent a list to Nagyvárad, and reached Switzerland, while 25.000 ghetto residents were sent to Auschwitz. In the capital, too, Kasztner and the Nazis' joint rescue plan was activated, before the inhabitants were rescued by a source independent of Kasztner and the Nazis - Horthy's veto, and we'll talk more about the collaboration created there by the "Bergen-Belsen train" operation.

The general conclusion is that the central collaboration of the head of the Jewish Rescue Committee with the "Judenkommando" headquarters in Budapest, had a negative impact on a large scale. It created other centres of collaboration with the extermination regime both in the provincial cities and in the capital.<sup>389</sup>

Kasztner and the SS's joint rescue plan acted as powerful bait for Jewish leaders during the Holocaust. It separated their fate, diverted their attention from the people's fate and spread defeat and collaboration among them, which aided the Nazis in exterminating the people. Local collaboration throughout Hungary, which the Nazis used for the quick and efficient execution of the comprehensive deportation, was built like a pyramid. The base was in the communities of the countryside and the capital, and its top was the head of the rescue committee. Indeed, during the entire period of the Nazi occupation and the Holocaust, none of the Jews of Hungary - including the members of the Central Jewish Council - were as close as Kasztner to the top of the bloody regime and did not maintain such close ties with the headquarters that planned the extermination of Hungarian Jews and defeated them.

### **Kasztner's Failure to Fulfill his Duty on a National Scale**

62. Regarding point (B), (paragraph 60) - Kasztner's cooperation with the Nazis by not warning the victims and not organizing of their escape - the Kolozsvár affair emerges not to teach about itself, but rather to demonstrate what went on in general: if in Kolozsvár, his hometown, where he "knew the people and the situation" and he had extensive opportunities to pass on his actual knowledge of the Nazi extermination program to all concerned and even to save a significant part of the victims by organizing their escape in time, Kasztner kept his knowledge a secret and did not encourage escape to the nearby border - after all, in the other communities, with whom Kasztner did not have any real contact, where he had not visited and had not even made telephone contact with them, all the more so there.<sup>390</sup> If further proof is required that the point

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Szeged and Szatmárnémeti are not border towns. Szombathely is a border town: it was on the border of the Third Reich.

<sup>389</sup> It is worth pointing out that this serious and shocking accusation was included in Halevi's conviction without any substantive evidence.

<sup>390</sup> Again, most of the towns mentioned by Halevi were not even border towns. Debrecen, a town which Halevi has mentioned a number of times, was 412 kms (256 miles) from the Romanian border. If we take Halevi's words literally, he claims that Kasztner is guilty because the Jewish women, children, elderly and sick of

(B) applies to all the provincial cities, it can be found in the testimony of Kasztner himself, who said in his cross-examination (pp. 226-228, 237-238, 242):

“It's true that József Fischer spoke to me ten times on the phone from Kolozsvár. I was the only person who had personal telephone contact with Kolozsvár. Wherever one could speak, the members of the committee certainly spoke there. We must have spoken. The body that dealt with the provincial cities, within the Judenrat, was a Zionist body that worked with us. Dr. [Miklós] Buk, who was the general secretary of the Zionist Union, Sarah Friedlander, and others. They worked with us and were in contact. They had connections with the provincial towns to the degree that it was possible at that time; I do not know if they had telephone contact or not. Kolozsvár was not the first ghetto to be exterminated. It was part of the first third, approximately in the middle. When the committee was established, the body with which it cooperated established telephone contact with other places, to the extent possible. I had contact with Kolozsvár. As far as what contact the other members of the committee had, I do not know. I do not remember the committee having a telephone connection to the provincial cities through the body. The body gave us a report on what it did and when it failed.

Question: Was the body's telephone contact available to you?

Answer: For what?

Q: Were you able to make phone calls to the provincial cities through the body?

A. For what? To the extent that censorship allowed, we could use the telephone connection between this body and the provincial cities. To the extent that there was a connection, Dr. Buk could talk to the provincial cities by phone, but the phone calls were monitored. I could not, except with Kolozsvár - I could not do it all myself, so I chose Kolozsvár for obvious reasons. I did not say I could not. (To the court) - what Dr. Buk could do, I could too. I did not, I didn't get to it, because I was busy. It is true that the question of being able to call was a purely technical question. It could not be handed over to a less busy member of the committee, so we established the body, to keep in touch with the provincial cities. They were subordinate to us, but not completely. As a result of all this we had telephone contact with the country towns, but so irregularly that I dare not call it contact today. Except for Kolozsvár, I never personally spoke with anyone in the provincial cities by phone.

Except for Kolozsvár, I never visited any provincial cities. It was impossible to visit. In Kolozsvár - at the beginning of May. Twice. Jews could not travel during that period. I received a special permit to go to Kolozsvár - once from Krumej, once from the Hungarians. I was given a permit by the Hungarians at my request. It was the counter-intelligence service that we contacted for help. I justified it as a private matter. That was enough. It was possible to apply for such a permit to travel to other provincial towns. I went to Kolozsvár twice, because I knew Kolozsvár, the people and the situation, so I was well-suited to do it. I do not remember if any of the members of the committee visited other provincial cities.

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Debrecen did not defeat the city's law enforcement and march 400 kilometers to the equally heavily guarded Hungarian-Romanian border to break through and enter Romania.

I know the city of Nagyvárad. There were more than 20.000 Jews in it. At that time it was close to Romania. I do not remember if we had contact with it. I also do not remember if the committee had contact with it through the body that would call on the phone. I can not give an answer to the question whether it was possible for us to convey underground, secret information to this city. I do not know if in this city they did not know that there would be extermination.”

The conclusion from all the above answers, some of which Kasztner gave with noticeable reluctance, is that it was within his power to obtain a travel permit not only for Kolozsvár but also for some other provincial towns, and that it was in his power to call the other provincial towns by phone (it was possible to call the Jews in other provincial towns from Budapest by phone - whether through Christian friends or through various other tricks - until they were concentrated in the ghettos. This was proven by Freudiger’s testimony and other testimonies as well) but the head of the rescue committee found no need for this; the excuse that he was “busy” and could not delegate the role to another member of the committee is not at all worthy of discussion.<sup>391</sup> Here we must go back and emphasize that the Zionist pioneers, who in the first period of the Nazi occupation endangered themselves on the roads to warn the Jews in the provincial towns of the danger of extermination, did not succeed in their mission, because their warning was based only on the general experience of other countries under occupation and a most Jews in Hungary did not believe that their fate would be the same as the fate of the rest of the Jews of occupied Europe; at the end of April, concrete and explicit information reached Kasztner about preparations for the comprehensive deportation of Hungarian Jews, about the preparation of the gas chambers in Auschwitz, about the agreement with the railway administrations and about the deportation of 1.500 Jews from Kistarcsa to Auschwitz (paragraph 25).<sup>392</sup> It was the duty of the head of the rescue committee to disseminate this news to the masses to warn the Jews of Hungary against the false announcements regarding their fate that the Nazis were spreading all over Hungary, as well as to organize and encourage escape to Romania and Yugoslavia<sup>393</sup> in the border regions on an appropriate scale, as befitted the emergency, in light of his knowledge that the mass deportations to Auschwitz were inevitable. The concentration of Jews in ghettos progressed, as stated, in stages by regions; only on 13 May was the concentration of 320.000 Jews in Transcarpathia and Northern Transylvania into the ghettos completed (Kasztner’s report, 35). At the end of April, when Kasztner received the concrete news, only a minority of Hungarian Jews were concentrated in ghettos, and it was still possible to pass on information to the many communities in Transylvania, in the Bácska region bordering Yugoslavia and in other areas, where the Jews had not yet been separated from the Christian population. Kasztner did not pass on his knowledge of the Jews’ anticipated fate to any of the aforementioned communities and did not organize or encourage real escape in any of the border areas.

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<sup>391</sup> Again, it is not clear to Halevi that Kasztner is not lying, but describing the complex reality. The provincial section of the Jewish Council in the capital was indeed a Zionist section. Kasztner's team exercised a degree of control over it, but not total control. (This in itself refutes Halevi's idea that Stern and Freudiger did not support Kasztner's plans.) The provincial department repeatedly visited the rural ghettos, sending delegates to warn them. They also contacted the rural ghettos by telephone, and archival records of this have been preserved. Kasztner did not need to know about this, as he did not personally work from here. It would have helped a lot if the heads of the rural department had been heard at the trial - but they were not.

<sup>392</sup> Halevi believes that the delegates did not know the reality of Auschwitz. The truth is that we know of several envoys who had specific knowledge of Auschwitz.

<sup>393</sup> Once again, a comment that shows the utter nonsense of Halevi's arguments and his serious lack of historical and geographical knowledge. Yugoslavia, at the time, was under German occupation. Belgrade was liberated in October 1944.

The general reason that the head of the rescue committee did not fulfill his role in warning the Jews in these areas and in organizing escape in all of these communities was the same reason that became clear about the Kolozsvár community: the agreement with the Nazis bound Kasztner's hands, forbidding him to reveal the Nazis' secrets to the Hungarian Jews or to engage in any unauthorized rescue operations. Kasztner's interest in rescuing the privileged directed his behavior not only vis-a-vis Kolozsvár or the communities where the privileged few that he was interested in rescuing lived, but rather vis-a-vis all the Jews of Hungary; any warning to the Jews of Hungary, any encouragement of unauthorized, anti-Nazi rescue operations and any violation of his agreement with the Nazis could have endangered his relatives and friends both in Kolozsvár and in Budapest, and could have thwarted the entire "rescue agreement" with the Nazis. Kasztner's collaboration with the Nazis was not local, but national and affected all Hungarian Jews.<sup>394</sup>

### **Breach of Loyalty**

63. Kasztner was not permitted to limit rescue operations to his agreement with the Nazis to rescue a small privileged group and deny help to the masses. He was not a private person, who could save whomever he wanted to save and not save others. Kasztner was appointed by the Jewish Agency to be the head of the aid and rescue committee in Budapest, a public position he took on and in his good will and who imposed on him an obligation to rescue. Kasztner's appointment to this public position deemed him as a "trustee" towards all Hungarian Jews who needed help and rescue. Kasztner himself emphasized his aforementioned public role everywhere. In his sworn statement in London dated 13.9.45 (exhibit 29) he says, among other things: -

"I was able to establish - through diplomatic couriers - contact with the Jewish Agency's Aid and Rescue Committee operating in Istanbul. According to their instructions, I was appointed as the administrator of the Budapest Aid and Rescue Committee. Our role was:

1. To help smuggle Jews from Slovakia and Poland to Hungary, in order to save them from the danger of the gas chambers;

...

4. After the German conquest of Hungary on 19.3.44 the aid committee focused its efforts on rescuing the Jews of Hungary."

The introduction to Kasztner's report begins with these words:

"The Budapest Aid and Rescue Committee hereby submits this report about its work. Until 19.3.44, our work was devoted mainly to rescuing Polish, Slovak and Yugoslav refugees and to help them. With the German occupation of Hungary our efforts changed, and we focused on protecting the Jews of Hungary."

Kasztner's public role and status as a "trustee" obliged him to do everything in his power to save the Jews of Hungary without discriminating among them, and to inform all the Jews with whom he had any technical possibility of coming into contact of his actual knowledge of the

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<sup>394</sup> This is a key sentence in the verdict that shows any serious Holocaust scholar the extreme premises of Halevi's verdict. He did not condemn Kasztner simply for the events in Kolozsvár and Budapest: he held him responsible for the Holocaust of all Hungarian Jewry.

Nazi intentions for the Jews. Kasztner knew from the beginning of the Nazi occupation until the comprehensive deportation that SS leaders were doing everything they could to hide their true plan from the Jews of Hungary and to “tranquilize” and deceive their victims all over Hungary by spreading false information about their fate. Sharing Kasztner’s full knowledge to the Jews of Kolozsvár and to the residents of all those other communities, whom he technically could have contacted as they were being rounded up into the ghettos, might have thwarted the deception, interfered with Eichmann’s planned deportations and could have saved many Jews from extermination. The head of the Jewish Rescue Committee was forbidden from keeping secrets for the Nazi murderers and prevent their victims from knowing the fate that awaited them. By keeping the “secrets of the Reich” regarding the Nazi plans in both the area of rescue and extermination (paragraphs 44, 43) Kasztner violated his duty of loyalty to the Jews of Hungary and tangibly assisted the Nazis in deceiving their victims.

Moreover, the very agreement between Kasztner and the SS to save the privileged and the manner in which it was carried out by the two partners in the agreement constituted a violation of allegiance to Hungarian Jews on the part of the head of the Rescue Committee. It also constituted collaboration with the exterminator. As noted above (paragraphs 56, 57), the agreement between Kasztner and the SS divided Hungarian Jewry deeply into a small camp of leaders, destined for rescue, and the large camp of the people, destined for extermination, and abolished the leaders' identification with the people’s fate. The agreement between Kasztner and the SS created an objective convergence of interests between the Nazis, Kasztner and the leaders’ camp, who, by virtue of their dependence on the Nazi savior, became interested in calming the people, in obeying the orders of the government, and preventing disturbances and resistance to the government’s decrees - in complete contrast to the objective interest of the people, who had no part in the rescue agreement with the SS and whose obedient and passive behavior during this period benefitted not the people, but only benefited their murderers. The agreement between Kasztner and the Nazis broke the united front of Hungarian Jewry against the common enemy and replaced it with a hidden front that placed the Nazis and those who hoped for their kindness on the one hand and their intended victims on the other.

Eichmann and his aides made it very clear to Kasztner that the people’s camp was doomed, and Kasztner accepted the decree as an unalterable fact (except to the extent that the Nazis themselves would agree to increase the rescue quota) and he concluded that he should not intervene. Like any mutual agreement, the agreement between Kasztner and the heads of the SS was for the mutual benefit of both parties: each party benefited from the agreement and paid a known cost for it: the degree of benefit and cost were determined, of course, by the weight and the relative bargaining power of each side. The benefit that Kasztner derived from the agreement with the Nazis was the rescue of the privileged camp, and the price he paid for it was a waiver of all concrete rescue measures for the benefit of the people’s camp; the benefit that the Nazis derived from the agreement with Kasztner was that it made exterminating the people’s camp easier, and the price they paid for it was a waiver of the extermination of the privileged camp. In agreeing to the rescue of the privileged, the head of the rescue committee made a “compromise” with the murderers: in exchange for rescuing the privileged, Kasztner accepted the extermination of the people and abandoned them to their fate.

### **Jewish Law**

64. One of the three offenses that a Jew is commanded to “die for and not transgress” is spilling blood; even under life-threatening circumstances, a Jew is forbidden to save his life by shedding the blood of an innocent person:

“What did you think, that your blood is redder than his?” (Pesachim 25b and Sanhedrin 74a, Babylonian Talmud).

It is also forbidden to save a person by shedding the blood of another innocent person:

“We do not set aside one person’s life for that of another” (Ohalot 7:6, Mishnah and Sanhedrin 72a, Babylonian Talmud).

It is also forbidden to save one person or even many by extraditing another innocent person to a murderer:

“A group of (Jewish) people were walking along the road and were confronted by gentiles who said give us one from you and we will kill him and if not then we will kill you all. Even if all of them will be killed, they must not hand over a single Jewish soul” (Jerusalem Talmud, Terumot, Chapter 8, Law 10; Tosefta, Terumot, Chapter 7).

“Give us one of you and we will kill him, if not we will kill you all, let all of them be killed rather than surrender to them one Jewish soul” (Maimonides, Foundations of the Torah, chapter 5, law 5).

Even for the purpose of rescuing the majority of the community, an innocent minority and even “one Jewish soul” must not be handed over to the murderers; all the more so the opposite act is forbidden: to hand the innocent majority over to the murderers for the purpose of rescuing individuals. Whoever violates this prohibition forfeits his life.<sup>395</sup>

I do not come to rule according to Maimonides as to whether or not Kasztner betrayed, in the full sense of the word (“gave” or “handed over”) the Jews of Kolozsvár and others and placed them in the actual hands of the murderers. But it seems to me that Kasztner’s behavior in the case of Kolozsvár - and not only in the case of Kolozsvár - is morally, collectively or even legally not different from extraditing the majority of Jews to their murderers, in order to save individuals.

Kasztner’s behavior in relation to Kolozsvár and other communities can be likened to the behavior of a guard or sentry in charge of guarding a camp that is ambushed in the dead of night by an enemy. The enemy informs the guard that the entire camp is surrounded by an overwhelming force that intends to destroy the entire camp, and that even if the sentry tries to wake his comrades and summon them, many would not be able to escape. The enemy promises the guard to spare a limited number of his comrades and that he may choose them, on the condition that he will not alert the rest of his comrades and make no attempt to save them. The guard submits a list of his best friends to the enemy and refrains from alerting the camp and coming to its aid. The enemy destroys the entire camp and acts according to the plan and leaves only the guard’s chosen friends alive. The guard’s behavior constitutes a betrayal of his comrades and of his role, and it is collaboration with the enemy and assistance in the destruction of the camp.<sup>396</sup>

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<sup>395</sup> Halevi's extreme use of language is shocking, especially in light of the fact that Kasztner was later shot dead in the open street.

<sup>396</sup> This is a vivid little parable, but it has nothing to do with reality. Kasztner was not a "guard", but one of the persecuted Jews. The "guard" was the Hungarian state, which turned against the Jews. The camp was not “sleeping”, it simply had no means to defend itself. Kasztner, relying on the greed of his attackers, saved a

### **Collaboration as the Basis of Kasztner's Actions**

65. Central collaboration with the genocidal regime formed the basis of the relationship between the head of the rescue committee and the heads of the SS. The whole “authorized” rescue method, both overall and in its details (paragraph 40) - meant Nazi supervision of the rescue, a reduction of those rescued to a quota pre-determined by the Nazis, foregoing independent rescue operations, non-interference in the comprehensive deportation operation, etc. - was nothing but a prolonged collaboration between the rescuer with the destroyer that was stronger than him, who dictated its terms, saying: the rescue is subordinate to the will of the destroyer and to the goal of extermination.

Only in his public role could Kasztner negotiate with the Nazis and come to a collaborative agreement with them. Eichmann did not give Jewish lives as a gift to the private man Dr. Kasztner, but to the head of the Jewish Rescue Committee, to prevent his intervention and the intervention of all forces associated with him in the execution of the comprehensive deportation, and in doing so, take over the organized Jewish rescue.

Here, too, the Nazis used their tried-and-tested method of preceding their assault by making connections with people in key positions within the attacked community who would accept Nazi victory as inevitable and assist them and cooperate with them in exchange for personal, political or other favors. Before their final assault on 800.000 Hungarian Jews, Eichmann and his aides contacted head of the Jewish Rescue Committee and convinced him that it was impossible to prevent the deportation of Hungarian Jews to Auschwitz, and that the most practical and easy way to save his relatives, friends or other lone Jews from the Holocaust was to cooperate with the genocidal regime and assist it with services that only he could offer. Only the head of the rescue committee could have so effectively paralyzed Jewish rescue operations in Hungary, spread defeat and collaboration among Jewish leaders through a rescue program and prevent the masses of Jews from resisting and interfering with their own deportation.

Instead of eliminating the Zionist Rescue Committee - something that could have pushed the active forces underground and could have increased anti-Nazi activity among the Jews - Eichmann and his colleagues, did something more clever: they - on the contrary - supported the rescue committee and strengthened its position among the Jewish public by granting all kinds of privileges to its members, their occasional release from Hungarian prisons, etc., and thus elevated Kasztner from the status of an unimportant Zionist activist to the “leader” of Hungarian Jewry in its own elimination. Through him, they ruled over Jewish rescue and defense operations during the Holocaust and strangled it with a kiss.

### **Assisting in the Extermination**

66. Kasztner's main cooperation tangibly assisted Eichmann in exterminating the Jews of Hungary. In the verdict's opening (paragraph 3), we pointed out the objective conditions (the limited time, the limited personnel, the war and international situation, the situation in Hungary, etc.), which forced the oppressor to finish his work quickly; we insisted on the fact that Eichmann performed his task in Hungary with unprecedented efficiency throughout the bloody annihilation. Even if the deportations had stopped on 7 July because of elements beyond his control, he would have been able to “eliminate” all Hungarian Jews in one consecutive operation. We have also shown (paragraphs 4, 34) that this massive operation was not planned

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small number of his fellow Jews, a significant number of them children. He had no role in the deaths of the other Jews.

or carried out on the basis of the use of force alone, but required all the tactics of “psychological warfare” in order to prevent any resistance or setbacks, and to involve the Jews themselves in the process of their own deportation. To this end, Eichmann contacted Kasztner, the head of the Zionist Rescue Committee, who could have been the true rescue leader by warning people, organizing large-scale escape, and by operating underground resistance cells. Eichmann seduced him with trivial concessions that were negligible in relation to the size of the Holocaust,<sup>397</sup> and got him to collaborate with the "Judenkommando" and also got Kasztner to entice other leaders to collaborate in implementing the deportations. It is impossible to assess the damage caused by Kasztner’s cooperation and to determine the number of Hungarian Jews that died because of his actions. This is not just about the thousands of Jews from Kolozsvár, or the thousands of Jews from Nagyvárad or from any other community in the border areas who could have fled across the border if the head of the rescue committee had fulfilled his duty to them. The main point is that Kasztner’s central collaboration with Eichmann greased the wheels of the entire extermination machine, prevented possible disruptions in its operation and made an important contribution to its overall effectiveness. Whereas the entire deportation process ended on 7 July, the number of casualties that Eichmann managed to inflict is directly related to the degree of efficiency and the pace at which the deportations were conducted. Any interruption, temporary pause or slowing of the overall pace might have reduced the final number of casualties to a noticeable degree. It is impossible and there is no need to speculate as to exactly how many fewer victims there would have been. Suffice it to say - and this has been proven - that Kasztner knowingly cooperated with Eichmann and knowingly assisted him in carrying out the comprehensive deportation. Therefore, the defendant was right, in connection with the Holocaust of the Jews of the provincial cities, in his first two charges against Kasztner [paragraph 1 (A) and (B)].

### **The Partnership with the SS**

67. The “rescue partnership” with the SS inevitably led to a partnership in extermination. The totalitarian Nazi regime did not allow people subordinate to it to enter into a free partnership at will with this regime or to limit the partnership for sake of rescuing Jews; the Nazi partner, exponentially more powerful than Kasztner, inexorably worked to exterminate the Jews and swept its dependent “partner” into a vortex of blood. As for the Nazis - and they dominated this unequal partnership - made extermination and “rescue” into one task: rescue a handful of Jewish leaders and their families according to Kasztner’s list, which was approved by Eichmann as an integral part of the plan to exterminate 800.000 Hungarian Jews. Just as the “secret rescue” was part of the secret of extermination and therefore kept as a “secret of the Reich” (paragraph 44), the rescue of the privileged was likewise an integral part of the extermination of the people. Kasztner could not have been the junior partner in rescuing the privileged multi-beneficiaries, without being a lower ranking partner in the deportation and extermination of the people; the partnership with this bloody regime was indivisible. The only question that could arise under these circumstances was whether Kasztner knew at the time that Eichmann was using him as an instrument for the purpose of exterminating the Jews. After clarifying all the evidence, both in the case of Kolozsvár and in the entire Holocaust, I'm convinced that Kasztner knew the role he was playing in the extermination.

### **Kasztner's Remarks about Collaborators**

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<sup>397</sup> The biggest rescue operation of the Holocaust in Hungary is by no means trivial. Oskar Schindler saved roughly 1200 Jews; Kasztner saved more than 1600, plus the 15.000 Jews in Strasshof, and tried to save many more.

68. We have quoted above (paragraph 32) Kasztner's remarks about the Jewish councils in Poland, Slovakia and in other occupied territories. In the continuation of his remarks, Kasztner states: (Kasztner's report, p. 67)

"It was a slippery slope, which led almost to a dead end into the abyss. The Jew faced the same problem everywhere: will I - and this applies to everyone - try to help others and maybe even save a few here and there, or should I abandon the community to its fate? Doesn't running away from responsibility amount to betrayal? And if I stand firm, what's the limit? At what point can I ultimately be relieved of this unbearable responsibility - at the point of self-ruin, suicide or once I'm in the hands of the executioner? The boundaries, the line between self-sacrifice and betrayal - it is almost impossible for a person to determine them... to judge the Jewish councils, after the fact, according to testimonies, according to files and documents - this is the burden demanded of almost every role that has ever been assigned to flesh and blood judges.

The Jewish Council problem is not - in the broadest sense - just a typical Jewish phenomenon. In the moral degeneration of the years of war and occupation, the nations of Europe have demonstrated some of the worst lapses. Only a few remained strong during moments when the mental stress exceeded the intensity of the stress that a person can normally withstand. However, there can be no justified comparison of the Jewish council with the usual quislings and collaborators. No other community suffered from the nightmare and burden of total physical extermination; every other nation had means and possibilities of self-defence and self-preservation at its disposal that exceeded what the Jews had. If there was one thing that was typical of the Jews, it was the great claim that the Jewish community considers itself entitled to make demands from all of its members, even at times of supreme danger and the most desperate decisions."

These words, uttered by Kasztner vis-a-vis the problem of the Jewish councils, reflect Kasztner's own profound, personal experience. He too collaborated in order to "try to help others and maybe even save a few here and there", and he too soon slipped into the abyss. Indeed, to judge Kasztner<sup>398</sup> "after the fact, according to testimonies, according to files and documents" - is a difficult job, but it is the duty of the court to fulfill it to the best of his ability and conscience.

## **The Transfers to Austria**

### **Kasztner's Claim**

69. The case of the Holocaust of the Jews of the provincial cities should not be concluded without discussing Kasztner's claim that in the second half of July, he saved, by agreement with Eichmann, 15.000 Jews from the countryside, who were deported to Austria instead of to Auschwitz. Kasztner's testimony in this regard is brief, so we will fully quote it here (pp. 49-50, 228-229, 321):

"Eichmann kept talking to me about Brand not coming back. At the beginning of July he gave me an ultimatum: 'If in a few days I do not receive an answer from Istanbul, I will let the Auschwitz mill do its work.' We weighed our options, and even if Eichmann would have agreed to bring the group from Kolozsvár and to continue with this, we would surely stop. But after 10 June, he suddenly began to keep his promises, and other

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<sup>398</sup> Once again, a revealing slip of the tongue: Halevi's job was to judge Gruenwald, not Kasztner.

groups, though smaller, continued to come to Budapest from various ghettos. At that time Eichmann agreed, according to a special proposal by the committee to send about 15.000 Jews to Austria instead of to Auschwitz. We assumed that the negotiations in Istanbul would not lead to real results and we tried to find a replacement based on Jewish-Hungarian capital, which was destined to be lost either way. 15.000 of these, to use Eichmann's language, had to 'go into the fridge' ('be put on ice'). Our offer was to pay the Germans five million Swiss francs in exchange for the departure of the group of 600 to Spain and in exchange for the transfer of 100.000 Jews to Austria for work instead of to Auschwitz for selection. He agreed to transfer 30.000 instead of 100.000 as stated above, about 15.000 from the provinces, about 15.000 from Budapest, including about 7.000 children (within the 15.000 from Budapest). We collected the money by selling 150 seats in the Aliya group from Budapest."

(During the cross-examination:)

"About 15.000 Jews were deported to Austria, I could not determine the final number. It was not at the same time that Eichmann refused to take out 300 Jews by train that he agreed to send 15.000 to Austria, but later. It is completely implausible that 15.000 were transferred to Austria as a result of the German minister of labor's benign order to transfer Jews to Austria for work and without any connection to our negotiations, and on top of that I did not know about it. I usually did not believe Eichmann. I was not sure the 15.000 would not be sent for extermination, but I was hopeful. Eichmann himself offered that I could personally inspect it. In the first stage I could not inspect anything. The first stage was one to two months."

(And in the re-examination):

"We managed to get about 1.000 Jews or more out of a number of ghettos in the country towns, in addition to about 15.000 who were transferred to Austria with their families and did not have to go through the selection process. These were the ones who were "put on ice."

See also Kasztner's letter dated 21 October 1944 to the Jewish Agency (Exhibit 142).

### **The Number of Survivors from the Provincial Cities**

70. The number "1000 Jews or more", referring to the "privileged" who survived from the provincial cities, is an overstatement. In his letter to the Jewish Agency (Exhibit 142), in which Kasztner strives to increase and glorify his achievements as much as possible, he says:

"800-900 people were brought from Budapest to the various ghettos of the countryside (with the help of the German office), to be included in this transport."

In the report (p. 53) (paragraph 61 above) Kasztner says that in addition to the 388 survivors from Kolozsvár -

"They came from Békéscsaba (40), Debrecen (88), Szabadka, Óbuda, Székesfehérvár, Szombathely, Kecskemét and Szeged (66), etc., several hundred Jews to Budapest."

And in the cross-examination, Kasztner testified (p. 199):

“People on the Bergen-Belsen train also came from Szeged, Debrecen, Bácsalmás, Szabadka, Óbuda, Székesfehérvár and a few other places. Of all the aforementioned ghettos (except for Kolozsvár and Budapest) there were about 200-300 people on the train, but it could have been more, up to 400, I did not count them exactly.”

Considering the quality of Kasztner’s testimony, I trust the number of 200-300 people that he cited in cross-examination, a number corresponding to both the above section of the report (p. 53) and to the combined number that includes 1200 individuals from both the countryside and Budapest, which had been approved as the Bergen-Belsen transport quota - and was slightly enlarged only at the last minute (Exhibit 142, Kasztner’s report, 58, Palgi’s testimony). It was found that the total number of the privileged who Kasztner rescued from all the provincial cities (including 388 individuals from Kolozsvár) was about 700 people.

### **The Transfers to Austria Were not the Result of an Agreement with Kasztner**

71. Kasztner’s claim that he, through an agreement with Eichmann, saved an additional 15.000 Jews who were sent to Austria instead of Auschwitz, has not been proven. It has actually been refuted. It is true that some trains carrying Jews from provincial towns were sent to Austria, without having to pass the “selection” of Auschwitz, and as a result a noticeable number were saved from the Holocaust;<sup>399</sup> but the transfers to Austria were not the result of any agreement between Kasztner and Eichmann.

One of the defendants in the trial of the main German war criminals in Nuremberg was Kaltenbrunner, head of the Reich Security Main Office - (“RSHA”- Reichssicherheitshauptamt) of the SS. The RSHA included many departments (see chart submitted at the Nuremberg trial, Vol. 3, p. 130 - exhibit 10), among others the Gestapo, the Security Service (“SD”) and more; Eichmann was the head of division 4B of the RSHA, the division appointed to implement “the final solution to the Jewish question.” Kaltenbrunner, the head of the entire office (RSHA), was also in charge of Eichmann and had the authority to give him orders. Before the International Tribunal in Nuremberg, Kaltenbrunner was accused, among other things, of war crimes and crimes against humanity. In the judgment against him (Vol. 22, p. 494) (Exhibit 130) states, inter alia:

“The RSHA played a leading role in the ‘final solution’ to the Jewish question by exterminating the Jews. A special division under division 4 of the RSHA was founded in order to monitor this program. Under its leadership, about six million Jews were murdered, of which two million of them were killed by ‘deployment groups’ (“Einsatzgruppen”) and other units of the Security Police. Kaltenbrunner knew about the actions of these ‘deployment groups’ when he was a ‘senior manager for the SS and the police,’ and they continued to operate after he became the head of the RSHA.

The murder of about four million Jews in concentration camps has been described above. This part of the program was also under the supervision of the RSHA, when Kaltenbrunner was the head of this organization, and special delegations of the RSHA scoured occupied areas and made arrangements to deport Jews to the above-mentioned extermination institutions. Kaltenbrunner knew about these actions. A letter he wrote on 30.6.44 described the transport of 12.000 Jews to Vienna for this purpose and gave an instruction that all those unfit for labor would be held ready for a ‘special operation’,

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<sup>399</sup> They were not saved from the Holocaust; they were saved from the gas chambers. Jews who survived labor camps were also Holocaust survivors.

which meant murder. Kaltenbrunner denied his signature on this letter, just as he denied his stamped or printed, and in some cases written signature on a very large number of orders. It is inconceivable that in such important matters a signature could appear so many times without his permission.”

The International Court found Kaltenbrunner guilty of war crimes and crimes against humanity and sentenced him to death.

Kaltenbrunner's letter dated 30.6.44, on which the above conviction is based, is presented in volume 11 of the sentence (exhibit 9, p. 313) and this is what it says, verbatim:

“To the Mayor of Vienna, SS Brigadeführer Blaschke.

Re: Allocation of labor for vital war work in the city of Vienna.

Enclosed: Your letter dated 7.6.44.

In the meantime, for reasons you mentioned, I have given an order to refer some deportations to Vienna-Strasshof. Brigadeführer Dr. Dellbrügge has already written to me on this matter. At the moment there are four shipments with about 12.000 Jews.

They will arrive in Vienna in the coming days. Based on my experience, I estimate that 30% of the transport consisted of Jews fit to work - about 3600 in this case - and you may use them for the labor that we discussed, on the condition that you will be ready to transfer them from there at any time. It is obviously necessary to place these people into a closed and well-guarded work area; they must reside in camps that you secure. That is an absolute precondition for transferring these Jews to your custody.

The women and children among these Jews who are unfit for work, all of whom should be ready for a special operation (“Sonderaktion”) and will therefore be transferred from there one day soon, should stay in the camp even during the day.

Please discuss further details with the Vienna State Police Headquarters, SS Obersturmbannführer Dr. Ibner, and with SS Obersturmbannführer Krume, from the Special Operations Kommando (“Sondereinsatzkommando”) for Hungary, who is currently in Vienna.

I hope these transfers will assist you in carrying out the urgent work that you wish to do.

Heil Hitler!

Yours  
Kaltenbrunner.”

In his testimony at Nuremberg (Exhibit 9, pp. 313-316), Kaltenbrunner vehemently denied his signature on the above letter, despite the intimate word “yours” (“deine” in German) appears in handwriting just before the signature and despite his confession that Blaschke, the mayor of Vienna had been a personal friend for ten years. The reason for Kaltenbrunner's false denial was, of course, the words “special action” (“Sonderaktion”) in the above letter.

Kaltenbrunner's original letter, verified by the International Court of Justice, proves that the head of the RSHA gave the "Judenkommando" in Hungary "an order to send some deportation transfers to Vienna-Strasshof," in such a way that they would not go through the Auschwitz selection. The aforementioned letter was given "on the occasion of the special reasons that you mentioned," that is, mentioned in the letter from the mayor of Vienna dated 7.6.44, regarding the "allocation of labor for vital war work in the city of Vienna" and the purpose of the shipments was to "assist you in carrying out the urgent work which you intend to do." Kaltenbrunner's order was given "in the meantime," that is, between the dates of the two letters. The command was given regarding "some deportation shipments", and the letter announces that "at the moment there are 4 shipments with about 12.000 Jews", "who will arrive in Vienna in the coming days." The quantity of four trains with 12.000 Jews was therefore not set in the order itself, and whether in fact only four trains were sent with 12.000 Jews (as Freudiger testified, 24: 58, 66: "Four trains went straight to Strasshof"), or whether 15.000 were sent (as Kasztner testified above): "About 15.000 Jews were deported to Austria, I could not determine the final number,") or whether "six trains with about 18.000 Jews were sent" (Kasztner's report, 50, in contradiction to his testimony) - it makes no significant difference: those same four, five or six deportation trains, which were actually directed at the end of July from a few provincial towns to Vienna-Strasshof, without going through the selection at Auschwitz was sent there by Eichmann on Kaltenbrunner's order, who was the head of the RSHA.

According to Kasztner's testimony, the aforementioned trains were sent to Austria at his suggestion and according to the agreement with him ("At that time Eichmann agreed to a special proposal from the committee to send about 15.000 Jews to Austria instead of to Auschwitz"). If this testimony is true, then one of the two was deferring to and concurring with the other: either Kasztner to Kaltenbrunner, or Kaltenbrunner to Kasztner.<sup>400</sup>

There is no possibility that Kaltenbrunner's order was given as a result of Kasztner's proposal, for two reasons:

A) One of the facts that is not in dispute in this trial, and is reflected in many documents (Kasztner's report, 169, 177, the Musy Report, Exhibit 27, p. 24, Becher's report, Exhibit 17, and more) is that Kaltenbrunner was one of the most fanatical and extremist Nazi leaders, who objected sharply and firmly to all of Himmler's last minute attempts to negotiate the rescue of Jews, whether on a "commercial basis" (through Becher - Kasztner - Saly Mayer) or on a "humanitarian" basis (using Musy - Sternbuch, or Burckhardt - Red Cross, etc.), and who even turned to Hitler and obtained an order from him to ban all the aforementioned negotiations. In the same passage Kaltenbrunner's testimony in Nuremberg (Vol. 11, p. 307) concerning the Becher - Kasztner - Saly Mayer negotiations submitted in the present trial by the prosecution (Exhibit 9) in order to strengthen Kasztner's general version of events, Kaltenbrunner said:

"Through the man named Becher, Himmler committed crimes of the worst kind, crimes that have been denounced here. Through Becher and the Joint Committees in Hungary and Switzerland, he freed Jews in exchange, firstly - for war equipment, secondly - for raw material, and third - for foreign currency. I heard about it through the secret

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<sup>400</sup> In fact, we have a number of primary sources (unknown to Halevi at the time) that prove: selection was made in the rural ghettos on the orders of the Kasztner team to select prominent people and large families for the Strasshof operation. If the transports had been put together without Kasztner, this kind of selection would not have taken place and they would not have focused on the children (among other groups).

intelligence service and I immediately tried to stop it - not by Himmler, because I would have failed there, but by Hitler; at that moment, any personal trust that Hitler felt for Himmler came to an end - all this action could have harmed the good name of the Reich abroad, very seriously.”

Kaltenbrunner is therefore not suspected of “collaborating” with Kasztner. It is impossible that Kaltenbrunner gave his order to direct some deportation transfers from Hungary to Vienna-Strasshof on the basis of some Kasztner proposal or on the basis of some agreement between Eichmann and Kasztner.

B) The detailed calendar in Kasztner’s report also precludes any possibility that Kaltenbrunner’s order was caused directly or indirectly by Kasztner’s proposal. According to the report (p. 47), on 6 June Eichmann threatened that if he did not receive a positive answer from Istanbul within three days, he would let the Auschwitz mill go to work. On 10 June, the Kolozsvár survivors arrived in Budapest. The committee discussed the situation and decided to continue negotiations with the Nazis and try to raise for this purpose four to five million francs in Budapest (p. 48):

“Two days later I visited Eichmann. I pointed out that the extermination of the Jews deported to Auschwitz had brought us - the committee - to an impossible and indefensible situation with regard Jewish organizations abroad and with the Allies. ‘Our moral credibility is lost. No one abroad now believes that the Germans were ever serious about the rescue plan.’ ‘What did you imagine?’ shouted Eichmann. ‘Do you think the Reich has enough food to feed hundreds of thousands of Hungarian Jews for months, or servants and doctors to treat their patients? To that end, please let your American masters find a less clever partner than me.’”

In this conversation, Kasztner offered Eichmann, according to the report (p. 5), 48-49 million francs, if he left 100,000 Jews in Hungary or would guarantee their lives, as “goods” in case the sum was obtained in Istanbul.

“The next day, Wisliczeny told me in private that the Kommando wanted to bring some of the Jews from Hungary to Austria, without passing through Auschwitz.”

Under the heading “Rescuing 15.000 Jews,” the report continues (p. 49):

“On 14 June Eichmann met with me to inform me that he accepted our offer in principle. But we were talking about 100.000. He was ready to bring 30.000 Hungarian Jews to Austria and ‘put them on ice’ there.”

The dates above alone are sufficient to rule out any causal link between Kasztner’s proposal and Kaltenbrunner’s order. Negotiations on the 600 “immigrants”, who were transferred to Berlin at the time, lasted almost a month; it is not possible that Kasztner’s proposal led to a decision that Wisliczeny could have told Kasztner about “the next day.”

It should be noted that according to the above report, the very idea of sending some of the Jews of Hungary to Austria was not Kasztner’s idea; he found out about it first from Wisliczeny as a “Jewish Commando” plan. It is indeed very possible that Wisliczeny, as stated in the report, revealed to Kasztner “in private” - as one of his “gestures” - that “the Kommando wants to bring some of the Jews of Hungary to Austria, without them passing through Auschwitz”, and

Kasztner took advantage of this knowledge to develop the same activity or activism around it (hereinafter), which later served as a basis for spreading the rumor of that he “saved 15.000 Jews by making an agreement with Eichmann.” It is also possible that Eichmann initiated Kasztner’s participation in this Nazi initiative and that he did “invite” Kasztner as stated in the report (52), “to help organize the transfers to Austria.” It is difficult to know where the hint of truth lies in Kasztner’s entire distorted story. In any case, one thing is clear: the chain of events that caused the transfers of Jews to Austria was not: Kasztner to Eichmann to Kaltenbrunner, but rather: Kaltenbrunner to Eichmann to Kasztner.

### **Further Refutation of Kasztner’s Version of Events**

72. There is further evidence that the transfers to Austria were not the result of an agreement between Kasztner and Eichmann, and even Kasztner could not believe in good faith that they were the result of such an agreement.

How long did Kasztner exert himself until he obtained the rescue of several hundred Jews from the provincial towns, until he overcame Eichmann's attempt to send them to Auschwitz as well, and until he finally got the train out of Budapest - not to Spain, but for the time being to Bergen-Belsen; and how easily, on the other hand, according to his account, he obtained a shipment of 15.000 Jews to Austria instead of to Auschwitz! He only needed one conversation with Eichmann - and the next day “Judenkommando” had already made an affirmative decision, and one day later Eichmann informed him that his proposal had been accepted in principle regarding 30.000 Jews, 15.000 from the provincial cities and 15.000 (including 7.000 children!<sup>401</sup>) from Budapest, and immediately began the implementation of the agreement regarding the 15.000 Jews from the countryside. Even though the liberation of these Jews from Auschwitz’s selection, according to Kasztner’s account, was conditional - it was originally “to keep them on ice” in the “refrigerator” and only later for some reason became a final rescue -, there is such disproportion between the ease with which Kasztner “rescued” this large number of Jews and the difficulties of rescuing a small privileged group of Jews in real life.

By what means, according to his narrative, did Kasztner achieve this great accomplishment? According to him, by two means: A) Brand’s mission; B) Money. We will examine these means one by one.

As for Brand's mission, Kasztner claims, both in his testimony and in the report, that he used an explanation against Eichmann that if a positive answer was eventually received from Istanbul, then Eichmann will no longer have “goods” to exchange, i.e. Jews from Hungary; and Kasztner adds that even though he himself no longer believed in the possibility of a positive answer from Istanbul, Eichmann accepted the above reasoning and agreed to put 30.000 Hungarian Jews “on ice.” This story does not fit Eichmann's character, nor does it match reality at that time.<sup>402</sup> On 14 June, even the faintest hope of a positive response from Brand was lost. Kasztner himself testified that in early June (according to the report - on 9 June) Eichmann gave him an “ultimatum of a few days” (according to the report - 3 days) for a positive answer from Istanbul. It is clear that Eichmann treated Brand’s mission with utter cynicism therefore did not postpone the extermination of the Jews of Hungary in Auschwitz for even one day (see excerpt above that begins with the words “About two days later I met with Eichmann”). What is the reason, then, that in mid-June (and in practice at the end of June) Eichmann would put

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<sup>401</sup> Halevi puts an exclamation mark after the word "children", indicating its absurd nature. The truth is that during the selection of the Strasshof groups, the Zionists specifically selected children (among other groups).

<sup>402</sup> The argument that something “does not fit Eichmann’s character” does not mean that the story is untrue.

some of the Jews of Hungary “on the ice”, in case he received a positive answer from Brand? At that time it was clear to everyone, and especially to Kasztner, that Eichmann did not expect a positive answer from Brand (see also Kasztner’s report, p. 58, below).

As for the second means - the money - with which Kasztner, according to his account, obtained the shipment of 15.000 Jews to Austria instead of to Auschwitz, his claim is that Eichmann agreed to his offer in exchange for a payment of five million francs. With regard to this exchange, Kasztner became entangled in serious contradictions. According to his testimony, there was an agreement to pay five million francs “for the departure of the group of 600 to Spain” and for the transfer of 30.000 Jews to Austria. According to his letter to the Jewish Agency dated 21.10.45 (Exhibit 142), Kasztner and Eichmann agreed to send 1200 people to Spain and 30.000 (half from the provincial cities and half from Budapest) to Austria, and a “head tax” of 1000 dollars per capita was set for those sent abroad and 100 dollars per capita for each person sent to Austria (also in Kasztner’s report, pp. 50, 59); it is also mentioned there that the number of those sent abroad (“the Bergen-Belsen transport”) actually increased to 1685, and the number sent to Austria actually decreased to 15.000 from the provincial cities. The 15.000 Jews of Budapest, among them “7000 children” according to his testimony above, were not sent to Austria, due to Horthy’s veto. Kasztner’s financial accounting does not add up well. The price of five million francs was exactly enough - either for the delivery of 1200 people abroad (according to a ransom of \$1,000 each) or for the delivery of 12.000 people to Austria (according to a ransom of \$100 each). But not for both shipments together (not to mention the transfer of 30.000 Jews to Austria).<sup>403</sup>

It turns out that the price of five million francs proposed by the committee was not intended for delivery to Austria, but for the shipment of 1200 Jews - the number agreed upon before the transfer - to Spain (the Bergen-Belsen transfer). And Mrs. Brand, who was also loyal to Kasztner and one of the most active members of the committee during the period in question, testified (pp. 605, 633):

“I went with suitcases, we brought three or four suitcases full of diamonds, gold, platinum and foreign currency, Offenbach and I brought these suitcases to the SS security service, we handed them over to Obersturmbannführer Klages. In return the Germans gave the permit for the Bergen-Belsen transport.

...The first transports arrived from the countryside to Budapest. When the group of Jews arrived at a camp there, we went to Eichmann and asked that they be transferred to a neutral country, and Eichmann said that without something to exchange, he would not be able to do so and sent us to Becher, so I met Becher, only once. Becher, Kasztner and I were at the meeting. Becher said we should make an offer stipulating what we could pay here in Hungary. Klages called me in and asked me if I had any information from my husband, I answered in the negative, but I said that we were now preparing a proposal to hand over many valuables belonging to the Jews in Hungary in exchange for sending people to neutral territory, specifically the people from the provincial towns who were now in the Columbus camp. In the end there were about 1600 Jews there. Klages spoke politely and we had the impression that there was a chance of rescuing them. During the conversation I emphasized that there was hope that my husband would succeed in his mission and that in the meantime the Germans needed to show

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<sup>403</sup> Halevi accounts for every single date and amount on Kasztner. However, remembering certain dates or amounts inaccurately does not negate the story of a rescuer.

something, and by exchanging the money and valuables in Hungary, would be able to show the German government that he was not transferring Jews to neutral territory without compensation; there were also known disagreements between the three departments concerned: Klages presented himself as a decent man who did not believe in the extermination of the Jews, Becher wanted the money, and we knew about Eichmann that he absolutely hated the Jews.”

There is no mention in Mrs. Brand’s testimony about Jews being sent to Austria and the allocation of part of the payment or from the payment proposal for this purpose.<sup>404</sup> Freudiger's report, dated 1.10.44, also reflects (p. 35) Kasztner's version of the 15.000 Jews of Vienna-Strasshof “on ice” in connection with Brand's mission; Freudiger’s testimony on this point is based only what he heard from Kasztner (Freudiger's testimony, 46, 58-59),<sup>405</sup> and he does not mention any payment for the shipment to Austria, as opposed to the transfer to Spain (Bergen-Belsen). The other witnesses who mentioned the payment for the Bergen-Belsen transfer likewise did not say anything about payment for the transfer to Austria.

Moreover, later in Kasztner’s report, the payment of \$100 per person is no longer mentioned regarding the Jews of Austria and disappears from the account. Page 75 of the report recalls a lengthy debate with Becher after the departure of the train to Bergen-Belsen on the question of whether in exchange for 1684 passengers, the price of \$1000 per capita had been fully paid with the funds, valuables and other assets provided by the committee, or was not paid. The committee claimed that it had already paid more than \$1.684.000, but Becher said that what had been paid amounted to less, and the controversy depended (according to Kasztner) on whether the amounts of pengős paid would be considered according to the official exchange rate or - as was customary - according to the black exchange rate with the dollar, and also the estimated worth of the valuables delivered; there is no mention here of the additional \$1.500.000 that the committee would have been obliged to pay, according to Kasztner’s narrative, in order to send 15.000 Jews to Austria. On page 134 of it says that before the transfer of the Bergen-Belsen group to Switzerland in early December 1944, Becher gave his deputy Kriel strict instructions to make an accurate accounting as to whether the amount of \$1.684.000 was paid in full and again there is no mention of an additional amount for the Jews of Austria. In the introduction to the report, Kasztner writes (p. 5):

“In order to get the 1685 survivors from Hungary via Bergen-Belsen to Switzerland, in Budapest we arranged to pay \$1000 per person. In order to have 15.000 Hungarian Jews be transported to Austria (without first going through the ‘selection process’ in Auschwitz), we pledged to pay \$100 per person. This episode never came to fruition, but more than 90% of Hungarian Jews deported to Austria survived and returned to Hungary.”

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<sup>404</sup> As already indicated, the members of the Strasshof group were selected by the local Jewish councils on the instructions of the Rural Department of the Jewish Council in the capital (Zionists). Mrs. Brand did not take part in this, so she must not have known anything about the process, or if she did learn about it then, she was obviously not involved at such a level as to mention it in her testimony.

<sup>405</sup> The mere fact that Freudiger mentioned it refutes Halevi's thesis that the Strasshof selection is a later fabrication by Kasztner. Freudiger escaped to Romania in August 1944, later he had no contact with Kasztner, so he must have heard about the action before his escape. Let's add: Freudiger escaped with the help of Wisliczeny, which in itself shows that it was possible to reach an agreement with the Germans even without the extensive collaborative activity attributed to Kasztner by Halevi. The key was money.

Why did “this episode” - in contrast to the Bergen-Belsen episode - “never come to fruition”? Why did Becher not collect the \$1.500.000 “debt” for the Jews sent to Austria? Becher, head of the SS economic department, was very careful about extorting money from the Jews; it was Becher who significantly raised the price of the Bergen-Belsen train: Eichmann first demanded \$200 per person, then \$500, but Becher demanded \$2000 per person, and Himmler himself ultimately decided that the price would be \$1000 (Kasztner’s report, 59). The Jews of Vienna-Strasshof, who were constantly on the verge of being sent for the “special action” mentioned in Kaltenbrunner's letter, served as a guarantee that the SS held in order to collect the “debt”: why is there no mention in Kasztner’s entire report of any of Eichmann’s threats - especially since Brand's mission and negotiations with Saly Mayer were not successful and did not produce tangible results - to send the Jews of Vienna-Strasshof to Auschwitz, if the committee would not at least pay the “exchange money” that it had promised to pay? After all, Eichmann and even Becher frequently issued such threats, who constantly tried to extort money not only from the Jews of Budapest, but also from Saly Mayer and the JDC, with threats to exterminate Jews left in Budapest after Horthy's veto. If 15.000 Hungarian Jews, as Kasztner stated, were transferred to Vienna-Strasshof instead of to Auschwitz on the basis of an agreement between him and Eichmann in return for the committee’s commitment to the SS to pay \$100 per person in connection with this action - why didn’t the SS demand the payment? Lack of any serious attitude on both sides with regard to this “debt” indicates not only that objectively the transfers to Austria were not connected to any agreement with Kasztner or the committee - something we know from Kaltenbrunner's letter and everything connected to him - but the Nazis did not even deceive Kasztner about this and did not pretend that these Jews were sent to Austria on the basis of an agreement with him and in exchange for a financial commitment from the committee.<sup>406</sup>

Regarding the above-mentioned “rescue agreement” with Eichmann, Kasztner’s version of events has no basis in reality, and another section of his report is quite revealing in this regard. It pertains to the brief period between Horthy's veto decision (26.6) and when that decision was actually carried out (7.7). In this passage it he says (p. 58):

“Sztójay has not yet dared to carry out Horthy’s veto, therefore the deportations in the provincial cities continued. Eichmann, who felt himself sitting tight ‘in the saddle,’ announced to me: ‘I am emptying Budapest of its Jews. There will be about 30.000 Jews left in western Hungary, which, based on what I have heard, do not constitute ethnically valuable material. If you (Dr. Kasztner) want, I can transfer all of them to Austria. I will keep them ready for the Istanbul deal that you are constantly promising and that I believe in.’ I gave the same answer that I had consistently given him: that deporting the Jews of Budapest would influence the Allies’s stance such that they would surely stop the negotiations; that the Allies are not stupid either.”

This implies that at the end of July, Eichmann offered Kasztner to send another 30.000 Jews (in addition to the 15.000 from various country towns that were already on the way and in addition to the 15.000 from Budapest that had already been agreed upon) to Austria instead of to Auschwitz, so that they would stand “ready for the Istanbul deal that you are constantly promising and that I believe in.”(!) - and all this casually, without any request from Kasztner and without Eichmann demanding any money; and what’s more that Kasztner pushed away this offer. In fact, the aforementioned 30.000 Jews, residents of western Hungary

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<sup>406</sup> It is interesting that Halevi is more interested in what happened to the ransom and why Kasztner described it the way he did, than in the fact that the rescue operation of the Zionists took place and was successful.

(Transdanubia), were all deported to Auschwitz between the time of Horthy's veto and its implementation (Kasztner's report, 64).<sup>407</sup> Why did Kasztner reject Eichmann's proposal? If an agreement between him and Eichmann, which according to his narrative, saved the first 15,000 Jews, here was Kasztner rejecting, according to his own account, a similar possibility of rescuing another 30,000 Jews via an agreement with Eichmann. Kasztner, however, acted here as a man who did not seriously believe in Eichmann's proposal and as a man who knows with certainty that he had no influence over the Nazis' decisions as to whether the Jews would be sent to Austria or Auschwitz.

### **The Committee's Activities**

73. As for Kasztner's activity or activism surrounding the Vienna-Strasshof transfers mentioned above, we have already quoted Kasztner in his report (p. 52):

“Eichmann invited me to help organize the transfers to Austria.”

According to Kasztner's report, Wisliczeny allowed the committee, to some extent, to determine the ghettos from which Jews would be sent to Austria, and the committee, via Wisliczeny, sent letters to rabbis and Jewish leaders in those ghettos. Kasztner quotes part of a report by the Chief Rabbi of Szeged, Dr. Frenkel. It states - according to Kasztner's report (p. 54) - as follows:

“On 20 June, we were ordered by the SS officer to compile a list of 2400 people. At that time the officer presented the letter according to which he gave the order (signed by Ernő Szilágyi)... On Monday, 28 June, 2400 Jews that we had chosen took the third and final deportation train to Austria.”

Likewise, Kasztner recounts (report, 55) that Eichmann abused the committee's selection of the ghettos, when he switched, with complete arbitrariness, a train from the Győr and Komárom ghettos, destined for Austria, with a train from Debrecen, intended for Auschwitz. Kasztner also recounts in his report (pp. 50, 151) that Eichmann demanded that the committee contribute to the “budget” for the detention of Jews in Austria, and Kasztner immediately proposed 100,000 pengős, and that Krumej confirmed to him in Vienna in 1945 that he had received 65,000 reichsmarks from committee in the summer of 1944. One can accept all these details as accurate, but that does nothing to prove that Kasztner saved the Jews who were sent to Austria; all that the above details may prove is that Eichmann got Kasztner and the committee involved in the operational stage of the deportations to Austria, which were carried out by order of Kaltenbrunner.<sup>408</sup> Indeed, it was convenient for Eichmann to involve Kasztner in the aforementioned deportations; Eichmann reinforced Kasztner's collaboration in the overall deportation program, he manipulated the rescue committee into focusing on him, and he enabled Kasztner to present himself to the Jewish public as a “savior.”

### **Other Witnesses**

74. The other witnesses did not support Kasztner's version of events. While the prosecution brought two main witnesses (Dr. Hermann and Dr. Weiss) from among the Bergen-Belsen survivors to confirm and corroborate Kasztner's testimony regarding the rescue of the Bergen-

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<sup>407</sup> The timeframe given by Kasztner is clearly wrong, but that does not mean that he is lying.

<sup>408</sup> Halevi's argument completely falls apart here. So Kasztner and his companions 1. participated in the rescue of the members of the Strasshof group, 2. took care of them in Vienna even after their deportation, but from all this the conclusion is still drawn that Kasztner had nothing to do with the rescue of the Jews.

Belsen group, none of the Vienna-Strasshof survivors were called to testify despite the claim that “there are many such survivors in Israel” (Freudiger's testimony, 24:59). Mrs. Brand was a member of the rescue committee and actively participated in the negotiations with Eichmann. She testified in detail about the case of the Bergen-Belsen transport and the valuables, etc. Throughout her entire testimony, there is no mention of an agreement with Eichmann regarding the deportation of Jews to Austria. The witness Dr. Weiss (p. 496) did mention transports from Debrecen to Austria, but he only found out about it after liberation. The witness Freudiger (24:46, 58-59, 66; report, p. 35) confirmed the basic fact that four trains (from Debrecen, Szeged and more) traveled to Strasshof, where entire families traveled without passing selection, and that a large proportion of them, “about 90%”, survived; the witness heard about the transfers to Austria instead of to Auschwitz while in Budapest, that is, before August 1944 - only from Kasztner and he believed him. The witness Victor Shlomo Fischer, a member of the “HaMaccabi HaTza'ir” movement was active in organizing assistance and rescue for refugees in cooperation with the Rescue Committee and joined the Swedish Red Cross on behalf of the committee in the summer of 1944. He testified (pp. 499-498) about a meeting that took place between Kasztner and representatives of the Swedish Red Cross during the period of “when the Prime Minister was General Lakatos, before Szálasi's coup, late summer - early autumn, before 15.10”, i.e. not before September 1944. Representatives of the Swedish Red Cross wanted -

“To do some good deed right away; Kasztner asked them to hurry to the Supply and Rationing Ministry to get several shipments of food to Vienna for the Hungarian Jews in Vienna-Neustadt, a suburb of Vienna. It seemed as though that the original intention was to send them to Auschwitz and be ‘placed on ice,’ and deportation was carried out without extermination. I do not know if the food was sent.”<sup>409</sup>

The accuracy of the witness, who was close to Kasztner and the rescue committee, should be noted - he said that during the Lakatos government, that is, up to two months after the Jews were sent to Austria, “it seemed as though” - and nothing more. The witness Krausz (14:26-27) testified that during the entire period of Kasztner's negotiation with the Nazis during the Holocaust of the provincial towns, the committee members did not talk about any achievements that he had made in the negotiations except the Bergen-Belsen train. The witness was asked:

“When did the talk about Jews in Austria begin?”

After the train left. A few weeks later, Komoly told me that the Germans were demanding that food be sent to Austria, that there were 10.000 or 12.000 Jews in Austria, and that the committee was sending food.

So during this time, did he tell you that it was thanks to him that they were not sent to Auschwitz but to Austria?

No.”

The witness Palgi, who was in Budapest in the last third of June and also heard a lot from Kasztner about the 1200 train passengers to Spain and about the rescue work of the committee

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<sup>409</sup> Again, a confession that undermines Halevi's own argument. According to it, Kasztner's support for the Strasshof deportees is not a later fabrication. It is fascinating how Halevi wants to turn even those facts against Kasztner that are in his favor.

in general, does not mention anything in his testimony or in his books (exhibit 45, 113-114, exhibit M, 416) regarding saving the 12.000 or 15.000 above. There is no support for Kasztner's unreliable testimony about his "rescue agreement" with Eichmann. On the contrary - the existing evidence indicates that only after the train transports to Austria, or incidental to these transports, did Kasztner create his above version and then began spreading his version widely.<sup>410</sup>

### **The Fate of the Vienna-Strasshof Jews**

75. We do not know for sure how many of the Jews of Vienna-Strasshof perished in forced labor, how many were sent to Auschwitz and how many survived. We cannot rely on the numbers provided by Krumej in Kasztner's report (p. 152). Kasztner adds that an unknown number of the aforementioned Jews were sent to Auschwitz as a "punishment" for various disciplinary violations, and that Krumej's last act in April 1945 before the leaving Vienna was to burn all the papers and the detailed transport files he kept in regards to the aforementioned Jews (p. 171).

Becher, who according to Kasztner's report (p. 52) "was behind the concessions that Eichmann conceded to us" in June 1944 - concessions including, according to Kasztner's version of events in the report, the Jewish transfer to Austria - has no merit in this action. In a detailed report of 19 dense pages (exhibit 107), submitted as proof of an "alibi" by Becher to the Allied Powers shortly after his arrest, in which the dates of his connections with "Dr. Brand and Dr. Kasztner" are mid-May (p. 6), he claims credit for obtaining Himmler's consent to send "about 1600-1700 to an intermediate camp in the 'Lüneburger Heide'" (a euphemism for Bergen-Belsen), but he completely skips any mention of transports to Austria. Also, in his sworn affidavit in which he vouches for Becher in Nuremberg dated 4.8.47 (exhibit 73), which Kasztner compiled after his report, he exonerates Becher because "1685 Hungarian Jews and Jewish refugees in Hungary were gathered in Budapest and brought via Bergen-Belsen... to Switzerland", but does not mention "the rescue of the 15.000 Vienna-Strasshof Jews". The reason for this may be the same reason that motivated Kaltenbrunner to deny his signature (paragraph 71) and what motivated Krumej to burn the transport tickets: that the forced labor deportation to Austria and the condition that the deportees were kept ready at all times ready for a "special operation" (transfer to Auschwitz) was a war crime.

This would not detract from Kasztner's merit, if he really had been the cause of the rescue of the aforementioned Jews via agreement with Eichmann. However, in light of all the evidence, I do not believe Kasztner's version of events vis-a-vis the agreement with Eichmann, and I am convinced that Kasztner fabricated this version in order to justify his collaboration with Eichmann through imaginary achievements.

### **The Jews of Budapest - The Agreement**

76. According to Kasztner's testimony (above) his agreement with Eichmann included redirecting deportation to Austria (the agreement from mid-June), not only 15.000 Jews from the countryside, but also 15.000 Jews from Budapest, "and among them about 7.000 children," therefore amounting to "30.000" Jews (paragraph 69). But 15.000 Jews in Budapest, according

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<sup>410</sup> How could the Zionists have started selecting the Jews for the Strasshof transports *after* they left? If there had been no agreement between Eichmann and Kasztner, then why did the Germans allow the Jews to pick the people they wanted to save, children and prominent people, for example? If no money had been paid, then why the grand gesture? Halevi fails to explain any of these facts, all of which dispute his thesis.

to Kasztner, were also subject to a separate and additional agreement with Eichmann made after the comprehensive deportations stopped (after 7.7). Kasztner testified (p. 57):

“Despite Horthy’s instructions we did not feel safe. In our estimation, if the deportation was stopped when it came to Budapest itself, the battle for the Jews of Hungary would still not be over. So we proceeded with caution, and we even arranged an agreement with Eichmann in case the Germans overcame Horthy’s veto.”

And in the cross-examination (p. 258):

“It is true that we have reached an agreement with Eichmann in case the Germans overcame Horthy’s veto. That does not mean that Eichmann was an important partner in the negotiations. The agreement was that 15.000-30.000 Jews, most of them children, would be transferred to Austria. Eichmann agreed to this, it was part of the negotiations... Maybe he got instructions from Himmler or from Hitler, or from the German envoy in Budapest, or from Kaltenbrunner - there were many possibilities. Those were the Nazis who could give Eichmann instructions. As far as Eichmann himself, I had no illusions that he had even the slightest positive inclination toward the Jews.”

Here Kasztner admits to the possibility that Eichmann received instructions from Kaltenbrunner for the Austria transfer order (paragraph 71) and that Eichmann had no sympathetic motives in this matter. In the report (p. 65), Kasztner says that the additional agreement was made “with Eichmann and Becher”, and that the agreement was made, after the cessation of deportations, “on the basis of the original agreement.”

As stated, I do not believe in the “original agreement” at all, neither in relation to 15.000 nor in relation to 3000 Jews. We have already noted (paragraph 72) that the number 30.000 corresponds even less to Kasztner’s financial calculations than the number 15.000. What happened was that after Kaltenbrunner gave an order to send several transfers of Jews from the countryside to Austria and the committee partnered in carrying out the operation, and after the rescue of the Jews of Budapest, despite Eichmann’s anger and wrath about Horthy’s veto, Kasztner, Eichmann (and possibly Becher) reached an agreement “in case the Germans overcame Horthy’s veto.” This agreement included (Kasztner’s testimony, 320, Kasztner’s report, 65) a second train of 1500 Jews to Bergen-Belsen and deported 15.000 Budapest Jews to Austria instead of to Auschwitz; this meant that the remaining 200.000 Jews of Budapest would be deported to Auschwitz, “in case the Germans overcome Horthy’s veto.” Kasztner explains this agreement with the SS, made while the anti-Nazi forces in Hungary began to appear, as a cautionary step; but what stands out more than the element of caution here is the element of collaboration with the SS. After deportations paused, Eichmann was interested in laying the groundwork for renewed deportations by making an agreement with the head of the rescue committee and promising him a few minor concessions of the sort mentioned above, and what’s more, that the deportees in Austria (as well as in Bergen-Belsen) would remain under his full control. The Rescue Committee had already begun selling seats on the second train among the Jews of Budapest, and had also begun to place, in an agreement with the SS, a portion of the Jews appointed for the Austrian deportation to camps for “the privileged few” on Columbus Street and Arena Street, under the watch of the SS. Fortunately for the Jews of

Budapest, the Nazis did not overcome Horthy's veto and the "additional" agreement was not implemented.<sup>411</sup>

In his letter to the administration of the Jewish Agency dated 21 October 1945 (exhibit 142), Kasztner summarizes his agreement(s) with Eichmann and his achievements as follows:

"You will surely remember the work of the Budapest Rescue Committee. When the allies announced, on the London Broadcasting Service, their refusal to accept the German offer that Yoel Brand had presented to them, we made an interim agreement with Eichmann in Budapest. This agreement stipulated: -

1. 1200 people of our choosing, after a short stay in Germany were transported through Spain to the Land of Israel.
2. 800-900 people were brought from the various ghettos of the provincial cities to Budapest (with the help of the German office), to join this transfer.
3. 15.000 Hungarian Jews, determined according to our instructions, bypassed Auschwitz and went to Austria. They were well treated there and most of them survived.
4. An additional 15.000 Jews should have been brought from Budapest to Austria. Horthy's refusal to allow Jewish deportations from Budapest made this conditional operation illusory."

It is not my intention to insist on the distortions of the truth in this letter, which are clear from the content of the verdict. I would only like to point out the word "illusory", which reveals - not even written with good judgement - Kasztner's true approach to rescue.<sup>412</sup>

## **Collaboration in Budapest**

### **The Bergen-Belsen Train**

77. In the last paragraph we already touched on Kasztner's collaboration with Eichmann in Budapest after the cessation of the deportations, and we must now return to the situation in Budapest during the period when deportation was the anticipated fate of the Jews of the capital.

The comprehensive deportation plan also included the Jews of Budapest, who were to be deported after the Jews of the countryside. In the middle of June, the Jews of Budapest were gathered in "Jewish houses" as a first step towards their deportation to Auschwitz, and in the second half of June, those in charge of carrying out the deportation arrived in the capital. Various rumors spread among the 200.000 confused Jews of Budapest, and the fear and anxiety peaked with the deportation of the Jews of the capital's suburbs. Throughout the second half of June, Kasztner focused on the agreement with the SS in the preparation of the Bergen-Belsen train, which was intended to save only 1200 people, including 700 survivors from the provincial cities (regarding the last-minute increase in the number of passengers, see paragraph 70 and Kasztner's Report p. 62), and he had no real plan to rescue the rest of the Jews of

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<sup>411</sup> Here, Halevi casts a negative light on Kasztner because of a collaborative activity that never happened. As we mentioned already, Kasztner actually worked to save Budapest's Jews throughout the summer and autumn months. See his assistance in the negotiations between the Hungarian government and the Budapest Jewish Council and his memorandum to the Hungarian government regarding using Hungarian Jews for work within the borders of Hungary. (YVA, P.54/8.)

<sup>412</sup> Here, Halevi suggests that Kasztner would actually have been happy if Budapest's Jews were deported. This also shows that the judge obviously views the prosecution witness as some kind of diabolical being, evil to the core.

Budapest or even some of them. The Bergen-Belsen train was used by the Nazis as an instrument to make it easier for them to implement their plan, comprehensive deportation, in the capital as well. The number of spots on the train was so limited that only those privileged on the one hand and rich on the other were accepted. Eichmann demanded a high payment for his allowing the train to leave (the final price was later set at \$1.000 per person), and in order to fund the transport of the 1200 people, the rescue committee decided to sell 150 spots aboard the train at a price of 100.000 pengős (about \$3.000) per capita. A struggle for the places began among the Jews. Various organizations struggled for allocations, the rich offered more money to win the few available spots, and Hungarian detectives conducted searches among the Jews crowded into the congregation building and confiscated money that Jews were not allowed to hold on to. Mrs. Brand testified (p. 627):

“Hundreds and thousands wanted to travel, lots of people were there, there were beatings, people fainting. Everyone wanted to get his people spots on the train, and the Zionist pioneers also fought for their people.”

On the other hand, Kasztner tried to put Jews from various circles on the train. He stated in his report (p. 61):

“A committee chaired by Ottó Komoly and Ernő Szilágyi invited the spiritual elite of Hungarian Jewry to participate in the transfer. Despite the high demand, we insisted that they be adequately represented. But writers, scientists, doctors and many artists rejected this, apparently out of distrust about the fate of the transfer.”

Kasztner also testified (p. 324):

“Most of the Zionist leadership left Budapest on the Bergen-Belsen train.”

Most of the leaders of Hungarian Jewry, with the exception of the neológ leaders,<sup>413</sup> most of whom did not show interest in participating, were included in this transfer, which the Nazis called “sending Jews to be put on display” (Paradejuden). The Nazis were interested in this composition of the transfer, both to keep a tight grip on Jewish leaders by offering them a way to rescue themselves and to distract Jewish leaders from fulfilling their public duty to the people, and to use the privileged Jews as hostages, so that the Nazis could put constant pressure on Kasztner and also on Jewish organizations around the world in order to extract material and political benefits for the Reich (see below, the case of Becher). 200.000 Jews from Budapest were expected to be deported to Auschwitz as their leaders voluntarily entered the camps for the the privileged few, where they enjoyed “more gracious” treatment (Dr. Hermann's testimony) on the part of the SS, and traveled to the Third Reich in the hope that Kasztner would succeed in getting the Nazis to transfer them to a neutral country. It should be noted that the train did not leave Budapest until a few days after Horthy's veto (but before the deportations were actually halted).

Kasztner says in the report (59):

“We could no longer postpone the decision on the ‘delegation to the Land of Israel.’ This decision became particularly difficult after the decision of the country’s Governor

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<sup>413</sup> In fact, many neológ leaders or their relatives were on the train, including the relatives of the Jewish Council president Samu Stern.

[Horthy] (the veto). After all, it was 'aliyah in the form of deportation.' Hundreds and in fact most of the group were Jews from Budapest and also refugees who had not yet been imprisoned in the ghettos, who therefore stood to get onto this train in good faith. Did they really have to do that? At the precise moment that the deportations would stop and they could stay in Budapest? Would they willingly travel to the Third Reich on a train whose ultimate destination was unknown? There was strong opposition among the Polish refugees to the transfer plan. Aliyah in the form of deportation! Trust the SS's promises? The refugees from Poland, because of their experiences, thought we were crazy... The committee unanimously decided to let the transfer leave. Although there was no precedent for the Nazis letting a group of Jews out to go to a neutral country, we were convinced deep down in our hearts that this time it would work out. Since the members of the committee had family members on the transfer train, many - including among the refugees from Poland and the Zionist pioneering youth groups - forwent their resistance and joined the transfer. The information I obtained in secret from German offices told me that the group's chances were good. Becher, from the general staff, Klages, from the Gestapo and Wisliczeny from the Judenkommando claimed that the group had been granted permission by Himmler himself to continue its journey after a short stay in the Reich."

The Bergen-Belsen group's "short stay" in the Reich continued for a minority of the group until 21.8 and for most of it until 6.12. The departure of the Bergen-Belsen train, a week before the cessation of active deportations, did not offer Kasztner a period to rest, but instead a period of increased subjugation to the SS. He had given up his wife, his mother and other relatives as well as his friends and the leaders of his movement as hostages to the Sís.

### **Krausz' Position**

78. Moshe Krausz, the head of the Palestine Office, initially opposed the "aliyah disguised as deportation,"<sup>414</sup> and saw in it a Nazi ploy against the Jews (paragraph 23). His reasons were, *inter alia* (his testimony, 14:18):

"First of all, the Germans' intention was to show the Jews that they were ready to help. A second point: to keep the Jews busy and preoccupied. Because it became known that the Germans were willing to grant an exit permit to Jews, almost all of the Jews in Budapest Jewry hoped to join this exodus. This is how they preoccupied all the Jews. And another point: the Germans wanted to expel the activists from Budapest because they were afraid that the activists would organize resistance. The Germans knew that a second Warsaw could be dangerous for them, especially in Hungary where the occupation was not absolute. They were also interested in holding Jewish leaders as hostages. Aside from that, they wanted to demoralize the Jews. All these points strengthened the impression, and perhaps even prove, that the Germans were playing a diversionary trick. They wanted to distract all of the Jews from their plan in Hungary.

Did you discuss this with other people?

I talked about it with the Zionists and the Judenrat.

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<sup>414</sup> This pair of words will later become important in Halevi's train of thought, as he tries to prove that it was not a rescue, but a deportation disguised as a rescue. Halevi bases this on the testimony of a man - Krausz - who (1) did not participate in the actual rescue work, and (2) tried to paint himself as a hero. In fact, nowadays the historical literature is highly critical of Krausz, since the mass production of false immunity documents actually reduced their value in the eyes of, for example, the Arrow Cross.

You talked about it with Szilágyi?

Yes.

What was his response?

I suggested not to travel, and to stay in Budapest, because there would be possibilities for important actions. Besides, I stated that I had doubts about the plan, and I said that it was incumbent upon them as activists to stay. Szilágyi told me that he also had feelings like mine, that he was engaged in something dangerous, but he said that he was desperate. Aside from that, he said that he was afraid that if he stayed in Budapest, he would have to continue his work with Dr. Kasztner, and he did not want to do that. That's why he's leaving Budapest. After the war, I met with Szilágyi in Switzerland and he showed me a book he was going to write called 'About the Sin.'<sup>415</sup>

Krausz was one of the first to see that Kasztner's involvement with the SS constituted collaboration. He did not hide his opinion from Kasztner or from other Zionists. Krausz testified (14, 19-20):

"In early June, when I learned that he was continuing to work on aliyah, I told him: Can't you see that the Germans have lost the war, since the Allies have already invaded France... and the Soviet army was on the Hungarian border... I suggested to him that now was the time to end the negotiations with the Germans, because he too could see that the Germans had lost the war and they could not be trusted at all. So he... shouted at me: You think you can get up from the Germans' table? I said: Yes, you can get up, if you can get away, I can give you refuge. He did not answer me..."

Krausz only reached the final conclusion that Kasztner was collaborating with the Nazis and knowingly serving them at the end of the period in question, when Kasztner continued to negotiate with Eichmann and his associates, after exterminating - despite the previous negotiations - all the Jews from the countryside. Freudiger testified (24:61, 46) that Krausz was afraid of Kasztner, and indeed in light of his close ties to the Nazi authorities there was reason to fear him. In light of Kasztner's strong Nazi connection, Krausz could not act against him. But Krausz had already started to look for ways to rescue people without collaborating with the Nazis.

### **Krausz' Actions and Kasztner's Interference**

79. From the beginning of the Nazi occupation, Krausz established good relations with neutral envoys and frequently provided them with accurate information about the Jewish concentration into ghettos and the deportations. At the end of May he received a detailed report from two Slovak Jews who had fled Auschwitz and escaped the massacre of the extermination camp there, together with exact numbers of victims who perished from 1942 to April 1944, with a detailed and shocking description of the poisoning of the Jews in gas chambers, etc. To this "Auschwitz Protocol," Krausz attached a report on the atrocities against the Jews in the rural cities of Hungary and sent these reports to all the important personalities in Hungary, including Horthy, to all the delegations and to Switzerland, via a special diplomatic envoy,

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<sup>415</sup> Szilágyi did, in fact, write a book about the Kasztner deal. The book is very supportive of Kasztner. See: Novák, *Ismeretlen memoár*.

where this “Auschwitz Protocol” was delivered and publicized to an international press agency, and the general world public became aware of these shocking facts. There is reason to support Krausz’ and Freudiger’s (23:21) assumption that the broad publication of this news was one of the factors that caused the United States government as well as other governments to aggressively intervene with Horthy which caused the veto<sup>416</sup> and the cessation of the deportations.

At that time, Krausz was able to enlist the active help of Consul [Carl] Lutz, one the Righteous Among the Nations (Freudiger’s testimony, 23:23), the director of the Swiss Foreign Affairs Department, which also represented British interests. Consul Lutz obtained recognition for 8000 holders of aliyah permits and their families as “British subjects” in Hungary and in this way, over time, gained the same recognition for about 40.000 Jews with sponsorship certificates (exhibit 92). Krausz opened a large office in the Swiss delegation building in Budapest for this purpose, where hundreds of Jewish officials worked to prepare sponsorship certificates as well preparing for their emigration to the Land of Israel. This was signed during the truce agreement between the Swiss delegation, the Hungarian government and even a representative from the German Foreign Ministry. Although the Nazis eventually failed to carry out the agreement, the sponsorship certificates still saved the lives of tens of thousands of Jews during persecution on the part of the Szálasi government.<sup>417</sup>

In all these actions as well as in Krausz’ efforts to mobilize more active assistance from the International Red Cross on behalf of the Jews of Hungary through its Chief Representative in the Reich, Mr. Schirmer, Kasztner did not participate, and on several occasions even actively interfered with Krausz’ actions so that he would fail (Krausz’ testimony, 14:3-28, 42, 63-70, 15:1).<sup>418</sup> In paying close attention to Kasztner’s subjugation to the SS throughout the extended period from the period of the Holocaust of the provincial cities to the Szálasi period and onward (see below), I accept Krausz’ explanation, which is also supported by Freudiger’s testimony (23:23 and more). Kasztner interfered with Krausz not just out of personal conflict, but mainly because of his collaboration with the Nazis, who forbade him from negotiating with any other party and even sabotaged other independent rescue operations by using Kasztner as their instrument.

There is no need to go into all the details of Kasztner’s collaboration with the SS in Budapest. Important details regarding the period before the cessation of the deportations will be clarified below. In the case of the paratroopers Palgi and Goldstein, and regarding the truce period and the Szálasi period, in the Hannah Szenes case and the Becher case.

### **The Brand Case**

80. From the very beginning, Krausz was critical of Brand’s mission and saw Eichmann’s proposal as one of the Nazis’ tricks to deceive Jewish leaders and distract them from the reality of extermination. Even before Brand’s departure, Krausz asked the poignant question (paragraph 46):

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<sup>416</sup> There is absolutely no proof that Horthy decided to act against the deportations because of Krausz or the Swiss press.

<sup>417</sup> It is reasonable to assume that some Jews were saved because of these documents. Others, however, were murdered all the same, because the Arrow Cross henchmen ignored their papers. Budapest Jews, in the end, were saved by the Red Army, and not by Krausz.

<sup>418</sup> There is absolutely no proof that Kasztner tried to make Krausz’ rescue efforts fail.

“If the Germans are dealing with such a serious question (negotiations to end the deportations) and at the same time they send a Jew to make contact with world Jewry, then why did the Germans start the deportation three to four days before that?”

Above we described (paragraphs 46-48) Brand's trip and Eichmann's refusal to halt the deportations, which lasted indefinitely at the rate of 12,000 Jews per day. Brand did not succeed in meeting with one of the heads of the Jewish Agency in Istanbul, and was forced to travel to Aleppo, Syria for this purpose. As soon as he got there on 7 June, he was arrested by the British police. In Aleppo, Brand submitted a detailed report on his mission and on the extermination of Hungarian Jews to Mr. Sharett, Director of the Jewish Agency's political department, a report that made its way to the leadership of the Jewish Agency and to the British Government. The British moved Brand to Cairo, where Lord Moyne and others interrogated him and detained him for more than four months. Mr. Ira Hirschman, the special envoy of the late President Roosevelt, arrived in Cairo at the end of June to receive a detailed report from Brand. The allies rejected Eichmann's proposal, and on 20.7, Radio London broadcast an announcement rejecting the offer.

It is possible that the Brand mission indirectly benefited the Jews of Hungary by providing accurate information about the extermination to the Jewish Agency and the Allied governments who intervened with Horthy on 26 June,<sup>419</sup> but Eichmann's offer to trade the lives of Hungarian Jews in exchange for war equipment that the Germans “would not use in the Western front,” was doomed to failure from the start. We have seen (paragraph 42-A) that one of the Nazis' machiavellian methods was to condition the rescue of Jews on impossible conditions, in order to confuse the Jews, to stir up conflict between them and the Allied governments, and ultimately to place the blame for extermination on others. This does not negate the fact that the Nazis were interested in using the Jews as intermediaries in order to make contact with the Western powers (see the case of Becher below), but for the exterminated Hungarian Jews and those on their way to being exterminated, no blessing could come from this Nazi offer. The crucial fact is - as Krausz correctly realized - that the extermination continued on an incredible scale despite Brand's mission, and Eichmann mockingly rejected the pleas from Kasztner and Mrs. Brand to delay the extermination until Brand returned from his mission (paragraph 48). Mrs. Brand, who believed in her husband's mission so much that she suffered torture from the Hungarian police for the sake of keeping this “secret of the Reich” was, of course, shocked by her husband not returning (she and her children were being used as bargaining chips) and the failure of his mission, and despite Kasztner's testimony (paragraph 46) that he and his friends saw the Eichmann proposal as “perverse” and assessed the chances as “extremely slim, if not impossible,” the testimony of Freudiger and others shows that Kasztner was extremely disappointed that Brand had neither returned nor produced an answer in the affirmative.<sup>420</sup> This disappointment was the result of the illusion that the Nazis created in the first place, and it proves that Krausz was correct in his view that Eichmann had set up Brand's mission as a way to arouse false hopes among Jewish leaders in Hungary and weaken the force of their resistance to the extermination being carried out at full speed. One should not at all distinguish between Brand not returning and his not sending an affirmative response, and there is no basis for

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<sup>419</sup> Again, we do not have reliable, contemporary, primary sources regarding Horthy's decisions. It is not impossible that the foreign warnings had a role in his decision, but it cannot be stated as a fact. It is interesting, however, that Halevi 1. implies that Brand's mission might have had a role in the halting of the deportations, yet 2. dismisses the idea that Kasztner might be praised for this result.

<sup>420</sup> Halevi has already implied that Kasztner was actually unhappy that not all of Hungarian Jewry had been deported, yet here he states that Kasztner was also angry that Brand did not return with a reply and the deportations could not be halted.

Kasztner and Brand's opinion that it might have been possible to "buy time" by having Brand come back with a pretend positive answer. Eichmann has repeatedly told Kasztner that he was more clever "than the American lords," and that the Reich did not have "enough food to feed hundreds of thousands of Hungarian Jews" in Auschwitz (paragraph 71, Kasztner's report, p. 48) We have already mentioned (paragraph 53) that there was no reason to believe that the first fourteen deportations, i.e. 168.000 Jews, were sent to be "put on ice" in Auschwitz until Brand's answer as Eichmann had promised.

When the prosecution's witnesses were heard, the defense attorney argued that the Jewish Agency's agents were to blame for Brand's imprisonment by the British. The court inquired as to the relevance of this argument to the matter at hand in this trial, and Mr. Tamir explained that he intended to prove that Brand's not returning and Kasztner's disappointment with the Jewish Agency in this matter were factors that pushed him to collaborate with the Nazis. The counsel and his client did not have any objections to the inquiry into the reasons for Brand's imprisonment in Aleppo, but out of their own considerations responded to the "invitation to approach" this question and called the witnesses Brand and Avriel to clarify the matter. In an interim decision by the court (p. 691), an explicit reservation was twice expressed in relation to relevance of the aforementioned matter, and yet it was stated that, since "neither party claimed that the matter was not relevant", the court does not find it appropriate to decide the question of relevance on its own. Only in the trial summary did the attorney general argue, as a prelude to the summary of the case of Brand's imprisonment, that the matter had no place in this trial, while the defense attorney had to admit at the end of his summary that he had not proven the facts linking the above matter with Kasztner's Nazi collaboration.

After hearing all the evidence, it ultimately became clear that Brand's imprisonment in Aleppo was not connected to Kasztner's collaboration with the Nazis. This collaboration began before Brand's trip to Istanbul and was already in full swing at the time of the deportation of the Jews of Kolozsvár, which ended approximately at the time that Brand was originally scheduled to return. It was not Kasztner's disappointment with Brand's mission or with the Jewish Agency, but rather it was due to the reasons explained in the first part of this verdict that were the factors that led Kasztner to collaborate with the Nazis. Moreover, there is no proof whatsoever indicating when exactly Kasztner learned that Brand had been arrested and imprisoned, and there is no proof that Kasztner knew the circumstances of Brand's imprisonment until after the end of the war. Therefore, regarding the matter of the exact reasons that led to Brand's imprisonment, which has been incidentally disputed by the defense and the prosecution during this trial, it is the duty of the court to therefore refrain from determining any findings in this controversy.

## **The Paratroopers' Case**

### **The Problem**

81. The case of the paratroopers Yoel Palgi (formerly Nussbacher), the late Hannah Szenes and the late Peretz Goldstein has been raised in this trial by the general prosecution in Kasztner's main testimony, even though there was no mention of it in the defendant's article in question. The prosecution sought to prove through Kasztner's testimony that not only was he not a "collaborator" with the Nazi enemy, as the defendant claims, but on the contrary - he was so loyal to the national institutions of the Jewish people that the Jewish community in the Land of Israel did not hesitate to send its best people to him on a very secret and daring mission behind enemy lines to organize Jewish defense against the Nazi murderers. After that, disaster struck and the three paratroopers fell into the hands of the enemy. Kasztner made relentless

efforts to free them and almost succeeded in doing so. This is Kasztner's main testimony regarding his part in the paratroopers' case in its entirety (pp. 69-72):

"Hannah Szenes, Peretz Goldstein and Yoel Nussbacher (Palgi) were three paratroopers who came to Hungary in mid-June 1944, and two of them, Goldstein and Palgi, came to me on approximately 20 June. I did not see Hannah and did not know about her arrival. The Jewish establishment in the Land of Israel sent them to me due to correspondence between me and the committee in Istanbul at the beginning of 1944. In a secret letter to me and Moshe Schweiger, who was in charge of defense matters for the committee, they clarified the chances of these paratroopers organizing aid, rescue and self-defense for the Jews of Hungary. Moshe Schweiger was arrested by the Gestapo a few days after the German invasion... The two aforementioned paratroopers came to me on 20.6. An hour after they left, five agents from the Gestapo and the Hungarian counter-intelligence service conducted a routine search of the boarding house.

In the next few days they succeeded in arresting Nussbacher, and they arrested us, the committee members - Peretz Goldstein had not yet been caught -, they arrested me, Offenbach, Hansi Brand, and the engineer Biss. They threatened us that they would shoot Palgi if Goldstein was not found within 24 hours. We requested permission to call Peretz, who was hidden somewhere. We told him about the situation and we told him he had to decide. If he wanted to run away - we were prepared to bear the consequences. He decided to surrender himself. I intervened countless times with both the Hungarian and German authorities, and in the end, they promised to let them go. I forged an agreement between myself, the International Committee of the Red Cross representative Friedrich Born and the Hungarian Ministry of Defense to release Yoel Palgi and Peretz Goldstein and Hannah Szenes (by then I already knew she was there, it was mid-October) under the auspices of the International Red Cross and according to the guarantee that it gave. They were not released, because the next day Szálasi seized power. It is known that two of them were killed and Yoel Palgi survived and he is in Israel."

Kasztner's testimony, however, turned into a stumbling block for him. During cross-examination on Monday evening it became clear that he had left out the most difficult and seemingly decisive part of the entire Palgi and Goldstein case - the rescue committee informed the head of the Gestapo on the arrival of the two paratroopers while they were still free, and the appearance of Palgi, at Kasztner's request on behalf of the committee, before the Gestapo a day or two before he was arrested. These are things that Kasztner left out of his main testimony; even what he did say in his testimony, such as a description of his actions regarding Peretz Goldstein and Hannah Szenes, were revealed during the cross-examination to be doubtful. At the request of the Attorney General, Kasztner was given an opportunity to testify again and retell the whole case of the paratroopers. The prosecution called in new witnesses to testify, the main one being Palgi the paratrooper himself, as well as Mrs. Brand and other witnesses, to confirm the final version of Kasztner's testimony or at least to support it. On behalf of the defense, Mrs. Katalin Szenes was called, who testified about her late daughter.

The question that was put to the decision in light of all the evidence is: what was the real role that Kasztner played in the paratroopers' case - a positive or negative role, a role that helped the paratroopers and an honest effort to save them from the enemy's claws, or vice versa - a role of collaboration with the enemy, extraditing the paratroopers and abandoning them? It is

clear, therefore, that despite the lack of mention of the paratroopers in the defendant's article, this affair has a clear connection to the question of Kasztner's collaboration with the Nazis.

Unfortunately, I must point out that most of the witnesses in the paratroopers' case did not make it any easier for the court to determine the truth in this matter. Kasztner's testimony was found to be largely false, and most of the prosecution's witnesses covered for him and came to court with a tendency of revealing a bit of truth and concealing twice as much. In contrast to their testimonies, the testimony of the bereaved mother, Mrs. Szenes, quietly shed a truthful light on the matter.<sup>421</sup>

### **The Obligation of Loyalty**

82. Yoel Palgi (the oldest in the group), Hannah Szenes (22 years old) and Peretz Goldstein (20 years old) were members of the "Haganah", born in Hungary (Hannah Szenes - the daughter of a well-known writer from Budapest, Palgi and Goldstein - natives of Kolozsvár) who volunteered in early 1944 in the British Army for the dangerous mission to parachute into Yugoslavia and infiltrate Hungary to fulfill two interconnected roles: a role on behalf of the British Army - to smuggle prisoners of war and pass on news from Hungary, and a role on behalf of the Jewish Agency - to organize Hungarian Jewish resistance to the Nazi exterminators<sup>422</sup> and to help rescue Jews through underground methods.

As we mentioned above (paragraphs 33-34), at the end of 1943 or in the beginning of 1944, representatives of the Jewish Agency in Istanbul appointed Dr. Moshe Bar-Zvi (Schweiger), a veteran Zionist and member of the rescue committee, to be the commander of the "Haganah" in Hungary. At the beginning of 1944, an exchange of letters was held between Istanbul on the one hand and Schweiger and Kasztner on the other about the Jewish Agency's plan to send several Haganah officers from the Land of Israel into Hungary. Kasztner's report states (p. 70):

"Already at the beginning of the year, the Jewish Agency intended to send three Jewish Brigade officers to Budapest on a mission to begin preparations for armed resistance and self-defense and they would also pass on information to the Allies. The selection of officers was done on a voluntary basis. Hannah Szenes was selected... as well as two Zionist pioneers from Kolozsvár, Yoel Nussbacher and Peretz Goldstein ... The committee in Istanbul informed us with a Hebrew letter written in code as early as January 1944 about this plan. Dr. Moshe Schweiger, the director of the "Haganah", in his reply, gave the name of a certain Zionist from Újvidék, a city on the Yugoslav border, whom the three officers must seek out after crossing the border into Hungary. In the whirlwind of events, we had long ago abandoned hope that the three would arrive. Dr. Schweiger was imprisoned for months and the Jews of Újvidék had been deported in the meantime. But the three soldiers from the Land of Israel were nevertheless on their way."

According to Schweiger's testimony (p. 482), he prepared two certificates at the Agency's request, one for a young man aged 22-24 and one for a slightly older young man, and between January and March 1944 informed the committee in a telegram to Istanbul that the certificates were ready, and he included the name of the man who the "Haganah" members should seek

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<sup>421</sup> Here Halevi admits that he based his sentence on mostly one witness, who had no knowledge of what the rescue committee did or did not do in this matter, and who also held a grudge against Kasztner.

<sup>422</sup> When the parachuters started out on their mission, there were not "Nazi exterminations" going on in Hungary. It is ridiculous to assume that three young Jews could have had any meaningful role in altering the events that transpired.

out near the border. These preparations were made on the eve of the Nazi conquest. On 4.4, about two weeks after the occupation began, SS officers arrested Schweiger, who came specifically to his hometown of Szabadka for this purpose. He was transferred to the Gestapo prison in Budapest, and from there in the middle of July to the Mauthausen camp. Schweiger, Kasztner and Brand were considered loyal to the "Haganah" in Hungary by the Jewish Agency, and their names and addresses were given, with the knowledge of British headquarters (exhibit 40), to the three paratroopers, so that they could provide personal shelter and assistance with their mission.

Hannah Szenes parachuted in March, while Palgi and Goldstein in April 1944 to the area controlled by Tito's partisans in northern Yugoslavia. After many hardships and delays in Yugoslavia, Hannah Szenes, who was eager to get accurate information from Hungary about the exterminations, crossed the Hungarian border on 9 June, but was captured by Hungarian guards at the border along with three of the people accompanying her (one of whom shot himself), and her transmitter also fell into enemy hands. Palgi and Goldstein, who did not know about Hannah's fate, crossed the border on 19 June, leaving their transmitter on the border with specific instructions to transfer it to an agreed upon location in Hungary on 26.6. They arrived in Budapest on 20.6 or 21.6.

While still in Yugoslavia, they received on May 27 (exhibit 40) wireless instructions to destroy copies of Brand's address, as he had left Budapest and arrived in Istanbul on 19.5. When Palgi and Goldstein came to Budapest, Kasztner was in fact the only man who could provide them with shelter and assistance. Kasztner was also the only one among all the activists in Budapest with whom the two paratroopers came into contact (among the members of the Rescue Committee and the Zionist pioneer headquarters), and they met with him personally (Palgi's testimony, 431).

"Their first path led to me. We were old friends. They were in the Habonim youth movement in Transylvania, which I led for several years" (Kasztner's report, 71).

The three paratroopers were sent to Kasztner - although only two of them actually reached him - because he was regarded as loyal to the Jewish Agency and the "Haganah" in a hostile country.

"The Jewish establishment in the Land of Israel sent them to me due to correspondence between me and the committee in Istanbul at the beginning of 1944... I worked for an organization that also acted according to instructions of the "Haganah". The organization - the rescue committee... The paratroopers were sent to me, to us as well, but first to me personally, as this was my role of course... Palgi and Goldstein were sent first and foremost to me, and it must be seen that I was trustworthy. In the end I was told they had been sent as saboteurs to Hungary. Palgi... told me he came to save Jews. He also told me that he had a second role, a military/war role and I was happy that he did not tell me any details about that. I was one of the main members of the underground" (Kasztner's testimony, 69, 147, 149).

Introducing himself, both before and after the Nazi occupation, as loyal to the Jewish Agency and the "Haganah" in a hostile country, Kasztner took upon himself the obligation to be fully loyal to the paratroopers - an obligation to provide personal shelter and assistance to these soldiers of the Allied armies and the "Haganah" in their secret and dangerous mission in enemy territory.

### **The Timeline of the Events**

83. Before we go into the details of the events that took place in the coming days in connection with Palgi and Goldstein, we must first determine an approximate timeline and structure of the events, to the extent that the different versions of events allow.

Palgi and Goldstein arrived, as mentioned, in Budapest on 20.6 or 21.6, and on the same day at 4 p.m., they visited Kasztner. The next day at dawn Palgi visited Kasztner again. On an unknown date, Kasztner informed the head of the Security Service and the Gestapo in Budapest, SS Obersturmbannführer Klages that the two paratroopers had come. On 23 or 24 June, Palgi met with Kasztner a third time in Mrs. Kurtz's apartment. Kasztner persuaded him that he should report himself to the Gestapo. The next day, Palgi, accompanied by Mrs. Brand, reported to the deputy head of the Gestapo, Siebert, and gave him his address, Brand's old apartment. Before reporting, Palgi sent a telegraphic instruction through Kasztner to his confidant at the border to delay, if possible, transferring the transmitter. On 26.6 or 27.6 Palgi was imprisoned and interrogated by Hungarian counter-intelligence investigators. He was tortured and tried to commit suicide; they showed him his transmitter, and he was forced to reveal the secrets of his two-fold mission on behalf of the Jewish Agency and the British Army. On 1.7, Palgi was transferred to a Gestapo investigator and retracted his confession. Goldstein remained in the Columbus camp until after the majority of the residents had left, including his parents, on the Bergen-Belsen train on the night before 1.7. That night, one hour after the train left, the Hungarian counter-intelligence agency arrested Kasztner and some members of the committee and interrogated them as to Goldstein's whereabouts. On 1.7 in the morning, Kasztner and Mrs. Brand, accompanied by counter-intelligence detectives, entered the Columbus camp, and persuaded Goldstein to turn himself in to the detectives. This is a rough sketch of events from 20.6 to 1.7, a sketch that must be filled in with details and the assertions of which, insofar as they are disputed, still need proof.

### **Reception**

84. The reception of the two paratroopers by Kasztner was not very encouraging. Kasztner was startled and perplexed by their unexpected appearance (Palgi's testimony, 399; exhibit 35, 110; exhibit 40, 416). He turned pale when he saw Palgi, who entered first, and his first words to him were: "Are you crazy? How could you have come here?" After a brief conversation with the young men, Kasztner invited them to meet again the next morning, while it was still dark.

For the first few nights, the two Haganah emissaries in Nazi Budapest were forced to stay overnight at a hotel, which was under police supervision; in order to slightly reduce the risk involved, Palgi registered only as one guest in the hotel book, and Goldstein entered Palgi's room without registering. Kasztner, for some reason, despite his close ties with the Zionist pioneer underground, failed to find a safe house for the two paratroopers (Palgi's testimony, 2, 77; 426-427; exhibit 40, 416-417; exhibit 35, 110).

### **False Explanations**

85. In the second conversation between Palgi and Kasztner, which took place at dawn the day after the two paratroopers arrived, Palgi gave Kasztner the details of their mission, and Kasztner told Palgi at length about the comprehensive deportation, the Holocaust of the Jews in the provincial cities, the negotiations with Eichmann, Brand's mission and the train of survivors about to leave for Spain. The picture that Kasztner painted was largely distorted. Contrary to the truth, Kasztner told Palgi that his negotiations with the Nazis had delayed and continued to delay the deportation of the Jews of Budapest. Palgi, who knew nothing about the

chain of events in Hungary, believed the explanation given to him by the authoritative head of the rescue committee, who was loyal to the Jewish Agency, was an older man, and who was the leader of his Zionist movement in his youth. Kasztner's misleading explanation was then used as one of the considerations that influenced Palgi to report to the Gestapo. Palgi discusses this in his testimony (pp. 405, 431):

“I got a general sense of the situation in Budapest, and I understood the situation as follows: in the provincial cities, there were no Jews left, meanwhile in Budapest itself the deportations had not yet begun, and Kasztner claimed that this was the result of the negotiations he had conducted. I accepted this explanation because there was no other reasoning that could explain why the deportation had stopped in the middle...<sup>423</sup> As far as I can recall, he told me that thanks to his negotiations, the deportations stopped. It is true that I received my knowledge of the negotiations and the political situation from Kasztner.”

The truth is, as is clear from all the evidence in this trial and from Kasztner's testimony in general, that the comprehensive deportation did not stop until after Horthy's veto, and it was not in Kasztner's power to delay the swiftly-moving deportation for even one day - and Kasztner knew it well. When he spoke with Palgi, Kasztner knew that Eichmann had already set an end-date (early July) for the beginning of the general deportation of the Jews of Budapest and was unwilling to negotiate a delay in deportation. All of Kasztner's negotiations with the Nazis during this period revolved around the removal of 1200 of his people by train to Spain (the “Bergen-Belsen train”), and he had no concrete plan for rescuing the Jews of Budapest or even some of them (paragraph 77).<sup>424</sup> Kasztner misled Palgi about the basic facts of the negotiations with the Nazis.

This false explanation above was accompanied and combined with an imaginary description of Brand's mission. By the last third of June, Kasztner knew quite well that Eichmann regarded this mission as worthless. Yet Kasztner painted an enthusiastic picture of the mission and its current value to the rescue:

“The burning fire of fanatic believers was ignited in the eyes of Yisrael [Kasztner] when he spoke about it... The Germans... are waiting for Yoel (Brand) to return. In the meantime, Jews will not be exterminated, they will be kept alive... The Germans are serious about this. 1200 Jews have already been placed in a special camp in order to be sent to Spain... This convoy will serve as proof that the Germans are in fact prepared to facilitate immigration to the Land of Israel, they agree to it... we will save hundreds of thousands of people!”

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<sup>423</sup> It does not seem impossible that Kasztner was sincere in what he said to Palgi. We have primary sources that the leaders of the Jewish Council pleaded with Horthy before 7 July to stop the deportations. The Jewish Council cooperated strongly with the Kasztner group, although the two were not identical. If Kasztner's perception was that the deportations had been halted because of “bargaining by the Jewish leaders”, he may have been presenting events as he believed they had happened. It is another matter that, as we have already pointed out, we do not know exactly why Horthy made the decisions he did, or why he made them when he did.

<sup>424</sup> This statement is not true. Members of the Kasztner group were involved throughout in negotiations with the Jewish Council to save the Jews of Budapest. As we have pointed out, even after the deportations were stopped, Kasztner was still making plans for the Hungarian government to ensure that Hungarian Jews were not allowed to be taken outside the country's borders. (YVA, P.54/8.)

This is where Palgi's sense of criticism arose:

“I sank into an armchair and pondered in astonishment: it must be the spirit of the times that has made this clear-minded man lose his mind”.

Palgi did not believe — just as Kasztner did not believe in his heart — that the Allies were willing to supply the Nazis with vehicles or goods in exchange for rescuing the Jews; but when Palgi expressed this critical opinion to Kasztner, Kasztner erupted in harsh insults against the Allies (Palgi’s testimony, 402). It is appropriate to cite another small passage from Palgi’s description of the conversation (35, p. 116), in which Palgi’s doubts were confirmed - just as the other passages presented here give weight to Palgi’s opinion. He said in his testimony (p. 427, 446); -

“‘Tell me, will the Allies win this war?’ - he suddenly asked instead of answering. Maybe he was asking himself and thinking it over out loud. I looked at him for a long time. Now I understand him: it was not yet clear to him how the war would end... I answered, ‘Without a doubt the Allies will win, and soon!’. I knew that once his faith in our victory was strengthened, he would figure out the right way to deal with the future.”

Palgi’s criticism was only directed at Kasztner’s “naive faith” (as Palgi thought) in the Allies’ willingness to trade vehicles and goods in exchange for the Jews of Hungary.

Palgi did not doubt Kasztner's opinion that Brand’s mission was still important to the Nazis, and was in fact a very effective ploy by Kasztner to gain time to save a remnant of Hungarian Jews:

“The Germans believe, and it’s good that they believe it.. I knew that we were undertaking something enormous. After all, it had begun to show some signs of success: a quarter of a million Jews in Budapest had not yet been deported, that is to say - their fate depended on the outcome of the negotiations. Tens of thousands of Jews and perhaps hundreds of thousands were in the death camps, but no explicit order had yet been issued to execute them.<sup>425</sup> In any event, we had gained some time - and he who earns time, earns life. And today was the 22nd of June, the sixteenth day of the invasion of France, and the first day of the massive attack on the eastern front - and who knew what the next few days would bring. If we could really get the Germans to believe that they could do business for Jewish lives - then maybe we could save everyone” (exhibit 35, 114) (see also Palgi’s testimony, 449).

At the time of his conversation with Palgi, Kasztner knew that the Germans did not “believe” (if they had ever “believed”) in the Brand mission, that there is no connection between this mission and the fact that “a quarter of a million Jews in Budapest had not yet been deported”, and there was no reason to assume that “in the death camps an explicit order had not yet been given” to sentence the Jews from the provincial towns to death.

All of Kasztner’s aforementioned false propaganda then had an influence — along with other motives that we shall mention – on Palgi to appear before the Gestapo. In his testimony, Palgi says (pp. 434, 452):

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<sup>425</sup> By this time it was common knowledge that most of the deported Jews had been killed. Palgi arrived from Palestine, where the existence of the extermination camps was also common knowledge.

“It was possible to escape to Romania or Yugoslavia, but I preferred to go with the process that started in Budapest and led to Istanbul and that is why I agreed to report to the Gestapo... I appeared right away in order to strengthen the chances that Kasztner’s plan would succeed. The lifeline was the train that was ready to depart, the cessation of the deportations and buying more time in order to forestall the exterminations. At that point in time, it seemed to me that I could do more with this plan than through the underground.”

### **Palgi’s Dissapointment**

86. Kasztner’s reception and explanations could not have encouraged the paratroopers to their mission. Indeed, the paratroopers’ road had been full of disappointments from the beginning. Already on his way out of Cairo, together with Goldstein in early April (about two weeks after the Nazi invasion of Hungary) Palgi felt the heavy emotional burden that they were too late:

“I no longer had the feeling that we were going to do great things, that there were still more chances of rescue. It seemed to me that we were going into Hungary to silence our conscience and the conscience of the Jewish community in the Land of Israel, to claim that we had not forgotten our brothers” (exhibit 35:20; Palgi’s testimony, 446).

The paratroopers’ disappointment increased with their prolonged delay in Yugoslavia. The conversations with Kasztner increased Palgi’s feelings that were indeed too late.<sup>426</sup> The absence of Hannah Szenes, who was supposed to contact Kasztner upon arriving in Budapest, added to his serious concerns. The most severe shock for Palgi came, according to his testimony (pp. 403, 430), when he learned from Kasztner that his sister and parents, who Kasztner knew personally, had been sent to Auschwitz. Kasztner explained to him that unlike Goldstein’s parents, who were among the Kolozsvár survivors waiting for the train to leave the Columbus camp, his parents were among the first deportations, before the rescue operation began. This information shocked and devastated Palgi, especially in light of a promise given to the three paratroopers before they left that their parents would soon be emigrating to the Land of Israel - an important step for the safety of the paratroopers in case they fell into enemy hands (see Exhibit 35, 194, regarding Hannah Szenes, and Palgi’s testimony, 442; see also Mrs. Szenes’ testimony, D2, for being registred on the train list without a request on her part). With all these devastations and shocks, Palgi was in low spirits, and it was easy for Kasztner to strongly influence him. Kasztner presented his negotiations with the Nazis as a real dam in the early stages of the Holocaust and the community’s lone shield in the face of disaster.

Nevertheless, Palgi had not yet completely surrendered to Kasztner’s influence, as indicated by the following summary in exhibit 35 (p. 116):

“After the conversation, I met with Peretz in private. The discussion between us had a completely different spirit to it. It seemed to me that I had properly evaluated Yisrael’s (Kasztner’s Hebrew first name) negotiations with the Germans. Meanwhile, we had to continue to work our way no matter what, and not get deterred by the fact that there were already victims.”

### **Palgi is Forced to Report**

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<sup>426</sup> Halevi assumes that Kasztner made Palgi believe that they came too late. The truth is that they *did* come too late.

87. Before Palgi had time to recover from his shock and find his way towards his position, the decisive blow hit him: in his first meeting with the heads of the Zionist pioneer headquarters (in Kurtz's apartment), when Palgi had just begun to come into contact with the forces that the paratroopers had to organize and guide in defense,<sup>427</sup> Kasztner appeared, talking to Palgi in private and convincing him that the paratroopers' presence in Budapest, without reporting to the Gestapo, was endangering the safety of the members of the rescue committee, endangering Kasztner and endangering the chances of rescuing the remaining Jews - both the 1200 survivors waiting for the train to leave (including Goldstein's parents and many good Zionists) as well as more than 200.000 Budapest Jews, separated from death only by Kasztner and the members of the committee. The way out of all this was to report to the Gestapo.

It is difficult to understand, ostensibly, how a sensible person, a young man from the Land of Israel who had volunteered for a bold mission to organize Jewish defense behind enemy lines, could have reached the decision to willingly appear before the Gestapo - a step bordering on suicide and which amounted to giving up on his mission. The only explanation for this desperate step ("Russian roulette", as Palgi put it) is that Kasztner left Palgi (and later Goldstein) no other choice: he exerted so much moral pressure on these young people's conscience to turn themselves in that it was tantamount to coercion and betrayal.

Kasztner's own testimony is proof of this. In the cross-examination he said:

"Nussbacher did not turn himself in, he surrendered. He cooperated with us according to what we decided."

And during his re-examination:

"De facto, there were only two options left: to propose to Palgi that we sacrifice ourselves for him and we abandon our rescue work, or that he accepts the idea to join our rescue work and we inform the German authorities about this... After the discussion, we decided to present these two options to Palgi - either he escapes or we announce their arrival and involvement in the rescue effort... Then there was a meeting between me and Palgi in Dr. Elizabeth Kurtz's apartment. I gave him a report on the situation and I told him that this was the moment in which he had to decide, because there was no time for procrastination, as every moment presented new dangers... Palgi decided. He told me that we should inform... the Gestapo of the arrival of the two envoys."

The aforementioned "two options" that Kasztner proposed to Palgi in Kurtz's apartment, together with the requirement "that this was the moment in which he had to decide," amounted to presenting an ultimatum. It is clear that the first choice - the pious suggestion "that we sacrifice ourselves for him and abandon our rescue work" was not at all sincere, and after Kasztner's explanations to Palgi about the committee's vital work to the rescue the Jews of Hungary (paragraph 85) this was actually used to put pressure on Palgi - the same heavy moral pressure described above - to accept the second offer as the only choice. What could Palgi, who deferred to Kasztner's Zionist authority and believed his explanations, say back to Kasztner that if he did not accept the idea to join their rescue work, etc. there would be no other option but for Kasztner and his colleagues to "sacrifice" themselves and "abandon their rescue work"?

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<sup>427</sup> The idea that there was a "force" of armed Zionists in Budapest who could have mounted a serious resistance if "organized" and "guided" by two Palestinian paratroopers is completely illusory.

His immediate response was predictable and inevitable: “Nussbacher surrendered... according to our decision.” In these short words, Kasztner described the essence of the act.

### **Convincing Palgi that he was Endangering the Rescue**

88. How did Kasztner convince Palgi that the paratroopers endangered the committee and its operation? On the day before meeting with the Zionist pioneers in Kurtz’s apartment there was a similar meeting intended to occur at the congregation building, which did not take place, because Palgi noticed detectives tracking him at the community centre, he and Goldstein got out of there, leaving in separate directions. They both managed to shake the detectives off and meet in Kurtz’s apartment the next day. There, Kasztner informed Palgi that a search was being conducted at his boarding house “for two spies” and convinced him that the rescue committee was in danger.

“The connection between us (Goldstein and I) and the rescue committee was clear, because we ourselves had led the detectives right to us... I was in a very strange situation: volunteering for this mission to save Jews in any way I could, yet I found myself in a situation where instead of my mission bringing about the rescue of Jews, my showing up here could cause the few Jews who were about to board a train to freedom could be exterminated” (Palgi’s testimony, p. 406).<sup>428</sup>

Kasztner aroused in the hearts of the two paratroopers -

“The terrible feeling that we who had come to rescue were making the disaster worse for the Jews” (Palgi’s testimony, p. 412).

These words, ostensibly referring to Goldstein’s feelings as he turned himself in, came straight from Palgi’s heart as he testified and aptly express the heavy guilt that moved the two paratroopers to sacrifice themselves.

### **Palgi’s Self-Sacrifice**

89. The paratroopers themselves were not in danger. They had managed to evade the detectives and could escape or go underground. This fact is clear from Palgi’s explicit testimony (below), and Kasztner also confirmed in his testimony that they had the opportunity to escape. The witness Peretz Révész, a member of the the Zionist pioneer command, said (pp. 601-602):

“I had places to hide people... we could definitely have given the two paratroopers forged documents.”

We have already mentioned (paragraph 85) Palgi’s testimony (p. 434):

“It was possible to escape to Romania or Yugoslavia, but I preferred to go with the process that started in Budapest and led to Istanbul and that is why I agreed to report to the Gestapo.”

As Palgi was cross-examined, he said, among other things (p. 440):

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<sup>428</sup> In reality, this quote describes the situation perfectly well.

“The fact that Goldstein surrendered himself to be imprisoned by the counterintelligence service was a betrayal of his military role, though it was a self-sacrifice for the Jewish cause.”

In response to the court's question, as to whether the phrase “betrayal of his military role” was not too harsh, Palgi replied at the end of his testimony (p. 452):

“Saying that Goldstein was guilty ‘betraying his military role’, as I said, is indeed harsh, but if a soldier surrenders himself to the enemy of his own free will, according to my military understanding, is a betrayal. Of course I include myself within that definition. From a purely military point of view, I also betrayed my military role. Because I was free and I could have opted not to consider the Zionist pioneering movement, the rescue efforts and the fate of the Jews, but to hide. I had a lot of money and I tried to fulfill only my military mission, that's it. It was a matter of priority.”

As to the additional question, why he could he not fulfill both roles - his military role and his rescue role - by going underground, Palgi replied:

“Based on my own calculations, I was concerned that I would wreak havoc on the rescue committee and ruin its plan and course of action. I saw a glimmer of hope in their plan; I was worried that my presence would quickly lessen the plan’s chances of success. The plan consisted of the train that was ready, stopping the deportations and buying time before more Jews were exterminated. At the time, it seemed to me that I could do more by supporting this plan than I could if I stayed underground.”

So as not to “wreak havoc on the rescue committee and ruin its plan and course of action,” and so as to assist said course of action, as it was explained to him by Kasztner, meaning “the train that was ready, stopping the deportations and buying time before more Jews were exterminated” (compare this to paragraph 85), Palgi surrendered himself to the enemy. For Palgi as well - as he says of Goldstein - it was “self-sacrifice, for the sake of the Jewish cause, or to be more precise - for the Jewish cause, as Kasztner had explained it to him” (paragraph 85).

### **Kasztner’s Motives According to his Version**

90. What motivated Kasztner to treat the paratroopers as he did? What motivated the two actions that he took and that he was silent about in his main testimony - informing the Gestapo that two paratroopers had arrived and the demand that Palgi report to the Gestapo? In order to understand Kasztner’s explanation, we will cite his first version of events - the report, which mentions the message to the Gestapo, but remains silent (as does his main testimony) on the demand that Palgi report to the Gestapo; his second version - his answers during cross-examination; and his finalized version - his testimony during re-examination.

Kasztner’s report states (p. 71):

“Their first journey led them to me... two hours after we met in my guest house, three men dressed as civilians, who introduced themselves as detectives, asked who the two visitors were and who they visited...”

When they both came the next day, at the congregation building, to make initial contact with the youth leaders, we saw agents in the hallway, and the two tried to disappear. Nussbacher called us later so that we could meet in a private apartment.

We did not know what happened to Goldstein. Because we feared that he was in jail, we turned to Klages and we told him that both of them were our associates and asked for his intervention.

Klages promised to bring the matter to the attention of the SS department that worked with the Hungarian military counter-intelligence office. There, he was given the answer that the Hungarians were the ones handling this case. They said they did not know anything about Goldstein's imprisonment.

Peretz showed up two days later. He had been in hiding. We brought him to Columbus Street so that he could see his parents who had survived the Kolozsvár ghetto. It was 28 June, two days before the Bergen-Belsen group's trip; we even thought about putting Goldstein himself on the train. But that same day the agents discovered Nussbacher's hiding place and arrested him."

In the cross-examination, Kasztner said (pp. 147-154):

"I did not inform the Gestapo that the two paratroopers had arrived. One of my friends did. As far as I can remember - it was Hansi Brand. I had not consented to this - it was the committee's decision. The late Komoly, Offenbach, Mrs. Brand and I discussed the question and that was the decision. So... we went to inform the German counter-intelligence office about the arrival of the two paratroopers, since the authorities had known that the paratroopers were in the country from the first moment. Nussbacher and Goldstein came to me. They fled from the agents who pursued them... I think they managed to dodge them for a few days, a day or two in any case. Then they were in hiding. Or more accurately - one was in hiding and one had disappeared. We decided to inform the German authorities that we knew that they were here. It is true that we decided that Nussbacher would hide in Brand's old apartment... It's absolutely true... that the next morning at 10 he went with Hansi Brand to the Gestapo centre on Sváb Hill... Captain Klages was there. I think this was when Nussbacher first appeared before the Gestapo. Nussbacher did not turn himself in; he surrendered out of cooperation with us and in accordance with our decision. I said in my testimony that 'They managed to catch Nussbacher', because that's the truth. Hungarian police officers entered Brand's old apartment, as far as I remember. They found Nussbacher there, and if the Germans had wanted to arrest him, they would not have allowed him to leave without knowing his address. What I am saying is that earlier, the Germans had let him go without demanding to know his address. It's not that we handed the paratroopers over; we handed ourselves over, because they had known about the paratroopers since they crossed the border. The tactical and moral question was whether to try to defend them and us by going to Sváb Hill and reveal that they were with us. The decision was made after Goldstein disappeared and we had concerns that he had fallen into the hands of the Hungarian authorities. All this happened exactly a week before the Bergen-Belsen group was scheduled to depart and in the middle of our efforts to rescue Jews from the ghettos in the provincial towns... so there was no other way. It is not true that we decided to disregard Goldstein, but rather that he disappeared, and after that we decided to do what I mentioned above. Nussbacher and Goldstein had come to Hungary to organize

resistance to the Germans, and also to engage in acts of sabotage, and more... I wondered if it was still possible for them to fulfill their mission as planned when the Germans and the Hungarians knew of their arrival from the moment they crossed the border into Hungary. Even after their visit to Sváb Hill, it was still possible for them to organize resistance in principle, albeit their chances were slim. According to my recollection, Nussbacher was apprehended at Brand's house, but may have been someplace else. I do not know if they caught him by chance or if they had been searching for him and found him - I remember something to the contrary, but my memory may be misleading me in this particular instance. Nussbacher was arrested. Then they arrested us too. It is not true that after his arrest we walked about freely, we were arrested shortly after he was. Three or four days after he disappeared, Goldstein showed up. At the moment I do not remember if he appeared before or after Nussbacher was arrested, it was about the same time. In any case, it was after Hansi Brand went to the German authorities to inform them."

In the re-examination Kasztner said (pp. 295-303):

"When Peretz Goldstein disappeared and Yoel Palgi managed to escape, we had very few options: 1) leave Goldstein to his fate; 2) intervene on his behalf and thereby endanger both the committee and Palgi; 3) help Palgi escape and take upon ourselves all the consequences of Goldstein's imprisonment; 4) try to attach them to the rescue committee and thereby protect both of them and enable them to proceed with their overall operation in Budapest. We dismissed the first two options, so really only two remained: propose to Palgi that we will sacrifice ourselves and abandon our rescue work, or that he accept the idea that he is joining the rescue work and that we would inform the German authorities about this..."

When Palgi and Goldstein left after their first visit, three Hungarian agents showed up at my apartment followed by two more German and Hungarian agents. They interrogated me about both paratroopers. When Palgi came to me the next morning, I asked him if he knew that he was being followed. He replied that they had both felt it since crossing the border, however they were hoping to dodge them. Later in his remarks he gave me a report on his two missions, a) rescue, b) defense and sabotage... when he told me he left instructions for the official who had helped them cross the border to send him the transmitter from the border to Budapest, we decided - Palgi and I - in light of the dangers lurking for them to send a telegram to this official not to transfer the transmitter to Budapest for the time being. The telegram was sent. At the time, we did not know who this official was. This telegram eventually reached the Hungarian counter-intelligence service, which I found out when I was interrogated ten days later... The next day I received a telephone message from Offenbach that at a meeting between Palgi, Goldstein and the leaders of the Zionist pioneer movement in the congregation building, a number of agents appeared who followed them inside and tracked them among the hundreds and thousands of Jews walking around this house at the time. Both of them tried to escape and left the congregation building separately... After a few hours I received a second phone message, this time from one of the Zionist pioneers, Peretz Révész, that Palgi had managed to escape but that Goldstein had disappeared, that is, there was no information about Goldstein, adding that it must be assumed that he was caught. We immediately held an emergency meeting and discussed the situation and analyzed, in great depth, the tactical and moral questions we faced. To explain this, I return to the beginning of my testimony (p. 295). After the discussion we

decided to present Palgi with these two options - his escape or our announcement of their arrival to help with the rescue... Our hypothesis was that Goldstein had been caught, and that the committee members would also be arrested within the next few days or hours. We were ready to accept the consequences out of reverence for Palgi, the envoy from the Land of Israel, but we told him that the decision was his to make. (Now speaking to the court) If we were to announce the arrival of two envoys from the Land of Israel who came from Istanbul for the sake of negotiating the rescue, and we argue that the secretive way in which they arrived was their only option, and in light of the fact that they had left the transmitter on the border - then we might be able to get them some kind of immunity. Since Brand's mission to Istanbul and the negotiations with the Germans were kept secret, it was possible to create the illusion among the Germans that Goldstein had hidden the real purpose of his mission from the Hungarians. We speculated that Goldstein had been captured by the Hungarians because the agents that had infiltrated the congregation building were Hungarian agents. After we made the decisions I mentioned above, I met with Palgi in Elizabeth Kurtz's apartment... I gave him a report on the situation and told him that he had to make a decision right now, because there was no time to wait, every moment is full of new dangers. Palgi's answer: I will not leave Peretz and I will not leave you, I'm not willing to run away, as long as there is some chance of fulfilling my mission. Palgi decided, and he told me that we should inform Sváb Hill - the Gestapo centre - of the arrival of the two envoys and ask the Germans to release Goldstein who had fallen into the hands of the Hungarian authorities. We decided - Palgi and I - that we would make our final decision as to our actions after we received the Gestapo's response to the request. One of us (speaking to the court), Offenbach, went to see the Gestapo. He returned and informed me and the other members of the committee that he had spoken there with Captain Klages and that Klages had asked to meet with Palgi and talk to him and get updated information from him about Brand's negotiations in Istanbul, and that Klages promised a) to immediately release Palgi, and b) to take an active interest in Goldstein's fate with the Hungarians. We sent Offenbach to relay this message to Palgi. Before this meeting, I asked Offenbach to ask Palgi a second time if he still stood by his decision; since the meeting between Palgi and Klages was set for the next day, he still had time to change his mind and escape. Offenbach informed me that Palgi told him that he was standing by his decision. We decided - the members of the committee - that Hansi would accompany Palgi the next day to meet with Klages. The next day Hansi told me that she accompanied Palgi in the car to see Klages, and waited for him until the conversation ended, that the Germans let him go, and Hansi and Palgi drove to his new hiding place - Brand's abandoned apartment. She did not tell me where she had picked him up to meet with Klages. I knew it was somewhere else, as this was our method of switching hideouts. In the meantime, I received news from Offenbach that Goldstein had managed to escape and to evade his pursuers. After hiding for some two or three days he contacted the members of the rescue committee. (Speaking to the court) I cannot recall the exact day I received this knowledge, but as far as I can remember it was that day or one day after Palgi returned from the meeting with the Gestapo and went to Brand's apartment. Hansi recounted that Klages had asked Palgi to drive with the utmost caution, because if the Hungarian counter-intelligence service were to catch him, then it would be very difficult for him to do anything to help him... I received information from Offenbach that Palgi was arrested by Hungarian agents while in Brand's apartment. By then we already had the news of Goldstein, who had managed to escape and contact the committee. Hansi and I rushed to meet with Klages and told him that Palgi had been arrested by the Hungarians. We begged him to request that they

release him. He promised he would. He told us that he had also inquired with the Hungarians as to Goldstein's fate, but the Hungarians claimed that they do not know his whereabouts.”

Kasztner’s own confession is the equivalent to the testimony of one hundred witnesses that he played a crucial part both by informing the head of the Gestapo that the paratroopers had arrived and in having Palgi appear before the Gestapo. We have cited Kasztner’s version of these events and actions and everything involved in them at length and almost in full, in order to take a close look at his explanations.

### **The Message to the Gestapo**

91. The committee’s informing of the head of the Gestapo about the arrival of the two paratroopers is described in his Kasztner’s version as a crazy mixture of two things: A) The beneficiaries of patronage naturally turning to their kind Nazi patron asking that he extend his patronage over two new members of the committee and rescue them immediately from the evil Hungarians; B) A clever ploy to deceive the patron about the reasons for the two new committee members’ arrival. The two parts of this account, and even more so in tandem, do not stand up to critique in my opinion.

A) It is true that the committee was under the auspices of the Gestapo, and its members were released via the intervention of the heads of the SS from time to time from Hungarian imprisonment (paragraph 36). But the members of the committee, loyal to their collaboration with the Nazi regime, were not like the two paratroopers, British Army officers, who had infiltrated enemy territory to organize Jewish defense and resistance against the enemy. According to Kasztner’s version, the Gestapo participated with the Hungarian counter-intelligence service in the pursuit of the two paratroopers, and it was clear that it was interested in their capture, in their interrogation according to the Gestapo’s methods, in their imprisonment - and perhaps in their elimination. Why turn to the the Nazi persecutor to ask it to release Goldstein from its Hungarian partner in pursuit? Why endanger Palgi by notifying the Gestapo and even bringing him to appear before the Gestapo, the same Gestapo that was pursuing him, so that Klages would take an interest in Goldstein’s fate? “Hansi recounted that Klages had asked Palgi to drive with the utmost caution” so that he would not be caught by the Hungarian counter-intelligence service; after the arrest of Palgi (who apparently did not “drive with the utmost caution,” to quote Klages’ good advice) “Hansi and I rushed to meet with Klages and told him that Palgi had been arrested by the Hungarians. We begged him to request that they release him. He promised he would.” According to Kasztner, he sincerely and genuinely believed at the time that the head of the Gestapo - whom he had deceived according to his version - would rush to save the paratroopers from Klages’ own Hungarian henchmen.<sup>429</sup> Did Kasztner really imagine that the court would accept such a tall tale and believe in his innocence?

As Kasztner and Mrs. Brand “rushed to meet with Klages to tell him that Palgi had been arrested by the Hungarians” and “begged him to request that they release him”, Palgi was being interrogated according to instructions from Garzuly, the head of Hungarian counter-intelligence who was in complete coordination with the Gestapo. Palgi was tortured so badly

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<sup>429</sup> The Hungarian political police collaborated heavily with the Germans, but they were not “Klages’ own men” per se. Time and again, the Germans had Jews released from Hungarian custody when it suited their purposes. This was true, for example, of József Fischer, the neológ Jewish leader of the Kolozsvár congregation and the head of the local Jewish Council.

that he tried to commit suicide. He was forced to reveal his secrets and was then transferred to the Gestapo. With Goldstein's imprisonment on 1.7, he too suffered tremendously. For Hannah Szenes, her torture had already begun on 9 June. For months, all three paratroopers were tortured and suffered in Hungarian and Gestapo prisons. All throughout their suffering, Kasztner maintained a close relationship with both Klages and Garzuly; both - according to Kasztner's version of (pp. 311-313) - "wanted to help" the paratroopers:

"Garzuly said that he wanted to help with all his desire, but that he dared not do so, since the fact was that the Germans also knew about this matter... those who wanted to help them - i.e. Garzuly and the Hungarian government... were some of the parties interested in helping us, including Klages."

In describing these "friends and helpers" on both sides, we have discussed Hannah Szenes, Peretz Goldstein and Yoel Palgi.

B) "If we announce the arrival of two envoys who have come from Istanbul for the purpose of negotiating rescue efforts, and we argue that the way they arrived was the only option... perhaps we would succeed in acquiring some sort of immunity for them." "The way they arrived" means their parachuting into Yugoslavia from a British plane, secretly crossing the Hungarian border and risking death, their appearance in Budapest under false names and with forged Hungarian documents, and their escape from the Gestapo detectives and the Hungarian counter-intelligence service; and all this was the "only option", after Brand was flown to Istanbul on a German service plane and a similar plane was made available to Menachem Bader in Istanbul by the German delegation, as Kasztner knew (Bader's testimony 539; Report K, 66; Palgi's testimony, below). Who would believe such a silly story? That woven into this "trick" Kasztner had the gall to feed Palgi right into the Gestapo's mouth, an institution that had its own methods - and not necessarily the methods used in an Israeli court - "uncover the truth"?<sup>430</sup>

Palgi said in his testimony (pp. 406-407, 432-434):

"Kasztner came, analyzed the situation... four options... d) against all logic, with little chance of success - go to the Germans, to the Gestapo, introduce myself as the emissary of the Jewish Agency, who had come to see the truth regarding the outlandish story that a Jew named Brand had brought to the agency's attention and that no one believes... he wanted me to go to the Gestapo, tell my story and say I'm the Jewish agency's emissary for rescue matters, and that I would be joining the committee in its efforts, and entwining my success with its success and my fate with its fate. That's what we agreed on. Kasztner left... There was some talk of Menachem Bader being sent to Hungary to participate in a negotiation, so there was some reason to hope that my story would not be too far-fetched, even though I had little faith that I would succeed. It is true that Bader was supposed to cross the border legally and officially, just as Brand traveled officially, but Bader did not come. I said that the agency had sent me to see with my own eyes what was happening, as well as to talk to the Germans. I wanted to convince Klages that this was true... Hess had also been sent to England in a similar capacity... it felt like this was a game of Russian roulette, and that if I lost - I would pay with my life, and if I won, I would accomplish a lot."

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<sup>430</sup> While Halevi's language has always been critical, taunting and occasionally cynical, here he clearly mocks the rescuers, themselves survivors of the Holocaust.

As much as Palgi strove to present his visit to the Gestapo as a daring adventure, he admits that he had “little faith” that he would succeed; his urgent order to Goldstein was to not participate in this step, but to flee Hungary (“I wanted him to at least be saved” - below), proves - in addition to everything said in paragraphs 88-89 - what Palgi truly thought about his chances.

As for Kasztner - I do not believe that he hoped, dared or ever intended to deceive the head of the Gestapo with the ridiculous story that he “sold” to Palgi and tried twice (see below) to sell to Goldstein. There was a mutual understanding between Kasztner and Klages, which also emerges from Kasztner’s answers to the court at the end of his testimony (p. 313):

“We told the Gestapo that the transmitter was not for the purpose of espionage, but connected to the negotiations in Istanbul. That was when Klages asked me what kind of envoys these were... I do not think he ever believed that it was not for espionage, he knew it was for espionage, but he pretended. There were some people who were interested in helping us, including Klages, otherwise he would have arrested us immediately. It was clear that we were involved in the case. When Eichmann refused to bring Jews from Kolozsvár, I turned to Klages. He was one of those interested in helping us, and he intervened with Eichmann in May or June.”

Klages was interested in helping Kasztner because of their existing collaborative ties. But Klages was not interested in helping the paratroopers.

### **Who Informed the Gestapo**

92. Who informed the Klages on behalf of the Rescue Committee about the arrival of the paratroopers? Kasztner answered this question during cross-examination:

“I did not inform the Gestapo that the two paratroopers had arrived. One of my friends did. As far as I can remember - it was Hansi Brand. I had not consented to this - it was the committee’s decision. The late Komoly, Offenbach, Mrs. Brand and I discussed the question and that was the decision. So... we went to inform [them]... after he disappeared, Goldstein appeared ... in any case, Hansi Brand went to the German authorities to inform them.”

During re-examination, Kasztner testified:

“One of us (speaking to the court), Offenbach, went to see the Gestapo. He returned and informed me and the other members of the committee that he had spoken there with Captain Klages and that Klages had asked to meet with Palgi... and that Klages promised... We sent Offenbach to relay this message to Palgi.”

What caused Kasztner to replace Mrs. Brand with Offenbach? There is no doubt that after his answers in the cross-examination interrogation, Kasztner learned from Mrs. Brand that with all her desire to assist him in her testimony (see below), she was unwilling to confirm that she was the one who informed the Gestapo about the paratroopers’ arrival. Therefore, Kasztner was forced to replace Mrs. Brand with Offenbach during re-examination. Mrs. Brand testified afterwards (p. 619):

“It was Offenbach and the Germans who decided that I would bring Palgi to Sváb Hill. I did not talk about it with the Germans. Never”.

I do not believe it was Offenbach who informed Klages about the paratroopers' arrival.<sup>431</sup> Offenbach was committee's treasurer, and in those days he was beyond busy with the crowds of Jews who marched into the congregation building to hand over their property - silver, foreign currency, gold and jewelry - in exchange for a place on the train.<sup>432</sup> Offenbach was not the person who negotiated with the Nazis. Kasztner and Mrs. Brand were the ones who maintained direct contact with Klages and his associates during the period in question. Kasztner testified (173):

“The Germans had no contact with the members of the committee except for with Brand and me. When Brand left for his trip, they interacted with Mrs. Brand and after that with me, and during a later stage with the engineer Biss.”

(Compare also the testimony of Mrs. Brand, 633). The “political” contact with the Nazi leadership had always been Kasztner's main role. The announcement to the head of the Gestapo about the paratroopers' arrival was not a financial matter, nor was it a routine matter, but rather a very delicate “political” matter - according to Kasztner, no less and no more than to deceive the head of the Gestapo, but even if we do not accept this version as true, his role was to “manage” the committee's dangerous contact with the paratroopers. Kasztner told Mrs. Szenes (4, 30):

“Dangerous for me? There was nothing but danger when it came to the Gestapo.”

If it was not Mrs. Brand who informed Klages about the paratroopers' arrival - and I believe her that she did not inform - then there is no doubt that Kasztner and not Offenbach was the informant. This message, which established contact between Kasztner and Klages regarding the paratroopers, was the source of the whole calamity. It is natural that Kasztner, during cross-examination interrogation, recoiled at the question of whether he informed the Gestapo of the paratroopers' arrival. He replied: “Not me, but one of my friends”. As to the question of which of his friends, he replied: “As far as I can remember - Hansi Brand”; later he said: “Goldstein appeared after Hansi Brand went to the German authorities to inform them.” After Mrs. Brand's refusal to confirm this testimony, Kasztner followed the “tried and tested rule” that “he who wishes to lie should use distance in his testimony” and so he cast the blame on Offenbach, who is in Vienna.

It is clear that Kasztner - loyal to the Haganah, to whom the paratroopers were personally sent (paragraph 82) - cannot hide behind Offenbach, nor behind Mrs. Brand, nor behind the late Dr. Komoly, nor behind “the committee's decision”, in order to get rid of his full legal and moral responsibility for informing the Gestapo, and it makes no practical difference whether he himself informed them or whether he used someone else as a messenger. This detail is important as one of the many proofs that Kasztner is hiding the truth about his contact with Klages regarding the matter of the paratroopers.

### **Goldstein's Disappearance**

93. According to Kasztner, his direct and primary motive for informing Klages and for asking Palgi to appear before the Gestapo was the fear that the Hungarians had apprehended Goldstein.

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<sup>431</sup> Here Halevi dismisses the testimony of two witnesses – matching testimonies for that matter, and one from a person (Mrs. Brand) whom, in other cases, he finds trustworthy – and instead proposes a theory without any evidence whatsoever.

<sup>432</sup> It was precisely in this role of his that Offenbach, according to documents, met the SS a number of times.

According to Kasztner, the above steps were in order to save Goldstein and at the same time protect Palgi and the other committee members alike by means of the Gestapo. According to Kasztner's testimony, Goldstein disappeared for two to three days and did not reappear until after all the important steps in the matter have been completed - the committee's decision, Kasztner's meeting with Palgi in Kurtz's apartment, the message to Klages and Palgi's appearance before the Gestapo. Goldstein's disappearance as the main and direct motive for all the above actions is the thread that runs through all of his explanations, from his report to the interrogation during cross-examination to the second interrogation during re-examination, when he most fully expresses this explanation:

“When Peretz Goldstein disappeared and Yoel Palgi managed to escape, we had very few options... I got a phone call... from one of the Zionist pioneers, Peretz Révész, that Palgi managed to escape, but Goldstein disappeared, that is, there was no information about Goldstein, adding that it must be assumed that he was caught. We immediately held an emergency meeting and discussed the situation and analyzed, in great depth, the tactical and moral questions we faced... After the discussion we decided to present Palgi with these two possibilities - his escape or our announcement of their arrival to help with the rescue... Our hypothesis was that Goldstein had been caught, and that the committee members would also be arrested within the next few days or hours. We were ready to accept the consequences out of reverence for Palgi, the envoy from the Land of Israel, but we told him that the decision was his to make... Palgi decided, and he told me that we should inform Sváb Hill - the Gestapo centre - of the arrival of the two envoys and ask the Germans to release Goldstein who had fallen into the hands of the Hungarian authorities. We decided - Palgi and I - that we would make our final decision as to our actions after we received the Gestapo's response to the request. Offenbach went to see the Gestapo. He returned and informed me... that Klages had asked to meet with Palgi and talk to him... and that Klages promised - A) to immediately release Palgi, and B) to take an active interest in Goldstein's fate with the Hungarians. We sent Offenbach to relay this message to Palgi. Before this meeting, I asked Offenbach to ask Palgi a second time if he still stood by his decision; since the meeting between Palgi and Klages was set for the next day, he still had time to change his mind and escape... Palgi told Offenbach that he was standing by his decision... The next day Hansi told me that she accompanied Palgi in the car to go see Klages, and waited for him until the conversation ended... and Hansi and Palgi drove to his new hiding place... In the meantime, I received news from Offenbach that Goldstein had managed to escape and to evade his pursuers. After hiding for some two or three days he contacted the members of the rescue committee. (Speaking to the court) I cannot recall the exact day I received this knowledge, but as far as I can remember it was that day or one day after Palgi returned from the meeting with the Gestapo.”

It has been proven beyond any doubt that this version - Kasztner's final and carefully considered version - is a lie to its core. It has been proven that Goldstein was in Kurtz's apartment that evening when the crucial conversation took place between Kasztner and Palgi. Not only is there no truth in the Kasztner's story that he sent Palgi into the lion's mouth of the Gestapo to save Goldstein from the clutches of the Hungarians, but the opposite has been proven - Kasztner also tried to send Goldstein - along with Palgi - into the lion's mouth, when in Kurtz's apartment he demanded that both of them report to the Gestapo, and only thanks to Palgi's vigorous opposition did Goldstein survive - for the moment.

A) Before turning to the evidence that solidly proved these things, we will add Kasztner's own account about this (continued from paragraph 91). It seems that in the very analysis, "in great depth, the tactical and moral questions we faced", Kasztner forgot, among other things, one small point: the impossibility of informing Goldstein of Kasztner and Palgi's false explanation about the paratroopers coming to Hungary. If at the time he informed Klages and the Palgi's appearance before the Gestapo, Goldstein was really imprisoned, as Kasztner "hypothesized", according to his account, and was interrogated not only by the Hungarians but - and this is almost certain - also by the Gestapo, how could he make his story match Kasztner and Palgi's made-up story, unless he was a prophet? After all, if everyone's stories did not align, then this could have wrought havoc and brought disaster upon Palgi and Goldstein (as well as upon Kasztner and the members of the committee). It would have been a necessary prerequisite for Palgi and Goldstein to coordinate with each other in order for any attempt to mislead the Gestapo to succeed, as Kasztner claims was his plan (see also below the Palgi's testimony on the crucial importance of coordinating the stories of all those interrogated). This weak point in Kasztner's account proves that it is untrue.

We will now turn to the additional testimony of the prosecution's witnesses in this case, who were Kasztner's supporters.

B) Yoel Palgi's testimony was based, in part, on his draft report to British Command (exhibit 40), a draft dictated by him in Budapest on 15.4.45, and is the witness' earliest report as far as the court can determine. Palgi testified (p. 455) that before giving his testimony in this trial, he read the aforementioned report again and refreshed his memory. He likewise testified (p. 454):

"The content in exhibit 40 is correct."

Exhibit 40 therefore forms an integral part of Palgi's sworn testimony in this trial.

Exhibit 40 states, among other things:

"We arrived in Budapest on 20.6. For the first few days we got to know the situation on the ground. On 23.6, I felt that I was under surveillance. I managed to disappear. The next day there was a search at the Korz6 boarding house - Kasztner's place of residence - where they were searching for two spies... I tried to play a daring game and I almost succeeded. We agreed with Jones (Goldstein's code name) that he would disappear, so that they would not be able to use one of us against the other. I sent a telegram to the (known) address to keep the transmitter on the Yugoslav side of the border, if it was not too late. I myself appeared before the Gestapo's political department."

In describing his interrogation by Hungarian counter-intelligence agents, which lasted four days from the date of his arrest (27.6-30.6), and regarding his hypothesis that Goldstein had also been captured, Palgi says in exhibit 40:

"Since I agreed with Jones (Goldstein) that in case of arrest we would both give identical confessions, I knew our defense would not be bad."

Palgi's testimony here confirms not only all of the above (A) regarding the need for coordination between Palgi and Goldstein, but completely destroys Kasztner's version of Goldstein's presumed imprisonment at the time of Palgi's arrival at the Gestapo. Goldstein did

not “disappear,” as Kasztner puts it in his testimony. Rather the paratroopers “agreed that he would disappear”, so that they would not be able to use one of us against the other.” Goldstein’s “disappearance” was not a reason for, but rather a result of the decision to report to the SS.

What Palgi summarized briefly in his report (exhibit 40), he details in his book, exhibit 35 (pp. 123-125). Palgi’s full version states that Kasztner suggested that both paratroopers - Palgi and Goldstein - report to the Gestapo together, but he - Palgi - refused to let his young friend take this step which would have endangered him and decided to report to the Gestapo alone, and that Goldstein had to disappear and leave the country. This description of the crucial conversation between Kasztner and Palgi in Kurtz’s apartment was brought to Palgi’s attention in the course of the cross-examination interrogation (p. 433) and the witness did not deny it as he had denied certain other passages in his book. His only claim was that Goldstein was not present for this conversation; but with regard to the content of the conversation between Kasztner and Palgi, it makes no practical difference if Goldstein was present for it, or came to Kurtz’s apartment only after Kasztner had left, as the testimony below states. Kasztner’s proposal to Palgi, as detailed in Palgi’s book (pp. 124-133), included Palgi and Goldstein together:

“I sat down with Yisrael (Kasztner) to discuss the situation. There were two assumptions close to the truth: One - the Germans' trustworthiness in the negotiations had been weakened; second - the Germans might know that we had crossed the border from Yugoslavia. They could tie both together in a very simple way: two saboteurs - partisan spies under the auspices of their ‘accomplices’ whose sole intention is to deceive... the proposal that we would appear as liaisons and intermediaries was by all considerations a good way of resolving both questions. The Germans certainly did not know anything about us other than that we had crossed the border, and therefore we had to report to them and tell them what we were doing here, etc... we ourselves would explain how we arrived and why we had come... the agreement was: I would appear before the heads of the Gestapo... I objected to Peretz participating in this step, for two reasons: first - his young age. I wouldn’t have imagined that the agency would send such a young man for a mission like this. Secondly - I was certain that both of us would be interrogated, and there are no two people capable of telling the exact same lie, and it was inevitable that an experienced Gestapo interrogator would discover at least some discrepancy between our two stories. It was agreed that we would state that the other had disappeared and his whereabouts were unknown. Peretz would go stay wherever he could, and I would know nothing about his whereabouts. Nothing. That way it would be impossible to reveal his location.”

Later (p. 125) there is a description of the conversation between Palgi and Goldstein, which corresponds to Palgi’s explicit testimony (see below):

“Peretz objected to splitting up. He simply said: ...How can he face friends, if he came back without me? That is, if I fail - and it made sense to think that I would fail; because how long could a ‘bluff’ like this last?... I turned and spoke to him in a way that was unusual between us: ‘Although it has not been determined who is the commander of the Hungarian delegation, I have been the de facto commander up to this point. Go back and tell your friends that you received an order from me and that I am responsible for the order, come life or come death!’”

Palgi's description in exhibit 40, p. 417 also aligns with this version exactly. Although Palgi claimed in his testimony (2, 76) that he was not responsible for the accuracy of the editor's wording, Mr. Gilad Zerubavel, who published the above article in Yoel Palgi's name and with his permission testified (21: 36-38) that he received Yoel Palgi's article in question from the Jewish Agency (or from the Aliyah department), who did not change the facts, that the book was given to Palgi in its first edition and that Palgi did not request any corrections to this article, and that the article was also printed in the other two editions without any correction.

Palgi in his testimony as well (2, 76 onwards) did not disagree with the content of the passage in question at all, but only disagreed with the use of certain phrases that are irrelevant to the things under discussion at the moment. There is the passage, verbatim:

“We spent the night before 23 June at the hotel again. The next day we went to visit Yisrael Kasztner again. After that we went to the congregation building. We felt that we were being followed. We tried to evade our followers by going in separate ways and then meeting with Yisrael. Meanwhile we learned that they had searched the boarding house where he was staying. They were looking for two spies. We immediately met with him and discussed the situation. He suggested that it was worth fleeing from the Hungarians, who would catch us ‘sooner or later’ and that we would be deemed spies. He proposed that we surrender ourselves to the Gestapo. We could say that we were emissaries of the Jewish Agency and that we had come to continue the negotiations that Yoel Brand had started in Istanbul. This surprise move could make the Germans send the Spain convoy sooner and get the Hungarians to stop pursuing us. If we were to resume negotiations then it could also result in buying additional time. The issue was that we were handing ourselves over to the Gestapo, who would interrogate us severely and perhaps torture us. If we said the wrong thing, or if they discovered a shred of anything about our true mission - then we would not escape from their clutches. I objected to Peretz participating in this. I wanted him to at least be saved. It was decided that Peretz would leave Hungary and I would say that he disappeared and that I did not know where he was.”

Palgi's main account in all of his writings (exhibits 35 and 40 and M) is, therefore, that Goldstein's disappearance was decided only as a result of the decision to appear before the Gestapo, before which there was no mention of him disappearing, that Kasztner's proposal to report to the Gestapo applied to both paratroopers from the beginning, that Goldstein even wanted to join Palgi and report with him, and that Palgi opposed Goldstein going to the Gestapo and gave him an order to disappear and leave Hungary.

In order to not completely override Kasztner's testimony in this trial, Palgi tried, in his testimony, to also incorporate Goldstein's previous “disappearance” and graft it onto his account - an attempt that did not go well. In the cross-examination interrogation, Palgi admitted (p. 426):

“I talked to Dr. Kasztner about the trial and my testimony at the trial. He helped refresh my memory... we compared memories.”

In his main testimony, Palgi said something that he never mentioned, neither in exhibit 40 nor in Exhibit 35, and not in Exhibit M - that although “Goldstein disappeared, we did not know what happened to him, Kasztner feared that he had been caught, perhaps by the Hungarians” (p. 406), and that at that same meeting in Kurtz's apartment, at which it was agreed between

Kasztner and Palgi that Palgi would report to the Gestapo, Goldstein appeared only after Kasztner left (p. 407). But Palgi's original and consistent version of events bursts out from under this superficial cover story. On p. 407 Palgi continues in his testimony:

“Kasztner left. I continued the meeting with the pioneering Zionist underground... while we were meeting Goldstein came in... It had been clear to me that if I set out on this path, going to the Germans, to try to play this dangerous game, the presence of a second person would not be helpful, it would mess things up. It was clear to me that the Germans could also catch me lying, but if they had two of us in their hands, then we had no chance of ‘selling’ the story. Therefore, against his will (of Goldstein) and in the face of his sharp opposition he and I agreed that he should leave Hungary... The next morning I went to the Gestapo headquarters together with Hansi Brand.”

And in the cross-examination interrogation (p. 433):

“It is possible that it is not explicitly mentioned in the book (exhibit 35) that Goldstein disappeared. Goldstein was not there for this conversation when it was decided to go to the Gestapo. Goldstein was not involved in this conversation with Kasztner (Exhibit 35, pp. 119-125). I sat in that apartment for many long hours, and Goldstein appeared at some stage of my conversation with the underground; when the decision was made, Goldstein was not there; he arrived at the apartment after this discussion was over; all sorts of other discussions on all sorts of other questions continued - going to the Gestapo was not the main topic... when Goldstein appeared in the room, the argument about imprisonment fell by the wayside.”

Even though “the argument about imprisonment fell by the wayside”, there was no change in the plan: Klages was informed that the two paratroopers had arrived, and Palgi reported to the Gestapo. This means that that was not an argument for the decision reached by Kasztner and Palgi in Kurtz's apartment.

C) Kasztner testified that it was Peretz Révész who informed him that Goldstein had disappeared and that it must be assumed that he had been caught. Peretz Révész was called as a witness for the prosecution and testified (pp. 593. 600-601):

“The meeting... at the congregation building did not take place... I went there, I did not meet the paratroopers. I had seen Palgi at the Zionist pioneer command meeting in Mrs. Kurtz' apartment. Mrs. Brand was there, with Dr. Kasztner as well as others. Goldstein also showed up there.” “In the congregation building... Hansi Brand told us that we must leave. I did not see Palgi and Goldstein at that time. I first saw Palgi in Kurtz's apartment, a short time later. In the meantime, I did nothing with regards to Palgi, but kept in touch with Mrs. Brand and waited for things to develop, waited to get a message from her... I came to Kurtz's apartment... not with Palgi. I think Palgi was there when I arrived. Goldstein was not there. I think he came later... The conversation lasted for hours. I think Goldstein came in sometime during the conversation. So I met both of them for the first time... The first time I saw Goldstein was at Kurtz's apartment, I'm not sure if I saw him again... Aside from the things that I've mentioned (the witness mentioned two additional meetings with Palgi) I had no connection to the paratroopers or with that whole matter... I do not know how Goldstein reached Kurtz. Before coming to Kurtz's apartment, I did not know where Goldstein had gone. I kept in touch with Mrs. Brand. She told me to come to Kurtz's apartment.”

Peretz Révész therefore did not inform Kasztner, as stated in Kasztner's testimony below, "that Palgi had managed to escape, but Goldstein disappeared." This contradicts what the witness Révész confirmed about Palgi's testimony, that Goldstein was at Kurtz's apartment for the meeting - meaning before anyone informed Klages and before Palgi reported to the Gestapo.

D) Mrs. Brand testified (pp. 620-622):

"The meeting with the Zionist pioneers was in the evening, and the next day Offenbach went to Sváb Hill. Kasztner told me about the meeting, either that evening or the next morning... The whole idea that Palgi would go to the Germans stemmed from the fact that at the time, we did not know what had happened to Goldstein. When Offenbach called me, Goldstein had already reestablished contact. Kasztner already knew that Goldstein had reestablished contact, this was already known at the time of Kasztner's meeting with Palgi at the Zionist pioneers meeting. I think Kasztner told me that. I do not remember if he told me Goldstein was at the meeting. Kasztner told me this in that same meeting I had with him, which, as I said, was either in the evening or the next morning. As far as Goldstein's whereabouts, Kasztner did not tell me. He just that Goldstein had reestablished contact and had divulged his location."

In spite of the general statement that "the whole idea that Palgi would go to the Germans stemmed from the fact that at the time, we did not know what had happened to Goldstein" reveals the truth within a crucial detail within Mrs. Brand's: when he met with Palgi at the Zionist pioneers' hideout (Kurtz's apartment), Kasztner already knew that Goldstein had reestablished contact, meaning: before Klages was informed (unless this message preceded the meeting with Palgi in Kurtz's apartment - contrary to Kasztner and Mrs. Brand's version of events) and needless to say before Palgi's arrival before the Gestapo.

On the basis of all the above evidence, I am convinced that Kasztner's testimony, which explains why Palgi went to report to the Gestapo - due to Goldstein's disappearance and out of fear that the Hungarians had caught him -, is false testimony. I am convinced that he when had his conversation with Palgi in Kurtz's apartment Kasztner knew that Goldstein was just as free as Palgi; that Kasztner's demand in Kurtz's apartment was that the two paratroopers report to Klages; and that Palgi's refusal to let Goldstein go to the Gestapo brought about a "compromise" between Kasztner and Palgi, in which Palgi would appear alone before the Gestapo and Kasztner and his friends would hide Goldstein and that Goldstein would flee Hungary as soon as possible.

### **The Timing of the Message**

94. We have determined in the "calendar" (paragraph 83) that the time of Kasztner's announcement to Klages about the arrival of the paratroopers is unknown. In the re-examination, Kasztner testified:

"Palgi decided, he told me, that we should inform Sváb Hill - the Gestapo centre - about the arrival of the two envoys and ask the Germans to release Goldstein... We decided - Palgi and I - that we decide our final action regarding Palgi after we received the Gestapo's response to our offer... Offenbach went to the Gestapo. He returned and told us the response."

This testimony is so saturated with fundamental lies (that Palgi decided to “seek Goldstein’s release”, that Offenbach was the one who met with Klages, and more) to the extent that I have no confidence that I know when Klages was informed (between the meeting with Palgi in Kurtz’s apartment and his appearance before the Gestapo) according to the version of events above. Many signs indicate that Kasztner’s message to Klages about the paratroopers’ arrival preceded his meeting with Palgi in Kurtz’s apartment. Palgi did not know about the two separate decisions that Kasztner testified about - Kasztner and Palgi’s first decision to inform Klages and wait for his reaction, and the final decision to report to the Gestapo; according to Palgi’s version of events, it was decided in Kurtz’s apartment to report to the Gestapo the next day, nothing more. Moreover, according to the Palgi (testimony 408, exhibit 35, 127) he traveled the next day at about 10 o’clock in the morning, accompanied by Mrs. Brand to the Gestapo; Kasztner confirmed this during cross-examination, in which he said:

“It is absolutely true that the next morning at 10 he went with Hansi Brand to the Gestapo centre.”

However after his re-examination, Kasztner spoke of Offenbach’s many actions carried out between the meeting in Kurtz’s apartment and Palgi’s reporting to the Gestapo (“Offenbach went to the Gestapo, and he returned and informed me and the other committee members that he spoke with Captain Klages and so on. We sent Offenbach to deliver the message to Palgi. Before this meeting, I asked Offenbach to ask Palgi a second time, etc. Offenbach informed me that Palgi had consented, etc.”). In her testimony, Mrs. Brand was coerced into saying that Palgi had reported to the Gestapo in the afternoon:

“I went with him to Sváb Hill. In my car... Offenbach had met once with the Germans there about this matter before I brought Palgi... the meeting with the Zionist pioneers was in the evening; the next day Offenbach went to Sváb Hill... I only met with Offenbach when he came to me with Palgi, it was already after he (Offenbach) had been to Sváb Hill. When I was at home for lunch, Offenbach called me from the congregation building and said that he would be coming with Palgi, and that I had to go to Sváb Hill with Palgi, that there was a meeting set at the German security service... in the afternoon, Offenbach and Palgi came to me, as I said” (pp. 620-621).

This overt contradiction regarding the time of Palgi’s reporting to the Gestapo continues to challenge the whole story as to what happened between the meeting in Kurtz’s apartment and his appearance before the Gestapo.

It should be noted that neither in his report nor during cross-examination did Kasztner mention Palgi’s consent to notify the Gestapo. The report (above) states:

“Nussbacher called us after a while and was set up in a private apartment. We had no information about Goldstein. Because we feared he was in jail, we turned to Klages. We notified him about both envoys, stated that they were our partners, and asked him to intervene.”

During cross-examination (above), Kasztner said:

“We went to inform the German counter-intelligence about the arrival of these two paratroopers, since the authorities knew about their presence from the moment they entered the country... We decided to inform the German authorities that we knew that

the two were here... We did not hand them over, we handed ourselves over, because they knew about them the moment they crossed the border.”

From the above passages one gets the impression that informing Klages about the arrival of the paratroopers was a unilateral action - it came from the “committee”, without asking for Palgi’s consent.

It seems that Kasztner’s announcement to Klages about the arrival of the paratroopers preceded his meeting with Palgi in Kurtz’s apartment, and that the ultimatum that Kasztner presented to Palgi regarding the two paratroopers reporting to the Gestapo was a result of Klages’ demand. Even assuming that Kasztner ran to Klages out of panic when he first heard that the paratroopers were being followed at the congregation building and that there was no information about Goldstein, and out of momentary concern that he had been captured, and if so, then “the committee members would also be arrested within the next few days or hours” as he testified, after all, when Goldstein contacted the committee and appeared at Kurtz’s apartment, it was impossible to retract the act. Once Kasztner had informed Klages about the two paratroopers, he had to bring them in to the Gestapo.

There is no need to determine when Klages was notified. If Kasztner divulged the paratroopers’ arrival *after* the meeting with Palgi in Kurtz’s apartment, as he states in the final and carefully considered version of his testimony in the analysis in paragraph 93, then his explanation behind Goldstein’s disappearance is false, both in relation to informing and in relation to reporting to the Gestapo. If - and this seems closer to the truth - Kasztner informed Klages before his meeting with Palgi in Kurtz’s apartment, then there is a possibility that this announcement stemmed from the initial panic about Goldstein’s absence and fear of his imprisonment, but Kasztner’s explanation for asking Palgi to go to the Gestapo, which according to him was for the purpose of securing Goldstein’s release, is a false explanation even if that is the case. Moreover, if that is the case, then Kasztner is not only lying in his testimony in court about when he notified Klages, but it means that in Kurtz’s apartment, he was also hiding from Palgi the important fact that he had already informed Klages, without Palgi’s permission, about the arrival of the two paratroopers and that it was Klages’ demand, not just Kasztner’s friendly advice, that they report to the Gestapo. Either, Kasztner did not inform Klages for the sake of Goldstein’s release or to protect Palgi, but only to protect Kasztner and the members of the committee; there was no reason to expect the Gestapo to grant any sort of immunity to the paratroopers from the Land of Israel, who were British army officers.

Whether Kasztner informed Klages of their arrival before or after his meeting with Palgi, Kasztner’s explanation for his motives for taking this step are fundamentally false, and the obvious truth is that Kasztner sacrificed the paratroopers for the sake of the members of the committee.

### **Handing Over the Paratroopers by Informing**

95. In the cross-examination, Kasztner tried to justify the message to Klages on grounds such as:

“We went to inform the German counter-intelligence about the arrival of these two paratroopers, since the authorities knew about their presence from the moment they entered the country... We decided to inform the German authorities that we knew that the two were here... We did not hand them over, we handed ourselves over, because they knew about them the moment they crossed the border.”

At the moment, we will not ask how Kasztner knew exactly what the German authorities knew about Palgi and Goldstein and what they did not know; Kasztner claims that he received this information from the detectives who questioned him on the day that the paratroopers first visited his boarding house, but it will become clear below that this interrogation never happened. Here we will consider Kasztner's very reasoning that since, in Kasztner's opinion, the Gestapo already knew about the arrival of the two paratroopers, he was allowed to inform Klages "that we know that they are here". In fact, this reasoning does not justify notifying the Gestapo. Kasztner admits that if the above-mentioned authorities "knew that they were here," then the two paratroopers might not have been caught, and might have even been able to escape or go underground, a fact proven by all the testimonies. Kasztner's announcement to the Gestapo worsened the situation thoroughly. After that, the Gestapo and the Hungarian counter-intelligence service no longer had to look for Palgi and Goldstein all over Budapest or Hungary; instead they could turn to Kasztner at any time to find them. With Kasztner dependant on the Nazi regime, there was no way he would be able to refuse such a demand. In his report (p. 72) Kasztner writes, albeit in connection with the Goldstein matter, which came at a slightly later stage (since the report is completely silent on the regarding Palgi going to the Gestapo):

"To get the whole committee entangled in military espionage!!!! I don't see any way out of such dire straits."

The author's four exclamation marks indicate his feelings about the situation. Kasztner also states in his testimony:

"They (the authorities) knew that we were connected to certain work and we could not go underground and that they could find us whenever they wanted."

As soon as Kasztner revealed to Klages his knowledge of the arrival of the paratroopers, he gave himself up to blackmail, and in fact he placed the paratroopers' fate in the Gestapo's hands. Kasztner's words that "we did not hand them over, we handed ourselves over" are dishonest. Kasztner knew that the Gestapo was not in pursuit of the rescue committee, which was under its auspices, but the paratroopers. By notifying Klages he did not turn himself in, but the paratroopers to the Gestapo. After he informed Klages, he really had - as he argues about the situation before he informed - "practically speaking, only two options: to make Palgi the offer that we would sacrifice ourselves for him... or that he would accept the idea, etc." Since Kasztner was far from sacrificing himself for the sake of the paratroopers, he left himself only one option - sacrificing the paratroopers.

### **The Secrecy of the Conversation with Palgi**

96. The crucial conversation between Kasztner and Palgi took place during a meeting with the heads of the Zionist pioneers in Kurtz's apartment, but Kasztner did not make his offer openly, in the presence of members of the underground, but rather he took Palgi to a quiet corner and persuaded him secretly. Palgi testified (p. 433):

"The other members were not in on the secret, Hansi Brand was. Offenbach was not present, but he was in on the secret... the people there - the people of the underground - did not know about the decision to go to the Gestapo. That was not the underground's business... When I spoke with Kasztner on this matter, we stepped aside, spoke in another room... when I talked to Goldstein about my going to the Germans, there were others present in the room, but Goldstein and I spoke in Hebrew."

Palgi's testimony that his decision to appear before the Gestapo was kept secret from members of the underground who were of the same rank, and that only members of Kasztner's rescue committee (Mrs. Brand, Offenbach) were "in on the secret", was confirmed by the witness Peretz Révész, one of the members of the pioneering underground who attended the same meeting at Kurtz's apartment. Peretz Révész said in his testimony (pp. 594-601):

"A day or two later (after the meeting at Kurtz's apartment)... Palgi handed me the Paratroopers's map - a silk map, like a handkerchief, with a map of the Balkans... He told me he had been to the Gestapo, but... I think he told me later. After the meeting with the map, Palgi told me that he was gone to the Gestapo, and when I asked him how and why, he explained... Palgi told me that he was giving me the map to destroy... I did not complain about Palgi for going to the Gestapo, out of respect for him, I accepted what he said. He told me that he had consulted with the rescue committee about it."

Palgi's explanation for the secrecy about the decision should not be accepted because "it was not the underground's business"; on the contrary, it was very much the underground's business. The paratroopers were sent to Hungary to head the underground, to guide and organize it as a defense movement. Palgi himself testified to the purpose of that meeting in Kurtz's apartment (p. 407):

"I continued sitting with the Zionist underground, I wanted to know what they were doing, what did I have at my organizational disposal, manpower, dedication, willingness. Goldstein came during this meeting."

The leaders of the underground who were there were certainly entitled to know that their new commanders, the Haganah officers, sent specially from the Land of Israel to lead them as the Holocaust approached Budapest, were about to resign from their positions before even starting them - Palgi by handing himself over to the Gestapo, and Goldstein by leaving Hungary by order of Palgi. We therefore return to the question: why was Kasztner afraid to reveal to the leaders of the underground, loyal to the rescue effort, his demand that the two paratroopers appear before the head of the Gestapo? Reason indicates that Kasztner kept it a secret from the heads of the underground, because the arguments that he used to persuade Palgi would not have stood up to criticism from the underground, and he could not reveal his true motives.

### **The Search**

97. The arguments that Kasztner used to exert moral pressure on the two paratroopers to appear before the Gestapo was the search that he claims took place in his words, "in his boarding house"(paragraph 88); this reasoning convinced them "that we ourselves led the detectives right to us" and created in their hearts the "the terrible feeling that we who had come to rescue were making the disaster worse for the Jews" (ibid.). Let us examine the nature of that search.

"The two paratroopers came to me on 20.6. An hour after they left, five agents from the Gestapo and the Hungarian counter-intelligence service conducted a search of the boarding house where I lived."

And during the cross-examination (pp. 174, 200-201):

"The tracking of the two paratroopers was a joint Hungarian and German effort, they worked together. Shortly after the visit from the two paratroopers, the five agents, some

of whom were Hungarian counter-intelligence agents and others were from German counter-intelligence. About an hour or two after the paratroopers left, the Germans followed the two paratroopers. I had the impression that the agents who visited me an hour after the paratroopers left were not sure if the paratroopers were really with me, but definitely suspected me, and interrogated me for an hour and a half. They did not take the elevator up to the third floor where I lived, but visited every apartment until they came to the mine... the owner of the apartment was a Jewish woman, and other Jews lived in the boarding house. No Zionists. I was an important Zionist in Budapest. I did not try to figure out what the agents were thinking, but my impression was that they suspected me, but were unsure. They had no doubts that two young men had come into my boarding house, and they also knew that they were paratroopers. I discovered that they knew while they were interrogating me.

Only from the interrogation?

How else would I know? They didn't ask me if paratroopers from the Land of Israel had come to see me. They asked me if two young men had come to see me and they described them. They asked if I was at the apartment all the time, and what I was doing there. They did not ask me who the young men were - after I said I had not seen them. It was not hard to guess from the exact description they gave that they knew who they were - what had they followed them from? At that time I did not have a complete picture, but the next morning, when Palgi came to me, I asked if he knew they were being followed, and he said yes. I do not remember him confirming this to me the first time we met."

See also his re-examination (p. 296) above (paragraph 90).

The essence of Kasztner's testimony regarding the search is not very convincing. If the detectives followed the two paratroopers, as he claims, how is it that they only showed up an hour or two after the paratroopers left and searched each and every apartment, until they finally got to Kasztner's boarding house on the third floor? If the detectives were not sure that the two wanted persons had visited Kasztner, and if Kasztner told them directly that the paratroopers had been there, then why did Kasztner use this general search as a reason to convince the paratroopers that they were endangering the safety of the committee? If the detectives did not ask Kasztner if the paratroopers had approached him, and did not even ask him who his two visitors were (despite his denial in his testimony above) - then how, "from his interrogation" and from the detectives "exact description" of the two young men, did Kasztner learn that the detectives knew that the men were paratroopers?<sup>433</sup>

If Kasztner's cross-examination answers are unlikely to provoke much faith in his testimony, then his report serves to undercut his entire testimony. Kasztner's report states: (p. 71):

"Their first journey led to me... two hours after the paratroopers left, three men dressed as civilians paid a visit to the landlady of the boarding house and presented themselves as detectives. They asked who the two visitors were and with whom they visited (author's emphasis). I had many visitors at the time: committee members and anonymous people who asked for help, advice and assistance. How could the landlady

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<sup>433</sup> Halevi refers to small details in Kasztner's testimony that do not contradict the Zionist lawyer's words. The fact that detectives were looking for them was confirmed by Palgi.

have known who these two particular young men were? Therefore, the agents gave her an exact description of the two young men and asked her to keep an eye out for them, in case they returned, and that she should do so without attracting attention and without giving me even the slightest warning.”

According to the report, three detectives visited Kasztner’s boarding house, but according to the testimony - five. According to the report, the detectives interrogated the landlady, but according to the testimony, they interrogated Kasztner. According to the report, the detectives told the landlady to not warn Kasztner, but according to the testimony, the same detectives interrogated Kasztner himself for an hour and a half. The contradictions are so deep that they can by no means be reconciled.<sup>434</sup>

In Palgi’s report to his headquarters (Exhibit 40), in the passage quoted above (paragraph 93) it is stated:

“We arrived in Budapest on 20.6. For the first few days we got to know the situation on the ground. On 23.6, I felt that I was under surveillance. I managed to disappear. The next day there was a search at the Korzó boarding house - Kasztner’s place of residence - where they were searching for two spies... I tried to play a daring game... We agreed with Jones (Goldstein’s code name) that he would disappear, so that they would not be able to use one of us against the other. I sent a telegram to the (known) address to keep the transmitter on the Yugoslav side of the border, if it was not too late. I myself appeared before the Gestapo’s political department.”

According to Palgi’s report, therefore, the search of Kasztner’s boarding house took place only on 24.6, and in any case (note the how all the dates change in the differing accounts - see paragraph 83) it was only after Palgi felt that he was being monitored (paragraph 88) and managed to evade his pursuers who seemed to him to be detectives, that is: around the time of his third conversation with Kasztner in Kurtz’s apartment. There is no room for error here about the date.<sup>435</sup> If Kasztner was really interrogated by five Gestapo and Hungarian counter-intelligence agents who were searching for the paratroopers, as he testified, about an hour or two after the paratroopers visited him, and if he really informed Palgi early the next morning, and if Kasztner and Palgi decided, in their second conversation as a result of the search, to delay the transmitter at the border and send a telegram about it, as Kasztner testified in the re-examination (paragraph 90), then these are events that determined the path and fate of the two paratroopers, and it is inconceivable that Palgi would have “forgotten” that the search took place or that he would have erred in recounting when it happened. The aforementioned passage in Palgi’s report, which constitutes an inseparable part of his testimony (paragraph 93), leaves no room for the possibility that a search took place in Kasztner’s boarding house on the day of the paratroopers’ first visit or that Kasztner informed Palgi about it the next morning. The decision to delay the transmitter at the border was, according to the report, an essential part of the plan to report to the Gestapo, which only came out of the third conversation with Kasztner (in Kurtz’s apartment); the words in the report, “if it’s not too late”, also indicate a later date: Palgi arranged in advance (paragraph 82) that the transmitter would be brought to him on 26.6.

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<sup>434</sup> Halevi himself admitted that before the paratroopers' story was explored in more depth during the trial, it was a side issue in the Kasztner case. It seems unsurprising that Kasztner's report did not focus on details such as exactly what the Hungarian detectives said and to whom.

<sup>435</sup> Palgi's mistake of date again proves nothing, Halevi attributes great importance to small details. The point is again that Palgi also claims that the Hungarian detectives found their residence.

In his book (exhibit 35), Palgi elaborates (pp. 111-116) on the content of his second conversation with Kasztner, which took place early in the morning the day after their first visit (paragraph 85); there is no mention there of Kasztner's boarding house being searched or of Kasztner being interrogated. During cross-examination, Palgi stated (p. 427):

“Why did I not mention it in the book? - it's a shame I don't have the first edition here in front of me - the book was not written as a legal document, but the description is essentially correct, while the unimportant, practical details are written more for the sake of the reader.”

The order of events in exhibit 35 are not “unimportant, practical details”. The order of events in exhibit 35 corresponds to the order of events in exhibits 40 and M, and according to all of these sources, Palgi learned about Kasztner's boarding house being searched only around the time of the meeting in Kurtz's apartment. The change to the series of events in Palgi's testimony forced him, among other things, to say that Kasztner informed him in Kurtz's apartment that “in the meantime there had been more searches of the boarding house where he lived” (p. 405), while Kasztner, according to all his versions, knew of only one search. This is nothing but an artificial attempt, such as the similar attempt regarding Goldstein's disappearance, to cover for Kasztner, an attempt that did not succeed here either. We note here Palgi's official confession during cross-examination (p. 427):

“It's true that this is the first time I knew about the search at Kasztner's place, it was after I left the congregation building.”

In light of the deep contradictions about the search at Kasztner's boarding house, both the irreconcilable contradictions between Kasztner's testimony and his report, as well as the contradictions between Kasztner's version of events and Palgi's original version, and in light of Kasztner's unconvincing testimony in and of itself, I do not believe that there was ever a search conducted at Kasztner's boarding house in connection with the two paratroopers. I am convinced that Kasztner's testimony regarding his interrogation by the Gestapo and Hungarian counterintelligence agents regarding the two paratroopers is false testimony in all its details. It is also clear that there was no search in Kasztner's boarding house on the day that the two paratroopers visited with him and Kasztner did not inform Palgi the next morning of any such search. If he had, Palgi would have mentioned it in his original account. On the other hand, one can conclude from Palgi's original version that the search took place, but at a later date; Palgi's testimony and his aforementioned account in general, do not prove anything except that Kasztner informed him in Kurtz's apartment about the search conducted and that this information influenced him to report to the Gestapo. If the search in Kasztner's boarding house had really taken place shortly before the meeting in Kurtz's apartment, why would Kasztner move the date up in the report and in his testimony? If we were to say that Kasztner had an unknown reason to distort the truth about the date, what reason did he have to become entangled in such deep contradictions about the nature of the search and the interrogation? Kasztner's lies about the one search that took place (according to his account) invalidate his overall testimony<sup>436</sup> and point out that the whole search was nothing but the product of his imagination and the trick that he used to exert pressure on the paratroopers to bring them before the Gestapo.

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<sup>436</sup> This is a trick that Halevi often uses in his judgment. He points out small inaccuracies and then considers entire testimonies invalid on that basis. This makes his job very easy, as he only has to accept the facts that support his narrative and can ignore the facts he doesn't like.

### **Palgi's Imprisonment**

98. Kasztner denies any connection between informing the paratroopers about the search and their appearance before the Gestapo and imprisonment. In his initial testimony, Kasztner, as is well known, omitted the entire incident of informing the paratroopers about the search and omitted that they reported to the Gestapo. What's more, he tied their arrest to his own arrest and the arrest of the other members of the committee:

“In the next few days. Then they managed to catch Nussbacher, they arrested us, the members of the committee members.”

During cross-examination as well, in which Kasztner was forced to admit that he gave a message to the Gestapo and that Palgi reported to the Gestapo, he nevertheless repeated his initial testimony, regarding Palgi's arrest:

“Nussbacher was arrested, so we were also arrested. It is not true that after his arrest we still walked around freely; we were arrested shortly after him, after about three or four days... I said in my testimony that they ‘succeeded in catching Nussbacher’, because that is the truth. The Hungarian police officers entered Brand's old apartment, and as far as I can remember, they found Nussbacher there. If the Germans had wanted to arrest him, they would not have let him go without knowing his address. What I mean is that the Germans let him go without knowing his address.”

To strengthen the claim that there was no connection between Palgi reporting to the Gestapo and his imprisonment, Kasztner adds in the re-examination (contrary to during cross-examination) that Palgi's hiding place was changed after he reported to the Gestapo:

“The next day Hansi told us that she had accompanied Palgi in the car to see Klages... that the Germans had let him go, and Hansi and Palgi drove to his new hiding place - Brand's abandoned apartment. She did not tell me where she had taken him for the meeting with Klages, but I knew that Palgi was now somewhere else. That was our method - switching hiding places.”

The two pieces of evidence that Kasztner cited in his testimony to negate the causal connection between Palgi reporting to the Gestapo and his imprisonment - the Gestapo's not knowing his address and the switching his hiding place after he reported to the Gestapo - both were refuted by two witnesses. Palgi and Mrs. Brand testified that Palgi stayed at Brand's old apartment, that he gave this address to the Gestapo and was arrested in the very same apartment.

Palgi testified (pp. 408-409):

“I myself moved into an empty apartment, which had been Brand's apartment and was abandoned... I stayed in Brand's apartment. The next morning I went to the Gestapo headquarters along with Hansi Brand... I returned to my apartment - Brand's apartment... I sat in Brand's apartment and had meetings there. The next day, two detectives called and came into the apartment... they attacked me and said that I was the one they were looking for... We were taken in detectives' cars to Hungarian counter-intelligence detention site.

At the end of his testimony, Palgi answered the court's questions (p. 452):

“I do not remember if the Gestapo asked me where I lived, but I think so. If they asked, I told them the truth - at Brand’s apartment, 40 Bulyovszky St.<sup>437</sup> At the time of arrest, I thought the detectives had received the address from the Gestapo, but then I changed my mind, because a) if the Germans had wanted to arrest me, they could have done so in the Gestapo building, and b) months later I was informed that Major Stipa had my address at the time of my arrest, which aligns well. (To the question of whether the first explanation is simpler:) This was my first explanation, but as time went on I was brought before both Hungarian and Germans, who were jealous of each other.<sup>438</sup> The Hungarians kept their actions secret. Of course the first explanation could also be correct.”

Regarding this jealousy between the Hungarians and the Germans, and the Hungarians keeping their activities secret, it should be noted that in Kasztner’s testimony both the Gestapo and the Hungarian counter-intelligence service tracked the two paratroopers. Likewise Palgi, in his article (exhibit M) describes his arrest (p. 418):

“On the same day, 27.6, a Hungarian officer and a Gestapo officer entered the apartment. They told me to gather my belongings and follow them. I tried to resist. I demanded that they let me call the Gestapo. The Hungarian officer was not impressed by my demand and did not let me call. The Gestapo officer stood aside and did not intervene. As I later found out, our transmitter had reached the Gestapo in the meantime, and the trick of pretending that I had come to continue the negotiations that Yoel Brand had begun, had failed. I was in the hands of the Hungarians and the Gestapo, as a spy.”

In another cross-examination regarding the section above, the witness replied (B, 84-86):

“In the eyes of many, every German is Gestapo. Yesterday I read this part and tried hard to remember. It seems to me that one of the people who was there was a German speaker. I probably told Zerubavel at the time and he concluded that it was a Gestapo officer. It may have been a Gestapo officer, but I do not know... it was a German-occupied country, and in each squad there must have been one supervisor. I do not know if he was Gestapo, SS, Wehrmacht or someone else... obviously they were Hungarians, but there was one German among them and I had forgotten him. He did not play an active role... it is clear that in the end I was in the hands of the Hungarians and the Gestapo as a spy.”

Mrs. Brand testified (pp. 619, 622, 626)”

“The night before, he (Palgi) stayed at the apartment on Bulyovszki Street... we reported to Siebert on Sváb Hill, Klages was not there... we left together... we got into my car. I approached Bulyovszki Street, and it was clear that he would go to the apartment on Bulyovszki Street, where he had already slept the night before. I think Palgi told me that he told Siebert that he lived at 40 Bulyovszki Street.”

This thoroughly refutes Kasztner’s testimony, and it proves that Palgi’s going to the Gestapo and his giving them his address enabled the Gestapo to find him easily and imprison him with the

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<sup>437</sup> Today: Rippl Rónai Street in District VI. of Budapest.

<sup>438</sup> This is a very important detail that Halevi, again, seems to miss.

cooperation of Hungarian counter-intelligence. From the moment he reported to the Gestapo, Palgi was in fact in the hands of the Gestapo, which could do with him as it wished: imprison him immediately, or let him go free for a short time to find out where his connections lead, and imprison him at any time. Palgi was a released Gestapo prisoner on parole and Kasztner was his guarantor. Kasztner's guarantee to the Gestapo began even earlier - from the moment he informed Klages about the two paratroopers, Kasztner became responsible de facto for the Gestapo being able to find them both whenever it demanded so (paragraph 95).

Palgi admitted that at the time of his arrest he thought "that the detectives had received the address from the Gestapo", and similarly admitted that it "could be" the true explanation and that it is a "simpler explanation" than the complicated explanation based on hearsay from Stipa's testimony. If we add that a Gestapo officer participated in his arrest, which Palgi claims, and that Palgi told the officers that he was under the Gestapo's protection and that the Hungarian officer denied his request to call the Gestapo with the knowledge of the Gestapo officer, and that after four days of interrogation, the Hungarian counter-intelligence officers transferred Palgi to the Gestapo, there can be no doubt that he was arrested with the Gestapo's knowledge, and that the Gestapo did not need a note from the Yugoslav partisan Stipa's pocket to find Palgi's address.

Palgi's story that while in Yugoslavia, he gave Brand's address to Stipa, the partisan officer in order to enable contact with Brand in Budapest (not with Palgi), which after the wireless message asking Stipa to destroy all record of Brand's address Stipa forgot to do so, and that when Stipa was arrested and the Germans found the transmitter on him (see below) and found Brand's address on a note in his pocket, and that this led to the search on 26.6 or 27.6 of Brand's apartment and the witness' (Palgi's) arrest - this is a far-fetched story. Palgi testified that the officers who broke into Brand's apartment were looking for him - Palgi - personally, and it was only a coincidence that the members of the rescue committee housed him in Brand's old apartment (which occasionally served as a refuge for various refugees) and nowhere else. Palgi claimed that this was not a coincidence, but rather that he chose Brand's apartment in the hope that the missing Hannah Szenes would head to this address. This detail in Palgi's testimony is not credible at all. If Palgi received wireless instructions on 27.5 to destroy Brand's address (Palgi's testimony of factions, Exhibit M), then a similar wireless instruction presumably came to Hannah Szenes, who was still in Yugoslavia. Moreover, if Palgi really believed - two weeks after Hannah crossed the border and did not appear in Budapest and he "deluded himself" that she had returned to Yugoslavia (p. 428) - if he still believed that Hannah might still possibly show up at exactly the address that she was supposed to forget about, then by choosing this apartment as his place of residence and registering the address with the Gestapo, then Palgi was also endangering Hannah Szenes. It turns out that all the evidence of the strange rumor about a confluence of coincidences that started in Stipa's pocket and led to Brand's apartment and Palgi's imprisonment are nothing but an attempt to create a parallel causal chain of events and hide the simple and true causal connection between the Palgi reporting to the Gestapo and his ultimate imprisonment.

It does not matter whether the authorities had decided to arrest Palgi because they had seized his transmitter (as Kasztner and Palgi testified based on hearsay) or for some other reason. It has been proved beyond any shadow of a doubt that Kasztner, by notifying Klages and by pushing Palgi to report to the Gestapo, enabled the Gestapo and the Hungarian counter-intelligence service to arrest Palgi whenever they wanted and for any reason. On the basis of all the above evidence, I am convinced that Palgi's arrest was a direct and predictable consequence of Kasztner's actions.

Palgi seems to have understood well the causal connection between Kasztner's actions and his own imprisonment as well as Goldstein being apprehended. Speaking of the period after his escape from prison (November 1944) he says in his testimony (p. 444):

"It's true that I did not go to Kasztner after the escape... I was afraid that German detectives with whom he had established contact - I was concerned that I might fall into their hands. Therefore I was very cautious about whom I met. It's true that I decided that the experience with Kasztner was quite tragic for me and for Goldstein."

These words suggest that the paratroopers did not bring the detectives to Kasztner's door but rather on the contrary, it was the German detectives, etc., "with whom Kasztner had established contact" that tracked down the paratroopers. In any case, if it was not Kasztner's actions that had brought about the paratroopers' arrest, then why did Palgi conclude "that the experience with Kasztner was quite tragic for me and for Goldstein"?

### **The Transmitter**

99. As for Palgi and Goldstein's transmitter, there are several proofs that indicate that Kasztner played a role in the Gestapo and the Hungarian counter-intelligence service finding it. Kasztner and Palgi both testified that Palgi revealed to Kasztner the military secret that the paratroopers had left a transmitter at the border and that they had a trusted man on the Hungarian side of the border (who would receive the transmitter from Stipa) to transfer it to Palgi. They both likewise testified that Kasztner influenced Palgi to delay the transmission of the transmitter by sending a telegram to the aforementioned trusted person. Palgi added and testified, in answer to the court's question (p. 451):

"I wrote the telegram to be sent to the border and handed it over for delivery to Kasztner."

In doing so, Palgi also revealed to Kasztner the address of his trusted man at the border as well as the agreed-upon secret wording of the telegram ("Aunt Emma is ill") and trusted Kasztner to send the telegram. Kasztner testified (p. 296) that the telegram was sent and fell into the hands of the Hungarian counter-intelligence service, which seized the transmitter.

Kasztner and Palgi both claim, on the basis of hearsay, that the man whom the paratroopers trusted, to whom the telegram was sent and to whom the transmitter was brought, was a traitor and a Hungarian counter-intelligence agent. It is not possible to verify this claim on the basis of hearsay. But it should be noted that Kasztner's account about this is certainly not true. The report (p. 70) states:

"Hannah Szenes... crossed the southern border and a Hungarian official, who had been considered trustworthy and a friend of the Allies, handed her over to the Hungarian counter-intelligence service... the others (Palgi and Goldstein)... approached the same man, handed him their transmitters and went to Budapest."

Kasztner likewise said in his testimony (p. 313):

"On that occasion, Garzuly told me that the three of them (Hannah Szenes, Palgi and Goldstein) had fallen into the hands of the Hungarian counter-intelligence service that had given Garzuly both the transmitter and the telegram received from Palgi."

It was proven by the testimony of the eyewitness Tisandia that Hannah Szenes did not turn to anyone and was not captured because of a traitor (for the circumstances of her arrest, see below).

Palgi's hearsay testimony about the circumstances of the seizure of the transmitter also raises doubts. According to his account, (Palgi's testimony 412, 429; exhibit 35, 101) the Hungarian confidant, who was a traitor, misled Stipa with a forged note that he claimed was from Palgi to transfer the transmitter to Hungary, and Stipa was failed because he did not notice the absence of the secret sign that he and Palgi had agreed upon - a needle hole in the upper left corner of the note. This strange combination of coincidences is reminiscent of the story of Brand's address being in Stipa's pocket: Stipa forgot, contrary to Palgi's instruction, to destroy the note, and similarly here, Stipa forgot to pay attention to the secret sign that he and Palgi had agreed upon on the only note that Palgi sent, and less than a week later. Moreover, there is actually a contradiction in Palgi's account regarding the arrangement for the transmission of the transmitter. There was no place to send a negative telegram (e.g. to delay the transmitter) unless it had been agreed to automatically transfer the transmitter in the absence of such a telegram. As Palgi says in his report exhibit 40:

“We agreed (with the Hungarian contact) that he would bring our suitcases to the meeting place in Kaposvár in one week. If we did not want them, we would send a telegram to a known address... I sent a telegram to the above address to stop the transmitter on the Yugoslav side, if it was not too late.”

Likewise in exhibit 35, p. 103:

“We said goodbye to our friend (the Hungarian)... we arranged with him that in a week we would meet at one of the summer camps... and that he must bring our two suitcases filled with ‘explosive materials’ (we told him that instead of “transmitter”), if we no longer needed the materials, then we would send a telegram - in which we would inform him that the aunt is ill, a sign that he must come without the suitcases.”

Likewise in exhibit M, 415-416:

“We agreed with Stipa that he would bring the suitcases and the transmitter and hand them over to the Hungarians who would bring them to the Kaposvár station, a three-hour drive from Budapest... the suitcases should be at the station on 26.6 at noon... with the Hungarian, we arranged that in case we could not get the suitcases on 26.6, a telegram would be sent.”

If so - why was there a need for a positive instruction in the Palgi's note to Stipa? And if vice-versa - if it was agreed that Stipa would wait for a positive written instruction from Palgi, with an agreed-upon secret sign, to transfer the transmitter to Hungary, then why was there a need to send a negative telegram to the Hungarian contact?

When Palgi was presented with the broadcaster after his imprisonment, he relied on the above telegram as his primary defense. The report, exhibit 40, states:

“My main defense was the telegram that forbade the delivery of the transmitter.”

Likewise in his testimony (pp. 413-414):

“After I was arrested I claimed I was only a messenger for the rescue effort, but I had brought the transmitter to the Hungarian border, because the British had sent me to Hungary not for the sake of money, but to spy on their behalf, but I never actually intended - I told them - to fulfill my British military role, and my proof was the telegram that I sent to delay the transfer of the transmitter to Hungary... The story collapsed at some point during my being interrogated or while Goldstein was interrogated, and we said that the transmitter was intended to send messages to the Haganah staff in Istanbul that was involved in rescue operations.”

Before his imprisonment, when he appeared before the Gestapo, Palgi did not reveal anything about the transmitter. However, he told Siebert, Klages’ deputy, that he and his friend parachuted into Yugoslavia from a British plane, and that they were wearing British military uniforms, but he made no mention of the transmitter (Palgi’s testimony, 413; exhibit M: Exhibit 35, 129).

Kasztner spoke with Klages about the transmitter, and the question is whether it was before or after his capture. Before we delve into Kasztner’s conversation with Klages regarding the transmitter, we will note his testimony about his considerations before he informed Klages about the arrival of the paratroopers. In the re-examination, Kasztner said:

“We decided to present to Palgi the following two possibilities - either he escape or we report that he had arrived in order to take part in rescue efforts... (speaking to the court) if we reported that the two envoys from the Land of Israel had arrived from Istanbul to participate in the rescue negotiations... and we claimed that the way they had arrived had been their only option, and in light of the fact that they had left the transmitter at the border, then we might be able to obtain a certain type of immunity for them.”

Regarding the words “and in light of the fact that they had left the transmitter at the border, then we might be able to obtain a certain type of protection for them”, Kasztner explained to the court at the end of his testimony (pp. 312-313):

“Regarding being captured at the border with the transmitter, the difference between Hannah on the one hand and Palgi and Goldstein on the other is... that they (Palgi and Goldstein) gave up on their espionage plan when they arrived in Budapest, by sending a telegram to not send the transmitter... We told the Gestapo that the transmitter was not for the purpose of espionage, but rather was related to the negotiations with Istanbul. It was when Klages asked what sort of envoys the two were. German counter-intelligence brought the matter of the transmitter to Klages’ attention. Klages asked me about Goldstein and Palgi’s transmitter at a later stage, approximately in July. We told him that our telegrams to Istanbul had to pass through the Hungarian censors, and that’s why the transmitter had been brought. I don’t think he believed us that it wasn’t for espionage, he knew that this was espionage, but he pretended to believe our story.”

The words “It was when Klages asked what sort of envoys the two were” are incompatible with the words “at a later stage, approximately in July”. After Palgi was arrested and interrogated, when he was forced to confess to his entire reason for being sent, there would have been no reason for Klages to ask “what sort of envoys the two were”. This conversation would have had to correspond to the period when Palgi reported to the Gestapo.

We have already established above (paragraph 91) that Kasztner cannot be believed when he claims that he tried to deceive the head of the Gestapo with the absurd story that “that the two envoys from the Land of Israel had arrived from Istanbul to participate in the rescue negotiations... and that the way they had arrived had been their only option”. The same applies to Kasztner’s testimony that he told Klages that “we are interested in transferring information for the negotiations without the Hungarians knowing and that’s why the transmitter was brought”. Kasztner admits that Klages did not believe this story, “but he pretended”. I am convinced that Kasztner revealed the truth to Klages about the transmitter. The only question is when.

The testimonies mentioned above indicate that Kasztner spoke with Klages about the transmitter in one of their first conversations, between the time that Palgi had Kasztner sent the telegram and the time of Palgi’s arrest. It is a fact that Kasztner caused the two paratroopers to abandon their mission and that the crucial step was, according to Kasztner, delaying the transmitter. The testimonies mentioned above indicate that Kasztner relied on the telegram to delay the transmitter in order to convince Klages that he (Kasztner) did all this in order to cause the two paratroopers to abandon their mission. In doing so, Kasztner enabled the Gestapo to obtain the transmitter.

We also cannot ignore the fact that during the same period, the Gestapo interrogated Hannah Szenes every day about her transmitter, which had fallen into the authorities’ hands and even her mother had already been arrested by about 17.6 in order to exert pressure and threaten Hannah to reveal her military secrets and especially the secret access key for the transmitter, which the Nazis were interested in for military purposes, specifically to mislead British aircraft (Mrs. Szenes’ testimony, D:3, Palgi’s testimony, 441, exhibit 35, 153-162). The head of the Nazi security service knew full well that paratroopers do not usually come without a transmitter, and it is difficult to assume that in his first conversations with Kasztner, in which Kasztner informed him of the arrival of the other two paratroopers, that Klages did not raise the question of the transmitter. After all, Klages would have been quite interested in the transmitter. Kasztner, who had just sent the telegram to delay the transmitter, may have been denying his knowledge in order “to not get involved in military matters” - a risk he feared most (paragraph 95). Everything points in the same direction - that Kasztner helped Klages obtain the transmitter.

At the end of his testimony, Palgi said in response to the court’s questions (pp. 453-4):

“To say that Dr. Kasztner did not know about the transmitter, as I wrote in the book, is untrue. I saw no need to link Dr. Kasztner in the book with the military role...

Why did you find it necessary to change the truth about the connection between Kasztner and the transmitter?

This may be how liars tend to operate, that when they do not want to tell the truth they exaggerate it. I did not know the implications of what I would write, there have been quite a few trials in Europe against people who handed over soldiers or agents of the Allies to the enemy - and they were later executed. Dr. Kasztner, for reasons clarified during my interrogation, technically led Goldstein to be handed him over to the enemy. That is why I did not write the truth about Goldstein’s arrest. Not only to protect Goldstein, if he survived, but also to protect Kasztner, and to protect the whole matter.

I added that Dr. Kasztner did not know about the transmitter as a mental response to writing a lie. I wanted to put too much emphasis on the fact that Dr. Kasztner had nothing to do with it.”

This testimony indicates that even in Palgi’s opinion, Kasztner did not have clean hands regarding the transmitter.

These are the main circumstantial proofs that generate strong suspicion that Kasztner informed the Gestapo not only about the two paratroopers, but also about the transmitter and thus enabled its capture. However, since there are vague points in this matter, I do not intend to draw a final factual conclusion, and Kasztner will benefit from the doubt.

### **Conclusions**

100. We will summarize the main facts that have been proven without a doubt by the testimonies mentioned so far. It has been proven that Kasztner used intense moral pressure, which he exerted on them in secret and against the background of false explanations, to give up their mission; that Kasztner informed the Gestapo chief that the two paratroopers had arrived; that Kasztner used the aforementioned pressure and tricks to try to get the paratroopers to hand themselves over to the Gestapo, and who succeeded in doing so with Palgi. It has likewise been proven that these actions were not done for the benefit of the paratroopers. On the contrary - they put their lives in danger; that Kasztner hid these very actions, his main testimony, admitted to some of them in the cross-examination, and built a wall of false testimony during the cross-examination. On the basis of all the above evidence, I am convinced that Kasztner does not have a valid explanation for his aforementioned actions.

The real explanation for Kasztner’s actions lies in his relationship with the Nazi regime. Kasztner put all of the eggs of his entire rescue operation, as he admits (end of paragraph 40), in the Nazi basket. His entire operation, until the day the paratroopers arrived, was, in fact, the rescue of 700 privileged people by means of the SS out of half a million Jews in the countryside who were deported to Auschwitz. Even these survivors had not yet reached the safer shores, but came only as far as Budapest, where they were joined by 500 rich and privileged people<sup>439</sup> from the capital, and all 1200 of those rescued - including more than 20 people from the Kasztner family (his wife, mother, brother, his father-in-law and more) as well as most of his friends and acquaintances - waited in the SS’s privileged camp for them on Columbus Street, waiting eagerly for the promised train to Spain to depart. All of Kasztner’s hopes of getting the train to go depended on Eichmann, who might have abused him again at the last minute, as he did on 3.6 (paragraph 39), and on Klages, the head of the Gestapo, who on 3.6 intervened with Eichmann on Kasztner’s behalf, and with whom the the committee was in close contact even throughout the days just before the train departed. (Kasztner’s testimony and Mrs. Brand’s testimony).

At the same time, hundreds of Jews continued to storm the congregation building and bombard the rescue committee members with offers of their entire fortunes in exchange for a place on the train. More than 200.000 Jews were expelled from their apartments and crowded into “Jewish houses” in different parts of the city, where they waited anxiously and with horror to know their fate. In this situation, in which masses of Jews from the capital stood on the brink of despair, even young Jews who were far from being “Haganah” soldiers had ideas of

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<sup>439</sup> As we have indicated a number of times, the majority of the final passengers were not “rich” men, but children.

defending themselves (Freudiger's testimony, 24:20-21). An officer from the security service questioned Freudiger at length if the Jews of Budapest were preparing to defend themselves (paragraph 34), and in Budapest, Palgi saw, according to his testimony (p. 434) "wide possibilities for sabotage, if only there had been an underground movement."<sup>440</sup> The two paratroopers' appearance in those days as the leaders of an existing underground Zionist cell and their initiating Jewish resistance operations organized against the enemy could have acted as an explosive force under those circumstances, much like the same match that Hannah Szenes sang of before she crossed the Hungarian border:

"Fortunate is the match that burns and ignites flames."<sup>441</sup>

Immediately upon their arrival, Kasztner felt that the two paratroopers, "Haganah" officers, at this time in Budapest constituted a threat to him and to his enterprise, which was based on close ties with the heads of the SS. Kasztner's confusion and his spontaneous negative reaction to their appearance (paragraph 84) do not attest to feelings of happiness and encouragement, as he describes in his testimony and report (p. 71). Not just that, that "in the whirlwind of events we abandoned the hope for the arrival of the three friends," as he says in the report; the truth is that Kasztner long ago abandoned every possible stance that would have aligned with the paratroopers and their mission. All acts of Jewish resistance, and especially Zionist resistance, among the Jews of Budapest, could have immediately thwarted the chances of his enterprise - the Bergen-Belsen train rescue - and endangered all of his connections with the Nazis.<sup>442</sup>

Moreover, the arrival of the paratroopers entangled Kasztner in a web that challenged the roots of his loyalty. On the one hand, Kasztner was required to provide shelter and assistance to the two Haganah members, who relied on his loyalty as a given. On the other hand, Kasztner had long since taken on actual loyalty to the Nazi authorities,<sup>443</sup> not out of the love of the Nazis, G-d forbid, but out of necessity, as a precondition and for all the work he was engaged in that depended on their benevolence. Eichmann and Klages trusted and could trust Kasztner, because they had all the leverage and all of the advantages. His most vital interests - the rescue operation, the fate of the survivors, the fate of his relatives, his fate and his security forced Kasztner to be loyal to the Nazi rulers. The totalitarian regime did not tolerate "double loyalty."

Kasztner was dependent not only on Eichmann, the head of the executioners, but to an equally large extent on Klages, the Nazi in charge of the Gestapo and in charge of all security matters. Klages helped Kasztner not only by intervening with Eichmann to save the privileged few, but extended his sponsorship - the Gestapo's sponsorship - onto the very existence of the Rescue Committee and its actions (paragraph 36). Klages intervened from time to time with the Hungarian authorities to release the committee members from prison, even when there was

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<sup>440</sup> Halevi again argues for the illusory idea of mass, armed Jewish resistance. As we have already indicated: this had no chance in Budapest at the time.

<sup>441</sup> Here, the judge moves from the realm of objective facts to the world of fairy tales and fantasies. The "explosive" Jewish armed resistance, which could have been triggered by Hannah Szenes' poem, has no connection with reality.

<sup>442</sup> The dilemma described here is not necessarily wrong, even if Halevi is clearly mistaken when he pretends that the counter-intelligence was not looking for the parachutists. The judge here should identify a dilemma that the Jewish rescuers faced constantly in 1944 in Hungary: that not everyone can be saved. The Zionist rescuers were faced with the real dilemma of either saving two (later three) soldiers or saving thousands, tens of thousands. It is an insoluble moral question that could not be settled in a court judgment.

<sup>443</sup> At this point Halevi again steps out of the role of judge and tries to theorize about Kasztner's emotional state. The accusation is serious, but the judge does not bring any evidence.

evidence against them that they were engaged in forgery of certificates for the purposes of the “*tiyul*”, etc. Through Eichmann, Klages transferred a large sum of foreign currency and secret letters to the committee that had fallen into the Gestapo’s hands. Mrs. Szenes, who visited Kasztner’s office in October, innocently testified: “It was a house that the Gestapo did not touch”<sup>444</sup> (D:39-40). Kasztner does not deny the Gestapo’s sponsorship, on the contrary - it serves as part of his account of the paratroopers’ case. Without Klages’ patronage, Kasztner could not have survived and operated in Nazi Budapest even one day.

The Gestapo’s patronage required Kasztner to be loyal to the Gestapo. It was impossible to benefit from the benevolence of such a tyrannical regime without reciprocating. Kasztner, who was intimately acquainted with the bloody Nazi regime, could not dare to deviate from this allegiance even a hairsbreadth. Kasztner’s secret contact with paratroopers from the enemy army, and even knowledge of their arrival without the disclosure of the knowledge to the Gestapo, constituted a serious and dangerous violation of his loyalty to the Nazi regime. Kasztner’s vital interest to survive and operate under the auspices of the Nazi regime required him to notify Klages as soon as possible about the paratroopers’ arrival.

Kasztner could not be sure when the Gestapo would discover his contact with the paratroopers, if he did not inform the Gestapo himself. He could not be sure that they were not followed by detectives, that detectives were not tracking his own office, that the authorities would not catch both paratroopers or one of them sooner or later and torture them into revealing their contact with him, or that the regime would learn of his contact with them by some other means. There was no need for any of these things to actually happen; the very arrival of the two paratroopers to Budapest was already a danger Kasztner’s safety, the danger grew with every moment, and the only way to remove this danger was for Kasztner to inform Klages about the paratroopers’ arrival as soon as possible, before the Gestapo found out through other means.

Kasztner admits that this danger was his motivation, or one of his motivations for his message to Klages, but he is attempting to exaggerate the danger with false information (search and interrogation, his knowledge that the Gestapo knew about the paratroopers, Goldstein’s disappearance and fear of his imprisonment, etc.). These additional details change the degree of danger or the degree of its actualization. The essential account does not change with additional incidents like this, whether real and fictional. The essential story is that the strong reciprocal relationship that existed between Kasztner and the head of the Gestapo, the active patronage and loyalty, imposed immense pressure on Kasztner to inform Klages about the arrival of the paratroopers as soon as possible. This pressure grew as the danger that the paratroopers would be discovered grew. The additional danger of the paratroopers’ activity put even more pressure on Kasztner. In the face of this two-fold pressure on Kasztner’s vital interests and his entire enterprise, which were inseparably intertwined with the Nazi regime, and Kasztner’s interests and the regime’s interests were *de facto* identical, Kasztner’s loyalty to the Jewish Agency, the “*Haganah*” and to the two paratroopers (who were his friends) was challenged. At some point, Kasztner’s own interests prevailed and his loyalty was broken.

Since Kasztner is hiding his first contact with Klages about the paratroopers behind a mask of lies, it is not possible to determine precisely when the afore-mentioned moment arrived; Kasztner’s lies essentially indicate that it happened very early on. The content of Kasztner’s

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<sup>444</sup> In reality, this was also true of the buildings associated with the Budapest Jewish Council. The Christian Jewish Council – the short-lived organization representing Jewish converts – similarly applied for such German protection. It is not known whether they received it or not.

long conversation with Palgi early in the morning the day after the paratroopers' arrival (paragraph 85), in which Kasztner systematically laid the groundwork for the demand that the paratroopers appear before the Gestapo, which he presented in their conversation in Kurtz's apartment, indicates an early decision on Kasztner's part to eliminate the danger posed to him by the paratroopers. It is therefore very possible that Kasztner informed Klages about the paratroopers' arrival immediately after their first visit. However it is possible that Kasztner informed Klages of their arrival sometime between the second meeting with Palgi and their third meeting in Kurtz's apartment, in the first hours of Goldstein's absence (paragraph 94). Even if we assume that the meeting in Kurtz's apartment preceded Kasztner's message to Klages, it makes no fundamental difference. Kasztner's real motive always remained maintaining proper relations with the Gestapo and preventing the paratroopers from doing their work.<sup>445</sup>

The paratroopers' tragedy was that they were turned to a man under the patronage of the Gestapo, a man who, because of his dependence on the Nazi regime could not keep a secret, let alone a military secret, from his patrons. Nor could he take a positive view of the paratroopers' mission, which came to an end, because of his intense dependence on the Nazi regime. He subsequently surrendered the paratroopers into the hands of the enemy.

The three paratroopers were referred to Kasztner on the basis of a secret correspondence between him and Dr. Bar-Zvi (Schweiger) on the one hand and the Jewish Agency on the other. Kasztner knew in advance, according to his testimony and his report, that he would serve as an address for sending "Haganah" officers behind enemy lines. Although the above correspondence preceded the Nazi invasion and Kasztner's close connection with the occupying regime, Kasztner never informed the Jewish Agency that he was canceling his willingness to loyally accept Haganah members in Budapest. One of many opportunities to convey this was through Brand, who was traveling from Budapest to Istanbul on 17.5, two weeks after Kasztner established close ties to the Nazi regime. Just as the paratroopers in Yugoslavia were given a wireless message to destroy all records of Brand's address, Kasztner could have informed the Jewish Agency via Brand that it was dangerous to refer the paratroopers to him.<sup>446</sup>

If it were only a matter of destroying records of the address, one might think that Kasztner "in the whirlpool of events" forgot about the above correspondence and did not imagine that the paratroopers would come (even though he apparently did not forget to register the paratroopers' parents for the Bergen-Belsen train<sup>447</sup>). However we are not merely dealing with a matter of forgetfulness or neglect. Kasztner did not even inform Palgi and Goldstein, at the time of their first visit to him, that he must not be in contact with them and that it is dangerous for them to come to him. On the contrary, he invited Palgi to return to him the next day at dawn and meet with him the next day at his boarding house for a long meeting, during which Palgi gave him a report on his two roles and also told him about the transmitter and so on. Kasztner definitely presented himself to the two paratroopers as loyal to the Haganah and as a man of the underground, who could be trusted and whose connections with the Nazis must not be feared.

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<sup>445</sup> It was not Kasztner who prevented the paratroopers from doing their job. The idea that three paratroopers could bring the masses of Hungarian Jewry into armed resistance was illusory.

<sup>446</sup> Here, Halevi wonders why Kasztner did not tell the Jewish Agency in advance about not receiving the paratroopers, who he did not even know were actually on their way. The whole criticism is completely anachronistic and unhistorical.

<sup>447</sup> The fact that Goldstein's parents were on the train was probably due to their Zionist identity, not because Kasztner "magically" guessed that the paratroopers were actually arriving.

Furthermore, Kasztner presented himself to the the paratroopers not just as loyal to the Haganah and as a man of the underground. He testified (paragraph 82): “I was one of the main members of the underground.” Kasztner maintained constant contact with the leaders of the Zionist underground, transferred to them rescue funds, which were sent to him by the Jewish Agency and the JDC (the “Joint”), he partnered with them in organizing the “tiyul”, in forging papers, etc., and did all he could to maintain the trustful relations with the Zionist underground cell, to which the paratroopers were sent as commanders. The members of the underground knew that Kasztner and the members of the committee came in and out of meetings with the Nazis and were conducting “political” negotiations with them. Even though many of them doubted the likelihood that the negotiations would amount to anything, they never doubted Kasztner’s loyalty and it was inconceivable to them that his dependence on the Gestapo and the Nazi regime in general would reach the point that it might compromise his loyalty. Indeed, Kasztner did not reveal to the underground - nor to other Jews - things as they were: the real cost of the rescue agreement with Eichmann, the basis of his connection with the Nazis, the extent of his dependence on the head of the SS, his close ties with the Gestapo, in short: the whole set of facts that created the collaboration between him and the Nazis. In this connection, we must note his secrecy from the members of the underground when he persuaded Palgi in Kurtz’s apartment to report to the Gestapo. Below we come across another salient fact of the same sort: on 12.10, the late Dr. Komoly, chairman of Kasztner’s committee, was surprised to hear from Mrs. Szenes that Hannah was in prison in Budapest. Kasztner acted in secrecy not only towards the members of the underground and other Zionists or Jews, but also towards his fellow committee members to the extent that he could.

Kasztner and the Nazis had a common interest in strengthening Kasztner’s Zionist credentials and his authority within the Jewish community. We have already established (paragraph 65) that Eichmann would not have given Jewish lives as a gift to Dr. Kasztner the individual, but rather to Dr. Kasztner who held a key position in the Jewish community. It was the most tried and tested Nazi method in all of occupied Europe, from Norway to France to Hungary, to lift some local collaborator to the top, in order to use him to control the occupied population. The Nazis lifted Kasztner up to the position of head of the Jews of Hungary<sup>448</sup> in order to control and dominate the doomed Jews of Hungary through him. In order for Kasztner to have value to the Nazis, he had to have internal Jewish authority. Kasztner’s Jewish and Zionist authority served as bargaining leverage in his rescue agreement with the Nazis. Simply put: the Nazi murderers gave up murdering a small number of Jews and allowed Kasztner to save them, so that Kasztner would be the leader of a Jewish rescue and defense organization and through this organization, the Nazis would be able to stifle any serious resistance.<sup>449</sup> To the extent that Kasztner controlled the rescue and defense organization, the Nazis could rest assured that no serious anti-Nazi forces would rise up. This was because Kasztner, who depended on the benevolence of the regime for his enterprise and his existence, was interested in preventing such forces from forming and acting. For this purpose, it was necessary for Kasztner to enjoy

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<sup>448</sup> Kasztner was never “Head of the Jews of Hungary”. That person was Samu Stern, later (not *de jure*, but *de facto*) Lajos Stöckler. It is perhaps not surprising that the name of the latter does not even appear in Halevi’s text.

<sup>449</sup> There were many reasons why widespread armed resistance did not develop in Hungary. One reason is that the German occupation was only a few months old. In other countries (France, the Netherlands) it took much longer for serious armed resistance to emerge. Kasztner had no influence on the Hungarian armed resistance groups, which in time began to show signs of life. The idea that there was no resistance in Hungary because of Kasztner is not based on facts and is unhistorical. On resistance in Hungary, see: Bartha Ákos: *Véres város. Fegyveres ellenállás Budapesten, 1944-1945.* (Budapest: Jaffa, 2021).

the trust of the Jewish underground and would be “one of the most important members of the underground.” In effect, his collaboration with the Nazis required Kasztner to remain “loyal to the Haganah” in Hungary. This was not some peripheral requirement, but an essential component of the collaboration - that Kasztner, despite his complete dependence on the Judenkommando and the Gestapo, continued to be the “underground’s man” and “loyal to the Haganah” and to serve as an address for paratroopers sent by the Jewish Agency and the British Army into enemy territory. The Gestapo did not support Kasztner so that he would provide shelter for the British paratroopers organizing a Jewish uprising, but rather to help the Nazi security service discover such dangerous elements in a timely manner and prevent their activity. The case of the paratroopers proves that Kasztner did not let the Gestapo down in this regard.

### **Goldstein in the Columbus Camp**

101. After Palgi decided, in defiance of Kasztner’s demand and even in defiance of Goldstein’s own will, that Goldstein would not take part in Palgi’s appearance before the Gestapo, and it was “agreed” between Kasztner and Palgi that Kasztner and his friends would temporarily hide Goldstein and smuggle him out of Hungary at the first opportunity (paragraph 93), and Goldstein briefly hid in a Christian woman’s apartment. In prison, Goldstein told Palgi:

“I had already come to terms with the fact that I had to leave Hungary. However, I did not want to go back to Yugoslavia. I decided to go to Romania, but my friends prevented me from doing so. I asked them to send me on the next ‘tiyul’. They had all kinds of excuses why not to send me. I finally realized that they did not really have faith in me, they didn’t trust me. Our sudden appearance and the way we came was suspicious in their eyes” (exhibit 35:204).

“I decided to go to Romania, but my friends stopped me. They were convinced that we were involved in military operations against the Germans. Our sudden appearance was suspicious in their eyes” (Exhibit 35, 474).”

In his testimony, Palgi tried to explain the word “friends” as referring to the Zionist pioneers, members of the underground. This explanation does not make sense - it is but one of Palgi’s many attempts to cover for Kasztner. The difference between the rescue committee and the Zionist pioneer headquarters lay precisely in the fact that the committee was tightly connected with the Nazis and feared “military action against the Germans,” while the Zionist pioneers, those in the underground could in no way have suspected the two Haganah officers sent to them from the Land of Israel to organize resistance and defense.<sup>450</sup> It is clear, therefore, that the “friends” who prevented Goldstein from escaping to Romania and rejected him with all sorts of excuses, were Kasztner and the members of the rescue committee.

A few hours after Palgi’s arrest, Kasztner himself brought Goldstein to the Columbus camp (Danzig’s testimony as well as that of others). Kasztner told Goldstein that the purpose of his entry into this camp was not only to enable him to see his parents, but also to place him on a transfer to Spain and in this way keep the promise to smuggle him out of Hungary. According to Danzig’s testimony, Goldstein was also included on the passenger list under a false name (exhibit M, p. 479). But the day before the train left, Kasztner appeared at the Columbus Camp and told Goldstein he had to stay. Goldstein told Palgi in prison:

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<sup>450</sup> Here Halevi interprets a very clear reference to the pioneers as a line condemning Kasztner.

“In the morning, Yisrael (Kasztner) came, he too demanded that I stay. He believed he could rescue you from the Hungarians through the Gestapo. As proof that we had only come for the purpose that you told them about, he would introduce me, and they would see that I had stayed and not run away” (exhibit 35, p. 206).

This story, from Goldstein after he is no longer alive, like the previous passage quoted above, is indeed hearsay evidence that cannot be relied upon by law. However, Kasztner was forced to admit the main idea during cross-examination the investigation, and Kasztner's confession is allowed to be trusted. During his cross-examination, Kasztner said (pp. 156-155):

“I don't know if Nussbacher ordered Goldstein to leave the country, and that he agreed to go. Really (we) the members of the committee considered whether Peretz should travel, whether to secretly include him in the Bergen-Belsen group that was about to leave at the time, or whether to advise him to stay. Both options involved different dangers. We decided to advise him to stay, since we had no assurance that the Germans would not search the train passengers and find him, and there was no other way for him to leave the country. I may have said that to Goldstein. I did not demand it from him, but advised him, according to the committee's decision. It may be that one of our considerations was that it would be possible to present him before the Gestapo, and convince the Gestapo that he did not run away and came for the purposes that the committee explained to the Gestapo, that is, rescue purposes. This consultation between me and Goldstein was at the Columbus camp.”

In the re-examination, Kasztner tried, as is his custom, to retract his above-mentioned confession and claimed that the man who spoke with Goldstein was Offenbach. But as it was with all the lies in the re-examination, Kasztner admitted also here: “because we canceled this plan in consultation with Goldstein... His answer was that if that's the case, he's giving up.”

In view of Kasztner's claim that a few hours after the train's departure, he and the members of his committee were arrested by a Hungarian spy and forced, with threats against their lives and against Palgi's life, to present Goldstein with the well-known choice of "sacrificing themselves this time together with Palgi for their own sake or for Goldstein to turn himself in" (cf. below), it is a fact that Goldstein's extradition did not begin at the above-mentioned last stage, but was a prolonged and systematic action by Kasztner from the day he informed the head of the Gestapo about the arrival of the paratroopers until the day when, according to Palgi (paragraph 99.), “Dr. Kasztner... in a very technical manner had misled Goldstein and delivered him into the hands of the enemy.” Palgi is right in his formulation that the final stage of the tragedy was a purely technical step but in a different sense than how he described it.

From the day that Kasztner informed Klages of the arrival of the paratroopers, he became a de facto guarantor to the Gestapo for the appearance of the two paratroopers whenever they were needed (paragraph 95). Kasztner demanded that Goldstein stay in the camp in order to be presentable to the Gestapo, this time with the slogan to “save Palgi” with the help of the good Gestapo from the bad Hungarians. And once again he had a story about the messengers of salvation, which he had already sold to Palgi, this time presented to Goldstein: Kasztner “wanted to present him (Goldstein) to the Gestapo to show that he did not run away and that he came for the purposes that the committee explained to the Gestapo, which were rescue purposes”<sup>451</sup> (K.'s testimony above). It was not difficult to convince the young Goldstein, who

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<sup>451</sup> This sentence ends with an inverted comma in the original Hebrew as well.

was an idealist. From the beginning he wanted to join Palgi in standing before the Gestapo, to sacrifice himself; Goldstein's "terrible feeling" (paragraph 88) "that the paratroopers are coming to increase the disaster on the Jews" was joined by another feeling of guilt: how will he face his friends, if he returns alone (Palgi's testimony above, paragraph 93). It must be emphasized that Kasztner could not believe, during Palgi's imprisonment, that Palgi could be freed by "presenting" Goldstein to the Gestapo; there can be no shadow of a doubt that Kasztner knew very well that the "presentation" of Goldstein - who was still free to escape or go underground - was equal to sacrificing him.

And it is true that the Nazis had no reason to give up on the last paratrooper, after the first two were imprisoned. Both for security reasons and for military reasons, the Gestapo was really interested in Goldstein's imprisonment. Palgi did not reveal to his investigators the key to the secret code of the transmitter that fell into their hands (shown in 153, and his testimony), and in any case they wanted to interrogate the third paratrooper as well, just as Hanna Szenes and Palgi were interrogated, so that he would reveal his military secrets.

Kasztner was therefore forced, under the pressure of the Gestapo, to break his promise to Palgi to hide Goldstein and flee Hungary. Instead of handing Goldstein over to the loyal hands of the members of the pioneer underground, who could equip him with fake documents and hide him until the *tiyul*, (paragraph 89), Kasztner put Goldstein in the Columbus camp, "gave him illusions about traveling with his parents to Spain, and finally informed him that he had to give up the *toiyul* and demanded from him to stay in the camp in order to stand before the Gestapo."

In light of Kasztner's consistent and methodical behavior, from the first to the second demand, and in light of his role with the Gestapo, which pursued the paratroopers, I am convinced that he never intended to smuggle Goldstein away and that he agreed to a "compromise" with Palgi only ostensibly, in order to bring Palgi to present himself to the Gestapo. Kasztner was not free to compromise with Palgi without the consent of the Gestapo anyway. From the day he informed Klages about the two paratroopers, Kasztner was responsible to the Gestapo for the appearance of both of them, and he could not have allowed Goldstein to escape or go underground, without burying the foundations of his enterprise.

### **The Extradition of Goldstein**

102. The final act of the tragedy, which was made inevitable by all of Kasztner's previous actions, was well summed up by Palgi in the words mentioned above: Dr. Kasztner technically delivered Goldstein into the hands of the enemy. The details are not important.<sup>452</sup> It is clear that Kasztner, who had tied himself to the enemy, had no other choice but to sacrifice his friend, and all his efforts to describe the affair as if he had given Goldstein full freedom of choice are nothing more than an attempt to place the ultimate responsibility for the extradition on the victim himself. Kasztner and the members of the committee were arrested and interrogated by the Hungarian counter-espionage, his interrogation lasted 34 hours and he refused to reveal Goldstein to the interrogator, who threatened him that Palgi would be executed in two days and that "he too would never see the light of day again" (p. 153) and that he will "smell the flowers from below" (a Hungarian phrase) (p. 306) The Bergen-Belsen train was also stopped at one of the stations in Budapest and they were looking for Goldstein (p. 305), and the Hungarian counter-espionage began to torture Mrs. Brand again, who had been released a month before by the Gestapo.

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<sup>452</sup> Interesting comment from a judge who wrote hundreds of pages to "condemn" a witness in a criminal trial, the victim himself. This short comment could be Halevi's judicial philosophy.

“We asked to call Peretz, who was hidden somewhere. We told him about the situation and told him that he must decide, if he wants to escape - we were ready bear the consequences. He decided to turn himself in". (First testimony, above). “I requested a meeting with Hansi Brand and Offenbach. The three of us decided that we would go to the place where we hid Peretz and inform him of the situation. It was certain that the Hungarian counterintelligence would not follow us there... I knew that Goldstein was an idealist. And that's why we went to him. There was a very serious possibility that he would decide to turn himself in, it was certainly closer than the opposite possibility, knowing his idealistic nature, he handed himself over to the Hungarian authorities in Hadik, where one or two of the members of the committee went with him. It could be that I was one of them. I don't remember for sure, but I accept the responsibility, it's possible that I went with him" (investigation testimony, 155-154).

In strange contrast to the words above (“I may have been one of them, I don't remember for sure, but I accept the responsibility, etc.") Kasztner's words stand in the re-examination (p. 308):

“He said unforgettable words to us: 'Did you think', he asked, ‘that for me I am more important than all your work or Yoel's life?’

Kasztner's melodramatic description in his repeated investigation (pp. 308-306) gives this terrible episode a somewhat tragic-comic tone:

“We reached the same decision as in the case of Palgi. Let's contact Goldstein and let him know the situation and tell him: you can still run away if you want, we are ready to cover your run, on the other hand these are the dangers involved in this step. We added that in our opinion there are chances, albeit slight, that in the event that we silence the operation of the counter-espionage in this matter by arresting him, in light of the development of the general political and military situation, it will be possible at a later stage to release them - Palgi and Goldstein. After this decision I turned to my investigator... and I asked permission to go with one or two of my friends and look for Goldstein. I told him that we might be able to find him or we might not. He said: ‘Please!’ I was afraid that they would follow us, but I knew that they could not penetrate the Columbus camp and I also knew that the Columbus camp had a secret exit, secret to both the Hungarian authorities and the Germans and the residents of the camp, only a few members of the committee knew about it... They released me and Hansi and as far as I remember Offenbach as well. The two of us or the three of us went to Columbus. We found Goldstein's hiding place and talked to him. We said, ‘If once again he should decide, we can only offer one thing - that we accept his decision no matter what.’ So Goldstein said that he wanted to position himself in front of the Hungarian counter-espionage, a) to make it easier for Palgi, b) to make it easier for the Bergen-Belsen train c) to make it easier for us. He told us unforgettable words: (see above).’ ‘Goldstein left the camp with us and we walked to the second or third turn, where we had a meeting with the investigators from the Hungarian counterintelligence. There we said goodbye to the investigators before entering the camp and said that we were going to look for Goldstein, and that we were only ready for that if they stayed there. And from there we made a turn and looked to see if they were behind us or not, and after the turn we entered the camp. We left the camp straight to this place where we knew they were waiting and we went together. A few moments after they put Goldstein in the holding cell in Hadik, Biss and his wife were released as well as Hansi and Offenbach. I'm sure that Hansi and

I then went to Goldstein and returned to Goldstein, but could also have been Offenbach, I'm not sure about that.”

As opposed to Kasztner's forged story – about the freedom of choice and freedom to escape given to Goldstein, about the “unforgettable words” said by Goldstein which were forgotten by Kasztner (together with the meeting with Goldstein at the Columbus camp) and up to the re-examination, the asking for the interrogator's permission “to go out and look for Goldstein whom we may or may not succeed to find”, the stipulation that the detectives would stay in their place at the second or third corner, about the “turn” and the looking back before they “entered Goldstein's hiding place”, about the secret exit from the Columbus camp “secret for the Hungarian authorities, the Germans and even the residents of the camp” and which only few members of the Committee knew about – the realistic testimony of Mrs. Brand that protruded, through all of her desire to help Kasztner, the unequivocal nature of the situation and Goldstein's lack of choice (pp. 608-610; 624-626):

“I have a scar on my neck where they burned the place with a burning cigarette, at the offices of the counter-espionage when they arrested us regarding Peretz Goldstein. ... we walked to the Columbus camp in order to talk to him as to what should be done. We did not want to make the decision about his fate, ourselves. We drove there by the car ... of the secret police ... the policemen could of course follow us had they wished to do so but I do not know if they did follow us and we did not notice it. ... We told the Hungarians that we are going to Columbus to talk to Goldstein. ... I do not remember if we said it to them in the car or at the prison. We said that we wish to drive to the proximity of the camp on Columbus street and meet Goldstein there. ... We could not hide the fact that we must go to Columbus. The Hungarians could have assumed that he is there since we wanted to consult there. ... Had Goldstein decided to escape, he could have escaped through one of the two exits we did not enter through. There was guarding at one exit only. It was a double building and the Columbus Camp was in one of them. The second was an institute for the deaf and dumb. From there one could exit the building without guarding. ... Many Jews sneaked in to the transport, through these entrances. ... The passage through the deaf and dumb building was not a secret, I don't know if everybody knew, but those who were acquainted with the place, did know about it. ... In the camp we explained our situation to Goldstein and told him that this is the situation and that he should make the decision himself as to what should be done. We told him about Palgi. We told him that we do not know the reason for which he came and that we do not know what is more important – his role or our work as he sees it in front of him. Goldstein said that he does not want to run away and that our work and efforts are more important than his role and that he will hand himself over. ... The conversation with Goldstein lasted 10-12 minutes ... then all of us came out. There we were – Goldstein, Kasztner and myself and Goldstein turned to the detectives who stood at that corner. We drove back to the barracks of the counter-espionage and there we were released.”

Indeed, the Hungarian military counter-espionage that, according to the above mentioned description of the witnesses, made such great efforts to catch the paratrooper Goldstein, must have been gifted with an extraordinary professional skill – once Kasztner and his friends entered the Columbus camp – so as not to guard the two exits of the deaf and dumb building which were not guarded by the SS, and who – contrary to Kasztner's testimony – were not a secret. So, in fact Goldstein was surrounded and could not have escaped when Kasztner and his friends suggested him that “choice”. Moreover and again, contrary to his testimony,

Kasztner and his friends informed the Hungarian interrogators that Goldstein is found at the Columbus camp and if it were not for the fact that Kasztner's soliciting – "for 10-12 minutes" – succeeded in leading Goldstein to hand himself over, the Hungarian counter-espionage could have obtained his arrest through the Gestapo. As to the "choice" – the moral pressure operated on Goldstein was even heavier than the one imposed on Palgi at the time (clause 87). Sacrificing Palgi, sacrificing the passengers of the train that has already left and whose number of passengers has already risen to 1684, sacrificing the Committee and all of its operation were cast on one side of the scales. Versus that, the self-sacrifice of Goldstein with the hope for his release and that of Palgi, were laid on the other side of the scales. All of that was said to an idealistic young man who volunteered for the rescue mission and who previously was persuaded by Kasztner that he is not helping but is rather damaging the rescue. Can this be called freedom of choice?

The fact that Kasztner did not consider Goldstein's fate protrudes also through the fact that Kasztner did not tell Goldstein that the transmitter has fallen into the hands of the authorities. According to Kasztner's testimony (pp. 296, 312) he found out about it from the Hungarian interrogator who interrogated him at length in his apartment during the early morning hours of that day. Palgi testified (p. 412, exhibit ל"ה, p. 206), that Goldstein "did not know the size of the disaster. It did not occur to him that they are holding all of our equipment" (the transmitter, the uniform and the weapons). In their detailed testimony about the crucial conversation with Goldstein at the Columbus Camp, which lasted 10-12 minutes Kasztner and Mrs. Brand did not mention any warning about the transmitter. During that time, Palgi was already interrogated and tortured following the transmitter that was presented to him and the same tortures were about to be applied to Goldstein as well and to increase his agony. According to Palgi's description (Ibid.) the fact that Goldstein did not know that the transmitter is in the hands of the Hungarian counter-espionage served as one of his most important considerations in accepting Kasztner's advice to surrender himself. Even if we disqualify this testimony as hearsay, it is obvious that Kasztner was not interested to reveal to him, at the Columbus Camp, anything that could deter him from surrendering himself, but on the contrary – he instigated hopes in him, even if "sparse" ones as to his release and to the proximate release of Palgi. In his final conversation with Goldstein, Kasztner used the same method of adding heavy conscientious pressure and schemes that he used in all of his previous conversations with the two paratroopers (the long conversation with Palgi the day after their arrival at Budapest, the crucial conversation with Palgi at the Kurtz's apartment and the first conversation with Goldstein at the Columbus Camp in which he demanded from him to report before the Gestapo).

In her testimony, Mrs. Brand claims (p. 626.):

"If we wanted to hand over Goldstein we did not have a need for such ceremonies... It was not necessary for three members of the Rescue Committee to go over to Goldstein in such a festive mode so as to hand him over to the Hungarians".

The answer to that argument is a double one: (a) The facts about which Mrs. Brand testified by herself as well as the general circumstances that were proved in this trial, leave no room for the doubt that indeed the fact that three members of the rescue Committee, escorted by officers of the Hungarian counter-espionage went to the Columbus Camp and the fact that Goldstein was persuaded to hand himself over, were nothing but "ceremonious" to use the language of the witness. Goldstein was left with no other choice but to surrender himself. He had neither a practical choice (escape) not a conscientious one. Kasztner's act was coercion by all standards

and to be considered just as actual extradition. (b). As to the question why was there a need for “such ceremonies” and why did not Kasztner and his friends hand over Goldstein in a direct manner to the Hungarian counter-espionage, without persuading him to hand himself over – the answer is that the “persuasion” method which Kasztner used versus the two paratroopers, one following the other, has many advantages. One of the advantages was quieting of Kasztner’s and his friends’ conscience. The second advantage – to maintain Kasztner’s Zionist authority. The third advantage – the method was convenient for the authorities. It is clear that in case the persuasion does not succeed – and whose success was in fact assured in advance – the possibility for direct imprisonment was at the disposal of the authorities. Kasztner has already given Goldstein’s address and in case the persuasion failed, he would have been arrested upon leaving the camp or else he could have been arrested by the Gestapo inside the camp.

As aforesaid, Kasztner’s blame was not in the last stage of the extradition and coercion which both he and his friends acted out of compulsion. Kasztner’s guilt stems from the actions that brought that compulsion upon him in the sense of “started with crime and ends with a rape” – Kasztner’s co-operation with the Gestapo, the fact that he told Klages about the arrival of the two paratroopers, his being guarantor for their reporting, the demand for the reporting, the fact that Goldstein was not smuggled, letting him into the Columbus Camp, leaving him in that camp when the train left – all of these actions preceded the direct intervention of the Hungarian counter-espionage, which was subservient to the Gestapo. The Goldstein affair after Palgi’s arrest was nothing but an almost automatic result of the joint Palgi-Goldstein affair and all the said conclusions in clause 100 apply to it. Once the prison doors were closed behind Palgi, and even earlier – once Kasztner informed Klages about the arrival of the two paratroopers – Goldstein’s fate was doomed.

## **Hannah Szenes**

### **Timetable of Events**

103. Hannah Szenes crossed the border on June 9 together with her three escorts (Fleischman and Kalos, two Hungarian Jews and Anton Tissondier, a French soldier who ran away a few times from captivity and returned to Hungary so as to free other prisoners of war). Fleischman and Kalos encountered the Hungarian border policemen. Kalos got scared, shot himself, and following that incident, Hannah Szenes and Tissondier were attacked by a large group of gendarmes and could not escape imprisonment. Hannah’s military equipment (British Army uniform, transmitter and weapon) was concealed between the standing corn in the field but when the policemen presented to her the earphones of her transmitter and told her that there were found on Fleischman, Hannah revealed the transmitter to them and confessed she was responsible for it, so as to protect Fleischman. Following interrogations and torture at the border town of Szombathely, Hannah was transferred to the counter-espionage center in Budapest (“Hadik”). On June 17 her mother was arrested and was encountered with Hannah at the “Hadik” as a means of pressure to lead Hannah to reveal the military secrets and particularly the secret code for using the transmitter. The mother, Mrs. Szenes was released on that same day by the Hungarian counter-espionage yet a few hours later she was detained at her apartment by the Gestapo and was brought to the Gestapo’s prison. Hannah went through difficult vacillation when the interrogators threatened to kill her mother if she does not reveal the secret code of the transmitter. But she withstood the physical tortures and the heavy moral pressure imposed upon her. On June 21, the mother found out that Hannah is found at the same prison she is locked in. Every day Hannah was brought for interrogation to the center of the Gestapo. For almost three months, the mother and daughter stayed in the same prison. On September 11,

Hannah was transferred to the Hungarian military prison while her mother was transferred on September 13 to the detainees' camp in Kistarcsa and was released with all the other detainees on Yom Kippur on September 27 or 28. On October 15, the Nazis established and ordered the government of the "Arrow Cross" (the Hungarian Nazi party) of Szálasi and the rule of terror in Budapest has begun. On October 28 Hannah was sentenced before a Hungarian military court, was charged with espionage and without any actual verdict issued against her, was executed by gun shot on November 7 in the yard of the Hungarian military prison in Margit körút, under the window of Palgi's and Goldstein's cell (testimony of Palgi, p. 414; testimony of Mrs. Szenes, 7 pp. 21-23.) Palgi and Goldstein were sent with the other prisoners of that prison, on a train in the direction of Germany. Goldstein (based on Palgi's testimony, pp. 417, 44 and the testimony of Tissonnier, 778, p. 27 and 779 p. 11) was taken approximately on November 13 and Palgi, Tissonnier and the others on November 23. Palgi and Tissonnier managed to escape from the train in the vicinity of Budapest and secretly returned to Budapest. Goldstein did not return and he perished in Germany.

### **The Date on Which Kasztner had the Information**

104. When did Kasztner find out that Hannah Szenes was in Hungary? Kasztner testified that when Palgi and Goldstein came to him:

"They concealed from me the fact that Hannah has already crossed the border. They concealed it as a secret as long as they were in contact with me. I wish they had told me". (p. 163)

Palgi confirmed Kasztner's testimony (pp. 401; 428):

"I turned to Kasztner and tried to check if he knows about Hannah Szenes being in Hungary... She would have been in Budapest a Kasztner should have known about it since Hannah Szenes held the same addresses I had... On our second meeting I expressed an interest about Hannah's arrival but did not ask him explicitly about Hannah. Through his answer to the unclear question, I gathered that he does not know. It is possible that also on our first meeting I asked him some question about Hannah and got no answer and so I repeated my question again because it preoccupied and worried me very much. I made an appointment with Hannah to meet in Budapest, in two alternative places on specific times. I did not find Hannah in Budapest... It seemed reasonable that one should follow Hannah, that maybe something happened to her. I did not appeal to Kasztner to do something about Hannah because (a) I deluded myself that nothing has happened to her and that she has returned to Yugoslavia and (b) we were divided through the assumption that one does not lay all the eggs in one basket. I did not ask Kasztner so as not to endanger my action as long as it was not clear to me what has happened to her... The laws of the underground say that one does not disclose things to someone who is concerned with it for then, when under torture, he would not be able to reveal that which he does not know."

These testimonies are not most convincing. All three paratroopers were sent to Kasztner, the representative of the Jewish Agency and the trustee of the "Haganah". Kasztner was the only person in Budapest that Palgi knew personally (clause 82), and Palgi turned to him through complete trust. Since Hannah was also supposed to turn to Kasztner and Palgi was most anxious with her absence, it was only natural for Palgi to ask Kasztner about her and consult him about her absence. The laws of the underground mentioned in Palgi's testimony did not prevent him

from revealing to Kasztner the severe military secret of the transmitter. As to the cable asking to detain the transmitter, Palgi made a remark (p. 403):

“It was a tough decision and I saw the need to consult Kasztner about it. Contrary to that which I decided before the meeting, I told him that I did not come through a miraculous way, that I am an officer in the British army and that a military role was also cast upon me... I considered Kasztner to be a man with sharp mind and that is probably why I chose him.”

Just as Palgi's decision to retain the transmitter stemmed in fact from his major decision to report before the Gestapo (clause 97, exhibit 40), thus Palgi's assumptions and apprehensions regarding the absence of Hannah Szenes constituted an inseparable part of his considerations regarding this fatal decision of his. It is difficult to understand how could Kasztner and Palgi plan Palgi's reporting before the Gestapo and his story that he and Goldstein arrived as rescue messengers from Istanbul without discussing the problem of Hannah's absence and the apprehension that she was arrested by the same rule before which Palgi was planning to surrender himself.

It should be added that Kasztner together with Dr. Schweiger, held an exchange of letters with the Jewish Agency in Istanbul regarding the sending of the paratroopers and he knew about a certificate that his friend Weiger prepared at the time for a young woman age 22-24. It is quite probable that Kasztner also knew the name and identity of the three paratroopers, in advance which is why the parents of Palgi, Goldstein and Hannah Szenes were registered, without their asking for it, on the lists of the Bergen Belsen train (Testimony of Mrs. Szenes, exhibit ל"ה p. 194, Palgi's testimony, pp. 403, 430). That was also the reason why it would have been natural for Kasztner to talk to Palgi freely about the missing paratrooper.

Kasztner's version is that he found out about Hannah's arrest "approximately in August". He testified that (pp. 157, 310-311):

“To the best of my memory, I found out about Hannah Szenes' being in Hungary approximately in August. I found out about it through my friend in the Committee – either Hansi or Offenbach. To the best of my memory, Hansi told me that the mother of Hannah Szenes visited her or met her and told her that she received a not from Hannah from the prison, approximately in the middle of August... Later on when I went to Garzuly and asked for his help for the three paratroopers, Garzuly explained the severity of their state to me and said: as to Hannah there is no possibility to help since she was caught in action. ... On that same opportunity Garzuly told me that the three of them fell into the hands of the Hungarian counter-espionage man who also transferred to him the transmitter as well as the telegram sent by Palgi. That conversation took place in August approximately between August 10 to August 20. (In answer to the court's question). The officer who interrogated me on July 1 also explained to me the conditions in which Hannah Szenes was captured. (The court: Hannah Szenes on July 1?) I am connecting that – he explained to me the conditions in which they found out about the operation, the paratroopers' operation. He talked to me about the two paratroopers – Palgi and Goldstein.”

Above we already dwelled upon the contradictions and the lies Kasztner was entangled in during his testimony regarding the source of his information and the time in which he received the information from the authorities concerning the three paratroopers. The story that Kasztner

relates to Garzuly, “that the three of them fell into the hands of the Hungarian counter-espionage man” – a story that Kasztner presents as a real version in the report (p. 70) – certainly is not true. Kasztner’s slip of the tongue “The officer who interrogated me on July 1, also explained to me the conditions in which Hannah Szenes was captured” – and here Kasztner was stopped by the question of the court – also points at the fact that Kasztner received a message about the arrest of Hannah Szenes from the authorities themselves at a very early date. Kasztner was closer to the Gestapo than to the Hungarian counter-espionage so it is more probable that he received the first message about the arrest of Hannah from Klages rather than from the Hungarian interrogator who interrogated him on July 1. But since the Gestapo and the Hungarian counter-espionage – Klages and Garzuly – dealt with the capturing of the paratroopers and their interrogations together, it does not matter if Kasztner received his information from a Nazi or a Hungarian source.

In Kasztner’s report, there is not trace to the fact that he found out about the arrest of Hannah Szenes later than the time he found out about the arrest of the other two paratroopers. In a successive sequel to the affair of Goldstein’s arrest, it has been said there (p. 70):

“Hannah Szenes, Goldstein and Nussbacher remained in prison. Throughout the months, we tried in vain to release the three. After three months a day arrived in which he believed that he would finally be able to succeed in releasing them. That was on October 14...”

In view of all that was said, it seems most probable to me that Kasztner knew about the arrest of Hannah Szenes since the end of June or the beginning of July. But, even if we should assume, as per his version, that he did not find out about it before August – it still makes no difference.

### **Kasztner’s Obligation**

105. We have established above (clause 82) that Kasztner had undertaken toward the Jewish Agency, the obligation of complete loyalty regarding the three paratroopers that were sent and referred to him, whether they actually reached him or if they were arrested before reaching him. That obligation of loyalty included also Kasztner’s duty to do all he could do so as to free Hannah Szenes from arrest and save her from death. Through the testimony of Mrs. Szenes, it becomes clear that Hannah expected Kasztner’s help when she was in prison and when she had no information from the rescue Committee until August, Mrs. Szenes transferred a message, through a prisoner who was released, to Mrs. Brand, telling her that Hannah Szenes is in the Gestapo’s prison. In addition, Hannah gave Mrs. Frenkel – wife of the Mizrachi chairman in Budapest who was imprisoned with her in the same jail – a note on which she wrote two words in Hebrew to Kasztner. Mrs. Frenkel sewed it into her dress so as to transfer it to Kasztner after her release. These facts serve as additional proof to the testimony of Palgi and to Kasztner’s own confession (clause 82) that Hannah Szenes was referred by the Jewish Agency to Kasztner as a trustee of the Haganah in a hostile country and relied on him. Kasztner’s role was to take care of the three prisoners’ welfare and do all so as to release them and save them. The issue here was not of the role of a volunteer, but a role of duty.

### **The Period**

106. What did Kasztner do in the whole period between the beginning of July (or August) until October 14 for the sake of freeing the three paratroopers in general and Hannah Szenes in particular? One should remember that during that period, since the total deportation was stopped at the beginning of July and until the takeover of Szálasi on October 15, it was a period of pause in the war of annihilation against the Jews in Hungary, a period in which the influence

of the Nazi rule declined and the strength of the Hungarian non-Nazi powers increased significantly. On August 23, Romania surrendered to the Russians who also conquered Transylvania and were approaching Budapest. On August 25, Eichmann and the heads of the Judenkommando were forced to leave Hungary following the demand of Horthy, but the Gestapo remained in Budapest (Kasztner's report, p. 92). At the end of August, Horthy appointed Lakatos to be his prime minister and started negotiations towards ceasefire with the Allies and the surrendered to the Russian army (Kasztner's report, p. 100). On October 15, Horthy tried to perform the declaration about ceasefire and surrender but fell into the Nazi trap as the Nazis made all their preparations for such a case: Horthy's son was kidnapped by the Gestapo. Half an hour before the declaration about cease fire, a unit of German armored cards surrounded the palace of the regent and under that double pressure Horthy surrendered to the demands of Hitler's special messenger who arrived from Germany in advance, retreated from his declaration of ceasefire, appointed Szálasi as the prime minister and was transferred to Germany as a detainee. The members of the Arrow Cross immediately started with pogroms against Jews. On October 17, Eichmann returned to Budapest from Berlin and a bloody period started for the Jews in the capital, which continued until the final conquest of both parts of the city in January and February 1945, by the Russian army. The only period, in which there was a chance to save the imprisoned paratroopers, was from the beginning of July until October 14.

#### **The Agreement of October 14, 1944**

107. There is no dispute that on the last day of the truce period, on October 14, Kasztner met with the representatives of the Hungarian defense ministry (Oláh, Hatz and Garzuly) and the representatives of the Red Cross (Born) and it has been agreed between them that the three paratroopers would be bailed out within a few days. Kasztner's chief testimony on the subject was presented above (clause 81). See also Kasztner's report (p. 104). In his cross-examination, Kasztner added and said (p. 163):

“When I finally managed to arrange a mutual meeting between Born and the manager of the Hungarian Defense Ministry and with Garzuly and Colonel Otto Hatz, it was on October 14. It has taken time. The first time I talked to Born was approximately at the beginning of September. Horthy declared ceasefire with the West on October 15. Before that, we knew that Horthy's government is wavering otherwise we could not have reached the said mutual meeting with the representative of the Defense Ministry.”

In that report it was also said (p. 72):

“It was on October 14. ... I discussed various problems with the counselor Oláh, the personal secretary of the Defense Ministry in an atmosphere that heralded the expected attempt of Hungary to break with the Axis Powers.”

That is to say: the promise of the representatives from the Hungarian Ministry of Defense to free the paratroopers was tied in an inseparable knot with the plan to call ceasefire which could generate a fundamental change in the whole of Hungary's status in the World War. Clearly, if this fundamental change had been generated, the paratroopers from the Land of Israel would have been released, automatically, with all the other prisoners of war of the Allied Forces, even without the previous agreement with the representatives of the Ministry of Defense. On the other hand, once this fundamental change was not generated and the first attempt to actualize it was repressed by the Nazis, the agreement was annulled by itself. Kasztner, who had internal political information from both Nazi as well as Hungarian sources, knew very well that an attempt on the part of Horthy to declare ceasefire and break with the Axis Powers at this stage

of the war, in reality meant – a mutiny attempt against the Nazi conqueror and surrender to the Russian conqueror, an attempt that could only end with one of these possibilities: a Nazi oppression by force or Russian conquest (see Kasztner's report, p. 100). In each of these two cases, there was no value or importance to an agreement with the representatives of the Hungarian Ministry of Defense. That agreement which was born on the verge of the declaration of ceasefire and was stipulated by its success was redundant in case Horthy's steps succeeded and annulled in case it failed.<sup>453</sup>

Kasztner's proficiency regarding this kind of political issue and the measure of his closeness to the Nazi high echelons throughout the period of the truce is testified through the report (p. 85). According to it Kasztner was asked, occasionally by the representatives of the Hungarian government to find out among his Nazi friends (Wisliczeny, Becher) what would be the German reaction to certain Hungarian steps, such as the demand to take out the Gestapo and the Judenkommando from Hungary and so on. From time to time Kasztner obtained the required information about the expected German reaction. In addition he found out from his Nazi sources just how much the Germans are ready to retreat and give up and what was the thing to which they would react with all their might (pp. 86, 100). On October 14, Kasztner knew that for Horthy's attempt to declare a truce – meaning his surrender to the Allied Forces – the Nazis would react with all their strength and that they have decided to hold their control, at all cost, over the Hungarian capital as part of the German front line against the Russians (p. 100). Thus, Kasztner could have very well evaluated, on the eve of Horthy's ceasefire declaration, how sparse were the chances of his success versus the determined German position.

The agreement with the representatives of the Ministry of Defense to release the paratroopers in case Horthy's step would succeed was, as explained before, redundant or one that could have been cancelled. That agreement in the last minute was within the sense of a "gesture" in a general way more than a serious act of rescue. In case of a ceasefire declaration and the release of Budapest from the Nazi conqueror, Kasztner and the three representatives of the Hungarian Ministry of Defense could appear as the "liberators" of the paratroopers. Following Horthy's failure, this dud agreement did not harm the representatives of the Ministry of Defense or Kasztner, who was immediately summoned by Eichmann on October 17 in order to help with the performance of his news plans.

### **Kasztner's Lack of Action**

108. Except for the vain agreement of October 14, Kasztner had done nothing at all for Hannah Szenes. Despite the convenient possibilities to help, which existed during the prolonged truce period, Kasztner did not visit Hannah in prison, he did not take care of a lawyer, did not turn to the department for Prisoners of War at the Swiss legation and even prevented from the witness Krausz to activate it. He did not respond to Hannah's appeals to him, sent her no packages. He did not welcome he mother who tried, in vain, to get an interview with him and did not even notify the chairman of his Committee, the late Dr. Komoly who was a personal friend of the Szenes family and was personally acquainted with Hannah, about her being in prison in Budapest. Yet, all were proven to be true through the reliable testimony of Mrs. Katherine Szenes with the addition of other testimonies.

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<sup>453</sup> Here Halevi assumes that (1) Kasztner was aware of Horthy's secret plan to withdraw from the war, (2) he was aware of the secret, planned reaction of the Germans to such an eventuality, (3) he knew exactly what would happen on October 15 and he anticipated the precisely known consequences.

### **Kasztner's Testimony during Cross-Examination.**

109. In his cross-examination, Kasztner said (pp. 157-163):

“To the best of my memory, I found out about Hannah Szenes’ being in Hungary approximately in August. I found out about it through my friend in the Committee – either Hansi or Offenbach. To the best of my memory, Hansi told me that the mother of Hannah Szenes visited her or met her and told her that she received a not from Hannah from the prison, approximately in the middle of August. We held a discussion about it at the Committee. Komoly, Hansi Brand and I were present in it... what steps are to be held so as to grant Hannah legal or political help... We decided to hold a series of steps: (a) to find out with the Hungarian authorities if there is a possibility to release her together with Nussbacher and Goldstein for whom few attempts were already made. (b) To see if there is a possibility to reach that goal through the German authorities. (c) To see if Hannah has a defense counsel and if she does not – to grant financial or any other help so that she would be protected by a defense attorney. To the very best of my memory, we did appoint a defense attorney for her, a Hungarian lawyer, a young army man whose name I do not remember. I think that Offenbach contacted him. I do not know if he called Hannah... I do not know if he visited her or not. As much as I remember, Offenbach told me that the layer visited her. I did not ask how many times; I did not ask when. It was taken care of by a person who was trusted by me. I did not ask him what Hannah asked the lawyer to tell us. I did not ask what she said or when she has arrived at Hungary. I did not ask him what Hannah said about her condition or if she does or does not have food to eat. I did not ask Offenbach if she is being tortured. It is not true that I was not interested in the fate of Hannah Szenes. I did not have to ask Offenbach. I did have an approximate idea that being in prison is not that much... How many possibilities did the Hungarian Jews have to help her, especially since she was considered to be a British spy? I did not know the name of the defense attorney... Offenbach had my authorization to appoint that lawyer, it is just that now I do not remember his name. I did not meet the lawyer... I handled the political side of the matter. You are wrong in saying that we did not appoint a defense attorney for Hannah. I did not tell her mother that she should not appoint a lawyer. I very much doubt it if anyone had the courage to tell her such a thing either on my behalf or on behalf of the Committee. She did not meet with me. Her mother never asked to have a meeting with me. To the best of my knowledge, she could come in to me just as any other Jew who came to me, my door was open... Hundreds of people saw me, why did she not approach me? Had she asked for a meeting with me through Mrs. Brand, I am sure Mrs. Brand would have told me about it. My secretary was a blonde young woman and I do not remember her name... Sending packages to Hannah Szenes was being taken care of by Hansi and to the best of my memory, she told me that packages were sent both to Hannah as well as to the two paratroopers. Sometimes we managed to send packages to the prison and sometimes we did not. I do not know if the packages reached Hannah or not.

In the Hungarian area, I talked to two people about Hannah – with the manager of the Defense Ministry, Dr. Oláh and with Colonel Garzuly, between August and until October. Among the Germans, I talked to Klages, his substitute and another one from the German counter-espionage during August, September and October. I think I did talk to Becher about the issue of Hannah Szenes and I think he evaded the issue. Later on he was interested and then said it was a severe military issue and it is impossible for him to intervene. This was the period in which the deportations stopped. As to the

intensification of Horthy's situation ... it is true that if there were any chances of saving her then these were then and not under the rule of Szálasi.

I did not visit her in jail. I asked Garzuly for permission to do so and he refused me. I think I heard that her mother was granted a visit but Garzuly refused to let me, even for a visit I particularly insisted on, a visit at Palgi and Goldstein. Officially I knew about both of them, but officially I did not know about her. Garzuly knew that I know about these two but not that I know about Hannah Szenes, for it was a kind of military secret, the arrival of the British paratroopers in Hungary. There was a difference in my insistence, which is why I particularly insisted about these two. I tried to meet with Hannah Szenes. When I asked for a visit, he knew that I know about her but not formally. Hannah was stopped at the border as a spy and the two others came to me and I was informed that they arrived on rescue matters, so I had a cover to intervene more vigorously about these two. I could not claim the same argument about Hannah whom I did not see. The attempts on our side to help Hannah Szenes were made but these were more cautious than the ones concerning the two others. There was a difference in our approach for that reason. It is not true that my stance was that I did not want to have any contact with either a British spy or her mother...

I sat with Komoly at a meeting in August. If he said that at the beginning of October he still did not know about Hannah – he was wrong. It is true that there were only three paratroopers from the Land of Israel and that it has instigated great excitement. Hannah's issue instigated special interest because her father was a writer. Komoly was acquainted with her family. One may assume that had he known in August that Hannah has arrived from Kibbutz Sdot-Yam to Hungary he would have remembered it. Komoly was an honest man beyond any doubt.

It is true that Hannah Szenes was a British soldier and a messenger of the British army except for her being a messenger of the Jewish Agency. The British interests were represented by the Swiss legation. I turned to the Red Cross, not to the Swiss legation. I do not remember what were the considerations. I must have had considerations why I turned to the one and not to the other.”

### **The Testimony of Mrs. Brand**

110. Before we move to the testimony of Mrs. Szenes, it would be appropriate to present the short testimony of Mrs. Brand concerning Hannah Szenes (p. 634):

“Regarding the issue of Hannah Szenes, I once sent a package for her. When I sent the packages to Palgi and Goldstein I found out that there was a third prisoner there. I do not recall ever meeting the mother of Hannah Szenes. I just remembered that one of the pioneers informed me that there is a third prisoner with Palgi and Goldstein and they – the pioneers – appointed a lawyer for her. I do not remember more on the issue of Hannah Szenes.”

This testimony does not correlate with important points in Kasztner's testimony. Had the Rescue Committee appointed a lawyer for Hannah Szenes and Offenbach would have dealt with this issue – as per Kasztner's version – Mrs. Brand would have known about it and would not have said (as per hearsay – and it was clarified by the testimony of Mrs. Szenes that even such rumor was not true) that “the pioneers appointed a lawyer for her”. If, as per Kasztner's testimony, a discussion was held at the Committee with the participation of Komoly, Mrs.

Brand and Kasztner, in which a decision was made “to hold a whole line of steps so as to free Hannah Szenes” Mrs. Brand would have remembered that discussion and would not have said “I do not remember more on the issue of Hannah Szenes”. However, even though these discrepancies alone prove lack of veracity in Kasztner’s version, still Mrs. Brand’s testimony is not a complete truth but is an attempt to cover up Kasztner and the sentence “I do not remember ever meeting the mother of Hannah Szenes” would prove it herein.

### **The Testimony of Mrs. Szenes**

111. As aforesaid, Mrs. Szenes was imprisoned for almost three months together with her daughter at the Gestapo’s jail, from June 17 until September 11. On that date Hannah was transferred to the Hungarian military jail in Konti utca, while Mrs. Szenes and her friends Mrs. Frenkel were transferred, on September 13, to the Kistarcsa camp and were released from it on September 27 or 28. Every two weeks, while she was in prison, Mrs. Szenes received a package from her apartment’s neighbor, a Hungarian actress. However, Hannah received nothing from the Rescue Committee throughout the period which Mrs. Szenes testified about as an eyewitness (and neither later as it will be clarified herein), neither a package nor any other sign of encouragement. After her release from jail, Mrs. Szenes found out that a “young fascist Hungarian lawyer, Dr. [Endre] Nánay, who though that such a trial could be a turning point for him, visited the cells of the paratroopers. Dr. Nánay showed Mrs. Szenes the power of attorney he received from Palgi, Goldstein, Fleischmann and other prisoners, but not from Hannah. Nánay arranged a meeting for Mrs. Szenes with her daughter Hannah on October 1 or October 2. On that meeting Hannah told her mother that she does not have a lawyer, that she thinks there will be a trial soon and she asked her mother to consult a family friend and to appoint her a good lawyer (7 pp. 12-13).

Mrs. Szenes testified about her desperate attempts to alert the Rescue Committee so as to help her daughter, as follows:

“They told me to turn to the Zionists because they have connections and they can help me. They told me so from all sides. I reached a man called Grossman... He told me: you don’t have to tell us, we know everything very well... that they are in jail but it turned out he did not know where Hannah was located. He only knew where the young men were and that they were in two different prisons. So I said: I think you should contact the lawyer to whom the young men gave their trial to and he knows details and first of all I want to send all of them packages. I was released just now and I know what it is like to be in jail. They have nothing to eat and it is possible, it is not prohibited. So he said: we will do everything possible.”

That conversation preceded Mrs. Szenes’ visit of Hannah which was held on October 1 or October 2. Following that visit, Mrs. Szenes approached Grossman again:

“I told him I visited Hannah and that she is asking for a lawyer. He told me: why do you need a lawyer? There is no need, everything with us is on its way and she will be released maybe tomorrow or the day after tomorrow, maybe even today. Go home and I think she will be home already. I ran home but she was not there.”

Mrs. Szenes turned to a lawyer, a family friend, who advised her to appoint the lawyer [Andor] Szelecsényi for Hannah but since Grossman told her that Hannah would be released in a day or two, he advised her to wait a little more.

“I went to Grossman daily... In the meantime acquaintances asked me, why Grossman and not Kasztner? Kasztner is the man who could help me and I must apply to him. I told Grossman that I want to speak to Kasztner and he said: it is impossible, as he is so very busy. Now he is not home – he always said something. Mrs. Frenkel said then that it is urgent and that we have a note to hand to Kasztner... She said she wants to give him the note. So he told her: give me the note and I will give it to him. I saw that there were two words on the note. The next day we asked him and he said that he did deliver it.”

Those were the two words in Hebrew that Hannah wrote to Kasztner on that note that Mrs. Frenkel sewed into her clothes.

“Every day that passed, it hurt me that I still did not appoint a lawyer. I went to Grossman together with Mrs. Frenkel and we said that I want a lawyer. So then he said: there is no need for a lawyer – everything is already arranged. We already know that one person costs 15,000 Pengős. We have 8 such people to release which means that we need 120,000 Pengős. Do you have 15,000 Pengős? I said: now I have nothing but this cannot be a reason... Just tell me when I should bring the money... But I said I have a package for Hannah. I visited her at the beginning of October, it was cold, and she had no warm clothes. She told me: if it is possible for you send me some warm clothes and food. I wanted to send her. I told Grossman: I will take a lawyer nevertheless, at least he would take the package to her. So he said: that is what you are taking a lawyer for? Dr. Kasztner has permission to go into the jail. Well then, I asked, why does he not go? Can we talk to him? I asked for Kasztner’s address. He said: this is impossible, this is impossible, I cannot give it.”

Mrs. Frenkel have Mrs. Szenes Kasztner’s address:

“Provided you do not tell that you received it from me. Go early in the morning so you can find him at home. I went to him the next morning approximately around 8.”

It turned out that this was not Kasztner’s address but that of Mrs. Brand. At that time the witness still did not know Mrs. Brand but she did recognize her later in Kibbutz Maagan.

“At first, she did not want to let me come in but I said that it was a most urgent matter. She asked: what matter? I said: a most Zionist one. So, then she let me come in. I told her my name and said that I heard that Dr. Kasztner is the only person who can help me with this matter. There are here paratroopers from the Land of Israel and my daughter is among them. I heard that he has permission to go in and visit them there. I want to talk to him and ask him to go as soon as possible but I also very much want to give him a package for Hannah. She said, yes, I know about it, we know about the case, and he really intends to visit the prison. I think that it is precisely tomorrow that he wants to go. You must prepare the package. I will give you the address of his office. Turn to his secretary Lanka Unger and she would arrange that matter for you.”

In view of this testimony of Mrs. Szenes about her meeting with Mrs. Brand, one should analyze the reliability of Mrs. Brand’s testimony, who said (clause 110):

“I do not remember ever meeting the mother of Hannah Szenes.”

How could Mrs. Brand, a mother who underwent agony by herself – both her children were considered as hostages for her husband and were not allowed to join the Bergen Belsen train – to forget the visit of the mother who came to her so as to call for help for her imprisoned daughter, the paratrooper from the Land of Israel, who was executed a short time afterwards? It is accepted that a testimony using the expression “I don’t remember” can be a false one. The words “I do not remember ever meeting the mother of Hannah Szenes” as opposed to the live and detailed testimony of Mrs. Szenes about their meeting, finally convinced me that even Mrs. Brand, despite her impressive performance on the witness’s stand, was not meticulous about her testimony in this trial, so as to cover-up for Kasztner. The special detail in this testimony refers to the testimony of Kasztner who said (above):

“Her mother never asked for a meeting with me, to the best of my knowledge. ... Had there been a request to have a meeting with me, through Mrs. Brand, Mrs. Brand would have informed me.”

There is no doubt that Mrs. Brand “informed him” about the visit of Mrs. Szenes and her requests and this is the reason that compelled her “not to remember” that meeting in her testimony.

That day Mrs. Szenes went to Kasztner’s office three times until she found his secretary – “the blonde one” whose name Kasztner has forgotten but that name is remembered by Mrs. Szenes to this day. Lenke Unger told her that Kasztner would absolutely not be available today and that she can take her package with her and bring it the next day. Each day Mrs. Szenes carried the package to Kasztner’s office “for at least 3 or 4 days, I don’t remember”, so as to talk to Kasztner and to ask him to visit Hannah in jail. She encountered the secretary but not Kasztner. Jews had permission to go out to the street for 2 hours a day only and so it was impossible to wait for an unlimited time. Her last visit at Kasztner’s office was on October 12. Again, she waited in vain with her package for Kasztner’s arrival. However:

“There was a woman there, an acquaintance from WIZO and she talked to me and told me something about Komoly. I asked her: is Komoly in this building? I did not know then what was done as I was in jail for three and a half months. I decided to turn to Komoly. If I could not talk to Kasztner, I would talk to Komoly.

Did Komoly know your family?

Yes. He knew Hannah. We met a few times. I told him: I am asking you to tell me the truth about Hannah’s issue. Each day they promise me and tell me they would do everything and that I must not appoint a lawyer and that she will be released and maybe she is already released. Tell me the truth! He looked at me and said: What? Hannah is here? I told him: Don’t you know there are messengers here from the Land of Israel? There are two young men here and Hannah. He said: I knew that, but I did not know that Hannah is among them. I am hearing it for the first time. I assure you we will do everything we can, but to take a lawyer, today, immediately. Then I felt that whatever has happened is nothing and there is nothing for me to wait for. I decided to go in the afternoon with a friend to a lawyer.”

Komoly’s surprise when he heard on October 12 that Hannah is one of the paratroopers, serves as one of the strongest proofs against the veracity of Kasztner’s version on the matter of Hannah Szenes. Kasztner’s testimony about the discussion at the Committee in August – in which

Komoly and Mrs. Brand participated as well as Kasztner – in which they discussed the steps to be made so as to release Hannah Szenes, application to the Hungarians and the Germans and the appointment of a lawyer – was proved to be a complete lie. Mrs. Brand knew nothing about this discussion (clause 100), and Komoly did not know about Hannah Szenes until October 12.

On that very day – October 12 – Mrs. Szenes appointed Szelecsényi as the lawyer for her daughter Hannah and he promised to visit her the next day. However, due to a prolonged air raid it did not actualize. Szelecsényi visited Hannah on October 14.

“He stayed with her for a long time, and she told him a lot but he said he could not tell me that. Still, there was one thing he wanted to tell me: he does not know if among the 100 or 1000 young men (I do not recall the number accurately) there was one who would undertake all that which Hannah has undertaken or that which she had done... The next day it was October 15 which is when the Hungarian Nazis came to power in Hungary, and it was such a change that in that period maybe it really was not possible to do anything. We lost the important time in which maybe it was possible to do something.”<sup>454</sup>

Szelecsényi defended Hannah at the trial, which took place on October 28 in the same prison in which Palgi and Goldstein were imprisoned. On the day of the trial, Mrs. Szenes met Hannah. The verdict was postponed for 8 days but was not issued following that period. On November 7, Mrs. Szenes received a letter from Dr. Szelecsényi that the verdict was not issued yet. On that same day she went with the letter to the prison in which the trial took place to ask when the verdict would be issued. She met the military judge Dr. [Gyula] Simon who was the chairman of the court that judged Hannah.

“I said: 8 days already passed, and the verdict was not issued yet. Why? So, he kept silent. I said: Maybe there is already a verdict? He said: even if there was one – I could not tell you. I asked: Could it be concealed from me? Is there a verdict? And then he said: ... you know that she abandoned her Hungarian citizenship and turned to the English. She has English citizenship, and she went to the English army. And she was with the news partisans, she crossed the border so as – so they say – to save the Jews. In short – she is very, very guilty. The things she did against her homeland... there is war and there is a state of emergency, and they found a transmitter on her, and they found her to be guilty of treason. They decided upon the severest punishment, and we have already completed that punishment... but I must bow before the resistance of your daughter, which she kept to the very last moment. She was proud to be a Jewess. He said it in a tone of one who cannot understand such a thing but still he appreciates it. So, I said: I do not know the military rules as to how much she is or is not guilty but before God and people she is standing innocent and not guilty. I feel that only someone who had her characteristics could undertake such a beautiful and great action.”

Let us return to Kasztner. Once, approximately in 1951, Mrs. Szenes was at the Ministry of Commerce and Industry at the Palace Hotel in Jerusalem, to arrange import license for a sewing machine for the children’s home in Haifa where she worked. There she recognized Kasztner:

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<sup>454</sup> It is important to quote here Mrs. Szenes' denunciation of Judge Gyula Simon in 1945: “Dr. Szelecsényi reassured me very much, saying that he did not consider the case at all dangerous for the final outcome of the proceedings.” *ÁBSZTL*, 3.1.9. V-116073. 9.

“Suddenly he stood before me, and someone said this is Kasztner. I did not recognize him. Only once I saw his picture. He said he wanted to arrange it for me. I said: Dr. Kasztner, I was not prepared to meet you now. He said: Why? Had you been prepared, what would you have said to me? I said: there were times in which I took all efforts to meet you and I did not succeed then. So, he said: believe me, that only in Switzerland I heard how many times you searched for me. I said: How can it be that in such fatal times you had such an irresponsible secretary who did not even tell you that? So, he said: believe me that no one regrets that which has happened as much as I. I said: I believe you that now it hurts you, but then, when something should have been done, and when it was possible to do something, I could not find you. Then he said: It is not like that; we did take efforts. I will come to you one day and tell you how much and what we did. We tried. So, I said: I know that this is not so, and I am not saying Dr. Kasztner that you could have saved Hannah 100%, but you did not try. This is harder for me to know that nothing was done. I always have the feeling that maybe it was possible. So, he said: No, we really did everything, and I will come to you and tell you. I said: I know the opposite. We saw nothing of that. If you told me that the whole issue of Hannah was so very dangerous that it would have been better not to touch it, I could accept it as an explanation. He said: dangerous for me? With the Gestapo there were only very dangerous things. It was not more dangerous than other things. I said: Then it was not sufficiently important and sufficiently interesting for you, that issue. He said: No, you are wrong. I, as a senior Zionist, could I not appreciate that action? No. Believe me, we did everything, and we tried. Then I said: But how can that be if on October 12, when I entered the office of Komoly, he did not even know that Hannah was the paratrooper? This is a sign it was not important. Then our conversation ended. I also said to him: If at least I would have felt something, if only once a package was sent. It was possible to do it and not only because there was nothing to eat, but also because of how much Hannah waited to get a sign that others are considering her. He said: I really do not understand what happened that none of my packages has arrived. I said: it is hard to understand how the packages from the actress did arrive and that has not. That was our single meeting.”

### **Conclusions from the Testimony of Mrs. Szenes**

112. There is no need to use many words following the testimony of Mrs. Szenes. That testimony shows the method in Kasztner’s behavior in the Hannah Szenes affair. Grossman’s repeated advice to Mrs. Szenes that there is no need to appoint a lawyer and that the Committee is handling the matter; the stubborn refusal of Grossman to enable Mrs. Szenes to meet with Kasztner and even to reveal his address to her, the fact that no meeting was held between Kasztner and Mrs. Szenes despite all her requests through Grossman, Mrs. Brand and Kasztner’s secretary; the fact that Kasztner did not visit Hannah contrary to Grossman’s words, according to which he could visit the prison and despite Mrs. Brand’s promises that he is about to do it “tomorrow”; and all of that after Hannah has already applied to Kasztner asking for help, already in the month of August through a prisoner who was released; and after Kasztner received the personal note that Hannah has sent him from prison and which was smuggled by Mrs. Frenkel and transferred to him through Grossman – two words in Hebrew – in the imprisoned paratrooper’s handwriting which could impress all the Zionists in Nazi Budapest: all of that prolonged evasion does not testify neglect but a methodical and intentional line of action.

The fact that throughout the truce period, Komoly did not know that Hannah Szenes is found in jail testifies actual concealing. Even without “debate” at the Committee it was natural for

Kasztner to tell him that among the paratroopers from the Land of Israel – about whose imprisonment Komoly did know – there is Hannah Szenes, daughter of the famous author that Komoly knew. Had Kasztner told him about it in August or September, there is no doubt that Komoly would have immediately appointed a lawyer for her just as he advised Mrs. Szenes to do back in October 12: “Appoint a lawyer today and immediately!” In addition, there is no doubt that Komoly would have tried to visit Hannah in jail and would have done in time – as he promised Mrs. Szenes on October 12 – all he could do so as to release her. Komoly had good connections with influential Hungarian circles. Since the middle of July and until the end of the truce he often met with Hungarian high echelons, including Horthy’s son, secretary of states, the government’s secretary and others who consulted him regarding sensitive political issues (Kasztner’s report, from p. 81 onwards). In view of his conversation with Mrs. Szenes on October 12, one can assume that on that day Komoly did ask Kasztner why he did not tell him – until then – that Hannah was imprisoned and demanded from him some vigorous action. It may very well be that even though that meeting – between Kasztner, Born and representatives of the Hungarian Ministry of Defense – was held on October 14, still it was initiated through Komoly’s intervention. This does not decrease a thing from the said above regarding the agreement achieved at that meeting as one that lacked actual meaning. Komoly’s vigorous intervention at an earlier date (August or September) with Garzuly’s superiors, who had the authority for Hannah’s issue, starting with her transference to the Hungarian military prison on September 11, could have led to a more actual outcome.

Generally speaking, the testimony of Mrs. Szenes about Komoly’s surprise when he heard on October 12 that Hannah is one of the paratroopers, serves as one of the salient proofs in this trial as to how Kasztner – to this day (starting from his report and up to his testimony) – makes evil use of the deceased Dr. Komoly’s good reputation, who was president of the Zionist Organization in Hungary, so as to cover his own cooperation with the Nazis. Just as Komoly did not participate in any discussion about Hannah Szenes – contrary to the false testimony of Kasztner – this I am convinced that he did not participate – contrary to the testimony of Kasztner and of Mrs. Brand (p. 619) – in any discussion about Palgi and Goldstein and so was not part of the “decision” to inform the Gestapo about their arrival. It is interesting that for the sake of handing Goldstein over, Kasztner, Mrs. Brand, Offenbach and Biss with his wife were arrested but Komoly was not. It is worthy to point out that Kasztner does not mention Komoly among the members of the Committee who at some time did hold contacts with the Nazis (Clause 92). As opposed to that, and according to that which was written in Kasztner’s report and said in his testimony, Komoly maintained constant contacts with the Hungarians, and not only with Horthy’s government circles, but also with the Hungarian left wing. It is clear through all the evidence that Kasztner did not disclose to Komoly the details of his actions and contacts with the Nazis. Komoly was not a collaborator and he did not know to what extent Kasztner has entered and was entangled in his collaboration with the Nazis.

As to Grossman, there is no doubt, based upon the testimony of Mrs. Szenes as well as the testimony of Krausz (פ”ד pp. 5, 23) and also according to Kasztner’s testimony (p. 172) and exhibit 24, that Grossman was one of Kasztner’s men who followed his instructions during his conversations with Mrs. Szenes. The witness Frenkel testified that even though Grossman was corrupted after the liberation still during the discussed period he worked through the sacrificing of his life (פ”ד pp3-52). It is inconceivable that Grossman received the note in Hebrew to be given to Kasztner, told Mrs. Szenes the next day that he has delivered it to Kasztner, lied to her and actually destroyed the note. The persistent mode in which Grossman protected Kasztner’s interest and his refusal to encounter Mrs. Szenes with Kasztner or even disclose his address to her, match Kasztner’s method and constitute a true reflection of Kasztner’s own behavior.

The testimony of Mrs. Szenes proved, by the way, that there is no basis to the rumor, which Moshe Alpan testified about (pp. 569-570). It was not through self-knowledge that the pioneers appointed a lawyer for Hannah Szenes – the lawyer Szelecsényi. It is clear that Szelecsényi was appointed by Mrs. Szenes on October 12 and until then, Hannah had no lawyer. Mrs. Szenes testified that the lawyer Piri who defended Palgi and Goldstein, did not handle Hannah's case.

### **The Abandonment of Hannah Szenes**

113. The witness Moshe Krausz who worked at the Swiss Legation since June and who recruited the full help of the Swiss emissary to help the Jews in Hungary, testified (ט"ו p. 3) that at that legation there was a special department for handling matters of the Allied Forces' prisoners of war, that two clerks dealt only with such issues, visited the prisoners of war and intervened with the Hungarian government on their behalf. It was only at the end of August or the beginning of September that the witness Krausz found out, from the pioneers, that there are Land of Israel messengers in jail. He asked them that they do not know details and that Dr. Kasztner knows about their situation, he asked them:

“To tell Dr. Kasztner... that I am ready and maybe I can do something for them. After a day or two I received their answer that Kasztner told them to tell me not to get involved in that matter because he is taking care of it and that issue is in his hands only.”

This is not a hearsay testimony but – similarly to Grossman's answer to Mrs. Szenes – a testimony about an act “*Res gests.*”<sup>455</sup> Krausz turned to Kasztner through a messenger with a certain offer, the messenger gave him Kasztner's answer in which he turned down his offer and demanded that Krausz must not get involved in the issue that “is in his hands only”. This testimony is in concert also with Alpan's testimony, one of the heads of the pioneers, who testified (pp. 569-570) that he talked to Kasztner about the paratroopers and the possibility to release them and that Kasztner said that “the members of the Committee are taking care of it”. Moreover, there is much support to Krausz' testimony, in Kasztner's answers during his cross-examination (above) in which he said:

“It is true that Hannah Szenes was a British soldier... The British interests were represented through the Swiss Legation. I turned to the Red Cross, not to the Swiss Legation. I do not remember what were the considerations. I must have had considerations that made me turn to that and not to the other”.

Nevertheless, Kasztner asks (above):

“How many possibilities did the Hungarian Jews have so as to help her, especially since she was considered to be a British spy?”

Precisely because Hannah Szenes was considered by the Gestapo and the Hungarian military counter-espionage to be a British spy who despite her being known as a British officer, had not been given the status of a prisoner of war (a status that has not been granted to Palgi and Goldstein either, despite their being British officers) and since Klages, Becher and Garzuly repeatedly told Kasztner – according to his testimony – that Hannah's matter is a “severe military matter”, more severe than that of Palgi and Goldstein, whom Kasztner informed the

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<sup>455</sup> The events which relate to a particular case.

authorities about and who “waived their role” (as per Kasztner’s testimony), then it was clear to Kasztner that Hannah’s life is at a great risk. Thus it was Kasztner’s sevenfold duty as Hannah’s “trustee” on behalf of the Jewish Agency to turn to each and every institute that could grant her help. The fact that Kasztner did not apply to the Swiss Legation who represented the interests of the British, together with his argument that he must have had considerations why he did not perform that application, yet he does not remember what these considerations were, and the fact that he rejected the offered help by Krausz who had excellent contacts with the Swiss emissary, who did great things for saving the persecuted Jews, arguing that he should “not get involved in that matter because he is taking care of it and that issue is in his hands only” – these facts join the facts that were proven by the testimony of Mrs. Szenes and other witnesses and prove Kasztner’s method on the matter of Hannah Szenes: (a) not to move a finger in her favor, (b) pretend as though he was handling her issue, (c) prevent others (her mother, Komoly, Krausz and any lawyer) from handling her release. Not only did Kasztner not try to save Hannah Szenes, but he knowingly abandoned her and even ruined the attempts of others, including her mother, to save her life.

And why so? Because the release of that brave young woman, with the strong and rebellious character in Nazi Budapest, could have harmed Kasztner’s interests and oppose his cooperation with the Nazis. Hannah Szenes has never surrendered to the pressure of others and did not waive her mission. She parted from Palgi and Goldstein and crossed the border out of her own accord, because she had enough of listening to the advice of her friends, who were more cautious than she was. In jail, Hannah withstood all her tortures and even the most difficult one – the threat to execute her beloved mother if she does not disclose military secrets. (Exhibit ל"ה pp. 8-197). Through all of the testimonies, those of her mother, of Palgi and others, an image of a ruthless fighter is outlined, one who would absolutely not follow the “advice” of the head of the Rescue Committee to compromise, in one way or another, with the Nazi rule, who would not fall into the trap of Kasztner’s schemes to lead her towards cooperation with him (and through him with the Nazis), and would not surrender to his heaviest conscientious compulsion. Kasztner, who informed Klages about the arrival of the first two paratroopers and thus handed them over to the authorities, was not the man who would release a third paratrooper. Had Kasztner enabled Hannah to be released from her imprisonment, while the Nazis still ruled Budapest, he would have actually nurtured an enemy to the Nazi rule and a forceful opponent to himself. Kasztner was not interested in the release of that young woman who could have condemned his continuous collaboration with the Nazi rule and damage his connections with Eichmann, Klages, Becher and other SS heads. In this case as well, Kasztner’s personal interest identified with the defense interests of the Nazi rule. For these reasons, Kasztner did not act towards the release of Hannah Szenes and even prevented others from dealing with her release. His cooperation with the enemy has led Kasztner, in this affair as well, towards the breaching of his loyalty towards the Jewish Agency, the Haganah and the imprisoned paratrooper.

## **The Becher Affair**

### **The Last Two Accusations**

114. The last two accusations which the defendant accused Dr. Kasztner with in his discussed article are (clause 1):

Three. Robbery collaboration with a Nazi war criminal.

Four. Saving that same war criminal from punishment, after the war.

These two accusations appear in the said article as follows:

“(Kasztner) The one who enjoyed the robbery and murder actions of Hitler.”

“Dr. Kasztner!... You lived in Switzerland the life of vanity and debauchery through the millions that you “acquired” for yourself... Because of whom and at whose account did you travel to Nuremberg, in 1946, secretly and as a thief at night, so as to participate in the trial of the war criminals... and you appeared as a witness for the defense in favor of SS Sturmbanfuhrer Kurt Becher, a murderer and a bandit who exploited our brethren in Hungary and sucked their blood! That Becher who was called “the economic consultant of the Gestapo!” Why did you save him from the hanging that was due to him?... What obligated you to do so? What kind of gentleman’s agreement (or better yet: the criminals’ agreement) the murderer Becher had with the man I define, through profound cognition, as a collaborator with the Nazis? My dear friends! I am giving you an answer and an explanation: he wanted to save himself to prevent Becher from revealing in front of the International Court, the “business” and the joint acts of robbery so as to defend the other and accuse Kasztner!...”

“Where are the millions from the money of the Hungarian Jews for which no account had been given? Where are the tremendous amounts of money that the World Jewry has transferred to him? Where are the heavy suitcases with gold, jewelry and other valuables, which he has taken into his hands and smuggled beyond the border?”

### **Becher the War Criminal**

115. The first question that is instigated regarding these two accusations is: was Becher a war criminal?

Becher was a high officer in the SS, a Nazi organization which was declared by the International Court in Nuremberg as a criminal organization due to the heavy war crimes, among which the heaviest one was the annihilation of the Jews which was executed by its members in an organized and planned manner. The Military SS (Waffen-SS) which Becher belonged to, participated in these war crimes and was clearly declared as a part of that criminal organization. In the verdict against the major war criminals (Volume 22, pp. 479-480) it has been said:

“The SS had a role with a special meaning in the persecution of Jews. ... The annihilation of the Jews was executed according to the guidance of the central organization of the SS and was executed by the units of the SS. The operation companies (Einsatzgruppen) dealt with the mass slaughter of Jews... A special group from the central organizers of the SS organized the deportation of the Jews from the various Axis Powers countries and their annihilation was performed at the concentration camps which were handled by the V. P. H. A. (The SS main economic office).

One cannot indicate any of the SS branches that was not involved with these criminal operations... The Waffen-SS units were directly involved with the killing of war prisoners and the atrocities in the occupied areas. The Waffen-SS provided teams for these operation companies, it had the command over the guards at the concentration camps. ... The central organization of the SS supervised the actions of these various units and was responsible for special operations such as experiments made on human beings and “the final solution” regarding the issue of the Jews. ...

One should acknowledge that the criminal actions of the SS stemmed, in a most logical manner, from the principles on whose basis it was organized. All efforts were made so as to turn the SS into a high level disciplined organization composed of the elite of

National Socialism. Hess has justly written that the Waffen-SS is more suitable for special roles that require solution in the occupied area thanks to their expansive education on issues of race and nationalities. In a series of speeches in 1943, Himmler expressed his pride about the ability of the SS to perform these criminal actions... He praised the cruelty in the annihilation of the Jewish race... These speeches show that the general approach of the SS was in line with these criminal acts.

The SS served goals that are criminal according to the verdict of the International Military Tribunal, the goals to persecute the Jews and annihilate them, performing acts of cruelty and executions in the concentration camps, pogroms in the management of the occupied territories, abuse of the prisoners of war and their murder... In its discussions of the SS the tribunal includes all of the men who were officially admitted as SS members, including members of the general SS and those of the Waffen-SS...

The tribunal declares as criminals in the full sense of the word that group composed of the same people who were admitted officially as members of the SS, who became or were members of the organization – as specified in the previous paragraph – knowing that it serves for the performance of actions that were declared as criminal, according to article 8 in the Human Rights Charter, or those who were personally involved as members of the organization in the execution of such crimes, except for those who were recruited for membership in the organization by the state in a manner that prevented them from having any choice and those who did not perform such crimes.”

Becher joined the SS at the age of 25 in 1934 and joined the Nazi party in 1937. When the war started, he had the rank of sub-officer in the SS. He served in Poland, Russia and at the chief SS headquarters and until the year 1944 he rose to the rank of Obersturmbannführer and at the beginning of 1945 was promoted to the rank of Standartenführer. Becher argued and convinced his interrogators in Nuremberg that he was recruited to the Waffen-SS by a state decree, then he has been promoted to the rank of Obersturmbannführer on the basis of his combat excellence and that he did not participate in any war crimes. There is no need to discuss these claims now and go into Becher's past until he arrived at Hungary in 1944. It is clear that since 1944 until the end of the war, he remained a member and high officer in the said criminal organization, despite his full knowledge about the criminal goals and actions of the SS. Becher was the Chief of Economic Headquarters of the Waffen-SS in Hungary during the Holocaust and was at least an eye-witness to the total deportation of the Hungarian Jews to Auschwitz in which he managed, through Kasztner's mediation, negotiations with Mr. Saly Mayer, the representative of the Joint and Mr. McLeeland, representative of the USA War Refugee Board, about the price for the stopping of the annihilation of the Jews by gas. In view of these facts, that Becher had full information, from the primary source about the annihilation of the Jews by the SS, and did not use the opportunity of his being in Switzerland or any other opportunity, to leave that criminal organization, he was thus within the definition of an active voluntary member in that criminal organization as one who holds a high position, as per the conclusions of the International Tribunal in Nuremberg (see also article 3 of the Law for the Judgment of Nazis and their Assistants of 1950).

In the trial of war criminals that was held before the American Military Court in Germany against Oswald Pohl and others (trial number 4 of the American Court No. 2) a practical test was established as to when a person is considered to be a war criminal by virtue of his professional role in the SS. In there it has been said (in the trial versus the defendant Leo Polak, p. 8174):

“If he was part of an organization that actively dealt with war crimes against humanity and knew about these crimes and still, out of his own free will, remained as part of that organization, contributing his professional efforts for the continuation of these crimes and their promotion then, by law he is responsible.”

Becher did contribute his professional efforts to that criminal organization being the manager of the Chief Economic Headquarters of the Waffen-SS in Hungary and also as the special adjutant of Himmler for special roles, both in Hungary as well as Switzerland. Among other things, Becher acquired for the SS in Hungary the Manfred Weiss Works, which controlled most of the Hungarian industry including metal factories, war equipment and more. Becher stood behind Eichmann's suggestion who sent Brand on a German aircraft to Istanbul, so as to trade with the lives of Jews in exchange for combat equipment (Kasztner's report, p. 37, memo by Becher, exhibit 77 p 6.). Becher was Himmler's special messenger to Switzerland to trade with Jewish lives in exchange for equipment and political benefit for Germany. All of these actions position Becher within the definition of war criminal according to the above mentioned definition.

In the verdict of the USA Military Court in Nuremberg, at the “Wilhelmstrasse” trial (trial versus [Ernst von] Weizsäcker, Veessenmayer and others) (exhibit 32) it has been said (p. 151):

“The annihilation of Jews, which was planned in cold blood, constitutes the most abominable and disgusting crime in the prolonged history of crimes that were performed during the Nazi rule. Not only were the Jews negated from any human rights... they were deported... to the death camps. There they were slaughtered by the millions through starvation, shooting and finally through mass annihilation in the gas chambers of Auschwitz and Maydanek. ... but the Nazi government did not suffice with that. The mass slaughter assured great financial profits which one could use and in fact, they did use it for the sake of the German attack... Foreign currency, gold coins, stocks, jewelry, gold watches, gold glasses and even the clothes of the dead were collected with assiduousness and methodically. They shaved the hair of the women and at the end, they meticulously removed golden teeth from the bodies... the coins, money notes, jewelry and gold, reached the Reich's cash. The defendant believes that it is not a crime against humanity to steal private property from the Jews and others in concentration camps. Considering all of these circumstances there is basis for such an opinion and we reject it. These acts were performed according to a guiding line determined by the government and the mass stealing was an inseparable part and one of the planned annihilation's aims. One would need a most bizarre outlook about law and order in order to consider a person who knowingly and without objection participated in planned murder – as one who should be considered innocent and to acquit him, a man who knowingly participated in the exploitation of the plunder, because it was a priori part of the plan and purpose of the murder, meaning to loot the property of the murdered and use even the hair on their head and the gold in their jaws.”

The total deportation of the Hungarian Jewry was not aimed only at the “Final Solution” for the issue of the Jews but was also a good deal for the Third Reich in general and the SS in particular. Eichmann was sent by Hitler and Himmler to Hungary to execute the annihilation. Klages fulfilled the role of head of the Defense Services (S.D.) and the Gestapo and the economic roles linked with the deportation of the Jews was cast upon Becher – the manager of the SS economic department of Budapest. The role of robbing the property of the Jews who were deported and murdered was not as easy in Hungary as it was in the other territories

conquered by the Reich, because Germany had to respect the sovereignty of Hungary. The Hungarian government enacted rules and issued restrictive laws for the confiscation of the Jewish property in favor of itself. That is why Becher was compelled to use a special method: to exploit the death and terror of the Jews so as to purchase the capital of the rich in exchange for their personal rescue.

In Kasztner's report, it was said (p. 62):

“The SS economic headquarters which was under the management of Becher, issued for the rich Jews, immediately following the occupation, individual protection certificates in exchange for financial payments. There was an exemplary coordination between the SS institutes: the Judenkommando ‘liquidated’ and the economic headquarter collected.”

In exchange for the smuggling of 40 people from the Manfred Weiss family, to Lisbon, with the personal authorization of Himmler, Becher achieved the transfer of the enormous assets of the biggest industrial complex in Hungary into his “trust” on behalf of the SS. In exchange for letting the Bergen Belsen train leave, Eichmann, Klages and Becher together extorted from the Budapest Jews – through the Rescue Committee – jewelry, money, gold and coins for the price of USD 1,000 per person. This is what Kasztner writes about in the report (p. 59):

“It is strange that Eichmann was cheaper. At first, he demanded USD 200, then 500 per person. The economic headquarters, Becher, presented the demand for USD 2000 per person. Himmler, as the final arbiter determined the price of USD 1000.”

In a memo by Becher to the Allied Forces' authorities, presented a short time following his arrest at the end of the war (exhibit 777), Becher describes his actions in Hungary as commercial actions per se which led him to hold contacts with Jewish commerce circles who suffered from the edicts of “The Royal Hungarian Government” and that he gave them protection certificates for the sake of holding commercial contacts with them (p. 2). The members of the Weiss family were also arrested by the “Royal Hungarian Gendarmerie” and they asked him to obtain for them a license to migrate to a neutral country “a license which they could not achieve from the Hungarian government” for which they offered him the transfer of all the property of the enormous industrial plants. According to his version, Becher hesitated hard before he accepted the offer and only following many considerations he agreed to lecture before the SS Reichsführer about the size of the industrial plant and the importance due to economic reasons for its purchasing (p. 4):

“Of course it was a daring thing for me, since the proposition to lead a large number of important Hungarian Jews to a neutral country was, at least, dangerous and could have caused me to break my back at Himmler's office.”

The dangerous and daring proposition to purchase the Weiss plants – free of charge – in exchange for the transfer of 40 people to Portugal, did not break Becher's back at Himmler's, but on the contrary – it enhanced Becher's value in the eyes of the SS Reichsführer as a talented commercial agent of the SS. With Himmler's consent, Becher received the property of the Weiss family into his hands as a trustee and as a “loyal agent” for both parties. (p. 4) In all of that description by Becher, there is no trace of the annihilation of Jews by Himmler and the SS.

Becher's hypocritical pretense is an innocent description, but it constitutes mockery for the cruel reality of those days. Becher's "purchases" on behalf of the SS economic headquarters in Hungary could not have taken place unless against the background of the Nazi annihilation. Just as it was properly said in the verdict for the "Wilhelmstrasse", it was "a priori" part of the murder's plan and purpose to rob the property of the murdered. There is no principal difference between robbing the property of the murdered through joint planning with the murderer and the extortion of property through threats of murder. Becher's extortion machine could not have acted without Eichmann's murder machine, and as Kasztner so well formulated it "there was as exemplary coordination between the SS institutes: the Judenkommando "liquidated" and the economic headquarters collected". Becher and Eichmann were two coordinated organizations of one criminal mechanism headed by Himmler. Both of them performed a joint plan of murder and robbery and the rule of the robber who enjoys the murder is the same as that of the rule of the murderer. Becher was a war criminal and Kasztner knew that.

Even before the sources for the extortion in Hungary were exhausted, a new genius idea popped into the minds of the SS heads which was to exploit the annihilation of the Hungarian Jews for the economic and diplomatic needs of Germany through negotiations with the Jewish Agency and the Joint. That is how Brand's mission was born, which was "the result of a secret order of the SS Reichsführer" (exhibit 8 – secret telegram by Veessenmayer to the German Ministry of Foreign Affairs of July 22, 1944).

In view of this document (exhibit 8) and the dramatic testimony of Brand which was supported by Kasztner and all the witnesses in that trial, there can be no doubt that the pervasive proposal to trade the life of Hungarian Jews for trucks that would be supplied to the Third Reich by the Allied Forces, was not issued by Brand but by Himmler, Becher and Eichmann. In his memo (exhibit 77, p. 6) Becher says:

"Approximately in the middle of May 1944, Messrs. Dr. Brand and Dr. Rudolph Kasztner, representatives of the American Joint, contacted me, so as to ask me, on the basis of the economic sector, value for their efforts to help Jewish people. Even though the act with Manfred Weiss was made in complete secrecy, still through that my personality became known in the Jewish circles and they believed that promises that were given would be actualized consistently. Dr. Brand suggested supply of materials, such as trucks etc., from abroad. Since, as it was known, these were the materials we lacked most, it was made possible for Dr. Brand to travel to Ankara to hold talks about it."

It should be indicated that Brand did not know Becher at all when he was called to Eichmann, to hear his proposal and he did not know that one of the present officers was Becher. Kasztner also did not know Becher until a month afterwards, when Eichmann referred him so as to hand the exchange for the Bergen Belsen train. There is no basis to Becher's story that Brand and Kasztner applied to him due to his good reputations among the Jews, that Brand offered him trucks and that "it was made possible for him" to go to Ankara for that purpose. The opposite is the truth: Becher and Eichmann together performed a secret order given by Himmler aiming to exploit the annihilation of the Hungarian Jews so as to gain material and political use for the Third Reich.

The initiative for the drives of Becher and Kasztner to Switzerland was a Nazi initiative and Kasztner's testimony (pp. 59-60) that he suggested for Becher to go to Lisbon or Switzerland and meet with the representatives of the Jewish institutes "and expand the messages about the

fate of the Jews who are still found in the hands of the Germans” does not reflect things as they really were. Mrs. Brand has simply testified (p. 618):

“The Germans suggested that just as my husband has flown to Istanbul, thus Kasztner would go to Switzerland so as to hold negotiations with the Jewish institutes.”

See also the report of “The War Refugees Board”, a council appointed by the late president Roosevelt and whose members were the Foreign Affairs Minister, the Minister of Finance and the War Minister of the USA (Exhibit 36) in which it was written (pp. 39-40):

“With the decline of loyalty among the lines of the Nazis, as it was proven through the attempt to kill Hitler, and with the growing successes of the Allied Forces’ armies in the spring and summer of 1944, the Gestapo showed signs for transferring their interest from the biological aspect of annihilating Jews to the pure military utility of labor power, merchandise and moneys that one could produce from the Jews they held in their hands. Few German clerks who were frightened by the world’s reaction to the persecution of the Jews in Hungary and the swift decline of the German military state, hoped to gain certain personal protection through better treatment of the Jewish hostages under their control.

These approaches were characterized by a series of suggestions under German inspiration, which gained the attention of the council starting on May 1944. The first German suggestion was brought from Hungary by Joel Brand who was flown to Istanbul in a German service aircraft. He delivered a German suggestion to detain the deportation and annihilation of the Hungarian Jews, in exchange for 200 tons of tea, 800 tons of coffee, 2 million pieces of soap and 10,000 trucks. The council’s representative in Turkey, Ira Hirschman, participated in the talks with Brand with the authorization of the council and the departments of the State and War. During the discussions, Brand discovered that the Germans would agree that 10,000 trucks would be used “on the eastern front only”. The essence of that proposal pointed at the fact that the Germans are trying to use the Jews in their hands not only as a pawn for possible economic and personal utility but also as a means to create dispute between the USA and England and Russia. That proposal was of course rejected whilst handing full information to the Russian government.

Later came the proposals on the part of the German authorities through Portugal, Switzerland and Sweden to discuss the stipulations for the release of the Jew held by the Nazis. The proposal in Lisbon was to conduct discussion with the representative of the American Joint. The USA government refused to allow any discussion with an American citizen. So then, then Germans tried to enter negotiations with Saly Mayer, a Swiss citizen, head of the Swiss Jewish Community and representative of the Joint in Switzerland. As a proof of their good intentions the Germans agreed to transfer a transport of 500 Jewish detainees at the Bergen Belsen concentration camp, to Switzerland and stop the deportations from Hungary. Kurt Becher, the SS Hungarian commercial representative headed the German negotiations and claimed that he was extremely close to Himmler and the infamous Eichmann accused for the deportation of Jews from Hungary.”

In his declaration under oath in London, on September 13, 1945 (exhibit ט"ו) Kasztner said:

“On August 21, 1944 I drove from Budapest under a German guard to the Swiss border and operated as a mediator for the first conversation between Kurt Becher and Saly

Mayer, the Swiss representative of the Joint so as to discuss the price for the stopping of the annihilation by gas. The conversation took place on the bridge. From there, I returned to Budapest. On October 30, 1944 I drove to St. Galen accompanied by Kurt Becher and Dr. Wilhelm Billitz, manager of the Manfred Weiss Works. On that occasion an interview was held between Becher and McClelland, representative of the War Refugee Board in Switzerland... On November 28, 1944 I drove to the Swiss border following the orders of the Germans.”

The Nazis were so very much interested in having contact with the Western Powers that for the sake of the first meeting between Becher and Saly Mayer on August 21 “to discuss the price for stopping the annihilation through gas”, not only did they bring Kasztner “escorted by German guards” from Budapest to the Swiss border, but they also released 318 Jews from the Bergen Belsen group (and not 500 as is written in the report of the War Refugee Board) and transferred them to Switzerland. This is what Kasztner tells about that first conversation in his report (p. 91):

“Becher introduced himself as the representative of the Reichsführer Himmler. He said he has the power of attorney to discuss various issues concerning the fate of the Jews, with the representatives of the Allied Forces and the World Jewry... For the time being we wish to handle negotiations only regarding Hungarian Jews. He said that the Budapest Jews are also destined for deportation and that their fate depends on the sacrifices that the world’s Jewry and the Allied Forces would be willing to sacrifice for them.”

It should be pointed out that at the same period (August 21) the Budapest Jews were not under deportation danger, but on the contrary. Horthy and the powers which were not dependent on the Nazis, raised their heads to stand apart from the Axis Forces and surrender to the Russian army while Eichmann and the Judenkommando were about to be sent away from Hungary following Horthy’s demand (clause 106). Becher’s threat about the deportation of the Budapest Jews, during that period, was only an eyewash but this is what Becher tells of that meeting in August (exhibit 77, pp. 6-7):

“The deportation of Jews from the whole Budapest city area was about to be executed and so the president Mayer asked me to get Himmler not to start the deportation or at any rate, not until the opposite party would be given a chance to show its seriousness through the provision of goods. Short while later I drove to Reichsführer Himmler and tried, even though I came empty-handed, to form a basis for the concentration of the negotiations. Himmler was interested only in the goods that Germany lacked, especially the suggested trucks. ... I asked the Reichsführer for an order to prohibit deportation of the Jews from the whole area of Budapest and the order had been given.”

The falsified report of Becher about obtaining Himmler’s prohibition to deport the Budapest Jews while that deportation was impossible, together with the eyewash regarding Saly Mayer, proves the nature of Becher’s actions and motives. When Saly Mayer tried to bring up in the same conversation, some arguments of humanity, Becher evaded it and said (Kasztner’s report, p. 92):

“I cannot hold negotiations on this basis.”

The fact that Becher could deceive Mr. Saly Mayer concerning the deportation expected for the Hungarian Jews on August 1944, in the presence of Kasztner, points at Kasztner's cooperation with Becher in that extorting negotiation and about his strong enslavement to the SS. It should be indicated that the misleading of Mr. Saly Mayer by Becher with the participation of Kasztner (see also Kasztner's report, p. 91, the segment presented herewith) also caused the misleading of the person who wrote the report of the War Refugee Board (exhibit 36) in which it has been written (p. 42) that on the basis of the negotiation between Saly Mayer and Becher:

“The deportation of more than 200,000 Jews that remained in Budapest, to Auschwitz has been cancelled on August 1944.”

It was not only Becher but Eichmann too who was interested in the same negotiation and he urged Kasztner, from time to time, to go to Switzerland and obtain results. When he talked about his ride to Switzerland on November 28, 1944 “following the orders of the Germans” (above) Kasztner said in his testimony (pp. 80-81):

“When it was agreed that I should drive again to the Swiss border to find out about the situation, Eichmann announced that if a satisfactory answer is not gained through the mission of Becher who was supposed to escort me to the border, then he would annihilate the Jews in Budapest.”

Kasztner also testified that following the telegram sent by Becher's messenger about the lack of progress in the negotiations with Saly Mayer:

“I was summoned to Eichmann and Becher, they showed me the telegram and Eichmann said to me: either you will keep your promises until the end of the week or I will hang you all.” (2<sup>o</sup> p. 36).

Before Kasztner's drive to Switzerland on November 28, Himmler and his subordinates agreed to release the rest of the Bergen Belsen group (approximately 1340 people) and bring it to Switzerland. Eichmann threatened Kasztner that he would leave his family members in Bergen Belsen as hostages to assure his return from Switzerland (Kasztner's report, p. 133):

“I immediately told him that I would go to the border if my family is allowed to leave with the group. I promised him that I would come back in any case.”

The rest of the Bergen Belsen group was transferred to Switzerland on December 6. Following an order from Eichmann, the mother and sisters of Brand were left in Bergen Belsen as a punishment for Brand who did not return from his mission. The Nazis, including Eichmann, were so interested in the continuation of the negotiations in Switzerland that they allowed Kasztner and all the members of his family to leave the borders of the Third Reich on December 6, and Eichmann sufficed with the threat that he would take vengeance on the Jews if Kasztner did not return. (Kasztner's report, Ibid.)

The extortion method of Himmler-Becher-Eichmann versus the World Jewry was in essence the same method used before against the Jews of Hungary. Becher could no longer extort material or political utility for the Reich without the operation of the SS annihilation machine. When that machine stopped operating in Hungary during the truce, Becher used the SS annihilation machine, which stopped operating, incessantly, in all the Reich's death camps.

The negotiation about the “price for stopping the annihilation by gas”, which was started by Becher, did not mean that Becher had proposed, seriously or within large scope, to stop the annihilation of the Jews that were still in the hands of the Reich. All that Becher was willing to give were small discounts such as releasing the Bergen Belsen group, in two groups with a long interval between them or false exemptions such as not deporting the Budapest Jews during the period in which the Judenkommando was compelled to leave Hungary and the Nazis had no ability to deport the Jews from there.

Immediately following the Szálasi coup, Eichmann returned to Budapest and started the deportation of Jews by the tens of thousands, most of them women, on foot, to perform “fortification works” on the Austrian border. That deportation continued until the beginning of December and was also a tool for annihilation (see exhibit כ"ט, exhibit 28 and exhibit 4).

In Kasztner’s report it has been said (p. 110):

“Once the rule had been taken over by the Arrow Cross, the Germans again had the crucial decision about the fate of the Budapest Jews. Indeed, Becher did do some small favors for us but he refused to protrude himself against the new direction.”

At the end of October, Becher was appointed as head of the “Evacuation headquarters” in Budapest (exhibit ק"י p. 19) and during the period of deportation on foot, he had military-operational authorities as regards the continuation or the stopping of the deportation. Becher exploited the distress of the Jews of Budapest so as to obtain enhanced pressure through Kasztner over Saly Mayer and at the same time gained the meeting he longer for with McClelland, “Roosevelt’s special messenger”. During the said visit to Switzerland, Kasztner told Saly Mayer (Kasztner’s report, p. 114):

“I told him time and again that our life in Budapest depends on the good will of Becher.”

However, despite Becher’s success in meeting with McClelland:

“It was impossible to motivate Becher towards waiving of the deportation from Budapest. He particularly insisted on the fact that he cannot let fighters to stay in the Hungarian capital. ‘For you cannot demand from us to leave Jews and women, fighters who in case of a siege over Budapest, would attack our soldiers from behind!’” (Report, p. 115)

The only thing Becher promised to do so as to advance the negotiations with Saly Mayer and to continue it was to respect the limitations of age for the deportation on foot – a promise that was not kept in reality.

During the same meeting in Switzerland, Becher informed Saly Mayer (Kasztner’s report, p. 111):

- a. The Slovakian Jews were annihilated for “military reasons.”
- b. The Jews of Budapest are transferred to the Reich for the sake of work.

In his declaration in London (exhibit ק"ט) Kasztner formulates the above mentioned point as follows:

“On November 2, 1944 at the Walhala Hotel in St. Galen in Switzerland, Becher said in the presence of the Joint’s representative: “We annihilated the Slovakian Jews in a military campaign.””

About the deportation on foot, Kasztner testified at the Veessenmayer trial (exhibit 4):

“Szálasi was appointed on October 16, 1944. A few days later, the deportations were renewed in a manner that was even more inhuman, if that was at all possible. Tens of thousands of Jews, mostly women, were forced to walk on the main road from Budapest to the German border, in the rain and the snow, without food and without being allowed to sleep in such a way that thousands of them died on the road or were shot because they could not continue walking. Again it was a transport ‘aimed for work’ and there is no doubt that it enhanced the ‘efficiency’ of those who were sent to Germany in that manner.”

In his letter to Saly Mayer of November 26 (exhibit 28), Kasztner writes:

“At the side of the road the bodies of the Jews are laid and sometimes they stay there for a few days. One neutral observer in the place counted in one place 92 bodies laid on top of the other.”

However, later on in the same letter Kasztner wrote:

“There is a rumor that by Hegyeshalom, the transports were taken over by Willy (Wilisczeny). Following unequivocal reports from the border, the German authorities welcome the Jews and are taking care of them in a humane manner, wash them, provide them with sufficient food and are sending them onwards on trains. As one of Eichmann’s deputies explained: “The faces of the Jews lighted up when they arrived at the German border.””

This last segment reads like Nazi propaganda. It should be indicated that this segment constitutes only a few lines from a very long letter that covers 10 dense pages and all of it is formulated in a seemingly matter of fact formulation so that the Nazi propaganda is not so salient. In his cross-examination, Kasztner said: (p. 243):

“Eichmann and the rest of the Germans demanded nothing of us except money and the proposal of Brand. Eichmann demanded nothing except for that... He did not demand that we should spread good propaganda abroad and Becher did not demand that either.”

According to Kasztner’s testimony (p. 78), the deportation was temporarily stopped, approximately on November 17:

“As a result of the intervention of the Waffen-SS commander, general [Hans] Jüttner, who came to Budapest to visit Becher. When I came to Becher I was summoned to Dr. Billitz where I made the acquaintance of two officers who were unknown to me until then, Jüttner and another one and during the conversation they told about that which they have seen on the road, that Jews are dying due to the exhaustion, that there were bodies on both sides of the road and that Hungarian soldiers were shooting at them and so on. This is when Jüttner issued the order to stop the march on foot.”

The late Dr. Billitz, a convert Jew was the actual manager of the Manfred Weiss Works. He was one of the people who were closest to Becher and who participated with Kasztner on Becher's side during the negotiations with Saly Mayer. In his cross-examination Kasztner answered (p. 273):

“I met with General Jüttner. Billitz encountered me with him and I do not know for what reason... I do not think that Jüttner was a humanitarian person. I do not know if there were results of my conversation with Jüttner.”

In his chief testimony (above) Kasztner said that he was introduced “to two officers who were unknown to me until then, Jüttner and another one”. Who was the second Nazi officer who expressed his anger together with Jüttner about the bodies of the Jews by the road? On the basis of Kasztner's report (p. 126) I asked him at this final testimony (צ"ח 18):

“Did you meet with the SS Obersturmbannführer Höss?”

I did. I met him at the office of Dr. Billitz. Krumej was present as well. I do not remember if Jüttner did or did not come in. They discussed the march on foot. Höss said it was swinishness, the thing he saw on the road between Budapest and Vienna. I confirmed it and told him details, how many people died as a result of that. He pretended that he has already taken steps to stop it, that is all. It is true that he was the commander of Auschwitz, commander of the Auschwitz concentration camp, in person. As much as it would seem weird and tragicomic, it was true.”

In his letter to Saly Mayer (exhibit 28), Kasztner wrote:

“On November 16, high ranking guests arrived at Budapest who looked at the march of those deported on the Budapest-Vienna road and maybe, in connection with that, the deportation of women stopped on November 17 and on November 18, the deportation in general, has been stopped.”

In the report (p. 126) Kasztner said:

“On November 16, high ranking German guests arrived at Budapest. The head of the Waffen-SS, Generaloberst Jüttner, accepted Becher's invitation and arrived at Budapest accompanied by Krumej and the Auschwitz commander, Obersturmbannführer Höss. On the road between Vienna and Budapest they were eye-witnesses to the horrible march on foot, the bodies that were piled on the road and the tortured people made a most unpleasant impression on the German masters. When they arrived at Budapest, they expressed their anger before Becher about that which they have seen. In a conversation in which Billitz was also present, the commander of Auschwitz expressed special resentment. (A most common phenomenon: most of the SS hangmen objected to uncivilized methods). In addition, Höss came from Himmler's general staff in which he found out about the new direction of the Reichsführer. Jüttner issued the Judenkommando in Budapest an order to stop the deportation on foot immediately and that was done on November 17.”

Through that, it seems though “the new directions” spread from Himmler to Höss, from Jüttner to Becher and Krumej. All of them, according to Kasztner's version, dealt with the saving of Jews, either through “humanitarian” reasons or because of other reasons. The meeting between

the two “high ranking guests” and Becher, Krumei, Billitz and Kasztner shows the rescue efforts of Becher in their right frame. That meeting also casts light over the measure in which Kasztner drew nearer to the internal circle of the chief war criminals.

In those days Eichmann was absent from Budapest and the “new direction” of the SS Reichsführer did not prevent him, when he returned to Budapest, from renewing the deportation on foot immediately and even demanded from Kasztner 20,000 additional Jews. In his letter to Saly Mayer (exhibit 28) Kasztner tells of that demand:

“He needs, at any cost, between 65,000 to 70,000 Jews from Hungary. So far, 38,000 were received at the German border. He needs, at any cost, additional 20,000 Jews for fortification. In the Reich, the Hitler Youth at the ages of 12 to 15 are busy with fortifications as well as the old people. He presented to me the question if I am willing to find for him the said 20,000. In such a case, he would waive companies and other kinds. In such a case, the Swiss Legation could grant 40,000 protection certificates as well as the Swedes and he would not interfere with these. But if he does not get from me the 20,000 then he would have to operate the performance mechanism.”

Kasztner’s testimony that Eichmann demanded nothing of him is therefore, again, inaccurate. It would be futile to point out that Kasztner did not organize and could not have organized Jews for Eichmann’s deportation. In fact the deportation on foot stopped at the beginning of December – following Kasztner’s version – due to his endeavors with Becher and the endeavor of the latter with Himmler but in fact, it happened due to objective reasons. The road from Budapest to Vienna was blocked by the German retreat (testimony of Krausz, ט"ו, p. 79, ט"ו). Apart from that, it was difficult for Eichmann to find more Jews for deportation. Tens of thousands had protection certificates from the neutral legations (Krausz’ project) and 15,000 were brought back from the road by the representatives of these legations (exhibits ז"ב to ז"ד, testimony of Krausz). It may very well be that the visit of the Waffen-SS head at Becher’s, who was subservient to him and who at the time held the military operational role as the one in charge of the evacuation of Budapest (exhibit ט"ז) was indeed linked with the stopping of the deportation on foot. Yet, it was not due to reasons that have any kind of reference to the saving of Jews but due to military reasons only. It was Kasztner’s role, versus Saly Mayer, to present the stopping of the deportations on foot as the great Nazi waive for saving the Jews and thus extort from Saly Mayer concessions to the Nazis in exchange for that. In the memo by Becher (exhibit ט"ז) it has been said (p. 10):

“Stopping the deportation on foot at the end of the November-December season was again, considered by Dr. Kasztner as a great act performed by me and it was described accordingly in his message for abroad.”

Thus, Becher used the annihilation of the Jews in Hungary as well as in the Reich was a means for economic and political extortion towards the World Jewry and through it, towards the Western Forces, especially the USA. He represented the annihilation regime, identified with it, and was not willing to give up the annihilation but to trade with it and to give it, occasionally and upon necessity, small exemptions so as to gain his goals. Continuation of the general annihilation served as a basis for his action. Becher’s international extortion which was performed in the pats following Hitler’s orders, is similar within enormous criteria to the extortion act of those who murdered Lindberg’s son. Even during the stage of the negotiations in Switzerland, just as in the earlier stage of the Holocaust of the provincial towns in Hungary, the extortionist was partner to the murder.

On the basis of the proofs in the presented material, I do determine that Becher was a war criminal in the sense of the major verdict of the International Tribunal in Nuremberg and the verdicts that were given following it. On the basis of the same proofs, I am convinced that Kasztner knew that Becher is a war criminal. The additional behavior of Becher and Kasztner confirms these facts.

### **The Meagerness of the Alibi**

116. As regards the aims of the negotiations held by Becher on Himmler's mission since the middle of 1944 until the end of the war, Kasztner said in his testimony (p. 246):

“It was clear to me that the major hopes of the Germans were:

One: Contact with the Allied Forces.

Two: Alibi.

Three: Money.

By order of the importance it is true that (a) and (b) were more important than (c)”.

In his declaration under oath in London (exhibit ט"ז) of September 13, 1945, Kasztner declared:

“The Germans started talks with leaders of the Jewish community for reasons of administrative efficiency. We held the talks hoping we would have the ability to save a few human lives. By holding the axe above their heads (the word ‘their’ is erased and the words ‘our’ is written with a pencil) they turned them (‘them’ is erased and in pencil ‘we’ has been written) responsible for financial contributions and other debits that were cast upon the Jewish community. At the end, the leaders of the Jewish Council and other mediators were also destined for annihilation. The SS and the Gestapo were particularly interested in the liquidation of those who had direct knowledge about their actions. I escaped the fate of the other Jewish leaders due to the failure of the plan for complete annihilation of the Hungarian Jewry and also because SS Standartenführer Kurt Becher has taken me under his wings so that at the end, he would establish an alibi for himself. Following the autumn of 1944 he was anxious to demonstrate his objection to deportations and annihilation and consistently provided me with evidence to the fact that he was trying to save Jews. The SS Hauptsturmführer Wisliczeny informed me time and again that in his opinion, Germany cannot win the war. He believed that by leaving me alive and by doing a few concessions in the campaign against the Jews he could have a defense witness when he and his organization would stand trial for their atrocities.”

Throughout the period, from May 1944 up to the end of the war, Becher operated on the special mission of Himmler and through constant contact with him for the forming of contact with the Western countries. At the end, Becher used that line so as to form a personal alibi and so as to save himself from punishment for his crimes. Kasztner collaborated throughout that period with the Nazi rule and the heads of the SS in general and Becher in particular. Since the end of December 1944, he came part of his headquarters and followed him from one place to another. The agreement to save Becher by Kasztner after that war stemmed from that connection.

Before his decision to return to the Reich and the end of 1944, Kasztner tried to get authorization for such a step from the head of the Joint in Europe, Mr. Joe Schwartz who was in Switzerland at the time. But Mr. Schwartz abstained from giving Kasztner the “advice” he asked from him and left the responsibility for such a decision in the hands of Kasztner himself

(Kasztner's testimony, p. 68). Kasztner returned to the territory of the Third Reich on his own accord and in that, kept his promises to Becher and Eichmann.

In his declaration under oath in London (exhibit ט"ז) Kasztner said:

“I started driving back to Budapest, but I could only reach Vienna.”

This version is not true. While he was in Switzerland, Kasztner already knew he was heading for Vienna which is where Becher has transferred his headquarters to on December 23, and not to Budapest which the SS has left in those days. Kasztner even gave back Saly Mayer a substantial sum of money given to him for the Jews in Budapest since he decided not to go back to Hungary (Kasztner's testimony, p. 270).

In his chief testimony, Kasztner said (p. 90):

“I drove back but I did not go back to Budapest which was already surrounded by the Russians. I drove to Vienna. I knew I would not get to Budapest. A role was cast upon me, I wanted to fulfil it to the end, and this is why I left Switzerland and drove to Vienna. Another reason: when he left Budapest, Eichmann threatened me that if I do not come back, while my family was already in Switzerland, he would take vengeance upon the Jews. Of course, I could not undertake such a responsibility, but I said to myself that if there is hope or chance to save even one Jew, then I must continue. In Vienna, I met Becher whose headquarters were now in Vienna and I stayed there... I asked him if there is a possibility to reach Budapest and he said that there is still connection via air but warned me that the road was not safe because of the Russian soldiers.”

In his cross-examination, Kasztner said (p. 275):

“In Switzerland I found out that the road to Budapest was closed but I am not sure about it. I had certainty about it in Bregenz. I did not return to Budapest by air because Becher warned me that it was a very dangerous way and added that he does not know if he could at all arrange such a flight for me. I was not afraid to die in the hands of the Germans (I returned to Vienna), but I did not want to die in the hands of the Russians as a German. This was not connected with the rescue role. I do not know what I could do in Budapest. From there, I could not judge where was the place in which I could do more. I thought I could do more in this area in Vienna than in Budapest. I took into consideration the element of danger in the air... I provided medication, oil and domestic utensils to the hospital in Vienna. There were no other people who supplied these at the time... Vienna there were 160-180 local Jews and in addition in Vienna and its suburbs there were a few thousands Jews from Hungary, and in addition approximately 5,000 half-Jews or quarter-Jews and Jews married to non-Jews. In Budapest at that time were approximately 80,000-90,000 Jews. In the hospital in Vienna, there were approximately 200-300 Jews.”

The 80,000-90,000 Jews in Budapest were in those days in severe danger because the Arrow Cross members and the remnants of the Nazis wanted to annihilate them before the city is conquered by the Russians. However, Kasztner testified that he did not know what he could do in Budapest. It should be indicated that already during the truce period that preceded the Szálasi coup in Budapest, Kasztner was thinking about leaving Budapest in such a case and to

accompany Becher to Germany (Kasztner's report, p. 101). Moreover, both Becher and Eichmann were interested at the end of December to have Kasztner come to Vienna and not return to Budapest so they could continue exploiting his services. In his report (p. 147) Kasztner tells that on December 24, Becher has sent his deputy from Vienna to Budapest, especially so as to bring Dr. Billitz to him in Vienna. Billitz wanted to stay in Budapest and he drove to Becher so as to ask Kasztner for his permission to return to Budapest. When he arrived in Vienna, the Russian ring was closed behind him. A short time afterwards, Billitz died in Vienna. It is clear that Billitz was brought to Vienna by Becher for the sake of the same purpose that Kasztner was asked to actualize: to serve as an "alibi" for Becher. To Becher's bad luck, Billitz died and so Kasztner remained his only or major "alibi". It is clear through the parallel case of Billitz that just as Kasztner drove to Switzerland at the end of November, following the orders of Eichmann and Becher, thus he returned to the Third Reich and drove to Vienna and not to Budapest following the orders of Eichmann and Becher. As to the closing of the Russian ring around Budapest at the end of December, that was expected a priori. If Kasztner was precisely interested to return to Budapest he would not have stayed in Switzerland for a whole month.

As to Eichmann's threat to take vengeance upon the Jews in case Kasztner would not come back, that threat is more important as a proof for the strong interest of the Nazis (and not only that of Becher) in the services of Kasztner during the last stage of the war more than actual motive to Kasztner's return. At any rate, already in February 1945 Kasztner went to Switzerland and returned from there to the Reich without a threat by Eichmann.

As to Kasztner's major interpretation ("a role was cast upon me, and I wanted to fulfill it to the end... I said to myself that if there is hope or chance to save even one Jew, then I must continue") – one can accept these words only through great reservations. Kasztner knew very well that he has no power to save Jews within the Third Reich but only to the extent that the Nazis per se would be interested in it. Why then was there need in Kasztner's being within the Third Reich so as to enable Becher or other Nazis to save Jews as much as they felt like it? The answer is partly insinuated in Kasztner's declaration under oath in London (exhibit ט"ז). Kasztner knew that Becher and his friends are not interested in saving Jews per se but only in the demonstration of an alibi and that his being in the Reich is necessary for them so he could testify in their favor once the war is over. Moreover, just as the Nazi war criminals needed an alibi through the demonstration of the fact that they saved Jews during the last minute of their regime, thus Kasztner, as one that collaborated with the Nazis, needed an alibi for himself. Kasztner felt that his single actual achievement – saving the Bergen Belsen group – would not suffice after the war so as to justify his tight and prolonged cooperation, since May 1944, with the bloody rule of the SS. He was interested in participating with Becher's alibi actions. The partnership of interests between Becher and Kasztner is the one that motivated Kasztner to return to Germany and continue joint actions with him.

This is how Becher describes their meeting in Vienna (exhibit י"ג, p. 10.):

“Dr. Kasztner appeared before me on December 31, 1944, on New Year's Eve, saying: 'I am coming to you so that you would not enter the new year through the feeling that I might not come back to you'. He also said that through my constant help he feels that he is linked with me with the strongest contact.”

From January until April of 1945, Kasztner stayed in Vienna without any Jewish "hinterland". He no longer acted as head of the Rescue Committee of the Hungarian Jews and he was

disconnected from any Jewish public. When in Vienna Kasztner did not stay at the Jewish congregation building or the Jewish hospital in which there remained a few hundred Jews. He stayed at the hotel in which resided the SS officers and in which a room was rented for him by the actual head of the Gestapo. The same head of the Gestapo invited Kasztner to his office and gave him the following instructions (Kasztner's report, p. 147):

“I am not allowed to be in the company of the ‘Arian’ and I am prohibited from making any kinds of acquaintances and it is forbidden for anyone to know that I am a Jew.”

In fact, Kasztner was attached to Becher's SS headquarters. If in Budapest the Rescue Committee headed by Kasztner was a Jewish Rescue Committee under the patronage of the SS (clause 36), then in Vienna Kasztner alone was the Rescue Committee which was an inseparable part of Becher's headquarters. If in Budapest there was cooperation between the Rescue Committee and the Judenkommando and the collection department of the SS, then in Vienna Kasztner's role was an inseparable part of the SS roles in general. In addition to the annihilation department and the collection department, the SS opened a rescue department headed by Kasztner. All the annihilation, robbery and rescue actions of the SS were coordinated and were under the uniform management of Himmler. Becher did not make a small or a big step, neither in the period of Budapest nor in the period of Vienna or following it, without getting a previous authorization from the SS Reichsführer (see exhibit ט"ז, Kasztner's report and his testimony).

Saving the 28 Bratislava Jews during the days in which the city was evacuated by the Nazis and on the eve of its being conquered by the Russian army at the beginning of April 1945, was a clear act for an alibi, performed by Kasztner and Krumej following Becher's instruction with the authorization of Himmler. During the days in which the Russians were at the gates of Vienna and Himmler came over there so as to discuss the protection of the city, Becher had other worries then, except gaining from the SS Reichsführer the authorization to save a small group of Jews from Bratislava so as to transfer them to Switzerland (Kasztner's report, p. 168). For three successive days (from March 31 until April 2) Kasztner and Krumej – commander of the Judenkommando, who was responsible for the annihilation of half a million Hungarian Jews, in addition to the annihilation of the Jews in Austria and Poland (Kasztner's declaration in London, exhibit ט"ז) – stayed in Bratislava and endangered themselves under the Russian bombardment, so as to take out of the city a number of Jews who until then, were hidden from the Nazis, and save them from the Russians. (See testimony of Dr. Juraj Revesz, p. 586 onwards). A letter by Kasztner to Saly Mayer (exhibit 29) proves that the aim of that action was to help Becher with the demonstration of his alibi and to prepare the ground for Becher's last meeting with the representative of the Joint in Switzerland (a meeting that at the end, did not take place). For the same purpose, it was most useful that Kasztner managed to persuade Rabbi Weissmandel from Bratislava – who at the time jumped off the train to Auschwitz and since then hid from the Nazis in a hiding place – to join the transport to Switzerland. But most of the Jews, including the leader of the underground, Dr. Juraj Revesz, did not agree to leave Bratislava and it was with great difficulty that Kasztner found 28 candidates for that transport. In his testimony, Kasztner said:

“I was hesitant as well and we convinced each other that it was better.”

The representative of the Red Cross in Bratislava, Mr. George Dunan wrote in his book (exhibit 2) which was presented by the general prosecution and whose major contents were confirmed by Kasztner in his testimony, that Kasztner told him (p. 213):

“There are a few families I wish to take to Switzerland. After a few months of decent food and rest they could return to their work there.”

It should be indicated that in his declaration under oath in favor of Becher in Nuremberg (exhibit 73) Kasztner added:

“Approximately 75 Jews who were hidden in Bratislava were gathered and taken to Switzerland following an agreement between me and Becher (April 1945).”

The truth is that Becher added to the 28 Jews from Bratislava, approximately 45 Jews from Vienna and sent all to Switzerland at which they arrived on the day in which Kasztner crossed the border (April 20). In order to enhance Becher’s alibi, Kasztner declared under oath that “these were approximately 75 Jews who were hiding in Bratislava.”

George Dunan also tells in his book (pp. 211-212) that the head of the Gestapo in Bratislava, Vitezka, who until then persecuted the Jews who were in hiding so as to send them to annihilation, had been given instructions from Kaltenbrunner, to round up Jews so as to send them to Switzerland and he returned to Mr. Dunan so as to discover the addresses. Mr. Dunan answered him, justly, that if he wishes to save Jews, he has enough Jews and more whom he can release and send to Switzerland. This is indeed the answer that pinpoints the whole joint action of Himmler, Becher, Krumej and Kasztner on this issue.

The testimony of Dr. Revesz about the attempts of Kasztner and Krumej to detain, with the help of the witness, a train that led Jews from the Sered concentration camp to the Theresienstadt death camp, can be read as a “Chelm” joke (chief interrogation, p. 586):

“Kasztner ... came to me secretly ... and told me to go with him to the train station and that he has a possibility through SS Krumej to stop the last train from Sered to Theresienstadt. Since the Red Army was nearing, the Germans and the Slovaks wanted to transfer the whole Sered concentration camp to the Theresienstadt camp. Kasztner wanted to stop the train and turn it towards Austria. Kasztner asked me to go to the train station with him. I did not want to go because the Slovaks were looking for me for many months but I went since Kasztner told me that there is no danger because SS Krumej can instruct the Slovaks to do whatever he wants. Kasztner told me that he would not tell my name to Krumej nor to anyone else. We walked to the train station but we could not arrange a thing since because of the war danger they directed the train through another junction and not through Bratislava.”

In the cross-examination (p. 588):

“I knew that Kasztner is connected with the Germans. I heard that he is working for the rescue through connections with the Germans. Dunan brought him and he was very, very cautious and so I was not apprehensive. ... The second visit was near the liberation date. Then Kasztner came alone to my bunker. He asked me to go to the station with him so as to help with the stopping of the train. Kasztner told me that Krumej is waiting for us at the train station. I do not remember if I saw Krumej there. I went alone, directly to the train’s manager and told him that we came with the aim to stop the train from Sered. I told him there was an order to stop the train. I think that I did not tell him who gave the order but I do not remember. Kasztner waited outside in the vicinity. I showed

no papers to the manager. The manager said that the train from Sered was turned from Koto to Theresienstadt and that there is no possibility to stop it. He must have asked me who I am and on whose behalf I came. I think I told him I want to stop the Jews and there is someone here. ... that there are Germans, SS. We drove to the station to stop the train. He did not ask to see the SS. We drove to the station in a car. I returned to Kasztner but we did not encounter Krumey. I was in danger and did not wish to make contact.”

Kasztner took Dr. Revesz – who was wanted and a price was offered for catching him – out of his hiding place and brought him to the train station so he would talk to the station manager while Kasztner and Krumey stood from afar. There is no reasonable explanation for that act except for the fact that Dr. Revesz was attached to that action so as to serve as a witness for the alibi in favor of both Kasztner and Krumey.

In his testimony, Kasztner argued that following his demand and initiative, Becher obtained from Himmler instructions to prevent mass murder of the Jews in the last minute before their surrender. In addition, he was even appointed at the beginning of April 1945 as a special commissioner of all concentration camps on behalf of the Reich “so as to improve the state of the Jews that still existed and prevent their murder and annihilation”. (Kasztner’s testimony, pp. 97-98). Kasztner also testified that he asked Becher to accompany him on his drive to the biggest concentration camp (p. 246) and told Becher that one should hand the Bergen Belsen camp immediately to the British Army that camped in that vicinity. He added and testified that the surrender order was sent to the British Army in his presence (pp. 99-100). In Kasztner’s notice to the police (exhibit 8) it has been said:

“Through cooperation with Colonel Becher, I succeeded in preventing the annihilation of the tens of thousands of Jews, in the very last moment, who were there when Germany surrendered.”

As opposed to that version of Kasztner, Becher admitted in his memo (exhibit 7) that contrary to his interest to have an alibi, the whole operation was Himmler’s initiative and was performed according to his order. In exhibit 7 (p. 13) Becher says:

“A telegram reached me in Vienna on April 3, 1945 according to which I was to report immediately before the Reichsführer Himmler. I was there on April 5, 1945 and heard from the Reichsführer that soon other concentration camps would be found in the proximity of the enemy, camps in which there are also – has he expressed it – my proteges, meaning Jews. The Reichsführer discussed the possibilities and the conclusions that stem from the abandonment of the camps into the hands of the approaching enemy armies. I supported the idea of abandonment immediately. I had the impression that Himmler also prefers this way but he still did not want or could not make a final decision on the issue. He said that for the time being, a decision is needed regarding the Bergen Belsen camp, which turned into the most urgent one due to its proximity to the enemy. He said he was considering to place responsibility for the implementations upon me.”

Here Becher described his hesitation about undertaking the roles linked with the concentration camps:

"For I never had any business with the concentration camps and my foot has never stepped in any of them. ... I drove without delay to my headquarters so as to discuss my future mission there also with Kasztner. Following ample consideration I saw in that mission a tremendous, one-time chance to prevent, in the very last minute, actions that could stem from contradictory orders, through independent decisions of their commanders, due to a state of alarm and mainly, so as to prevent the prisoners, both Jewish and Arian, from being entangled with battle actions. I made a suggestion to Dr. Kasztner to escort me so he could get the state of affairs by himself and support me in case of need. Dr. Kasztner agreed to help."

In his cross-examination, Kasztner testified (p. 246) as follows:

"Becher took me to Bergen Belsen since I told him that the role that is still facing him is to save the Jews who are still alive in Germany. I asked to join him on his drive and I do not know why he agreed for me to join him. It seems reasonable that he wanted me to see the alibi, how he handed the camp to the Allied Forces. I do not remember if at the time it also seemed reasonable to me."

Kasztner also testified (p. 285) that:

"Once, Becher openly insinuated towards an alibi. During the last days of the war, on the road from Hamburg to Berlin, in the forest when we took a walk in the evening of April 14."

The aim of getting an alibi for both Himmler and Becher, by inviting Kasztner to be present during the handing of Bergen Belsen to the British, is salient through the following segment of Becher's memo (p. 15):

"Following an urgent suggestion of Dr. Kasztner, Himmler allowed me to. Drive, as fast as possible, to the meeting on the border in Lustenau by Bergenz. ... Dr. Kasztner handed a written report about those days to the president Saly Mayer who was supposed to advance our drive."

In his declaration under oath in London (exhibit ט"ז) Kasztner said:

"Himmler allowed giving the Jews of Bergen Belsen and Theresienstadt to the Allied Forces without any shooting. To him and in the eyes of his friends, that was such a tremendous and generous exemption for which, there is no doubt, he hoped to get some kind of political exemption."

In view of these proofs I have no doubt that it was not Kasztner or Becher but Himmler who was the initiator for handing over the Bergen Belsen camp into the hands of the British Army who was about to conquer it and that Kasztner's role in this episode was nothing else but to serve as an alibi witness for Himmler and Becher.

It should be indicated here that Kasztner was already presented "in an informal mode" to Himmler during his visit to Vienna at the end of March. In his testimony, Kasztner said (p. 97):

"I was also presented on March 28, even though not formally. Himmler came to Vienna to take military steps for the protection of the city. They took me to the building in

which the meeting concerning the defense of Vienna took place under the leadership of Himmler. I stood there in the corridor with Krumei and Becher and when Himmler approached him, Becher pointed at me.”

On April 19, Kasztner and Krumei arrived at the Swiss border. In Kasztner’s report (p. 181) it is written.

“April 19 – I arrive at Switzerland. Krumei stayed at the border and waited for me to tell him where and when the conversation could take place at the border with Becher for whose arrival they are waiting as well. That day, the ‘Bratislava transport’ arrived in Switzerland. In the meantime, their number rose to 68, through the complementing of the group, with Becher’s authorization, with 41 Jews who worked in Austria and their relatives. April 20 – repeated talks with McClelland, Saly Mayer and Nathan Schwalb in Geneva. Last conversation with Becher is considered by them to be redundant.”

In his final testimony, Kasztner explained that segment as follows (כ"ח, p. 12):

“The issue was trick oriented. Is there any use, regarding the military development in Germany, can Becher do or prevent anything or can he not. That was the subject. My opinion was that maybe it was worthwhile... later I wrote the commander of the Swiss border... that he should inform Krumei that no meeting will be held.”

The segment presented above from Becher’s memo (p. 15) about the special permission that had been given by Himmler “following urgent suggestion by Dr. Kasztner to travel as quickly as possible” to the meeting at the border and about Kasztner’s report that was sent to Saly Mayer concerning the handing over of the Bergen Belsen concentration camp and so on, a report “that was meant to advance our travel” – shows clearly what was “the trick issue” and why did Kasztner tell Saly Mayer, McClelland and Nathan Schwalb that “maybe it would be worthwhile” to meet Becher. Yet the three very well noticed the intentions of the Nazi war criminals, to assure for themselves, through Kasztner, an asylum in Switzerland or an alibi in a different mode, and they did not lend their hand to that.

If another proof was needed for the fact that Becher was a war criminal who wanted to get an alibi at any cost, then the Schweiger affair was there to grant it. Dr. Moshe Bar-Zvi (Schweiger), Kasztner’s friend and a member of the Rescue Committee, was, as it may be recalled, in charge of “defense issues” in Hungary. He was arrested at the beginning of April 1944 in Szabadka by the Gestapo, was transferred to the jail in Budapest and from there, in the middle of July, to the concentration camp Mauthausen in Austria. Dr. Schweiger testified as follows (p. 457):

“Daily, people were annihilated in various ways. By gas, being thrown physically into a stone quarry at the depth of 3-4 floors, by beating them or shooting them, by using dogs, through the injection of benzine, petrol – the regime of a death camp... Since the middle of July until April 20, 1945, I was under such a regime. On that date, I was summoned to the political department of the camp. A day before, a friend of mine, secretary of the former Social Democratic Party in Linz, was summoned at the same time, to the same department... an hour later he was put into the crematorium... in that department an officer admitted me and transferred me into an infirmary, a kind of hospital but not for Jews... He told me I would get food from the kitchen of the SS...”

They brought me to the infirmary... I was the only Jew there. I was there for 8 days and in the morning, after 8 days, I was hastened to the office of that camp. The commander of the camp arrived there with his deputy and another officer I did not know. The officer who was not from that camp, opened the door and told me: 'Herr Doctor, do come in.' He asked me what he should tell Kasztner if he sees him... He gave an order to transfer me to a new place... to the block of the prominent... instructed to give me civilian clothes... told me that I need not greet the SS people anymore, that I can do whatever I want but not leave the camp. I stayed there until the evening of May 4... They handed me to the officer who waited for me at the gate of the camp and we drove to the village of Valdezi, a small town by the Danube. A ship was there and he transferred me to the deck of the ship... In the morning all the people in that ship got up, all of them SS... at noon they let me into a cabin on the ship where I found the unfamiliar officer... the one who at the time turned to me as 'Herr Doctor'... he told me his name was Becher, that he collaborates with Saly Mayer and Kasztner for more than a year now, that Kasztner pressured him all the time to find me and to save me and indeed he had given instructions in Mauthausen to hand over the camp to the Americans without resistance. But 'you do know our people and they can perform acts of foolishness in the very last moment'. That is why I thought (he said) that it would be better if you stay here with me."

In exhibit ט"ק (p. 18) Becher tells that through "personal discussion" he managed to obtain Himmler's consent to take Schweiger with him "on his way" to the meeting on the Swiss border. Becher drove with Schweiger from the ship to General Winkelmann who at the time was in charge of all the SS units in Hungary, towards the Swiss border. However, the road was blocked by the French army and Becher moved with Schweiger to a hunting lodge and stayed with him there for a few days. Schweiger testified more about it (pp. 472-474):

"Becher's appearance, the 'Herr Doktor' and so on, was something amazing. I thought I was sick and therefore I did not understand something. He was polite in an unusual way. It is true that he handled me for approximately two and a half weeks. I saw the sign of his rank, Standartenführer, and the fact enhanced my amazement... In the hunting lodge we were together for 2-3 days and there were 3-4 SS officers and two Jews with him. Becher and I ate there separately. Usually, Becher did not eat there with the other SS officers but with me... I was also under the impression that maybe they are organizing an alibi here... Becher told me that he promised to hand me over to Kasztner in Switzerland as a 'personal gift.'"

Becher stayed with Schweiger in the hunting lodge until the surrender of Germany. Only then (Schweiger's testimony, p. 472) did Becher hand Schweiger a suitcase with jewelry and valuables telling Schweiger that "this was the payment for the group that traveled to Bergen Belsen" and which he wanted to keep "for the Israeli nation". On May 8, 1945 Becher gained Schweiger's signature on a recommendation letter (exhibit ט"ק"ג) and following that letter, Becher wrote at the end of his memo (exhibit ט"ק"ד):

"I humbly request permission to let me write a few lines to Messrs. Dr. Rudolph Kasztner, the president Saly Mayer, St. Galen and to Dr. Nicholas Schweiger with the argument that it was also a special request of the Messrs. to stay in constant touch with me and with Mr. Grabau."

Would the Standartenführer in the SS behave that way towards a Jew, a prisoner of the death camp if his conscience was clean and when he has just saved – as claimed by Kasztner and Becher – tens of thousands of Jews and other residents of the camps, from death? Would Becher approach the SS Reichsführer with “personal discussion” in those troubled days before the collapse of Germany so as to save a single Jew, if it were not for their intention to form an alibi for themselves through Kasztner?

As for the handing of the deposit to Schweiger, Kasztner testified as follows in his cross-examination (p. 290):

“Becher could not have given me the deposit... the armies of the west and those of the east were about to encounter... It was not clear if I would make it to the Swiss border. Becher received from me the name of Schweiger as the one he should give the deposit to. It is an absolute lie that I wanted to have a third person.”

In his final testimony, Kasztner responded to the court’s questions (פ"ד, pp. 12-13):

- “Why did you not bring the treasure yourself, when you drove with Krumei to the border?
- ... it was not at all certain that I would be able to continue my way from Theresienstadt to the border... I did not want to undertake the burden of the responsibility...
- Why was it safer to hand it over to Schweiger?
- I did not hand it over to Schweiger. I did not arrange for it to be given to Schweiger. I advised Becher to hide it.
- How did it occur to him to hand it to Schweiger?
- The results of the circumstances. He did not dare leave them money in Berlin and he took it with him. Later he saved Schweiger and probably wanted to do it as a gesture by the border, maybe at his meeting with McClelland so that it would make an even better impression. In the meantime he did not succeed in reaching the border, remained in German territory and was attacked by partisans etc., and he thought that it would be worse for him to be found with the money. I did not see the treasure with Becher in Berlin etc., but I knew that he is traveling with suitcases full of jewelry but I did not know which suitcase. We talked about the issue of handing it over with Becher and he said he wanted to hand it and that maybe I should take it and as much as I remember, I told him that the best thing for him to do – is to hide it.”

Here, Kasztner tried to withdraw from his testimony during the (above) cross-examination and according to which he handed Becher the name of Schweiger “so he can give him the deposit”. Yet, through all the evidence (Kasztner’s testimony, Schweiger’s testimony and Becher’s memo) it is clear that the release of Schweiger as “personal gift” for Kasztner and the handing of the deposit to Schweiger (if Becher fails to reach Switzerland) has been agreed between Kasztner and Becher in advance and Himmler’s authorization was also obtained in advance.

Immediately after handing the deposit to Schweiger, Becher was arrested and was held in the American captivity for two years. He was suspected to be and interrogated as a war criminal

(exhibit 76 – the declaration of his interrogator, Mr. [Kurt] Ponger). Following the testimony of Mr. Gideon Rafael who was appointed on behalf of the Jewish Agency over the matters of catching and punishing war criminals, Becher was about to be judged at the trial regarding the Malek concentration camp. Mr. Rafael testified (ש"ג, p. 18) that he clarified for the occupied authorities that he is afraid Becher would try to use the fact of giving back the moneys to Schweiger, as a mitigating fact and that he was not interested in having Becher escape his punishment. The witness added:

“I am of the opinion that the name Becher appears in the list we handed to the supreme tribunal for war criminals.”

### **Becher is Saved by Kasztner**

117. Did Kasztner save Becher, who was a war criminal, from punishment? In his chief testimony, Kasztner said (pp. 108-110):

“When I was in Nuremberg for the first or second time, I gave no testimony concerning Becher, neither at the tribunal nor at any of its institutes or those that service the International Tribunal. That which was written in the article, about my going to Nuremberg so as to testify and so as to save Becher – that is also a lie. The German court for de-Nazification summonsed me to appear at Becher’s de-Nazification trial. When I left the country, I did not know that the de-Nazification court would summon me to testify. I was summoned when I was there – I did not go. I did not feel like appearing there in front of the German. I had enough of them throughout the war. As opposed to that, I did agree to give a statement by oath on the matter of Becher. I sent them a statement by oath in which I delivered that which I knew concerning him. The International Tribunal held no actions against Becher. They interrogated him in Nuremberg for two years as regards his actions and no proof was found as to him being a war criminal, but since he was still a member in an organization that was considered as a criminal one – the Waffen-SS – he was transferred to the German de-Nazification court. He never faced the International Tribunal nor an American one or any other. It is not true that I helped him escape his punishment in Nuremberg. In Nuremberg, I gave no formal testimony in his favor. Becher himself told about this whole action and it is possible that I was asked by his interrogators but I did not give testimony or declaration by oath. With my own eyes, I saw a certificate of the International Tribunal in Nuremberg according to which, Becher was interrogated and found to inculpable as war criminal.”

In his cross-examination Kasztner said (pp. 132-133):

“I do not know if I have a copy of the declaration by oath given to the de-Nazification court as regards Becher, it is possible that I do not have it. I do not have to keep each and every piece of paper. I gave a declaration by oath before the notary in Nuremberg, the notary on behalf of the International Tribunal. I did not wish to turn to the notary of the German court. The name of the notary was Zelke, if I am not mistaken and he worked at the Evidence Division. I do not remember how many pages but it was short. I gave the declaration neither in Becher’s favor nor against him. My intention was to tell the truth. Not to be useful to him nor harm him but it was the court who was to estimate if the result would help him or harm him.”

In the next meeting, Kasztner asked to add the following words to his testimony (p. 133):

“Before the continuation of my interrogation, I wish to complement my words – for through my chief testimony it seems in a way that can have one interpretation only, that to the best of my knowledge, Becher helped with the rescue of Jews. Therefore, telling the truth, as it was known to me, through declaration by oath at the de-Nazification court, could have been favorable for Becher as much as the German court considered it to be so”.

Later on in the cross-examination, Kasztner said (pp. 135-139):

“...help in rescuing Jews was in favor of Becher, according to their considerations. It was my duty to tell the truth I know about Becher, just as I testified to the truth about other Nazis, and I had the satisfaction in helping with their hanging... It is true, that I had no other purpose but to serve the truth and justice. It is true that I had no reason, either personal or Jewish-National one to hold initiatives in favor of Becher but when I was asked, I testified to the truth... The International Tribunal declared the Waffen-SS organization to be a criminal organization and acted according to the automatic detention regulations against anyone who belonged to the organizations that were declared to be criminal. The members of these organizations had to prove that they, personally, are not culpable. He was positioned as a high ranking officer of the Waffen-SS. There were occasions in Nuremberg in which I was asked about Becher... approximately in August 1947. I was not asked much, not particularly. Examining magistrate Kurt Ponger asked me... He (Becher) was released on December 1947. My testimony in Nuremberg did not turn the scales for his release... I do not know if my testimony affected his release, I do not rule out this possibility that it was one of the considerations, even though one of the less important ones... It is a lie that Becher was released in Nuremberg thanks to my personal intervention. It is true that in exhibit 22, I wrote ‘was released in the meantime thanks to my personal intervention’. I insist on that which I said at court.”

Exhibit 22 is Kasztner’s letter of July 26, 1948 to the late Mr. Eliezer Kaplan, the Finance Minister regarding “Becher’s deposit”. In the opening of the letter int has been written:

“As is known, Becher was an SS colonel in the past and served as the communication officer between me and Himmler throughout the rescue operations and was released in the meantime by the occupation authorities, thanks to my personal intervention.”

Later on, in his cross-examination, Kasztner said (p. 141):

“When I write to the Finance Minister about the suggestions Becher made to save Jewish money in favor of the State of Israel and I wish to explain, briefly, the background of these suggestions so that the Finance Minister would believe in their seriousness, I formulate in a more expanded manner... There is no lie here because there is not such a big difference between the declaration by oath in Nuremberg and personal intervention. All I have written to Kaplan is exaggerated. I am permitted to say that it is a lie that he was released thanks to my personal intervention... The information I inflated is that concerning the meaning of my action in Nuremberg as regards to Becher... It is not true that I saved Becher from Nuremberg and that in addition I sent a declaration to the de-Nazification court so as to save him from that place as well.”

Pages 289-291:

- “He (Becher) did not ask me to be a witness for him but I want to say, for the sake of truth that after the war, his wife wrote to me and asked me to help him... She wrote me the letter in 1946... I answered her that I am very sorry but I do not have the possibility to do anything at the moment... She wrote me again and I did not answer her... To intervene on behalf of an SS officer so as to save him is usually and according to my concepts, a national crime. As to Becher, I had the moral right to say the truth even if it could help him. Personal intervention which is not a testimony, in my opinion, is permissible for a high SS officer, including Becher.”
- “Does a personal intervention in favor of a high ranking SS officer, including Becher, except for the testimony, constitute a national crime according to the witness’ point of view?”
- “My answer is positive – it is a national sin.”

A few months later, the esteemed defense counsel obtained Kasztner’s discussed declaration of August 4, 1947 in Germany concerning Becher. Kasztner was summoned to testify anew. He confirmed that the exhibit constitutes an official German translation and that exhibit 73 constitutes the original English formula of the same declaration. This is the original declaration by oath by Kasztner:

#### Declaration by oath

I, the undersigned, Dr. Rudolph Kasztner, wish to deliver the following declaration, in addition to the declaration by oath that was presented for the International Tribunal according to No. 2605 PS (USA.242) (as for other and additional details, see the above declaration) concerning former SS Standartenführer Kurt Becher.

As a results of the negotiations held during 1944-1945 between the undersigned, as representative of the Jewish Agency and the Joint Distribution Committee, head of the illegal Jewish Rescue Committee in Budapest and Kurt Becher, saving the lives of tens of thousands of Jews and those who were in the concentration camps, became possible. Even though the negotiations between Kurt Becher and myself started and was based on financial and economic basis, it did in fact lead to the most serious and efficient attempt to disrupt the Nazi plan for total annihilation of the Jews by the Germans following Hitler’s orders. There can be no doubt that Becher was among those very few SS leaders who had the courage to object to the annihilation program and to try and save human lives. The following results were achieved in fact in connection with my negotiation with Becher:

- (1) 1684 Hungarian Jews and Jewish refugees from Hungary were gathered in Budapest and were brought through Bergen Belsen to Switzerland, in two groups of August 21 and on December 6, 1944. This was the first time, during the war, that the Germans released from their hands an organized group of Jews.
- (2) Following Becher’s intervention with Himmler, the latter gave a general order in the autumn of 1944, which prohibited additional annihilation of Jews. Even though that order was partly sabotaged by Kaltenbrunner, Eichmann and other role bearers in the RSHA, many of the survivors of those included within that order, owe the fact of their staying in life to the issuance of that order.

- (3) Approximately 75 Jews, who were hidden in Bratislava, were gathered and taken to Switzerland following the agreement between me and Becher (April 1945).
- (4) Following Becher's intervention, approximately 85,000 Jews from the Budapest ghettos were not deported or annihilated during the months of November, December 1944 and January 1945, even though the Hungarian puppet government planned and decided to annihilate all the inhabitants of these ghettos.
- (5) During the last stage of the war, Becher struggled with Himmler to act against the efforts of the extremist group of the SS high leaders who tried to obtain the evacuation or annihilation of the survivors from the concentration camps, by handing these residents to the armies of the Allied Forces, and thus preventing bloody battles in the vicinity of these camps. Personally, I witnessed these efforts of Becher which led to the surrender of the Bergen Belsen concentration camp, few days before the arrival of the Allied Forces' armies. Considering the impossible conditions we found in that camp on April 11, 1945, that surrender was the only possible way to shorten the agonies of approximately 50,000 inhabitants, for it hastened their liberation. I witnessed the issuance of a similar order to the commanders of the Neuengamme concentration camp in the Hamburg area (approximately 12,000 people) and Theresienstadt (approximately 30,000).
- (6) Paying attention to the existing documents and to other testimonies, one can admit that Becher is the one who prevented the execution of the order issued by Kaltenbrunner, aiming to annihilate, in the very last moment, the inhabitants of the Mauthausen concentration camp (approximately 33,000 people – most of them political prisoners of many nations) and Flossenburg (approximately 17,000).

As I kept personal contacts with Becher since June 1944 until the middle of April 1945, I should like to emphasize on the basis of personal impressions, that Becher did all it was possible for him to do within the framework of his possibilities and status, so as to save innocent people from the blind murderous madness of the Nazi leaders. Thus, even if the form and the basis of our negotiations were most disgraceful, still I did not doubt even for a moment, Becher's good intentions. In my opinion, when his case is discussed by the Allied Forces' authorities or the German authorities, he is worthy of the fullest possible consideration. I am delivering this declaration not only in name but also on behalf of the Jewish Agency and the World Jewish Congress.

Signed: Dr. Rudolph Kasztner

Representative of the Jewish Agency in Geneva

Former Chairman of the Zionist Organization in Hungary, 1943-1945

Nuremberg, Germany, August 4, 1947

Kasztner testified (above) that he was interrogated by the examining magistrate, Mr. Ponger, about Becher approximately in August 1947, meaning it was closer to the date of his above declaration by oath. On December 1947, Becher was released by the International Tribunal in Nuremberg, on the basis of the fact that Mr. Ponger, the interrogator of war criminals, was convinced that he should not be brought to trial. He was transferred to the German de-Nazification court and was released there on February 1948 (see exhibit 74). In Mr. Ponger's declaration by oath of January 7, 1948 (exhibit 76), it has been said, among other things:

“For me and the other American interrogators, Becher's argument about his f rescue action in favor of the Jews and the inmates of the concentration camps seemed a priori as ones that cannot be trusted completely. However, accurate investigation and

the description of Becher's Jewish partners to the negotiations convinced me that indeed, it was Mr. Becher to whom, thanks to his skillful negotiations with Himmler and the various offices, tens of thousands of Jews and inmates of the concentration camps owe their lives."

Through the above segment, in addition to Kasztner's declaration by oath (exhibit 73) and his testimony about his interrogation by Mr. Ponger, it is clear that Kasztner was one of "the Jewish partners to the negotiations" of Becher who convinced the interrogator, contrary to his previous absolute lack of trust as regards Becher's claims, that it was indeed Becher who saved the lives of tens of thousands of Jews and inmates of the concentration camps.

Kasztner's declaration serves not only the testimony of an eyewitness about the facts known to him but also about the character and traits of Becher with the addition of a declaration about Becher for the authorities of the Allied Forces and Germany. And all of that – mainly the recommendation – not only on behalf of Kasztner himself but also on behalf of the Jewish Agency and the World Jewish Congress. It is obvious that a declaration with such a positive content about saving tens of thousands of Jews through Becher's personal courage and against Hitler's annihilation trends, on behalf of institutes that represent Israel, had crucial importance in favor of Becher. Kasztner did not exaggerate in his letter to the late Kaplan when he said that Becher was released thanks to his personal intervention.

Kasztner lied knowingly during the trial when he denied having recommended Becher or the fact that he intervened on his behalf. Moreover, he concealed the important fact that he did recommend and did intervene in favor of Becher on behalf of the Jewish Agency and the World Jewish Congress. Also, Kasztner's testimony that his declaration by oath was intended only for the German de-Nazification court does not correlate with the truth: the date of the declaration by oath which had been given 4 months before Becher was released by the interrogation institutes of the International Tribunal in Nuremberg, as well as the explicit words "when his case would be discussed by the Allied Forces' authorities or the German authorities", as well as the English language of the original (p. 73) and the indication in exhibit 73 that the German formulation is a translation of the English original – all that evidence shows that Kasztner's discussed declaration was intended first and foremost for the interrogation authorities of the International Tribunal in Nuremberg and only later on, in case Becher's issue would be transferred to the German de-Nazification court, also for a German court of that kind.

When the discussed declaration was presented to Kasztner during his additional testimony, Kasztner responded to the question, who gave him the permission to issue a declaration on behalf of the Jewish Agency and the World Jewish Congress, and said that Mr. Dobkin and Mr. Barlas gave him the permission to issue a declaration on behalf of the Jewish Agency and Mr. Perlzweig and Mr. Riegner – on behalf of the World Jewish Congress. Mr. Dobkin was called as a witness by the defence and denied, under oath, that he had given Kasztner permission to issue a declaration in favor of Becher on behalf of the Jewish Agency. The other three men mentioned by Kasztner were not called as witnesses by any party in this trial. Kasztner did not explicitly differ with the testimony of Mr. Dobkin but has delivered a nebulous testimony about the conversations held between them in connection with Becher and, in his final testimony, explained (ת"כ p. 14):

"Actually, I was the only one who had the possibility to judge if I may or if it is worthwhile for me to deliver such testimony in favor of Becher."

I do not believe that Mr. Dobkin gave Kasztner permission to give his declaration on behalf of the Jewish Agency. In all these circumstances, I am convinced that Kasztner used the name of the Jewish Agency without permission.

As to the actual contents of the declaration by oath, one should first say that the defense in this trial complied with the requirements of the law in bringing sufficient proofs to the fact that Becher was a war criminal. The duty to prove so as to withdraw Becher from that status by proving sincere rescue operations, was cast upon the legal adviser. In his summary, the esteemed legal adviser admitted that it might be presumed that Becher was a war criminal. He asked to discuss the contents of the declaration by oath only as regards Kasztner's belief that the facts mentioned in it are true. However, even by that aspect it was found out that Kasztner could not have believed in a substantial part of the facts mentioned in his declaration and as to the other part of the facts, he knew that they were not true.

Let us start with the "six concrete results" of the negotiation between Kasztner and Becher, specified in his declaration.

1. As to the 1684 Jews from Hungary "who were gathered in Budapest and brought to Switzerland through Bergen Belsen". Their gathering in Budapest was not the result of the negotiation between Kasztner and Becher but that of the negotiations between Kasztner and Eichmann. In his letter to the Jewish Agency of October 21, 1945 (exhibit כ"ב) Kasztner explicitly refers to the agreement to Eichmann and the receipt of the money to Becher. Becher's credit as regards the transfer of the Bergen Belsen group to Switzerland was a credit shared with Himmler.
2. As to Himmler's general order in the Autumn of 1944, against the annihilation of the Jews. In Kasztner's declaration in London (exhibit ט"ז) it was written that Becher showed him a copy of the order while in his report (p. 132) only a story by Becher that was told verbally is mentioned and also it is said there: "The existence of such an order by Himmler was confirmed later on in various ways. It was just a little more than a bluff in a general way." Himmler could not have issued "a general order prohibiting additional annihilation of Jews" without the authorization of Hitler who ordered "the final solution" for the Jewish question through their annihilation. Kasztner knew that Hitler has never cancelled his order to annihilate the Jews and did not give Himmler the permission or authorization to issue such a general order. During his declaration by oath in Nuremberg, Kasztner could not have believed, in good faith, that Himmler had issued a general order in the Autumn of 1944, contrary to Hitler's will. According to Kasztner's report (p. 132), in the said order, Himmler commanded that the annihilation by gas in Auschwitz should be stopped immediately and that the gas chambers should be dismantled. This part of the order, contrary to its other parts mentioned by Kasztner – is quite reasonable as a result of the state of war and the advancement of the Russians toward Auschwitz. There was no humanitarian act in that but only a means to hide the evidence for the Nazis' war crimes. Moreover, Kasztner could not have believed that Himmler's order was achieved through Becher's intervention and as a result of the negotiations between himself and Becher. According to Kasztner's testimony, the whole negotiation between Saly Mayer and Becher is based – until February 1945 – on a materialistic basis. Kasztner knew very well that in the autumn of 1944 there was

nothing in this negotiation that could have motivated Himmler to issue a far reaching order against the annihilation of Jews.

3. As regards the 75 Jews from Bratislava – see the chapter about the alibi actions above (clause 116). There it was proven that the declaration about “75 Jews who were hidden in Bratislava” is a false declaration. Moreover, it was proved that even the saving of the 28 Jews from Bratislava, was not rescue from Nazi annihilation but only an act of alibi by Becher and Kasztner with the help of Krumej and with the authorization of Himmler.
4. There is no proof to the fact that the 85,000 Jews in the Budapest ghetto were saved as a result of Becher’s intervention in the annihilation program of the Hungarian “puppet government”. The deportation on foot occurred during the first part of the period mentioned in the declaration by oath – and was not mentioned at all by Kasztner – which constituted a German action (Eichmann) and about Becher’s part in that action see above (clause 115). During the second part of the above-mentioned period, Becher was no longer in Budapest. Following the testimony of Krausz (י"ט, pp. 2-3) the ghetto was saved thanks to the intervention of the neutral legations.
5. As to the handing over of the concentration camps to the Allied Forces, see the chapter about the alibi actions (clause 116). While Kasztner declared that “Becher struggled with Himmler”, Becher admitted (exhibit י"ק) that Himmler was the initiator and Becher executed his orders. Kasztner knew very well that these actions were not the “concrete results” of the negotiation between him and Becher and that his role in Bergen Belsen was nothing but only to serve as an alibi witness. In his declaration in Nuremberg, he granted Becher the alibi for which he was summoned to begin with.
6. Through the basic formulation that “by giving attention to the existing documents and the other testimonies one can admit” that there is no testimony here but the admission of the contestant. Kasztner, who was no longer in Germany during the discussed actions, attempts to “admit” here to the additional rescue actions of Becher – probably an admission on behalf of the Jewish Agency and the World Jewish Congress. Everything that was said above about Kasztner’s lack of authorization to declare applies even more strongly over the lack of his authorization to confess.

The lies in the contents of Kasztner’s declaration, the lies in his testimony about the contents of the declaration before it was presented, the unauthorized declaration on behalf of the Jewish Agency and also Kasztner’s participation, knowingly, in the alibi actions of the Nazi war criminals – all of these join together into one inclusive proof that the declaration was not issued in good faith. Kasztner knew very well that Becher did not stand against the current through personal “courage” as Kasztner declared, but performed orders by Himmler, starting with the Bergen Belsen transport and ending with the handing over of the Bergen Belsen camp to the British and the initiative for all of these actions was not that of Becher, but of Himmler. In addition Kasztner knew that the aims of Himmler and Becher were not to save Jews but to gain Nazi interests – both in favor of the whole Nazi regime as well as in favor of all the war criminals connected with it. There is no truth and no good faith in his declaration that “I did not doubt even for a second the good intentions of Kurt Becher”. The discussed declaration of Kasztner was knowingly a false declaration, which had been issued in favor of a war criminal so as to save him from trial and punishment at Nuremberg. Thus, the defendant proved the truth in the accusation (7).

## The Accusation of Partnership in the Robbery

### The Accusation of Partnership in the Robbery

118. Accusation (ג) – Partnership in robbery between Kasztner and Becher – has not been proved. Indeed, Kasztner did entangle himself with difficult contradictions as regards “Becher’s treasure”. In his letter of October 21, 1945 (exhibit מ"ב) he informed the management of the Jewish Agency “with special joy and satisfaction”, based upon the attached report of Dr. Schweiger concerning the treasure handed over to him by Becher, that “the values (assets) given by the Committee in Budapest were never used by the Germans, meaning they were not available for serving the German war effort”; since in that letter, Kasztner says that the “values (assets) given to the German estimated by the Committee at 8,750,000 Swiss francs while the Germans’ estimation was 3,800,000 francs only, a dispute that was never settled”, then the letter could instigate the impression that the value of “Becher’s treasure” could be between the above mentioned two face value sums. This is indeed the way in which the Jewish Agency comprehended the letter and it becomes evident through the memo of Mr. Rafael (exhibit ט"ז) – “approximately 8 million francs” and the report by Mr. Arian (exhibit ל"ב, p. 6) – “a few million dollars”. The disappointment was great when the Jewish Agency received the treasure, which was deposited at the time by Dr. Schweiger in the hands of the American occupation authorities in Austria, and it was found out that it does not surpass the approximate sum of \$ 65,000. See the cautious and accurate report of Mr. Arian (exhibit ל"ב). Once Mr. Arian clarified the issue with all those concerned (except for Becher), including Kasztner and Schweiger, he reached the conclusion (exhibit ל"ב) that there is no basis to the argument that part of the treasure disappeared at the hands of the Americans and that “it is clear that Becher handed Dr. Schweiger only the smallest part” of the property he received from the Committee. As opposed to that, following his release in 1948, Becher issued a declaration on oath (exhibit 74), that he gave Schweiger “the diamonds, gold etc., that were given to me by Dr. Kasztner and its worth was approximately 2 million francs”. In his letter to the late Finance Minister Mr. Kaplan (exhibit 22), Kasztner supported Becher’s claim, specified the items that were missing according to Becher’s argument, and blamed the neglect in the supervision over “those among the Jewish Agency’s messengers whose role, at the beginning, was to take meticulous care regarding the suitcase’s fate”. In his chief testimony (p. 115), Kasztner said that Becher returned “approximately two thirds of the valuables we handed; of course they did not return the pengős and the coffee but the gold, diamonds, napoleons and so on”. In his cross examination (p. 284) Kasztner testified that “Becher returned to Schweiger property worth at least a few hundred thousand dollars”. This testimony is in concert with Becher’s declaration (exhibit 74), the letter Kasztner wrote the late Minister of Finance (exhibit 22) and also with Kasztner’s report (p. 183) in which it was said – even before Mr. Arian received the treasure from the American authorities – that Becher returned to Schweiger “a substantial part” of the valuables he received from the Committee and that the valuable assets that were returned by Becher “were estimated at a few hundred thousand dollars”. In his final testimony (ט"ז, pp. 8, 14) Kasztner said that the value of the valuables, gold and so on that were handed by the Committee in Budapest to Becher were “just a little more than \$ 100,000” (400,000 – 500,000 francs) and that all the rest were sums in pengős, coffee etc., which could not be guarded. That testimony contradicts the report by Kasztner in which it was said (p. 52) that most of the payment was made in jewelry, gold, and coins. Moreover, according to the same testimony it was clarified that Becher returned – according to Kasztner’s version – valuables whose value was far greater than the one he received. Indeed, Kasztner testified (ט"ז p. 16) that “Becher claimed before me that he returned more jewelry than we had given him and that he added jewelry that he received

from other sources". However, according to his chief testimony (above) "approximately two thirds of the valuables we gave, were returned".

Another contradiction in that affair concerns the date in which Kasztner found out about Becher's intention to give back the property he received from the Committee. According to Kasztner's testimony (ש"כ p. 14):

"As to the gold and diamonds there was hope following the hint we received from him. I think that we received the first hint of it in the autumn. He spoke clear words in Berlin, said he wanted to return that which he kept for 'the Jewish nation'".

But in the report (p. 183) it was said:

"At the time, on the occasion of the assets' receipt, Becher said he would not hand them over unless his superiors would force him to."

The version of the report indeed matches the words of Becher to Schweiger (exhibit ב"מק) and Becher's declaration by oath (exhibit 74), but it is unreasonable and is nothing but part of Kasztner's continuous efforts to "purge" Becher in the eyes of the Jewish Agency – efforts that started even before the end of the war and continued afterwards. The continuous steps towards Becher's exoneration were the actions towards joint alibi, the agreement to hand over the treasure to the Jewish Agency, the letter of October 21, 1945 (exhibit ב"מק) and also all of Kasztner's report which was given to the members of the Zionist Congress. Gradually Kasztner qualified the ground for the crucial step – the intervention in Nuremberg in favor of Becher on behalf of the Jewish Agency. His perpetual support – both before Arian's report as well as afterwards – in Becher's claims as to the return of the Jewish robbery, is nothing but part of his said exoneration plant.

One must not see the contradictions that Kasztner entangled himself in, as regards "Becher's treasure", as proof for his partnership with Becher in the robbery. It had not at all been proven that Kasztner spent his time in Switzerland through "life of vanity and debauchery", as was claimed by the defendant in his article. There was no proof that Kasztner had or had substantial property after the war and it seems that it was in fact the opposite and he lived a regular life of an official who makes a living through his salary. There is no basis for the accusation that Kasztner "smuggled heavy suitcases with gold, jewelry and other valuables, across the border". Also, the fact that the report about the rescue money was nebulous, is sufficiently interpreted through the unusual conditions of time and work and it does not at all prove that Kasztner dipped his hands in the rescue money, and I do not believe that he embezzled the moneys.

Kasztner's behavior, who since the end of the war covered Becher, tried to exonerate him in the eyes of the Jewish Agency and even saved him from the trial and punishment as a war criminal in Nuremberg, does indeed require very strong and most unusual motives. Yet, there is no need to ask for the explanation to that precisely in the financial area, as the defendant assumed in his article. There are many signs in Kasztner's report to the fact that personal sympathy feelings evolved in time between him and Becher, which blurred the natural partition between a Jew and an SS man. Kasztner's long cooperation with the Nazis had its impact that caused him to blur his vision so to speak and led to his identification with the period of his grandeur, which continued to effect Kasztner after that period war over. Becher's exoneration and justification were necessary for Kasztner so as to justify himself. These motives and similar ones can explain Kasztner's behavior, yet there is no need to determine the motive when the

act has been proved. The defendant did not prove his “explanation” and did not prove the truth in his accusation (א).

Also, the absolute privilege according to clause 205 (ב) and 207, commencement (א) or (ב) which the esteemed defense counsel relied on alternately, does not support the defendant as regards that accusation. The fact that no proof was presented to prove the argument of “life of vanity and debauchery in Switzerland”, “smuggling of heavy suitcases” and so on, and even the additional article of the defendant (exhibit 58) in which there is a kind of admission that he did not examine the details of his accusations prove that the defendant published the accusation (א) without checking with sufficient and reasonable attention if the accusation was true or not (clause 208, ב). Therefore, one must compel the defendant lawfully in that accusation.

The four major issues of the discussed article, specified in clause 1 of the verdict, constitute different parts of libel that is given to partition. Therefore, I acquit the defendant from transgression over clause 201 in the Criminal Law, 1936 concerning parts א, ב, ג above and I am convicting him for transgression over clause 201 concerning the said part א.

Was publicly announced in the presence of the defendant and his representative Mr. Tamir and in the presence of the legal adviser’s representative Mr. Tal, on Monday, June 22, 1955.

Benjamin Halevi  
President

## Sentence

1. The defendant Malchiel Gruenwald was accused by the legal adviser of libel according to clause 201 of the Criminal Law of 1936 and was acquitted from three of the four major parts of the libel specified in clause 1 of the verdict, clause 36 of the Law for the Amendment of Penal Law (penalization modes) 1954 which determines:

“A trial that was not opened through private complaint and the court realized there is no basis for accusation, then it is entitled to order the exchequer to pay the defendant the expenses for his defense for the sum determined by the court.”

The arguments of the verdict show that there was no basis for accusation concerning the above mentioned parts and according to the request of the defense counselor to allot the defendant part of the expenses for his defense, I see it fit to order, by virtue of the above mentioned clause 36, that the exchequer would pay the defendant the sum of 200 Lira as part of the expense for his defense.

2. The defendant was found guilty of libel according to clause 201, concerning part (א) mentioned above. Had this part of the article been an independent one, there would be room to impose upon the defendant actual punishment. However, in view of his acquittal from the other parts of the libel, whose weight is critical, it would not be a justice to punish the defendant less it is through symbolic punishment only. I therefore impose upon the defendant the fine of 1 Lira for the transgression he was found to be guilty of.

Was publicly announced in the presence of the defendant and his representative Mr. Tamir and in the presence of the legal adviser’s representative Mr. Tal, on Monday, June 22, 1955.

Benjamin Halevi  
President

”The Attorney-General of the Government of Israel v. Malchiel Gruenwald”, commonly known as the „Kasztner trial”, was a libel case in 1954-1955 that shook contemporary Israel and forced the nascent Jewish state to reexamine its connection to Holocaust history and the so-called phenomenon of „Jewish collaboration”. In his infamous judgment, which is still cited by Holocaust deniers and distortionists, Judge Benjamin Halevi claimed that Rezső (Rudolph, later Yisrael) Kasztner, a Zionist lawyer from Hungary, had „sold his soul to the devil” when he collaborated with Nazi SS officer Adolf Eichmann. Did Kasztner really collaborate? Was he really responsible for Hanna Szenes’s death? Did he really conceal the news of the Auschwitz gas chambers from Hungarian Jews? Is it possible that the Holocaust in Hungary was really the fault of one Jewish man? In this sourcebook, which is the first to publish the text of the first instance verdict of the „Kasztner trial” in English, Hungarian Holocaust scholar László Bernát Veszprémy critically analyses the text of Halevi’s verdict, pointing out its inaccuracies, errors and distortions. The volume is complemented by a thorough introductory essay by the historian-editor.

LÁSZLÓ BERNÁT VESZPRÉMY graduated from the Károli Gáspár Reformed University in 2016 with a degree in History and a Master’s degree in Holocaust and Genocide Studies from the University of Amsterdam in 2017. He is currently a doctoral candidate at the Doctoral School of Cultural History at Eötvös Loránd University. He was a journalist at the Jewish journal Szombat from 2016 to 2018, a research fellow at the Veritas Institute for Historical Research from 2017 to 2018, and a research fellow at the Hungarian Institute of Jewish History at Milton Friedman University in 2019. From 2018 to 2021, he was a researcher at the Migration Research Institute, and from 2019 to 2021 he was deputy editor-in-chief of the Jewish news portal neokohn.hu. He is currently editor-in-chief of corvinak.hu, the popular science journal of Mathias Corvinus Collegium. To date, he has published six books: four books by the Jaffa publishing house („Bureaus of Annihilation” on the History of the Hungarian Holocaust [2019 ], „1921” on the early history of the Horthy regime [2021], „Bereft of Council” on the history of the Budapest Judenrat [2023], and „Dirty Labor” [2024] on the history of Hungarian unarmed labor service), “Migration and Anti-Semitism in the West” published by MCC Press (2021), and an online reader on the history of Zionism (2021).

