



*Archief Philip Staal*

# *Settling* **THE ACCOUNT**

Listen carefully and don't forget that real stories must be told.

If you keep them to yourself, you commit treason.

Rabbi Yisrael Baal Shem Tov

Philip Staal

# Settling *the* Account

**(Mijn Erfenis)**

**P H I L I P   S T A A L**

Translated from the Dutch by Scott Rollins



# SETTLING THE ACCOUNT (MIJN ERFENIS)

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*Photo cover: Kinderhuis Vertrouwen 1945.*

*Marcel and Philip Staal, sixth and eight respectively from the right.*

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In memory of my parents:  
Isaac Staal  
Anna Nathan (née Cohen).

To all war orphans.

For Henneke.

*Listen carefully and don't forget that real stories must be told.  
If you keep them to yourself, you commit treason.*  
—Rabbi Yisrael Baal Shem Tov (1698–1760)

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## *Introduction*

The persecution and extermination of the Jews from 1940–1945 was the means by which the Nazis plotted to bring about the “Final Solution of the Jewish question.” This extermination was denoted by the terms *Holocaust* and *Shoah*.

*Holocaust* comes from the Greek word *holókauston*, which refers to a burnt offering to a God.

*Shoah* is Hebrew for destruction, extermination, downfall.

Seeing as how nothing was offered to any God whatsoever during World War II, but rather, everything was geared to the destruction of Judaism, the term *Shoah* is used in this book.

The Jews had to disappear but not what they owned. Before beginning the deportation and mass killings of the Jews, the German occupiers (with the help of their collaborators) made a point of looting their property.

The property stolen by the Nazis from the Dutch Jews during World War II equals at least forty-five billion euros in current value. After the war, the Dutch government took it upon itself to return the stolen property to the original owners. As of 1990, this postwar restoration of rights has been subject to extensive research.

As a result of the research findings, talks took place on the issue of restitution between the Dutch Jewish community and those institutions who still possessed remaining Jewish assets looted during World War II.

As one of the signatories of the agreement between the banks, the Amsterdam Stock Exchange, and the Jewish organizations—which in mid-2000 ensured restitution to Dutch Jews—I came to the conclusion at that time that no one had investigated the assets of the more than 1,300 underage Jewish war orphans at the conflict's end. I decided to investigate myself what had happened to the legacies of my parents.

In fact, even seventy years after the Second World War, the struggle of these war orphans to conduct independent investigations into the asset management of their estates has been impeded by countless obstacles and has still not taken place in a proper manner. This book examines in-depth the fundamental differences of opinion held by the opposing parties as to the very nature and desirability of such an investigation, including the historical backgrounds of those opinions.

My book is the first of its kind to examine the plight of the Dutch Jewish war orphans and, as such, it will also be of interest to those interested in the histories of child care and the treatment of trauma of children affected by war or conflict, as well as adding a unique chapter to the literature of the Shoah and its effects.

*Settling the Account* interweaves autobiographical narrative with historical facts and scholarly investigation into existing archives and documents. The historical facts and the quotes in this book have been taken from *Roestvrijstaal*, Staal 2008, Eburon, Delft, the Netherlands—a detailed and sound scholarly study based on historical documents. All documents are accessible on the website [www.staal.bz/](http://www.staal.bz/) enabling anyone to check the reliability of the source material.

Part one deals mainly with the personal narrative of my childhood, part two with the postwar restoration-of-rights process in the Netherlands, and part three with the restitution of those

remaining Jewish assets which were, in the year 2000, still present at the Dutch financial institution and with the government. The last part ends on a personal note in my quest to find out what had really happened not just to my parents but how my brother and my estate, as well as countless other war orphans, had been handled.

—Philip Staal

<https://staal.bz>



*Part 1*

**REMINISCENCE**



## **An Unexpected Meeting**

I was born June 13, 1941, on a beautiful summer's day, in the Israelite hospital in Amsterdam, a city which was once referred to as the Jerusalem of the West. Mrs. Monnickendam, a midwife in the hospital, helped deliver me from the womb of my mother, Anna Staal, and laid me in her arms.

It took quite a long time, until the winter of 1985, before I met my mother's midwife again at the Tel Aviv concert hall. Not that I recognized her, after all it had been forty-four years since my first "traumatic" encounter with her. Crying, I had passed from the safe womb of my mother into the unsafe world of those days. At the time of my reunion with Mrs. Monnickendam, I was a married man and the father of four children.

For years, my wife, Henneke, and I, together with two other couples who were friends of ours, had a subscription to a series of concerts. In 1985, one of the couples had cancelled their subscription. Another, older, couple came and sat next to us. They soon noticed that I was speaking Dutch to Henneke. We chatted with them during intermission and before and after the subsequent series of concerts. He had been a doctor in Amsterdam and, when he retired, had decided to emigrate to Israel.

As is usually the case with people who have just met, we talked about everything under the sun. At a certain moment, one of them asked, “How did you survive the war?”

“The war?”

I had fought in the Six-Day War, the Yom Kippur War, and the Shalom Hagalil War in Lebanon. I had also experienced the Gulf War and the Intifada. But when Dutch people in Israel talk about “the war” it is clear to everyone they are referring to World War II. The doctor’s wife started hesitantly asking me questions. Out of politeness, I told her about my childhood, my parents, and my grandparents. During intermissions at every new concert, her questions started to become more and more specific, questions that could only be asked by someone who had known my family. At one point, I understood they were rhetorical questions. She already knew the answers. Was she looking for confirmation that I was the person she thought I was? It took quite a few concerts and even more questions before she finally solved the mystery and said, “Then I was your midwife.”





## **Stay of Execution**

My parents were married on September 14, 1938. Isaac Staal was a diamond worker by profession, and during the Great Depression of the 1930s he had specialized in the manufacturing and painting of ornamental lamps. From this came the electric-lampshade-manufacturing firm, Modern, which in ten years' time had grown into a company that employed several workers. His hobby was painting all sorts of tableaux, which he framed in his atelier.

Anna Nathan brought furniture, paintings, etchings, jewelry, and carpets with her to the marriage. One of the works of art was a still life by the famous German painter Hanns Fay.

A couple of weeks later, the couple moved into a comfortable six-room house with a kitchen on Plantage Muidersgracht in the Amsterdam Jewish Quarter. The cellar to this building ran underneath three separate houses, making the residence ideal as a workplace for the factory and atelier.

They lived together in this townhouse with their children. My brother, Marcel, was born on a Friday in September 1939 and I on the same day in June 1941. Isaac and Anna and both of their parents and grandparents had also been born in the Netherlands.



Isaac's business was prosperous. His capital was the company, which the Nazis expropriated in 1942. His funds were invested in diamonds, paintings, gold, and stocks. Before his business had been liquidated by the occupier, he had thought to transfer a great deal of money to a safe place. This cash afforded him the prospect of exempting his family from forced labor and deportation to the extermination camps. My father believed he would do so by buying a *Sperr* stamp (exemption stamp for his identification card), or by going into hiding. The occupier afforded the opportunity of being exempted from deportation by turning in diamonds and precious jewelry. This turned out to be quite temporary.

It struck Anna and Isaac that more and more of their Jewish neighbors were disappearing. Some of them had been taken away by the Dutch police, something which did not go unnoticed in the neighborhood. There were knocks on the door, orders shouted, and beatings meted out with billy clubs. The houses of the deported Jews were occupied by non-Jewish residents. They were rented out by real-estate agents who controlled Jewish finances and the houses of the deportees.

The "Jew hunters" at the Dutch police were paid well, but it was hatred toward Jews that really motivated them. They worked with special police units whose sole aim was to arrest as many Jews as possible, if need be with brute force, and then hand them over to the German Sicherheitsdienst, the Security Service.

But there were also Jewish families who had suddenly disappeared without a sound. This usually happened in the dead of night. They had vanished without anyone noticing. Nobody knew where they had gone. They had decided to go into hiding.





## **Jews Not Wanted**

Because I am in the Netherlands on February 25, 2005, for a meeting, I am able to attend the commemoration of the February strike of 1941. The ceremony, near the Monument of the Dockworker at Amsterdam's Jonas Daniël Meijerplein, once the center of the Jewish Quarter, starts at five in the afternoon with the ringing of the bells of the Zuiderkerk. Job Cohen, Amsterdam's mayor and a member of the Dutch Labor Party, is one of the speakers. At places like this, my thoughts always wander back to my childhood.

I have reached the spot, I hear the speeches, but what is being said does not get through to me. Later on, I read a copy of Cohen's speech. What strikes me is that it is the same speech he gave to the meeting of the labor union held earlier that day—but then, with a reference to the role the country's Communist Party had played in 1941. *Apparently*, I mused, *he had considered it more politically correct and wise not to mention that at this commemoration.* Cohen ended with the words: "Only by standing shoulder to shoulder can we face opposition, combat intolerance, and resist discrimination. Shoulder to shoulder, racism never again." The mayor thanked everyone for their attention, which was clearly not intended for me.

I had been born in Amsterdam, which is sometimes called *Mokum*, the Hebrew word for place or safe haven. And so it was that for four centuries, from the time of the Spanish Inquisition until World War II, Jews had led integrated lives in Dutch society in this city. Beginning in 1941, harsher and increasingly restrictive measures were taken against Jews by the German occupier. And the Dutch National Socialist Movement (NSB) eagerly joined in.

Civil disorder was not tolerated by the occupier. Unrest of any sort always resulted in reprisals that were gruesome and whose purpose was to restore “order” and discourage acts of resistance. Violence against Jews in the street was tolerated and even encouraged. Actions taken by the uniformed troops of the NSB became harsher and harsher. They provoked whole Jewish neighborhoods, threw stones through windows, and forced café owners to post bills that said “No Jews Allowed.” This led to widespread street disorder in and around Rembrandtplein: there was a fight practically every day.

Today, the Noordermarkt is what the Waterlooplein used to be. But where you used to be able to pick up a nice little something for a song, now the special atmosphere, together with the Jewish merchant, has vanished. The humor has gone. Amsterdam is crying where it once used to laugh.

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When Isaac looked out over the quiet Plantage Muidergracht from his living room together with his heavily pregnant wife on February 11, 1941, the peace was being disturbed. They heard noise in the street. Faintly at first, practically inaudible. Afterward, the noise of worked-up, shouting men came closer and closer. It took them a little while to realize it was a military unit singing at the top of its lungs while marching down Plantage Middenlaan, past the

Hollandsche Schouwburg, crossing over Nieuwe Herengracht, and via Amsterdam's Jewish Quarter, advancing toward Waterlooplein. Isaac could tell by their uniforms that they were NSB, and he mumbled, "They have come to beat up Jews. That's how the Krauts have been reacting to the disturbances in our neighborhood these past few days."

The next day, Isaac and Anna's landlord, Peter Dierdorp, told him that Communist strong-arm boys had been alerted and had come immediately to the aid of the Jews.

"People went at each other with batons, blackjacks, and iron bars." Even a bottle of bleach was used. Some witnesses testified that shots had been fired.

Once the fight, which had only lasted a few minutes, had ended, a NSB-man Koot lay on the street without moving. He had been beaten unconscious and died a couple of days later in the Binnengasthuis hospital of his wounds. Koot was a collaborator, a member of the NSB movement, and active in the Amsterdam Resilience Department. His funeral at Amsterdam's Zorgvlied cemetery was seized upon by the NSB as one huge publicity stunt to draw attention to the injustice they had suffered. The NSB claimed in its publications that Koot had been brutally murdered. His body supposedly exhibited multiple wounds. A Jew was reported to have been seen bending over Koot's inert body licking blood from his lips. Koot's nose and ears had reputedly been gnawed off, and the cause of death had been attributed to his larynx having been bitten in half. In fact, the Dutch policemen who found Koot reported he had suffered a single, fatal wound.

"This is not good; there's a pogrom coming," Isaac said to Anna. "Come, take our boy. We are going to stay in the Okeghemstraat for a couple of days. When things have calmed down in the neighborhood, we'll come back home."

Isaac was right. The death of the Dutchman Koot gave the Germans cause to brutally show who was boss. Not a week later, two raids took place. Doors to Jewish homes were kicked in, Jewish men were manhandled to the Jonas Daniël Meijerplein. More than four hundred of them between the ages of eighteen and thirty-five were taken as hostages. They were deported to the concentration camps of Buchenwald and Mauthausen, where after a year of maltreatment and deprivation, they would all succumb.

The manhunt in the Amsterdam Jewish Quarter had outraged the general population and was the direct cause of the February strike. Barely two weeks after the raids, a brief public meeting was held at Noordermarkt, attended by numerous city workers. Dirk van Nimwegen, employed by the Amsterdam sanitation department at Bilderdijkstraat, had been designated by the illegal Communist Party of the Netherlands to speak to those assembled that evening and call for a general strike. In utmost secrecy, nearly four hundred workers had come to the Noordermarkt. Dirk knew he would have hardly time to speak; it could only last a couple of minutes before authorities would be summoned. He stood on top of an air-raid shelter built out of mounds of earth and piles of wood, and he spoke in no uncertain terms, without a microphone. "We cannot allow these acts of terror against our Jews go unanswered. Tomorrow, we must strike, comrades."

To speak there took courage, and Dirk van Nimwegen knew all too well the kind of punishment his call would elicit. Those assembled went home in silence. Under their coats they carried the manifestos with the call to "Strike, strike, strike," which they were to distribute the next morning at their places of business.

It was a success. Amsterdam went out on strike. No trams were seen in the streets, no garbage was collected. The shipbuilding industry walked out, the girls in the sewing sweatshops went home,

construction sites emptied. In two days it grew into a massive protest, followed by more than 300,000 civil servants, workers, storekeepers, university students, and secondary-school pupils in the greater Amsterdam area. There was no work being done; it had turned into a general strike. That was the answer Amsterdam working men and women gave to the terror against the Jews: no racism or anti-Semitism in our city. It was a signal of national resistance against the occupier.

The Germans were stunned. Never before had a strike taken place against anti-Semitism and the persecution of Jews. But the occupier quickly recovered and violently suppressed the strike. Nine people were killed and many were wounded. Arrests and executions soon followed. Countless strikers were imprisoned. Van Nimwegen was also arrested, but he escaped deportation. Two days later, the strike ended, under pressure of the Amsterdam City Council and with the help of the Amsterdam fire and police departments. Other cities that had taken part were fined heavily by the Germans. Amsterdam had to pay fifteen million guilders, approximately four million USD in 1941. Hunting season for members of the Communist Party of the Netherlands had been declared open. Because of this, another strike that had been planned was cancelled. And the systematic removal of Jews from society, their being stripped of their legal rights, robbed of their jobs and property, and deported to concentration camps continued without hindrance.

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In the summer of 1942, Isaac Staal had become joint owner of the Herzberg Rest Home at 57 Van Eeghenstraat in Amsterdam. He assumed that his new role would exempt him from deportation. Hitler's army kept up the appearance that they were only interested

in people who were fit enough to be put to work in Germany. For the time being, they were not interested in anyone who was sick or in need of any kind of assistance. This new function did indeed afford my father an exemption in the form of a *Sperr* stamp. Nevertheless, in the spring of 1943, the rest home was invaded by the obliging Amsterdam police on orders from the German police. All its residents and personnel were taken away. As luck would have it, my father escaped, because he was not in the building at the time of the raid. It meant he got a temporary reprieve. This incident made my parents realize just how critical the situation for their family had become, and they started looking for a safe place to stay.

For parents with small children, it was a difficult, if not impossible task to find a place to hide. It was easy for a childless couple on their own but even easier for young children and babies without their parents, especially if they were blond and did not look Jewish. The motive for Dutch Christians to take someone into their homes was naturally to help save a fellow human being. Other considerations may have also been taken into account, especially when it came to young children or infants.

Isaac and Anna agonized for months—considering, rejecting, and reconsidering the idea—before finally deciding to make the extremely difficult decision to entrust my brother and me to strangers and seek another hiding place for themselves.

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Late Friday evening on May 21, 1943, the time had come. My mother was the first to hear the faint knock on the door. Her heart beat wildly, she nodded at my father, they embraced, both listening intensely to hear whether this was the prearranged signal.

“Open up; it’s good people,” Aunt Cor whispered, a non-Jewish sister-in-law of Anna’s father.

“Where are my little darlings? We have to keep it short; I have to be at the agreed-upon place in Amsterdam in fifteen minutes.”

“They’re still sleeping; I’ll wake them. Here is a little bag with some toys and a teddy bear for them,” said Anna.

Marcel and I saw Aunt Cor and Uncle Jaap, a brother of my mother’s father, regularly. Sometimes we stayed with them for a couple of days; it was common and easy for us to say good-bye to our parents and go with them. That is why they had arranged for Cor to be the one to take us from the parental home to a place designated by the underground resistance in Amsterdam.

Dazed with sleep, we were given a last hug by Papa and Mama and put into the arms of Aunt Cor. She went out of the door softly, got on her bicycle with the two tiny tots, and vanished in the silent night.

Having arrived at the designated spot, not far from Plantage Muidergracht on the outskirts of the Jewish Quarter, Daan was waiting for Aunt Cor, my brother, and me. He should bring us the next morning to his sister Dina Hendrika van Woerden-Vingerhoets, who lived in the town of Soest.







## War

*Two days after German troops invaded Poland, the United Kingdom and France declared war against Germany. World War II had begun. The Netherlands, like they proclaimed in World War I, again declared itself neutral. This time, it made little difference. Our small country, just like Belgium and Luxembourg, was invaded by the German army on Friday morning on May 10, 1940. The poorly armed Dutch army was quickly overrun. At the Enclosure Dyke (Afsluitdijk), Grebbeberg, and Moerdijkbrug, the army put up a measure of resistance. Just three days after the German invasion, Prime Minister Max Steenberghe, in the name of the queen and cabinet, transferred government authority in the Netherlands to the commander-in-chief of the Dutch army. That same day, Queen Wilhelmina, together with the Dutch cabinet, fled to London. Crown Princess Juliana and her two daughters, Beatrix and Irene, had already left the country to Great Britain a day earlier and then gone on to Ottawa, Canada.*

*Four days after the beginning of their offensive, the Germans bombed Rotterdam, resulting in approximately 800 deaths and 78,000 becoming homeless. The German threat to do the same to other cities, starting with Utrecht, led to Dutch capitulation. A day later, General Winkelman signed the articles of surrender in the village of Rijsoord. Seyss-Inquart became Reich Commissioner of German-occupied Netherlands. He was officially installed*

by German generals of the *Wehrmacht* and Dutch government officials in the *Ridderzaal* (Knight's Hall) in The Hague. From that day onward, he was responsible for government rule in the Netherlands.

Many considered Seyss-Inquart's transfer from Vienna to The Hague as a demotion. At first, he had been federal chancellor there and then governor of annexed Austria. He had the reputation in the German bureaucracy of being too moderate to deal effectively with "the Jewish problem" in Vienna. In the Netherlands, he showed his superiors they had been sorely mistaken.

As Reich commissioner, Seyss-Inquart immediately began deporting people to Germany to do forced labor.

Until 1942, working in Germany had been voluntary but in fact it had been forced because Dutch authorities ruled that workers who declined work in Germany would not qualify for unemployment benefits in the Netherlands. It wasn't until after the February Strike that Seyss-Inquart truly took his mask off. He took harsh and fanatic action against the Dutch resistance and formally made it, in spring 1942, mandatory for all Dutch men, to work in Germany. He gratefully made use of the *Sicherheitspolizei* (secret police), the *Sicherheitsdienst* (Secret Security Service), Dutch police, and civil servants to keep his orders from being evaded. During the occupation, more than 500,000 workers from the Netherlands were sent to the Reich, only a small percentage of whom were volunteers.

Seyss-Inquart exercised economic authority over the Netherlands without compliance to the rules laid down by the Second Hague Convention of 1907, which he deemed obsolete. Instead, a policy was instigated for the maximum exploitation of economic wealth of the country and carried out with scant regard to its effect on the population. Public and private property was confiscated on a mass scale, imbued with a semblance of legality by the new German regulations. Among the first measures was the introduction of a number of discriminatory and economic measures imposed solely on Jews. The occupier was assisted in this by the manipulations of Dutch civil servants and financial institutions. This was followed up by regulations that made

*it mandatory for Jews to be registered, to live in enclosed "neighborhoods" or ghettos, and to wear the yellow Star of David to be readily identified. A more or less conclusive "legal" system was invented and declared applicable to Jewish property, robbing Jews of all their assets. But above all, it was Seyss-Inquart who was responsible for the deportation of 107,000 Dutch Jews, 245 Sinti and Roma (gypsies), and a few score resistance fighters to the concentration and extermination camps. Only two thousand of them would come back,*



# 5

## The Jewish Council

*After the February riots on Amsterdam's Rembrandtplein and in the nearby Jewish Quarter, the Germans summoned a number of prominent Jews. They were instructed to form a Council for Amsterdam. This "Jewish Council" had to help restore peace and order. It eventually became the body that represented Jews to the German authorities and was charged with the task of ensuring that orders given by the occupier were followed. The well-known diamond merchant and chairman of the Dutch Israelite Synagogue, Abraham Asscher, and Professor David Cohen took on the task of cochairmanship. They had worked before the war on behalf of Jewish refugees. On February 13, 1941, the Jewish Council convened, comprising twenty members. The joint chairmen insisted that Jews hand in their weapons. Despite the circumstances, they wanted Jews to lead as normal an existence as possible. The Council's house organ, naturally with the consent of the German occupier, was called The Jewish Weekly (Het Joodsche Weekblad). From the spring of 1941 to the fall of 1943, this publication would be the mouthpiece with which the German occupier would announce its decrees to the Jewish community in the Netherlands.*

*The occupier granted more and more authority to the Jewish Council, whose power gradually increased and therefore its numbers. Whereas the council had twenty members at its founding, by the spring of 1943 it had*

*grown to over eight thousand. Departments, subdivisions, and committees were founded at various locations. The Jewish Council turned into a state within a state. It could be described as the Jewish government of the Netherlands. To be sure, this "government" only had powers to implement policy. Naturally, the legislative power lay solely in the hands of the German occupier. Slowly but surely, the council imperceptibly became an accessory to the German plans. Jews in the Netherlands were registered and isolated from the rest of the population.*

*A direct result of the politics of German occupation was the founding of the Joods Lyceum (Jewish Lyceum) in Amsterdam. At the end of 1941, Jewish children were removed from their schools and could only receive educational instruction from the Lyceum at 1 Voormalige Stadstimmertuin in Amsterdam. Its most well-known pupil is Anne Frank. The famous historian Jacques Presser was one of the teachers.*

*The Jewish Lyceum was a normal school with pupils who came late, were naughty, stayed after in detention, and were absent. But at this school, the absentees were of a different order altogether. Their absence was not just a case of staying home for a day. Every time there was a "disturbance" in the city, the next day there were empty desks in the classrooms. The children looked in silence at the empty places their boy and girl friends had once occupied. Their absence made painfully clear in a few seconds what had happened the night before. Looking at the empty desk, a classmate sometimes gave a slight wave of the hand. That meant gone into hiding. Sometimes he grabbed hold of the leg of a table—that stood for someone having been arrested. This pantomime was played out time and time again.*

*The pupils gathered in festive mood for their graduation ceremony toward the end of the 1942 school year. Together, they waited with their teachers for the arrival of their commencement speaker, Prof. David Cohen, the chairman of the Jewish Council. He was late, which was extremely unusual for him. Once Cohen had finally arrived and addressed the students, he said emotionally and without any explanation to Jacques Presser, "Every hour that this war lasts is*

*devastating.” Only later did it become clear why the chairman had arrived late. Before coming to the lyceum, he had just received notice that the deportation was about to start. The foundation for the removal of the Jews had already been laid. A forced exodus that would cost the lives of approximately 105,000 Jews, already marked for a terrible death, seemingly safe together, but in reality helpless.*

*The timetable for the number of Jews to be delivered had been determined in Berlin by Adolf Eichmann. The raids were carried out by the Dutch police with the help of the local fire department. The first big raid took place in July 1942 in downtown Amsterdam, and in Amsterdam South. Thus began the final phase of the Endlösung der Judenfrage (Final Solution to the Jewish Question). The first trains with Dutch Jews departed on July 15 and 16 of that year from Westerbork and were bound for Auschwitz. Attempts by the Jewish Council to reduce the number of Jewish deportees came to nothing; however, the occupier did allow the council to set up a system of exemptions. The council itself had to select members themselves of those eligible to receive a Sperr stamp. It is understandable that when this became known, the Jewish Council was virtually stampeded. People tried to get a stamp that exempted them from deportation. When the raids did not result with the numbers the Germans had demanded, the occupier gave the council the order to fill up the quorum. In this way, the Jews themselves had to determine who would be put on the deportation lists. This is without a doubt one of the most disgusting, cruel, and inhuman acts the German occupier had devised. To prevent even worse from happening, the chairmen reasoned, they remained voluntarily carrying out their “function.” The number of Jewish deportees had been converted into names.*

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Once the deportations of the Jews had begun, the Central Committee of the Jewish Council decided in its meeting of July 31, 1942, that

it was obligated to help those who [would be leaving] as much as possible. To this end, a special department was set up called “Aid to the Departing.” Sam Roet was the financial manager of this new department. As counsel and chief inspector of the Commission for the Management of Financial Affairs of the Jewish Council, he was extremely qualified for the job. Sam was manager and administrator of the Camp Departments and was a well-known figure in the Jewish community.

Isaac Lipschits wrote in his book *Tzedakah*: “Thanks to documents that have been preserved—an extensive ‘Report to the Chairmen,’ dated November 29, 1942, by Sam Roet, the financial leader and his just-as-extensive monthly reports—we know about the great deal of work the Aid to the Departing department did on behalf of those Jews on the brink of their deportation.”

The professionally organized department of Sam Roet consisted of two headquarters, six sub-departments, six district offices, a camp department for Westerbork, and one for Vught. Five hundred forty-seven people worked at the two headquarters, sixty-two of whom were paid. The 485 unpaid people worked for stamps that temporarily exempted them from deportation. Lipschits comes to the following conclusion:

No matter what the final verdict may be concerning the Jewish Council as a whole, the social work that took place under its leadership and by its staff meant aid to persecuted Jews—moral and material support. Even though the moral support evaporated in the gas chambers, even though the material support was again stolen on the railroad platforms of the concentration camps—at the moment the support was given, it meant a great deal to those “persons in

need,” and the support given to the doomed was still a matter of justice, of tzedakah.

Reading this I ask myself, is this a form of a tzedakah?

How cynical, how sinister to refer to this support in this way. Tzedakah is the Jewish obligation to perform charity to those in need. The word is derived from the word *tzadik*, which in Hebrew means righteousness, charity. Tzedakah is not voluntary; it is an obligation in the Jewish religion. Even though every form of assistance is an obligation, Maimonides, a rabbi, philosopher, and medical doctor from the twelfth century, also known as Rambam—Rabbi Moshe ben Maimon—lists eight levels of giving tzedakah. The highest form of tzedakah is to prevent people from having to rely upon others by giving them a job or loaning them money to set up a business.

The council officials were fully informed about the German plans and knew what it meant to be someone who was deported. They knew where the journey would lead and the kind of horrible death that awaited the travelers.

Aid to the Departing raised a great deal of money and collected goods from Jews and in this way helped the departed. “For a family living in Balistraat, consisting of husband, wife and twelve children, clothing and undershirts and pants are requested for the children. A widow, whose husband was murdered in Mauthausen, was left behind with six children between the ages of one and fourteen, and she asked the department for clothing and shoes for her children.”

The department of Aid to the Departing saw to answering the applications for help. What it in fact entailed was that this department deliberately gave the doomed false hope, *which made the deportations run more smoothly*. That is exactly what the occupier intended: everything had to be organized and implemented in an orderly fashion, those “departing” must certainly not get wind of the



gruesome lot that lay in store. Can the term righteousness, *tzedakah*, be used here? Would it not be a great deal more righteous and the highest level of *tzedakah*—together with the money collected—to make it possible to struggle out of the claws of the occupier and thereby prevent them from having to “depart”?

The surviving council members and personnel owe their lives and those of their families to their voluntarily having taken on the tasks mentioned. Naturally, no one could be blamed for wanting to save his or her own skin and those of his or her relatives. It just has to do with the way in which this is done. In this case, their lives were saved because they sacrificed other Jews. I am stating a fact. I pass no judgment on it. A saying in English goes “Charity begins at home.” But this saying, this form of charity, is a far cry from the *tzedakah* that is obligatory in the Jewish religion.

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The raids and fates of the deportees also left scars on the Jewish Council. On April 1, 1943, the number of personnel, the great majority of whom were unpaid, amounted to some eight thousand. Four months later, at the beginning of August, their numbers had been reduced to less than a thousand, 369 of whom earned salaries. By the end of August there were only ninety-two male and female regents of the Jewish community working for the council. Ironically, many of them would become board members of custodian organizations after the war. These were the very places where the most prominent members of the accounting department of the council actually worked after the war. Was that a coincidence?

The last Jews legally residing in Amsterdam were arrested and deported on September 29, 1943. With that, the Jewish Council ceased to exist. For services rendered, instead of being

sent to an extermination camp, the joint chairmen were sent to a concentration camp. It was certainly no picnic there either, but there was a great chance of survival. In 1944, a train stood at the platform in Westerbork waiting to take them to Theresienstadt. The joint chairmen would both come back from the camps alive.

Not everyone has the same opinion about the Jewish Council. Were there legitimate reasons for its existence? Could they be justified? Some people show sympathy. Others reproach the members of the council for being accessories to the robbery and murder of the Jews during the occupation. Sam de Wolff stated his view, to which I can wholly subscribe, in the November 11, 1947, issue of the Dutch weekly magazine *De Vlam* (*The Flame*):

As to collective guilt, Asscher and Cohen may not be held accountable. Nor can a Dutch criminal judge rule on a special case of Jewish guilt. Judgment can only be passed by the Jewish people. And I believe, that one of the oldest nation on earth does not want to decide to further punish those whose terrible failure has already been put on trial by history.





## The Looting

The murder of the Jews is the greatest disaster that ever befell the Jewish people. The Nazis wanted to exterminate them as the final solution to the Jewish question. They had to “disappear” but not what they owned. Prior to murdering the Jews, the primary task of the German occupier had been to get its hands on their possessions. Priority was therefore first given to the systematic robbery of all the earthly belongings of the Jewish population. The robbery committed against that segment of Dutch citizens, unions, and companies where Jews fulfilled an important function, was total. It encompassed every conceivable form of property: stocks, bank balances, cash, insurance policies, receivables, sold and liquidated companies, real-estate properties and mortgages, household effects, furnishings, jewelry, and other valuables.

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*A centuries-old and universally accepted phenomenon of war was the plundering of the vanquished people by the mercenaries of the victors. A definitive change was effected in 1907 with the specification of a revised version of the Laws and Customs of Wars on Land (LCWL) drawn up during*

*the First Hague Peace Conference. It was part of a treaty that regulated the laws and customs of wars on land. The Hague Conventions are a series of international treaties and declarations negotiated at two international peace conferences at The Hague in the Netherlands. The First Hague Conference was held in 1899 and the Second Hague Conference in 1907. Along with the Geneva Conventions, the Hague Conventions were among the first formal statements of the laws of war and war crimes in the body of international law. A third conference was planned for 1914 and later rescheduled for 1915, but it did not take place due to the start of World War I.*

*The LCWL, valid during World War II, had been cosigned by Germany. The robbery perpetrated against the Jews by the German occupier did not take place by violent force, but on the grounds of a series of regulations. Implementing them was therefore "lawful." Regulations also made it easier—as well as more bureaucratic, legal, and impersonal—for Dutch civil servants and financial institutions to act as accessories to the robbery on a mass scale.*

*Right from the very start Seyss-Inquart, appointed to rule the German-occupied Netherlands, systematically began persecuting the Jews during the first month of the occupation. By means of discriminatory ordinances, Jews were banned from public life. The goal of these measures was to strip them of their rights, not to mention their humanity. Expropriation of everything they owned was organized by specially established institutions and was supported by a series of seventeen ordinances. The Dutch had made it extremely easy for Seyss-Inquart to go about his business. On the index cards in the municipal registers were not only the names and addresses of the citizens in cities and towns but also their religious affiliation. So it was not difficult to track down the Jewish population in the Netherlands.*

*In order to make the wholesale robbery of Jewish assets legal, the term Jew first had to be defined. This took place in the fourth ordinance of October 22, 1940. Every business in which Jews had any interest was required by law to register this interest with the Wirtschaftsprüfstelle, Assessment Body Economy. Article 4 of this ordinance gave a precise definition of the term Jew.*

*Each new ordinance was intended to remove them even further from the existing rule of law, to deprive them of their rights. This process of deprivation went further to remove them from society. Once they had been expelled from the business world, social life, and the civil servant apparatus, their private property was next.*

*Plans to dispossess the Dutch Jews were, certainly at an early stage, veiled. The real intentions were camouflaged to avoid unrest. Words, such as robbery, plunder, or loot were never spoken, and made taboo. The German occupier had considered that concentrating Jewish wealth would make it easier to steal. In order to effectuate this, they decided to set up two looting bodies especially designed for it: Lippmann Rosenthal & Co. Sarphatistraat Bank (LIRÖ) and the Vermögensverwaltungs und Rentenanstalt, Institute for Management and Administration of Jewish Property, (VVRA). These two institutions dealt with the management and administration of Jewish property. Proceeds from the sale of businesses sold were deposited at the VVRA. Personal belongings had to be forfeited to the LIRÖ.*

*Since 1859, Lippmann Rosenthal & Co. had been a renowned banking house on Nieuwe Spiegelstraat in Amsterdam. It had good connections in Switzerland, England, and the United States. The bank had two business partners and in 1941 was saddled with a German administrator. That summer, the occupier gave this administrator orders to set up a new branch office. The location chosen was the branch office of the Amsterdam Bank at 47–55 Sarphatistraat in Amsterdam. The new institution was named Lippmann Rosenthal & Co. Sarphatistraat, and a German banker was appointed director. The new branch office was given the abbreviation LIRÖ and had nothing to do with the old trusted bank. It became a wholly different institution. The name was misused to foster a feeling of trust.*

*To avoid confusion about the names, in 1948 LIRÖ became known as the Liquidatie Van Verwaltung Sarphatistraat (LVVS) since it was unrelated to the old firm, which had resumed business after the war at its old address in Spiegelstraat.*

*In May 1941, the occupier established the VVRA foundation in accordance with to Dutch law. It did not pursue its own policy of actively robbing assets, but received liquid funds from other looting bodies, as well as stocks for investment purposes, mainly from the LIRO.*

*The so-called First LIRO Ordinance concerning the management of Jewish capital, dated August 8, 1941, meant that Jews were required to transfer or deposit all their possessions—cash, stocks, assets, and bank deposits (savings and otherwise from all monetary or credit institutions)—to the LIRO.*

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In the winter of 1941, Isaac too was forced to transfer his assets to the LIRO. He told his wife, “There’s nothing wrong with that,” or so he thought. “It is a branch office of Lippmann Rosenthal & Co., who I’ve done business with before. It’s an ordinary bank, and it is close to home.” Still, just in case, he did not transfer everything to the LIRO. His intuition did not let him down.

The occupier was able to camouflage its plans to strip the Jews of everything they owned through the end of 1942. The appearance was kept up that LIRO was a normal bank where administrative records were kept on individual accounts regarding the value of possessions that were deposited there. Money could still be withdrawn from these accounts to support oneself, pay taxes, make mortgage payments, and pay levies to the Jewish Council. But it gradually became apparent by the increasing number of ordinances, that the LIRO was not only the place where Jewish wealth was concentrated but also where it was definitively swindled from its owners. The LIRO turned out to be a looting bank. From 1943 onward, there were no individual accounts for Jews. The existing accounts were all deposited in a *Sammelkonto*, a collective account. This measure, in fact, confirmed that the accounts of individuals had been liquidated.

Through the ordinance dated August 11, 1941, the *Niederländische Grundstückverwaltung* (NGV—the Dutch Real-Estate-Management Agency), was put in charge of the liquidation of real estate and mortgages of Jewish property. There were approximately 12,000 parcels of land and approximately 6,000 mortgages registered at the NGV with a total value of roughly 172 million guilders, 150 million of which involved real estate. After the real estate and mortgages had been duly registered, the NGV proceeded to sell the buildings and collect the interest and repayments of the confiscated mortgages. Proceeds were transferred to the VVRA.

The confiscated mortgages were initially managed by the NGV, but all-too-soon, management was transferred to the administrative office of *Nobiscum* and the General Dutch Real-Estate-Management Authority (ANBO). ANBO sold the houses on to other clients. Both firms, affiliated with the NSB, in turn, appointed their own sub-managers.

Agrarian property had already been registered. Jewish owners had to sell their land to non-Jewish buyers before the end of 1941. The value of agrarian properties was estimated to be seventeen million guilders. This capital also went to the VVRA.

The isolation of the Jewish community had been completed. They were excluded from the job and capital markets, had no more money, and therefore were made completely dependent for their livelihood on the Jewish Council, which received a monthly allowance from the LIRO to pay out benefits.

A 1946 US government report, published in May 2000, called the Dutch financial institutions who robbed Jewish properties on behalf of the Nazis, “the greatest crooks of modern times.” The booty was estimated in 1946 to be three billion guilders. At present-day rates, that would reach approximately forty-five billion euro or sixty billion USD.





## Uncle Jaap

In 1978, Henneke and I are in the Netherlands on business. I decided to take advantage of this opportunity to start getting answers to my many still-unanswered questions. Family members I had met at one time or another had never talked to me about my wartime past and I had not ever been ready to handle it. But at thirty-seven years of age, I figure the time is ripe and start gathering information about my forebears. I have already exchanged correspondence with several institutions. Haim van der Velde, a friend of mine and a fanatic genealogical researcher, had even provided me with my family tree.

I first decide to pay a visit to the Amsterdam municipal register and take tram 2 to Central Station. I then proceed to walk through the city on the way to Herengracht. The Amsterdam city center is rich in contrasts. On the one hand, this neighborhood is known for its monumental canal houses with their unique gables from the Golden Age, the Royal Palace on Dam Square, and the remnants of old cloisters and synagogues. On the other hand, it is full of sex shops, window prostitutes, peep shows, whorehouses, marijuana cafés, and coffee shops. In Amsterdam there are around three hundred coffees shops where cannabis can legally be sold and smoked. I stroll through the city and arrive at my destination an hour later.



The municipal registration office is housed in a beautiful structure, and I am not surprised to see it on the list of national monuments and historic buildings. I walk up a short flight of stairs and enter a large, open reception area with an information desk in the middle.

“Which window do I have to go to get a copy of certificates from the registry?”

“Any window is fine, but you first have to take a number,” a lady replies.

I take number 365 and wait patiently for my turn. My number comes up on the screen, indicating I must go to window 2, where a middle-aged woman awaits.

“I would like a certificate of residence for my parents, Isaac and Anna, and information about my family.”

“Where were they born?”

“My parents were born in Mokum, and their last address in Amsterdam was on Plantage Muidergracht.”

“I see in the computer that they both died in Sobibor on June 11, 1943,” says the civil servant.

“You mean murdered; they were murdered,” I react, irritated. “Can I get a copy of the certificate?”

“One moment please,” the woman mumbles and walks away.

A few minutes later, she comes back into the reception hall with an older man dressed in a black suit with a blue necktie.

“Pleased to meet you; my name is Gerritsen, and I am head of this department.”

“I am Philip, the son of Isaac and Anna Staal, and I would like some information about my family.”

“Shall we go to my office? We’ll be able to talk there more quietly.”

“That’s fine,” I reply and together we walk down a lengthy corridor to his office.

“Please be seated. How can I be of assistance?” asks Gerritsen.

I briefly tell him my life history, give him my family tree, and say, “I am looking for any family members of mine who may still be alive. I have underlined a couple of names and would like to pay them a visit.”

“I understand and will do my best to help you further. Please remain seated; I’ll be back in a couple of minutes.”

In 1937, the Dutch government issued guidelines as to what constituted the “ideal conduct” of civil servants. They were not disseminated widely, and therefore, practically no one knew of their existence during the German occupation. It is always easy in hindsight to judge the proper way a civil servant should have conducted himself or herself when dealing with the occupier. But there were, of course, civil servants who had been all-too-willing to work for the Germans. I ask myself whether Gerritsen was one of them. My musings are interrupted when he returns and starts to talk.

“I can only help you with the address of Jaap Cohen, your grandfather’s brother on your mother’s side. Unfortunately, his wife and the other underlined family members have all passed away.

“During the war, Cor and Jaap lived on Amstellaan in Amsterdam. But,” Gerritsen continued, “that avenue no longer exists. I have been a city civil servant since 1939, and I remember that a number of streets in the Rivierenbuurt were renamed in 1945 to honor Allied leaders who had defeated Nazi Germany. Winston Churchill and Roosevelt both had avenues named after them and Amstellaan was renamed Stalinlaan. These three avenues all ran into the Victorieplein (Victory Square), named after victory. One day in November 1956, it turned out that two street name signs in the Amsterdam Stalinlaan had been changed to the Vier Novemberlaan (Fourth of November). It was a protest by a local resident against

the Soviet Union's invasion of Hungary. A day later, the Amsterdam City Council decided to change the name to Vrijheidslaan (Freedom Avenue)."

"So since 1956, there have only been two Allied leaders with avenues running into the Victorieplein?" I ask.

"That's right," says Gerritsen.

"Oh," I conclude "if I understand you correctly, Jaap and Cor lived on Amstellaan until 1945, my aunt Cor deceased at Vrijheidslaan, and in between they also lived on Stalinlaan. So they lived at three different addresses without having moved once?"

"Right again," Gerritsen echoes.

"During that same period, I moved twenty-two times."

The next day, I telephone Uncle Jaap, tell him who I am and that I would love to see him.

"Where are you now?"

"In Amsterdam."

"Can you come right away?"

"Is it okay with you if I bring my wife?"

"Fine. You have to take the 25 tram going to Berlagebrug and get out at the Rijnstraat," Jaap explains.

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It is a hot, summer day, and I am glad when I am able to step out of the stifling streetcar and take a breath of fresh air again. The Vrijheidslaan is recognizable by the distinctive architectural design of Michel de Klerk known as the Amsterdam School. He was born in 1884 and died of pneumonia on his thirty-ninth birthday. His wife and youngest son were murdered in World War II in German extermination camps: Lea in Auschwitz and Edo in Sobibor.

I look for Jaap's house number when I reach Vrijheidslaan. Uncle Jaap is still living at Vrijheidslaan on the corner of Vechtstraat. I ring the doorbell, and a minute later the door opens.

"Philip, is that you?" a man calls out at the top of a flight of stairs.

"Yes."

"Come in."

Once upstairs, I extend my hand, which Jaap takes firmly in his grasp.

"So you are Philip."

"Yes, I sure am."

Jaap pulls my hand to him, embraces me, and says with a lump in his throat, "Such a long time. It's so good to see you again, boy. How are you? Come in. It's a pity my wife passed a few years back; she used to talk about your family often. She wondered where you and your brother had got to and how you were both doing. I still miss her."

"This is Henneke, my wife," I say, and Jaap kisses her on each cheek. He walks into his apartment ahead of us and asks: "What would you like to drink?"

"A cup of tea," Henneke and I answer in unison.

The living room faces the street. There is a television, a tape recorder, and a sitting area with a sofa and chairs. Next to the living room is a bedroom with an adjoining bathroom. "You have a nice view of the square from here," Henneke says when he comes in with the tea.

Uncle Jaap sits down and starts telling us things with a sigh. "It's been such a long time, much too long since I've seen you. How are you? And how is your brother, Marcel?"

"Fine," I reply and tell him about the orphanages, my family, my work, and my studies.

“We—your aunt Cor and I—got along well with your parents. We saw you often. Since I was married to a non-Jewish woman, I did not fall under the Nuremberg race laws. And so me being Jewish did not have any consequences during German occupation.

“In the spring of 1943, when the raids were at their height, your parents decided to go into hiding. They had found a place for themselves and another for you and your brother. Everything had been arranged. I remember it like it was yesterday. It was Friday, May 21, 1943, when Cor left home on her bike. There was a baby seat for you on the front and one on the back for your brother. She had an appointment with a certain Daan somewhere in Amsterdam. I didn’t know any more, nor was I allowed to know any more than that. When she got back home late in the evening, all she told me was that everything had gone well and that the two of you were safe.”

Jaap was a talented violinist and founder and bandmaster of the Jackson Trio, renowned in the Netherlands. With pride, he showed me the Stradivarius with which he had earned his living. “Those were better times for me,” Uncle Jaap whispers with a sad look on his face, before continuing. “This living room still has the double ceiling from the war years. That’s where I had your parents’ valuables that they gave me for safekeeping. It is a pity though—I had to sell a great deal of them, including Isaac’s precious stamp collection, during the war. It was cold, and there were no jobs. We needed the money to eat and to be able to pay for your hiding place.”

“What kind of people were my parents, and how did they make their living?” I ask.

“Your parents were sweet people and with a strong social conscience. Your father was a member of the Ancient Order of Foresters, a brotherhood based on the principles of sympathy, public welfare, and the essential unity of human beings. He worked in the diamond industry, and he loved to paint. He was also a talented

athlete and member of the Amsterdam Athletic Club. During the depression in the thirties, he made a profession out of his hobby. It all began with painting lampshades made out of parchment, and in a few years, he had built up quite a good business.”

“How come you never came to visit us?”

“We weren’t allowed to; your guardian strictly forbade it. But we kept on insisting and did come to visit you once in the Rudelsheim Foundation. When we wanted to make a second appointment, they told us you both had emigrated to Israel. We heard the same story from your stepmother—at your place of hiding—and from the brother of your joint guardian.”

“It wasn’t until after our marriage, when I was twenty-two, that Henneke and I went to Israel,” I say, taken aback with surprise.

After a couple of hours of talking and especially listening, we leave. Jaap gives me a picture postcard of the Jackson Trio as a souvenir from a bygone era. I also get the remains of the stamp collection. It’s a pity the album means nothing to me. It is empty and nothing in it reminds me that it belonged to my father.

After that particular day when they visited in May 1943, I only saw my aunt Cor one more time, sometime at the beginning of 1950. My great-aunt and uncle, my brother, and I were victims of the pseudo-psychologists who thought it better for orphans not to be confronted with the past. Aunt Cor and Uncle Jaap were not allowed to visit us children. There was no one around to tell us about what was happening in their lives. Thirty-five years after my aunt Cor had brought my brother and me to a safe place, I found my first piece of the puzzle.





## No One Protested

On May 21, 1943 Anna and Isaac paced nervously back and forth through the house. A silence reigned unbroken by the sounds of children's voices. They knew they had acted wisely; after all, the most important thing was that their children were safe. It was only going to be for a short while; the war would not last much longer, and then they would have their little darlings with them again.

My parents would themselves be in a safe place within a few hours. They were ready for the trip to their place of hiding with the De Haan family in Hilversum. Everything had been arranged. Together with the blond-haired Bets, who had been their fulltime domestic help for years, they had buried a chest containing numerous valuable belongings. A small suitcase was packed and ready to go with them to their place of hiding. Their cash, gold, silver, and paintings had already been given to a *bewariër* (custodian) for safekeeping. Payment for the house where they would go into hiding had also been made. My parents were, as the expression goes, flush with money. Our expenses for going into hiding could be paid for in a number of different ways. Cash was set aside for us children. For their own needs, they had decided to offer a painting. De Haan was invited to pick out a painting from their collection. He chose one

by the renowned German painter Hanns Fay. A stunning still life of flowers in a vase. The purchase agreement was signed in triplicate, and it was agreed that my parents would bring the painting with them when they came.

In the frame of the painting, Isaac had hidden a map as to the whereabouts and description of the contents of the buried chest. He thought it would be safe there. After all, no one would take a famous painting out of its frame, and then it could easily be found. Exhausted from the long and emotional day of preparations, Anna and Isaac fell asleep crying in each other's embrace.

For the second time that night, there was a knock on the door. Anna, groggy with sleep, thought that Cor had forgotten something and woke up Isaac. But these were no discreet knocks. The door was being pounded on. The voices sounded loud and harsh in the silent night.

"Open up! Now! Open up! Police!"

They looked at one another with fear. A shock ran through Anna's body; her throat went dry, her face paled.

"They have arrested Cor with the children, and now they are coming to get us," she whispered in Isaac's ear.

The past few months they had often talked to one another about the raids, the camps, and the possibility of going into hiding. As soon as night had merged into dawn, they would be on their way to their hiding place. They were not prepared for this change in their plans for the future.

"What do you want?" Isaac asked without touching the doorknob.

"Are you Isaac?" someone shouted in a flawless Dutch accent on the other side of the door. Again, another violent round of pounding on the door.



Isaac opened it and saw two men standing there. One of them in a German police uniform, the other in black with a flat cap, the uniform of the Amsterdam police. The man in black barked, "Your identification cards." As soon as they were handed over, he checked the names he had on a crumpled sheet of yellow paper.

"The two of you are coming with us. If my information is correct, you are ready to travel." Pointing at the suitcase in the hall, the police officer asked with a cruel grin on his face, "Is that already packed and ready to go?" Without waiting for an answer, he shouted, "Where are your children?"

Anna and Isaac looked at each other with relief. They were happy the children were safe. "They went to Limburg last week with a couple of friends of ours," Anna replied without batting an eyelash.

The man in the black suit pushed Isaac aside, strode through the house, throwing open doors to all the rooms and searched in closets. Having gone downstairs he stepped into the stockroom, leering between the stacks of painted lampshades. When he came back upstairs he said to the German, "Their children are not here; we can leave," roughly manhandling Isaac and Anna outside.

The neighbors were hanging out of the windows and watching what was going on. Nobody protested or asked questions. They had seen this all before, and maybe they were thinking, *Another house for sale or rent for our family or friends.*

"Lock the door and give me the keys," the policeman ordered.

Once outside, on the corner of Muidergracht, Isaac saw his landlord, Peter, who lived nearby. His real-estate office was at home. That had made him feel he could trust the situation. They knew each other well; Isaac had even given him a number of valuables for safekeeping. Peter came over to them. When Isaac gave him a questioning look, his trust was betrayed. The policeman handed the

keys to Peter, who turned around and walked away without looking his tenants in the eyes.

Was it coincidence, luck, or otherwise significant that my brother and I had just barely managed to escape? Had the neighbors heard or seen something? Or was it the people we had entrusted with our valuables who gave us away? There were no general raids that night in Amsterdam. “Decent” Dutch citizens must have ensured that my parents’ trip to their hiding place turned into a one-way ticket to Sobibor in Poland.

Just the day before, the doorbell had rung. Isaac, as usual, looked through the little window in the front door. He saw a young man standing there. Even though it had not been raining, the man was wearing a beige raincoat and a hat. Isaac opened the little window and said, “Good morning, what can I do for you?”

The man answered: “I’m Bert de Haan. I had to be in Amsterdam, and my father asked me if I could come and pick up the painting.”

Isaac was startled but did not show it. Quickly recovering, he said quasi-nonchalantly, “What painting are you talking about?”

The young man took out the purchase agreement and showed it to Isaac.

“Okay, come in,” Isaac said, opening the door. “It’s not a good idea that anyone sees you here.”

“Ah,” said Bert, “nobody knows I’m here. And, I’m not a Jew,” he explained with a smile.

“The deal was that we were to bring it Friday night to your father when we came,” said Isaac.

“I know,” Bert reacted. “But my father had second thoughts—that it might not be such a good idea and even dangerous for a Jew to be walking through Amsterdam with an expensive painting under his arm.”

On the third copy of the purchase agreement, Isaac wrote: Painting received Thursday May 20, 1943, by Bert de Haan. And Bert signed it. My father wrapped the painting and mumbled, “Be careful, see you tomorrow, and say hello to your parents.”

In those days, a Jew wasn’t worth very much. The Germans paid anyone who turned in Jews at least seven and a half guilders per “head.” This bounty could rise to forty guilders per detainee. This “bounty on their heads,” in today’s money would be anywhere between one hundred euros and five hundred euros. Industrious, hard-working Dutch citizens could “earn” a decent monthly salary with this bounty. And, those who could manage it, could also feather their own nests with stolen money, jewelry, and household furniture. Moreover, as an extra incentive to those entrusted with valuables for safekeeping, they would never have to return the possessions of the Jewish deportees. After all, for the “departed,” as the Jewish Council referred to them, it was a one-way ticket to eternity.

After a few minutes’ walk, Anna and Isaac arrived at the Hollandsche Schouwburg, the Jewish cultural center. The building was guarded by the Nazi SS with the assistance of the Dutch NSB. These collaborators were enlisted in 1943 to track down Jews who had gone into hiding. The arresting policemen made it clear to the married couple they were not to talk to the guards. Any questions they may have were to be put to staff members of the Jewish Council who were present in the building.

My parents were familiar with this theater through concerts and stage plays. But this was something unexpected. They couldn’t believe their eyes and were scared out of their wits. The building looked like it had been looted by burglars. The stage had been stripped of its sets, and all props had been removed. Electrical wiring dangled from the light installation high in the ceiling. Paintings and statues had

vanished. Chairs from the orchestra pit and in the auditorium had been ripped out of the floor and stacked against the walls. Every light, except for the emergency lighting, had been extinguished. It was insanely busy—masses and masses of people were crammed together. People could hardly move. Isaac estimated that there were more than one thousand people in the small auditorium. And it was hot, close, and filthy. Most of the people were in the main hall, on the stairs, in the balconies, and in the box seats. Some of them were making the rounds of the building. The former refreshment room was now the infirmary. A couple of old women lay there sleeping. Staff members of the Jewish Council were handing out meals.

My parents knew where all these people had to go to relieve themselves. But it was quite easy even for those victims unfamiliar with the building, since they had never been there before, to find the lavatories with their eyes closed. All they had to do was follow their noses to the stench. There were not enough toilets to accommodate so many people: two men's rooms and three ladies' rooms, two of which were out of order. Just like everyone else, my parents had no idea what was going to happen to them. They noticed a group of elderly, crippled, and blind people. One in more need of assistance than the other. They also noticed there were no children in the building. Isaac wondered, *Are these, as they were called, the work deportees? What is going to happen to us and all these people? I can declare that young people are able to work. But what I see here is terrifying.* One thing he knew for certain: it did not foretell of good things in the future.

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*The deportation of Dutch Jews mostly took place from the Hollandsche Schouwburg in Amsterdam, where they were temporarily housed. Before the*

*war, it had been a popular theater in the Plantage neighborhood in Amsterdam. In 1941, the German occupier changed its name to Joodsche Schouwburg (Jewish Theater). From that moment on, only Jewish musicians and artists were allowed to perform there and only for Jewish audiences.*

*A year later, the theater was assigned another function by the occupier. Jews from Amsterdam and its surroundings had to report there for deportation or were brought there by force. Young children were separated from their parents and put into a day care center across the street from the theater. On the day they were to leave, the children were reunited with their parents. Roughly six hundred of these children were smuggled out of the day care center by the so-called "children's groups" of the resistance movement. They had tampered with the list of persons in such a way that the children had vanished off the administrative radar, whereby, with their parents' permission, they were placed in hiding with foster families, directly from the day care center.*

*The building was in the center of Amsterdam on the fringes of the Jewish Quarter, in a busy residential area where lots of non-Jews also lived. This attests to the self-confidence and arrogance with which the persecutors carried out their murderous plans. In a year's time, nearly sixty thousand men, women, and children had been deported to the extermination and concentration camps via the Hollandsche Schouwburg.*

*In the theater, Jewish artists were confronted with the impossible task of helping, upon arrival, the vast group of people forced to come here. If they refused, they would immediately be put on the transports themselves.*

*Walter Süskind was appointed chief of personnel. He had been born in 1906 in Germany of Dutch parents. He was dismissed from his position in 1938, because he was a Jew. Together with his wife he had fled to the Dutch town of Bergen op Zoom. Four years later, the occupier forced him to live in Amsterdam, where he settled at Nieuwe Prinsengracht. Like many other Jews at the time, he too worked for the Jewish Council. They appointed him director of the Hollandsche Schouwburg once it had become a human warehouse. He was responsible for the management of the daily running of the building and*

*Jewish personnel, consisting of doctors, nurses, janitors, and the Department of Aid to the Departed.*

*Amsterdam Jews were not the only ones locked up in the theater; Jews from the provinces were warehoused there as well. Among the prisoners were those with exemption (Sperr) stamps, the elderly, children, and non-Dutch Jews. The latter group had fled to the Netherlands before 1940, for the most part from Germany and Austria. They had once again fallen into the Nazi trap.*

*Everyone in the Umschlagplatz Plantage Middenlaan (Collection Point Plantage Middenlaan), the term the Germans also used to denote the Hollandsche Schouwburg, was registered upon arrival. Victims were here because of treachery, summons, or raid. Once there, the waiting began. Many prisoners made feverish attempts at organizing exemptions through the Jewish Council. Some attempted to escape their fate. Most of the time, they were unsuccessful. Their stay in the theater lasted days and sometimes even weeks.*

*Amidst the chaos, human misery, and cruel oppression by the SS, Süskind's presence in the theater seemed like an oasis of calm deliberation. Practically no one knew that under his leadership, hundreds of adults, children, and infants had been rescued out of the theater. The tampering with the numbers and personal details began right from the start, upon registration. Süskind spoke fluent German and was familiar with the mentality of the occupier. In that way, he was able to gain the trust of the German guards. Because of his position, he was especially able to falsify information about children. His good relations with the German authorities also held him in good stead with the Dutch resistance.*

*He even had cordial relations with Ferdinand Aus der Fünten, the SS man in Amsterdam, in charge of Jewish deportation. In Germany, Süskind had gone to the same school as he had, and he used that as a distraction. He confirmed, denied, selected, and made life-and-death decisions. He got the Germans drunk, forged fake names on the lists, used every trick in the book, cooked up new ones, and knew on which nights something was possible. Süskind always succeeded. Aus der Fünten never found out that the card index did not tally.*





## **Duplicate Accounts**

The month of June is already half gone when Henneke and I fly to Amsterdam in 2012. We have been invited by Dick Dolman, ex-president of the House of Representatives of the Netherlands, for the book launch of his biography. As evening falls on July first, we drive to Van Rossum bookstore at Beethovenstraat. We have come an hour early to have time to find a place to park. As is often the case when you factor in extra time, it turns out to be unnecessary. We quickly find a place to park and have an hour to kill. There is a Starbucks coffee shop a couple of doors down from the bookstore. It's raining like it usually does in Holland, and even though there's a roof over the outside sidewalk café, we prefer to go inside.

My wife and I talk about the changes in this country since 1963, the year we drove out of our fatherland on a motor scooter. We were on the way to a new future in Israel. Musing on the past now, we gaze out the window. My eye is caught by an old man wearing a hat, shuffling behind his walker, passing by Starbucks. He comes back five minutes later and tries to take a seat at the sidewalk café. The man is clearly having a hard time. Before he can sit down, he has to make some space between the chair and the table. He cannot do it with just the one hand. To be able to move the table and chair

with both hands, he must let go of his walker. He finds this too dangerous, but he does not give up. We observe his predicament for a couple of minutes and realize that no one at the sidewalk café intends to give this old man a helping hand. I walk over to him to help. Just before I get there, he manages to take a seat under his own steam.

"If I had a hat on my head, I would take it off for you, you have my respect," I tell him. "Can I be of any assistance?"

"Yes," the man answers, "I'd love a cup of coffee."

I go inside and order one, pay for it, and tell the waiter, "This coffee is for the gentleman at the sidewalk café, at the first table to the left."

Well over ten minutes later, Dick and his wife, Elly, walk by and warmly greet the old man. Henneke and I walk over to meet them. They are surprised that we have come. The old man takes off his hat, nods his head, and kindly says, "Thanks for the coffee."

Pointing at the old man, Dick asks me, "Do you know who this man is?"

"No," I reply.

"You must have heard of him. This is Mr. Johan van Hulst."

My eyes start to water, and I can scarcely hold back tears. I have just shaken hands with the 101-year-old war hero, Johan van Hulst, the former principal of the Teacher Training Academy on Plantage Middenlaan.

My thoughts wander back to the war years. Back to the Schouwburg on Plantage Middenlaan and the day care center on the other side of the street. The manager, Henriette Rodriques Pimentel, together with Süskind and the Amsterdam economist Raphaël (Felix) Halverstad, set up a system that allowed Jewish children to "disappear" from the Schouwburg via the day care center. They made sure that children and infants were not registered, or removed their names from the administrative records. Halverstad registered



the name of every Jew who came in on an index card. He was an excellent sketch artist and painter and a first-rate forger. But that was not enough. Besides the documents at the Schouwburg, duplicate records were kept at the Zentralstelle für Jüdische Auswanderung located at 1 Adama van Scheltemaplein. Fortunately, Halverstad had good contacts there and coordinated the removal of names from the list. This enabled the children to escape from the Schouwburg from the day care premises. Babies were taken through the back garden to the Hervormde Kweekschool (Reformed Teacher's Training Academy) two doors away. Here, they were helped on their way by the non-Jewish principal of the academy, Johan van Hulst. From there, the children were taken out of the building in a backpack, laundry basket, or shopping bag. With the support of the Children's Committee of the Dutch resistance, they were then transported by streetcar and then train to the Dutch provinces of Limburg and Friesland.

Süskind and his colleagues were members of the Jewish Council. The executive board of the Jewish Council knew nothing, nor *could* they know anything about the resistance work that was going on. They would have forbidden it. The joint chairmen were of the opinion that, in order to prevent worse things from happening, they had to see to it that orders from the occupier were followed. One of the cruelest jokes that was prevalent at the time went as follows: When Bram Asscher and David Cohen, joint chairman of the Jewish Council, are the only Jews left, and the German occupiers order them both to be taken away on the transports, then Cohen would say to his cochairman: You have to go now, Bram, to keep worse things from happening—in the interests of the Jewish community.



# 10

## Objectionable Behavior

On December 8, 1997, Ronald Florisson, the director of the Information Service of the Dutch Ministry of Finance said during a press conference, “I don’t know what to say. The initial reports are truly staggering. We know that you are on to something, which we only found out a few hours ago. It is still not quite clear, but Jewish property has not been dealt with in a decent manner. It’s all about utterly reprehensible behavior.”

Florisson had not known what the journalists of the weekly magazine *The Green Amsterdam* (*De Groene Amsterdammer*) all knew from several sources and that would be published the following Wednesday with this headline: “Jewish Property Sold at Bargain-Basement Prices by Civil Servants.” The closed auction had been held at the end of the 1960s. In the building, jewelry, gold, and silver had been on display, assets that had been confiscated from Jews murdered during the war. These pieces of jewelry had been bought for next to nothing by the personnel of the agency who had managed the properties and by staff members of the Council for the Restoration of Legal Rights.

Finance Minister Gerard Zalm was shocked when he heard the news and made a statement: “This should never have happened. We

should have paid much closer attention. I assume full responsibility to take measures to effect the best possible solution. Our first priority is to avoid unnecessary suffering.”

The sensational story is run in the December 1997 issue of *De Groene Amsterdammer* of the partial recovery of the so-called LIRO archives. These documents belonging to the German looting bank held extremely accurate records of stolen Jewish property. *De Groene Amsterdammer* had found the archives in a building at 410 Herengracht, Amsterdam, which until 1979 had housed the Agency of the Ministry of Finance.

The agency’s task had been to manage the state deficit. The LIRO archives had come into their possession somewhere around 1961. The extremely sensitive information they contained was accessible to anyone wandering through this enormous housing complex—residents and their friends, but also potential buyers who had been given guided tours by the building superintendent. Anyone who visited the top floor could have come across a musty, barely used space with some ten filing cabinets, some of which were locked, some with open drawers. One of those open drawers contained the partial contents of the LIRO archive. Professors of modern history, lawyers, robbed Jews, and historians had been searching for it for years. These persons had continuously asked the Ministry of Finance whether the LIRO records still existed. The answer had been the same every time: “There is nothing left; it was probably destroyed.”

This extremely vital information in the search for the stolen property of the persecuted Jews had literally been accessible to anyone. Finding it made it possible to reconstruct a great deal of what had happened and scientifically determine that which people already knew but were unable to legally prove. The government could no longer cover up this black page in Dutch history. Director and board member Hans Vuijsje of the Jewish Social Work (JMW)

confirmed that the government had always acted as if the LIRO archives had been destroyed. Vuijsje elucidates:

No statement had even been made that the archive still existed. These are extremely important documents. It is a miracle they still exist, and it is quite incredible and embarrassing they were found in an empty building. We continue to be approached by people who are still missing family property. If these index cards can prove what has been stolen from them, then it would [be] in the greatest public interest to make them available for examination as soon as possible, *De Groene Amsterdammer*, December 3, 1997.

A former staff member had told the story to *De Groene Amsterdammer* because he was still disgusted at the feverish excitement the sale had generated among the agency's own employees. "It resulted in a whole slew of Jewish insurance claims. There was quite a bit off correspondence in German, and it all involved considerable sums of money. I had seen terrible things there. It was all a dirty business."

The agency director at the time had been Stulemeijer. His right-hand man had been Sondag. There was also Stevens, who had been in charge of the archives.

"In the building itself were gold and silver pieces of jewelry, from Lippmann Rosenthal & Co. Sarphatistraat (LIRO), that had belonged to Jews who had been murdered and so had not been demanded back. I don't know how much it entailed. At a certain point, Stevens arranged for it to be put on display for the staff members. That came to my attention. It filled me with disgust. I

had said, ‘How dare you sell such things? How dare you put on the precious earrings of those who were murdered! You should have given them back to the Jews. They would have cherished them, because their fellow sufferers had perished.’ I left the day they put everything on sale; I couldn’t bear it. The stuff was put out on display and sold to the Agency and Council for Rehabilitation at a huge bargain. My colleagues showed me what they had bought. Someone came over to me wearing beautiful earrings. She was as happy as can be. It made her dance with joy. Later on, the coffee lady always walked around wearing gold. Of course, they all knew what they had bought had come from the Jews. These people had no feelings.”

It was clear by the stamps and pieces of correspondence attached to the index cards they had found that they had been examined in the early 1960s by the Central Agency for Reparation of German War Claims (CADSU). The CADSU had lodged forty thousand claims by persecuted Jews and their surviving family members with the German government. The legal costs had been paid by the Jewish victims themselves. Part of the CADSU archives is under the supervision of the Ministry of Finance, another part at the JMW.

Were the archives left behind in an otherwise empty building through carelessness and a case of having a short memory? Or had it been quite convenient for the government officials at the Ministry of Finance agency that the cards had no longer been available for research since the early 1970s? A former staff member who had worked at the agency for decades, told of the coming of Director Stulemeijer:

He had been in charge in Amsterdam of a building at 105 Keizersgracht that housed the Council for Reparations and Foundation 1940–1945. Stulemeijer was the director. The estates of the murdered Jews

were kept there, as were the archives they rediscovered. When the office was dissolved in 1966, Stulemeijer moved to the Herengracht with the Agency. He took half of the staff of the Council for Reparations with him. We smelled a rat at the time.

This former staff member saw how the CADSU set to work in 1959. The aims had been twofold: lodging claims for material damage in Germany by Jewish victims of the persecution, and later on, the allocation among Jewish victims of 125 million German marks for immaterial damage. Stulemeijer had been head of the agency during its first year of operation. After that, he was appointed an agent of the Ministry of Finance and director of the National Debt Office in Amsterdam. The staff member says he recalls the auction having been held sometime in the early 1970s.

Stulemeijer authorized it; Sondag implemented it, and Stevens hid the archives. Stulemeijer stayed on, and Stevens was promoted. When Stulemeijer left, it turned out he had left behind an absolute mess. Dossiers and people had been treated abominably. People started talking, and the ministry was informed. Sondag went on sick leave. As keeper of the archives, Stevens stashed the records in a drawer.

When the Agency moved in 1979 from 410 Herengracht to 380 Herengracht, the stocks, security holdings, and ledgers went with them. According to the former staff member, Stevens purposely left the records behind in the old building. He had something to hide.

Generally, when archives are closed, they need to be officially transferred. Everything the agency closed, should have been sent to the ministry, where it would then become officially audited by the General Accounting Office. Had that been done, they would have been able to see how much gold and silver was still left.

The former staff member figured that the index cards had been tucked away in the hope they would be destroyed as obsolete material.

Stulemeijer is dead. Sondag is dead. But Stevens is still alive. He had left the agency six months earlier. He reacted calmly as if he were not to blame. Here is an excerpt of the interview from the magazine article, December 10, 1997:

“Those cards, that was all that was left. Mr. van der Leeuw from the ‘National Institute of War Documentation’ [Nederlands Instituut voor Oorlogsdocumentatie, NIOD] asked about them from time to time. I always figured they weren’t that valuable.”

“Small stuff?”

“Yes, they were all small pieces. I used to hear things about it every once and while.”

“Lots of jewelry and such?”

“Yes.”

“And you managed the old Lippmann-Rosenthal files?”

“No, they were in The Hague. That man from the NIOD could retrieve the information through the Agency. That hardly ever happened. I believe that those dossiers were destroyed a good twenty or

twenty-five years ago, because there was nothing left to do with them.”

“So how come these cards still exist?”

“Those were the only things someone from the NIOD still asked about from time to time. Some gentleman from the LVVS had them in his possession.”

“Who was that gentleman?”

“I really do not know anymore.”

“Were the files in the basement at 410 Herengracht?”

“I think so. Or that gentleman always had them with him. The other filing cabinets were totally empty. They were filing cabinets from the Waarborgfonds Rechtsherstel [Claim Settlement Fund for Legal Rehabilitation of the Finance Ministry]) which, in fact, were never used.”

A. J. van der Leeuw of the NIOD confirmed to *De Groene Amsterdammer* that there was leftover jewelry.

“We have ascertained that every now and then a sale had been organized. Is it true?”

“I know nothing about that.”

“Do you know if there was still anymore jewelry left?”

“No, absolutely not.”

“You never saw any?”

“No, I never saw any.”

“An auction with accompanying raffle was apparently held for the personnel.”

“I don’t know anything about that.”



“It supposedly all had to do with small things, like rings and earrings.”

“I don’t know what was organized there.”

“Mr. Stevens kept the files on stolen furniture in his own garage for quite some time. When the Jewish Social Work took them over, he received a sealed envelope as a token of gratitude.”

The partial retrieval of the LIRO archives sheds light on the remaining gold and silver. Valuable objects were indicated on several index cards from the LIRO files. In many instances they had been stamped in red ink with the words “present” and “safety vault.” But all these pieces from inheritances—gold bracelets, gold earrings studded with rubies, gold wedding rings, a necklace of turquoise and pearls, two iron crosses from 1914, a gold-plated distinguished service cross, a bread knife with a gold-plated handle with Hebrew inscription, and an oil painting on a framed panel entitled “Old Castles”—had vanished. There were no records on the index cards of anyone having purchased them.

At the end of the 1960s, when all claims had been dealt with, agency director Stulemeijer, still had in his possession a number of pieces of jewelry and valuable objects. Instead of making this publically known and taking into account the interest of the succeeding generations of survivors, the agency organized an underhanded sale among its own staff—made possible by the careless treatment and destruction of files and dossiers. Not a single question was asked about the little sales party at the Ministry of Finance! No one had bargained on *De Groene Amsterdammer*.





## In Death's Waiting Room

*On the eve of World War II, more and more German Jews fled Nazi terror, crossing the Dutch border. Among them were Anne Frank and her family, who set up residence at Merwedeplein in Amsterdam. During World War I, the Netherlands had remained neutral. The Dutch government found that this time too the country ought not to take sides. It wanted to remain on good terms with Germany. That is why on December 15, 1938, a few weeks after The Night of Broken Glass [Kristallnacht], the border was sealed and refugees were designated undesirable aliens. They had to be housed in one large refugee camp.*

*The Dutch government decided to have it built in February 1939. Initially the camp was to have been in Elspeet. But Queen Wilhelmina found the distance of twelve kilometers from her summer palace, Het Loo, to be too close for comfort. Therefore, the final site was chosen at Amerveld, on the heath in the province of Drenthe near Hooghalen, ten kilometers north of the village of Westerbork. Six months later, the first barracks of the Central Refugee Camp Westerbork were built by laborers of the unemployment relief works set up during the depression. On October 9 that same year, the first twenty-two people were interned there. They had come from a group of more than nine hundred German Jews who had tried in vain to flee to Cuba on the ship St. Louis from Hamburg.*

*In the war year 1942, the Nazis decided upon the systematic destruction of Jews as the last phase of the Final Solution. Deportation of Dutch Jews to concentration and extermination camps in Eastern Europe began in earnest. Grateful use was made of the infrastructure that already existed. Camp Westerbork had come under direct German rule on July 1, 1942, and large numbers of new barracks and small outbuildings had been constructed. Reich Commissioner Seyss-Inquart made 25.9 million guilders available—coming from stolen Jewish wealth—for the construction, maintenance, transportation, and other operating costs of the Camps Westerbork and Vught. In so doing, the Jews paid for their own extermination. Westerbork became a transit camp for Jews, gypsies, homosexuals, and Dutch resistance fighters.*

*The prisoners were transported by train, at first from Hooghalen. Sometime later, the camp inmates were divided into groups for the railroad project. Under supervision of collaborating Dutch police officers, they had to work laying rails from Hooghalen station, on the main line from Zwolle to Groningen, to connect it to Camp Westerbork. In the end, these workers and many tens of thousands of other inmates after them would be deported by rail to Auschwitz/Birkenau or Sobibor, to be destroyed. Working also held the promise of setting them free in the end. After all, arbeit macht frei, isn't that right? Work Makes You Free, was the motto of Auschwitz and greeted prisoners on a massive sign as they entered the gates.*

*When the railroad line was finished, deportees no longer had to walk the five kilometers to Hooghalen. The old-fashioned passenger cars were replaced by cattle cars, thus doing away with the time-consuming and unpleasant transference of carriages across the border near Nieuweschans.*

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My parents, along with other prisoners, were brought under police guard to Amsterdam's Muiderpoort railroad station on the *Shabbat* of May 22, 1943. After having had to wait for hours, the train finally

came. It was already dark by the time they arrived in Westerbork. The camp was surrounded with barbed wire and guarded by seven watchtowers and Dutch military police. (In the summer of 1944, they were replaced by Dutch police from the infamous Amsterdam Battalion.) Even though it was late, they were still registered first before being allowed to enter the camp. By the time this procedure had ended, which took several hours, they were sent to the officials of the looting bank LIRO and body-searched. Any valuables found were confiscated.

Thirty-five-year-old Albert Konrad Gemmeker had taken over as camp commander in October 1942, owing to the fact that his predecessors had not carried out their duties as required. The Nazis wanted to deport the Jews as quickly and trouble-free as possible. The harsh treatment of the first three commanders had caused too much resistance and unrest in the camp. Gemmeker turned out to be master at disposing of the Jews. His policy of feigned gentility had a positive effect in keeping order at the camp.

One of the prisoners said of him, "We once had a camp commander who used to kick people to Poland; this one gets his kicks getting them to Poland with a smile." But Gemmeker could also suddenly lose his temper, and he was unpredictable. One day while walking through the camp with Frau Hassel, his secretary and mistress—known by the inmates as Gemmeker's she-devil, he noticed a man named Frederik Spier standing near the gate. When Spier did not respond after Gemmeker had shouted at him to get away from it, he was shot by the camp commander with a rifle. Frau Hassel was furious and said to Gemmeker, "The next time you want to shoot, give me a warning first. Then I can cover my ears."

In his effort to make life in the camp as normal as possible, the camp commander stimulated entertainment activities. Naturally, also for his own diversion. The "entertainment committee"

(*Bühnegruppe*) was granted facilities to organize evening variety shows of cabaret, choir, orchestral music, and ballet. Moreover, there were stage plays and musical performances. And sporting activities were held in soccer, track and field, and boxing. Participation in such activities was not something trivial; it temporarily exempted you from deportation.

Everything in the camp was geared to making the inmates think they were being sent to work camps in Eastern Europe. And many letters were sent from Westerbork from inmates saying they were doing well “under the circumstances.” In this waiting room of death, my parents sent letters to Philip Vos, a cousin of Isaac’s. Vos was able to legally stay in Amsterdam until July 1943, because he had been working as an accountant for the Jewish Council.

Despite the window dressing, living conditions in Camp Westerbork were unbearable. There was hardly any privacy, hygiene conditions were poor, and food supplies insufficient. But no appreciable resistance could be put up by the prisoners, and the daily life in the camp was characterized by order and regularity.

Order was kept by special marshals and, if necessary, by the military police. Internal policing was done by fellow Jewish inmates selected for the task. These *OD-ers* as they were called (short for the Dutch word *orde dienst*, order service), were clad in green overalls and were made up chiefly of ex-servicemen and young people. They served to aid and abet the German enemy. To their fellow inmates, they were known as the Jewish SS, whose main task was to prevent escapes and report anything that seemed suspicious to the authorities. Sometimes the OD was called to take part in operations outside the camp. In this way, they were involved in the clearance action in the Apeldoorn Woods and the large-scale raids in Amsterdam in 1943. Having Amsterdam Jews taken prisoner by their own people was perhaps the cruelest act the SS could have committed.

Jewish prisoners, Dutch military police, and the Amsterdam police and fire departments were deployed by the German occupier for the destruction of Dutch Jewry. Very few SS were needed to carry out the task.

Every Tuesday a freight train departed from Westerbork taking large groups of prison inmates via Assen, Groningen, and Nieuweschans to camps in Eastern Europe, mainly to Auschwitz, Sobibor, Theresienstadt, and Bergen-Belsen. The Dutch trains were manned to Nieuweschans by Dutch personnel, and then by German personnel afterward.

The number of trains was determined by Berlin. That was the dominion of Adolf Eichmann, one of the main culprits and the architect responsible for the mass murder of Jews. He arranged the deportation of millions of Jews and gave the Sicherheitspolizei in The Hague orders to remove the desired quota of Jews. Orders were given by the occupier and flawlessly carried out by the Dutch authorities. All the SS had to do was watch. Everyone knew their task; everything ran smoothly. Gemmeker too saw time and time again how excellently the Westerbork system worked. He had arranged everything beforehand down to the last detail. Gemmeker was there in person during the abhorrent removal of 1,200 mental patients from the Jewish psychiatric institute in Apeldoorn in January 1943.

An expert like Adolf Eichmann said the following about the Dutch collaboration during his trial in Jerusalem: "The transports ran so smoothly, it was a pleasure to see. The trains kept on running."

There was scarcely any opposition or resistance to these most horrible of transports. Hardly any Dutch citizens asked themselves where these prisoner were being taken. Or why it was the trains were always empty when they returned. Or where these Dutch citizens had gotten to and why they did not come back.

Camp commander Gemmeker was personally responsible for filling in the names on the weekly transport lists. He was sent the exact number of people to be put on these transports from a department of the Sicherheitsdienst in The Hague. Once the precise number had been determined, he held a meeting with the camp organization that was charged with the task of drawing up the definitive list of names. This camp organization was set up by German Jews when Westerbork was still a refugee camp. Many of them had been in German concentration camps and knew that camp conditions would be better the more you were able to arrange matters yourself. As long as the group of prominent prisoners stuck to supplying the exact numbers of deportees ordered by Gemmeker, they had nothing to fear. They wielded absolute power over their fellow Jewish prisoners.

The transports normally took place on Tuesday at eleven in the morning, bound for Eastern Europe. The day before the dreaded journey was a veritable day of terror. The trains, earmarked for the deportations, usually consisted of twenty cars—cars without seats, cattle cars. They arrived on a Monday, waiting for their human cargo to be loaded. Rumors were rife in the camp, fear turning to panic. The evening before the train was to actually depart, the names of the victims were read aloud by the barracks' foremen in alphabetical order. Anyone hearing his or her own name knew what was expected. He gathered his belongings in the same suitcase, backpack, or duffel bag he had brought with him. Then on to what the inmates called the Boulevard des Misères, the main artery in the camp compound along which the railroad line had been built and where the long train now stood waiting. Those bound to leave the next day realized that a sad end had come to the stranglehold the tense waiting had put on their lives, but it was much worse for families who were split up. Those not on the list breathed a sigh of relief that their future had

been extended for at least another week. And so Westerbork literally became a waiting room for death.

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A few days after my brother and I had gone into hiding and our parents had been betrayed and arrested, on May 26, 1943, a large-scale raid was made in the area where we had lived. The neighborhood in and around Nieuwe Kerkstraat was cordoned off in the Amsterdam city center. The Magere Brug (Skinny Bridge) was raised, and people were informed by loudspeakers that Jews were being rounded up to be taken away. Some of them had a Sperr stamp, but that had no effect whatsoever. Jews were brought to the corner of Nieuwe Kerkstraat and Weesperstraat, where the fish dealer Moos van Kleef used to be located. Then they were herded to the Ashkenazi Synagogue at Jonas Daniël Meijerplein for registration. At the end of the day, they were then taken by streetcars to the Muiderpoort railroad station. Before being crammed into the train bound for Westerbork, a photo report had been made by the weekly magazine *Storm*. A number of these photographs were published in the June issue with a sneering article that ended with the sentence, "We did not find our departure to be too trying."

That same day this group of well over three thousand Jews arrived in Westerbork. Berlin had already issued orders that 3,000 Jews must be deported to Sobibor from the Netherlands on June 1, 1943. Those just arriving in Westerbork and having no connections with the camp leaders were easy prey. When the names were read, it turned out that Isaac and Anna had to live at least another week in uncertainty about their future.

My parents were interned in Camp Westerbork for eighteen days, from Shabbat, May 22, 1943, until June 8, 1943, when they



were taken away to the extermination camp in Eastern Europe. This transport numbered 3,017 Jewish men, women, children, and infants whose final destination was the gas chambers of Sobibor. With about 150 people to a cattle car, this was the largest transport to leave Westerbork bound for Sobibor. The members of the *Fliegende Kolonne* [Flying Column] responsible for ensuring transfer of deportees to the railroad station knew what to do. They helped the last in line get onboard and, for as long as was necessary, pushed and shoved to cram in everyone and their baggage. They then quickly slid shut the carriage doors and made a head count. The wagons were sealed, apart from the two small windows with bars on them. Escape would not be possible.

After lengthy blowing of a whistle, the train slowly shuddered into motion. After arriving in Sobibor on June 11, 1943, my parents were murdered that same day. No one on this transport survived the war. My grandparents on both sides of the family, great-grandparents, uncles, and aunts had all gone before them. My brother and I, at the ages of three and two, were the only ones left from our large family.





## Comparative Data

### The Netherlands

*In 1942 and 1943, Jews were kicked out of their homes and deported with the cooperation of Dutch police during countless large- and small-scale raids. Of the 131,000 Jews, as defined by the Nuremburg Laws, 105,000 (80 percent) were murdered with malice aforethought and in cold blood. The non-Jewish population during the same period was reduced by 2 percent, mainly due to the fact that the normal death rate during war exceeds that of the birth rate.*

### France

*By comparison, in France just before the war there were some 300,000 Jews, the majority of whom, roughly 200,000, lived in Paris. Seventy-five percent of Jews living in France during World War II survived. In the Netherlands, it was only 20 percent.*

### Westerbork

*In the end, the Netherlands sent ninety-three train transports with 107,000 Jews, in large measure via Westerbork, to the death camps in the east.*

*Within fourteen days of Camp Westerbork being liberated until December 1, 1948, Westerbork served as an internment camp for Dutch national socialists (NSB-ers), SS-ers, and other persons who allegedly had collaborated with the Nazis.*



# 13

## **Amsterdam—Don't Cry Over Spilt Milk**

Up until 2005, I had been traveling on a regular basis to the Netherlands to hold a series of discussions with the Dutch authorities and financial institutions concerning the restitution of Jewish property. Research had shown that up until some fifty-five years after the war there was still money in these institutions from funds that had been robbed during World War II.

At the beginning of 2000, while walking along the Amsterdam canals on the way to the Amsterdam Stock Exchange (AEX), the legal successor to the Amsterdam Stock Exchange Association (Vereniging voor de Effectenhandel, VvdE), Abraham Roet, one of the Jewish conegotiators, told me an anecdote about his childhood and ended by saying, "But that was before your time, and maybe it would have been better if you had never been born."

"I suspect there were quite a few others who thought the same thing, but never actually said it out loud as you did just now. This feeling was the strongest during the time I spent in the Rudelsheim Foundation orphanage," I said to him.

Abraham reacted, annoyed. "You can talk to me about anything, except your childhood at the Rudelsheim Foundation."

"I'm busy researching this part of the history," I responded. "That is to say, I have been struck by the fact that none of the historians or fact-finding committees have bothered to investigate this aspect of the whole story."

"Do you seriously think that anyone is interested in the history of the custodian organizations? That's all in the past. Don't cry over spilt milk. It's nothing people want to hear about."

"It's not something certain people are proud of, you mean? Because you are ashamed of yourselves? So we should just forget about it and get on with our lives, like you?" I reply.

"You'd be better off spending your spare time on pleasant things. There are more important things in life than your childhood in an orphanage. Nobody is going to read your research results," was Abraham's answer.

Irritated, I walked on. "You are wrong," I replied, infuriated. "People don't know enough about it. The trustees involved at the time and their successors know all about it. But they do not want to talk about it."

This conversation steeled my resolve more than ever to get to the bottom of this neglected part of the story. If people do not even want to talk about it, then there must be something terribly wrong.





## **Pardes Hanna, Israel**

Every three or four months we invite some twenty or so friends over for dinner in Pardes Hanna. Henneke is a good cook and hostess. We always enjoy ourselves, and it affords me the opportunity to give progress reports concerning the restitution money from World War II, better known in the Netherlands as the MAROR monies, a Dutch acronym for Morele Aansprakelijkheid Roof en Rechtsherstel (Moral Liability for Robbery and Restoration of Rights). At one of those gatherings, I talk about my search for the legacy of the war orphans and about my initial conclusions. When I have finished speaking, one of the guests, Herman, approaches me and asks, “Why is this investigation so important to you, Philip?”

Without hesitation, I answer, “The trustees at the time and those in charge today know a lot more than they choose to talk about. I want to know what happened to the legacy of the war orphans. I don’t care about the money. Fifty years ago, I could have made good use of my family inheritance. I was just starting out in my career, had just gotten married. It’s not like money makes me sick or anything, but I can’t eat more than three slices of bread a day anyway. It’s about the truth of what really happened.”

Herman gives me a questioning look. “I understand, but please be careful, Philip. An acquaintance of mine, whose name I won’t mention, but whom you also know, asked me to tell you the following: ‘In the 1950s, there was a war orphan, a certain Simon, who started to sort out what had happened to his inheritance. He had reached the final stages of his investigation. A few small pieces of the puzzle were all that separated him from obtaining conclusive evidence. He would find them in Belgium, the land of his birth. The contacts had already been made; appointments with the lawyer, banks, and municipal register. He had even bought his train ticket. But he never reached Antwerp. One rainy day, some people passing by saw the body of a young man floating in the Keizersgracht in Amsterdam. It turned out to be Simon. An accident, or suicide. The police had said the official cause of death had been drowning. Case closed. No more questions were ever asked.’”

“I take it that this is the way that that acquaintance of yours wants to advise me to stop my search for the truth—if I don’t want to end up like Simon,” I answer.

Herman doesn’t say anything, turning his head to one side and giving me a concerned look.

“But if I were to suddenly disappear, the problem would still be out there, Herman; nothing would be solved. All the documents I have found and all my conclusions have all been published on the Internet. They have been encoded with a user name and password. A good friend of mine in the Netherlands will publish my well-substantiated conclusions. That is my life-insurance policy.”

“Be careful, Philip,” is Herman’s heartfelt response. “You are opening a huge can of worms. The stench will probably be unbearable. I ask myself whether it would make a lot more sense in this case, and maybe even better for all concerned, not to open Pandora’s box, a source of so much misery in this world, but to leave it closed instead.”



15

## **Soest—May 22, 1943**

In the morning of May 22, 1943, Daan arrived with my brother and me at the home of his sister, Dina Hendrika van Woerden-Vingerhoets, who lived at 48 Oude Utrechtseweg in the town of Soest, opposite the heath. As far as age was concerned, we fit perfectly into the Van Woerden family: her own children were five, seven, and eight respectively; my brother was not four yet, and I was just shy of two.

During the war, Aunt Cor remained the contact person who picked up the boarding fee for the little boys in hiding from Vos, a cousin of Isaac's. Would she have made some sort of arrangement with my parents as to what she must do if we survived the war but they didn't? Didn't anyone take into account that saying good-bye to their children might very well be forever? Had Uncle Daan told his sister it would only be a temporary thing and the children would leave when the war was over? I never got an answer to these and numerous other questions, nor will I ever get them. When it was still possible to get an answer, I was unable to ask the questions. Now that I am, there is no one left who can answer them. I have learned, however, to live without getting answers to every single question.



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That evening, the Van Woerden family's doorbell rang. Lidia, the seven-year-old daughter, heard Uncle Daan say to her mother, "Look, Dien, this is Mark and Flipje. Mark will turn four in four months, and Flipje is almost two." My and my brother's lives changed dramatically from that moment on and would never be the same again. We both were given new names: Marcel had become Mark and I became Flipje. Instead of our own mama and papa, we got Mrs. Van Woerden, whom we called Mom.

Dina Hendrika van Woerden-Vingerhoets, a Christian pious woman of thirty-six, had been widowed well over two years earlier with three children—Hans the five-year-old, Lidia seven, and IJsbrand eight. We—Mark and Flipje—were the first children to go into hiding in the Van Woerden family. A week later, another one arrived, a fourteen-year-old Jewish girl named Kitty Visser. Two more children from the Zonnegloren sanatorium and children from Amsterdam and Rotterdam were also taken into the family. At the time, sixteen children were in the care of Vertrouwen (Faith) Children's Home, which turned out to be a perfect cover for children in hiding. Even though there had been several raids in Soest and the children's home was paid regular visits by the Nazis, all the children there survived the war.

*Mom* and her brother Daan were in the resistance movement, and they knew when a raid was being planned. Those children who had gone into hiding were then brought to another children's home in Soest, where one of Mom's sisters worked. Once the danger had passed, the children came back. The occupier started paying more frequent visits to Vertrouwen, and they were often unannounced.

One day, three policemen were suddenly banging on our front door. Mom had to let them in and opened the door. Two of them

came inside, the other one waited outside. The bigger and older of the two played the bad cop, and he stomped through the house with his boots. He turned everything upside down, opened every door, jabbing his bayonet into closets and in mattresses on the beds. The other one stayed with Mom in the living room. Mark, particularly, was scared out of his wits, and he asked Mom in a trembling little voice, "Is that man going to shoot me dead?"

Mom said, "Of course not, son; that man has little children himself."

"Yes," the young cop proudly replied, "I have a little girl."

The other policeman snarled at Mom for her to come upstairs. The bad cop was standing by the door in front of the flight of stairs leading to the attic and shouting, "Open this door right now!"

That door was always closed, because the stairs to the attic were very steep, but it was never locked—it just jammed a little. Mom threw the door wide open without a moment's hesitation. When the cop saw the narrow, steep flight of stairs, he suddenly could not be bothered anymore, calling out to the young police officer, and the two of them vanished.

Such relief had to be celebrated by everybody, but where were Kitty and Flipje? Mom went outside and saw Flipje sitting on the front stoop, merrily waving at the policemen as they were walking away.

"What are you doing here? You know you're not supposed to go outside," Mom whispered.

"I was talking to that nice man."

"What did you say to him," Mom asked, scared.

"That you are our mom, and that I live here. Mom, you know, they were so nice, he even let me hold his rifle."

"Well, lucky for us, everything turned out all right in the end," she mumbled. All she had to do now was find Kitty. It turned out

she had run and hidden in the attic in terror and was still there trembling with fear in a corner.

“You wanted to betray me!” she screamed at Mom.

“I am so happy I didn’t know you had run to the attic,” she answered. “If I had known, I would never have dared to throw open the door like that, and the man would have gotten suspicious and gone into the attic and found you.”





## **The Days after the War**

At the end of the war, there were twenty-five children living in Vertrouwen (Faith) Children's Home, six of whom were Jewish foster children: Flipje, Mark, Kitty Visser, Rudi Tewel, and the Frankenberg boy and girl. The Jewish Brigade, notified by the Tewel family who lived in Palestine, went looking for Rudi and found him in Vertrouwen.

Mr. Nagari of the Jewish Brigade informed the custodianship agency (Le-Ezrath Ha-Jeled, LEHJ) that besides Rudi, five other Jewish children were living at 48 Oude Utrechtseweg in Soest. Their names were not known. One of the children was supposed to have arrived there when he was one year old.

Kitty and the Frankenberg children were the only Jewish children to be picked up by family members in the months of May and June 1945. Rudi, Mark, and I stayed in the children's home until the summer of 1946. Rudi left for his family in Palestine. My brother and I moved to the Jewish orphanage in Hilversum.

Vertrouwen Children's Home was a three-bedroom house with an attic and much too small for the twenty-five children who lived there. The great need for day care of children, as well as the demands of those postwar days, made Mom decide to try to find a suitable

home for all of us. In April 1946, Vertrouwen moved to a large house in Baarn at 19 Cantonlaan, not far from their previous location. It had originally been a nursing home for elderly women. A family of evacuees from The Hague was still living on the second floor. The children in the children's home had the entire first floor at their disposal, a part of the second floor, and the whole third floor. On the ground floor was a living room, a playroom, a dining room, and a kitchen. The second floor had dormitories for the younger children and a bathroom. Dormitories for the older children were on the third floor, a room for the oldest girl of thirteen, a few bedrooms for personnel, and a bathroom. A female supervisor slept in each one of the separate dormitories for young boys and girls. The staff consisted of two qualified female child-care workers, two child-care students, and a few girls to do the household chores. All totaled, there were twenty-five children, most of whom were from divorced parents, some abandoned children, a couple of non-Jewish war orphans, and six Jewish war orphans, including my brother and me.

Ever since liberation day, in cooperation with the War Foster Children Foundation (Oorlogspleegkinderen, OPK) and LEHJ, Vos had tried to find a suitable foster family for my brother and me. According to Uncle Daan, my parents had not been especially fond of the idea of us having to be raised in a Jewish setting. They were completely liberal and adhered to secular morals. It was not a prerequisite for any prospective foster family to be Jewish. Still, in the end it was decided that we be placed in the Orthodox Jewish orphanage, the Rudelsheim Foundation. I ask myself what the reasons could have been for choosing this home.

On June 17, 1946, Mr. Vos dropped us off at the foundation. We had not been given any time to say good-bye to Mom, who had saved our lives. Despite putting up a struggle, we were separated from the only person in the world who cared about us. "Mom" had

given us love, and love is the one thing above all else that everyone needs—certainly a young child. For the rest of our childhood, this essential ingredient would be sorely lacking in our lives. “Educated” people had decided it would be better for us to be raised in a Jewish orphanage than in the gentile foster family that had saved us from annihilation and raised us for three years.

For the second time in our young lives, we were torn away from familiar, loving surroundings. For the second time, we were given new names and identities. This time, in contrast to three years earlier, the decision had not been made out of love and self-sacrifice as our parents had done, but from rational considerations by strangers: *Mark and Flipje are Jewish children and therefore must return to a Jewish environment.* The journey led to Hilversum, the Jewish orphanage of the S. A. Rudelsheim Foundation. I asked myself what I had done wrong.

Mom, the woman who had risked her life and that of her family to let six Jewish children hide in her home, was not allowed to know our whereabouts and did not know until the day she died what had become of her foster children. Trustees and psychologists had decided it would be better for the war orphans not to be confronted with the past. We never saw our either of our moms again. On April 10, 2000, she was posthumously honored by Yad Vashem for having saved the lives of persecuted Jews. Her name was engraved on a plaque in the garden of the Righteous Among the Nations in the memorial center to the Shoah in Jerusalem.





## **A Dream House**

Milo Anstadt, alias Mr. Abbestee, and his wife, Lidy, lived from March 1943 to the end of September 1944 on the second floor of a building on Prinsengracht in Amsterdam. The third floor of the house was rented out to students, some of whom were deeply involved in the underground resistance movement. The main tenant, a businessman around forty called Mr. Seegers, was a good man and had no objection renting out two floors to a Jew and members of the resistance. Before the war, he had imported fabrics from abroad. With great foresight, after the Czechoslovakian crisis, he had bought a huge supply, and it made him such a profit during the war that he and his wife were able to get by quite comfortably. The crisis was caused when Germany demanded Czechoslovakia cede the Sudetenland. In 1938, British Prime Minister Neville Chamberlain and French Prime Minister Édouard Daladier urged Czechoslovakia to concede Germany's demand for the Sudetenland, which had a population of about 3.2 million ethnic Germans.

However, by the end of the summer of 1944, Seeger's warehouse was empty and he had nothing left to do. Maybe it was then that he realized what a precarious situation he was living in. It might also have been because there had been a raid on a house a few doors down

the street a few days earlier, and its occupants arrested. Whatever the real reason, he summoned Milo to have a talk and let him know that he and his wife would have to look for another place to live. But finding another place to hide was not easy. Owing to the fact that the Anstadts had just managed to get hold of excellent, new identity papers, Milo came up with another idea.

Willem Abbestee, as Milo was now known, went into the real-estate office of the Nazi Petrus Verbruggen. Abbestee was given a whole list of offers; he could take his pick of the house he wanted. As coincidence would have it, Willem spotted the building in Plantage Muidergacht. He had to clear the lump in his throat when he saw a *mezuzah* on the doorposts. Willem Abbestee proceeded to go into his dream house with six rooms and a kitchen. On each floor were two large rooms. Behind the first-floor apartment was a large garden with rhododendrons and lilacs. The front of the house looked out over a wide stretch of water that was formed by the convergence of three canals. The house was completely ransacked.





# 18

## The Chest

I am seldom late for an appointment and hate it when people do not keep them. So, at ten o'clock sharp on the morning of January 14, 2004, I ring the doorbell at 20 Stadionkade in Amsterdam. Milo Anstadt opens the door, welcomes me, and asks whether I would like a cup of tea or coffee. Since I have had a couple of busy days and will be flying back home tonight, I reply, "I'd like a cup of coffee, please."

Milo tells me that he rented the building at Plantage Muidersgracht for eighty-nine guilders (roughly twenty-two USD) a month from September 1944 until the middle of 1955. During the war, he paid the rent to a Nazi Realtor and, after the war, to a Jewish one. He cannot remember the name of the Jewish Realtor, and he has not saved any of the paperwork. He describes to me what the house on Muidersgracht looked like. There had not been anything to remind you of the previous tenants, since it had been stripped bare.

"A couple of weeks after liberation," Milo tells me, "the doorbell rang one day. When I opened it, a stocky-looking man and a blonde-haired woman with a shovel came inside. They told me in passing there was a chest buried in the back garden. 'It's ours, and we have come to claim it.' Without saying another word, they started digging in the garden, excavated the chest, took it with them, and left,

leaving me behind in total dismay. I have not been able to forget that incident ever since. I would really love to know whether or not they were the rightful owners. I gather from you and Marcel, who I have spoken to before, that the people living in the building were your parents, who were deported in 1943 and did not survive the war. Do you know what happened to the chest and what was in it? Did it ever find its way to the two of you?"

"No, I wouldn't know who they were, who took the chest filled with personal—and certainly for my brother and me—valuable objects."

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More and more questions arose, which I could not answer. I became increasingly immersed in matters having to do with World War II restoration and the plight of the war orphans in particular, and it began to dominate my life. I had to find answers to my questions and would finish my search come what may.



# 19

## History of Foster Care and the Fight for the Children

*Foster care, the care for orphans and abandoned children, is as old as humanity. Who does not know the story of Moses, adopted as a foundling by the Pharaoh?*

*In the past, it was the church who cared for the sick, orphans, foundlings, and the poor. Public welfare, as we know it today, did not exist then. The government-organized child care in the Netherlands dates back to the beginning of the nineteenth century. Around the seventeenth and eighteenth centuries, Dutch churches set up orphan councils. These were associations whose task it was to place orphans in the homes of private individuals and supervise their welfare in the broadest sense of the word.*

*The first Jewish Orphan Council in the Netherlands was founded in 1648 in Amsterdam: the Abi Jethomim Fraternity for Sephardic Jewish boys. It was followed in 1734 by the Mezon Habanoth for Sephardic Jewish girls. Megadlé Jethomim for Ashkenazi boys was founded four years later, and the Megadlé Jethomoth for Ashkenazi girls followed in 1761.*

*The funds necessary to achieve their goals were raised mainly through gifts from the Jewish community. These councils were made up of boards of trustees. The drawback to these orphan councils was that they had scarcely any influence over the families with whom they placed orphans. The results*

*achieved with the money paid by the councils for general, religious, and vocational training did not meet their expectations. That is why in the 1820s a number of these councils decided to set up their own orphanages.*

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## **Jewish Boys' Orphanage, Amsterdam**

*The first Jewish orphanage in the Netherlands, the Megadlé Jethomim for Jewish boys opened its doors in Amsterdam on January 14, 1836, at Zwanenburgerstraat. In May 1865, the Dutch Israelite Orphanage for Boys—Megadlé Jethomim—had moved to the end of the same street, at the corner of the Amstel.*

*Sam Roet, trustee of the Jewish Boys' Orphanage since June 1939 and financial leader of the department Aid to the Departing created by the Jewish Council in July 1942, wrote [somewhat emotionless] about the end of the Jewish Orphanage for Boys:*

*On February 10, 1943, the building was surrounded by German police. The helpful Amsterdam police had already cordoned off the surrounding streets. And the Amsterdam fire department lent a helping hand by turning their high-powered hoses on the desperate family members who had flocked to the scene.*

*The German police had orders to remove the orphan boys. Head mistress Saartje Hamburger, Assistant Director Ella Rebekka Bing, and the former foster child Samuel Kops were given the opportunity, if they so chose, to leave the orphanage without hindrance. These three noble and courageous people decided out of their own free will to stay with the children until the end.*

*Via the former theater Hollandsche Schouwburg in Amsterdam, they departed on March 2, 1943, from Westerbork, bound for Poland. The transport, numbering 1,105 Jews, arrived in Sobibor three days later. Nearly a hundred boys and their voluntary supervisors, with the exception of Kops, were murdered that same day. Eighteen of the twenty boys who were not in the orphanage at the time it was raided were rounded up later on and deported.*

*Auschwitz survivor Yehiel Feiner, pen name Ka-Tzetnik<sup>135633</sup>, describes in Sunrise over Hell, the death marches:*

*Myriads streamed from every sub-camp of Auschwitz;  
the masses dragged along the roads by day and by night,  
by night and by day. ... And the Germans, guards of the  
marchers ... strewed the roadsides with bullet-ridden  
bodies, their machine-gun fire spitting at the laggards,  
leaving the bony carcasses for the snowfall to swallow.*

*In the Catholic cemetery in the little town of Ksiazienice, Poland, some ninety-minutes' drive from Auschwitz-Birkenau, is a tombstone with engraved numbers. It marks the mass grave of forty-five people, victims of the death march of January 18, 1945, from the Auschwitz-Birkenau concentration camp, from which approximately 2,500 prisoners started trekking westward. When the Nazis understood that their defeat was inevitable, they decided to obliterate any trace of the concentration and death camps. The surviving camp prisoners were rounded up and the death marches began. These marches took place between the autumn of 1944 and April 1945, resulting in the deaths of roughly a quarter of a million people. In contrast to most of the victims of the death marches, however, these forty-five murder victims did have a grave.*

*After having walked roughly fifty-nine kilometers (thirty-seven miles) the prisoners were put on open train cars in the small town of Gliwice. The journey took hours; it was twenty degrees Celsius below freezing (minus four Fahrenheit), and many froze to death. When the train stopped, the SS guards*

*forced the prisoners to proceed on foot despite the fact they had not eaten for three days. On January 20, they reached the wooded area of Młyni and Rybnik. To amuse themselves, the SS guards devised a little game. Once they had arrived in the woods, they screamed, "The partisans are attacking the convoy!" and they used the prisoners as target practice. The area was strewn with the dead and wounded. The death march dragged on with greatly reduced numbers.*

*A day after the bloodbath, the village priest Pavel Říš decided to bury the victims and write down their names—in the form of the numbers tattooed to their arms, which was the only identification they had—on a piece of paper. The funerals took place on January 22 and February 12. Researchers and a few Israeli travel guides specializing in Eastern European countries, knew of this mass grave's existence. In 2004, during the visit of a delegation of the Israeli Intelligence Service, the idea was conceived of matching the names from the extensive records left behind by the Nazis to the numbers engraved on the tombstone. Yad Vashem researchers have been able to identify twenty-five of the victims to date. At the end of May 2008, the unveiling took place of the tombstone with the names of the victims in the cemetery in Książenice. The numbers were transformed into life stories. Number 9228B was tattooed to the arm of Samuel Kops, born July 29, 1916, in Amsterdam, a physician and former foster child of the Jewish Boys' Orphanage in Amsterdam.*

*After the war, there was no shortage of Jewish orphans. Three surviving trustees of the Dutch Israelite Boys' Orphanage, E. J. van der Heijden-Lob, B. P. Gomperts, and Sam Roet, reopened the orphanage renaming it Jewish Boys' Home. There were fewer children left behind without parents than the trustees had hoped for, which meant they had to look for smaller accommodation. The Jewish Boys' Home moved in 1948 to a building on Emmalaan in Amsterdam and was religiously inaugurated in September of that same year.*

*The building by the Amstel was sold in 1977 and demolished. Where the Jewish orphanage once stood is now the site of the Stopera, where the music theater for the Dutch national opera and ballet companies as well as Amsterdam City Hall are housed. A stone ribbon laid across the outdoor*

*pavement near the present-day music theater attests to the orphanage's sad end in February 1943.*

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## **The Dutch Israelite Girls' Orphanage, Amsterdam**

*The Dutch Israelite Girls' Orphanage was opened in 1861 in the Amsterdam Jewish Quarter at 171–173 Rapenburgerstraat.*

*In the 1940s, this orphanage housed some eighty girls. It was raided and emptied by the occupier on February 10, 1943. A few of the girls managed to escape through the back garden. The remaining orphans and their caretakers were murdered. After the war, the two buildings that made up the orphanage were converted into apartment blocks.*

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## **De Berg-Stichting, Laren (The Berg Foundation, Laren)**

*The Berg Foundation was established in 1909 as a relief center for Jewish children whose parents had been dismissed of parental authority or had passed away. Albert Sally Berg had donated land with accommodations in the township of Laren.*

*In 1940, the Berg Foundation was home to 106 boys between the ages of four and twenty-one. At the beginning of 1943, the entire foundation was moved to 92–96 Rapenburg in Amsterdam. The non-Jewish director Reitsema had done his utmost to protect his foster children and personnel as much as possible. Seventy of the 106 residents survived the war, either through having gone into hiding or obtaining documents attesting to their non-Jewish status.*

*Following from an agreement reached in 1999 between the Central Jewish Consultation Netherland (CJO) and the insurers, the website [www.bergstichting.nl](http://www.bergstichting.nl)*

*joodsmonument.nl* was established, a digital memorial to the Dutch Jews who did not survive World War II. A search for the name Reitsema on this website, pulls up the Berg Foundation page.

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## **The Rudelsheim Foundation, Hilversum**

*Another example of private initiative is the Orthodox Jewish home of the Rudelsheim Foundation in Hilversum, which is where my brother and I ended up.*

*At the age of thirty, Samuel Azarja Rudelsheim was designated chief rabbi of the city of Leeuwarden. He took an interest in mentally handicapped children and wrote in an article that he found it regrettable that if they were institutionalized, mentally handicapped Jewish children had to grow up in non-Jewish surroundings. Rudelsheim died on November 13, 1918, as a result of the Spanish influenza epidemic that raged at the time. In appreciation of his work and to honor him, his friends decided to do something in the spirit of the rabbi. In January 1919, they founded the S. A. Rudelsheim Foundation for the care, nurture, and education of mentally handicapped Jewish children in the Netherlands. A living monument to his memory, with the aim of providing skills for these children so they could be able to lead more or less self-sufficient lives. In 1923, this society purchased a stately manor house with surrounding grounds situated in the wooded area of Hilversum. They called the house Beth Azarja after Rudelsheim's middle name, which meant "house where the Lord helps." By 1930, the number of residents had grown to seventy-five, and a second building was built on the premises.*

*On April 16, 1942, the Wehrmacht (the German army) confiscated the land on which the Rudelsheim Foundation was situated and established its new headquarters there. The children were temporarily moved to De Monnikenberg (Monk's Mountain) in Hilversum. The minutes of the board meeting of the*



*Joodse Vereniging voor Verpleging en Verzorgen (JVVV, Jewish Society for Nursing and Caretaking) held on April 7, 1943, mentioned that all sixty-nine children, together with approximately ten staff members of the Rudelsheim Foundation, were transported via Westerbork to the death camp Sobibor, where they were all murdered.*

*After World War II the S. A. Rudelsheim Foundation acted as a Jewish orphanage institution. The Beth Azarja building owned by the Rudelsheim Foundation at 12 Verdilaan in Hilversum became a home for Jewish war orphans, where they were raised and taken care of. In 1952, when the majority of orphans had legally come of age, the house on Verdilaan turned out to be too big for the remaining minors. The Rudelsheim Foundation moved to 8 Hoflaan in Hilversum. The complex on Verdilaan, to which the German occupier had added an underground bunker, was again designated for military use until the 1990s when the Van Helsdingen barracks were demolished.*

*In 1958, there were only a few war orphans left in the Rudelsheim Foundation, and the house was closed. The remaining residents were placed in other Jewish homes.*



# 20

## Hard-Pressed to Reach Minyan

A couple of weeks after the war, Bets—the full time help at my parents' home until May 1943—decided to take a stroll through the Amsterdam Jewish Quarter she knew so well. Her journey through the past began at the Tuschinski movie theater in Reguliersbreestraat. She then walked on to the Amstel where the Israelite Boys' Home was situated.

It is quiet there. The house is empty. She then proceeds to Jonas Daniel Meijerplein. In what was once the center of life in Jewish Amsterdam, it now goes on without the Jews. On Shabbat, the synagogues are hard-pressed to even reach *minyan*, the quorum of ten adult men necessary to hold public worship in a synagogue. Nor is there a sound coming from the Jewish Girls' Orphanage at Rapenburgerstraat. The cheerful Waterlooplein flea market lives on in name only.

She continues her walk through Jodenbreestraat, Uilenburgerstraat, and Plantage Kerklaan to the Plantage Middenlaan with the Hollandsche Schouwburg. She has deliberately chosen to save Plantage Muidergracht as the last leg of her journey through history. The walk through the Amsterdam Jewish Quarter

has depressed her; she is sad. Bets goes past the house she knew so well but where she has not been since May 1943.

Her thoughts drift back to the morning in question on May 22, on her way to work. Upon arriving at 87 Muidergracht, she noticed to her horror that the front door was wide open. She did not need a key. *This can't be good*, she mumbled to herself. She went inside, ran through the house. Not a trace of anyone. Isaac, Anna, Marcel, and Philip's house was completely empty. She spotted a teddy bear that lay all by itself on the floor in the empty house, took it in her arms, and got out of the house as quickly as she could. Away from the scene of the disaster.

Bets is walking in a daze paying no attention to what is happening around her. She is only thinking of the Amsterdam that used to be, that no longer exists, and will never come back. Amsterdam is her *Mokum*, her place, no more. *What has become of all the Jews? Where have they gone? Why haven't they returned?* she asks herself. A blow to the face puts an end to her musings. Then she feels nothing. When she comes to and opens her eyes, she sees a middle-aged man standing over her. She knows him from before the war. He lives just down the road, about a hundred meters, on the same street as Isaac, Anna, and their children had lived.

"What happened, Peter?" Bets asks.

"I saw you walking and headed for you. But you didn't see me; you walked into that pole and fell on the ground," Peter answered. "Are you feeling a little better? How are you now? Would you like to come to my house for something to drink? I really need to talk to you—it's about Anna and Isaac's family."

Peter gives Bets his arm, and without a word they walk to his house in Plantage Muidergracht. The house is well-furnished and looks neat and tidy. The layout looks familiar; it resembles the house a couple of blocks down. It seems to have come through the war in

reasonable shape. The balcony doors are wide open, and the drapes are flapping in the wind. Peter begins his story.

“I was Isaac and Anna’s landlord until summer 1943. In the spring of that year, Isaac took me into his confidence and asked if I would store his valuable belongings until the war was over. I had no objections, and so I took their precious valuables for safekeeping. I hid them in the attic, still have them, and will keep them until I can give them back to the rightful owner.”

“Now that you mention it,” says Bets “there is a chest buried in the garden.”

“How do you know that?” Peter asks.

“Because I helped Isaac bury it at the beginning of May 1943. I am really quite curious what could be inside it.”

“Let’s dig it up!” Peter reacts, elated.





## **Lest We Forget**

General Dwight Eisenhower warned us; it is a historical fact. When the Supreme Allied Commander discovered the victims of the death camps, he gave orders to have as many photographs taken as possible by German people from the surrounding villages, to have them visit the camps and to even bury the dead.

He did this with words of a similar import: “Gather evidence, all the files and all the documents, confiscate all the film, interview eye witnesses, because somewhere in the course of history there will be bastards who will claim that all this never happened.”

A discussion was held recently in the United Kingdom as to whether or not the Shoah should be deleted from school textbooks, since it was an insult to a migrant population adhering to a certain religion who maintained that none of the above had ever taken place. For the time being, it has not been deleted. But it remains a terrifying example of the fear that numbs the world and how easy it is for each country to allow itself to be paralyzed. After all, it's only been a little less than seventy years since World War II ended.

The Netherlands Institute for War Documentation (NIOD) is located in Amsterdam at 380 Herengracht. It is located in a national

heritage site housing a reading room with a capacity of twenty-five, at the heart of the institute. The archives of Jewish orphanages were also there *until 2003*. In the summer of 2003, I paid my umpteenth visit to this institute.

This time I have an appointment with Professor Hans Blom, the director of the institute. I tell him my story and present him with my report: "Asset Management of World War II Orphans."

"I am researching what became of the inheritances of Jewish war orphans and am requesting access to the archives of the Jewish custodian organizations," I tell him.

"They are owned by Jewish Social Work (JMW). Without their permission, I cannot grant you access to these archives," Blom answers.

"But surely I must be allowed to see my personal files?"

"No, that is also not possible without JMW permission."

"So, is my only recourse to bring interlocutory proceedings, since the JMW won't grant me permission?"

"Wait a couple of days; I'll have a word with Hans Vuijsje, the director and administrator of JMW, and let you know what he has to say."

Two weeks later, I get an e-mail with the reply to the request put forward following this conversation, in which Vuijsje writes, "I do not see any point whatsoever to your research into this matter. Accordingly, I limit my permission to grant access only to your and your brother's personal files. No permission is granted for inspection of other records such as those pertaining to administrative archives."

It must, of course, have been sheer coincidence that directly after the negative decision taken by Vuijsje, the archives were transferred to the Gemeentearchief Amsterdam (Amsterdam Municipal Archives), where they are well-shielded from such unwelcome and inquisitive

researchers as myself. In the Amsterdam Municipal Archives, they are in the safe hands of archivist Mrs. Odette Vlessing, a member of the Vuijsje family by marriage.

In any case, I am now able to peruse my personal file and so complete this part of my research.





## **Child Care, Change as a Consequence of World War II**

*During the Second World War, as a result of the persecution of Jews, an entirely new form of child welfare came into being: the care of Jewish children. Many Jewish parents confronted with deportation measures instituted by the German occupier, decided to lodge their children with non-Jewish friends. Dutch resistance groups were also able to enable hundreds of Jewish children to go into hiding with non-Jewish foster parents. The parents hoped that this new form of foster care would only be temporary.*

*When the war had ended, many of these children had lost both parents. If they were unable to be taken in by family, some of them remained with the families where they had gone into hiding. Other children were placed with Jewish foster parents who were not related to the war orphans or given accommodation in one of the Jewish orphanages. After the war, there was a total of 1,363 Jewish children for whom the court had to appoint guardians.*

*When the war was still going on, in the summer of 1944, some members of the underground resistance in Amsterdam who were engaged in working with children had drafted a bill that was supposed to regulate the position of Jewish children who had gone into hiding. The authors were against re-establishing a separate Jewish community. They wanted to do away with the separation between Jews and non-Jews. This legislative proposal was smuggled to the*



*Dutch government in exile in London at the beginning of 1945. The idea was to deprive all parents who had allowed their children to go into hiding—and/or who had not cared for them in excess of three months—of their parental rights. These children, according to the proposed legislation, would only be given back after parents had been approved, following inspection, and granted permission from the still-to-be-established Government Commission for War Foster Children. What this proposed legislation amounted to was that any parent who had been fortunate enough to have survived the camps would be deprived of their parental rights. Were these well-meaning intentions with an objective to “act in the best interest of the child”? There is only one sentence in the entire text of the proposed legislation pertaining to children: “The commission will help facilitate their formal merger into the foster families, for instance, through change of name.”*

*The proposed legislation was never submitted. Instead, in May 1945, the Dutch Minister of Justice (Attorney General) set up the Guardianship Commission for War Foster Children (OPK).*

*In England in 1943, Abraham de Jong founded the Circle of Dutch Jews in England. This circle drew up plans for the reconstruction of the Jewish community in the Netherlands. On January 7, 1945, in liberated Eindhoven, the Jewish Coordinating Commission for Liberated Dutch Territory (JCC) chose Abraham de Jong as chairman. They published the paper *Le-Ezrath Ha-am*, which later that year was taken over by the *New Israelite Weekly*. The aim of the JCC was to promote the interests of Jews in the Netherlands as well as providing them with assistance.*

*In a JCC meeting held in March 1945, De Jong declared, “Persons holding prominent positions in the Jewish Council cannot be engaged in postwar reconstruction of the Jewish community.” He took the point of view that a place in the current commission had to be inversely proportional to their position in the Jewish Council.*

*JCC was a private Dutch organization financed by the American (Jewish) Joint Distribution Committee, usually referred to as “the Joint” and other*

*international Jewish organizations. In 1945, the JCC spent 441,445 guilders on all its activities. This over and against the receipt of donations totaling 637,361 guilders. A remarkable detail was that the contribution made by the Dutch government amounted to only 3 percent of the total amount. In addition to this financial support, the various foreign Jewish agencies made nonmonetary contributions worth 279,000 guilders.*

*Once the Netherlands had been completely liberated, the JCC moved from Eindhoven to Amsterdam. One of its many activities was the registration of Jews who were in the Netherlands. The list this engendered came into being in the living room of Sam Roet, the father of Abraham Roet, with whom I would work with as a negotiator for restoration. The aim of this organization was to reunite family members who had lost track of one another. There are some 18,000 names on this list.*

*One of the JCC's most important tasks was to take steps to ensure that Jewish war orphans went back to the Jewish community. Just as had been done prior to 1940, a Jewish guardianship society had to make rulings concerning Jewish children. However, its spokesmen realized that it could successfully compete with the OPK only if there was a single Jewish umbrella organization under which all the separate Jewish agencies engaged in the care of Jewish children could be unified.*

*And so, on August 30, 1945, the JCC, OPK's counterpart, took the initiative, and founded the Le-Ezrath Ha-Jeled Foundation. The purpose of the LEHJ was to take on the responsibility of providing long-term care and education, as well as the promotion of the interests of Jewish war orphans. Abraham de Jong was chosen as its chairman and remained in this position until he emigrated to Palestine in 1947.*

*The total number of Jewish war foster children who were registered was 3,942 of which 2,579 turned out not to be war orphans. They combined children who were already orphans before the war and children for whom their parents' whereabouts were unknown at the time of registration. Therefore, after the*

war, there was a total of 1,363 Jewish children for whom the court still had to designate guardians.

On July 11, 1949, during discussions of the bill under consideration for the abolition of the War Foster Children Decree, the government, at the request of the Second Chamber of Parliament, published the figures. In 1950, after four years of bitter infighting between the OPK and LEHJ, the results were: 368 of the 1,363 Jewish war orphans were placed under guardianship of non-Jewish foster parents. Nine hundred ninety-five were placed under guardianship in a Jewish environment, 120 of whom were awarded to Le-Ezrath Ha-Jeled.

A significant expansion of the LEHJ Foundation's activities took place in 1949 when it began working with Jewish nonwar foster children. The administrative machinery of this custodian organization could scarcely cope with the stream of children needing a home that year. As a result of the changed objectives, Jewish institutions in 1950 held guardianship over a total of 538 underage children. And in the years that followed, frequent appeals were made to the LEHJ to take on the care and responsibility for Jewish children. These concerned children who had been referred because of social or financial circumstance to Le-Ezrath Ha-Jeled. These were children who had survived the war with one parent, and also war orphans living with foster parents. Many of these children ended up in Jewish orphanages in the 1950s.

Because of this, two socially different groups of war orphans arose in the Jewish orphanages. The first group consisted of war foster children who had been placed in orphanages directly after the war. The second group were made up of children who had stayed with families or foster parents for many years after the war, but who could not remain there and had moved to orphanages at a later stage. I was not able to ascertain the exact number of foster children granted guardianship to the LEHJ between 1945 and 1966. After all, I was not granted access to the archives of these institutions. But it is clearly evident their number was far in excess of the 538 already noted.

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Until 1940, the universal principle of Dutch governments had been that each religious community (denomination) was deemed responsible for the care of its own people in need (invalids and orphans). Why was this principle abandoned in the postwar years, and why did the government find that authority of Jewish war orphans had to be left to a commission the largest part of which was made up of non-Jews? The Dutch government had officially sidelined the Jewish community by deciding to leave the parenting and future of Jewish war orphans to the War Foster Children Commission (OPK). The OPK, a government institution, consisted of members of the resistance movement who had, among other things, saved children and placed them with foster parents. The commission was comprised of twenty-five members, ten of whom were Jewish, thus forming a minority. After the war, a few of the resistance fighters wanted to have control over the postwar regulations regarding war foster children. The chairman of the OPK was the Dutch Reformed Gezina Hermina Johanna van der Molen, a woman who had played a prominent role in the underground resistance movement.

How had it been possible that the Jewish survivors of the Shoah, who had had to fight so fiercely and bitterly, now had to meet with such resistance and opposition to bring their children back to their familiar Jewish surroundings?

In July 1945, Gezina van der Molen wrote in the Dutch daily newspaper *Trouw*, "Our Jewish children are Dutch children. Whoever considers the question of war foster children as a purely Jewish affair takes the same racist view as our oppressors did."

With this, she accused the Jewish community, who had fought to regain custody of its own children, to have taken the same position as the Nazis. But the Jewish children in the Netherlands were not persecuted because they were Dutch, but because they were Jewish

children, not with the intention of eradicating the Dutch, but the Jewish population.

The same viewpoint, the “we must not discriminate like the Nazi’s did” principle, was also evident in the material rehabilitation of the 1950s. The Dutch government once again took the same “we must not discriminate” position, which resulted in Jews being deprived of what was rightfully theirs—namely the total restitution of their stolen property. The Netherlands had to rise again, and new legislation was necessary. This postwar Dutch legislation was unjust. It took no account of the fact that Jews, as opposed to other groups during the war years, were systematically robbed, the great majority of whom were then murdered.

After the war, Jews had to fight to get their material possessions back—real estate, money, jewelry, and stocks that they had had to deposit at the looting LIRO bank, insurance money, and belongings they had entrusted to people for safekeeping—but the most bitter and emotionally charged struggle was the one to get back their own children. Had the OPK acted out of love for the child, the same love that had motivated the members of the resistance to save Jewish children by bringing them to hiding places with non-Jewish parents? Or was it perhaps the “love of Christ” that did not permit Jewish children going back to their Jewish surroundings? Isaac Herzog, chief rabbi of Palestine, wrote in 1945 in an attempt to change the Dutch position, “It cannot be true that Christianity would want to profit from our endless tragedy, can it?”

Six months before the OPK (War Foster Children Commission) was dissolved, one of its members, Professor LLM I. Kisch, who had resigned from the Jewish Council on matters of principle, wrote in the February 18, 1949, issue of the *New Israelite Weekly*:

Even though it was seldom said out loud, the thought no doubt played in the back of the minds of members of the commission and Dutch judges, that a Jewish child would be done a favor by keeping it out of a Jewish community and thereby be spared the misery that the Jewish question can bring with it. “Das Judentum ist ein Unglück” (Jewry is Misfortune)—that notion was still prevalent in the minds of many, and the most obvious conclusion, now that circumstances were heading in that direction, was that the child would be further helped through complete assimilation in a non-Jewish environment by protecting it against this misfortune.

Let us not forget that this had to do with Dutch Jewish children who had been saved from the clutches of the Nazis by members of the Dutch resistance. Were these children being done a favor by withdrawing them from Jewry? Is it not anti-Semitism, or must it on the contrary be considered an act of mercy? Yes, the problem of the Jewish foster children would then be solved, there would be no need for Jewish orphanages, and moreover, Christianity would gain an additional thousand souls.

The urge to assimilate was prevalent in the postwar years among a portion of the Jewish community. It was the inevitable result of their traumatic experiences during the war. The struggle to bring children back to Jewish surroundings was therefore mainly engaged in by a small number of religious and Zionist Jews.

The postwar struggle for these Jewish foster children was chronicled at length in the 1991 book *Om het Joodse Kind* (*About the Jewish Child*) by Elma Verhey. It contains heartbreaking examples of

the bitter fights that took place behind the scenes between the OPK and LEHJ for custody of the children.

I have the utmost respect and admiration for the great effort, dedication, and perseverance of the leaders of the Jewish community in the Netherlands who had taken pains at that time to place Jewish war orphans in a Jewish environment. When I look around me here in Israel, I can see many Dutch war orphans, the youngest of whom is now over seventy, who are parents and grandparents, who have families again of their own, and in the old homeland have made a good life for themselves. Every time my children and grandchildren come for a visit I think, *it is a black page in history, but the Third Reich has also been wiped off the face of the earth. The Jewish people now have their own country!*



# 23

## The Cooperation of Jewish Custodian Organizations

*In order to find the funds necessary to look after the Jewish children and use existing funds more efficiently, the decision was made by several custodian organizations to pool their resources and work together. In 1950, a merger was effected that brought together the organizations Le-Ezrath Ha-Jeled, the Berg Foundation, the Jewish Boys' Home, and the Rudelsheim Foundation. The new organization was given the name Amalgamated Jewish Institutions for Child Protection, mostly referred to as "the Merger." The Girls' Orphanage, Megadlé Jethomim, and JOZEBOKO followed suit soon thereafter. From that moment on, Le-Ezrath Ha-Jeled carried out the actual work of the merged institutions and managed their financial resources. Ever since 1954, as far as their investments were concerned, these institutions have worked together in what was called the Central Investment Depository.*

*Over the years, the number of war orphans decreased due to them coming of age or emigrating to Israel or the United States. With the prospect in May 1966 of the youngest orphans legally becoming adults, the decision was made to place all the war orphans in a single home. Queen Juliana officially opened the building at Mirandalaan in Amsterdam on November 16, 1965. This last child's home for the Jewish community was closed in 1975 and then sold.*



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## **Jewish Social Work (JMW)**

*The official memorandum of the foundation of Jewish Social Work was signed at the notary public office of Jakob van Hasselt on November 28, 1946, to which all those involved in Jewish social work could become members.*

*JMW and the Merger began working together more and more. Still it would not be until October 22, 1981, that the General Board of Amalgamated Jewish Institution for Child Protection would convene for the last time. The unification of the Merger and JMW was now a fact.*

*On January 1, 1982 the JMW Foundation became a member of the Central Investment Depository formed by the members of the Merger.*

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## **Jewish Social Work Alliance (SJMw)**

*The Jewish Social Work Alliance was set up in 1988. The underlying principle behind it was the serious consideration given at the time to the proposed government plan to run a kind of assets check on any welfare institutions applying for subsidies. Consequently, these institutions would first have to use up their financial reserves before being eligible to apply for government grants. JMW wanted to prevent this and set up the alliance in order to separate the management of assets from the work it was carrying out with the financial support of those assets.*

*On June 4, 2004, the SJMW deposited an undated proposal for the merger of the Jewish custodian organizations at the offices of the Amsterdam Chamber of Commerce. The Dutch daily newspaper Trouw published this on June 10, 2004. As a result, Jewish custodian organizations disappeared as legal entities, and their entire assets had to be transferred to SJMW.*

## SETTLING THE ACCOUNT

*My brother and I lodged an objection at the Amsterdam District Court against this proposed merger on July 7, 2004. In our view, the monies of these custodian organizations should not be transferred to SJMW pending a scientific investigation, the brief of which would be to determine to whom these financial resources belonged.*



# 24

## **Too Young to Ask Questions**

The end results of the four-year-long struggle between OPK and Le-Ezrath Ha-Jeled showed that of the 1,363 Jewish war foster children, 27 percent were placed under the guardianship of non-Jewish foster parents and 73 percent under guardianship in a Jewish environment. In terms of statistics, the Jewish community had won. Le-Ezrath Ha-Jeled could look back with satisfaction and bask in its victory.

For the Jewish war orphans, the numbers were more than dry statistical data. For this group of war victims, the fight had just begun after the court decision—an emotional struggle that goes on until this very day. For this group, the war is still not a closed book. For us, there are still quite a number of questions that remain unanswered. Questions, such as:

- Who am I?
- Where do I come from?
- Who is my family?
- Where and how did they live?
- Were they religious or secular?
- Were they prosperous or penniless?
- What happened to our inheritance?

No one ever spoke to us about these subjects.

At the beginning of the 1980s, after our joint guardian, Philip Vos, had passed away, his wife, Julie, regularly came to visit family in Israel. She usually stayed with Phia, her daughter who lived in Rimón, a small town about ten kilometers southeast of Tel Aviv. One day, she called me on the phone.

“My mother is here for a week, and I would love to see you all again. Would eleven a.m. suit you to drop by for coffee this coming Shabbat?”

I decided to accept the proposed invitation.

It turned out to be quite enjoyable and Aunt Julie asked all kinds of questions. She wanted to know how we had fared since 1977, when my family had moved back to Israel for the second time. Aunt Julie sat on the floor and played with our children. After about an hour, she got to her feet and said to everyone, “Excuse me, I have to go to an important place.”

When she came back, something about her had changed. She had suddenly turned back into Mrs. Vos. Julie walked right up to me and said without any introduction or batting an eyelash, “When my husband passed away, while clearing out his office, I found some letters your parents had sent to us from Westerbork. I burned them, together with all the other papers from his office.”

I was completely dazed. Then furious. I felt sick to my stomach and dizzy. The room began to spin. I would never know what had been in those letters. A little while later, I asked her: “How in heaven’s name could you have done such a thing? These were valuable, historical documents. If there had been anything in them that I wasn’t supposed to see, you could have given them to Yad Vashem or the Jewish Museum in Amsterdam. Why burn them?”

To this came the ridiculous reply: “Neither of you ever asked for them.”

Her answer reminds me of the Passover Seder (Pesach), the Jewish family celebration to commemorate the liberation from ancient Egypt after generations of slavery, as chronicled in Exodus. Each year on the eve of Pesach, the Haggadah is read—the story about the flight from Egypt. According to tradition, on this evening many questions are asked and discussed by those seated at the table. The Torah alludes to four types of children in various places. One wise, one wicked, one simple, one too young to ask a question. One has been able to read in the Haggadah for centuries as how to respond. “And you shall tell your son” refers to a child who does not know how to ask. Scripture teaches you that you yourself should initiate the discourse for him with words that draw his interest.

Every year during Passover in the Rudelsheim Foundation, the Orthodox Jewish orphanage where I grew up, the Haggadah was read and commented upon and discussions were held. The managers in this home appeared however not to have understood the wise lesson from the Haggadah. In any case, they never applied it. No one ever spoke to me or the other war orphans about the Shoah, nor about our families.

The material value of the letters my parents wrote in Westerbork was the paper on which they were written and, therefore, practically nil. But to my brother and me, these letters were clearly of incalculable value. Value that cannot be replaced. Improper use of war-orphan assets by a guardian, through unjustified payments or sales of stocks, a house, or other transactions that cannot be found in the war orphan’s final settlement, is of course shocking and financially unpleasant, but still able to be replaced, compensated, or gotten over. Looked at from this perspective, there is no point in talking about the value of assets not received when the orphan legally comes of age. These assets not received also include letters, photograph

albums, stamp collections, paintings, utensils, appliances, etcetera. Above all, these objects have *emotional* value.

Emotional value is subjective, cannot be estimated, much less compensated for by third parties. And yet the most telling blows to the war orphans took place in the realm of emotional robbery. There was no one to tell us who we were, where we came from, what had happened to our families, how our family members had lived and worked—who they were, what they were like. We war orphans had to work it out all by ourselves. The worst part of it all was having to go on without the others. Going on without family, without anyone who cared about you, without love.

Emotional parenting—and guidance—was something the war orphan lacked. Not that I condemn the postwar managers of the orphanages. I am merely stating a fact. The professional management of the Jewish custodian organizations, made up of Jews, were themselves traumatized by the war. Moreover, this was the first time in history that children had been orphaned as a group. No one had any idea how to deal with this problem. Bad report cards were attributed to being stupid. No one took into account that emotional problems were at the root of the matter, which made further study even more difficult, if not impossible. “Trade schools for the boys, domestic science schools for the girls, and then get to work” was the Rudelsheim Foundation motto. In this way, one can also say that Jewish orphans from World War II were war victims of the first and second generation.

From 1946 to 1970, Hans Keilson worked for the medical department of Le-Ezrath Ha-Jeled. Keilson was born a Jew in Germany, studied medicine and sport in Berlin, and in 1934 passed his state examination as physician. At that time in Germany, jobs in medicine were limited for Jews, and so for a few years he worked as a physical-education teacher and musician at a Jewish school in

Berlin. He eventually emigrated with his wife to the Netherlands in 1936. In 1943, he went into hiding and became a doctor for the Amsterdam underground resistance movement. After the war, he continued his medical studies and, in 1948, became qualified to work as a doctor in the Netherlands. His German qualifications had not been recognized in the Netherlands. Later on, Keilson specialized in psychology and psychoanalysis. In 1967, he began working on his research that would earn him the degree of Doctor of Medicine at Amsterdam University in 1979. His dissertation, "Sequentielle Traumatisierung bei Kindern" (Sequential Traumas with Children), was published that same year and translated into several languages.

This study was based on long-term observation of traumatized Jewish children, mostly foster children at La-Ezrath Ha-Jeled, including my brother and me, who had survived the Second World War as orphans. Keilson followed these children at various stages in their lives. In this capacity, he observed Jewish orphans during the time they were under Le-Ezrath Ha-Jeled guardianship. He also interviewed me and other ex-dependents from various custodian organizations at the end of the 1960s. I was then married, lived in Israel, and had children of my own.

In his study, Keilson divides the fate of the orphans into three consecutive periods:

1. The persecution that began with the occupation of the Netherlands in 1940 and ended in the separation of parents and child;
2. From place of hiding/concentration camp to the liberation in May 1945 and repatriation to the Netherlands;
3. The postwar period, when some of the children remained with the foster parents who had raised them in their places

of hiding and others who had been returned to a Jewish environment.

I was first examined by Keilson before Le-Ezrath Ha-Jeled decided in which home I was to be placed. He writes about me in his “experimental-psychological” research on April 18, 1946:

[A] quiet, somewhat shy, amenable, obedient, socially well-adjusted five-year-old boy, who shows he is unable to manage material things, since he probably has not learned to do so. To the question: what do you have to do if you are cold? He answers: Put blankets around you. This response indicates he is socially well-adjusted. This child has experienced few difficulties in his upbringing. His mental development as a child has been normal.

In his dissertation, Keilson wrote, among other things, that the Shoah not only entailed problems of loyalty and identity conflicts but also the grieving process that enveloped the children of the deceased parents. In hindsight perhaps, Keilson understood the war orphans by the time he took his doctoral degree in 1979. Whether he understood them when they most needed help is doubtful. Every other year, the war orphans were sent to him for examination. They did not go of their own volition.

Keilson was the first to have made a systematic investigation of the long-term effects of the traumatic experiences of World War II orphans. The findings and conclusions of this study are known all over the world, and some psychologists apply them in the treatment of war children today. It was without a doubt a clever piece of work. A word of thanks to the Le-Ezrath Ha-Jeled foster children



would certainly be in order. After all, the underage war orphans, without knowing it, let alone without having given consent, were the objects of study for the benefit of Keilson's PhD. Unfortunately, they themselves did not benefit from it. In any case, every one of them had come of age several years before. Keilson published his thesis when the youngest war orphan was thirty-four years of age.

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Time and time again, those of us at the Rudelsheim Foundation were told how privileged we were to be there. We are receiving an Orthodox Jewish upbringing! Not that we had any choice or a say in the matter—it was imposed on us. To convince me and the other orphans to obey the rules of the home, we were told the same thing: “Of all the Jewish orphanages, the Rudelsheim Foundation is the best, with the biggest budget.” We were constantly told “You don’t have to stay at the Rudelsheim Foundation; you can also go the Berg Foundation, the Jewish Boys’ Home, or another home. But if you decide to stay here, you have to follow the house rules.”

Didn’t the educators at the time understand that this emotional blackmail traumatized the children all over again? The question as to whether or not today’s traumatized war children can benefit from Keilson’s long-term study can only be answered when these children have grown into adults.

In any case, Jewish war orphans were continually traumatized, differently from the way Hans Keilson described in his dissertation and not only in the three periods of their lives referred to earlier. We were rejected and emotionally blackmailed again and again, were distressed, stunned, and outraged. Instead of receiving love, understanding, and support, we were made to think by our educators and psychologists, with total government backing, that we were out

of our minds. Compared to those children who had survived the war with their parents, we were stupid and inferior. We had not deserved to survive the war while so many good Jews had perished. That is how we understood things, partly due to our orthodox upbringing. We were taught, after all, that everything lay in the hands of the Almighty, and he had a reason for everything.

Some two years before Keilson became qualified to work as a doctor in the Netherlands and still many years before he had completed his psychiatric study—thirty-three years prior to receiving his doctoral degree—he lodged his first report of his experimental-psychological research with Le-Ezrath Ha-Jeled.

On February 10, 1958, in another report to Le-Ezrath Ha-Jeled, Keilson wrote about me:

[W]eak, lethargic, totally withdrawn. He exhibits the same demeanor as many of the other children from Rudelsheim Foundation, who have (already) been there for a long time, for example V. This is presumably due to Mr. Elburg's strict, orthodox form of upbringing.

Shouldn't Keilson have known that Elburg, director of the Rudelsheim Foundation for well over three years after replacing Caneel in 1949—some five years before Keilson's above-mentioned report—had been replaced by Schick?

The lives of many of the children who lost their parents in World War II would have taken a different course had they been *helped* by psychologists instead of just observed by them. Tragically, many of these war orphans, long after becoming adults, have seen no other option than to take their own lives. The future of these children was in large part determined by these pseudo-psychologists. As one

war orphan wrote in a letter to the editor that was published in the December 3, 2010, issue of the *New Israelite Weekly* in reaction to an earlier interview with Hans Keilson: “Keilson is a charlatan who based his postwar career on our grief.”

In the Keilson interview, the journalist remarked that there had been much criticism of his 1979 dissertation, especially by the war orphans themselves. This remark was brushed aside by Keilson and answered with: “A bunch of bullshit.”

I kept thinking about the letters my parents wrote from Westerbork and again about the story of the buried chest in the back garden at Plantage Muidergracht in Amsterdam. I couldn’t let it go. I kept mulling it over in my mind. I had to know more about it!



# 25

## **Eemnes, Netherlands, April 2004**

On April 18, 2004, Marcel Godschalk organized and held a reunion of the former foster children of postwar Jewish children's homes in Hotel de Witte Bergen in the village of Eemnes. I was particularly struck by the fact the childhood memories of ex-foster children of the Berg Foundation and the Jewish Boys' Home were rather pleasant. They spoke with great appreciation and love for their directors, Reitsema and Van Zutphen. This in stark contrast to the childhood memories and feelings of ex-dependents of the Rudelsheim Foundation.

When the Rudelsheim Foundation was shut down in 1958, I, at the age of seventeen, moved with other boys to the Jewish Boys' Home at Emmalaan in Amsterdam. This was a major change in my life. My feelings and needs were now being taken into account. I was no longer treated like some underage kid.

We were given freedoms. On each and every weekday at the Rudelsheim Foundation in Hilversum, I lay (or put on) *tefillin*, as was customary with Orthodox Jews starting at Bar-Mitzvah age, thirteen. These are a set of small leather boxes or *phylacteries* containing prayer scrolls and worn during morning prayers on the forehead and wrapped around the arm. From the moment I arrived

at the Jewish Boys' Home, I no longer put my tefillin on my head, arm, and hand. I put them in a cabinet. I quickly felt at ease in the boys' home. You quickly get used to improvements.

I have moved about twenty times since leaving the Rudelsheim Foundation and always taken my tefillin with me. They are still in my cabinet.

Loeti, one of the boys who moved with me, writes in the reunion book about this change in his life:

All things considered, Van Zutphen always gave me the feeling of *yes*, he is there for you. He had a much better appreciation of the situation than all the rest of them .... Freedom, I tried sixteen years to get it. Well, let's say it at least ten. For me the boys' home was liberation.

Was this difference in memories due to the fact the Rudelsheim Foundation was the only Jewish orphanage to adhere to a strict, orthodox upbringing? Or was it perhaps because neither the director of the Berg Foundation nor Jewish Boys' House were Jews themselves and, therefore, less traumatized by the war? Or was the reason maybe that both of these directors remained in charge until the war orphans had come of age? By contrast, the foster children of the postwar Rudelsheim Foundation were subject to three changes of director. All three of them were Orthodox Jews who had been traumatized themselves.

One evening in December 1952, around dinner time, we dependents were summoned to the dining hall. Next to Director Elburg stood a young man we did not know. Elburg spoke and said, "This is Mr. Schick. Effective immediately, he will be replacing me as director." He then left the dining hall, leaving us behind in shock and without any further explanation.





## Shabbat

God created the earth in six days, and on the seventh day he rested. More than two thousand years later, Moses received the Ten Commandments for the people of Israel. The fourth commandment gave the Saturday Shabbat to the Jews, with the order it be a day of rest. “The seventh day is a Sabbath to the LORD your God. On it you shall not do any work, you, or your son, or your daughter, your male servant, or your female servant, or your livestock, or the sojourner who is within your gates.”

Everyone must lay down work and rest on this day. Orthodox Jews go a step further and make no use of electricity, cars, trains, bicycles, and the like. That was the picture painted for the children in the Rudelsheim Foundation on the outskirts the village of 'sGraveland. On the Shabbat and on Jewish holidays, it was practically an hour's walk to *shul*, where we worshipped in the center of Hilversum. On weekdays, we prayed at the foundation.

The service began early in the morning. The way to shul was boring; we had walked it hundreds of times. There was hardly any traffic. It was quiet in the city, and the stores were still closed. But this Shabbat, things were different. Strolling down 'sGravelandseweg, we saw a car coming out of Oude Torenstraat in Hilversum and starting

to head our way. It was a black Beetle with a German license plate. The Beetle, Volkswagen's most famous model and Germany's most famous car, had been created by Ferdinand Porsche on Hitler's order "to make a car for the folk." We strolled on our way but began picking up a few rocks as we walked. When we arrived at the corner of P. C. Hooftweg, not far from the AVRO studios, the Beetle passed us. We threw the rocks at it as hard as we could.

It came screeching to a halt. A woman jumped out, ran after us, and grabbed me, screaming, "*Juden, bewarfen mich mit Steinen, weil ich ein Deutscher bin!*" (*Jews pelt me with stones, because I am a German.*) Because of the shouting, Director Schick, who was walking up ahead of us, turned around and came toward us. He knew what was going on. The blonde woman started shouting at him, and I saw my chance to make my escape. A couple of minutes later, we were back on our way to shul—only this time we had to walk *in front* of Schick.

The service was over around eleven o'clock. As usual, Schick remained behind talking to Rabbi Pereira. We had already started heading for home. The way back was different. The city was now bustling, and the stores tempted us with their wares. Every Shabbat we went past the familiar pharmacy: I worked there during school vacations. Patients brought back used phials, were paid a deposit, I sanitized them, and was paid twenty-five cents an hour. Besides medicine, they also sold delicious licorice. The Rudelsheim Foundation was one of their clients, and they had to settle the bill every three months. I got five cents a week as an allowance, just enough to be able to buy a licorice lollypop at the kiosk on the way to school, which I did every week on Mondays. Once, on the Shabbat, when we were walking past the pharmacy, Kurt, one of the older orphans said, "Friends, do you guys want some licorice as bad as I do?"

“And how!” was our unanimous reply. “But we haven’t got a nickel. Money is *muktzeh*,” forbidden on holy days.

“You guys wait outside; I can fix that,” Kurt whispered, walking inside and ordering a kilo of licorice, saying to the sales lady, “We are not allowed to handle money on the Sabbath, so just put it on the Rudelsheim account.”

A couple of minutes later, he came back outside divvying up everyone’s share of the loot. And so it came to pass, that on every Shabbat for practically the next three months, we orphans feasted on our kilo of licorice. But the party ended soon afterward. The Rudelsheim Foundation thought the bill was too high and demanded to see a specific breakdown of items. That was also the end of our weekly allowance.







## **Farewell to My Childhood**

Spring 1959. I have been living in the Jewish Boys' Home for the past six months and decide to go downtown on the Shabbat. It is not raining, and the sun is even shining every now and then. The distance from Emmalaan to Amsterdam's Leidseplein is a little less than half an hour on foot. I am a member of the AAC, the Amsterdam Athletic Club, and train practically every day on the cinder track in Amsterdam South. I run more than ten kilometers purely for my own pleasure. So walking from the boys' home to the city was a piece of cake for me.

Having just started walking, I'd arrived at Koninginneweg and see a streetcar approaching from a distance. I ask myself what will happen if I take public transportation on the Holy Shabbat instead of walking. All of a sudden, I start feeling extremely tense and uneasy. Walking becomes harder, my legs feel as heavy as lead. It is the dormant anxiety syndrome that keeps on coming back, paralyzing my spirit with flashes of memory. But this time, my curiosity wins. The streetcar and I arrive at the stop at the same time, and I hop on.

"To Leidseplein," I whisper to the conductor.

"What did you say? I can't hear you."

“To Leidseplein,” I repeat a little louder, handing him a five-guilder note. Everyone is looking at me, and it feels like hours before I get my ticket and change. The streetcar finally starts moving, and with a red face, I walk to the very rear. Daydreaming, I stare out the back window and see Schick and Elburg waving their arms wildly, running after the streetcar, trying to catch up with reality and drag me back to the Rudelsheim Foundation. It is pretty exciting for the first few stops. Will they make it, or is reality too quick for them? It looks like they are going to win; they have come pretty damn close.

Right when I want to get off, the streetcar moves away again. With each new stop, the distance between us becomes greater. By the time we have arrived at Leidseplein, the two gentlemen who dominated my childhood are nowhere in sight. Still, I decide to continue on my journey and go to the end of the line. I get off at Central Station and walk in a daze through the city, past the Munttoren (Coin Tower), along the Bloemenmarkt (Flower Market), through Leidsestraat and via Vondelpark back to the Jewish Boys’ Home. I had left my childhood behind in the streetcar. It took me well into the 1980s before I felt strong enough to look back and even think about my childhood.



# 28

## Why

One of the few professions that someone can engage in without having had previous training is parenthood. Raising a juvenile orphan or being granted his or her guardianship is a different matter altogether. The prospective caregiver or guardian is put under a magnifying glass. All this, according to scholars, for the child's protection. The child is not listened to, however; the child is not asked anything.

Yes, as has already been said, raising your own children is a totally different business. Anyone can do it: schooled or unskilled, young or old, rich or poor, honest or dishonest.

And so my brother and I, as two young World War II orphans, were yanked out of the home where we had been living in hiding with our trusted foster mother and dropped at the Rudelsheim Foundation in Hilversum. Some attempts had been made to place us with foster parents in the years immediately after the war. We were put on display, tested, examined, and finally rejected by the few families who had both declared themselves willing and had the approval of the LEHJ to take us into their families as war orphans. Leentje and Salo van der Lijn, a childless couple from Amsterdam, and the only ones who wanted to adopt me, were not deemed suitable

to be my parents by “learned” people. They were both past the age of forty and, according to the rules, no longer considered capable of raising children.

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During my childhood, I often thought of the children who went home after school where their mother and father were waiting for them: Happy children who enjoyed playing in the schoolyard. Children who were loved. Children who, if they had done something naughty, had their parents called to school for a talk. Children who went home with friends to play. I was jealous of them. I didn’t dare tell anyone I didn’t have any parents; I was ashamed. I was convinced it was my punishment. I had undoubtedly deserved it. I couldn’t imagine any other answer to my questions. *How come there is such a difference between those kids and me ... between those kids and us war orphans? What did we do wrong to deserve this? And who had made this decision?*

Many years later, when I had children of my own, I realized that answers were not available to all of my questions. I learned this piece of wisdom from my own children. I usually answered all their questions with patience and in simple terms. I always made sure to take enough time. I was delighted when they asked questions and did not automatically accept everything they were told. Whenever many questions had been answered and then even more followed, I sang the first lines to a verse by Clinge Doorenbos.

How come the earth is round, Dad?  
 How come it isn’t square?  
 How come the sea doesn’t go,  
 any further than the beach?

Dad, how come a fish underwater  
doesn't drown?

And how come the hall clock,  
when it's broken,  
doesn't make a sound?





## **If Your House Is On Fire**

I had been living and working in Israel for ten years when I decided to return temporarily to the Netherlands. The reason for going back was not because I couldn't find a good job or was not happy in Israel. I was happy with my family. I had risen to project manager at Elta, the electronics subsidiary of the Israel Aircraft Industry. A project of my own design had even been awarded the Security Prize of Israel. I was living with my family in my own villa in the beautiful surroundings of Beth Oved. All in all, plenty of reasons to be satisfied.

The reason I wanted to go the Netherlands was to go to university. My urge to seek higher education had its roots in my childhood. I wanted to prove to my educators and psychologists from that time that I was not stupid. It was easier to combine studying with a full-time job in the Netherlands. Moreover, as an ex-serviceman, I had to do six weeks of reserve duty every year, which would make studying even more arduous. Reasons enough to decide to move to the Netherlands with my family.

The plan was to stay five years and then come back to Israel after I graduated. Our house in Beth Oved was sold, and in its place, we bought a four-room apartment still under construction on Chen

Boulevard in Rehovot, a small town thirty kilometers south of Tel Aviv. The difference in price between sale and purchase was enough to finance the move to the Netherlands and tide us over for the first few months. Even though all our affairs had not yet been settled in Israel, we did not want to bring our children to another school in another country in the middle of a school year. So we flew with our four children and pet cat in August of 1972.

In mid-September, I flew back to Israel to settle outstanding financial affairs. The sale and purchase of the houses had gone through the Anglo-Saxon Real-Estate Agency. The office was also monitoring progress of the construction of our apartment in Rehovot. My brother was the contact person and would keep us informed—and if need be, warn us if anything threatened to go wrong. Everything was settled. A month and a half later, I was back in the Netherlands, working days and studying economics and statistics at night. In the meantime, my wife, Henneke, had rented and furnished a beautiful apartment in Amstelveen. Our children went to school, and I became a member of the Jewish community in Amstelveen. Life regained a familiar pattern.

I was in the synagogue, as usual on Yom Kippur, in 1973, when I was picked up by Henneke and the children after the service.

“Israel’s at war” was the first thing Henneke said.

“That’s the first I’ve heard of it.”

“But it’s true. They’ve closed Ben Gurion Airport.”

“Yeah, but that’s always closed on Yom Kippur.”

When I got home, I called the Israeli embassy for consultation and was told that, under the circumstances, people with my background and knowledge would be more than welcome and that my army unit was undermanned. Not ten months in the Netherlands, never having missed a day of military reserve duty, after discussing things with Henneke, I decided to fly back to Israel.

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Jos Kretz, a colleague and friend of the family, cannot understand what could possess anyone to want to leave behind his wife and four children in the Netherlands and go to a war zone. I explain it to him with a question in return: "If your house was in flames, wouldn't you want to put the fire out? Israel is our homeland, and I feel at home there. I was born in the Netherlands. And yet, because of recent history, I feel like I'm more of a guest here, someone who is just visiting."

The next day, I buy a ticket, take a month's vacation from my work, and fly to Israel via England. I pay for my plane ticket from money I borrowed from Kamman, the owner of a green grocer on Beethovenstraat in Amsterdam. While handing me the money, he says, "I only want it back if you come home victorious."

"In a war, both sides lose," I answer him. "We Israelis have to prevent the Arabs from reaching their goal of driving Jews into the sea. When I get back, I will pay you back as soon as possible. If the Arabs reach their goal, then I will have lost my life and you your money."

At the airport in London, I end up in a bizarre situation that only Israelis can understand. More than a thousand people want to go home, while there is only one flight to Israel. The journalist there asks us, "Are you all right in the head? Residents of any other country would consider themselves lucky not to be in their country during a war. You Israelis are fighting to get on the plane instead, so you won't miss the war."

The first ones allowed to board the plane are on a list. I am one of the "lucky" ones. The second day of the war, I am stationed on the Syrian border, in the lovely surroundings of Mount Hermon. After only a month of fighting, the danger in Israel is over and a



cessation of hostilities signed. The ceasefire holds. I get a few day's leave and decide to have a look in the city. I want to visit friends and am also curious how the construction of our house is coming along in Rehovot. An army buddy brings me to the Kiryat Shmona bus station, a small town on the northern border of Israel. I take the bus to Tiberias, a town on the western shore of Lake Tiberias, in Hebrew also called Lake Kinneret, but often the Sea of Galilee or Lake of Genesareth, which is known through a number of biblical tales, such as "The Miraculous Feeding" and as the place where Jesus walked upon the water.

I have forty-five minutes to kill before catching the Tel Aviv bus, so I walk around the Tiberias without any particular place to go. *Am I dreaming? Am I in Israel? Is this country at war? Was I just in a war? Had we been fighting against the destruction of Israel and its Jewish inhabitants?* For three weeks, every single day, danger had been palpable. Here in the city things are peaceful: life is bustling and going on as if nothing had happened. I have *falafel*, a typical Middle Eastern dish, finish off a bottle of apple juice, walk back to the bus station, and hop on the bus to Tel Aviv.

When I reach Tel Aviv, I experience the same old feeling of discontentment: *I have come to Israel to fight, while the young people lead their lives here as if it has nothing to do with them.* This is no doubt food for a psychologist. They all know how to handle this and are always perfectly able to explain everything in hindsight. But now, walking through Tel Aviv, my disappointment spreads. I had not expected this. I walk past cafés and stores as if in a dream and spot a public phone booth. I get the irresistible urge to speak to Henneke and my children. At the same time, I ask myself who can I actually phone? We had only been living in Amstelveen for a few months at the time and still did not have a telephone. I dial the

operator, explain the situation and ask if I can make a collect call to the rabbi in Amstelveen.

“No problem.” says the operator.

The rabbi lives a few floors above us in the same apartment building. This way, I am able to give the first signs of life to my family since leaving the Netherlands. Henneke and I talk about everything. It is wonderful, and now that I know things are good at home, I can take on the world again.

I then get on the bus to Rehovot to have a look at our apartment under construction. To my surprise, I see the building has been completed and that people are already living there. *Nice work by the realtor and my brother*, I figure. *The house is being rented out, and the mortgage paid off.*

I could not have been more wrong. There are people living in the house who claim not to be renters at all. They say they’re the owners!

It is not a good time to sort out problems. The army, made up for the most part of reservists, has been mobilized. My brother has been called up, and it is impossible to make contact with him. But the contractor and the Realtor have not been called up, and I am able to find out what has happened. The real-estate agent gives me copies of the letters he had sent to my brother. The contractor had not receive payments owed at the agreed-upon intervals and regarded this as a breach of contract. He received no reactions to his letters. Six months before the Yom Kippur War, the contractor had sent a check to my brother for the amount of the down payment I had made and sold the house to someone else. In short, of the fifty thousand guilders’ payment for the sale of the house in Beth Oved, there was only one thousand left. Nobody thought it necessary to contact me and inform me about any of this. My brother had tacitly agreed to this disappearing act by not responding.

“There is still an additional 2,000 IL, say a thousand guilders, that I can give you,” said the contractor. “It’s reserved for you at the bank, but you have to sign that upon receipt, you consider the matter closed.”

I accept his offer and want nothing more to do with the matter. After a month of fighting on the war front, I have no desire to become embroiled in a lawsuit with the contractor, which would also involve my brother. My search for the past has taught me that the truth is not pleasant. But suppressing the truth cannot go unpunished. That is the lesson life has taught me. It has caused me a great deal of pain and nearly cost me my marriage. But the two of us have come out stronger because of it. Nine years of hard work later, Henneke and I were back to where we were, financially. Luckily, we had each other and our children.

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A month later, I am back in the Netherlands. Still it would cost me more than a year to get back into the swing of things in terms of my studies.

It turned out that my fellow soldiers had to remain on active duty for an additional six months. My brother too had been bivouacked for several months on the Golan Heights, which made it impossible for us to see one another. A letter was waiting for me in Holland, which he had written at the start of the war and in which he said he was doing fine. What we didn’t know at the time was that our units were stationed just a few kilometers from one another. My brother had written, “Nature is beautiful in these parts, but it’s good you are in Holland, because there is a lot of heavy fighting going on.”



# 30

## The Scar Has Remained as a Memory

Up until the 1980s, very few memories came to mind whenever I thought about my childhood. Some people have photographic memories—they can remember events from days long gone down to the smallest detail. I had never really given much thought to my childhood, instead keeping myself occupied with the future. That is the place where you spend the most time when you are young. *Why should I worry about what happened in the past? It makes you weak and vulnerable*, is what went through my mind, and I asked myself, *Can you just carry on living if you keep brooding over traumatic experiences in your life?*

It must probably be some built-in mechanism in a human being that ensures that you are able to forget the distressing events in your life: *It can't be true, can it, that my parents, grandparents, and family members were so thoroughly humiliated and then murdered. They escaped, are now living in Russia, behind the Iron Curtain—they cannot contact my brother and me, but one day they will show up on our doorstep.*

By taking on this conviction, I avoided the other, much more painful alternative, the doctrine of the Orthodox Jewish orphanage

where I was being raised: *Everything is in the hands of the Almighty, and he has a reason for everything. We do not always fathom why he acts the way he does, but that does not mean to say he acts without thinking.*

This meant, or so I thought as a child, that we deserved to grow up unloved and to go through life without parents or grandparents. There were other children—like the director’s children—who were better than we were, because they did have parents. All we were was just poor, dumb, little orphans.

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One of the most important subjects I took at university was psychology. In 1977, after successfully taking a second degree in economics and statistics, I was back again in Israel, and with self-analysis and professional help, I was able to accept life as it is. I had finally taken my grief out of its hiding place and looked it straight in the eye. Before that, it had lain dormant exactly where I had put it as a two-year-old toddler. Put it with the unconscious patterns that rule this life. With such processes as breathing, the digestion of food, circulation of blood, and a myriad of other patterns of which we are fortunately unaware—until something goes wrong.

Don’t think about grief; don’t talk about it; get on with your life as if nothing has happened. In my brain, I had erased the hard disc of my childhood. That way, my war trauma would leave me alone. And maybe I would find a magic switch which would turn back everything. Back to the two-year-old who was still living inside me. Back to my family, that is what I dreamt. But in reality things were different.

My inability to come to terms with my sorrow blocked me from being able to make use of my newly acquired knowledge and stature. In hindsight, the timing of my breakdown was of course logical.

I had successfully completed my studies and had reached the age my father never had. But the questions from my childhood still remained unanswered, and there was no magic switch.

Grief is like a weed. If you don't deal with it, it overgrows everything; it takes root in the ground. Then there is no room for other plants, flowers, and vegetables. The time it takes before there are only weeds left, depends on the surroundings. The wound the war had inflicted, had never been treated; it had not healed and began to fester. The pain this caused made it impossible to function properly. It took me a couple of years of therapy to be able to live without feelings of guilt. The guilt feelings, having arisen from unconscious patterns that controlled my life, resulted in my giving the wrong answers to my questions.

I started searching for my past, becoming conscious of my childhood. The process took a long time and unleashed a torrent of emotions. But I had decided not to suppress my emotional anguish by taking pills. After a time, I was finally able to put my grief in its proper place. Not that it has been forgotten. The open wound has healed. The scar remains as a memory, but does not hurt when touched. I know how to live with all the unanswered questions; the unconscious part of my life has been made conscious and has therefore lost its blocking effect. Still, not a day goes by that I don't think about my parents and other murdered members of my family. I know now that it was not some punitive measure because of disobedience or stupidity—theirs or mine. And that it was not because I was not loved or because my parents had “given me away.” It wasn't because of me that my parents were arrested and murdered. I know my parents acted and sacrificed themselves out of love for my brother and me.

My caregivers in the Rudelsheim Foundation, the psychologists, and the authorities found it easier not to talk about such nasty and

difficult things as the Shoah and mass death. For forty years, I felt guilty about having survived the war. I felt contempt and rage against mankind in general, that human beings had conceived of and carried out such a horrible thing as the Shoah.

It had cost nearly forty years before I felt strong enough to face the truth. At the end of the 1970s, Henneke and I went to Yad Vashem in Jerusalem. In that institute, museum, and monument to commemorate the Shoah, there in black and white was that which I had known about all those years, but did not want to know. For a long time, I had hoped against my better judgment that one day my parents would return. Not only did the books in Yad Vashem indicate where they were murdered but the exact date. The freight train left Westerbork on June 8, 1943, with 3,017 deportees. No one in this transport survived the war. They were gassed immediately upon arrival on June 11, 1943. My grandparents did not survive the Nazi regime either; both my grandfathers were murdered in Auschwitz in 1942; both grandmothers underwent the same fate in the spring of 1943 in Sobibor.

For the first time in my life, on June 11, 1980, I lit a candle to commemorate my parents and the other murder victims of the Shoah. To close the circle, I had to go to Sobibor. At the time, Israel had no diplomatic relations with Poland, so it was impossible for me to go to that country.

An unexpected opportunity arose seven years later. The European Economic Agricultural Conference was held in Poland in 1987. The Ministry of Agriculture invited me to be a member of the Israeli delegation to be sent there. We were picked up at the airport in Warsaw by congressional representatives and driven to the campus of the University of Warsaw. The tenth and top floor of the building was reserved for the Israeli delegation. That would not have

been so unpleasant if there had been an elevator. But the building was brand new and not quite finished, and the elevator didn't work.

On the days I went to the conference, Henneke went on short sightseeing jaunts around Warsaw. Seventeen museums, churches, and palaces were all within a radius of a kilometer from the university. However, Henneke gave priority to getting a hold of travel information about the concentration and death camps during the Shoah. How could you get there? She asked the university personnel and tourist offices. Every time, with the same answer: "I don't know what you are talking about. There were no concentration camps in Poland; no Jews were murdered here." After frequent attempts to no avail and a couple of days later, she tried her luck one last time at the university:

"Madame, could you please tell me how to get to Auschwitz, Majdanek, and Sobibor?"

"I don't know what you are talking about," Henneke heard for the umpteenth time.

"You know very well what I'm talking about. You know very well that millions of Jews were murdered, and I demand to get information about how to get there."

The woman behind the counter said nothing, bent over, and took a few brochures out of a cabinet, which she flung on the table. Without a word, Henneke picked them up and went back to her room.

After the conference had ended, the Israeli delegation spent days paying visits to Sobibor, Auschwitz, and Majdanek. They also went to Cracow, the center of Eastern European Jewry. In the concentration and death camps, I wanted to be alone with Henneke.

In the year and a half of the existence of Sobibor, 250,000 Jews were gassed and incinerated, 33,000 of whom were Dutch. Standing by the ashes of the murdered Jews, where trees were now growing,



I said the Kaddish. The Kaddish, one of Judaism's most important prayers to commemorate the dead, is said by the mourner. The special thing about this prayer is that no reference is made to the deceased. And it is also a great exception in Judaic liturgy, because it is not directed to the Almighty but to those present. The survivor tells those gathered that despite the loss and possible anger at God and the whole world, he has not lost faith in the future.

It took me forty-five years after the fact to say my prayer. I was there just with Henneke, but I felt the presence of all the Jewish survivors of the Shoah.



*Part 2*

**RESTORATION**



## **The Earthquake**

Somewhere in South America in the summer of 1950, a cow was peacefully grazing with her calves in a pasture. Someone who happened to be passing by took a photograph and drove on. A couple of minutes, later the earth cracked open and the cow vanished.

The earthquake began with primary and secondary tremors, after which the main disturbance took place and then the aftershocks. Instruments and animals are generally the first ones to feel the tremors and are able to react to them.

There could be reasons why the cow had not responded to the preliminary tremors, not seeking a safer place and kept on grazing in peace. One possibility might be the cow could not flee because the pasture was fenced in or that she did not want to leave her calves behind alone. Maybe her instinct told her, against her better judgment, that things would not be so bad after all. Besides, the grass in this pasture was delicious. These are just a few reasons you could come up with as to why the cow had met its tragic end.

The most drastic and dramatic events in our lives mostly take place unexpectedly, without us being prepared, or because of having made the wrong judgment concerning the facts available to us. The far-reaching event then runs like a leitmotif throughout our entire

lifetime, having long-lasting and continually recurring effects on the ways we behave. The Shoah was that earthquake. Not a natural disaster but a man-made catastrophe. There were more than enough primary and secondary tremors in the period between 1930 and 1940 to react to, but mostly no one did. The actual earthquake took place between 1940 and 1945. And the aftershocks can still be felt to this very day. The survivors of the Shoah are *successively* traumatized again and again with each new aftershock that occurs. Our lives are affected for shorter or longer periods of time depending on the magnitude of the shock.

One of those events that could be regarded as an aftershock to the Shoah was the Dutch restoration of rights that began in the 1950s. The trial and sentencing of Adolf Eichmann brought about the same effect.

What had become my own peaceful living came to an abrupt end with the discovery in 1997 of a portion of the LIRO bank archives—the looting bank—accompanied by the customary media offensive. Thanks to a tip by a couple of students who had been living in the agency building of the Ministry of Finance for the past few months, the located index cards found their way to the weekly magazine *De Groene Amsterdammer*. This discovery, more than fifty years after the war, once again reveals how shoddily the Dutch postwar restoration of rights was considered.

Every World War II survivor knows about the aftershocks of the Shoah. Everyone reacts in a different way.

The decades of the 1930s and '40s have been the subject of intense research for nearly seven decades. A great deal of attention has been paid to the fate of the Jews during World War II; mountains of reports and books have been written about this period. It was not until the first decade of the twenty-first century that the *postwar* period began to arouse interest. It has taken two generations before

the Dutch government was willing to allow scientific research to be conducted into postwar restoration of rights and to acknowledge the position its predecessors took toward the Jews. A willingness that only came about after prominent members of the Jewish community in Amsterdam, with the help of the media, exerted the necessary pressure. Only in the past two decades has intensive investigation taken place regarding Dutch restoration of rights.





## AJALAH

At the beginning of 1989, I was invited by a colleague to attend a *brit milah* or bris, as the covenant of circumcision is known colloquially in North America. The boy was eight days old, and he would be circumcised according to Jewish tradition. He and his family were having a celebration. In Israel, it is customary on such occasions to offer the guests a meal. The guests are expected to give their host an envelope with a check in it but no gifts. An unwritten rule is that the check should at least cover the costs of the meal. In fact, you pay for your own meal or, if you're a couple, then two meals. That is why I go alone to parties that are obligations and that I cannot get out of attending. If I have to pay for my own meal, I would rather go to a cozy restaurant with Henneke and eat food we choose ourselves.

So, I go to my colleague, congratulate him and his wife, and look around the room to see if I know anyone. In the middle of the room, I see Riek Levie and go over to her.

“Hey, Riek, is that chair next to you free?”

“Yes, have a seat. Where is Henneke?”

“She’s at home; she didn’t feel like coming,—she doesn’t know anybody here.”

Riek is the founder of AJALAH, the Hebrew acronym for the Assistance and Legal Advice to Dutch Shoah Survivors in Israel. It manages the interests of former Dutch nationals living in Israel with regard to the Victims of Persecution (1940–1945) Benefits Act (WUV) and Civilian War Victims (1940–1945) Benefits Act (WUBO). Since 1973, the Dutch government had made payments to Dutch victims of persecution, primarily pursuant to the WUV and WUBO. This compensation is a social payment to those who, because of physical or mental damage as a result of the war, are not able or are insufficiently able to support themselves. The applying survivor of the Shoah must first be recognized as a war victim. If the applicant has been recognized as such, then the WUV and WUBO can grant payment of benefits and determine their amount. Any income accruing from a salary, assets, and the like would be deducted from the benefits.

I've known Riek since 1963, when we both arrived in Israel. I met her for the first time at Haim and Rivka van der Velde's house at a birthday party. Haim had invited ten friends, and Riek was one of them, as was I.

Henneke and I still did not have any children, and so our means of transportation was a Vespa, the same motor scooter on which we had emigrated to Israel. On the way to Marseille, it had already started breaking down. There we were under the Eiffel Tower with a broken gear cable. The same problem overcame us a few yards from Haim's house. I had a reserve cable with me, but no tools to fix the problem. After having introduced ourselves to everyone there, I asked Haim, "Do you have a pair of pliers and a screwdriver I could use?"

Riek overheard that and asked, "What's wrong, Philip? Why do you need that?"

"I've got a problem with my motor scooter."

"I'll come with you."

When we got to the Vespa, Riek opened her bag and said, “What do you need?” Instead of the usual stuff in a lady’s handbag like lipstick, nail polish, or a compact mirror, I saw more tools than I had in my entire house.

She must have noticed my surprise, because she said, “I’ve always got this with me when I take my motorbike, and besides, I like helping people. After all, I went to a polytechnic school in Holland—as the only girl in my class. To prepare for my *aliyah* (emigration to Israel), I studied to become an auto mechanic.”

Riek was way ahead of her time.

After exchanging small talk at the brit milah, our conversation became serious. Riek complimented me on my private initiative and said, “You often donate help free of charge to war victims. You help them with advice; you lodge written appeals to the WUV...”

“Oh, I’ve had lots of dealings with the WUV. After all is said and done, I was forced to deal with them at my own expense for seven years. That’s how long it took before they recognized me as a war victim.”

“Would you be willing to become a member of the AJALAH board?” Riek asked. “That way, more people would be able to benefit from your knowledge.”

Her request surprised me.

She continued, “I’d really like to hear from you soon. If you say yes, then I’ll introduce you to the board at our next meeting.”

“I have to think it over,” I told her. “I’ll let you know next week.”

I didn’t actually feel like committing myself to her association. For me, it was enough to help my fellow companions in misfortune in my own way. I had not really thought about becoming a member of the AJALAH board. When I got home, I told Henneke about my meeting with Riek and our conversation.

“So what answer did you give her?”

“That I hadn’t made up my mind yet and would give her an answer next week.”



“How come you didn’t say yes on the spot?”

“Because I don’t want to bound by an association. There are all kinds of strings attached, which I don’t feel like right now. I’d rather help my comrades in misfortune at my own pace.”

She let me have it full blast. “You’re not in any parent-teacher associations anymore; you’re not involved with local politics, schools, or child care, and our eldest daughter is in the army. In short, you have plenty of time to lend your fellow man a helping hand.”

I look at my sweetheart with a smile and knows she is right. “Okay, I’ll give Riek a call next week and tell her yes.”

A couple of days later, I called her and gave her my decision. At the time, I had no inkling how much of an impact this would have on my later life. From 1989 to 2002, I was a member of the AJALAH board, the last five years as vice chairman.

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The year 1997 was drawing to a close when a certain Abraham Roet called me on the phone. He wanted to speak with me in my capacity of board member of AJALAH at that time.

“What is it you want to talk about, Mr. Roet?”

“I can’t discuss that over the phone, but it is important for the Dutch in Israel.”

More out of politeness than interest, I accept his invitation for a coffee the following Wednesday in Forum, a place to eat on the main road from Haifa to Tel Aviv. I don’t know the man, but he will have an influence on the rest of my life.

What I usually do before a meeting is to gather information about the subject and the person who wants to speak to me. In this case, the subject is unknown, so all that remains is to find out who this man, Abraham Roet, is.

No one knew him in my immediate circle of friends. He did not sit on the board of any of the ten organizations of ex-Dutch nationals in Israel.

I arranged with Riek to have the minutes of my meeting with Roet put on the monthly AJALAH agenda the following Monday.

Riek knows him. She says, "I've met the man a couple of times. I don't really know that much about him. All I can tell you is that I don't like him."

"What do you base that on, Riek? After talking to him?"

"I caught him telling a bunch of half-truths; the man is a terrible schemer. I warn you!"

"Okay, I'll let you know what he had to say at our next meeting."

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He recognizes me from the black Samsonite attaché case I am carrying. We quickly find a table and order a coffee. Roet is a burly man about five foot nine with a bald head and eyes that do not look at you. After a couple of polite sentences, I get to the point.

"What did you want to talk to me about—what's the subject?"

"I want to speak with you as chairman of AJALAH."

"Vice chairman," I correct him.

"It makes no difference. I know that you are the strong man on the AJALAH board."

"So what's this all about, Mr. Roet?"

"Do you know what is going on in the Netherlands?"

"I have heard something about it, but to be honest I'm not really that interested. I know it has to do with material matters, and they don't get my personal priority. When it comes to the Shoah, I find moral issues much more important."

“It has precisely to do with moral questions. In legal terms, these matters expired in the 1970s.”

“Can you please explain?”

“Owing to actions taken by the Dutch financial institutions and the government during the postwar years, they still control enormous amounts of money. This money came from the Jewish community and ought to be given back to the Jewish community. On March 10, 1997, Dutch Finance Minister Zalm installed the contact group ‘Assets World War II.’ The contact group’s task was to conduct research into postwar restoration of legal rights.”

“If I understand you correctly, this investigation is in its beginning stages?”

“That’s right, we’re talking about a lot of money here, and that is why it is important that we here in Israel start to get organized.”

“What do you mean?”

“In March of this year the Central Jewish Consultation Netherland, the CJO, was set up. The purpose of the CJO is to promote the interests of the entire Jewish community, with the government and other appropriate institutions and organizations.”

“Was the CJO set up especially with an eye to World War II assets?”

“No, there had been a desire for quite some time to set up some form of cooperation between the Jewish organizations in the Netherlands. But the CJO has been established just in the nick of time to operate as the spokesman for the entire Jewish community during a possible process of reimbursement. There are about ten organizations here in Israel that promote the interests of former Dutch nationals living here. If we want to be able to exert influence on the process of restitution, it is necessary for the Israeli organizations to also cooperate and speak with a single voice.”

My interest was aroused, his story fit perfectly into my search into my past.





## **Minors in the Eyes of the Law**

In the summer of 1995, there was a sudden resurgence of interest about Jewish assets—especially in Dutch journalistic and political circles. It had to do with Jewish flight capital that had found its way during the war to neutral Switzerland. All because of the media offensive that the World Jewish Congress had unleashed.

At first the Swiss bankers were not that concerned about all the commotion. That started to change when the American president Bill Clinton assigned Stuart E. Eizenstat the task of dealing with the matter of Jewish assets. Eizenstat was the undersecretary of commerce for international trade and special envoy of the Department of State on property restoration in Central and Eastern Europe. Things started getting tougher for the Swiss. The good reputation of the country had been affected, and that had a bad influence on business. In the end, the Swiss set up a fund to compensate war victims.

In this same period, Holland began asking itself whether or not the uproar about the Jewish assets would spread to other countries, including that little country on the North Sea. Professor Eric Fischer, the secretary-general of the Dutch Association of Insurers (VvdE) and member of the Eagleburger Commission, was engaged in the recuperation of Jewish assets from World War II. He decided at an

early stage to start an international investigation into possible Jewish assets from World War II that were still in the hands of insurers. He also had talks with the NIOD so that they would get involved in the dealings of postwar property restoration from insurers.

Shortly thereafter, on March 10, 1997, the Assets WW II group was set up by Minister of Finance Zalm, which made the Dutch Association of Insurers' brief superfluous. That contact group was called the Van Kemenade Commission, named after its chairman. This committee doesn't undertake investigative activities. The Scholten Commission is charged with investigating postwar restoration of rights. But the Van Kemenade Commission did instruct the NIOD and KPMG departments of forensic accounting to investigate the extent of the looting and postwar restoration of Jewish property.

The contact group's brief was limited at first. It was initially supposed to scrutinize the investigations into war assets held abroad. The Van Kemenade Commission could decide whether Dutch residents could lodge any claims from monies stemming from them only if there were good reasons. Specifically, this had to do with the efforts to track down the assets of account holders in Swiss banks who had not been heard from since May 1945.

On April 10, after only the second meeting, the contact group's mandate was enlarged. Its brief was extended with an investigation into the actual methodology of Dutch restoration of rights and the possible assets of war victims that still remained. In the summer of 1997, the investigation was put into the hands of the World War II Assets Guidance Commission better known as the Scholten Commission.

Since 1997 to the present day, there have been scores of research reports and books published concerning Jewish property from the Second World War. The Jewish community deemed it necessary

and decided to conduct their own research, despite the impressive list of independent scholarly commissions that had been assigned the task of conducting research into the postwar Dutch restoration of property rights that had yielded thousands of pages of reports.

All of these reports and books have been analyzed and scrutinized to the last detail by politicians, lawyers, and financial experts. Research was done concerning practically every financial aspect of postwar restoration of property rights. In so doing, insurers, government authorities, banks, and stock exchange members were put under the microscope. After having studied those research reports, I noticed that there was still one group of people who had been forgotten. A group who at that time were underage and therefore minors in the eyes of the law. Nothing had been said in all those reports concerning the restoration of property rights to the children who had survived the war without parents. War orphans had not been mentioned in the various commissioned reports and surveys. Had this been the case, it would have yielded answers to the following:

- Had the guardians received stewardship of the complete estates?
- Had the guardians properly managed the assets of war orphans?
- Had the guardians, once their foster children had legally come of age, transferred the complete estates to the war orphans?

These three questions had never been raised and so never answered. Nearly seventy years after the end of World War II, restoration of property rights still has not been concluded.



# 34

## Postwar Restoration of Rights

*Postwar restoration of property rights was based on royal decrees drawn up by the Dutch government in exile. As early as 1942, the Dutch government in London had set up a commission charged with laying down regulations concerning postwar restoration of property rights. The most important decrees were E-93 and E-100, both drawn up on September 17, 1944. Decree E-93 contained provisions for the repeal, with retroactive effect, of all the bylaws issued by the occupier, including all anti-Jewish measures. Decree E-100 formed a systematic basis for restoration of property rights. To implement these decrees, in order to prevent overtaxing ordinary judges, a special jurisdiction was introduced.*

*Restoration of property rights was to be implemented by a specially instituted body, Council for the Restoration of Rights, which was made up of six departments. The departments were:*

- 1. Legal Matters,*
- 2. Securities Registration,*
- 3. Property Administration,*
- 4. Provisions for Absentees,*
- 5. Provisions for Legal Entities, and*
- 6. Real Estate.*

*Appeals could be lodged, using the first department, Legal Matters, against any decisions taken by the last five. This department, the highest authority involved with the restoration of rights, was manned solely by independent jurists. The last five departments were not autonomous. They could be relieved of their duties and had to follow government instructions.*

*Decree E-100 was intended to restore all stolen property to its original owners, if they could be traced. In reality, the decree's primary purpose—keeping in mind the reconstruction of the Netherlands and in total compliance with its official name, Restoration of Legal Rights Decree—was to restore as soon as possible the normal [prewar] property and legal matters. Only those who had knowingly and willfully profited from the looting practices of the occupier had to give back the stolen property to the original owner or pay them compensation.*

*Anyone who had come into the possession of property titles from Jewish people therefore had to make a plausible case that they had obtained them in good faith. Seen from this perspective, the restoration of property rights of victims of German terror did not have the highest priority. Were priority to be given to every circumstance of the restoration of rights, then restoring financial matters, according to the policy makers at the time, would result in enormous delays.*

*The task that the government had set itself to do and had formalized by royal decree was to return stolen property to their rightful owners. Therefore, the person who had been robbed had to actually be present. The government did not see it as their task to compensate that which the Germans had stolen. The Dutch government did not feel responsible for the actions of the occupier. Restoration of rights was therefore definitely not a form of compensation. According to this law, a stolen painting had to be returned to its original owner. But if the painting was not actually present, then the original owner had no right to any form of compensation.*

*Restoration of property rights could only be effectuated through this law in the event that persons having titles, mostly Jewish, registered claims.*



*That was often not the case. After all, more than 105,000 Dutch Jews had been murdered during the war. Estates (inheritances) to which no claims had been lodged by persons having title, reverted, as a consequence of general legal regulations, to the state. Because often entire families had been murdered, these regulations resulted in the state profiting from the Shoah.*

*Those persons having title who filed claims for the restoration of various components of their assets—such as money, bank balances, insurance policies, mortgages, stocks, and such—usually came away empty-handed. Their properties were usually liquidated by the looting bodies and hence were no longer actually present. In any case, the original owner could still lodge a claim against this looting body. But owing to the fact that the L'VVS, the curators of the looting bodies L'IRO and V'RA, and the NGV were concerned with the illegal confiscation of real-estate properties and mortgages, they did not have sufficient cash on hand, and the chances of receiving satisfactory compensation were slim indeed. Therefore, it is quite understandable that the original owners, as a rule, preferred to have their property titles restored. That is to say, this would be in keeping with a total restoration of rights—the asset value compensated for by 100 percent. A claim against the looting bodies meant that the scope of the restoration was partially determined by the value of the assets of this institution. Moreover, taking this course of action would entail a long, drawn-out process in which additional losses would be incurred on interest and income. After all, payments took place for the most part some ten years after the war had ended.*

*The material consequences of the postwar regulations lasted until 1957, that is, twelve years after the end of the war, and depending on the components, dealt with from 50 percent to 90 percent of the property stolen. Reimbursements did not take into account loss of interest or cost-of-living index.*

*Implementation of the postwar regulations was, moreover, bureaucratic and cold. To give an example: A Jew who had been fortunate enough to have survived his stay in an East European camp could not find anywhere to live*

*when he returned to the Netherlands. "You haven't paid any rent for several months; your lease has expired, and other people are living in your house; we do not have any other available housing for you" was what the public servant would tell him concerning his previous place of residence. The same principle was applied to holders of insurance policies, owners of houses and mortgages, and so forth and so on. So one could not really speak of restoration of rights.*

*Four of the six departments of the Council for the Restoration of Rights more or less complied with the royal decrees of September 1944 (E-100). The Securities Registration and Real-Estate Departments disregarded this law, therefore boycotting the restoration of rights. That is the reason these two departments were replaced by Statutory Order F-272 on November 16, 1945. But the implementation and supervision of this law was contracted out to precisely those same professional groups who had played such an essential role in bringing about the injustice in the first place. Isn't that a case of "leaving the fox to watch the henhouse?"*

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## **Registration of Effects**

*Jewish citizens—in accordance with ordinance VO 148/1941 of August 8, 1941—were compelled to deposit, among other things, their securities with the LIRQ. From February 1942, it offered these securities for sale to the Amsterdam Stock Exchange without the permission of the original Jewish owners. The only thing the original owner received was a notice in the mail from the LIRQ, a standard form that read:*

*This transaction has been effected in accordance with instructions received from the proper authorities. The proceeds will be credited to you in a special deposit account, upon which interest shall be paid until further notice. All our transactions*

*are made pursuant to the Regulations of the Amsterdam Stock Exchange Association.*

*Restoration of property rights was part of the Restoration of Legal Rights Decree E-100 and was based on the compulsory registration of all securities in the possession of Dutch residents. The first phase in the restoration of property rights was therefore the reporting and registration of assets with the Securities Registration Department of the Council for the Restoration of Rights. The purpose of securities registration was to enable restoration of rights for the original Jewish owners, but also to trace enemy assets and assets not declared to the tax authorities. The system entailed having to report assets from both sides.*

- *All Dutch institutions that had spent securities had to register this skeletal statement with Securities Registration at the Council for the Restoration of Rights with number, sort, and updates that had taken place since May 10, 1940.*
- *On the other hand, everyone in the possession of securities had to register these with the same agency.*

*Anyone managing other people's securities, such as banks, stockbrokers, and other institutions also had to register them on behalf of their clients, even if they were absentees.*

*Furthermore, every former, mostly Jewish, property owner was provided with the opportunity to submit an application for restoration of rights, i.e., to give notice of opposition with the Securities Registration Department. Closing date for this application was January 1, 1947. Those unable to apply or give notice of opposition within the period of time allotted had until January 1, 1952, to file a "Post-application" and "Post-opposition" with the department.*

*Anyone having lost property or who knew a family member who had not returned owned shares had to report these as missing in order to be eligible for restoration of rights.*

*Properties that had been surrendered to the looting bodies and that had remained there until after liberation were reported by the administrators of the LIRO and VVRA on behalf of the original owners.*

*By comparing the registered and lost properties, it was determined which properties had not been registered and, therefore, had ended up as part of the deficit in the total of nonregistered properties. These properties were then declared invalid, and the equivalent amount reverted to the state, according to general statutory regulations.*

*The assets of the securities deficit stems from the so-called enemy assets—assets not reported to the tax authorities and those of murdered Jewish original owners.*

*The Securities Registration Department determined who the registered securities belonged to. Reported securities that had not been demurred were not a problem and therefore given back to the original owners or their heirs without delay.*

*The same thing applied to securities registered with the LVVS. If they could not be traced, then a balance was created. This was transferred to the Jewish Social Work, (JMW)*

*A problem arose in the cases referred to as short circuits. They came into being when an application for restoration of rights for the same piece of property was made by the postwar owner and an opposing party. In that case, the Securities Registration Department had to determine to which party the property belonged. In principle, there were two outcomes to this process:*

- 1. The original prewar owner was granted restoration of his possessions. In that case, the current postwar owner of that property was entitled to compensation and a claim before the LVVS.*
- 2. The dispossessed did not get back their property. In that case, he or she was entitled to compensation from the LVVS as curator of the LIRO who had stolen the property and, in many instances, had sold it for cash.*

*Naturally, one can understand that the original owner preferred the first result. That is to say, this was in keeping with a total restoration of rights—the asset value was compensated for by 100 percent.*

*In keeping with Restoration of Legal Rights Decree E-100, the postwar owner of a registered property could only retain it if he or she could make a plausible case that he or she had obtained it in good faith. This principle made stockbrokers financially liable for the consequences of their dealings during the war.*

*On the other hand, the board of the Amsterdam Stock Exchange Association (Vereniging voor de Effectenhandel, VvdE)—but particularly its chairman, Carel Frederik Overhoff, an undisputed leader during the occupation years—had continually taken the position that there was nothing principally wrong with the sale of LIRO items during occupation. The VvdE had constantly given the impression that these sales were in accordance with the regulations and standard practices of the exchange. According to the association, its members had, in principle, acted in good faith throughout the entire duration of the war.*

*The VvdE board did not make attempts to bar the LIRO from joining the exchange. Found documents have shown that the opposite is true. Overhoff, in cooperation with the Amsterdam Bankers' Association and immediately following the introduction of the first ordinance, took steps to effect this. The board of the stock exchange facilitated, legitimized, and made the sale of LIRO items on the exchange possible.*

*The initiative to sell properties confiscated by the LIRO on the Amsterdam Stock Exchange was not taken by the German authorities, who wanted to sell the items in Berlin, but from board members of the stock exchange, the bankers' association, and in consultation with the Nederlandsche Bank (Dutch National Bank). Overhoff knew the president of the bank—the top-ranking Dutch National Socialist official Rost van Tonningen—quite well. Rost's wife, Florentine, was related to Overhoff.*

*Taking all this into account, the board of the stock exchange association could not be said to have made a plausible case that they had acted in good faith, or their members for that matter, either. They had, after all, known that the properties offered to them by the LIRO were compulsorily surrendered Jewish possessions.*

*The members of the Council for the Restoration of Rights, with the exception of the Legal Matters Department, were not autonomous. Department membership of Securities Registration was permeated by interest groups, whereby, putting it mildly, a conflict of interest could not be ruled out.*

*The VvdE, within the Securities Registration Department, was not only responsible for the technical implementation of the registration. The chairman of the stock exchange, Carel Overhoff, was a full member of the department. That meant that he had a say in the legal decision making. His membership was all the more controversial, since as the chairman of the stock exchange, he had presided over the trade in stolen goods during the period of occupation.*

*At the end of August 1945, Chairman Overhoff had declared that the stock exchange association would only be willing to cooperate in the implementation of property registration provided good faith upon resumption of normal stock-exchange trading activities was deemed a priori. Therefore, Overhoff refused to effect the statutory decree whose stated aim was to regulate the restoration of property rights (E-100).*

*His attitude led to the Restoration of Legal Rights Decree with regard to liberated Netherlands not being implemented. Instead, a new decree, F-272, was issued, the draft form of which was drawn up by order of the board of the Amsterdam Stock Exchange Association.*

*Statutory order F-272 of November 16, 1945, drastically altered the Restoration of Legal Rights Decree of September 14, 1944, with regard to the restoration of property rights. Briefly summarized, it meant a reversal of the burden of proof: making a plausible case of "good faith" by the postwar property owner had been reversed to the necessity of proof of "bad faith" by the original owners. That meant that the original Jewish property*

owners, the dispossessed, could only recover their property from the postwar owner by pressing charges and providing proof of bad faith on their part. However, evidence could only be obtained if the Amsterdam Stock Exchange Association provided the information, or through investigative research by the Securities Registration Department in the LIRO administrative records. But Overhoff was of the opinion nothing was wrong with stock-market dealings during the war, and he refused to provide information to the original owners. Therefore, the majority of prewar property owners were unable to prove whether someone had acted in bad faith.

The legal concept of what constitutes standard stock-exchange transactions played a central role in the restoration of property rights. The Securities Registration Department and the VvdE stated that stockbrokers had been obligated—under the applicable exchange regulations and uses—to consider securities on offer from the LIRO as bona fide transfers, thereby indemnifying the stockbrokers.

Original Jewish property owners and leading jurists considered this a gross injustice. After all, it had always been clear to the stockbrokers that the LIRO deliveries entailed stolen Jewish property.

The attorney Heiman Sanders, a champion of fighting injustice and secretary of the Dispossessed Commission, which since 1950 had represented the interests of the Jewish securities owners, lodged an appeal against order F-272 with the Legal Matters Department of the Council for the Restoration of Rights. Legal Matters rendered a decision on May 19, 1952, on the legal concept of “Standard Stock Exchange Transactions” and decided: the exchange regulations did indeed leave the stockbroker and client free to still refuse the purchase. That it was not standard practice to refuse the transfer of securities did not mean this had been impossible in legal terms. In so doing, the department rejected the opinion held by Overhoff and the Amsterdam Stock Exchange that there had not been anything wrong in principle with the stock-exchange trade during the war.

*This decision meant that stockbrokers were still responsible for their actions during the occupation, that they had to make plausible cases as to their “good faith.” The Amsterdam Stock Exchange Association reacted to this decision by suspending stock-exchange activities indefinitely, starting May 20, 1952.*

*The Dutch Minister of Finance at the time, Lieftinck, decided to come to the aid of the stock exchange by saying that he would propose legislative measures that would protect members of the stock exchange against the consequences of this decision—by temporarily suspending securities-registration operations, a measure that also put the legal department out of action. This serious infringement of the independence of judicial authority met with fierce resistance in the judicial world.*

*The government subsequently decided to back the stock exchange, and a so-called three-party agreement arose under the name Claim Settlement Fund of 1953 (Plan Waarborgfonds 1953), which was charged with the task of simplifying restoration of property rights and to protect both exchange members and traders against the verdict rendered by the legal department. The Dispossessed Commission agreed to accept 90 percent of value of the property when the dispossessed person agreed to a settlement, including 90 percent of lost income, interest, and dividends, starting from December 31, 1941.*

*Operational costs to implement the 1953 Claim Settlement Fund plan were estimated at 139 million guilders, which is the equivalent of €1.5 billion today, almost two billion USD. A significant portion of this was financed by a levy introduced on the stock exchange after the war, while funds were also drawn from the assets of the LIRO and LVVS. The government, the dispossessed persons, and the LVVS all paid a contribution to the fund, while those who had traded in “bad faith” during the war would go unpunished under this agreement.*

*As a result of the decision made by the legal department, those stockbrokers who could not prove that they had acted in good faith were held liable. But even after entering into this compromise agreement, they still remained*



*indemnified against payment of damages they had caused as a consequence of their actions in the war.*

*After a great deal of pressure, the Amsterdam Stock Exchange Association finally agreed in 1953 to contribute three million guilders to the Claim Settlement Fund or 2 percent of the total budget, from stock-exchange coffers. This was in no way commensurate to the amount of war profits made by the group of stockbrokers responsible for having collaborated with the enemy. Nor was it commensurate with the amount paid by the Dutch government—read: the Dutch taxpayer.*

*Until 1953, little or nothing came of the actual restoration of property rights in the form of the reimbursement of stolen securities, even when there had been plausible evidence of persons having acted in bad faith in the purchase of Jewish properties, owing to a combination of developments that resulted in the Amsterdam Stock Exchange playing such a dominant role in the restoration of property rights. For that matter, it must be added that the state actively or tacitly agreed to these developments. Moreover, the actions taken by Finance Minister Liefstinck, with regard to reimbursement of the German Treasury bills found among the assets of the LIRO and VVRA, did not attest to it being of an essentially different order with respect to the claims of the dispossessed persons. One could even go so far as to say, he was jointly responsible when it came to this.*

*The Amsterdam Stock Exchange Association behaved disgracefully during postwar restoration of property rights. Specifically for having decided to cease trading activities and only resume them on condition the liability to their members be suspended with regard to transactions performed during the war, much as they had during the war, allowing morally illegitimate trades under bogus legality.*

*By doing what he thought was necessary in 1953 to resume trading on the stock-exchange track, Minister Liefstinck again let the functioning of the Amsterdam Stock Exchange to prevail over infringements it had made on the system of the restoration of property rights. Its members were indemnified*

*against claims for damages, even in cases where it could be proved beyond the shadow of a doubt that properties coming from the LIRQ had been purchased intentionally.*

*In so doing, Dutch residents were presented with the financial consequences of disfranchisement—through the payment of their taxes. In many cases, restoration of property rights did not take place, but instead, compensation was paid for those damages by the tax-paying community. Those who profited from the disfranchisement went unpunished.*

*The Amsterdam Stock Exchange Association played an essential role in the formation of Statutory Order F-272. The same group was contracted to implement and oversee this order. It was also the group that played a decisive role in the deprivation of the Jews during German occupation.*

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## **Netherlands Property Administration Institute**

*The Netherlands Property Administration Institute (NBI) was set up as a result of the Postwar Restoration of Property Rights decree taken by the Dutch government in exile, on August 9, 1945. The NBI was part of the Administration Department of the Council for the Restoration of Rights. This department in turn largely delegated the tasks assigned to it by the council to the NBI. The NBI's tasks were:*

- 1. To make provisions in regard to the administration for legal entities and absent parties.*
- 2. The administration of assets created during occupation and after occupation from institutions that were dissolved by law.*
- 3. The administration of treason assets.*
- 4. The administration of enemy assets.*
- 5. To effect payment of confiscations from political offenders.*

*The first two tasks of the NBI were important from the point of view of the Jews. The administration of these affairs was transferred by the Council for the Restoration of Rights to the NBI on the grounds of royal decrees.*

*Point one was especially important as far as the war orphans were concerned. An absent party is a person whose whereabouts are unknown. It principally had to do with provisions for those Jews who had been deported, and had not returned. This administration task too was delegated to the NBI by the Council for the Restoration of Rights on the basis of these decrees. It appointed, to the exclusion of an ordinary judge, administrators for the absent parties. An individual could, at the request of a third party or at his or her own volition, be appointed administrator. These were often family members of the absent party, but might also be such bonded third parties as accountants, lawyers, or notaries public. Finally, the NBI had the authority, when appropriate, to appoint itself as administrator.*

*At the beginning of their administration activities, the administrators had to draw up a statement of assets of the estate and then periodically—usually annually as of January first—give an account to NBI in the form of an interim statement of assets and liabilities:*

- *Administrators were not allowed to encumber or dispose of assets of absent parties without the express written consent of NBI. For that matter, NBI was not liable for any actions taken by the administrator.*
- *In most cases, a period of administration ended when the death of an absent party had been established and naturally, where appropriate, when the place of domicile of the absent party had become known.*
- *The administrator was formally relieved of his office when the period of administration had ended.*
- *In cases where the absent party had died, which per definition was the case with war orphans, the division of the estate was, in most cases, delegated to a civil-law notary appointed by the administrator.*

*The name of the civil-law notary was practically never present in those records that were examined. For that matter, NBI was not responsible for the settlement of the estate.*

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## **Real-Estate Properties**

*On August 11, 1941, the Dutch Real-Estate Management company (NGV) was charged with the liquidation of real estate and mortgages of Jewish landownership. The management of the confiscated properties was transferred to the administrative office Nobiscum and the General Dutch Management of Real Estate Properties (ABNO) office. This ABNO then resold houses to new clients. The Jewish owners could then forget any further claims. It had all been “legally” arranged, in the form of bylaws.*

*Civil-law notaries formed the last link in the chain of expropriation and resale of Jewish real estate during World War II. They attended to the transfer, put their stamp on the deed, and with that, the injustice was definitive and “legally” determined.*

*Concurrence in the formalization of injustice is the highest possible crime a civil-law notary could commit. The rules of conduct that govern the occupation of civil-law notaries were laid down in the Notaries Legislation Act of July 9, 1842, which at the time of German occupation had therefore already been in force for a hundred years. One of those rules states: Civil-law notaries ought to exercise their profession with integrity, impartiality, and accuracy.*

*The dubious origin of the ABNO properties was known to the notary profession. After all, auction instructions were first sent to the notary who had dealt with the previous transfer of deed. He could refuse the transfer or allow the auction to fail by setting the minimum bidding price as high as*

possible, which kept the offers made by interested bidders too low. Property tenders were not accepted, so the auction would be postponed.

A civil-law notary is independent and, therefore, was able to refuse a certain dossier during the occupation if he wanted to, without consequences. The next time the choice would simply be made to find a civil-law notary who would comply, and they were not hard to find.

Transactions undertaken in the years 1941–1945 by or on behalf of the NGV, with regard to Jewish properties, naturally wrought a great many changes in the ownership rights of real-estate properties. In the course of the restoration of rights to the original owners, there were also a great many parties who had a vested interest, and so one could expect quite a few disputes to arise. In order to lighten the caseload of the legal department of the Council for the Restoration of Rights in dealing with such instances, a Real-Estate Department was set up by Statutory Order F-272 in November 1945. It was intended to ensure that disputes between parties, albeit under supervision of an expert notary mediator, could be arbitrated. In cooperation with the managing board of the Brotherhood of Dutch Notaries at the time, and in several locations, one or more persons were found, mainly notaries, who were willing to serve as delegates to the department.

If one of the parties disagreed with an amicable settlement put forward by a notary, then the notary drew up a report of objections. Parties then had to request that the legal department arbitrate the points of difference and bring about restoration of rights. Because it subsequently proved impossible to settle all disputes this way, the Real-Estate Department was given the authority, after amending decree E-100, when one or more parties refused to cooperate in finding an amicable settlement, to settle the dispute by decree. Appeals to these decrees could then be lodged with the legal department.

With regard to disputes dealt with concerning the ownership of real-estate properties and the mortgages attached to them, there are approximately 12,800 cases on file. The Real-Estate Department archives of the Council for the Restoration of Rights are housed in the National Archives in The Hague.

*At the beginning of 1959, nearly fourteen years after the war, all disputes had been dealt with and the Real-Estate Department archives of the Council for the Restoration of Rights was abolished.*

*Civil-law notaries formed a special category of official functionaries who had dealings with anti-Jewish regulations. Notaries had profited financially from the situation during German occupation. After all, they were paid a fixed fee for each file they processed at the going rate.*

*The Brotherhood of Dutch Notaries had played a decisive role in the deprivation of the Jews during German occupation. It again played an essential role in the formation of Statutory Order F-272. The same group was also contracted to implement and oversee this order.*

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## **Material and Emotional Damages from West Germany (CADSU)**

*In 1957, the Federal Republic of Germany (a.k.a. Bundesrepublik Deutschland [BRD] West Germany) promulgated the Bundesrückerstattungsgesetz (BRüG) or Federal Restitution Law. This law made it possible to grant compensation to Nazi victims persecuted on the grounds of race, creed, or political conviction for property confiscated from them or which they had been forced to sell. Two Dutch attorneys believed that BRüG afforded Dutch victims of persecution the opportunity to lodge claims for compensation in West Germany. This would be possible if they could prove that their property had ended up in the so-called Geltungsbereich (postwar West Berlin and West Germany). This entailed JOKOS as well as LVS creditors who had not or only partially received payments for confiscated property, jewelry, and other valuables, as well as foreign securities handed in during the war that had disappeared after the war.*

*In 1957, the Dutch Ministry of Finance set up an office charged with the administrative handling of these claims with the BRD. This Dutch agency that paid out claims to Nazi victims for material damage was given the name in 1959 of Central Bureau for German Reparation Claims, known by its Dutch acronym CADSV.*

*CADSV was charged with settling both material and emotional damages. In order to avoid confusion, the material compensation dealt with by LVVS and JOKOS was referred to as CADSV-I and the compensation for emotional damages as CADSV-II.*

*The CADSV-I archives are housed at the JMW.*

*The CADSV-II archives are housed at the Dutch Ministry of Finances.*

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## **Material Damages Compensation from West Germany—JOKOS (CADSV-I)**

*The Foundation of Jewish Religious Communities and Social Organizations for Reimbursement of Damage, more commonly known by its Dutch acronym JOKOS, devoted its efforts to obtaining compensation payments on behalf of Dutch Jewish war victims on the grounds of BRüg. This mainly had to do with household effects that had been looted and taken to (West) Germany. Abraham Puls, a member of the Dutch National Socialist Movement (NSB) since May 1, 1934, was the owner of a moving company, located on Kerkstraat in Amsterdam. He had driven through Amsterdam, commissioned by the German occupier, with moving vans (with the name A. Puls) picking up and loading Jewish properties. His name, combined with his activities led to a new meaning for the Dutch verb pulsen (to pulse). During the occupation, pulsen referred to the ransacking of houses of deported Jews or those who had gone into hiding. In Amsterdam more than 29,000 Jewish houses were pulsed.*

*JOKOS negotiated with the West German authorities concerning the clarification and interpretation of the BRüG legislation. All claims lodged with BRüG had to be made on an individual basis. JOKOS lodged claims against West Germany and CADSU took care of administrative handling.*

*Claims involving more than one heir often took quite some time to settle, since it involved getting the necessary certificates of inheritance. Moreover, there were cases in which the whereabouts of one or more rightful claimants were unknown or turned out to be impossible to locate. In order to comply with the demands of German law—which stated that in order to settle a claim, all entitled parties had to be represented—a curator had to be appointed to deal specifically with these partially vacant estates. In order to provide a practical solution to this problem the Dutch court, at CADSU's request, appointed JOKOS as curator. This JOKOS payment, for material damages, took place at the beginning of the 1960s.*

*The material claims had to be applied for to JOKOS on an individual basis. The CADSU lodged the claim with the West German agencies and saw to the settlement. Claims were paid to the rights-holders also at the beginning of the 1960s. The JOKOS archives—compensation for material damages—is administrated by JMW and housed in the Amsterdam Municipal Archives.*

*Several associations were represented in the JOKOS Foundation. The Organization of Jewish Communities in the Netherlands (NTK) was represented by M. van Creveld, the Sephardic Jewish Communities (PIK) by D. Lopes Cardozo, the Liberal Jewish Religious Community by E. Juhl, the Foundation for the Compensation of Dutch War Victims in the Netherlands by S. Parsser. Three JMW representatives took key positions: A. Vedder as chairman, G. Taussig as secretary, and Ph. A. Sondervan as treasurer.*

*Notary Eduard Spier, JMW chairman from 1954 to 1972, was quite adept at maneuvering. If he wanted to pursue a case, it must not only be useful and/or necessary but likely to succeed. If it turned out in hindsight that he had miscalculated his chances, then he cautiously came round. An example of this*



*tactic is the JOKOS issue. The initiative to request compensation payments had been taken by the Committee of Jewish War Victims.*

*In May 1954, Spier let it be known that he did not think it would work: "The chairman is pessimistically inclined toward this question." In October 1957, more progress had been made—Spier declared to the board of governors that he found this quite agreeable: "One should let the people proceed and see what kind of results they can achieve." Spier had no objection to the continuation of Vedder as chairman of JOKOS.*

*In December 1957—when it had become clear that payments would be made—Spier voiced his opinion that the board of the JOKOS Foundation must be supplemented with Dutch experts, especially by a notary. At the General Assembly of May 18, 1958, notary Spier declared that he did not find that the physician Vedder was suitable to be chairman of JOKOS: "Dr. Vedder is, to be sure, a good physician, but that does not mean he has any expertise in these matters." Via this roundabout route, Spier became a member of the JOKOS board and took over the chairmanship.*

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## **Compensation for Emotional Damages from West Germany (CADSU-II)**

*In 1963 the Central Bureau for German Reparation Claims (CADSU) was charged with a new task. This entailed the implementation of the provisions regarding compensation for emotional damages pursuant to the financial treaty concluded between the Netherlands and Federal Republic of Germany on April 8, 1960. In 1956, West Germany enacted the Bundesentschädigungsgesetz (BEG). This law made it possible to grant compensation to Nazi victims persecuted on the grounds of race, creed, or personal beliefs. Under the terms and within the framework of this law the West German government in 1960*

*made a one-off payment of 125 million DM, 113 million guilders (65 million euro) to the Dutch government.*

*This amount was distributed from 1963 to 1966 among Jews, gypsies, Jehovah's Witnesses, and illegal workers who had been imprisoned for more than three months.*

*A commission chaired by former Dutch prime minister Drees drew up a points system for the distribution of this money. Persecuted Jews were assigned a certain number of points: for wearing a star, having lost a parent as an underage child, having lost a child, imprisonment in a concentration camp, subjection to sterilization by the occupier, and so forth.*

*The emotional-damages claims had to be lodged on an individual basis at the Ministry of Finance. The CADSV in turn lodged the claim with the appropriate West German agencies and took care of the settlement. These claims were paid to the rights-holders at the beginning of the 1960s.*

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## **Compensation for Health Damage from The Netherlands—WUV/WUBO**

*From 1973 on, mainly on the grounds of the Victims of Persecution 1940–1945 Benefits Act (WUV) and the Civilian War Victims 1940–1945 Benefits Act (WUBO), the government made payments to Jewish, Indo (Dutch and people of mixed descent in the former Dutch East Indies, present-day Indonesia), and other Dutch victims of persecution. This form of compensation is a social benefit to those who suffered physical and/or psychic damage as a result of circumstances in the war that prevents them in whole or in part from being able to earn a living.*



# 35

## **Drowned in Tears**

At the start of this century, during one of my many visits to various archives in Amsterdam, my eye was caught by a special document. On June 13, 1947, my sixth birthday, Peter Dierdorp had applied in writing to the NBI with a request to appoint the Administration Foundation located at 4 Raamgracht in Amsterdam as administrator for the absent persons Isaac Staal and Anna Staal-Cohen.

Dierdorp, Anna and Isaac's landlord, had his real-estate office on Plantage Muidergracht, roughly one hundred meters from where we had lived. In April 1943, my parents had confided in him and entrusted him with some of their valuable possessions for safekeeping. But my parents had not given him authority to manage their business affairs in case they did not return. My parents had not thought of—nor did they want to think of—that as a possibility. In any case they had not undertaken any provisions.

But now, Peter wanted to manage my parent's assets and wrote to the NBI, "It is necessary to represent the aforementioned absent parties, Isaac and Anna Staal-Cohen, whereas the undersigned had been given several objects for safekeeping to be delivered to the surviving next of kin."

I stare at the document more than a half century later and wonder what happened to all these *objects*? Who came into their possession? In any case, my brother and I had never seen them. So I don't have the slightest idea what the material value of these objects might be. But one thing is certain: the objects we never received are of great *emotional* value to Marcel and me. My head is bursting with questions to which I seek answers. The more my research progresses, the more pieces of the puzzle I find. Everything is starting to become a great deal clearer, and it does not cheer me up at all. I am once again confronted by an answer to a question, which I would rather not have gotten. I will never get used to it and ask myself, *How is it possible that so many people have profited from the death of my loved ones?*

I haven't the foggiest notion how long it had lasted before I was shaken awake from my dream by a young man sitting next to me in the study room. He asks, "Is something wrong, sir? You look pale. Would you like a glass of water?"

I try to speak, but my voice is drowned in tears. No sounds come from my mouth and all I can do is nod yes.



# 36

## **Is Everything in this World Only about Money?**

*There were vast interests at stake: those of heirs, guardians, spouses who wanted to remarry, administrators, creditors, and debtors of the absent parties—and possibly other interested parties. It was not right to persistently keep these juristic parties in the dark. However, a death certificate is legally required to settle the estates of deceased persons.*

*After liberation, it was not possible, given existing legislation, to prepare a death certificate for persons who had been taken away during the war and then murdered. The problem focused on establishing the date of death. According to provisions in the Dutch Civil Code, only the civil servant in the place where the person had died could legally prepare the death certificate. The existing laws turned out to be practicably unfit for use when it came to the restoration of assets to the heirs of absent-person war victims. The place of death for the 105,000 murdered Dutch Jews was, after all, a concentration or extermination camp far beyond Dutch borders. These camps did not have civil servants who issued death certificates. At the time, this problem was solved by making a link between the time a person went absent and the presumed date of death. With that, the lawgiver had to take into account the possible return of the absent person. Within this framework, depending on the circumstances, the uncertainty as to the date of death could last as long as thirty years.*

*It was possible, however, through information received from the Red Cross and by calling in the civil judge, to have the registrar of births, deaths, and marriages in the Netherlands draw up a presumption of death certificate for absent parties. But this solution did not definitively resolve hereditary succession and was therefore far from adequate. Nevertheless, in January 1947, the Supreme Court of the Netherlands put an end to this practice as well, declaring it to be in breach of the law.*

*In judicial terms, the Supreme Court decision could hardly be considered surprising. But it had a disastrous effect on the restoration of property rights. As long as the registrar of births, deaths, and marriages was unable to draw up a death certificate, this having been rendered impossible by the Supreme Court decision, persons who had not returned remained absent parties. In consequence, this also meant that surviving next of kin were not legally entitled to the property of absent parties. The settlement of an estate could not take place. The NBI was also unable to relieve the administrator of absent parties from his or her function of administrator.*

*New legislation was necessary to offer a solution. The Dutch ministers of the Departments of Justice, the Interior, and Finance proposed a bill for a law "containing rules pertaining to the drawing up of death certificates for absent persons." In the process of drawing up the bill, there were several alternatives, of which the following two were finally addressed and put to a vote:*

- 1. All absent persons were considered to have died on the same day, for example on May 6, 1945, the day after liberation.*
- 2. As the date of presumed death, the date was considered to be the day following the last date the absent person had been known to be alive.*

*The legislators chose, for reasons of their own, the second alternative. The consequence of this choice to inheritance law was that transfers of property*

*amongst absent persons was subject each time to inheritance tax. Effective June 11, 1949, this bill achieved the status of law.*

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“You know what, pookey?” I asked Henneke one evening at the beginning of 2000, with a mixture of disbelief and anger in my voice. “I’ve just discovered that after the war the Dutch government had passed a law which resulted in the Dutch treasury having capital gains for each Jew that was murdered. Do you understand? The more Jews that were murdered, the more money went to the Dutch treasury. In 1949, two pieces of proposed legislation were put to the vote. Parliament deliberately chose the option that allowed for each individual case of inheritance of a murdered Jew to be subject to separate inheritance tax.”

“Really? Incredible,” was the only reaction a shocked Henneke was capable of uttering.

“Sad, but true. Mozes Staal, my grandfather on my father’s side was born on September 9, 1881, and died in Auschwitz on September 30, 1942. His assets were inherited, after deduction of inheritance tax, by my grandmother Rosalie Trijtel-Staal who was murdered in Sobibor on April 9, 1943. My parents, both of whom were murdered in Sobibor on June 11, 1943, received—*on paper*—the inheritance, again after deduction of inheritance tax.

“My guardian subsequently received this inheritance—again, after the state had withheld inheritance tax. Inheritance tax was paid three times before our guardian received our inheritance.

“The same thing happened with the assets of my grandparents on my mother’s side.

“A large part of the inheritances of those murdered therefore ended up in the Dutch state treasury, solely because proposal one had been rejected and proposal two accepted.

“Large quantities of Jewish families were murdered, and *not* all on the same day. And so there was only a small amount left over for the person who ended up receiving the inheritance, the Shoah survivor.”

“This makes me sick to my stomach. Is everything in this world only about money?”

“It seems like it,” I reply. “Marcel and I are the only two survivors from our large family. During the Shoah, whole families, and there were quite a few, vanished from the face of the earth. According to the laws at the time, their inheritances reverted to the state. These laws were enacted long before the Shoah. People could not have imagined at the time that humanity would be capable of devising something as horrible as the extermination of Jewry. Yes, the government could have changed this law in the postwar period and, in so doing, make life a little more bearable for the war victims. But no, parliament let the law stay as it was and, on top of that, chose a new legislative proposal that maximizes the ‘proceeds’ from the murder of Jews. This is disgusting, a black chapter in the history of the Netherlands that cannot be excused!”

The settlement of a deceased’s estate of absent persons from the war could only be carried out in the vast majority of cases, after the change of law on June 11, 1949. The majority of the administrations were therefore extended between 1945 and 1950. Afterward, the number dwindled rapidly. As of March 1954, the NBI was no longer authorized to appoint administrators; from that date, it was done by an ordinary judge. The NBI was terminated in 1967.



Committees of inquiry and historians have published reports and books numbering thousands pages on the subject of postwar restoration of property rights.

- The Van Kemenade Commission concluded, "On the basis of the principles and procedures that applied at the time, the course of restoration of property rights, generally occurred in lawful terms with the exception of a number of areas concerning restoration of securities. After 1945, the government and society were evidently more preoccupied with such general national interests as the reconstruction of the country and the conflict with Indonesia than they were with seeing to the early restoration of property rights of those who had suffered most from the war and persecution."
- The conclusion of historian Gerard Aalders of the National Institute for War Documentation, author of *Penniless (Berooid): The Destitute Jews and Dutch Restoration Policy since 1945*, was "the restoration of property rights did not fail in terms of its aims, but its implementation was sheer agony."

The commission and Aalders opted for a specific point of reference. They reviewed the postwar restoration of property rights in relation to the "Restoration of Legal Rights Decree." They concluded that this restoration had more or less taken place legally; that is, in accordance with the rules laid down by the law. They do not give any moral judgment on these laws. Nor did they say that restoration of rights had proceeded in a just way.

As has already been stated, the aim of this law was to achieve the reconstruction of the Netherlands as soon as possible. The

restoration of the rights of the victims of German occupation did not receive highest priority.

Dutch law, based on the Restoration of Legal Rights Decree of September 17, 1944, and in particular the postwar statutory orders of November 16, 1945, and June 11, 1949, *is unjust*. It is a law that did not take into account the fact that the Jews, in contrast to other groups in society during the war years, were systematically robbed and then murdered. This law took little account of the interests of the party affected the most—the Jewish community in the Netherlands. However, a great deal of understanding has been shown to those who knowingly and willfully seized Jewish properties.

Throughout the centuries, there have been plenty of historical examples in many countries of the *lawful* treatment of minorities in society, which in hindsight have been regarded as morally unacceptable.

In fact, all actions taken during the war by the German occupier and their Dutch collaborators, such as civil servants, the fire department, police, civil-law notaries, and the like were “lawful.” After all, they acted in accordance with ordinances issued by the occupier, including all anti-Jewish measures.

That is why the concept of *lawful* cannot be the sole argument used to defend actions and blot something from collective memory. The commission’s conclusions and that of the historian Aalders are based on a critical review of the postwar restoration of property rights in relation to the Restoration of Legal Rights Decree and therefore speak of damages, gestures, and compensation. However, a number of aspects of the restoration of property rights, such as the settlement of estates and return of stolen property and the actions of the government, must be regarded as unfair, unjust, and even as unlawful. *In any case, they do not comply with the fundamental provisions of the rule of law.* On several occasions, the Dutch State

was able to add not inconsiderable sums to the state treasury deriving directly or indirectly from the system chosen to implement postwar restoration of rights.

The representatives of the Jewish parties concerned, the Central Jewish Consultation in the Netherlands and the Platform Israel Foundation, which represented the interests of Dutch Jews in Israel, had always taken this position:

Jewish properties and funds that could not be returned to the original right owners or their heirs ought to be reimbursed to the survivors of the Shoah, being the moral heirs of the Dutch Jewish victims of persecution.

This position holds that the practice of putting the assets of Jews who had been stolen or surrendered due to the Shoah into the possession of the state and financial institutions, even if they had been acquired with ostensible legitimacy and in keeping with the law that applied at the time, was morally wrong. On moral grounds, these funds ought to be reimbursed to the Jewish community.

Gerrit Zalm, the Dutch Minister of Finance at the time, deserves to be highly commended. He put his political career on the line by following his conscience and not allowing this issue to be decided by a court ruling. He commissioned a scientific review of the postwar restoration policy. And he played an active role from 1997–2005 during the negotiations and distribution of Jewish World War II assets.





## **The Guardians' Responsibilities**

*The court appoints a guardian for underage orphans, therefore also for war orphans, and at the time also a coguardian. Guardian and coguardian were responsible for the war orphan until he or she came of age or the day their charge entered into marriage. This responsibility applied regardless of whether the orphan remained a resident in the Netherlands or had relocated abroad.*

*A guardian is wholly responsible for a war orphan and can be compared to that of a parent with respect to their children. However, in financial matters, there is a difference between the responsibility of a guardian for his or her dependent and that of a parent. Parents too are wholly responsible for their children until they have come of age. But according to law, they are not obligated to give a financial account to their children when they have come of age. Guardians are.*

*The guardian or custodian organization had to do this with the war orphan in the form of a written final settlement or statement of account. Subsequently, the guardian had to account for the management of the ward's assets before a judge in the presence of the ward or a person authorized by him or her. After the court had discharged the guardian of his or her duty, the war orphan had to sign an acknowledgment of receipt of the credit balance.*

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*Administrators look after people's money who for one reason or another cannot do it themselves. As has already been mentioned, the NBI appointed guardians for absent parties. The estates of deceased absent parties in the war could be settled only after a specially issued legislation on June 11, 1949, containing rules pertaining to the drawing up of death certificates for absent persons. Until that date, the parents of war orphans were absent parties, and that is why the NBI appointed a guardian on their behalf.*

*At the beginning of their administrative activities, the administrators had to draw up a statement of assets of the estate and then periodically, usually annually as of January 1, give an account to the NBI in the form of an interim statement of assets and liabilities.*

*Administrators were not allowed to encumber or dispose of assets of absent parties without the express written consent of the NBI. For that matter, the NBI was not liable for any actions taken by the administrator.*

*On termination of the administration, the administrator was formally relieved of his or her function. However, the NBI could only grant relief of guardianship provided the administrator had fulfilled his or her obligations in the form of a statement of assets and liabilities of the absent party. The settlement of the estate(s) and the final transfer to the entitled parties still living could then take place in accordance with the following procedure:*

*Each estate of a person perished in the war had to be sorted out in order to divide the properties belonging to the estate (securities, houses, but also reparation payments) among the surviving next of kin. For this purpose, civil-law notaries had to draw up statements that attested who and at which time and place had died, leaving behind which children, who in turn left behind what persons, and so forth and so on.*

*Therefore, the certificate of inheritance or attestation of admissibility to the estate pertains directly to those persons or groups of persons murdered in*

*the war and specifies at the end who the final entitled parties are. This must have been an extremely painful and depressing task.*

*The estates could subsequently be settled and after payment of inheritance tax were transferred to the entitled parties. In turn, they had to divide them amongst themselves, which sometimes took place through a civil-law notary. If, in the certificate of inheritance, the place of residence of all the entitled parties was known, then the estates could be distributed among the parties involved. It was often the case that not every entitled party's place of residence was known. If that were so, only those portions could be divided for whom places of residence were known, and the rest of the estate of those parties whose place of residence was unknown remained with the civil-law notary.*

*In cases having to do with minor orphans, the estate was transferred to his or her administrator or guardian. The administrator, guardian, or custodian organization was, from that moment, the administrator for the war orphan until he or she came of age. On the final statement, which the guardian had to present to the court, all income and expenditures had to be specified. If the final settlement were judged to be in order and the of-age orphan had agreed, the court then discharged the guardian of his or her duty for the financial management of the assets. The war orphan then had to sign in acknowledgment of receipt of the credit balance.*

*This concludes the information on the rules of procedure. But did everyone follow the rules?*



# 38

## **The Financial Settlement of My Childhood**

At the start of 2002, I thought the time was ripe to ask my former guardian for my personal file. JMW, the Jewish Social Work, ran the archives where my files could be found, and so I telephoned Hans Vuijsje.

“Hans, may I please have a copy of my personal file?”

“Yes, fine. It’ll take a little while; they are thick files, and I will get in touch with you when we have finished copying them. You can, before it’s copied, come and review them in the presence of a social worker.”

“I want to take a look at my file, certainly for the first time, without any strangers around. Is that possible?”

“No.”

“Why not?”

“Because the information you find could be quite shocking. You might get upset, and a social worker would have to be there for your own protection.”

“That is really sweet of you, Hans. I am well into my sixties, an adult, married with four children and a dozen grandchildren. It is very kind of you to finally be showing some concern for my welfare,”

I said sarcastically. “But it really isn’t necessary. I have visited quite a few archives, have seen quite a view Shoah documents, and I have survived without breaking down.”

“That may well be, but those are our rules. If you want to receive your file, you first have to make an appointment with one of our social workers. You may review it in her or his presence. Afterward, you can get a copy, so tell me what you want.”

“Okay then; I’m usually in Holland twice a month for an MAROR meeting. I always have a little spare time before I fly home. Let me know when my file has been copied.”

“Fine, I have your telephone number and e-mail address and will make sure a social worker schedules an appointment with you.”

After a lengthy delay, JMW finally allowed me to review my file in the presence of a social worker. I did not receive a copy of it until months later.

I was especially surprised by one of the documents I came across. There were the minutes of the meeting of the Guardianship Commission for War Foster Children (OPK) of June 3, 1947, which outlined my fate. The OPK had convened on June 3, 1947. During this meeting a decision was taken regarding the guardianships for twenty-seven war foster children. It was decided that the Rudelsheim Foundation be appointed guardian to the thirteen children who had been living in the said foundation at the time. The District Court of Amsterdam, by order of January 30, 1948, upheld the decision taken by the OPK. The S. A. Rudelsheim Foundation was thereby appointed guardian to my brother and me. The coguardian was Philip Vos.

I had to read this document a few times before the meaning really sank in. Am I dreaming? This can’t be real, can it? My thoughts flew back to childhood. Philip Vos—in front of us, Uncle Philip—who had taken us away from our foster mom and brought



us to the Rudelsheim Foundation, who came to visit us once a year with his wife, Aunt Julie, was Marcel's and my *coguardian*? And we knew nothing about it? Later, when I had rented rooms in Amsterdam, I used to go visit Uncle Philip and Aunt Julie. Philip was always in his work room. Before I left, he would come to sit in a lovely, embroidered upholstered chair in the living room. We never had a serious conversation. I did not know what to ask him at the time, and he did not volunteer any information. My questions only arose during my research.

Later, in 1966, when we had been married for three years and were living in Israel, Henneke and our two children went on vacation to the Netherlands, and they stayed with her mother. Yitschak was barely two and Sigalit only a couple of months old. Henneke made an appointment to see Uncle Philip and Aunt Julie, who lived in an exclusive residential neighborhood in Amsterdam—Buitenveldert.

When they arrived at the Vos residence, Henneke rang the doorbell. Aunt Julie opened the door, kissed her, and said: "Ooh, such lovely little darlings. Come on in."

Holding Yitschak by the hand and with Sigalit on her arm, my young wife went into the living room. Uncle Philip, as usual, was in his study but came into the living room fifteen minutes later, and seeing Henneke, Yitschak, and Sigalit, he said with tears in his eyes, "Like father like son. Yitschak is the spitting image of Philip, your husband, like I knew him just before he and Marcel went into hiding. He would have been the same age as Yitschak is now."

Once again, I had come across another little piece of the puzzle. And this time too, I was completely upset by it. How on earth had it been possible that Philip and Julie Vos had never said a word to us about the past? Of course we didn't ask them anything about our family. How could we have known that Vos had such a lot

of information about our parents; knew how they lived and what personal views on life my parents had.

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I had—and this is characteristic of other war orphans—never asked to see my financial statement, and when I received mine from Vos in 1977 at the age of thirty-six, I never looked at it. More than that, I had even forgotten I had received this statement.

After the negotiations with regard to Jewish World War II assets had been concluded (summer 2000), I said to Henneke, “I would give anything to see my guardian’s settlement report and analyze it based on what I know now.”

My pookey went into another room, rummaged around for a couple of minutes in a cabinet, and asked triumphantly, “Will this do?”

In my hands, I had a special document, the financial settlement of my childhood. On this “financial statement” are listed all my possessions, the debts and assets as of June 13, 1962, the date I legally came of age. Further on, I can see the income and expenditures over the period of guardianship. For the reader—and the same holds true for me today—I cannot understand why I had never asked to see an account when I was no longer a minor. Only war orphans who grew up in orphanages can understand that. All of them have experienced this and tell the same tale: “You had to be grateful and certainly not ask any ‘unpleasant,’ ‘senseless,’ or ‘stupid’ questions. You all come from poor families,” was always the answer given to questions about inheritances. We just assumed there was nothing to inherit. The war orphans have still not had their rights restored.

In the certificate of inheritance—signed by notary Maurits West, whose office was in Amsterdam—being the children of Isaac

and Anna Staal, we were declared sole heirs: Marcel Staal for one half and Philip Staal for the other.

Mr. D. Jager, a tax consultant in Amsterdam, was appointed by the Netherlands Property Administration Institute (NBI) on September 17, 1947, as the administrator for my parents' estate, subsequent to the Commission for War Children not lodging an objection to this. The administration of the estate ended on April 6, 1954.

As administrator, D. Jager was required from the very start of the period of administration to draw up an account of the assets of the estate and then to provide an annual report and account to the NBI in the form of a statement of assets and liabilities. The sale of shares of the estate and/or payments needed prior permission of the NBI.

Jager accounts for this for the first and only time on February 10, 1954. This was done in the form of a report of the assets over the period January 1, 1946 to January 1, 1953. This report was prepared by Philip Vos's accounting firm.

Since it took almost nine years for the statement of assets and liabilities to be drawn up, it is impossible to account for the expenditures and income that occurred from liberation day in May 1945 until January 1, 1953.

Ever since 1949, the NBI had repeatedly urged Jager and Vos to render the legally required statement of assets and liabilities. Le-Ezrath Ha-Jeled too made several written requests, and also in person, to send the same information concerning the Staal children. But Jager and Vos did not respond to these requests until the NBI, in its letter of January 25, 1954, threatened to take them to court because of their refusal to comply. This proved effective, and Jager finally responded.

At the end of January 1954, he writes to NBI:

In reply to your later of January 25, 1954, I hereby  
inform you that I can fully imagine that your patience

has been severely tried. I have wrongly failed to write you since 1950, and for that, I urgently request you to accept my deepest apologies.

The cause of all this is due to the fact that matters pertaining to the Staals are chiefly handled by the Accountancy Firm Vos, with which my office maintains close contacts. This is the reason why the Staal case had not received much attention on my part.

Mr. Vos informed me that, despite the fact that the estate was not very considerable, it still had not been easy to gather the right figures.

To be sure, Jager maintained close contacts with Philip Vos—after all, they both worked at the same office on 59 Frans van Mierisstraat in Amsterdam.

According to their statement sent to the NBI, the total value of our inheritance on January 1, 1953, amounted to more than sixty-five thousand guilders. Calculated at present value that would be worth approximately one million euro. So, Vos does not think that one million is worth that much? Everything is relative.

Something is relative when another value is accorded it from a different perspective. According to Albert Einstein, everything in science is relative. At quite an early age in life, I observed that a certain situation is never the same for all people: we all see things from our own point of view. Every one of us experiences a given situation in his or her own way and imputes this same situation with his or her own interpretation of reality depending on how much importance he or she attaches to each understanding of it. At any rate, to me, one million euro is a large amount of money. Vos had a different opinion; for him, our inheritance was not that considerable.

Vos had already reported on June 30, 1947, to the director of the Rudelsheim Foundation, K. Caneel, concerning our parents:

Owing to a lack of capital, the financial circumstances were extremely precarious, especially in those first years. In recent years, when the income started to flow more abundantly, things improved, even though there were still some hard times.

Viewed from that perspective, it is not surprising that our guardian considered my brother and me to be penniless war orphans.

Administrator Jager did not keep his legal obligation. He did not draw up a statement of assets and liabilities at the beginning of his term of administration.

He also failed to live up to his legal requirement of providing annual reports to the NBI. Nor did he request the NBI's permission for the sale of shares of the estate and/or expenditures made. As stated, only once did he file a report—nearly nine years after liberation day on February 10, 1954. A couple of months later, on April 6, 1954, Jager was relieved of his duties as administrator of my parents' estate. The Rudelsheim Foundation, as my guardian, became the administrator of our estate from the beginning of 1955.

Until April 6, 1954, Jager was the only one who was allowed to manage my parents' assets. But, *de facto*, our assets were managed and administered by:

- Accountancy Firm Ph. Vos (my coguardian)
- The Rudelsheim Foundation (my guardian)
- Le-Ezrath Ha-Jeled (LEHJ) (They acted as if they were the legally appointed ones managing our assets.)

LEHJ began writing letters as of March 29, 1949, to such institutions as the Guardianship Commission for War Foster Children (OPK), the Red Cross, Foundation for the Administration of Absent Persons and Vacant Successions, Netherlands Property Administration (NBI), Liquidatie Van Verwaltung Sarphatistraat (LVVS), Postcheque-en Girodienst, Giro office Amsterdam, the Rijkspostspaarbank, Damages Enquiry Commission, notary J. Van Hasselt for a certificate of inheritance, LEHJ accountant P. Frank (with power of attorney to receive the Damage Enquiry books of the heirs to grandfather Staal), and so forth.

The purpose of all these letters was to apply for information and receive articles of property from murdered family members. LEHJ states in these letters that they have been assigned by the Rudelsheim Foundation as well as been granted power of attorney to promote the interests of the Staal children. LEHJ was making every effort to administer and arrange every detail concerning asset management of the Staal children, who were under the guardianship of the Rudelsheim Foundation.

From the many letters in my files, it is clear just how much trouble Le-Ezrath Ha-Jeled (LEHJ) took to track down and collect the assets of murdered family members. LEHJ sent letters to all relevant persons, businesses, and institutions. However, because there are no letters of reply in my files, I cannot check the total amount of reclaimed assets by LEHJ and compare it to the report that was issued in 1954 by Jager of the Netherlands Property Administration. All this correspondence took place during the time that Jager was the administrator.

It is a weird and confusing situation. Jager was appointed by the NBI as the administrator while, in fact, Accountancy Firm Ph. Vos, the Rudelsheim Foundation, and LEHJ were handling all administrative matters concerning asset management. The only

person who did not write any letters and was not concerned with the management of our family's estate is the administrator appointed by the NBI to do so, Mr. Jager.

Even more confusing is that, as of March 29, 1949, LEHJ writes in all its letters that it is acting with power of attorney on behalf of our guardian the Rudelsheim Foundation, even though LEHJ did not have any statement of power of attorney in its possession.

If and when LEHJ received power of attorney from my guardian is not known. There is no original or copy of power of attorney in the Staal file. But in a letter dated May 6, 1952, written by the LEHJ to the Ancient Order of Foresters (AOF) with regard to an inheritance having to do with a life-insurance policy in my father's name, it turns out that at that date LEHJ still did not have proof of power of attorney.

Philip Vos, my coguardian, also involved himself in this discussion. On June 12, 1951, he writes in his function as treasurer of the AOF, a letter to the Accountancy Firm Philip Vos concerning this life-insurance policy. Exactly two weeks later, Philip Vos sends his reply to the treasurer of AOF.

Philip Vos was therefore corresponding with himself. A bit strange, but in any case it saves the cost of stamps and time.

Even on March 25, 1958, more than three years after the transfer of assets to my guardian had taken place, LEHJ had still not received power of attorney from the Rudelsheim Foundation, as can be verified from the correspondence in my file. Nevertheless, that did not prevent LEHJ from continuing to manage my brother's and my assets, together with Philip Vos. In 1952, AOF (read Philip Vos) at the request of LEHJ, opened savings accounts in Marcel's and my names. Subsequently, the Rudelsheim Foundation instructs the Netherlands Merchants Bank to transfer the amount of 7,000 guilders from Marcel's and my savings account to account number

373201 on behalf of Foundation Le-Ezrath Ha-Jeled, and so forth and so on. This all took place in the period that Jager was the administrator (1947–1954).

Jewish Social Work (JMW), in a material sense the successor to the Jewish custodian organizations, distanced itself from every form of financial responsibility concerning the period up to 1955, as evidenced by their letter of June 11, 2003.

After 1945, as a result of the Material War Damage Decree by the Dutch government via the Damage Enquiry Commission (SEC), compensation was made for such things as household goods, trade supplies, and machinery and equipment. This payment was not made in cash, but in the form of credit in a so-called household-effects-damage book at the NMB, the former Netherlands Merchants Bank. At the beginning of 1950, every Dutch orphan had a savings account at the NMB. Whether rich or poor, wherever whole families were murdered, there were always household effects to be claimed!

Even though LEHJ was neither our administrator nor our guardian and had not received power of attorney from our administrator and/or guardian, on October 10, 1949, LEHJ gave power of attorney to its accountant P. Frank to receive our savings account records/deposit books from the SEC.

Supervision of the administration of absent parties was poorly arranged. Control or checks on the asset management of absent parties were not able to take place for three main reasons:

- administrators did not comply with legal regulations,
- the NBI only received the necessary information years later, if at all, and
- expenditures made by the administrator were made without informing the NBI, let alone having received their permission to do so.







## **Is the Jewish Community Scared?**

By centralizing asset management, Le-Ezrath Ha-Jeled (LEHJ) tried to get a grip on the prewar custodian organizations. Sam Roet was involved in this delicate matter. Sam, already a trusted figure in the world of children's homes, had operated on several occasions as a mediator between restorers and innovators. Even before the war, the orphanages in The Hague, Rotterdam, Utrecht, Leiden, and Amsterdam, had involved him in their financial affairs, such as exploring the possibility of transferring assets abroad. Under his leadership, on April 8, 1948, the LEHJ commission drew up thirteen guidelines that were meant to assist in the tracking down of assets.

Sam was of course a good choice as leader of the commission to trace the assets of the families of war orphans. He had a great deal of financial experience and was also well known by the Jewish community.

In July 1939, he was inaugurated as trustee of the first Jewish orphanage, a function he fulfilled until March 5, 1943, the day the residents of the orphanage were deported. Sam had been the financial director of the Department of Aid to the Departing of the Jewish Council, which meant he had the necessary information concerning

the assets of those deported. After the war, Sam registered all Jews living in the Netherlands, on the so-called JCC list. Therefore, he was aware of which deported persons had not returned and who among them had been wealthy.

In December 1948, the Berg Foundation accepted LEHJ involvement. However, the relationship between LEHJ and the Rudelsheim Foundation had deteriorated to such a degree that the association had withdrawn Chairman Hertzberger from the LEHJ board of trustees. Nevertheless, LEHJ continued to devote itself to receive and manage asset shares of the children of the Rudelsheim Foundation. It cannot be determined to what extent they succeeded, since according to Verhey and Vuijsje, LEHJ's financial records were destroyed in the 1970s.

In two separate articles—"Inadequate Monitoring of Money Managers" and "Messing Around before the Court"—by Tom Kreling and Herman Staal (no relation) published in the daily *NRC Handelsblad* on July 29, 2005, we read:

The monitoring of businesses, foundations, and persons managing monies that have been put under administration has not been well-regulated. Sub-district courts and supervisory judges charged with the task pay too little attention to it and are not specialized in the matter at hand. Various other experts concur, including those involved with the administration: "Sub-district courts apply marginal inspection at best," says H. Geerdes of the National Consultative Committee for Chairmen of Sub-District Courts. According to him, all they do is keep an eye on things. Sub-district courts ought to receive annual reports from the administrators, but according

to Blankman, university professor of private law and advisor to the commission of sub-district courts, often as not the courts are satisfied with a report once every five years.

“Inspection leaves a great deal to be desired,” says M. Kooi, chairman of the Trade Association of Professional Estate and Income Administrators. “It is not known whether or not proceeds are siphoned off by administrators. There is not much money to be made in administration.”

These remarks pertain to a foundation in Amsterdam that managed the money of some three hundred persons who had been placed under administration by the sub-district court. These people’s money has vanished. The foundation leaves behind a debt of eight hundred thousand euro.

This foundation is not one of the custodian organizations. It is the Opstap Foundation that went bankrupt at the end of July 2005. Naturally, in light of this, one cannot necessarily draw the conclusion that assets of war orphans had not been well-managed. It only means that in 2005, the monitoring activities of administrators was still badly managed. It also meant that war orphans could legitimately demand this aspect of the restoration of property rights, initiated in the 1950s, to be subject to critical investigation.

The Kordes, Van Kemenade, and Scholten Commissions were all charged with the task of evaluating whether the restoration of rights had been lawfully conducted. That means to say, whether the looted properties of the original owners had been restored in accordance with the Restoration of Legal Rights Decree. Nothing less, but also nothing more. For underage war orphans, the legal administrators of their parents’ estate were appointed by the NBI.

As far as the NBI is concerned the Kordes Commission report, judging by various files it had investigated, had left the impression that the administrators of the estates of absent persons had generally discharged their duties in a good manner. This conclusion meant that the task of the investigation committees had been fulfilled. Be that as it may, they had still not addressed any of the three questions referred to above.

The Kordes Commission's primary task was to conduct inquiries with reference to the LIRO (looting bank) files. Its secondary aim was to examine what Minister Zalm had referred to as "tangible matters."

The Scholten Commission was charged with investigating the *intangible* matters, such as life-insurance policies, banks, patents, etc. Therefore, the administration and management of the assets of Jewish war orphans would have befitted the brief of the Scholten Commission. But no one had realized that, at the time, not even the members of the Van Kemenade Commission, of which the Scholten Commission was actually a part. The guardians and custodian organizations of the war orphans fell outside its scope.

That is strange. The Jewish community in the Netherlands, represented by its umbrella organization the Central Jewish Consultation Netherland (CJO) was closely involved with setting up the mandate and terms of reference. All the more so given the fact that after publication of the first intermediary report, it had made quite a few inquiries, both orally and in writing, to the commissions. The questions and remarks mainly had to do with gaps and lack of clarity in the initial report of the guidance committee. The Israel Institute for Research of Lost Dutch Jewish Assets during the Holocaust also wrote an extensive report, with many questions concerning the initial findings of the Scholten, Kordes, and Van Kemenade Commissions.

However, no questions by the CJO or Israel Institute were ever raised regarding the asset management of war orphans by the custodian organizations. The Jewish community had neglected to have this aspect of the restoration of rights investigated.

How could these important organizations, who are supposed to represent the interests of the entire Jewish community, have overlooked this extremely vulnerable group? Is it possible that the war orphans have been forgotten? After all, this is in stark contrast to the bitter struggle conducted by the Jewish community in the Netherlands between 1945 and 1950 against the Guardianship Commission for War Foster Children, where having Jewish war orphans placed in the care of a Jewish environment had been at stake. How on earth is it possible that nearly seventy years after the end of the war, the struggle to commission independent scientific research into the management of the assets of World War II orphans has been so unfair and continues to be so grossly intractable?

It is quite remarkable that until now the Dutch Jewish community and the Dutch community in Israel have shown little or no interest in the fate of the war orphans. This again in such dire contrast to the efforts of these communities to track down the remnants of the stolen goods of Jewish owners by insurers, banks, stockbrokers, and governments in the years 1997 to 2000. Is the Jewish community afraid to look critically at its own behavior at these earlier times? Are there fundamental differences in points of view and interests as to the desirability of conducting such a critical review?





## **Research and Integrity**

Every investigation begins when you are commissioned or when you catch sight of something, become surprised about something for one reason or another, or get curious enough to start asking questions yourself.

The goal of every investigation is to answer all the questions as truthfully as possible. Science, in general terms, is concerned with a search for the truth. If an honest answer to the questions posed is to be had, then scholarly, scientific research is necessary. That necessitates a systematic approach. This is achieved through the precise formulation of the terms of reference. If the terms of reference keep on shifting, then the research is up in the air. If there are no terms of reference, imagination is given free rein, and the result is a pointless story.

Mandate and terms of reference direct the research results as well as the conclusions that can be drawn from them. This does not mean that experience cannot be taken into account. Certainly, both subjective and objective reasoning can play a part in the determination of the mandate and terms of reference. The most important preconditions for sound scientific research are integrity, independence, and expertise.

In one of the many conversations I had had with Hans Vuijsje, I told him, "A lot of research has been done on postwar restoration of rights. The management of the assets of underage (minor) World War II orphans has not been part of it. The strangest rumors are circulating among the war orphans. I have not got the faintest idea whether or not these rumors are based on truth or only stem from feelings that war orphans have. But I do think it is necessary that we squash any rumors, and this can only be done by conducting scientific research by financial experts."

This conversation came after I had put my signature to the Assessment Agreement between Jewish parties and the banks and stock-exchange parties, as a representative of Platform Israel, the umbrella organization for Dutch organizations in Israel.

Ever since the end of the twentieth century, until now, war orphans have pleaded for and urged in vain for scientific research to be conducted into the asset management of war orphans. At the end of 2000, Abraham Roet, whose positions included that of chairman of the Israel Institute for Research of Lost Dutch Jewish Assets during the Holocaust and chairman of Platform Israel, commissioned investigative journalist Elma Verhey to conduct research into the material damages sustained by Jewish war orphans. This commission must be seen against the background of discussions that were being held between 1997 and 2000 in the framework of Jewish war assets. In this period, repeated questions were asked, especially from Israel, about the postwar management of the assets of underage war orphans. I assumed this research would provide an answer to my questions. It was therefore logical to wait for the results of this research, also in part because of the fact that the research team would have access to the necessary archives and other sources.

On February 14, 2001, JMW signed an agreement with Verhey. In so doing, JMW made the archives available for research of the

former custodian organizations. The question that the research on war orphans was to answer: “How had the settlement of their damage claims and inheritance been arranged and what had been the policy of the government and later guardians with regard to the claiming, the management, and use of their assets?” Even though Elma Verhey is a journalist and not a financial expert, it seemed to me to be a good idea that she was granted the assignment. After all, in 1991 she had published the book *On the Jewish Child*. Since this time it concerned financial, historical research, I was convinced that there would be a historian and a financial expert on the research team.

My initial optimism in 2001 suddenly changed to indignation. I was especially angry about the lack of transparency and openness of the supervisory committee made of up Mistert Abraham Roet and Menno Paktor, as well as about the fact that no financial expert had been assigned to the research team. I was afraid that Abraham and Menno’s argument that “retrieval of old files is difficult because the financial records were destroyed in the 1970s” would sweep too much under the rug.

Elma Verhey gave a lecture in Israel in December 2001 about the war-orphan investigation and the difficulties she was encountering in conducting it. There were, Verhey told us, no more financial records available. This was reason for me to go and investigate this myself. During my search, it soon turned out the archives of the Netherlands Property Administration Institute (NBI) were completely present in the National Archives in The Hague. It contained all files of administrators appointed by the NBI. In these archives, the statement of assets and liabilities of family members of the war orphans can also be found. It is incredible that no use was made of these archives for the war orphan investigation.



Not a single financial record was analyzed or reviewed in Verhey's research that was published as a book in April 2005 under the title *Kind van de rekening (Picking Up the Tab)*. Moreover it turned out that there had not been any financial expert *or* historian in the research team. The composition of the orphan-research team and the supervisory committee got in the way of both expert and independent investigation. This was in glaring contrast to the scientific level at which the Contact Group World War II Assets and the Kordes, Van Kemenade, and Scholten Commissions had operated. The composition of the orphan-research team and supervisory committee was an insult to the community, most especially to the war orphans. Once again, nothing but contempt and indifference had been shown to this group of war victims who had been so heavily affected.

Is this not pause for thought? A financial, historical investigation into the asset management of war orphans in which the financial sections have been removed; a financial, historical investigation without a historian or financial expert. It is absolutely out of the question that this is a serious scientific investigation. This is a political pamphlet!

In 2002, I exchanged my thoughts about this with Vuijsje and proposed that new research be undertaken with financial experts. Nevertheless, JMW continued to defend Verhey's investigation and stated that it first wanted to wait for the results of the investigation.

In August 2002, the Verhey war-orphan investigation had still not been published. And despite my repeated requests, I was not allowed to inspect the interim reports. There were no factual indications that scholarly, scientific research had begun into the asset management of the war orphans. For these reasons, I decided not to wait for publication of this research and to conduct my own. During my research, I found more and more information in archives; it was becoming increasingly clear why the Jewish community did

not want any scientific research to be conducted. The supervisory committee of the war-orphan investigation, to wit Menno Paktor and Abraham Roet, were not independent. *Both persons had vested interests in the outcome.*





## **One Hand Washes the Other**

Looking at my analysis of the restoration of rights of Jewish war orphans on the computer in front of me, after everything I had discovered, made my heart and mind numb with pain. I was in a total daze when I realized what the numbers were telling me. Henneke saw me staring at the screen with a glassy look in my eyes and asked me if I felt all right. But I was far from feeling all right. Having been married to me for forty years, my pookey knew that it was no use asking any more questions. It was clear to her that I was on to something—and she is quite curious. But she also knows that I first have to work things out further before I am able or want to talk about it.

My newly acquired knowledge about postwar events had struck a vulnerable nerve. This was the last thing I had expected or hoped to find. This fresh burden weighed heavily on me, and I will have to drag it around for the rest of my life.

I saw it as my task to help rectify this omission. Not even having celebrated my sixtieth birthday yet, I suddenly felt old. Not that I had turned into a dignified, gray-haired old man at a single stroke, but as someone for whom the truth and memories of the past had become more important than the future. The past had to be examined to prevent the recurrence of suffering in the future.

It would be a long, painful, and unpleasant journey. A voyage through emotionally hazardous terrain. A road full of surprises, obstacles to be negotiated, and barriers to be removed. The aim of this journey was to exact penance from the Dutch financial institutions and other organizations for their collusion in the suffering of children orphaned by the Shoah, including me and Marcel. I wanted official apologies about their postwar behavior and inadequate restitution of monies that had wrongfully been in their possession as a result of this behavior.

A couple of weeks after this incident, Henneke asks me at dinner: "So, pookey, are you ready yet? Have you figured it out enough so you can talk about?"

"What are you talking about?"

"I want to know what you found out a couple of week ago. What made you so upset when you were staring at your computer screen?"

"You are patient and sweet for leaving me in peace. Yes, I get the picture, I'll tell you. in short, it boils down to the fact that when Marcel and I came of legal age, we did not get our full inheritance. The amount that we did not receive is worth in today's money more than a million and a half euro. When analyzing the reports, I assumed that the figures as indicated by the administrators of our estate (Jager and the Rudelsheim Foundation) were reliable and exact. But it's highly likely that the shortfall in the amount of money we received is much higher."

"And you tell me this without any emotion? You're not even angry?"

"I was disappointed and angry when I first saw the results on the screen in front of me. Especially disappointed, because I had not expected nor had I hoped to find this. It goes completely against the age-old Jewish tradition as expressed in Deuteronomy 24.17 and 24.18: 'Thou shall not pervert the judgment of the stranger, nor of

the fatherless, nor take a woman's raiment to pledge; But thou shall remember that thou was a bondman in Egypt and the Lord thy God redeemed thee thence: therefore I command thee to do this thing.'

"I had always said to the war orphans who demanded a double share of the MAROR monies: 'The MAROR monies are restitution funds and not compensation for damages suffered. If scientific research does show that the custodian organizations did not manage our assets properly, we can then demand restitution.'"

"So what are you planning to do?" asked Henneke.

"Demand that a scientific investigation be conducted into this matter."

I told her what I had found out:

"The management of the estates of the parents of war orphans can be put into four distinct periods. This applies to all the war orphans, but to make things clearer, let me give the dates that apply to Marcel and me." And I proceeded to outline the facts:

1. The first period lasted from the date of the murder of my parents until the appointment of the administrator D. Jager (June 11, 1943, until September 17, 1947). This period is marked by the fact there was no administrator.
2. The second period lasted from the appointment of administrator D. Jager until he was relieved of his function by the NBI (September 17, 1947, until April 6, 1954).

After the special law enacted on June 11, 1949, Jager could draw up and submit the memorandum of declaration to the tax inspector. The administrator first had to account for its management to the NBI. But it was not until February 10, 1954, that Jager sent the statement of assets and liabilities to the NBI, as a result of which he was discharged of his function as the administrator of our murdered parents.

Even though D. Jager was relieved of his duties on April 6, 1954, his statement of assets and liabilities covered the period of January 1, 1946, to January 1, 1953. It follows from this that during the period of January 1, 1953 to April 6, 1954, the administrator D. Jager did not account for our parents' estate.

3. The third period begins on April 6, 1954, and ends at the start of 1955 with the transfer of the estates to the rights-holder. In the case of an underage (minor) war orphan to his or her guardian. It took until December 15, 1954, before the Memorandum of Inheritance came into effect; as result of which the settlement of the inheritance of Isaac and Anna Staal could only be initiated after this date. The date of the official transfer of our assets to the Rudelsheim Foundation is not known, but this could only have taken place after payment of inheritance tax at the beginning of 1955. For that matter, the settlement was not part of the NBI's responsibility.

This period is also marked by the absence of an administrator or any form of control.

4. The fourth period starts in 1955 with the transfer of estates to the rights-holder. This period ends when the war orphan has reached the age of legal adulthood. The war orphan then receives (ought to receive) assets managed by the guardian.

Periods 2 and 4 end with a statement of assets and liabilities drawn up by administrator Jager and the Rudelsheim Foundation. For a total period of more than five years, our parents' estate was

unmanaged (from June 1943 to September 1947 and from April 1954 to the beginning of 1955). Up until January 1946, no account of any management was given whatsoever. This is not surprising, because it was either during the war or in the days immediately following it. But no account was given either about our inheritance for the period of January 1, 1953 until the beginning of 1955.

I looked at Henneke to see if any of this made sense.

“So if I understand you correctly,” she began, “during these years, your *guardian* was not the *administrator*, and so, therefore, not responsible for your inheritance?”

I explained the heinous truth. “In strictly legal terms, you are right. The Rudelsheim Foundation was only the administrator during the fourth period. But, as the documents have shown, our guardian had also engaged in transactions concerning our assets in periods 2 and 3. In legal terms, they were not liable. But they were morally reprehensible.”

“And what do you have to say about their legal responsibility during period four? This was the time when the custodian organization *was* your guardian, and so control had been properly seen to, right?”

“Things also happened during this period that cannot stand the light of day. I have a lot to say about this, but I’ll limit myself here to a few examples.” And again I outlined the gory details:

- Our inheritance, as drawn up by Philip Vos for our administrator D. Jager, was not completely transferred to our guardian.
- Nursing costs were charged that were unjustified.
- Taxes were *paid*, which, in accordance to the laws in place at the time, were not required to be paid.

- The Wealth Accretion Tax (VAB), which was instituted after the war and had to be paid on the increase in value of the assets in the war, was manipulated somehow. In the Vos report for the period (May 1, 1940, to June 11, 1943) an amount of 4,000 guilders was withdrawn for this tax. From the Memorandum of Inheritance, it turns out the tax inspector had allowed this to be inoperative. The amount of 2,000 (my share) has not been offset with the transfer of the property to the Rudelsheim Foundation. Even stranger is that my guardian's account shows that an amount of almost 2,000 guilders was paid *as* VAB for the period of June 12, 1943, to May 5, 1945 (my parents were murdered on June 11, 1943).
- My guardian's statement of assets and liabilities shows that income tax had been paid. This tax had to be paid by every person subject to taxation, so also for a minor with a taxable income. There is no income mentioned in my guardian's statement of assets and liabilities that justifies such payment of income tax. There are two possibilities to explain this phenomenon: this tax was paid unjustly, or there was *income from assets* that were not included in the Final Statement of my guardian.

Checks on the administrators had only been marginal. This applied to both Jager and the Rudelsheim Foundation.

In 1954, administrator Jager, working at the Accountancy Firm Philip Vos, gave an account for the first and only time to the NBI. This was done in the form of a statement of assets and liabilities, drawn up by our coguardian Philip Vos. This report accounted for the period from January 1946 to January 1953. Therefore, in 1954, on the basis of the one-off Vos report, the NBI had to determine



whether the estates of my parents had been properly managed over a period of eleven years.

The Memorandum of Inheritance had been approved in December 1954 and gave an account of my parents' assets as of June 11, 1943. The amounts mentioned must be in line with those in the first and only Vos report. This is not the case, because the Vos report only gives an account beginning January 1, 1946. This construction therefore includes my parents' estate as well as the assets and liabilities from June 11, 1943. It is impossible, partly because the legally mandatory annual report had not been made, to determine whether my parents' estate, including assets and liabilities, had been correctly included in the Vos report. Moreover, Jager had sent the Vos report to the NBI without the underlying documents of the preceding period.

In the Shoah, 105,000 Dutch Jews and 39,000 non-Jews were murdered, including approximately 20,000 children. The NBI had to appoint administrators for all these tens of thousands of vacant estates as well as monitor their management. Even if the NBI had received all the documents, they would have only been able to cursorily monitor the statements of assets and liabilities due to the high number of administrators.

I also had a great deal to say about the Vos report, a few of which I include here:

- In the estate, net dividends received were not included as property in the statement of assets and liabilities, at least not visibly.
- The Nederlandsche Bank N.V. claimed payment for certificates of preferred stock for an amount of 3,021.40 guilders. It was not mentioned how that amount was received. But the item "Securities Property" was consequentially

lowered. It was not mentioned how the book value and book profit had been booked and accounted for.

- An advance on payment from LVVS was made in the amount of 3,848.18 guilders. It is not clear in which way this income was processed in the statement of assets and liabilities.
- In the course of 1952, there were still 2/10 of the shares of Standard Brands left. In the itemization of property these shares were not mentioned.

“So, pookey,” I concluded, “as you have gathered in the meantime, no monitoring could be expected from the coguardian and the NBI. The coguardian, Philip Vos, drew up a report for Jager to send to NBI for review. That same Vos was, until 1954, the de facto administrator of our estate. In this way, our coguardian monitored himself. The NBI had not been able to check on the administrator, because the required information was incomplete and had been made available eleven years too late.”

“Did you speak to Vuijsje or anybody else at JMW about this?”

“Yes, last week. After the MAROR meeting, I made an appointment with Vuijsje to talk about it. I told him what I just told you.”

“And how did he react?”

“Vuijsje said, ‘That’s impossible, the supervision of the court and the coguardian was much too regulated for that. An accountant’s audit had been done of your statement of assets and liabilities. Careful consideration had been given as to the choice of accountant to make sure there was a division of interest between the orphaned children and those of the custodian organization. The accountant who audited the statement of assets and liabilities was not working for the accountancy firm that audited the books

of the custodian organization. Besides, your statement of assets and liabilities was audited by your own coguardian and by the accountant who audited statements for accounting audits. Subsequently, the custodian organization was granted a discharge by the court for the implementation of its administrating activities. At the moment of transfer (adulthood), responsibility of the custodian organization ended.”

“It seems like he has made a good point here.”

“Yes, it would appear that the auditing had been watertight, but appearances are deceiving. Supervision of the administration of estates was poorly regulated. Let’s analyze the following points and answer questions.”

I then proceeded to go over these points:

1. During which period of time was the custodian organization the administrator?
2. Who were the accountants who audited our assets?
3. On what grounds did the court grant the custodian organization a discharge in respect of its management?

“Let’s start with the first point: the period that the custodian organization was the administrator of our assets.

“On January 30, 1948, the District Court of Amsterdam decided that the S. A. Rudelsheim Foundation was to act as guardian for my brother and me. However, it wasn’t until 1955 that our assets were transferred to the Rudelsheim Foundation. From September 1947 to April 1954, D. Jager was the administrator. Until April 6, 1954, Jager was the only person who was allowed to administer my parents’ estate and who had to account to the NBI by so doing. But in fact, the administrator was neutralized by the actions of the custodian organizations and Philip Vos.”

“Wow,” said Henneke. “So the Rudelsheim Foundation was only *responsible* for managing your assets for a relatively short period of the time (1955–1962) but had in fact done so since 1948.”

“That’s right,” I replied.

“The second point: who were the accountants auditing our assets? Do the names Vos, Polak, Mesritz, and Duitscher mean anything to you?”

“Let me refresh my memory. Philip Vos was your coguardian—that much we know so far. Gerard Polak was the secretary and chairman of LEHJ. After he retired, he became director of the WUV bureau in Jerusalem; the name Mesritz doesn’t ring a bell; and wasn’t Duitscher the accountant for LEHJ who the two of us visited last year in Jerusalem together with Gerard Polak?”

“Yes, but let me give you some additional information on these persons, so the whole picture will become clear:

“Accountancy firm Jac. H. Mesritz was commissioned by LEJH in 1948 and in September 1950 by the amalgamated Jewish Institutions for Child Welfare and charged with the administrative and fiscal control of the asset management. Mesritz also audited the war-orphan statements of assets and liabilities. He carried out such activities until 1965.

“Attorney Gerard Polak was indeed secretary and chairman of the custodian organizations. But I meant *Martin* J. Polak.

“The accountancy firm Martin Polak audited, as of November 1950, the books of the Jewish custodian organization. Accountant Philip Vos was indeed our coguardian. But Vos was also an employee of Mesritz. In May 1955, there was brief talk of Mesritz leaving for Israel, and Vos took control of the management of the orphans’ assets for an indeterminate amount of time. Besides, Philip Vos was Gerard Polak’s private accountant, the secretary and chairman of the Jewish custodian organizations.

“And yes, we did indeed visit Max Duitscher in Jerusalem. He was working for Martin Polak.

“By filling in the names of those as sketched in the procedure by Vuijsje, we get another picture of the controls that were made: Mesritz supervised the management of assets and audited the war-orphan statements of assets and liabilities. The statement of assets and liabilities were then audited by the coguardian Philip Vos, who himself was employed by Mesritz. And for a period of time in 1955, Vos was even acting administrator of the assets.

“Martin Polak audited the books of the custodian organizations. The chairman of these institutions, Gerard Polak, had hired Philip Vos for his private bookkeeping—the same person who was the *de facto* administrator of my parents’ estate. And Vos reported to the NBI as the accountant of D. Jager, one of his employees. Vos also audited the statement of assets and liabilities as our coguardian.

“Jac. H. Mesritz, Martin J. Polak, and Ph. Vos were all three accountants who knew each other (personally and professionally) all too well for quite some time. They had worked together for many years. All three of them had worked in the audit department of the Jewish Council, a job which, for understandable reasons, was something they did not put on their curriculum vitae.

“Gerard Polak worked as a lawyer for the Jewish Council and, in July 1942, when the deportations began, was appointed to the Central Information Service. A lawyer at the Jewish Council? What was he supposed to do there? After all, Jews had been deprived of law and could not make use of his legal knowledge! Gerard Polak had to provide information about the exemption mechanism—how to obtain a Sperr stamp.

“On April 2, 2003, during one of my many flights home from Amsterdam, walking to my seat, I saw Gerard Polak sitting in the

plane. A good opportunity to have a serious conversation with him, so I thought. Gerard is a Master of Laws and was, until his aliyah, chairman of LEJH.

"The Dutch government had appointed him as director to the Netherlands Information Office in Israel. This office is the contact address of the Dutch government for Dutch Resistance Members and war victims. He looks like he has aged considerably since the last time I saw him. Not so surprising, I realize, since the man must be over ninety by now. I waited to help him stow his hand luggage in the overhead bin when a stewardess came to assist him. Once the plane was airborne, I walked over to him and asked, 'Mr. Polak, would you mind if I came and sat next to you?'

"Of course not, take a seat. How are you, Philip?"

"Fine, and you?"

"I can't complain, considering my age."

"I wouldn't say no to being able to travel like you when I'm ninety,' I gave as an answer and continued. 'I have conducted research in the asset management of Jewish war orphans and written a report about it.'

"And what are your conclusions?"

"When my brother and I came of legal age, we did not receive our full share of property; my coguardian accountant, Philip Vos, did not do his job as auditor properly.'

"Was Philip Vos your coguardian?"

"Yes."

"I knew him well,' was Gerard's reply. 'Vos was my private accountant.'

"*Oh, that is odd*, I thought, and at the very least a conflict of interest. The statement of assets and liabilities of dependents of the Jewish Custodian Organizations were all audited by the accountancy firm Mesritz, and our coguardian was working for Mesritz; and

also the private accountant of Gerard Polak, the chairman of the custodian organizations.

“‘Would it be possible to come and visit you in Jerusalem sometime to talk with about my report?’

“‘Of course, why not? But you’d be better off speaking with Max Duitscher. He was working as an accountant for Martin Polak. He knows everything about these matters. I’ll give you his phone number.’

“The next day, I called Duitscher: ‘Good morning, Mr. Duitscher, Philip Staal here.’

“‘Good morning, Philip. I already had a chat with Gerard Polak, and it’s no problem; you are more than welcome. Say when, and I’ll make sure Gerard Polak will be there when we talk.’

“‘Sounds like a good idea to me. Next Monday, I’ll be in Jerusalem. I’m free from noon onward.’

“‘Fine, it’s a date; see you next Monday at twelve thirty, and I’ll invite Gerard Polak. I am curious about your report.’

“On April 7, 2003, at twelve thirty sharp, I rang Duitscher’s doorbell. He opened it and we walked to his living room, where Gerard Polak was already waiting. It was a strange situation, which I did not quite know how to handle. There I was, sitting across from two persons who had performed important functions at the custodian organizations that had had such a great influence on my life. I did not want to be reminded of all that. I was there mainly to hear from Duitscher whether my analysis was sound or not, or if I had made any logical errors. I began with the summary and my conclusions. Then I handed my report to Duitscher.

“‘Is this report for me?’

“No, was my reply. ‘This report hasn’t been published yet, it’s a draft report, and I cannot leave it behind with you. But I am extremely curious what you make of it, to get your opinion and any comments or remarks.’

“Duitscher leafed through the report, looked at the graphs and my calculations, went back to the table of contents, and started reading chapter 6, ‘Calculation of Net Assets on June 13, 1962.’ After reading for half an hour without saying a single word, he closed the report, looked at me and said, ‘Mr. Staal, you have written an impressive report. This must have cost you hundreds of hours of your time. What is the purpose? What do you want to achieve with this?’

“I answered him as evenly as I could, ‘The past few decades, with the exception of one point, the entire postwar Dutch restoration of rights has been put under the microscope by scholars. This research must have cost the government millions. I have read all these reports. The asset management of war orphans was not even mentioned once. My report shows that this part of the restoration of rights, to put it mildly, did not work well.’

“So you want to still receive that part of the amount you should have received when you came of age? I can tell you this: it’s a waste of time; you will never find out exactly what happened and, therefore, receive little or no restitution. You will gain more by spending your time and know-how on productive work.’

“Gerard Polak nodded and said, ‘I agree with Duitscher.’

“I’m sorry, gentlemen, but the two of you just don’t understand. My report’s conclusion is not something our community can easily live with. I sincerely hope that I am wrong. Scholarly research is the only thing that can make any judgments on the matter. This report is meant as an initial impulse to investigate this. If it turns out that everything had gone as it should have, there wouldn’t be a happier man than I. However, it unfortunately appears more and more not to be the case. For the war orphans, it is much more than just the material side of things. We feel like we have been robbed by people whose task it was to protect us. And that hurts.’



“I cannot be of any further help to you and advise you to speak to my former boss, Martin Polak.’

“A couple of days later, once I had plucked up my courage, I phoned Martin Polak. ‘Good morning, Mr. Polak, Philip Staal here.’

“‘A good morning to you too. And what can I do for you?’

“‘I would like to have a talk with you.’

“‘Fine,’ Martin replied.

“I was already pleased at the prospect of gaining more insight into this material, but he continued, ‘I’d be happy to speak with you about anything, except my activities at Le-Ezrath Ha-Jeled. If you intend to talk about that, then you’d be better off saving yourself the trouble of coming.’

“On November 28, 1946, the deed of formation of Jewish Social Work (JMW) was signed. The provisional board consisted of Dr. Salomon Kleerekoper, Drs. Jacob van Amerongen and Maurits Lopes Cardozo, notary Arnold van den Bergh, Alexander Roozendaal, Mozes Acohen, Dr. Albert Büchenbacher, and Levie Levisson. During May 1948, the case of the members of the Dutch Jewish Council who were still alive took place. They concluded, ‘The Jewish Honorary Council recommends that the five members of the Jewish Council still living [Van den Bergh was one of them] be banned from leading functions and honorary posts in Jewish public life for a period of five years.’

“But Van den Bergh did not agree that the Jewish Honorary Council had the authority to make a judgment on such a case, and he refused to comply with it. The chairman of JMW, S. Kleerekoper, and members of the board Lopes Cardozo and van der Heijden-Lob resigned at the beginning of June 1948, because Van den Bergh refused to give up his seat on JMW’s executive board. Acohen was elected chairman of JMW in its meeting of June 10, 1948, and Van den Bergh disappeared from the scene.

“Abraham de Jong, founder and, until 1947, the first chairman of LEHJ, had already declared in a JCC meeting held in March 1945 that persons who had held prominent positions in the Jewish Council could not play a role in the postwar restoration of the Jewish community. ‘The place in the present-day organization should be inversely proportional to their position in the Jewish Council,’ is what he stated.

“It turns out that this position was generally accepted and implemented by the Jewish organizations. Apparently, different rules applied to the custodian organizations, considering the large number of former members of the Jewish Council who were board members directly after the war or who had positions in the Jewish custodian organizations.

“I am not making any judgment,” I said to my wife. “I am just stating a fact. Could a reason for this be that their clients, the underage war orphans could not protest?” I did not give her a chance to respond, continuing instead:

“The third point, pookey, is the granting of discharge by the court to the custodian organization:

“According to the rules that apply (then and now), a guardian is supposed to submit a statement to the court when the orphan has reached adulthood. If the statement is found to be in order, and the adult ward has consented to it, the guardian is granted discharge by the court for the financial management of the assets that he had conducted on the orphan’s behalf. The statement of assets and liabilities also had to be submitted to the orphan, who just like the guardian and coguardian had to be present at the specially convened court hearing. Once the orphan had granted discharge, he or she signed in acknowledgment of receipt of the credit balance—that had to be handed over then and there. In the event a former dependent could not be present at the court hearing, which was especially the

case with orphans living outside the Netherlands, then the now adult was supposed to receive the statement in advance—and he or she was requested to affix his or her signature as a written statement of agreement. Moreover, the war orphan had to grant someone power of attorney to attend the court hearing, receive the credit balance, and settle all financial matters.

“This is the normal procedure. But what happened in reality?

“When the foster children came of age, they received a letter from Le-Ezrath Ha-Jeled with the following content:

We would like to take this opportunity to extend our warmest congratulations on this your special birthday and wish you many more to come.

As you know, now that you have reached adulthood, we have to file a statement and give an account to the sub-district court. As soon as the settlement is finished we will send it to you.

Will you please have the power of attorney form that we have sent you legalized at the Dutch Consulate and send it back to us as soon as possible? Without this power of attorney, we are unable to promote your business here. So please take care of this soon.

We hope that you have a wonderful day.

“The power of attorney that the war orphan had to sign before his or her assets could be settled and transferred was an authorization for LEHJ to represent and promote their financial interests. By signing this power of attorney, in fact, LEHJ was appointed their curator. No (ex) dependent had a say whatsoever about their assets. To make absolutely certain and to grant full settlement to LEHJ in

advance for the consequences of its management activities, the last sentence of the power of attorney read as follows:

... everything with the power of assumption  
and substitution under the promise of approval and  
indemnification according to the law.

“What did all this have to do with the procedure sketched by Vuijsje?

“Without power of attorney, LEHJ cannot proceed to further promote interests, as is stated in their letter to the war orphan. If the war orphan wanted to receive his or her assets, he or she had no choice but to sign the power of attorney. In so doing, we put ourselves out of action.

“For that matter, the custodian organizations could only (officially) make decisions concerning war-orphan assets after the transfer of the estates to the guardians—by the administrator appointed by the NBI—had taken place. But owing to a lack of efficient control, the assets of the war orphans were managed by the guardians. As we have seen, the estates of deceased persons during the war could only be settled after passing of special legislation on June 11, 1949. It was not until 1955, that our assets had been transferred to our guardians.

“Also after the guardian had been granted authority to manage war-orphan assets, stocks were added to their estates. At the end of 1956, final payment of these was made by LVVS and NGV. The final payment of the AOF life-insurance policies had to wait until 1958, and the postwar restoration of rights of real estate was not completed until 1959. Claims concerning JOKOS/CADSU-I and CADSU-II were not paid until the beginning of the 1960s, when most of the war orphans had already reached legal age.”

Henneke looked at me in dismay and sympathy. She didn't know what to say and gave me a big hug.

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One night at dinner I say to Henneke, "Pookey, it is becoming increasingly clear to me that something hopelessly wrong had occurred with the management of our assets and those of the other war orphans. I still haven't found out exactly, but that will come."

"Yes, that's the man I know. When it comes to that, you are just like a pit bull, once you sink your teeth into something, you don't let go easily. But tell me, what else have you found out?"

"Actually, nothing really new. But as I put the various pieces of the puzzle together, I am starting to get a picture."

"What pieces of the puzzle are you talking about?"

"The following," I say:

"One: Duitscher told me that I am wasting my time, because I will never find out exactly what happened with my assets.

"Two: Martin Polak does not want to talk to me.

"Three: Notary Spier had to put down the JMW chairman's gavel in 1972 because, as he put it, 'due to less than formalistic acts with regard to JOKOS matters.'"





## **An Exceptional Situation**

On April 1, 2003, I handed a copy of my report “Asset Management of World War II Orphans” to psychologist Hans Vuijsje, in the presence of Herma Kok, section manager of JMW (Jewish Social Work) Assistance and Homecare. In a subsequent letter from Vuijsje, dated June 11, 2003—as it happened, precisely on the sixtieth anniversary of my parents’ murder—he sent a response. In it he put forward one of his conclusions: “Sadly, only a tiny percentage of war orphans were reputed to have had assets of any substantial consequence.”

The NBI files contain reports by the administrators with statements of the assets and liabilities of the testators. These reports are essential in order to determine the social environment from which the Dutch Jewish war orphans had come. Aside from the undoubtedly interesting details this archive would have revealed, it would also provide data to verify Vuijsje’s assertion.

His assertion was that there were only a few war orphans who could lay claim to a substantial inheritance, which he reiterated in an interview published July 3, 2004, in the Dutch daily newspaper *Trouw*, based on his knowledge of the Jewish community of the

Netherlands before the war: “They were proletarians! The Jewish community was not wealthy.”

In 1941 approximately 155,000 Jews were living in the Netherlands, 15,000 of whom were half Jewish and 9,000 of mixed marriages. Half Jews and those in mixed marriages—a total of 24,000—were only robbed and deported in special cases. Therefore, 131,000 Jews were affected by the extermination measures implemented by the Nazis; roughly 80,000 of them lived in Amsterdam.

Amsterdam Jews can be divided into neighborhoods with the following economic indicators: the poorest neighborhoods amounted to 50 percent; lower middle class, 17 percent; upper middle class, around 23 percent; and the wealthy, 10 percent.

Vuijsje based his assertion on prewar statistical data, extrapolating from them but not taking into account the changing position that had arisen because of the Shoah.

Notary Eduard Spier, until his death in 1980, one of the most prominent postwar administrators in the Jewish community, comes to a totally different conclusion. During the war, Spier was head of the Central Information Service of the Jewish Council and registered the personal and financial details of persons called up for forced labor. Spier was one of the few high-ranking staff members who had suggested to co-chairmen Asscher and Cohen that the Jewish Council be abolished. After the war, he accepted the position as head of the NIHS, the Dutch acronym for the Jewish Community of Amsterdam; the chairmanship of the Permanent Commission of the NIK, the Organization of Jewish Communities in the Netherlands; and from 1954 to 1972, as chairman of the Executive Committee of JMW, the Jewish Social Work.

Based on prewar NIHS statistics, Spier—in May 1948, appointed by the government as the administrator-liquidator of the Dutch

looting bodies LVVS and VVRA—put forward that only 10 percent of Amsterdam Jews could be regarded as belonging to the propertied class. After subsequent investigation, he came to the conclusion that this was also the case with Dutch Jews outside of Amsterdam. Spier had, in 1954, when commissioned by the Committee of the Restoration of Foreign Securities (CRBE), already answered the question: from which categories of the Jewish community did the survivors of the Shoah come?

He wrote to the CRBE in 1954:

At your request, I have conducted an inquiry into the circumstances that led to the fact that of those people affected by the extermination measures imposed by the German occupier with regard to the Jewish segment of the population in the Netherlands, those owning little or nothing were hit much harder than the well-to-do, the result of which meant that estates of the affluent not yet settled, especially those owning securities, only occurred to a tiny degree.

Based on data gathered by the administrator-liquidator, Spier reached the conclusion that the poor, working class, and lower middle class were practically all wiped out. Those who survived the Shoah had been, for the most part, the upper middle class and the wealthy. There were quite a few persons among these two groups who had owned successful businesses. Their capital had been in their businesses, which had been expropriated by the occupier. Free capital was usually invested in diamonds, gold, houses, and/or securities. According to Spier, many people had taken as much money out of their businesses as possible before they had been liquidated by the occupier. This money, together with their free capital, afforded



them a better opportunity to avoid being sent into forced labor or be deported to the extermination camps, for instance, through buying Sperr stamps or going into hiding. Since finding a place to hide for a family with small children was difficult, parents and children were usually placed in different locations, which resulted in extra costs. Therefore the only conclusion can be: a large proportion of war orphans came from the upper middle class and propertied classes.

Denial is an art. This principle was ingeniously applied by JMW. First deny, and only then give it some thought. The truth is something to worry about later, when denial is pointless and no longer an option. Of course, rumors and onerous accusations all have to be refuted or contradicted, even if they are based on well-founded analysis, strong indications, or plain and simple facts.

In addition, in his letter to me of June 11, 2003, Vuijsje writes:

With respect to content, I reject the basic assumption in your report that you and your brother Marcel's estate is representative of how material war damage was dealt with concerning Jewish war orphans. Sadly, only a tiny percentage of war orphans were reputed to have had any measure of substantial assets. Consequently, your report concerns an exceptional situation. In reaction to your report, I cannot regard [it] as anything other than an individual question by Philip Staal. Accordingly, the terms of reference are: Did Le-Ezrath Ha-Jeled properly manage Philip Staal's estate?

JMW is correct when it writes that my report had to do with an exceptional situation. However, the underlying reason for this exceptional situation is not owing to the fact that most of the war

orphans were not wealthy. After all, this position had already been labeled false by Spier; this position cannot bear the test of truth. Rather, the exceptional nature of the situation has much more to do with the fact that JMW had been confronted for the first time with a well-reasoned and well-substantiated analysis of the transactions regarding war-orphan assets, including the NBI report and the Final Report of LEHJ.

In addition to my report, it is pointless to deny the fact that the war orphan Philip Staal owned assets. But owing to the fact that only my final statement of assets and liabilities is available (that of my brother, Marcel, has never been found), I gather from the letter sent by JMW that their position assumes that, until proven otherwise, my brother, Marcel, is just another war orphan who did not own any assets. That is why, for the sake of convenience, JMW wrote, "Accordingly, the terms of reference are: Did Le-Ezrath Ha-Jeled properly manage Philip Staal's estate?" I suppose we are to believe that Marcel was simply deleted from my parents' estate.

JMW holds to its position: "Sadly, only a tiny percentage of war orphans were reputed to have had assets of any substantial consequence."



# 43

## **Orphans Not Alone**

The restoration of rights of war orphans is not the only area that the Jewish community does not want investigated. The Amsterdam Jewish Funeral Association was established on March 29, 1948, and approved by royal decree on December 9, 1952. The purpose of the association was to continue the activities of the six prewar Jewish funeral unions that had been liquidated. These six former unions were represented by the accountancy firm Martin J. Polak and had received recognized claims with a total postwar value of 250,000 guilders.

The Scholten Commission was unable to ascertain whether final payment of these claims had been made to the legal successor of these unions, the Amsterdam Jewish Funeral Association. The commission was not allowed access to the archives of this union. The Amsterdam Jewish Funeral Association refused to cooperate in the investigation of its archives. The Scholten Commission's request to examine them was refused on principle. The commission's task was to investigate banks and insurers that may have had Jewish assets in their possession. Funeral associations were not in their mandate, as Herman Loonstein, chairman of the Funeral Associations, wrote to the commission on October 22, 1999.

As an expert in the Mosaic law and a *mohel* (someone who performs circumcisions), Herman Loonstein had been working in the Dutch Orthodox Jewish community for years. Loonstein had studied law and began a law firm in Amsterdam South in 1980. He took on a number of ancillary positions, including the chairmanship of the Amsterdam Funeral Association and the Jewish comprehensive school Cheider, an Orthodox Jewish school for elementary and secondary education in the Amsterdam district of Buitenveldert, and chairman of Federative Jewish Netherlands, an organization whose purpose was to represent the rights of Jews in the Netherlands, including the legacy of deceased Jews. From 1988 to 1999, he held the endowed chair of Mosaic Law at the Catholic University of Nijmegen.

Herman Loonstein is married and has six sons. He came into the public eye in 2002 when he gave aid to a victim who had been involved in an automobile accident with Máxima Zorreguieta, the fiancé of the Dutch crown prince at the time, and now queen of the Netherlands.

At the beginning of 1998, the CJO (Central Jewish Consultation Nederland) established the Foundation for the Central Registration of Jewish War Claims. The claims office, housed in the Stichting (Foundation) 1940–1945 building in Diemen called for Jewish war victims to file damage claims with Dutch financial institutions and the government. It would also be possible for people to request additional information about the possibility of lodging claims in the future. Renee too wrote a letter to the CJO. Renee had come to live at the Rudelsheim Foundation at the age of fifteen and until she became legally of age Le-Ezrath Ha-Jeled was her guardian. Renee also left for Israel as a minor. At the beginning of 2000, she requested information concerning insurance policies of her murdered parents. At the outset of January 2002, she received the following reply:

Unlike all the other institutions, the Amsterdam Jewish Funeral Association has not replied to any of our letters thus far. All our attempts to engage in consultation have been rejected. For the sake of completeness we would like to draw your attention to the fact that you should not entertain high hopes of a positive outcome in this matter.

The claims office was shut down later that same year.

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The Scholten Commission was unable to conduct research in the archives of the Amsterdam Jewish Funeral Association because they had not been granted access. Similarly, I was denied access to the archives of LEHJ, under the management of JMW. Therefore, I was unable to conduct any general research into the asset management of the war orphans either. Out of sheer necessity, I was forced to restrict myself to an examination of what happened to my own parents' estate. They could not legally prevent me from seeing my own file. Nevertheless, it took more than a year before I could examine the desired documents. I had to fly from Israel to the Netherlands several times without gaining access to my file. However, the threat of instituting interlocutory proceedings helped, and I finally received a copy of my file.

I was struck by the fact that, in both cases where access had been denied to the archives, the accountancy firm Martin J. Polak had been involved. Accountancy firm Martin J. Polak represented the six prewar liquidated Jewish funeral associations and received payments for other Jewish organizations that no longer continued their activities. They represented the Dutch Israeli community and had

been the accountancy firm for the Jewish custodian organizations during the period when war orphans had still been legally underage. And, during the war, Martin J. Polak had been the accountant for the Jewish Council's Commission for the Management of Financial Matters.

Accountancy firm Martin J. Polak was acquired by Paardekooper & Hoffman Accountants. Thereafter, on August 6, 1982, this firm presented a report to the board of the Amalgamated Jewish Institutions for Child Welfare, also referred to as "the Merger." This report concerned the annual accounts for 1981 of the Central Investment Depository and those institutions who were members of the merger. The following institutions were members of the merger: Dutch Israelite Jewish Boys' Orphanage, Dutch Israelite Girls' Orphanage, Rudelsheim Foundation, Le-Ezrath Ha-Jeled, Berg Foundation, Megadlé Jethomim, and Joodse Zee-en Boskolonies Wijk aan Zee.

At present this accountancy firm goes by the name of Mazars and is still the firm that signs the audit reports that account for the finances and annual reports of the JMW. The Jewish custodian organizations had not yet been formally liquidated as of 2004, and the JMW had continued with the work of these associations/foundations. In a material sense, the JMW is the successor to the custodian organizations.





## **With the Help of the Child**

The end result of my investigation has been set down in my report *Be-Ezrath Ha-Jeled (With the Help of a Child)*. This report is a case study about the management of assets of Jewish World War II orphans by their guardians. I sent this report, together with our claim, to the JMW, on January 20, 2004. My aim had been to conduct a general and broadly based research.

One problem was that a great deal of the postwar archive material had been destroyed. The NBI and LEHJ archives were the most important ones to the investigation.

The second problem was gaining access to the relevant archives. The NBI archives can only be examined by the persons in question, and JMW did not grant me access to anything other than my personal files.

I was therefore only allowed to examine my parents' files and have a copy sent to me. I was forced to limit my investigation to just two war orphans, namely, my brother and myself.

Therefore the questions I raised can only be answered with regard to my family's legacy and a handful of others who entrusted their files to me.

During the course of my professional career, I have been commissioned to undertake research assignments by several institutions and businesses. But this was the first time that the object of study, the initiative, the assignment, and the carrying out of the research was undertaken by one and the same person, that is, the present writer.

To guarantee objectivity, I conducted the research in cooperation with an accountancy firm in Israel. The research report “BEHJ” is the result of approximately six hundred man-hours of intensive research and analysis. Moreover, by joint agreement, the report was given to forensic accountant Dr. F. Hoek, and he was asked to read it critically and provide commentary. Forensic accountant Hoek was a researcher for the World War Assets Contact Group of the Van Kemenade Commission. His commentary has been processed in my final report, which I sent in January 2004, to JMW. Unfortunately, there has never been a substantive response to this report.

Is the Jewish community afraid of taking a critical look at its own way of working? Or is it perhaps like a wise old Jewish man from Amsterdam said with a sigh while discussing the subject with me: “Everybody has his own thoughts and assumptions about how the war-orphan assets were managed. It’s just like with children: everyone knows how to make them, but nobody talks about it.”





# 45

## A Difference of Opinion

On December 10, 2003, a discussion took place on JMW premises about Elma Verhey's war-orphan research and my report "Asset Management of World War II Orphans." Those present were Professor Emeritus Arnold Heertje—whom I had approached to act as mediator in the conflict—Hans Vuijsje, and I.

In addition to my conversations with Hans Vuijsje over the course of the past three years and especially after this last conversation, it had become clear to me that any further discussions with JMW would not lead to any results. That is why my brother and I sent our claim to JMW for one and a half million euro on January 20, 2004, together with my report *Be-Ezrath Ha-Jeled*. My report was the basis for the claim for money that had wrongfully not been paid.

In a covering letter to Vuijsje—with a copy sent to A. P. Hertog, chairman of the JMW Supervisory Board—I wrote, among other things, the following:

I have regularly indicated that a great many World War II orphans have the feeling the management and settlement of their assets by the custodian organizations did not take place properly. I have

submitted to you on several occasions that research into the management and settlement of assets by the custodian organizations would be highly desirable to both sides. I have explained to you that, afterward, I began my own investigation in order to get answers to questions that JMW and Ms. Verhey either did not put [forward] or were incompletely or wrongly answered. I have told you that my findings are not consistent with the conclusions JMW has reached with regard to the matter. I have provided you with several examples. I sincerely hope that we can have a substantive discussion with regard to this sordid affair and that I will not have to undertake any further action to attain a dignified and correct end to the differences of opinion that exist between us.





## Jerusalem of the West

Eighty percent of Dutch Jewry were murdered in cold blood during World War II by the Germans and their collaborators—one hundred and five thousand Jews from the Netherlands, comprising less than 2 percent of the total Jewish victims of Nazi racism. For centuries, the Jewish community in Europe, and especially in the Netherlands, had been able to hold their own; living happily; feeling secure, free, and welcome. Until everything changed in 1940. For them and their children, the Netherlands would never be a peaceful and quiet place. The sun would never shine for them again.

What consequence did this have for the postwar Jewish victims?

Characteristic of this situation was the fact that Amsterdam was also called Jerusalem of the West. None of this takes away from the fact that since the destruction of their temple in the year AD 70, Jews have always kept the memory of Jerusalem alive. Jews all around the world pray facing in its direction. At Jewish weddings, the groom breaks a glass to the memory of Jerusalem and says:

*If I forget thee, O Jerusalem,  
Let my right hand forget her cunning.  
May my tongue cleave to the roof of my mouth,*

*If I prefer not Jerusalem  
Above my chief joy.*

At Yom Kippur, the holiest day in the Jewish calendar and thus the most important Jewish holiday, at the end of the service in the synagogue, at sunset, after the *Ne'ila'* prayer and the *shofar* is blown, the entire congregation sings at the top of their lungs, "Next year in Jerusalem!"

Before the war, there was little impetus among Dutch Jews to support Zionism in its struggle to establish a Jewish state. The number of members of the Netherlands Zionist Union (NZB), which had been established in 1899, remained limited despite the rise of Nazi Germany with its anti-Jewish measures and the influx of Jewish refugees into the Netherlands. Only between 3 and 4 percent of Dutch Jews were registered NZB members. At the time, there was growing sympathy for Zionist ideals, but there was still not much impetus to actually go to Palestine.

There were powerful forces within their own community who were opposed to Zionism. Orthodox Jews were against Zionism for religious reasons: "The Jewish state can only be formed after the coming of the Messiah." However, not all Orthodox Jews opposed Zionism. An international organization of religious Zionists, the Mizrahi, were also active within the NZB.

Zionism was not warmly received in liberal and socialist circles, either. For Jewish socialists, on their way to a just international world, assimilation was a matter-of-course. Socialism and assimilation could, in their view, put an end to anti-Semitism. Zionists, on the other hand did not believe anti-Semitism could be eliminated, and they wanted to reinforce Jewish self-awareness by setting up their own state.

After the war, many survivors of the Shoah felt differently toward the Netherlands and Zionism. After liberation, the Jewish population of the Netherlands, irrespective of age or class, had been traumatized and had difficulty integrating back into society. Many Jews had to deal with a lack of understanding, to put it mildly, and received little sympathy from the non-Jewish segment of the Dutch population regarding the situation in which they now found themselves, and they began feeling the first aftershocks of the Shoah.

Things were no different for the 1,363 Jewish war orphans for whom the court had to appoint guardians. Even though we were too young to experience financial difficulties, our emotional problems were serious.

In 1950, Jewish institutions had guardianship over some 538 Jewish minors. Roughly 40 percent of us were looked after in custodian organizations, the largest of which was the Berg Foundation in the town of Laren.

Underage Jewish war orphans also had trouble adjusting to the postwar situation. For the older war orphans who had been placed in one of the Jewish institutions, the situation was even more distressing. The war orphans had been robbed of their loved ones. Instead of their own parents, or parents from their places of hiding, they now had child-care staff who were scarcely older than they were, in a system that told them what they could and couldn't do and how they ought to behave. It's only logical that this group sought another way out—many found it in Zionism.

Emigration was exciting and afforded the opportunity to leave the orphanages, to leave the Netherlands, build a new future somewhere far away, and find a new homeland. During the war, the Netherlands had not acted like a homeland, *or fatherland*, to its Jewish inhabitants. A fatherland has the same duty to its citizens

as parents do to their families. It ought to look after its fellow countrymen.

I have come to the conclusion that the Dutch government during the war years did not look after its citizens and, in particular, the Jewish population. This does not mean to say that the Dutch government could have prevented the suffering of Dutch Jews. But quite a few Dutchmen felt betrayed and abandoned by their leaders who had sought safe refuge in England. One can therefore understand why many Dutch citizens, including Dutch war orphans, sought a new homeland.

The desire to do this found support with the leaders of the Le-Ezrath Ha-Jeled Foundation, founded on August 30, 1945. Most of the board members of the LEHJ had been confirmed Zionists, including Abraham de Jong, the first chairman of the foundation, who emigrated to Palestine in 1947; Jaap van Amerongen, a board member of LEHJ, was also chairman of the NZB; and board member Elisa Mendes da Costa-Vet was head of the Youth Aliyah, the foundation to aid in the emigration of young people to Israel.

At the beginning of 1949, Leo and Lea Levin, together with their three children and fourteen underage war orphans, left for Israel and settled at the *kibbutz* Givat Brenner. The entire Levin family had survived the war, and Leo and Lea had decided to take Jewish war orphans into their family. In the struggle between the OPK and LEHJ, they had been offered the care of fourteen foster children. The Levins accepted this offer. They had continued to adhere to the decision they had made in 1945: "to go to Israel by themselves and only with the children, and to stick by them under all circumstances."

Another group of sixty older children left the Netherlands at roughly the same time and settled in Ben Shemen. There were also war orphans under the guardianship of Jewish institutions who

left for Israel in 1949 and 1950. At that time, the Jewish custodian organizations were responsible for thirty-three war orphans in Israel. The youngest child was seven, the oldest twenty.

After the Jewish state had been founded in May 1948, Leo Cohen, the deputy director of the Berg Foundation, publicized his wish to emigrate to Israel. The children under his care had lost their parents and entire families and had been yanked from those acting as their parents in their places of hiding. They felt safe and happy with the Cohen family and wanted to stay with them. In the end, a group of twenty-three war orphans under the responsibility and care of Leo and Riek Cohen left for Israel in March 1951. The youngest was thirteen, the oldest seventeen. The group left by train for Marseille and then took the boat to Haifa, where trucks stood waiting to take them to the kibbutz Gvar'am. A year later, a second group of fifteen underage Berg Foundation orphans followed.

The children were not the only ones to notice that living conditions in idealized Israel were a far cry from those of the Berg Foundation in Laren, but Leo and Riek Cohen as well. At the end of 1953, the couple decided to leave the Gvar'am kibbutz, and shortly thereafter, they returned to the Netherlands, leaving the war-orphan foster children behind in Israel, a country that had gained its independence only five years earlier, to fend for themselves without guidance, educational support, or supervision.

The custodian organizations had decided to allow the children to go to Israel on an aliyah visa, since the cost of emigration would be borne by the Jewish Agency for Israel. On the face of it, a natural, understandable and logical decision, but it did have consequences.

According to Israeli law, each new immigrant automatically receives the Israeli nationality, unless he or she expressly rejects it. Minors were not legally competent and were automatically granted Israeli citizenship at Haifa. Each new immigrant had to go into

military service once they reached the age of eighteen. At the time, compulsory military service for men was two and half years and for women two years. The youngsters were not allowed to leave the country during their military service, and only after military service, were they considered to have come of age. Moreover, a new immigrant could not leave the country without reimbursing the immigration costs incurred by the Jewish Agency for Israel. It goes without saying that these young people had no money to do this; neither did the LEHJ intend to subsidize their aliyah costs, nor foot the bill for their return ticket to the Netherlands. In short, these children could not leave Israel. Conversely, Mr. and Mrs. Cohen, could and, as has already been indicated, they did.

Guardians and coguardians are responsible for their war orphans until they come of legal age, regardless of whether or not they live in the Netherlands or any other country. Guardians take full responsibility in every aspect (morally, emotionally, and financially) for the care of their charges. In accepting the guardianship, the custodian organizations took on a great responsibility. How is it possible that these institutions approved of and went to such lengths to make possible the emigration of underage orphans to Israel? This surely could not be explained away by saying that the underage war orphans had decided of their own free will to go to Israel? One surely could not hold a seven-year-old responsible for the decision to emigrate? When it comes to minor war orphans, the guardian was solely responsible. Period.

Back in the Netherlands, Leo Cohen quickly rose to the rank of director of the Amalgamated Jewish Institutions for Childcare (the Merger). Was this a reward for the fact of having ensured that seventy underage war orphans and dependents of the Merger had gone to live in Israel in 1953 with Israeli nationality, without guidance, supervision, or financial means? Enough children to fill



an entire orphanage. Upward of seventy underage war orphans, spread throughout Israel, some in military service, for whom a Dutch agency had taken on the responsibility of guardianship but who no longer had any say or influence over what they could or couldn't do. Though not legally, the Merger had nevertheless *de facto* managed *to receive the benefits but not the liabilities* from these children. Namely, the assets of these children remained in the Netherlands under the Merger's management—assets the children had been told did not exist.





## **Life in the Rudelsheim Foundation**

On February 11, 1957, LEHJ director C. Friedman wrote the following to the Childcare and Protection Board in Amsterdam:

We hereby inform you that the minor Marcel Staal, born September 29, 1939, residing at S. A. Rudelsheimstichting, 8 Hoflaan in Hilversum, last Thursday February 7, left said home without permission, together with the minor Hans and, until today, has not yet returned. We have duly notified the juvenile police in Hilversum of the aforesaid.

Life in the Rudelsheim Foundation was far from pleasant for my brother as well. When he was just seventeen, he ran away with his friend Hans on February seventh. They had heard a great deal about Israel, and that seemed like a good idea to them. Marcel actually would have preferred to go to Canada to start a farm, but Israel was a good alternative to escape from the orphanage. A lot of preparations had to be made for their escape to succeed, which also involved two other friends of theirs at the Rudelsheim Foundation as part of the

plot. Marcel and Hans both had passports, but these were safely tucked away in Mrs. Ellie Kanteman's desk drawer, or Aunt Ellie as we called her. Hans had come up with a scheme that had enabled him to take the two passports from her desk two weeks before. Aunt Ellie was settling an account with him, and he had Marcel drop a pile of plates in the kitchen. Startled, Aunt Ellie rushed into the kitchen, and Hans grabbed the passports.

Ellie Kanteman had been in charge of the housekeeping activities at the Rudelsheim Foundation for the past couple of years and was a sweet woman. Aunt Ellie and Loek van Hellemond, one of the many child-care staff who had passed in review in the orphanage over the years, are the only two people for whom I have fond memories. They had our best interests at heart. You could feel it. I have probably banished all the other child-care staff from my thoughts out of self-defense, except for Miep.

Miep had come to us as a child-care worker straight from the penitentiary and neither knew the first thing about war orphans nor showed any understanding toward us. Her last job had been as prison guard at a woman's penitentiary, which the LEHJ presumably thought made her well-qualified for her new job of keeping us in line. Every time we adolescent boys took a shower, she came to watch. Maybe it was out of the power of habit, left over from her prison days when she had to constantly check if the inmates had hidden anything under their clothing. She liked to get rough with us, often pulling our hair. To put it mildly, we were not exactly fond of her. And so all of us decided we were going to celebrate her birthday in a special way. Hans, who was a baker's apprentice, was going to help us bake her a beautiful cake.

All of us were sitting in a group on the evening of her birthday when we gave her her present, saying, "Happy birthday, Aunt Miep!

We have a little present for you—a cake we baked and decorated ourselves.”

“How sweet,” she said, “you shouldn’t have.”

Of course, all of us knew that at the bottom of the pastry box was a cake we had baked in the boy’s room, decorated with hairs. We sat there tensely awaiting her reaction. She took the elastic band off the box, but before she lifted the top, we all ran out of the room. We never saw her again. She resigned immediately.

The seventeen-year-old baker’s apprentice was working to gain practical experience. When he did not turn up for work on February 7, 1957, Aunt Ellie was informed. Marcel, who had been going to technical school in Utrecht every day, had still not come home by nine in the evening. The management thought this was suspicious, and Schick, director of the Rudelsheim Foundation, notified the juvenile police in Hilversum that two of his dependents had gone missing. Friedman also informed the Dutch Consulate in Paris, since they suspected that the two boys were on their way to France.

With one hundred guilders of savings in their pockets, Marcel and Hans had boarded the train to Paris that Thursday morning, and from there would hitchhike to Marseilles. The plan was to take the boat from there to Israel. But they had run out of money by the time they reached Lyon. It was raining; they couldn’t speak the language, and could not get a ride. The two of them gave up, went back to Paris, and reported to the children’s home where we had been a year earlier on vacation. The director had already been notified by Schick, and he immediately phoned the police, who took them back by train to Roosendaal, where the Dutch police were waiting to escort them by train to Amsterdam. The next day, exactly a week after they had run away, the police dropped them off at the orphanage in Hilversum. Their attempt had failed, but they did not give up on the plan to flee to Israel. But they did change

their tactics. They would follow the same route that so many other war orphans had taken before them.

Marcel, who had moved up to the second year of technical school, told Schick that he did not want to finish the technical school and would rather emigrate to Israel, live in a kibbutz, and work on the land. Schick thought it was a good idea, partially because Marcel had worked with a farmer a year earlier. Hans and two other underage war orphans (T. D. and J. H.) also let Schick know of their intentions to emigrate to Israel.

It had been clear to me for years that I did not intend to keep on living in the Netherlands. But I wanted to finish my education first. Now that it looked like Marcel would be going to Israel, I changed my plans and asked if I could emigrate as well. I did not want to stay behind in the Netherlands without my brother. LEHJ had no objections after Hans Keilson had given his approval. The decision, however, would be made by the Youth Aliyah, who would examine me.

On February 17, 1958, my request was put before Dr. Elisa Mendes de Costa-Vet, head of the Youth Aliyah office and member of the general board of directors of the Merger. Times had changed, and so had Mendes da Costa-Vet's view concerning the emigration of war orphans to Israel. At the outset of the 1950s, she had done her utmost to expedite emigration of Berg Foundation children to Israel. By February 1958, though, she refused to even consider my application and said, "There is no way he can go to Israel, since he is only sixteen." The road had been blocked for emigration with my brother to Israel, and Marcel would leave without me. I was again separated from a family member and someone I loved and trusted.

Life is stronger than loss, and so I went back to my old plan of finishing my education before emigrating. However, I first needed the support of the LEHJ, and that did not turn out to be such an

easy task. Hans Keilson, the Merger's psychologist, stated that the Electrical Technical School was too difficult for me, and he advised my guardian to annul my application to this school.

The executive board of the Merger, in its meeting of July 16, 1958, decided to agree to the emigration of four of its underage foster children to Israel. The only barrier was getting permission from the coguardian who had been appointed by the district court. Marcel, Hans, T. D., and J. H. were, after all, each underage.

No problem. Not only can you put anything on paper you want—it also accepts statements that cannot pass the truth test. The Rudelsheim Foundation sent a letter dated July 23, 1958, to the district court in Amsterdam requesting permission for their foster children to be allowed to emigrate to Israel. Signed on behalf of the Rudelsheim Foundation by its chairman, M. R. Hertzberger, and secretary, J. E. v. d. Heijden-Lob, I read that the application for Marcel to the District Court had been motivated as follows: "That Marcel Staal's level of education has been completed to such a level, that as far as general preparation to life in Israel is concerned, he is able to emigrate at this time to Israel, such that it would at present be in the best interests of this underage child."

How odd. What education would they be referring to? Marcel, and that was true for Hans, T. D., and J. H., had not finished a single course of education, were all unskilled, and had no profession. Neither had he, nor any of the others, spent time in one of the homes set up by the Hachsjarah and Aliyah Foundations, to help prepare for life in Israel. What did they mean that leaving for Israel was in the interest of the underage dependents? Both experts in the Netherlands and Israel had strongly advised *against* letting Marcel go to Israel was what I had read in a Rudelsheim Foundation report covering February to April 1958.

With regard to the application, in a hearing held August 14, 1958, the District Court authorized the Rudelsheim Foundation to let Marcel leave for Israel. The court decided as follows:

DECISION

We, the Sub-district Court of Amsterdam;

In view of the application submitted before it on 23 July 1958, by the 'Vereniging S. A. Rudelsheimstichting' established in Amsterdam;

In view of the official report of the examination;

In view of the letter dated 25 July 1958, from Ph. Vos, coguardian of the minor named in the petition;

In view of Articles 400 and 441a of the Dutch Civil Code;

Considering, the application made is supported by Law and to comply with it in Our Opinion would be deemed desirable in the interest of the aforesaid underage applicant;

Having decided:

Authorize the applicant to perform the actions requested in the application.

Delivered in Amsterdam on 14 August 1958

Signed by, Mr. A. J. Barendrecht

Deputy Judge of the Sub-District Court

And by Court Clerk Y. A. Paulusma.

The obstacles had been removed, and these underage dependents were also allowed to *dearly depart* for Israel.

On September 8, 1958, the LEHJ wrote a short letter to Mirjam de Leeuw-Gerzon of the Dutch new immigrant organization, Irgoen Olei Holland, that said:

Dear Mirjam,

I would like to point out to you, that on board the Artsa on September 26, 1958 the following persons will be embarking:

Marcel Staal, to Kibbutz Be'eroth Jitschak; J. H. ditto, T. D. to Kibbutz Beth Ha-Emek; Hans to Kibbutz Givath Chayim.

All foster children of Le-Ezrath Ha-Jeled.

Just as in previous instances, the LEHJ informed the Irgoen Olei Holland (Organization of Dutch Immigrants in Israel, IOH) that war orphans were on their way to Israel. They were not consulted about it, nor did any discussions ever take place beforehand. The IOH was simply informed as if it were a packing slip mentioning the contents: underage war orphans.

Together with the three other minor war orphans, my brother left the Rudelsheim Foundation for Israel on September 25, 1958. In accordance with the decision taken by the executive committee on August 10, 1958, on an aliyah visa. Here too the grounds of the decision were that the costs would be paid by the Jewish Agency for Israel.

It is of course possible that in March 1951, when Leo Cohen had taken his group of children to kibbutz Gvar'am, the LEHJ did not realize what the consequences of travelling on an aliyah visa would entail. That is possible, although it attests to irresponsible and bad policy. But how, at the end of 1958, can it be explained, when the problems of war orphans living in Israel had become well known, that the Merger again decided to allow its dependents to travel on an aliyah visa? Once these youngsters too had arrived in Israel, they could not leave.



In his letter to me of June 11, 2003, Hans Vuijsje wrote, with regard to the responsibility of the custodian organization toward its dependents: "The guardian or custodian organization was responsible for the ward until he became legally of age or entered into marriage. Within that framework, LEHJ maintained intensive contact with Irgoen Oleh and especially with Mrs. Mirjam de Leeuw-Gerzon."

LEHJ did indeed maintain intensive contacts with the IOH. I have found the correspondence concerning this in the LEHJ archives. Mirjam de Leeuw-Gerzon of the IOH writes on May 25, 1959, to Leo Cohen, director of the Merger and board advisor to the JMW, about the problems with his fosterlings:

J. H. remains an awful problem. Without a doubt, this girl ought to have been given a psychiatric examination before being allowed to be sent to Israel and certainly not as *Olah* (emigrant), but what use is it to keep on raising the same subject, for this is also the case for B. E. and others. Israel is now saddled with these problems.

This letter clearly indicates the irresponsible behavior exhibited by the Merger with regard to the emigration policy of its foster children. LEHJ had ceded their responsibility, in fact, by sending the war orphans to Israel. The only area in which the foundation could still exercise authority was over their assets. Namely, the orphans might have left, but their assets remained in the Netherlands under the management of the custodian organizations.

This position attests to intellectual poverty and a lack of leadership. *The interests of the Jewish custodian organization LEHJ should not be put first, but those of the child and the moral value of Jewry.*

At the end of 1959, Mirjam de Leeuw-Gerzon of the IOH wrote to Leo Cohen, director of the Merger, about the financial circumstances in which some war orphans found themselves. After a lengthy exchange of letters between both organizations, Cohen was willing to allow three underage war orphans an annual allowance of 253 guilders (€115) per person. Leo Cohen, who himself had lived in Israel for several years, must surely have known that 21 guilders a month would in no way be sufficient to meet the cost of living, not even for those youngsters in military service. On October 15, 1959, the IOH received a one-off payment of 760 guilders (€345) from the LEHJ on behalf of these dependents. It goes without saying, this was substantially less than the annual cost of a child boarder in the Netherlands.

The IOH wrote about another war orphan:

Nathan is out of the army; he has no profession. I have found an excellent craftsman, a carpenter, who is willing to take him on as a voluntary apprentice at first and then as a paid worker. For that purpose, Mr. van Dijk has asked the Relief Fund to provide him with a monthly amount at the beginning with which to pay room and board.

About another person from the group that went to Gvar'am in 1951 with Leo Cohen, Leo Cohen himself wrote to the treasurer of the IOH, K. Straschnow:

She is in serious need both financially and socially. She requested help in the form of an advance against her JOKOS benefits. Total payment to her shall probably not exceed 500 guilders (€225). We

don't see any possibility of helping her out from our side. We are however prepared to reserve for her the remaining balance of 208 guilders (€95) from the original amount of 760 guilders (€345) sent on October 15, 1959, and hereby authorize you to pay her something when needed.

It appears that Leo Cohen thought that war orphans could get by with very little money. It reminds me of my first vacation in the summer of 1960 in Israel. I received permission to visit my brother, who was still in military service, at my own expense, which by the way was deducted from my assets that were being managed by the LEHJ. Leo Cohen, the expert when it came to Israel, had decided that an allowance of 100 guilders (€45) would be enough for six weeks. And so I often slept in parks and was sometimes able to afford buying falafel for dinner.

The IOH had set themselves the task of helping unskilled war orphans get their lives on track. Where the Merger had failed, and washed its hands of taking responsibility, the IOH took it on voluntarily, giving the war orphans both moral and financial support. Yet it would still take until the 1970s before there was an improvement in the financial situation of most war orphans in Israel. Effective on January 1, 1973, the Victims of Persecution (1940–1945) Benefits Act (WUV) came into force, to which people resident in Israel were also entitled. This benefit act made payments to Dutch victims who could prove that they had been physically or mentally damaged by persecution and were unable to earn an income through their labor commensurate to the basic income it had determined.



## Custodian Organization Policy

*Until 1953, the custodian-organization policy was not to use the assets of the fosterlings to cover the costs of their care. The situation was as follows: the custodian organizations received funds for foster care. These however were far from sufficient to pay for their actual care. To make up deficits therefore, monies were used from funds raised by the CEFINA (Center for Fundraising for Jewish Social Work in the Netherlands) and the prewar assets of a number of organizations.*

*In the 1950s, the government decided to regard proceeds from assets, such as interest and dividends, to be sources of income. This resulted in the custodian organizations receiving less government funding for foster care for those dependents with assets than ones without assets. At the lengthy insistence of accountants, a decision was made in 1953 to finance the difference between those foster-care payments made from the proceeds of a child's assets, and at least to pass on direct costs from the management of assets.*

*After 1958, not only were all the cuts in government payments financed by the proceeds of the assets, but the actual costs of foster care were deducted from the net proceeds of the children's assets.*

*Major assets consisted of shares, bonds, and the like, whereby the proceeds, apart from interest and dividends, only existed on paper. The proceeds from the*

orphans' assets were insufficient to fully meet foster-care costs. So in financial terms, it was an attractive proposition to allow war orphans to go to Israel.

The boards of the custodian organizations were repeatedly confronted with the question of whether—and to which degree—to make use of the assets of war orphans. The basic principle of the Merger was not to make use of the assets, or only in limited amounts, and to reserve as much as possible until the child had legally come of age.

A new situation arose in 1950, because a large number of children were about to leave for Israel as new immigrants (*aliyah*). The question was raised whether the costs could be paid for from the assets of their families. On December 19, 1950, a meeting was convened to discuss the subject by the Dependent Asset Management Commission. The meeting set up new guidelines for the use of assets for children emigrating to Israel and requested that the executive board make a fundamental decision from the following three alternatives: a) the foster children assets be liquidated and useful possession be purchased, which could be taken to Israel; b) the assets to be only partially liquidated with a portion to put away in the Netherlands for a rainy day or to be able to have packages sent to Israel; and c) the assets remain completely intact in the Netherlands.

On February 14, 1951, the executive committee of the Amalgamated Jewish Institutions decided the following:

- All children would be outfitted the same.
- Outfitting the children would be paid from the compensation fund bank books.
- Children who did not have compensation fund bank books or very low benefits were outfitted at the cost of the Berg Foundation, or the difference of the costs was made up by the Berg Foundation. Bank account balances of other children would in no cases be used to finance this group.
- Travel expenses would be charged to the Berg Foundation.

- *Children who had sufficient cash funds could, if necessary, apart from the outfitting, also take other useful things.*
- *If equipment costs or travelling expenses were paid for by other organizations, which was the case as the children were travelling on an aliyah visa and therefore their travelling expenses were paid for by the Jewish Agency for Israel, then considerations could be made as to whether to reserve the maintenance costs of these children in G'var'am and to transfer funds to G'var'am in due course.*

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In a nutshell, this meant that the assets of the children leaving for Israel could be used up. This in turn meant that only the surplus assets of the wealthier children would remain under LEHJ management. Minor assets were liquidated.

As has been noted, these underage children, now with an Israeli nationality, were neither legally competent nor could they leave the country. Their guardian was a Dutch organization that had no authority whatsoever to take action in Israel. The Merger had, however, opportunely seen to it that they keep the assets of their foster children in the Netherlands under their management.

Since the financial records of the war orphans cannot be found and, according to Verhey and Vuijsje, had even been destroyed in the 1970s, it is impossible to completely reconstruct the management activities of these assets.

In the summer of 2005, I had an appointment with Dr. Joel Fishman in the restaurant at the University in Jerusalem. Joel was the chairman of the Center for Research on Dutch Jewry at Hebrew University. He had done postgraduate work from 1975–1978 at the NIOD in Amsterdam. Joel researched and published several pioneering articles about the postwar reconstruction of the Dutch

Jewish community and, in particular, those of Jewish war orphans. I had known him for a few years and had met him several times at meetings of the Dutch community in Israel. We looked for a quiet place to talk and found it in the corner of the restaurant near the window. We ordered coffee, and I began telling him about my research and hunt for the financial records of the Jewish custodian organizations.

Joel listened patiently and asked me fifteen minutes later, "Philip, how can I help you?"

"Do you have any idea where I could find the financial records of the war orphans? I know that until the summer of 2003 the archives of the Jewish custodian organization LEHJ were located in the NIOD and then moved to the Amsterdam Municipal Archives. I was unable to examine them since Jewish Social Work (JMW) refused me permission. As you know, these archives are JMW property."

Joel answered, "Where they are now, I don't know. But during my work at the NIOD, I consulted them several times."

"So the financial records of the war orphans were still in existence in 1978? Does that mean they could not have been destroyed at the beginning of the 1970s?" I asked.

"That's right, and I doubt whether these records have been destroyed at all. They must surely be somewhere in the cellar or attic, among all the other archives."

"Why are you so sure these records still exist?"

"The financial records of the war orphans are miles long. The number of man-hours and the paperwork necessary to destroy them would have cost a fortune. At the time, LEHJ had few liquid assets, and the cash they did have on hand could be put to better use."

I was extremely upset and thought about the LIRO archives. They too had been untraceable for fifty years and then found at the end of

1997. This discovery made it possible to reconstruct quite a bit about the assets that were looted by the LIRO bank and to scientifically establish what many had known for years but were legally unable to prove. Professor Isaac Lipschits, professor of contemporary history at Groningen University, wrote in the December 3, 1997, issue of the weekly magazine *De Groene Amsterdammer*:

Chills ran down my spine at the sight of these cards. They had been much sought after. We knew that they existed. I had asked the Ministry of Finance about them on several occasions whether the LIRO records still existed. And if they did, where they were located. I was told there was nothing left. I was told that the archives had presumably been destroyed. This material is of crucial importance for the research into the properties of the victims of Jewish persecution. The government can no longer cover this up.

Hopefully, history will repeat itself and the financial records of the war orphans will be recovered like the LIRO ones had been.

The LEHJ naturally had the legal right to pay for the cost of emigration from the assets of the fosterling. The same applies for clothing and the costs of foster care; these two could also be deducted on condition that they had been based on a lawful decision taken by the board. What it really has to do with is whether or not the LEHJ had the (moral) right to let these underage war orphans with insufficient education go to Israel and to leave them there without providing any guidance.

But that is not what this book is about. This book is about less important matters, such as money. What this book aims to get to the bottom of is whether the guardians received the full amount of



their dependents' assets, had managed them well, and transferred them back when the war orphans legally came of age.

No one disputes whether the LEHJ had made efforts to track down assets: this is clearly evident in the records. The complete records, however, which would have been able to show how LEHJ had dealt with the assets of the residents in the children's homes and what happened when the children reached legal age, had disappeared. Because of this, total reconstruction of the asset management is impossible. But even without all the financial documents, there is sufficient material present and available. The information in the social files of LEHJ, the NBI archives, and the information available to the war orphans is enough to get truthful answers to questions. Scientific research would be a prerequisite. This would only be possible with the cooperation of the JMW (the archives of the custodian organizations are managed by the JMW). But JMW refuses to allow scientific research to be conducted.





## Lodging an Objection

On July 1, 2004, I land at Schiphol airport and continue my journey by train to The Hague. This has actually become a routine since the MAROR Foundation holds its board meeting once or twice a month on Thursday evenings. Halfway there on the train, my cell phone rings while I'm reading financial documents.

"Loonstein here. Is this Mr. Staal?"

Loonstein, among other positions, is chairman of the Amsterdam Jewish Funeral Association. I met him six months ago and discussed with him my report *Be-Ezrath Ha-Jeled*.

"Hello, Mr. Loonstein, this is Philip."

"I have some information that might interest you. I seem to recall you lodged a material claim with the JMW, the successor to your guardian."

"Yes, that's correct. My brother and I lodged our claim with Vuijsje in January 2004."

"The JMW has lodged a draft proposal for the merger of all the custodian organizations with the commercial register. You can lodge an objection, but it has to be soon. You have one week."

"That suits me just fine; I am in Holland. I'll be flying back to Israel the day after tomorrow. But I haven't got any experience

in this area. Can I make an appointment for tomorrow morning to discuss the matter?"

"That's fine. I see in my diary I have a thirty-minute slot open at ten."

"Great, thanks for the information and see you tomorrow."

I close my laptop as we pull into The Hague Central Station. After the meeting, as usual, I drive back to Amsterdam with the MAROR vice chairman Fred Ensels. He drops me off on Koninginneweg where my mother-in-law lives and where I always stay when I am in Holland. Fred is quite active in the Jewish community in the Netherlands. Among his many functions was that of board member in the JMW, the last fifteen years as chairman. For ten years, he ran the board of the magazine *New Israelite Weekly* and was chairman of the Jewish Broadcasting System.

During our drive I ask Ensels, "Did you read my report about the war orphans I gave you two weeks ago?"

"Yes, I have."

"What do you think of it? Am I right or have I drawn the wrong conclusions somewhere and am seeing ghosts?"

"I think you are right but know you won't be proved right," Fred answered.

The next morning I take the streetcar to Herman Loonstein's office in Amsterdam South. I know him and had been to his office once before. At the time, we had discussed the Scholten Commission and my investigative report. This time I have nothing to say. I wanted to know from Herman what the options and consequences of lodging an objection against the proposed merger would entail.

I ring the doorbell at ten o'clock sharp. His secretary opens the door and says, "Good morning, Mr. Staal, please come in, Professor Loonstein is waiting for you."

Loonstein's office looks exactly like it did the time before. The walls are covered from floor to ceiling by law books; there is a desk

and conference table and a white piano strewn with piles of papers. The concept of a desk, in which all the paperwork is safely stored in a computer, is not something that has occurred to him. In the computer age, it is quite simple and cheap to print out everything. And it looks like he has.

I sit at the table, and Loonstein starts talking. “On the fourth of June 2004, the Jewish Social Work Alliance (SJMw) lodged an undated merger proposal for the Jewish custodian organizations at the offices of the Amsterdam Registry of Corporations. The daily newspaper *Trouw* published this in their edition of June 10, 2004. So there is a week to lodge an objection. Until now, fifteen organizations have lodged objections against the proposed merger.”

I am given a list and read which organizations they entail:

1. Nederlands-Israëlitische Hoofdsynagoge; Stichting Joodse Scholengemeenschap.

Attorney at law and legal counsel is M. Ellens LL M.

2. Nederlands-Israëlitisch Kerkgenootschap; Bne Akiwa Nederland; Stichting Jesjiwas Ha-Masmidiem; Tikvatenoe; Rosalie Gompert-Springer Stichting; Joodse Jeugdvereniging Hasjalsjelet; Stichting Joodse Kindergemeenschap Cheider; Stichting Maatschappelijke Zorg Joodse Kindergemeenschap Cheider; Jesode Hatorah Beth Jacob; Stichting Le-Ezrath Chinuch Chabad; Interprovinciaal Opperrabbinaat; Andries van Dam Stichting; Stichting Lesammeiag Hajeled.

“I am the attorney at law and legal counsel for the thirteen organizations in section 2,” Loonstein says before continuing. “The fifteen Jewish organizations referred to under sections 1 and 2 accuse

JMW of using the money from the merger partners to wipe out deficits in their own budget. I want to stress that my clients are not out for money; they just want there to be a guarantee that the available funds be used in the spirit of the original funds. An important aspect is the source of the money. Some members of the Organization of Jewish Communities in the Netherlands (NIK) do not want the Jewish money from the funds to be used via the JMW to pay for activities of non-Jews or Jewish in-laws. According to NIK's treasurer, Joseph Elburg, it has been agreed that the funds remain 'recognizable' and not disappear 'in the big kitty.'"

Like Elburg, son of the ex-director of the Rudelsheim Foundation, says, "Mixing the assets is diametrically opposed to the agreements reached in March 2004 with the JMW."

"If I understood you correctly, does that mean as a result of the merger that the Jewish custodian organizations will cease to be legal entities, and their funds will be transferred to the SJMW? And that war orphans will no longer be able to lodge any claims?"

"That's right," says Loonstein, "and seeing as how you and your brother are the only war orphans to have lodged an official claim against one of these institutions, you are also the only ones who can lodge an objection against the merger on a personal basis. So we have the same interest: to stop the merger!"

"Yes," I say, "then we have the same goal. We are out to see that justice is done. My brother and I feel that scientific research ought to first determine to whom the capital in the multimillions managed by the custodian organizations rightfully belongs, before they let it disappear. If it turns out that a part of it has come from war orphans and/or the custodian organizations have mismanaged the dependents' assets, then the logical result would be an apology and material restitution.

What I find remarkable is that the Dutch Jewish War Orphans in Israel Foundation (SINJOI) has not lodged an objection against the proposed merger. This organization claims to represent the Dutch Jewish war orphans.”

“I hadn’t thought about that, but I think that SINJOI cannot lodge an objection on legal grounds. If I am correctly informed, this organization was only set up in 2000.”

“That’s right,” I say. “I’m no lawyer, but the same thing applies to Shalom Pront, secretary of this foundation, and his brother (both [ex] Le-Ezrath Ha-Jeled wards) as it does to my brother and me. They too had a well-founded claim against JMW. [Their claim] has to do with a quarter part of four properties [belonging to] their grandparents, who were murdered in Sobibor. Le-Ezrath Ha-Jeled sold these buildings in 1953. Shalom and his brother never received the equivalent amount for this.”

“Then they would be able, just like you and your brother, to lodge an objection to the proposed merger,” says Loonstein.

“Okay, but how can we proceed from here?”

“I would love to help you,” says Loonstein, “but unfortunately, I cannot act as legal counsel in your case. I have already lodged an objection to the merger on behalf of thirteen Jewish organizations. They have informed me that they will find another attorney if I take on your case.”

“I don’t understand. Why can’t you be both their and my attorney? There is no conflict of interest here, is there? After all, we both have the same goal, right?”

“The organizations, my clients, are fully aware of your investigation, fight, and claim against the Jewish custodian organizations and are, to put it mildly, quite angry about it.”

I thought to myself, *Do the board members of these associations know more than what they are saying? Are the children of the former*

*regents again the ones who are so fiercely opposed to scientific research being conducted into the asset management of war orphans?*

“What’s really bothering them?” I ask.

“They don’t feel that a Jew should bring charges against another Jew before a Dutch court. Conflicts within the Jewish community should be solved internally.”

“And what if internal agreements cannot be reached? And, why then are these Jewish organizations lodging an objection to the merger application of SJMW with the custodian organizations?”

“They take a different view. Their objection is against changing the existing situation, not a complaint as it is in your case.”

“I’m not talking about our claim. I lodged that with the JMW, the successor to our guardian, the Rudelsheim Foundation. I still hope we will be able to have a serious discussion about it and that we will be able to settle the matter out of court. What we’re talking about now is preventing the SJMW from merging with the custodian organizations. It just so happens, that in the Saturday July 3, 2004, issue of the daily newspaper *Trouw*, there will a three-page interview with me about my investigation and claim. And they have also asked Vuijsje and Verhey for their views on the matter.”

To which Loonstein shakes his head and then answers, “In this world, nothing is coincidental.” He looks up and then continues, “We Orthodox Jews believe that everything is arranged by *HaKadosh Baruch Hu* (the Holy One, Blessed Be He).”

This thought reminds me of my childhood and always makes me think, *Blessed are the faithful* for they always have the same answer to everything, and I tell Loonstein what there will be in tomorrow morning’s newspaper:

Vuijsje would prefer Staal to lodge his claim with the civil court. He told the journalist: “I want this case

to be thrown out. It's killing us. If it goes on like this, it is certain we won't be able to make any headway. I am also afraid it will only lead to more unnecessary turmoil among Jewish war orphans. If it does come to a trial, then in a private capacity I will not invoke the statute of limitations."

Philip Staal himself is pondering the next step. If JMW does not invoke the statute of limitations before the court, then a trial is certainly an option. But above all, he is sticking to his position that a thorough investigation be conducted by financial experts.

Economist Arnold Heertje supports this view, whom he had approached to act as mediator in this conflict. Heertje had read Staal's report and had sent an alarmed fax to Vuijsje three months earlier: "It is perfectly clear that acts have been committed that cannot bear the light of day. Even though it was long ago, it is better to be open about it, instead of pulling out all the stops to effect a cover up. Painful though it may be to the Jewish world, it is inevitable that wrongful actions committed within it, will be disclosed. I continue to insist that an independent investigation be conducted by genuine experts, in hopes of being able to avoid a scandal concerning the JMW."

Asked to clarify the statement, the professor emeritus said, "In my view, there are cogent points brought up in Staal's report. It is quite possible strange things occurred with the Staal brothers' assets. Sometimes these things just go wrong. Well, if there are questions, let them be investigated. Such



an investigation can answer once and for all whether anything had been done wrong.”

Professor Heertje is also reported to have said he did not trust the investigation conducted by Verhey and Micheels. “I have my doubts whether their investigations were conducted independently. There are too many connections to persons who could thwart the investigation. Let it be done by persons from outside, the NIOD for instance, who are experts in the area of historical research. This all has to be put to an end.”

“Can you recommend a suitable lawyer for me?” I ask Loonstein.

“I’d rather not, but if you do find one, I’ll be happy to help him or her. There is no time to waste, and I have already become familiar with the material.”



# 50

## The Nazi Persecutee Relief Fund

*The United States and United Kingdom set up the Nazi Persecutee Relief Fund (NPRF) in December 1997. This fund subsidized nongovernmental organization (NGO) projects aimed at rendering direct aid, services, and other forms of assistance to Nazi victims in need. It could also entail funding of related projects on behalf of those worst-hit victims of Nazi persecution or for projects aimed at preventing such persecution in the future. The Nazi Persecutee Relief Fund only processes those applications made by organizations of which it has approved and are on an official list.*

*The NPRF is made up of contributions from a number of donor countries. It was decided in the Dutch cabinet meeting of December 19, 1997, to designate payment of twenty million guilders (11,790,000 USD) to the fund. The VWS minister of Volksgezondheid Welzijn en Sport (Health Welfare and Sport) was charged with the implementation of spending the Dutch contribution.*

*The structure of the NPRF or International Fund is such that each donor country can decide which projects it wants to financially support. The Dutch contribution to the International Fund was specifically targeted at rendering assistance to Jewish victims of the Nazi regime who had not or scarcely received any compensation and/or aid after the war. The Dutch government therefore decided to designate half the amount for Jewish victims from Central and Eastern Europe, the so-called double victims. The remaining 5.9 million*

*dollars was designated for (former) Dutch victims of persecution elsewhere in the world, outside of the Netherlands, Central and Eastern Europe. The projects had to fall within the purview of the following areas:*

- *the rendering of substantive and intangible aid to war victims and their descendants,*
- *initiative to breathe new life into traditions of culture and knowledge that to a large extent had been destroyed during the war, and*
- *the preservation of the memory of the victims and the dissemination of a warning against the ideology of the Nazi regime.*

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On June 19, 1999, the VWS minister set up an independent advisory board, under the chairmanship of Dr. Dick Dolman. The task of this advisory board was the assessment of submitted project proposals within the framework of the funds allotted, and to make recommendations to the VWS minister as to how to spend the Dutch contribution to the NPRF.

This period of time was difficult for me, in which many repressed memories were coming back to me, and it came as a pleasant surprise to meet Dick Dolman again. From August 1959 to September 1963, I had rented various rooms in Amsterdam. The second house where I rented a room was on Koninginneweg. Not long after I moved in, another room in the same house was rented to Dick Dolman, who was studying for his doctoral degree in economics at the University of Amsterdam. I remember him as one of the few people who had confidence in me. I was twenty at the time and a student who was dying to buy a second-hand motor scooter but did not have the necessary five hundred guilders. "No problem," said Dick, "I'll loan it to you, and you can pay me back when you graduate."

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## **NPRF for Central and Eastern Europe**

*Considering the size of the amount of allocated money (4.5 million euro or 5.9 million USD) and the number of project proposals submitted, the advisory board decided to give priority to projects that were aimed at the primary necessities of life (food and medicine) of the first generation of war victims.*

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## **NPRF Outside the Netherlands, Central and Eastern Europe**

Those (former) Dutch nationals living abroad could also submit project proposals for which 4.5 million euro had been set aside and made available. This in contrast with the *fourth tranche of the gold pool* which had solely been designated for victims of Nazi persecution still living in the Netherlands. The Central Jewish Consultation Netherlands, CJO, as a result of the recommendation of the Van Kemenade Commission, had to recognize that a division had been made between war victims still living in the Netherlands and those Dutch Jews living abroad. Everyone had to look after their own group. The CJO did not lodge any objections to this course of action and actually stated that it only represented those Jews still residing in the Netherlands (detailed information can be found in the “Glossary of Terms” under “monetary gold, the four tranches of the gold pool”).

Those (former) Dutch nationals living in Israel were well aware of this and, partly with an eye to the upcoming negotiations

concerning the payment of World War II assets, set up their own organization, called Platform Israel.

Deriving from the fourth tranche of the gold pool, the NPRF monies and the Jewish World War II Assets, Platform Israel was set up in 1999 by Abraham Roet, Berthie Nachbahr, Sarina van Dam, myself, and Gideon Peiper. It was necessary for an umbrella organization to be set up that could act as a spokesman to promote the interests of those Jews living in Israel who were originally from the Netherlands, parallel that of CJO in the Netherlands. On July 17, 2000, this organization was listed in the Rasham Ha'Amoetot (Register of Israeli Foundations).

In order to be eligible to submit a project proposal to the Nazi Persecutee Relief Fund, it is necessary for the NGO involved to be recognized by the various nations who are participants of the fund. There are a total of thirty-nine NGOs that are recognized by the fund, seven of which are based in Israel. In Israel, only three of these seven NGOs are concerned with activities aimed at offering a safety net for victims of material and emotional damage suffered by Shoah survivors of Dutch origin and their families. They are HONI, AJALAH, and ELAH.

Nevertheless, the other thirty-six NGOs can also submit project proposals according to the criteria outlined above. It would appear no easy task for these three Israeli organizations to receive NPRF money, owing to their own limited budgets and the fact that they are run completely by volunteers. They have to compete with organizations who have professional fundraisers on their staff, such as Yad Vashem, World Jewish Congress, World Jewish Restitution Organization, and thirty-three other NGOs.

- HONI, Assistance to War Victims from the Netherlands in Israel, set up in 1998 with the purpose of receiving funds

- from NPRF, is a partnership of organizations of (former) Dutch nationals in Israel.
- AJALAH—Since September 1986, it promotes the interests of ex- Dutch national victims of Nazi persecution now living in Israel with regard to the Victims of Persecution (1940–1945) Benefits Act.
  - ELAH, founded in July 1984, renders psychosocial counseling to victims of persecution and their families who are originally of Dutch origin.

HONI had prepared project applications on behalf of seven organizations for an amount far in excess of a hundred million euro; AJALAH for three projects for approximately half a million euro, and ELAH nine projects totaling four and a half million euro.

It turns out that the demand for financial resources in Israel is far in excess of what is available. The Dolman advisory board would therefore have to determine which projects in Israel should be given priority. Moreover, it is more than likely that if HONI submits a budget in excess of a hundred million euro, it will not receive a single cent of subsidy. Even if the Dolman Commission would agree to give HONI an amount equal to their entire budget, they would not be able to. HONI, for that matter, is unable to show how they would come up with the remaining budget of ninety-five million euro, and this would mean their project would not stand a chance.

That is why I thought it would be a better idea to prioritize the projects, with mutual consultation in Israel. That is why as vice chairman of AJALAH, I proposed to HONI director Yossi Dotan, and Gideon Peiper, the chairman of ELAH, that the three Dutch NGOs in Israel present joint project proposals to the Dolman II advisory board, for a total amount of 4.5 million euro. I must admit

it was not an easy task to convince the HONI director of my point of view.

In the end, the three organizations, under slight pressure from the newly founded Platform Israel, did agree to submit a joint proposal for 4.5 million euro, within the framework of the Dutch contribution to the Nazi Persecutee Relief Fund in a letter dated November 24, 1999.

The Dolman II advisory board submitted its report to the VWS minister on May 26, 2000. Its recommendations were accepted by the Dutch government.

Of the total amount of 4.5 million euro that was available worldwide (excluding the Netherlands, Central and Eastern Europe), approximately 4.3 million euro was paid to three Dutch organizations in Israel as following in terms of percentages:

HONI 75 percent, (eleven projects), ELAH 20 percent (three projects), and AJALAH 5 percent (one project).



# 51

## **The Mote in One's Brother's Eye**

With the help of Leo, a childhood friend from school, I was able to find a lawyer on short notice. On July 7, 2004, legal counsel Ellen Pasma of the firm Weesing & Advocaten lodged an objection on behalf of Marcel and me with the Amsterdam district court against the proposed merger. The costs involved, which amounted to a total of approximately thirty thousand euro, had to be fully borne by ourselves.

AJALAH received 225,000 euro from the Nazi Persecutee Relief Fund, earmarked for legal procedures. However, our application of November 24, 2005, to receive a contribution for the legal costs was not accepted. AJALAH's chairman and secretary, Marthi Hershter, also felt that these monies should not be used to allow a Dutch court to render a decision on a conflict between Jews. It is possible that other, nonsubstantive considerations played a part.

Before her aliyah to Israel, Marthi had been a social worker at JMW in Amsterdam. More than a year earlier, on September 14, 2004, Vuijsje had already sent her a pair of e-mails in which he blackmails her:



Dear Marthi,

It's been a long time since we spoke, and now we have a big problem. I am really pissed off! I find it completely unacceptable and reprehensible that the advertisement will not be placed on your website ... I am extremely disappointed and urgently request you to reconsider this decision!

Shana Tova!

Hans Vuijsje

Because Vuijsje did not receive an answer to his e-mail, on September 22, 2004, he sent a second one in which he expresses himself even more clearly, writing:

Dear Marthi,

Has a decision already been taken about my request for reconsideration? I would appreciate hearing soon. I expect, given the court hearing on Monday, there will again be some publicity. I am therefore considering releasing to the press AJALAH's decision and the reasons for that decision. I have had it up to here with Philip Staal's rabble-rousing these past four years and have decided not to hold back anymore.

Wishing you many  
healthy and happy  
returns, sincerely yours,  
Hans

A few months after I had submitted my case study and claim to JMW, the Jewish Social Work Alliance (SJMw) lodged its merger proposals with the custodian organizations. According to Hans

Vuijsje, it was sheer coincidence that the legal merger had been announced on June 10, 2004. "The timing had nothing to do with your claim and/or case study," Vuijsje told me.

The disappearing legal entities had been working closely together since 1970 with JMW. On January 1, 1982, the physical integration was completed and the JMW became a participant in the central investment depository of the Amalgamated Jewish Institutions for Child Protection, colloquially referred to as the Merger. In 1987, the assets of the Jewish custodian organizations had already been made available indefinitely and entrusted to SJMW management. But not until 2004, *after* I had submitted my Final Report and claim with JMW, did SJMW decide the custodian organizations should disappear by means of a legal merger!

SJMW managed the residual assets of Le-Ezrath Ha-Jeled, the Berg Foundation, the Jewish Boys' Orphanage, the Dutch Israelite Girls' Orphanage, the Joodse Zee-en Boskolonies Wijk aan Zee, Megadlé Jethomim, and the Rudelsheim Foundation. The first two and last agencies were foundations. The other five were associations. As a rule, foundations decide to dissolve by a decision taken by their boards, and associations at general-membership meetings. The associations referred to above had not had members for more than twenty years and were, therefore, legally dead. It would have been possible to dissolve simply the custodian organizations and transfer the money for related goals: Jewish youth work, support for Jewish war orphans, etc. Or they could merge, which would give them control over the funds. SJMW chose the second option. SJMW wanted to take care of the guardianship agency funds, which run into the millions.

In connection with the proposed merger and as part of my preparations for my objection, on September 7, 2004, I requested that the SJMW send me a copy of the final annual financial statement

and annual report. SJMW refused to deliver me copies for inspection. But one day, these reports landed on my desk. Presumably the work of a good fairy.

On September 27, 2004, the sub-district court dealt with the objections made by the fifteen Jewish organizations against the proposed merger of SJMW. The fifteen organizations were concerned that the original purpose of the sleeping organizations, aid to Jewish minors, would be lost if the assets were added to SJMW's coffers.

The Staal vs. SJMW case was also scheduled to be heard on this date by the Amsterdam sub-district court. But at the last minute, both parties decided to apply for a postponement to allow for further consultation to resolve the conflict outside of the court. The date for a possible future legal hearing was set for November 29, 2004.

On November 1, 2004, a meeting took place between SJMW and me in which an attempt was made to settle the dispute. SJMW was represented by Harry Jacob van den Bergh and Hans Vuijsje. Agsteribbe, JMw's secretary to the board, acted as minutes secretary. The Staal brothers were represented by myself and Chris van Gent, whom we had hired as a legal advisor.

I had met Chris during the negotiations concerning Jewish World War II Assets, where he had been appointed by the CJO (Central Jewish Consultation Netherlands) as advisor (*pro bono publico*).

In the 1970s and '80s, Harry Jacob van den Bergh had been one of the Dutch Labor Party's (PVDA) experts on foreign affairs in the lower chamber of parliament. Before he had become a member of parliament in 1977, he had been the secretary to the PVDA's foreign affairs section. He specialized in commercial policies, the Middle East, and human rights. He took a particular interest in the fate of the Jews in the Soviet Union and led a parliamentary committee that investigated the boycott of companies with Jewish employees in the

Arab world. Harry then became an expert on defense expenditures and was chairman of the defense committee. Van den Bergh was forced to resign from the Second Chamber of Dutch Parliament in 1987 after he had been compromised by dubious transactions in shares of Fokker Aircraft.

After explaining in detail what his function entailed as chairman of the SJMW and prospective chairman of the JMW Supervisory Board, Mr. Van den Bergh gave a short summary of the context in which the meeting was taking place and ended with a question, directed at me: "Are you surprised, Philip, that in our statement of defense, we are invoking the statute of limitations?"

"What really hurts is that a foundation that owes its right of existence to the Shoah, is pleading the statute of limitations on assets from World War II. There can be no question of rights being subject to any statute of limitations. The law was not written proceeding from the idea the Shoah would ever take place. Furthermore, in an interview with Joop Bouma in the daily newspaper *Trouw*, Vuijsje is quoted as saying he would rather that our claim be dealt with in civil court. He also went on to say 'If it does come to a trial, then in a private capacity, I will not be able to invoke the statute of limitations.' And what are you doing now?"

"You're right, Philip, Vuijsje said it in a personal capacity. The board takes a different view."

"By invoking the statute of limitations, you deprive us and other war orphans of the option of lodging any claims with the court. Are you afraid the court, with reference to my report, will rule in our favor against the merger?"

Harry did not answer the question, but in his final statement, he said, "The Merger partners will not refrain from invoking the limitation period for compensation claims, partly in view of the general interest of JMW continuity."

I was disappointed and angry. “You have to choose between bankruptcy or a loss of honor. It is clear that JMW places a higher value on material matters than it does on moral heritage. Because of that, JMW loses its right to exist as a social organization.”

It is intriguing that SJMW invoked the statute of limitations in the case against the merger that my brother and I were contesting on behalf of all Jewish war orphans. But it still remains a mystery, owing to the fact that to third parties this foundation has always stated that it felt it was morally reprehensible to speak of a statute of limitations when it came to what happened in the Second World War. Are they only capable of seeing the mote in their brother’s eye but not see the beam in their own?

JMW could have had extensive research be conducted after the first reference to war orphans. Instead of initiating comprehensive scientific investigation, it chose to let the matter be examined by lawyers. In that sense, JMW has left the matter for the court to decide. But, by now choosing to invoke the statute of limitations, the JMW has made it impossible for a civil court to rule on the substance of any further claims. This is cowardly and weakens their moral stature. Naturally, there is nothing left to claim since these debts had expired in the 1970s. It nevertheless leaves a nasty aftertaste that an organization making a moral appeal to third parties on the basis of sound reasoning not to allow the statute of limitations to take precedence, then proceeds to invoke it themselves.

This formalism is reminiscent of the question concerning Jewish assets, when in 1999–2000, we, the Jewish war victims, came knocking on the doors of insurers, banks, the stock exchange, and government for restitution of the remains of our looted possessions. Here too, there was no legal basis for the claims, since these debts had also lapsed. But from the very first talks, in a show of remorse, they had decided not to resort to invoking the statute of limitations.

The government and financial institutions were sympathetic to the special circumstances of the Jewish population after the war. JMW was not! But moral claims do not lapse! Some matters never expire!

In any case, for me as one of the negotiators and signatories involved in the agreements entered into with banks and the stock exchange, it remains extremely painful and unacceptable that it is precisely the SJMW/JMW, of all institutions, that are the only ones to have relied on the statute of limitations in questions dealing with the Shoah. The JMW had been founded on November 28, 1946, thereby allowing Jewish institutions involved in social work to join as members. The need for an organization such as JMW was a direct consequence of the Shoah. How on earth could this organization have resorted to the statute of limitations when it came to the blackest page in our history? In one fell swoop, this destroys JMW's very right to exist!

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In the year 2000, the Dutch government and financial institutions recognized the moral claims and made a one-off payment of 764 million guilders (approximately 350 million euro and 460 million USD) to the Dutch Jewish community, in acknowledgment of shortcomings ascertained at a later date in the postwar restoration of rights and the way the government had acted. This restitution amount was better known under the name of the MAROR monies or funds. *Maror*, in Hebrew, is one of the bitter herbs (horseradish) in the Passover Seder. It is also a Dutch acronym for Morele Aansprakelijkheid Roof en Rechtsherstel (Moral Liability for Robbery and Restoration of Rights). The word *maror* reminds the Jewish people of slavery in Egypt during the reign of the Pharaoh. Jews celebrate the exodus from Egypt on the eve of Pesach (Passover).

On the dining table is a dish with different kinds of food that all have a symbolic meaning. Parsley recalls the spring, salt water the tears of grief, and bitter herbs the anguish of slavery.

I was treasurer of the MAROR monies from 2000 to 2005. This foundation was charged with the task of managing and distributing the MAROR monies. The MAROR foundation had the legal entity of a nongovernmental public body. This meant that it operated within the framework of public law. The board is responsible for expenditures and income, and the Minister of Finance, in turn, is accountable to the Dutch States General.

The MAROR office was established in a building at Casuariestraat 5 in The Hague, not far from the National Archives, The Hague Historical Museum, and the Ministry of Finance, and within walking distance of the railway's Central Station. In a short space of time, this building had been transformed from a rundown office building into a modern, bustling, and in terms of technology, highly advanced office complex.

In May 2003, I had a conversation with MAROR director Robby Israel.

Menno Paktor, SJMW treasurer, joined in the conversation and asked me, "Philip, how did you invest the money?"

I answered, "When setting up the MAROR years ago, we came to the conclusion that *schatkistbankieren*—i.e., leaving our assets in the Ministry of Finance treasury—was the best solution. We did have this option since legal entities with a statutory task may make use of this form of banking. Moreover, as you know, the flow of funds all occurs through the state. The great advantage to this form of banking is that we can make low-risk investments at favorable terms. The interest rate agreed upon with the government treasury is higher than commercial banks are willing to pay."

“We invested our monies in stocks,” Menno responded, enthusiastically. “And in a short period of time, we have doubled SJMW’s assets.”

“So, that means you are acting irresponsibly,” I advised him. “If the value of the stocks rises quickly, then you have invested speculatively and that entails great risks. It almost always ends in the destruction of capital. You are allowed to do that with your private property. But public properties ought to be safely managed.”

That same month, MAROR board member Abraham Roet also took up this matter. He put this item of discussion on the minutes of the MAROR meeting of May 8, 2003. Roet wanted to investigate whether the money could earn more interest by depositing it with a commercial bank. He pointed out that interest rates were higher in Israel than in the Netherlands.

MAROR chairman Robert van der Heijden responded that one could only deviate from an existing agreement under exceptional circumstances. He also pointed out that this subject had been brought up several times during various board meetings. There had been additional consultations with the Ministry of Finance and Director Robby Israel, as well as with myself as treasurer and Vice Chairman Fred Ensels, resulting in a recommendation to keep things the way they were.

What was remarkable was the collaboration on this point that came about between Menno Paktor and Abraham Roet. They had been friends for years and the only two persons who had been members of the guidance committee of the Verhey war-orphan investigation.

In the 2003 SJMW annual report, I read Treasurer Menno Paktor’s words:

The originally estimated JMW deficit for 2003  
prompted immediate intervention to also avoid the



depletion of SJMW facilities within a few years' time, which would therefore pose a threat to the continuity of JMW's activities.

Against the background of an increasing appeal for financial support from the JMW and reduced income from investments, the boards of the foundations SJMW and "Relief Fund" had limited the annual contributions to the JMW to the net profits from investments, chiefly consisting of interest and dividend payments. In order to create a financially healthy JMW, the foundations, insofar as it is within their capacities, are furthermore prepared to make a one-off investment in JMW.

From SJMW's financial statement, it turns out that its investment portfolio had been reduced by nearly a million euro. The one million euro reduction in the investment portfolio has not been, at least not visibly, included as a property in the 2003 financial statement. The total assets of the foundation itself have been reduced by more than one million euro. Could this be because of SJMW's irresponsible investment activities? At any rate, this would mean, for 2004, that net proceeds from interest and dividend payments will only decrease even more.

All of this would, as Menno Paktor wrote in his preface to the 2003 Annual Report of the SJMW, put the continuation of JMW at risk. The only way to ensure the continuation of JMW was a one-off investment. But the SJMW did not have the necessary resources. *No problem*, Menno and Harry must have thought, *we manage the assets of the custodian organizations and will see to it that they merge*.

So it was crucially important for the merger between the SJMW and custodian organizations to take place in order to ensure the

continuation of JMW. To guarantee this, Harry van den Bergh was even willing to invoke the statute of limitations.

Are the war orphans again paying the price, for the umpteenth time, for the negligent management of their assets? It is still not clear to whom this capital, worth millions, belongs. SJMW refuses to put this question to scientists; it is now clear too that, because JMW has also invoked the statute of limitations, they are not willing to have a civil court render a verdict, either.



# 52

## Moving Home

In October 1958, there were only six war orphans and three children from the Schick family still living in the Rudelsheim Foundation, and Director Schick tendered his resignation effective on December 1 of that year.

The Merger had already decided to shut down two of its children's homes because of the financial situation. And because it had not been possible to find a successor for Schick at short notice, the Merger decided it would have the Rudelsheim building cleared. A solution had to be found for the six children, of which I was one, still living in this orphanage before the first of December. The Merger came up with two alternatives from which we could choose: 1) move to another home run by the Merger or 2) allow the older children to stay in a boarding house in which each one of them could live independently in a separate room, under the supervision of a guest family and the Merger.

I made known my preference for the second option, and the social worker agreed to take care of it. Apparently, there was not enough time to find a suitable boarding house for all of us, because two children, Victor and Shalom, were sent to the Berg Foundation in Laren, and three of us—Loeti, Juda, and I—went to the Jewish

Boys' Home in Amsterdam. A suitable room was found for Lex in Amsterdam. But what were we to do with our faithful friend, Loeki?

Loeki had often been the cause of confusion whenever someone asked in Dutch: "*Waar is Loeki de hond?*" (Where is Loeki the dog?) as de Hond was also the family name in Dutch of the two little brothers Jacques and Loek! Nobody ever knew which *Loeki* they meant! At any rate, he was already an old dog, and Victor really wanted to take him. The six of us sat down at the table and decided that it would be the best solution to appoint Victor the guardian of the little creature.

My move to the Jewish Boys' Home in Amsterdam was a big improvement. Director van Zutphen and his wife were lovely people though very strict. I shared my bedroom with Roland and Juda and dreamed of having my own room. At the time, I was a fanatic sportsman and member of Maccabi Hilversum. I specialized in track and table tennis. I played competitive table tennis matches every week and had regular track meets as well. I had been spending a couple of hours on these activities every day. Mrs. van Zutphen no longer allowed me to do that, since it would interfere with my homework. We agreed that I would limit the time I spent on my hobbies to one hour a day. Despite this limitation, I still expected to be able to reach my goal of being sent to the Maccabiade in Israel. I yearned to see my brother again. The Maccabiade can be compared to the Jewish Olympic Games. They are held once every four years in Israel and Europe. In August 1959, the Maccabi sport festival would be held in Copenhagen and two years later in Israel. I reached my first goal of Copenhagen. I went as a member of the athletics (track and field) team and won two bronze medals.

Every two weeks since 1953, we all had to have a meeting with our LEHJ social worker—a young woman who must have been around twenty. She held consultation hours in one of the rooms in

the Rudelsheim Foundation. Hour-long *consultations*? It was more like sitting in silence for an hour. I sat on a chair in front of her daydreaming and waiting for the hour to end. Speaking the same language is not the only precondition to holding a conversation. It also entails establishing a relationship that includes trust and understanding between both parties. I quickly realized that she was listening to me and speaking the same language, but she did not understand what I had gone through or what I had to say about it. This social worker was not the right person for me to share my inner pain with.

I had to leave the Boys' Orphanage to go to my hour-long appointment with the social worker at the LEHJ office in Amsterdam. I did not feel like going at all. Time and time again, I refused her request to enter into a conversation with me. But still, I knew if I wanted to go to a boarding house, I would have to discuss this with my social worker. That was the reason I had an appointment with her.

A couple of months later, on September 1, 1959, I moved in with the de Lange family on Ceintuurbaan in Amsterdam. Living with this family did not turn out to be such a success, but I still managed to stick it out there for nearly a year. My schooling also did not go as well as I would have liked; I had to stay back and do the year over. In fact, everything in my life was going wrong. At the age of nineteen, the legacy of my childhood was not what you could call rosy. My past had been incinerated; my future was uncertain.

Again, I had to go see the social worker. Again, they looked for another room on my behalf. In September 1960, I moved in with the Noach family in Amsterdam, not far from Vondelpark and the Jewish Boys' Home. That was my best room. That is where I met the love of my life, Henneke. She understood my past, had faith in the future, and accepted me for who I was.

I married Henneke, the daughter of the house, on August 2, 1963, in the Amsterdam City Hall. Rabbi Soetendorp consecrated our marriage on Sunday August 4 in the synagogue at de Lairesestraat in Amsterdam according to Jewish law and custom. Naturally, the bride was led under the *chuppah* (Jewish wedding canopy) by her parents; Mrs. Soetendorp, the *rebbitzin*, and widower Salo van der Lijn—the one who wanted to adopt me after the war— doing the honors for me. He was the only person from my side to attend the ceremony. Meijer van der Sluis, head of the social section of LEHJ and later a member of the management of JMW's child-care and juvenile affairs department, was the only person to show the courtesy of announcing he would be *unable* to attend.

He wrote me on August 14, 1963, nearly two weeks later, that he could not be present at the wedding because he would be on vacation. I read this years later in my file. August 14 was the day we left for Israel by motor scooter.

My desire to leave the Netherlands became clear to me during puberty. Ever since I was a young child, I had the idea that I did not want to stay in Holland. I wanted to get far away from all the misery I had experienced, to start fresh somewhere else. Finally, two weeks after we were married, we left for Israel. It took me a long time to become assimilated and adjusted, but I succeeded.

The trip took more than three weeks and went from Amsterdam to Paris to Marseille. From Marseille, we proceeded on board the *Theodor Herzl*, bound for Haifa, where we arrived on September 6. It was a beautiful sight and quite moving to see how the “promised” land was slowly coming into closer view. While still out on the high seas, scores of small craft came out to welcome the new immigrants onboard the *Theodor Herzl*. A fantastic surprise was when Henneke spotted her brother on one of the little boats. He had emigrated to Israel a couple of years earlier and now served as an officer in the Israeli army.



# 53

## How Cynical Can Coincidence Be?

The Board of Governors of Jewish Social Work (JMW) had decided at the end of 1970 that they wanted to look for new premises for their headquarters. The search resulted in the purchase of a property on de Lairesestraat in 1974. Where a synagogue had once been was now transformed into JMW's new headquarters. In the spring of 1976, JMW made the move from Johannes Vermeerstraat to 145–147 de Lairesestraat in Amsterdam.

It was in this building where our marriage had been consecrated in 1963, marking the beginning of the happiest period in my life, which is *full* of fond memories. In that same building, nearly forty years later, I discovered the legacy of my childhood. In so doing, my life was turned upside down and my faith in humanity severely damaged once again.



# *Part 3*

## **RESTITUTION**



# 54

## **Restitution of Jewish World War II Assets**

As a result of the research reports, talks took place on restitution between the Dutch Jewish community and those institutions where the remnants of Jewish assets, originating from looting during World War II, were still present.

There were no legal grounds to make claims, since in accordance with Dutch law the statute of limitation period on these matters had expired in the 1970s. Moreover, these assets for whom no rightful claimant could be found because entire families had been murdered, had reverted to the state.

The Dutch Minister of Finance Ruding spoke with a delegation from the Dutch Jewish community on April 25, 1985. The most prominent spokesman was the chairman of Jewish Social Work (JMW), the lawyer Fred Ensel. The delegation realized that there was no legal basis for the claims concerning “Jewish monies.” However, Ensel introduced a new concept, that of “moral heirs.” He proposed that the JMW and the Israelite religious community, in their official capacities, be regarded as the “moral heirs” to those deceased and murdered owners of the confiscated monies who could not be found.

The insurers, the national government, the banks, and the stock exchange all rejected the option of appealing to the statute of limitations and recognized the claims of the Jewish community on moral grounds. *Moral rights* is a term that has no legal basis. Recent history is remarkable because, in legal terms, the statute of limitations applies even to looting and plundering, as the great equalizer. In many ways, this boundary has been overstepped. The restoration of rights, as it was conceived at the time, was actually engaged in making a comeback in the form of moral but no-less-compelling, claims.

At the beginning of the twenty-first century, the Dutch Jewish community was reimbursed a one-off amount of approximately 350 million euro in recognition of the shortcomings identified in the postwar restoration of rights. Seven percent of this amount came from insurers. The Ministry of Finance contributed 50 percent, the banks 7 percent, and the stock exchange 36 percent.



# 55

## **Insurers**

After liberation, insurance policies were largely restored along the methodological lines prescribed by the restoration of rights. This means in essence that the insurance companies acquiesced to the case law of the Council of the Restoration of Legal Rights.

The Scholten Commission concluded in its Final Report that it is possible and even realistic, given the complicated situation and regulations regarding restoration of rights, that individual insurance policies could have slipped through loopholes in the system. Recent research concerning the settling of individual insurance policies gives the impression that the great majority of persecuted Jews have had their rights restored—that is, as far as can be derived on the basis of the insurance claims. It is, however, impossible to provide an estimate of the value of policies that have not been tracked down.

Two months prior to the publication of “The Van Kemenade Commission’s Final Report,” the Dutch Jewish community’s umbrella organization for external affairs, the CJO, signed an agreement on November 11, 1999, with the Dutch Association of Insurers for the amount of 24.5 million euro. Interest was calculated with a factor of 22, for the period 1943 to 2000.

The agreement consisted of two parts:

- 90 percent of this amount is designated for nonpaid insurance claims.
- 10 percent was reserved for the Jewish Community Monument project, whose purpose is to keep alive the memory of those Jews resident in the Netherlands who had not survived World War II.

Those insurance policies not claimed by their rightful owners, which the state had taken over from the insurance companies in 1955, or thereabouts, under the framework of the Veegens Agreement, were not included in the agreement reached with the insurers.

The surrender value of these remaining policies, plus interest, were claimed in the negotiations with the state of the Netherlands.



# 56

## National Government

The final report of the Van Kemenade Commission's World War II Assets Committee was published in January 2000. The commission recommended that the national government assign an amount of 250 million guilders (approx. 115 million euro or 150 million USD). This as "compensation" for incalculable injustices and unfairness concerning postwar restoration of rights identified in retrospect. The assets committee had put forward that the exact extent of the shortcomings could not be determined. At an earlier stage, a figure of 70 million euro had made the rounds. A couple of weeks later, this amount, without any further explanation, had been increased by 45 million euro. It was probably felt that a recommendation to only recompense with 70 million would cause problems. But the figure of 115 million was also controversial to the Jewish community. It was referred to as "a tip," a "slap in the face," or "a random guess at a figure."

The first talks between the national government—Prime Minister Wim Kok and Ministers Gerrit Zalm and Els Borst—on the one hand and the CJO on the other hand, took place on February 16, 2000.

The principle that the Jewish negotiators adhered to was simple: “The Dutch national government had *earned money* as a result of the Shoah, though they were ‘in accordance with legal regulations.’ That amount plus interest was what the Jews were entitled to receive.”

Right from the very start of the first meeting, the government made clear that as a show of remorse, it would not be appealing to the statute of limitations. The CJO had entered into negotiations with the Kok cabinet for a final agreement on the basis of *moral rights*.

The parties involved reached an agreement in the end that, during the period of postwar restoration of rights, the monies that immorally and unjustly accrued to the national government amounted to a total of 399.4 million guilders. This amount, at the signing of the agreement, was rounded off to 400 million guilders (roughly 182 million euro). The amount was constituted from the fourteen points examined by the assets committee (detailed information can be found in the “Glossary of Terms” under “restoration, national government”).

However, according to the Foundation Platform Israel (SPI), the total amount that ended up wrongfully in the state treasury far exceeded the negotiated settlement. The first point alone, regarding the Camps Vught and Westerbork, was valued in the year 2000 at more than 446 million guilders (roughly 220 million euro, over 288 million USD).

At Seyss-Inquart’s orders, an amount of 25.9 million guilders, taken from confiscated Jewish assets, was assigned in 1943 for the construction and maintenance of Westerbork and Vught and for rail transportation with the Dutch Railways, operated by Dutch Railway officials, to the transit Camp Westerbork in the northeastern Netherlands and ultimately to the extermination camps in Poland.

After the war, the state of the Netherlands took over these camps for 5.6 million guilders and used them as prison camps for traitors and other political prisoners. The state's refusal to recompense an amount of 20.3 million guilders (value 1943), in effect, meant that the Jews had paid for their own deportation, incarceration, and execution. And that the very thought of it must surely be unbearable to the Dutch nation.

Prime Minister Kok and Ministers Zalm and Borst had their last meeting with the CJO on March 21, 2000. The government standpoint was articulated during a press conference and in a cabinet letter to the Second Chamber of Parliament.

The Kordes, Scholten, and Van Kemenade Commissions all write in their final conclusions that they deemed it reasonable and fair that the government make an amount available to the Dutch Jewish community and not characterize this as compensation for general damages suffered but as "compensation for pain and suffering." This is the exact term the Kordes Commission used, the Scholten Commission refers to it as a "financial gesture," while the Van Kemenade Commission calls it "compensation payment" of 115 million euro. It is to the government's credit that, both in their press release and letter to the Second Chamber of Parliament, they reject the terms *compensation for pain and suffering* and *financial gesture* and speak instead of moral rights.

The contents of the agreement, the press release, and the letter to the Second Chamber leaked out to the SPI. The Platform discussed the press release and letter to parliament in its meeting held on March 16, 2000. The SPI subsequently decided to distance itself from the agreement reached between the government and the CJO and not to attend the press conference. They informed Prime Minister Kok of their decision in a letter three days later.

The reason for their decision was not because the day of the press conference happened to fall on Purim. That is the most exuberant Jewish holiday celebration of the year and is derived from a story in the biblical Book of Esther. It commemorates the deliverance of the Jewish people in the ancient Persian Empire from the hands of Haman, who wanted to exterminate every Jew in the land. Nor was the reason the amount of the paltry 182 million euro settlement agreed upon between the government and the CJO. Both would have been good enough reasons.

The real reason was the government's press release and letter to the Second Chamber. They dealt with the postwar restoration of rights of *several* groups of war victims. The groups identified were Jews, Indos (former Dutch East Indies subjects, some of mixed blood), Sinti, and Roma (gypsies).

During the German occupation of the Netherlands in World War II, the occupier enacted measures against the Jews, Sinti, Roma, and other groups. These measures were not only intended to personally persecute them but to deprive them of all their property and belongings and terminate their participation in Dutch economic and social life. Bank balances and life-insurance policies of Dutch nationals in former Dutch East Indies were not affected during the Japanese occupation. The rights of bank customers and policy holders were also maintained, in general, after the war. That doesn't alter the fact that asset holders in the former Dutch East Indies met with several problems owing to problems concerning the circulation of money and management of foreign currencies.

Because the Dutch government decided to enumerate all these groups in a single list—Jews, Sinti, Roma, and other groups—it compared them in relative terms. The suffering of the Jews during and after the Shoah cannot be compared to the suffering of the other groups, either in terms of the extent nor content. The Jews were



systematically robbed of their possessions and later on systematically murdered. The Sinti and Roma also underwent a similar fate as the Jews. Like the Jews, they too were victims of Nazi racism. The Van Galen Commission's reported shortcomings of the Dutch East Indies Council for the postwar restoration of rights cannot and should not be compared to the fate of the Jewish and Sinti and Roma war victims.

The Dutch government in exile during World War II had worked out a policy to restore the rights, as much as possible, of those who had been deprived of their property. However, they did not make a distinction among the several groups of war victims. This approach, which in general terms enjoyed widespread parliamentary support in the late 1940s and 1950s, is now the subject of criticism in the various commission reports.

The amount of 182 million euro is not compensation for suffering, but the honoring of the legitimacy of the claims made by the Jewish community to the government with regard to Jewish assets held by the Dutch treasury.

The government has expressed understanding and sympathy toward the feelings expressed by the Jewish community referred to above and expects that putting the 182 million euro at its disposal will be considered as compensation. This must be seen as the honoring of these moral rights. It hereby includes amounts that were legitimately and lawfully paid into the public funds of the state at the time, as well as a few specific issues as the building of Camps Westerbork and Vught.

The investigative committees concluded that the government and society after 1945 were more preoccupied with other matters, such as the reconstruction of the country and the conflict with Indonesia, than in turning their attention to the speedy restoration of rights of those who had suffered the most as a result of the Second

World War. Mistakes and shortcomings in the way the government handled matters are also noted therein that had unreasonable and unfair consequences to the groups involved. The various commissions had underlined the fact that assets had “legally” been paid into the public funds of the state. In so doing, the current Dutch government confirmed that they have accepted the legacy of World War II and postwar restoration of rights, which in effect means they were legally responsible for the obligations that accrued from this.

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The King David Hotel in Jerusalem was the location where the executive committee of Platform Israel met with Prime Minister Kok on April 2, 2000. After the usual formalities, he took the floor and said, “I greatly appreciate the fact this meeting is taking place, especially since I know the subject is so emotionally charged. I have come to listen to you and answer your questions. The letter from the cabinet to the Second Chamber was the result of extensive consultation with the CJO. And I would like to stress here that I did not come to negotiate with you.”

It was then the turn of the SPI delegation to make a statement. Abraham Roet thanked Prime Minister Kok for the time he had made available. The SPI had a few comments on the cabinet letter to parliament, which would be put forward by his fellow board members.

Baruch Bar-Tel, chairman of Irgoen Olei Holland, immediately opened the discussion. “If the Dutch government wants to achieve definitive closure to this chapter of history, then in my view, it is necessary to attach to the government’s response what happened during World War II.”

And then it was my turn.

“Your Excellency Prime Minister Kok,” I began in my speech, “the Platform Israel, after careful consideration of the matter, has concluded that the 400 million guilders is substantially less than the amount that was paid into the public funds of the state by means of laws that were morally unjustified.”

I continued:

At the request of the Central Jewish Consultation Netherlands, the accountancy firm of Paardekooper & Hoffman was engaged to determine the actual value of the amounts that had been paid into the public funds of the state, during restoration of rights. The calculation was applied to the fourteen points raised by the contact committee on pages 106–108 of their final report. The Paardekooper & Hoffman report leaked out to the press and the daily newspaper *Trouw*, published on February 23, 2000, that the accountancy firm had arrived at a figure between 746.44 million and 2.2 billion guilders [approximately 340 million and 1 billion euro, respectively, or 445.4 million and 1.3 billion USD], reflecting the actual value of the assets held by the Dutch state.

But we have decided not to contest the figure of 400 million guilders. Personally, I find the amount of money to be of secondary importance. The recognition of your government that mistakes had been made in the postwar restoration of rights is more important to us than the amount of the restitution.

Another point I would like to bring forward that carries more weight than the money is the fact that in the government’s recommendations to the

Second Chamber, the Dutch Jewish victims of the Shoah were mentioned in the same breath as other groups in Dutch society. Platform Israel regards this as an attempt at qualifying the degree of suffering. The suffering of the Jews in the Shoah is lumped together with the suffering of other groups in Dutch society, and we regard that as totally unacceptable. Mister Kok, each of us has his own life story, with his own joys and sorrows. I have read a great deal about you and suspect that you would be sensitive to the following: In an interview in the weekly magazine *Elsevier* in December 1999, you were asked, Mr. Kok, "Who do you regard as the man of the century?" Your reply was, "I should say Nelson Mandela. But I choose my parents instead. I knew them better. I think they ought to share first place. They had made it possible for me to take my first steps, so that I could experience what life is."

Mister Kok, I, Philip Staal, was not even two years old when I was separated from my parents. I made it through the war without parents and grandparents and grew up in an orphanage where everyone was a war victim. I was the youngest; the oldest was nearly an adult. Who is the man of the century for me?

The Van Kemenade and Scholten Commissions pointed out that there should have been more sensitive treatment of victims of Jewish persecution during the restoration of rights. We had, in the year 2000, expected more sensitive treatment from the Dutch government. Something other than what was put

forward in a letter to parliament fifty-five years after the war dealing with all the groups.

“We are not here to negotiate,” Prime Minister Kok reiterated in response. “The government’s recommendation to the Second Chamber is well-considered and carefully formulated. The consultation was about the postwar period. During World War II, the Netherlands was occupied, and Germany committed horrible acts. The Dutch government is not responsible for the acts committed by the German occupier. The Van Kemenade Commission report is a good report, but it deals with the postwar period. The Netherlands was destitute, and the government’s priority lay in the reconstruction of the country. In the government’s response to the reports, we state that we have tried according to our means to restore rights to each and every one as much as possible and that this has been successful to a reasonable degree.

“The government fully recognizes in its response, looking back with the knowledge and benefit of hindsight, that there had been too much formalism, bureaucracy, and coldness with regard to the restoration of rights. The government has gone further than the commission’s recommendation and has made an amount available of 400 million guilders (182 million euro) to the Jewish community. Mentioning all these groups in one breath does not mean that we lump them together in a single box. Every human story is different. My personal story cannot be compared to yours, Mr. Staal.”

Platform Israel’s Secretary Barend Elburg was the next person to speak when Kok had finished. “I read in the letter of the government to the Second Chamber the following: ‘The Central Jewish Consultation Netherlands guarantees that tens of millions of euro will be made available for collective Jewish aims in the Netherlands, which is in accordance with government wishes.’ I would like to see the last part of this sentence amended to ‘collective Jewish aims in

the Netherlands and of Dutch organizations abroad and particularly in Israel.”

Prime Minister Kok responded, “That is a matter, Mr. Elburg, which Platform Israel must arrange in mutual consultation with the Central Jewish Consultation Netherland. The Dutch government does not wish to become involved.”

Then Abraham Roet spoke. “We on are good terms with the World Jewish Congress, and if the SPI and CJO accept the agreement, the World Jewish Congress will also accept it. As far as the division of funds is concerned, I would suggest the following: 75 percent to made available for individual payment. Of the remaining 25 percent, half should go to Dutch Jewish organizations in the Netherlands and other countries. We propose the other half be made available for international aims.”

Prime Minister Kok was shaking his head before Roet had finished speaking.

“It is not the government’s task to determine how the available funds should be allocated. That is the task of the Jewish community, who demanded this in the first place ...”

The last one to speak on behalf of Platform Israel was Gidi Peiper. “As a representative of Platform Israel, a Dutch organization in Israel, I have grave misgivings about the amount that will be left over for our associations.”

Prime Minister Kok’s answer was clear. “From the government funding made available, there will indeed not be much money left over for organizations. There are, apart from the money the government has set aside, still funds from the insurers, banks, and stock exchange. We have signed the agreement with the CJO, and they enjoy our complete trust. Once again, I ask you: be more generous and face the fact that others are also waiting for a response from the government.”

Abraham Roet thanked Prime Minister Kok for the frank discussion and said that the SPI would discuss the matter among themselves and meet with the CJO to talk about the proposed manners of allocating the funds. “Effective agreements between SPI and CJO must be reached regarding the allocation and division of funding. The Dutch embassy in Israel could play an important role in the latter ... even though this would require extra manpower.”

Prime Minister Kok fended off this remark. “I am not the Minister of Foreign Affairs, nor do I ever intend to be. Any further arrangements as to how to divide the funding must be made directly with the CJO.”

As far as this meeting is concerned, I conclude that the only important thing about this talk with the Dutch prime minister is that it happened in the first place. Kok responded negatively to all the points raised by the Platform Israel: “We are not here to negotiate.”

I can summarize the results of the meeting with Prime Minister Kok as follows: The allocation of MAROR funds was and remains CJO business. If SPI wants to effect a change, it has to bilaterally negotiate with the CJO. The government of the Netherlands does not want get involved.

Prime Minister Kok was not prepared to offer apologies for the way previous generations had behaved. Offering an apology would be tantamount to passing judgment on the previous generation, his parent’s generation, and the prime minister would find that difficult. Like he said, “The older I become, the harder it is to offer apologies on behalf of previous generations for the way they behaved during German occupation.”

The government letter, its response to the research reports, to the Second Chamber, remain unchanged.





## **Banks**

The consultations between the Netherlands Bankers' Association (NVB) and the Central Jewish Consultation Netherlands (CJO) concerning postwar Jewish assets that had not been reimbursed had already begun in July 1999. The CJO standpoint at these talks was also the repayment of Jewish properties—that is, the restitution of those assets that were still wrongly in Dutch banks.

In December 1998, the Scholten Commission had already published its initial, provisional findings concerning this part of their research assignment. It gave rise to quite a few reactions, including the CJO interim reaction of February 8, 1999. After that, the CJO held regular consultations with the NVB. The basic principle of both parties soon became to quickly clear up any discrepancies concerning banking matters where restoration of rights had not yet or not yet sufficiently taken place.

The accountancy firm PricewaterhouseCoopers was commissioned by the NVB and CJO to conduct research into the remaining Jewish assets in Dutch banks. PWC was requested to investigate issues that would provide answers to their questions (detailed information can be found in the "Glossary of Terms" under "restoration, banks").



The final report by PricewaterhouseCoopers, “Research into a Few Issues Concerning Jewish World War II Assets” was handed over to the NVB and CJO on March 27, 2000. This report formed the basis of the financial negotiations and final settlement between the parties. The NVB and CJO reached a final agreement at the beginning of April 2000, in which it was determined that:

- The NVB would make available to the Jewish community compensation totaling 50 million guilders (approx. 23 million euro). Ten percent of this would be earmarked to settle individual claims.
- The NVB will attend to a commemorative tablet being placed in the outside wall of the former LIRO building. The text will be provided by the CJO.

(The presentation of the commemorative table took place on May 26, 2003.)

- The Jewish parties agree to completely indemnify the NVB and all its members with regard to all matters agreed upon, in the broadest sense.

In order to make generally known that individual claims could be filed, the NVB published a list of names of accountholders from the circle of Jewish victims of persecution and the amounts of unclaimed credit bank balances. This list was attached to the agreement that was signed on July 13, 2000.



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## **Amsterdam Stock Exchange Association and the Amsterdam Exchanges**

The negotiations between the Amsterdam Stock Exchange Association (VvdE) and the Amsterdam Exchanges (AEX) and the Jewish parties began at the end of March 2000 as the last in a series dealing with Jewish WWII assets that had either wholly or in part not been reimbursed after the war. They would take on a completely different character than those that had already taken place between the CJO and the insurers, the government, and the banks. The distinctive difference of these negotiations is not to be found in the role the VvdE executive board played during occupation. After all, these negotiations are dealing with incomplete restoration of rights after the war. The distinctive nature of these negotiations—compared with the insurers, banks, and government—was characterized by the way in which the VvdE executive board had *sabotaged* postwar restoration of rights. They took lawful and unlawful measures to poison the postwar restoration of rights. The Van Kemenade Commission writes the following concerning this in its Final Report:

Irrespective of the uncertainties regarding all the estimates, it may be assumed that the robbing of securities by the occupier had yielded exceptionally high profits amounting to some thirty to forty percent of the total loot. Yet our attention cannot be drawn solely by its sheer scale. It also entails the fact that under the leadership of its executive board, the entire apparatus of the organized Dutch stock exchange was guilty of misconduct. As has been shown from the research report involved, subsequently published under the auspices of the Scholten Commission, the attitudes and behavior of the executive board with regard to postwar restoration of rights are no less susceptible to criticism. This report concluded that the restoration of rights with regard to stocks traded during occupation has failed. After the war, the Association, at first under the same leadership, took lawful and unlawful measures to resist the restoration of rights to the very end.

### **The Role of Platform Israel**

The CJO negotiated on behalf of the Jewish parties with the insurers, the government, and the banks. Platform Israel was kept informed of these CJO negotiations by its chairman, Abraham Roet, who was present as an observer on SPI's behalf. Subsequently, the SPI had little or no influence on the course these negotiations took, let alone the results of the agreements.

The first agreement, the accord reached between the insurers and the CJO, was accepted by SPI later on. Of overriding importance was the fact that insurers in their agreement with the CJO of November 11, 1999, calculated the interest factor of the period 1943 to 2000 to

be multiplied by 22. SPI regarded this as an important precedence in its subsequent negotiations with the government, banks, and VvdE/AEX. The agreements entered into with the government and banks were not accepted by the SPI. This was not officially necessary and also irrelevant, since the SPI was not a recognized participant in the negotiations. Therefore, during the SPI meeting of March 16, 2000, the boards decided not to have a delegate present at the talk between the Jewish parties and Prime Minister Kok and the press conference that followed by the Ministry of Finance on March 21, 2000.

The Platform Israel Foundation was founded to allocate a fair share of Jewish World War II assets for collective purposes for Dutch nationals resident in Israel. Unfortunately, this goal had not been met with the agreements that had been reached up until that time. Negotiations had been undertaken with CJO being regarded as the official representative of the Jewish community. Platform Israel, therefore, is not mentioned in these agreements and subsequently has no influence whatsoever in determining how MAROR monies ought to be allocated.

In the text the following can be read in the agreement between the Dutch Association of Insurers and the CJO, signed on November 11, 1999, with regard to a definitive and final agreement concerning unpaid life-insurance policies:

Monies to which no individual claim can be made, or to which it can be assumed they cannot be made, are to be made available to the Jewish community in such a way as to be determined by a body set up by the CJO to be known as the Jewish Assets Foundation.

In addition to the Assets World War II reports and the negotiations with the CJO and the Dutch cabinet, a letter to the Second Chamber of Parliament dated March 21, 2000 includes the following text:

The CJO guarantees that tens of millions of euro will be set aside for collective Jewish aims in the Netherlands.

In the agreement between the Netherlands Bankers' Association (NVB) and Central Jewish Consultation (CJO), was the following:

The NVB agrees to placement of a commemorative tablet on the outside wall of the former LIRO building with a text provided by the CJO. The NVB will ensure this happens.

As these agreements quite clearly indicate, the CJO determined the way in which MAROR monies were spent. There was therefore no guarantee whatsoever that a reasonable sum of money would be allocated from the World War II assets for the collective Dutch community in Israel. After all, the fourth gold tranche had completely been spent on the Jewish community in the Netherlands. The CJO had forgotten about the Dutch community in Israel, and in my view, this ought never to happen again.

To be sure, the Nazi Persecutee Relief Fund has allocated a total of 4.3 million euro for projects that benefited victims of the Nazi regime living in Israel of Dutch origin, but this only took place later, after intensive consultations between Israeli organizations and the Dutch Ministry of Public Health, Welfare, and Sport.

During these negotiations the CJO did not take into account or consult with the SPI. The only way to keep this from happening again was to have SPI take part as a full-fledged, accepted partner in the negotiations with VvdE/AEX.

SPI started taking steps in January 2000 to convince CJO they were a partner worthy enough to take its place at the negotiating table.

On January 27, 2000, I wrote in an e-mail to the CJO executive board, "If CJO takes the view, as you seem to indicate in your letters, that Platform Israel should be included in the negotiations with the banks, AEX, and the government, then it is really necessary for Platform Israel and CJO to sit down and work out a common position. If this proves unsuccessful, then it is not inconceivable that everyone will opt for an ad hoc solution, and we really must avoid this."

Unfortunately, those talks never did take place. Steps taken by SPI therefore did not achieve the desired result. During the SPI meeting of March 16, 2000, in which the upcoming negotiations between VvdE/AEX and CJO were on the agenda, I demanded that we appoint someone to participate in these negotiations on behalf of SPI. A unanimous decision was taken that I fulfill that task.

I did however foresee that a number of problems first had to be resolved before the negotiations were to begin. This is the reason that, before accepting the task, I asked that two points be discussed and a vote taken:

1. That I be present at every meeting with the VvdE/AEX, as well as all CJO meetings related to the negotiations.
2. The SPI negotiators will be given permission in advance by their board of directors to negotiate directly with VvdE/AEX without the CJO, if necessary.

Both these points were approved by general vote, and I accepted the task.

The SPI must be regarded by all parties to have full rights of representation in the negotiations between VvdE/AEX and the Jewish parties. SPI's view was that it was an important precondition that the Jewish parties negotiate together and only after mutual consultation. In the event, however, that CJO and SPI cannot agree

on a common strategy to employ or whether or not to sign a proposed agreement, each party will go its own way. Were the latter to take place, then the SPI would not fail to do everything it can with the help of the World Jewish Congress (WJC).

The agreement between CJO and NVB had been reached and just needed to be signed. SPI was not party to these negotiations. But it would have been pointless to start the negotiations with VvdE/AEX had the agreement between CJO and NVB already been signed. The reason for this is an objective one and is as follows: The damage as calculated by the Jewish community caused by the VvdE during postwar restoration of rights was higher than both the equity capital of the VvdE and that of AEX, the material successor to the VvdE. The AEX regarded it as irrelevant to pay more than it had in equity capital. For the Jews, it was more a matter of not being able to get blood out of a stone. So the AEX did not have the financial means to reimburse the damage done by the Amsterdam Stock Exchange Association during the period of postwar restoration of rights. But the AEX was a corporation with shareholders. If the AEX shareholders were sufficiently well-to-do, they could indemnify the stock exchange parties by partially paying for the damages suffered. A good reason would be needed to do this, and there was one.

The bank's share of the stock exchange, both during and after the war, was around 50 percent. The banks, united in the NVB, played a crucial role during the war and postwar restoration of rights. They were also jointly responsible for the scandalous behavior exhibited by VvdE during this black page in Dutch history. Restoration of rights was sabotaged by the stock-exchange strike of May 20, 1952; the law was changed and reimbursement enormously delayed. During the war, the Amsterdam Stock Exchange Association were the robbers and, during postwar restoration of rights, acted as judge and executioner.

To this day, the banks are the greatest shareholder on the Amsterdam Stock Exchange. It was therefore a reasonable demand and of crucial importance to the Jewish bargaining parties that the banks formed an integral unity with the stock-exchange parties in the negotiations with the Jewish parties.

It is clear that, once the agreement between the CJO and NVB had been signed, it would be impossible for both parties and morally unacceptable for the banks to again enter into the negotiations. My line of reasoning was to keep the agreement between CJO and NVB from being signed before the negotiations with the stock exchange began. My first task was to convince CJO to do this.

The second problem was subjective and therefore more difficult to solve. This problem had to do with the stated aims of SPI. As mentioned earlier, SPI was set up to claim a reasonable share of the World War II assets for collective projects in Israel. It needed to be recognized as a full-fledged partner in the negotiations in order to achieve this.

Up until now, all negotiations concerning these assets had been undertaken by CJO on behalf of the Jewish community. I realized that the restitution of Jewish assets by insurers, government, banks, and the stock exchange was solely a Dutch affair. Dutch financial institutions wanted to come to a solution with the Dutch Jewish community. They were not at all concerned with SPI, who represented the interests of Dutch Jews in Israel. The banks did not consider SPI to be a negotiating partner. The CJO, for that matter, agreed with them: the CJO represented the Dutch Jewish community, period. And so it was a daunting task to convince all the parties otherwise (NVB, AEX, VvdE, CJO), since all the parties involved viewed this as a negative development.

It would be quite evident to NVB that any agreement between the AEX/VvdE and Jewish parties would only be possible if the



banks financed part of it. They clearly did not want to have to deal with a foreign foundation, nor to have to look for additional funds for compensation.

AEX and VvdE would have to take into account movements outside of the Netherlands. They would have less control than they would over the Dutch association, CJO. Their standpoint was made clear in the letter written by Dr. J. Kleiterp, the chairman of the Supervisory Board of the Amsterdam Exchanges, to the SPI dated January 18, 2000. In it, he regarded CJO to be the sole representative of the Dutch Jewish community. He wrote:

Amsterdam Exchanges and VvdE consider CJO to be the Jewish community, which in social terms represents the interests of the dispossessed. Therefore, I can assume that the position taken by Platform Israel will be taken into account during the negotiations between Amsterdam Exchanges and VvdE and CJO and that Platform Israel will be duly informed of the proceedings.

CJO too realized that were SPI to cosign the agreement, a percentage of World War II assets would have to be earmarked at a later date for projects in Israel.

This point of view made it extremely difficult to get the parties to accept SPI as a full partner. And yet this remained essential to fulfill the SPI's primary aims. And so, every effort was made to stall the signing of the agreement between the banks and CJO.

Together with our attorney, Master of Laws Kasdorp, on April 4, 2000, I went as SPI representative to the Jewish Lyceum Maimonides. The Jewish parties were meeting there to come to a collective stand to take into the negotiations that were to take place

the following day with VvdE/AEX. The Dutch Jewish community was represented at this meeting by the CJO executive board and Gelber from the CJO advisory board. At the end of the meeting, Ronny Naftaniel announced that the agreement would be signed the next day between the Netherlands Bankers' Association and the CJO.

I reacted immediately. "The CJO is signing the agreement with the banks, tomorrow?"

"Yes, that's what I just said, Philip."

"Tomorrow, after signing the agreement, does that mean we are going to sit down and negotiate with the stock-exchange representatives?"

"Yes, Philip, you're right about that too."

Despite his disparaging tone of voice, I kept on asking questions: "Does the stock exchange have enough equity capital to reimburse the Jewish community for the damage they caused during the restoration of rights?"

"No, but their shareholders do."

"And who are the stock-exchange shareholders?"

"The biggest shareholders are the banks."

"So, if I understand correctly, the parties (Central Jewish Consultation Netherland and the Netherlands Bankers' Association) will grant one another the full and final discharge of all debts with the signing of this agreement."

"Yes, Philip, you understand correctly."

"Then I only have one more question: what are we going to negotiate about tomorrow? The stock exchange has no money and tomorrow you are going to fully discharge the shareholders of any debt ..."

In addition to these questions and answers, the CJO decided to freeze the CJO/NVB agreement for the time being. That is

to say, the agreement would be maintained, but only signed after negotiations with the stock exchange had been concluded.

## The Negotiations

The starting premise of the Jewish parties during all negotiations was that any agreements reached should contain two important elements:

- moral restitution, in the form of an apology, and
- material restitution, based on historical/financial research.

These negotiations too were about material restitution, *based on moral grounds*. As has often been said, on legal grounds the claims had already expired. Moreover, most people who owned securities had agreed to the 90 percent arrangement by accepting the Claim Settlement Fund *Plan Waarborgfonds 1953*.

VvdE/AEX and Jewish negotiations began at the end of March 2000. The parties quickly reached agreement with regard to moral restitution. VvdE and AEX would publish an official apology in national and international media and pay for the costs of a book that would give a historical account of way the stock exchange had conducted business during the war.

The negotiations with the exchanges concerning material restitution started on April 5, 2000, at the offices of NautaDutilh on Prinses Irenestraat in Amsterdam.

I know this part of Amsterdam well. I rented a room not far from here at the beginning of the 1960s. I have fond memories of this room and still have the love of my life because of it. Every time I come to Amsterdam for my *hobby*, Restoration of Rights, I stay at my mother-in-law's house on Koninginneweg.

The difference between a hobby and work is: with work you make money; a hobby costs you money. The executive board members of CJO and SPI decided to donate their time and professional knowledge pro bono for the good of the cause.

As expected, the exchanges' position and that of the Jewish parties were far apart. Those present on behalf of CJO were Ronny Naftaniel, Ernst Numann, Micha Gelber, and their advisor Chris van Gent. Platform Israel was represented by their advisor Toon Kasdorp and me. The delegation on the other side of the table included G. A. Möller, president-director of the AEX; H. Heemskerk, representing the former Amsterdam Stock Exchange Association that is in liquidation; and H. G. M. Blocks, director of the NVB who was there as an observer on behalf of the banks.

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## The Jewish Position

The damage claimed in the consultation of April 5, 2000, between CJO and SPI is not damage incurred during the war. The Scholten Commission took the view that the "securities damage," in so far as it could be determined, had been reimbursed to a reasonable degree. This conclusion seems to be right if one measures *reasonableness* according to the percentage of restitution compared with other looted-asset elements. The material damage claimed by the Jewish negotiators concerned only damage that had occurred as a direct result of *illegal* actions of VvdE and its members during the postwar period of restoration of rights.

Briefly summarized, the legal department of the Council for the Restoration of Rights had determined, in its statement of May 19, 1952, that with regard to property seized during German occupation, those who had acquired them had done so in bad faith.

That meant that 100 percent restitution of Jewish property was then possible. The Amsterdam Stock Exchange Association (VvdE) and its members then took action, including a stock-exchange strike, which led to legislation being prepared to revoke the court decision. This caused such indignation among the right-minded segment of the population that the government felt compelled to finance a compromise that would limit the damage to the VvdE and its members to three million guilders and the withholding of 10 percent of the value of the stocks to which their Jewish owners were entitled.

Owing to a threat of an even more unfavorable settlement, it is hardly surprising that the representatives of the Jewish community at the time agreed to the compromise referred to above. It was a bird in the hand and, at the time, 100 percent restitution would have amounted to ten birds in the bush. But it doesn't alter the fact it still amounts to a 10 percent loss, as a result of unlawful VvdE acts.

### **VvdE/AEX Position**

The VvdE and the AEX only wanted to comply with the recommendations of the Scholten Commission. It states:

It would befit the Association or the institution that, in social terms, has taken its place, the AEX Exchanges, to come forward and admit that the Association had taken a far-from-positive view with regard to the claims of the dispossessed. And at the same time, offer an apology concerning the pressure the Association had brought to bear on the government by means of a strike, in which the interests of the dispossessed had been subordinated to those of members of the Association that had

acted unjustly during the war years. Furthermore, the commission is of the opinion it would be just in all respects were the Association or AEX to decide, in order to once-and-for-all effect the actual restitution of stolen securities, to make available to the Jewish community an amount numbering in the millions.

The Scholten Commission, which had investigated the role of the stock exchange after the war, determined that the predecessor to the AEX had facilitated and legitimized the expropriation of Jewish securities. And yet the commission deems that the VvdE and/or the AEX only need to pay back an amount of millions and apologize to the Jewish community.

Furthermore, the exchanges wanted to apply the same conditions that had been reached in other agreements entered into by the insurers, banks, and government with the CJO—i.e., compensation of all financial advantages from which those insurers, the government, and the banks had unlawfully benefited. The stock-exchange parties regarded the Jewish position—the compensation of the deficit of 10 percent reimbursed during the period of the restoration of rights—as the desire to repeat the Securities Restoration of Rights of 1953 and not as the acceptance of the Scholten Commission report. They would only be willing to discuss restoration of rights if all the other parties involved—that is, the banks, the insurers, and government—were to take part in the discussions.

The VvdE and AEX offered an apology, expressed regret, and subsequently offered compensation to the amount of eight million guilders (3.6 million euro or 4.7 million USD). Note: they admitted guilt, but did not draw the logical conclusion of compensating for this guilt. The offer of 3.6 million was regarded by the Jewish parties—who had lost upward of 120 million euro in actual

material losses as a result of the poisoned acts of the VvdE during the postwar restoration of rights. Never mind pain and suffering and the ultimate losses of livelihood, education, and stability of the survivor generations— as an insult.

The grounds for the offer put on the table by the VvdE/AEX were stated by the Amsterdam Stock Exchange as follows:

This amount is in accordance with recommendations made by the Scholten Commission. It refers to an amount totaling in the millions. The commission moreover stresses the symbolic character of such an amount. We are offering 10 percent of our assets and are unable to pay any more than that. In addition, in contrast with the government, insurers, and banks, the VvdE did not profit materially from its actions during occupation and postwar restoration of rights, in the sense that bank balances had remained in our possession.

The then CJO chairman, Judge Ernst Numann—who soon thereafter would become a member of the Dutch Supreme Court—said in reaction to this:

It may very well be that the VvdE did not become the richer for it. That does not alter the fact, however, that the VvdE nevertheless made it possible for its members to financially profit from the actions of your predecessors. If I throw a stone through the display window of a jeweler's store and my partner carries off the loot, then I, even though I did not take anything, am still guilty and jointly responsible for the damage.

By the end of the meeting, the parties had not come any closer to one another's positions, but a decision was taken to resume talks in the same location on April 28, 2000. CJO and SPI committed themselves to come with an accountant's audit of the damages incurred.

The accountancy firm of Paardekooper & Hoffman, in their report of April 26, 2000, entitled "Present Value of Damage by Performance VvdE" calculated the 10 percent damage [amount], which the VvdE had caused the Jewish community by sabotaging the postwar period of restoration of rights, at more than 500 million guilders (229 million euro).

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On the morning of April 28, 2000, we again reconvened in the offices of NautaDutilh. At the start of the meeting, CJO and SPI put forward the accountant's report to the stock-exchange parties. We rejected the "gesture" offered by VvdE/AEX as nonnegotiable. Any further consultation could only take place if the stock exchange were willing to discuss the damages suffered.

"May I draw your attention to the fact that both the World Jewish Congress and the Hevesi Commission, named after its chairman the New York City Comptroller, representing more than eight hundred U.S. finance officials, are scrutinizing every detail of these proceedings," I could not help but remark. The Hevesi Commission had been doing research worldwide into the wheeling and dealing of banks and stock exchanges during World War II.

"Furthermore our chairman, Abraham Roet, who was in the Netherlands yesterday, has convened a meeting today in Jerusalem with this topic on the agenda ..."



I was hoping to demonstrate clearly that the world was watching. Unfortunately, it did not have the desired effect.

“The numbers referred to in the accountant’s report are well beyond the stock exchange’s financial means. Therefore, the stock exchange will, in any case, consult with the Ministry of Finance on this matter.” The president-director of the stock exchange, G. A. Möller, was clearly digging his heels in the sand.

“I would like to further propose,” he continued, “that Minister of Finance Zalm be present at the coming rounds of negotiations.”

“Good idea,” agreed Ronny Naftaniel, the CJO spokesman.

“On the contrary,” I let them know, “I completely disagree and request an immediate recess.”

During the recess, I gave the CJO delegation my opinion about the possible participation of Minister Zalm at the negotiating table.

“First of all, before any further discussion and/or negotiations take place, the parties first need to agree on the starting points. That means to say that at this stage we should not be talking numbers.

“Secondly, if the Ministry of Finance agrees to be a party to the negotiations, I am afraid that the World Jewish Congress will no longer want to deal with this matter. The World Jewish Congress won’t want to ask the Hevesi Commission to impose sanctions on the Dutch government. Besides, this would add a political dimension to the negotiations, and this would have a negative effect on the Jewish community in the Netherlands.

“Thirdly, if the government gets involved in the negotiations, the Dutch will think that the damage will be paid with taxpayers’ money, and this will have an adverse effect on public opinion. The Dutch people think it’s logical that the looters—which the insurers, banks, and stock exchange are perceived to be—ought to pay back the stolen money. On top of that, they would love for it to happen ... as long as it doesn’t come from tax revenues.

“And last but NOT least, the Jewish community has entered into an agreement with the Dutch state. So there aren’t any reasons why Zalm should attend, and it is not even fair to sit down at the table with the government again.”

“Philip, you’ve convinced us,” said Naftaniel, “but how are we going to put this across to the bank and stock-exchange delegations?”

“Quite simply, you just use the final argument and say we have no objections as long as Minister Zalm is only there in an unofficial capacity as an observer and/or advisor to help facilitate the negotiations and solve any sticking points.”

After the recess, Ronny took the floor and made the CJO/SPI position clear to the meeting, adding, “We continue to maintain that the individual members of the Amsterdam Stock Exchange Association are jointly responsible, which is why we want the banks, who to this day are the most important members of the stock exchange, to take their place at these negotiations.”

Hein Blocks, director of the Netherlands Bankers’ Association at the time, reacted. “We are dead set against the idea of again entering into negotiations with the Jewish parties. After all, we already have an agreement with you, unsigned though it may still be.”

The negotiations came to a grinding halt, and parties adjourned without even agreeing on the date of the next round of talks. Nevertheless, contact was still maintained by all parties.

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In Amsterdam at the beginning of May 2000, Abraham Roet and Hein Blocks had a personal conversation. Hein confirmed that the Netherlands Bankers’ Association and its members only wanted to negotiate with the CJO. He reiterated that Dutch Jews were not

represented by Platform Israel but by CJO. On May 4, Platform Israel reacted by letter, signed by Roet and myself:

Dear Mr. Blocks,

Platform Israel, the umbrella organization for Jews of Dutch origin residing in Israel, feels the need to clarify its standpoint regarding the ongoing negotiations between yourself and the CJO.

The negotiations were attended once by a representative of Platform Israel.

On a number of occasions, it was pointed out to you that the Dutch Jewish community in Israel disagreed on a number of important points as to the way in which the negotiations were being conducted and that we do not want to be held accountable for the results of any agreement reached.

You take the position of solely wanting to negotiate with the Central Jewish Consultation Netherland and not with Platform Israel.

Platform Israel regards one of the most pressing issues wrongfully not being discussed at the present negotiations to be the damage sustained by the Jewish community during the postwar restoration of rights with regard to securities. The stock-exchange strike is a telling example of the lengths to which the Dutch financial world was willing to go in order to have a decision by the court overturned. A decision that entailed total restitution of lost Jewish securities.

Platform Israel reserves the right to renegotiate this issue and put other matters on the agenda between the Jewish parties on the one hand and

the Amsterdam Exchanges and Amsterdam Stock Exchange Association on the other.

Platform Israel holds a number of your members to be directly liable for the damage suffered by the Jewish community. The agreement entered into between the Netherlands Bankers' Association and the CJO has taken insufficient account of the losses caused by your members.

The exchanges, Netherlands Bankers' Association, and Central Jewish Consultation Netherland all still did not want to accept Platform Israel as a full partner to the negotiations. This obstacle still had to be overcome by SPI. To do this, its chairman, Abraham Roet, and I as vice chairman chose to divide up our tasks.

Accordingly, in a letter addressed to Dr. H. G. M. Blocks, dated May 17, 2000, we informed him of the following:

The executive board of Platform Israel has decided it would like to enter into direct and independent negotiations with the banks.

Philip Staal is responsible for the negotiations and coordination with the Central Jewish Consultation Netherland.

Abraham Roet's tasks are the background talks as well as coordinating efforts with the World Jewish Congress.

Supplying information to the Dutch Jewish community in Israel will be jointly undertaken by Staal and Roet.

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## **World Jewish Congress and the New York Holocaust Commission**

Platform Israel takes as a starting premise that it was of crucial importance, especially to the Dutch banks, to be granted a full discharge of debt by the Jewish community. The Central Jewish Consultation Netherland could grant this as far as the Netherlands was concerned. The banks needed Platform Israel to be together with the World Jewish Congress in order to grant this discharge to the rest of the world. Any company still *sitting on money* that came from the Shoah cannot conduct any business in the United States. The Dutch concern ING consists of a banking and insurance division. Without a discharge of debt from the Jewish community, ING was vulnerable to sanctions owing to the pending acquisition of two large American insurers.

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Once a year, the New York “Holocaust Commission” convenes, also known as the Hevesi Commission, named after its chairman, Alan Hevesi, the comptroller of New York City. This commission was made of up 800 comptrollers and financial officers of large cities and states in America. This commission had earlier effectuated that American states and the federal government would boycott Swiss and German financial institutions until they paid recompense to claims from World War II.

In the year 2000, the Hevesi Commission met on May 25. In the course of the meeting, the World Jewish Congress was able to ask the commission to issue an ultimatum to the Dutch banks and Amsterdam Exchanges.

The Dutch banking and insurance group ING wanted to take over the ReliaStar and Aetna insurance companies and feared a boycott by the powerful Hevesi Commission.

Amsterdam Exchanges is vulnerable to sanctions in the United States because of the imminent collaboration between the New York Stock Exchange and Euronext, the new European stock exchange that came into being as a result of the merger of the stock exchanges of Amsterdam, Brussels, and Paris. The banks could be barred by the American authorities from taking part in the loan syndicates. Mergers and takeovers could also be blocked.

The banks were in the same boat as the stock exchange. Both financial institutions needed the Jewish community to discharge them of their debts before they could expand their business on the other side of the Atlantic Ocean.

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The World Jewish Congress represents Jewry worldwide and is prepared to lend assistance where possible. However, WJC policy entails that it will only undertake action in a certain country if the local Jewish community, in this case the Central Jewish Consultation Netherland, requested it.

But CJO and WJC were on bad terms with one another due to an earlier agreement that CJO had entered into with the insurers. Their dispute concerned, among other things, the entry of Dutch insurers into the International Commission on Holocaust-Era Insurance Claims (ICHEIC). This commission, also called the Eagleburger Commission, named after its chairman and former American secretary of state, was founded in 1998 and investigates claims by Jewish next of kin with European insurers. The Dutch insurers did not want to join the commission right away, since they

had received a complete discharge of debt with the signing of the agreement with CJO. The CJO supported the insurers in this.

The situation that had arisen had drastically reduced the chances of CJO asking for WJC help.

And yet I wanted the World Jewish Congress to inform the Hevesi Commission the following month, on May 25, about the awkward negotiations with the Dutch banks and insurers. After all, the next opportunity would be a year later. But Abraham Roet thought otherwise.

"The World Jewish Congress is not a welfare organization," he said during an SPI meeting. "An agreement must first be reached with them about this situation."

On March 15, 2000 a three-hour, detailed discussion took place between Platform Israel and the World Jewish Congress, in which several issues were raised, including the relationship between the Dutch insurers, Central Jewish Consultation Netherlands, World Jewish Congress, and the Eagleburger Commission. It was decided to meet in Hotel Laromme (currently the Inbal Hotel) in Jerusalem. WJC was represented by I. Singer, E. Steinberg, and A. Becker and SPI by Abraham Roet and myself. It was a good discussion, the parties showed understanding for one another's positions, and the road to a mutually beneficial cooperation was opened.

A follow-up discussion was held in Tel Aviv with Avi Becker, director of the World Jewish Congress in Israel, and with Abraham Roet, Berthie Nachbahr, Gidi Peiper, and myself representing SPI. In this meeting too the relationship of the Dutch insurers and the Eagleburger Commission was discussed at length, as well as the negotiations with the stock exchange.

A meeting with Eric Fischer, general director of the Dutch Association of Insurers and the World Jewish Congress with the CJO acting as the defence witness, brought about an agreement in May 2000. The road was cleared of obstacles for talks to be held

among the World Jewish Congress, Central Jewish Consultation Netherland, and Platform Israel.

On May 21, 2000, at the request of Platform Israel, the CJO, SPI, and WJC met in Jerusalem. WJC was represented by I. Singer, E. Steinberg, and A. Becker; the CJO by R. Wurms and R. M. Naftaniel; and SPI by A. Roet, B. Elburg, and me. The most important issue discussed was the relationship between the Jewish parties and the Dutch banks and stock exchange.

Israel Singer informed everyone that the WJC had the option of putting the matter before the Hevesi Commission. The WJC could ask the commission to impose sanctions that would damage the financial interests of the Dutch banks and stock exchange in the United States. It could do so during the meeting to be held on May 25 in New York.

This proposal was discussed but did not get a majority vote from CJO and SPI.

"It is," I said, "naturally, a difficult decision to impose sanctions, especially since we have been in discussions with the stock exchange for less than two months. On the other hand, we must not forget that the Hevesi Commission only meets once a year, and that is next Thursday. So I propose the following: First of all, the WJC informs the Hevesi Commission today about the situation and asks for sanctions. Second, during the hearing to be held next Thursday, the WJC will state that the negotiations are in the early stages, that they have not been going smoothly, and at present are completely deadlocked. The WJC will then state that a detailed report on the progress of the proceedings will be made in thirty days' time to the commission. The commission will then base its decision on whether or not to impose sanctions on the findings of the report."

This proposal was approved by a majority vote and leaked to the media. On May 23, 2000, Reuters published an item with the headline: "WJC Wants Dutch Banks, Stock Market to Face Deadline."



On May 26, 2000, the day after the Hevesi Commission hearings, the headlines in Dutch newspapers were the following:

“The Netherlands Must Make Haste in Settling Jewish Claims”

“New U.S. Boycott Looms Regarding Holocaust Claims”

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Platform Israel regards the financial position of the stock exchange incapable of being able to settle the damages calculated by the Jewish parties without the assistance of their shareholders (the banks). With this in mind, along with the old saying “he who pays the piper, calls the tune,” it was of paramount importance to reach an agreement regarding their position. That was the reason for the discussion I held on May 23, 2000, with Hein Blocks, director of the Netherlands Bankers’ Association. He understood that full discharge of debt could only be achieved if the agreement were cosigned by the representatives of Dutch Jews living outside the Netherlands and, moreover, accepted by the World Jewish Congress. That is why, albeit with some hesitation and to break the deadlock, the NVB agreed to take part in the negotiations.

The two important obstacles had been successfully overcome by Platform Israel:

- The agreement between the CJO and NVB had, for the time being, still not been signed.
- Platform Israel had been recognized, in the meantime, as a full if not the most important partner in the negotiations with the stock exchanges.

In the meantime, Christiaan Ruppert—project leader from 1997 to 2001 of World War II Assets at the Dutch Ministry of

Finance—had commissioned the accountancy firm KPMG to calculate the amount of damages to the Jewish community caused by the actions of the VvdE during the process of postwar restoration of rights.

The exchange parties still wanted arbitration by the Ministry of Finance, while the CJO and SPI categorically rejected arbitration. But they did accept an invitation by Christiaan to discuss the findings of the accountancy's report. This consultation took place on May 24, 2000, at the Ministry of Finance.

The starting point for the Jewish parties was the report drawn up by Paardekooper & Hoffman. This report calculated the total *shortfall* of the restitution of securities rights to amount to 12 million guilders (at 1953 value). The exchange parties, supported by the Ministry of Finance, based their position on the findings of the KPMG report, which stated that the deficit amounted to 4 million guilders, as a result of actions taken by the VvdE during postwar restoration of rights. The VvdE/AEX expressed their willingness to accept this amount as their starting point from which to open the negotiations.

We were able to agree on one point: the amount of material damage done to the Jewish community that had been caused by the exchange parties during the postwar restoration of rights was indeed 12 million 1953 guilders.

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## Resumption of Negotiations

The developments in America and the unofficial talks between the parties resulted in the exchange parties and Jewish parties reconvening on June 5, 2000, again in the Amsterdam offices of NautaDutilh.

This time, the banks also took part. They were represented by Mr. Van Outersterp (Fortis Bank), Mr. Schijf (Rabobank), Mr. Neukirchen (ABN-AMRO), and Mr. Van Wassenauer (ING Group). The stock exchange was represented by Mistert Möller (AEX) and Heemskerk (VvdE) and their attorney, van Everdingen, and AEX company lawyer. The CJO by Mistert Naftaniel, Numann, Gelber, and their advisor, Chris van Gent. Mr. Roet, myself, and our legal counsel Kasdorp represented SPI.

CJO and SPI had agreed in the preliminary consultations leading up to the meeting to leave if no substantial offer was put on the table.

AEX's Möller opens the proceedings with "I would like to welcome everyone and especially thank you for coming. Unfortunately, I must inform you that Hein Blocks is unable to be with us today. But there are representatives from the four largest banks in the Netherlands, though they are here in a personal capacity."

He mentions their names and job titles, continuing, "We cannot and will not negotiate on the basis of a number and propose that an arbitration board be appointed that must give its verdict over the amount these four banks shall pay to the Jewish community."

Naftaniel, speaking for the Jewish parties, takes the floor and says, "We reject arbitration and continue to regard VvdE and AEX as those against which our claims are based. However, we fully realize that given its financial position, it would be impossible for the stock exchange to fulfill our claim without involvement of their member shareholders. We are therefore pleased that the bank representatives are here today."

Möller reacts immediately. "And we still insist on sticking to the recommendation of the Scholten Commission that stated that an amount numbering in the millions should be made available to the Jewish community."

The meeting is adjourned twice for short recesses, and we still are not prepared to submit to arbitration. Then the stock exchange changes its position.

Möller's words break the deadlock. "We are prepared to accept the third-party ruling to have no binding effect."

To which Naftaniel replies, "The Jewish standpoint is restitution of the total damages to the Jewish community caused by postwar restoration of securities rights. The amount was calculated by Paardekooper & Hoffman at twelve million guilders, at 1953 value."

Then ING's Van Wassenauer takes the floor and says he has been appointed spokesman on behalf of the banks. He offers a proposal. "We are willing to negotiate with the Central Jewish Consultation Netherland based on the basis of the KPMG report. This report calculated the shortfall caused by the postwar restoration of securities rights at *four million*. The share of the banks and their legal predecessors in the stock exchange is 50 percent. The banks, however, are willing to pay for damages in full at their own expense. With interest, this would amount to one hundred million guilders. The banks have already entered into an agreement with CJO, not including the shortfall caused by the banks during the restoration of securities rights, of 50 million guilders. Consequently, we are prepared to sign an agreement for a total figure of 150 million guilders."

Naftaniel doesn't need any time to consider the offer. "The bank's position as well as the one-hundred-million-guilder figure is unacceptable to us. We still take the view that the agreement with the banks has already been settled, although not signed. Furthermore, we are currently engaged in discussions with the stock market concerning the shortfall of the restoration of securities rights, based on the 1953 value of twelve million, which amount currently corresponds to 264 million guilders."

After internal consultation among the banks, Möller makes an announcement. "We are prepared to accept the CJO/SPI starting premise as set out in the Paardekooper & Hoffman report."

Van Wassenauer clarifies the bank's position. "If the twelve-million-guilder figure is upheld as the starting point, then we reserve the right to no longer pay for the full amount of compensation, but only a percentage to be determined at a later date."

With a smile, I immediately respond, "This is as interesting as it is fantastic. It would mean we have reached an agreement." I can feel all eyes are on me, looking on with surprise and incomprehension, and demanding further explanation. "Mr. Van Wassenauer," I therefore continue, "before the recess, you stated that the bank's position proceeded from a figure of four million guilders. Furthermore, you went on to state that four million guilders at a 1953 value would today be worth one hundred million guilders. That would mean you had used a factor of twenty-five in calculating the interest."

Mr. Möller had just accepted as a starting point a figure of twelve million guilders at 1953 value. This amount, recalculated at current value, would amount to 300 million guilders. Together with the agreement reached earlier between the banks and the Central Jewish Consultation Netherlands, this would come to a total amount of 350 million guilders [around 160 million euro, or over 200 million USD]. I assume the Jewish community will accept this offer. The percentage of the damage that the banks will pay for is a matter between the banks and the stock exchange, and it is my view that the Jewish community should not be involved in that process in any way whatsoever."

Möller then adjourns the meeting after the parties have agreed to meet again on June 15 at seven p.m. in the offices of the Netherlands Bankers' Association on the Singel in Amsterdam. The starting point will be damages of twelve million guilders at 1953 value. The

banks will then state which percentage they will be willing to pay, which interest rate would be considered reasonable, and also make known the division between stocks and bonds.

A week later, a discussion is held in America between Mr. Newman of the Hevesi Commission and staff members of the ING Group. During this consultation, the ING members, on behalf of the NVB, mention a figure of 314 million guilders, which will be put on the negotiating table. Elan Steinberg of the WJC informs Abraham Roet, who in turn informs the chairman of the Central Jewish Consultation Netherland, Henri Markens, and myself. The arithmetic method used was based on the twelve-million figure as determined in the meeting of June 5, 2000, and the interest at a factor of twenty-two, made of the so-called *fruits* (paid interest and dividends), bonds, and shares, plus fifty million guilders of the still unsigned agreement between the NVB and CJO.

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Once again, and as usual, we, the CJO and SPI negotiators, meet a day before the next round of talks to discuss how to harmonize our positions. On June 14 at Naftaniel's house, various aspects are discussed with regard to how to proceed. Present at the meeting on behalf of CJO are Ronny Naftaniel, Micha Gelber, and Chris van Gent; and for SPI, Abraham Roet, myself, and Toon Kasdorp.

Everyone present agreed that the minimum amount that ought to be agreed on with the stock exchange was 314 million, in keeping with the figure referred to at the talks in America. We agree to open with an amount of 345 million guilders—to include the agreement with NVB—and to accept a minimum of 315 million.

Ronny Naftaniel then makes an announcement that he had heard that Henri Markens and Ernst Numann, chairman and ex-chairman

of the Central Jewish Consultation Netherland, completely without knowledge of the negotiators and without any mandate, had already been negotiating for the past three weeks with Blocks, director of the Netherlands Bankers' Association. Within this framework, they had told him the Jewish community would be willing to settle for an amount of 290 million guilders. This amount would include the fifty million of the still-unsigned agreement with the banks.

"This is betrayal!" I react furiously. "How could they do such a thing?"

Naftaniel answers calmly, "Numann and Markens are coming tonight at seven to personally defend their standpoint."

Our meeting decided, however, to postpone this discussion until after agreement had been reached with the stock-exchange parties. The negotiating delegation did not feel bound to Numann and Markens's promise. We did not discuss it with them but let them clearly know we were not at all pleased.

The next day during the negotiations, this all led to an unpleasant situation for both parties. In addition to the promise made by Numann and Markens, Blocks opened with an offer of a total figure of 290 million guilders, the main outlines for an agreement, and the conditions of the proposal.

"This proposal is nonnegotiable and will be immediately be withdrawn if it is not accepted tonight," says Blocks.

Naftaniel immediately put our counter-proposal on the table: "Three hundred forty-five million guilders, including the agreement with the banks. *Our* proposal is valid until midnight tonight."

The confusion on both sides was just as great. The banks and stock exchange could not understand why we had rejected their offer. Numann and Markens had clearly indicated that the Jewish community would accept 290 million, hadn't they? And the Jewish contingent could also not understand why the stock-exchange offer was less than the

earlier discussed figure of 314 million guilders. ING representatives had quoted this amount to the Hevesi Commission, hadn't they?

Blocks indicated that he wanted to have a private word with Naftaniel and Kasdorp, and the meeting was adjourned for a short recess.

He was furious. "I stuck my neck out for this proposal, only because Numann and Markens had said an offer of 290 million would be acceptable. I will be seriously disappointed if CJO makes me look like a fool again. This has already happened once before—two months ago, when the fifty-million figure was accepted by the CJO and then left unsigned because of SPI."

Kasdorp's reply was matter-of-fact. "Numann and Markens had no authority to negotiate on behalf of CJO. In any case, you ought to have known they had certainly not been given any mandate whatsoever to speak for Platform Israel."

Numann and Markens' actions who were concerned about the reputation of the Jewish community in the Netherlands and, therefore, wanted to accept the bank and stock exchange's offer of under 300 million, had the effect of damaging the reputation of the Central Jewish Consultation Netherland as a negotiating partner.

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During the recess Van Wassenauer sat down next to me and asked, "Why won't you accept our offer? It's a realistic figure, isn't it? If you don't accept this offer, then we're back to the eight million guilder figure we started with."

I knew, however, that Van Wassenauer had understood that the situation had changed drastically in the past few weeks. SPI was now a full-fledged partner in the negotiations with the CJO. It was through SPI's efforts that the World Jewish Congress and Hevesi



Commission had become involved in the negotiations. On top of that, the ING banking and insurance group was afraid of the American commission blocking their takeover bid of two American insurers. Moreover, there was no reason whatsoever, given the events in America, to accept an offer less than 314 million.

My answer was “We can wait. The Jewish community has been waiting for more than fifty years; we can wait a little longer. The stock exchange offered eight million as compensation on April 5, 2000. The Jewish parties deemed this figure unacceptable. On June 5, you offered 150 million, and today you are willing to settle for 290 million. Except that, today our demand is a total of 345 million. And like Naftaniel said, our offer stands until midnight.”

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An hour later, the meeting reconvened, and the stock exchange made an offer of 312.5 million, which was raised in a couple of minutes to 314 million guilders. This figure was accepted by the Jewish parties.

At midnight, six copies were made and signed of “The Main Features of the Agreement,” which all fit on a single sheet of paper. The most important points were as follows:

1. AEX and VvdE shall publish a written expression of regret after consultation with the Jewish parties in the relevant Dutch, Israeli, and American media.
2. The AEX and VvdE shall defray the costs of a Dutch- and English-language publication that reflects the main features and recommendations of the Scholten Commission. The editors shall consist of someone on behalf of the Jewish parties, a representative of the stock exchange, and an independent third party.

3. Parties agree to a final settlement totaling 314 million guilders (including the banks' share).

After "The Main Features of the Agreement" had materialized and been signed on the night of June 15, 2000, an improvised press conference was held by those present. To a direct question to Blocks whether or not he had felt blackmailed at times during the negotiations, he replied, "Yes, I did feel blackmailed at times, but looking back on the whole process, on balance, I can conclude it wasn't a case of blackmail. But there was intense international pressure."

In my view, this was a misplaced question from this journalist. Would he also have asked the hijackers after a successful rescue of an airplane hijack, "Did you think the police used excessive force in the course of undertaking their action?"

"The Main Features of the Agreement" still had to be worked out in detail. There were a number of points on which the parties disagreed. For me, there were two main sticking points. In actual fact, the only thing that needed no further discussion was the amount of money agreed upon.

The text of the expression of regret which the Amsterdam Exchanges and the Amsterdam Stock Exchange Association had to publish had not been discussed in detail. And yet this was of paramount importance. To me, restitution of earthly possessions without a clear expression of regret, was unacceptable. This amount was not compensation for damages. The amount of 314 million guilders (143 million euro) was restitution for the inadequate postwar restoration of rights. At the time, the Dutch government deemed the reconstruction of the Netherlands more important than completely restoring the rights of their fellow Jewish citizens. The banks and stock exchange made misuse of this. A sincere expression of regret was absolutely necessary. An unequivocal

apology was called for that was not open to any other interpretation. This all still had to be discussed among the parties involved.

Further in the “Main Features,” an amount was cited that would be made available to the Jewish parties. There was not a single word in the agreement as to whom these monies would be paid. Nor which percentage the CJO and the SPI would receive either. Platform Israel had been set up to bring a reasonable share of the World War II Jewish assets to Israel. So this point had to be dealt with before I could put my signature to the final agreement. But this was a matter to be resolved between the Jewish parties.

Several subsequent meetings took place to reach a final agreement on the issues discussed above. The agreement between the Central Jewish Consultation Netherland and the banks had been agreed upon in April but still had to be signed. This agreement would be signed at the same time as the one reached with the stock exchange.

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At the end of June 2000, I had another meeting with the Central Jewish Consultation Netherland concerning the outstanding issues. During the meeting, I said, “In accordance with the objectives of Platform Israel, a portion of the collective MAROR monies must be transferred directly to a foundation designated by Platform Israel.”

“I don’t agree with you there,” Gelber responds, disconcerted. “The CJO will receive and manage the money. In accordance with the allocation formula, a maximum of 80 percent will be distributed amongst the rights-holders, and the remaining amount made available as subsidies for individual projects. The rights-holders can lodge claims regardless of where they live. Subsidies for projects can be applied for from us by every association of Dutch

Jews and ex-Dutch Jews, from anywhere in the world. So that means associations in Israel that meet our requirements are also eligible for subsidies.”

Numann indicates he agrees with Gelber’s view on the matter, and the other CJO members do not take part in the discussion, but I can see them nodding in agreement. I had no illusion that the CJO would agree with me on this point.

Although it had never been stated in public, it was clear to me from the very beginning that CJO wanted to be the sole manager of Jewish World War II Assets in the Netherlands. Platform Israel and, with them, the World Jewish Congress were needed to get the banks and stock exchange to finally settle. To me, there was no question of the Central Jewish Consultation Netherlands determining which or even *if* a subsidy could be granted to an Israeli association.

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In any case, I knew I trusted hardly anyone. During my seven years of research, I came to the conclusion this was true for practically all war orphans. Growing up without a family was a fact of life that I never fully accepted. The process of grieving for my murdered family never took place. There was no grave I could go to; time had not healed this wound. But I had taught myself how to live with loss. A scar had formed that, most of the time, did not hurt when touched.

Sometimes, at special moments, the scar do hurt. This usually happens when someone demands something to which they have no right and which takes advantage of me or the cause I am fighting for. Probably because my family was not the only thing robbed from me. In a material sense, robbers were still ready to attack. After all, war orphans are easy prey. They are young, alone, ignorant, naïve, vulnerable, yearning for love, and there is no one to protect them.

During the war, the Nazis and their collaborators were the ones who robbed them. After the war, it was the Dutch state with its specially passed legislation to foster rapid reconstruction. And then again, my own guardian stood ready and waiting to take advantage of my brother and me in material terms.

Micha Gelber's and Ernst Numann's words made me feel those scars again. It touched a raw nerve and caused me pain. This was one of those moments when I say to myself, "Philip, don't give up. Anything worth doing, is worth doing well."

At such moments, you have to decide whether what you are working on is worth it or not. My choice was not difficult to make. I simply had to be reminded of all the (ex) Dutch citizens in Israel who after the war, robbed and destitute of all their immaterial and material possessions, travelled back to their former homeland. The legally underage war orphans had left behind their material inheritances with their guardians in the Netherlands. A great many Dutch immigrants in Israel, to put it mildly, were not well off. Moreover, social benefits in Israel were also less than they were in the Netherlands.

*Why do Gelber and Numann consider me more naïve or stupider than a jackass? As far as I'm concerned, they've overstepped the bounds.*

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Annoyed, but in a calm tone of voice, I ask, "Dear Micha and Ernst, wherever an ass falls, there will he never fall again, or once bitten twice shy. Does the CJO really think I have forgotten about the so-called Dolman monies? Doesn't the CJO realize that SPI was set up as a direct result of the first Dolman Commission?"

I notice that some of the CJO delegation have a blank look on their faces, and so I explain my questions. "In the cabinet meeting of April 3, 1998, it was decided that the fourth and last tranche received

from the so-called *gold pool* worth 22.5 million guilders be set aside to finance individual projects for victims of Nazi persecution living in the Netherlands. Dick Dolman was appointed chairman of the advisory board set up by the Ministry of Public Health, Welfare, and Sport. The total amount of 22.5 million guilders was distributed among Jewish associations in the Netherlands. The CJO completely forgot those Dutch Jews living outside the Netherlands while allocating those funds.”

“We had no other choice!” Gelber snapped. “This amount was set aside for victims living in the Netherlands, and you lived in Israel.”

“Nonsense. During the war, we lived in the Netherlands and were persecuted and robbed by the Nazis. Apart from my brother, my whole family was murdered. You implicitly agreed to the decision taken in April 1998 and interpreted it in a way that best suited you. ‘Don’t say a word or ask for any clarification’ was your motto. Are we or are we not Dutch victims of persecution? Didn’t we have a right to part of the money? I hereby inform you that as a representative of Platform Israel at these negotiations, I will only sign this agreement once a portion of the collective MAROR monies have been transferred to Platform Israel. If this is not acceptable to you, then there will be no agreement. Platform Israel will then negotiate its own settlement with the banks and the stock exchange.”

Without waiting for a reaction, I leave the meeting and walk as if in a dream along the Amsterdam canals back to the place where I am staying. I love walking along the Amsterdam canals. They always have a calming effect on me. My thoughts go back to days long gone. Days I had not really consciously experienced but about which I am able to and may dream. By the time, I arrive at my mother-in-law’s house on Koninginneweg, I have calmed down completely.

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The telephone rings at eight a.m. the next morning.

“Good morning, Philip; it’s Ronny here. What time are you going home?”

“I have to be at Schiphol tonight at eight, the plane leaves at nine. Why? Has something happened?”

“After you left last night, I called Abraham to fill him in on the talks. We both agree that a joint letter from Platform and CJO needs to be sent to Blocks as soon as possible. I have drafted a letter that Abraham agrees with. If you sign it today, I will send it to Blocks.”

“Before I sign, I want to know what’s in the letter.”

“Can I fax it to you?”

“I don’t have a fax here, but you can read it to me.”

“Fine. Here goes then.”

Dear Mr. Blocks,

Platform Israel and the CJO would like to draw your attention to the following. In the agreement between the Jewish and the Bank/Stock Exchange parties, it has been determined that the compensation to the Jewish rights-holders would be made available to two or more foundations. Of the amount, which the entire Jewish community receives as a restitution of damages, and to which individual claims no longer need to be paid, the great majority of payments continues to be made to those war victims still living and their substitute. At least 10 percent is set apart for Jewish causes in the Netherlands and Israel. This allocation system has been determined in consultation with the CJO Advisory Board. Platform Israel and CJO have recently sent the government a policy document concerning this. Platform Israel and CJO

would greatly appreciate the Bank/Stock Market parties paying as soon as possible a portion of the restitution intended for Dutch Jewish causes in Israel, to a foundation to be designated by Platform Israel. The exact amount to be set aside for Dutch Jewish purposes in Israel is still a matter of some research and internal consultation. We shall, however, inform you as soon as possible,

Yours sincerely,  
Ronny Naftaniel, Board Member CJO, and  
Philip Staal, Vice Chairman Platform

“This sounds like a good letter to me, which I can certainly agree with. How are you going to get it to me before six o’clock this evening?”

“If I have the time, I’ll bring it myself; otherwise I’ll make sure you get it by six.”

“Okay, I’ll be here to sign it.”

Earlier in the week I had had an appointment with the banks/stock-market parties to discuss the letter of apology. This meeting too provided the desired result. We agreed on the wording of the apology. On behalf of the VvdE in liquidation, it was signed by its liquidator H. Heemskerk, and on behalf of Amsterdam Exchanges by President Director G. A. Möller. The most important section is cited below:

The VvdE declares that it concurs with the judgment of the Scholten Commission and the Van Kemenade Commission that the VvdE had offended a sense of justice. The VvdE is fully aware that its own attitude, condemned by the Scholten and Van



Kemenade Commissions, has caused a great deal of unnecessary suffering among many Jewish fellow countrymen. It offers the Jewish community an unequivocal expression of its regret and extends its sincerest apologies. In doing so, it is fully aware that such an apology can never take away the suffering that was inflicted on the Jewish community.

Amsterdam Exchanges N.V. (Inc.), who have been operating the stock market since January 1, 1997, and effectively the successors to VvdE, expresses its disapproval of the manner in which the VvdE acted both during and after World War II and agrees with the declaration made by VvdE.

At the beginning of July 2000, all outstanding points had been resolved and implemented into the final agreement.

All parties signed the agreement on July 13, 2000. I had other obligations that day and put my signature to the agreement five days later in the building housing the offices of the Netherlands Bankers' Association at 236 Singel in Amsterdam.



# 59

## **Distribution of MAROR Monies**

The agreements between the Jewish community and the financial institutions added a moral dimension to the material restitution. Moral restitution came in the form of the publication of expressions of regret and, therefore, a recognition of the shortcomings of the restoration of rights after World War II. The expressions of regret—formal apologies—were published in the leading Dutch daily newspapers and in English in a publication aimed at this special target group in the United States and Israel.

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The Jewish community also received material restitution and, through this, access to 764 million guilders. From the Dutch government 400 million, fifty million from the banks, fifty million from the insurers, and from the stock exchanges 264 million. The Government, CJO, and Platform Israel agreed to set up a third entity to administer and distribute the 764 million guilders settlement fairly (approximately 350 million euro). These monies, referred to as MAROR monies, are refunds. They in no way constitute compensation for damages incurred through the looting of assets

during World War II, but are in recognition of shortcomings in postwar restoration of rights, as mentioned earlier.

The MAROR monies are made available to private individuals as well as for collective aims. The Jewish community agreed that a maximum amount of 20 percent of the total funds available would be set aside for collective purposes.

The MAROR monies foundation was set up with the purpose of managing and distributing these funds. It has the legal status of a nondepartmental public body. This means that the foundation operates in the public sector. The board is responsible for expenditures and income, and the Minister of Finance is accountable to the Dutch States General. The articles of incorporation were signed in The Hague on December 1, 2000, at the offices of government attorneys Pels Rijcken & Drooglever Fortuijn.

Rob Jean Wurms, Ernst Jona Numann, Abraham Roet, and myself convened in the offices of Pels Rijcken on December 1, 2000. Wurms and Numann were authorized by the CJO, and Abraham and me by Platform Israel. The MAROR board was appointed jointly by the CJO and Platform Israel. The appointment of board members takes place after approval by the Minister of Finance.

Board members were appointed for a maximum four-year period and, therefore, had to be reappointed by December 2, 2004. All board members, with the exception of Abraham Roet, decided that they would not make themselves available for a second term. Director Robby Israel did not wish to meet with Roet any longer than necessary in the same room and resigned. He considered four years to be more than enough.

Nevertheless, I look back on this period of my life with satisfaction and conclude it was a fruitful time. Ninety-five percent of Jewish assets were settled. Also, four of Henneke and my thirteen grandchildren were born in this period. I consider it an honor that

I was allowed to make my small contribution to the completion of postwar restoration of rights.

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After putting my signature as a representative of Platform Israel to the agreement between the banks/stock-exchange parties and the Jewish parties, I found I had achieved my goal. But Platform Israel asked me to be a member of the MAROR board. I deliberated for quite some time whether to accept. I had dedicated myself with great effort to participation in the negotiations concerning the restoration of World War II assets, but I was not too keen on having to decide how to distribute the money. In my opinion, that only caused arguments. In appreciation of the efforts made by Finance Minister Zalm, I decided to make myself available as a member of the board, which he was mandated to appoint. The job still had to be finished. Everything had come full circle.

Late afternoon on November 30, 2000, Abraham and I had an appointment with Michel Robert van der Heijden in the Zandvoort town hall. Robert had been mayor of Zandvoort since 1988 and was selected chairman of the MAROR by the CJO and Platform Israel boards, with the approval of Minister Zalm.

The town of Zandvoort fills me with mixed emotions. In the 1960s, Henneke and I used to bicycle to this beach-resort-vacation paradise regularly on Sundays. We cycled via back roads along Hoofddorpplein, Slotervaart, Aerdenhout, and Bentveld on to Zandvoort. The roads back then were narrow, and the going was slow because of traffic jams. It often happened that we got to Zandvoort faster than the cars. Once there, the two of us went off together to wander in the dunes and along the beach. Those were lovely days. We enjoyed one another and the natural beauty.

Zandvoort is still a beloved beach resort for both the Dutch and foreigners, particularly Germans. I once witnessed a German giving his family a guided tour. He told his wife and children with great enthusiasm about the “heroic deeds” he had undertaken there during the war. I got angry and could hardly contain myself. How could anyone be proud of the suffering that the Nazi regime had unleashed? At that moment, I felt like spitting in his face or punching him in the mouth. That would have given me some relief. But life had taught me to conceal my emotions and, especially, to control them. Only when I get angry can someone breach the wall I had carefully built around myself when I was a child. I give myself away then, and that can be extremely dangerous. It is better to get a grip on yourself. To not show your emotions. Not show anything. Take a deep breath and walk on as if nothing had happened.

More than forty years later, during my research work, I discovered that in the 1930s, this beach resort had the highest percentage per capita of NSB members in the Netherlands. In the Dutch provincial elections of 1935, the Dutch National Socialist Party polled more than 23 percent of the vote, whereas it was only 8 percent of the national vote.

World War II also brought damage and destruction to Zandvoort. As early as August 1940, the synagogue was blown up, and access to the beach was forbidden on May 23, 1942. A few months later, practically all of Zandvoort was evacuated. Bathhouses and boardwalks had to make way for the construction of the German Atlantic Wall.

At the outset of the 1980s, my mother-in-law was looking for another place to live since the house at 171 Koninginneweg was much too big for just two people. Chana was living there with Cor van Norden, Uncle Cor to us, who was her second husband. She brought up the subject with her landlord, who quite liked the idea. It

would not be too expensive to renovate the three-story building with cellar into three separate apartments; it meant he could ask three times the present rent. The landlord looked around for alternatives for Chana and Cor. It took several years, but by the end of the 1980s, the time was ripe. My mother in law lived on 171 Koninginneweg and the house on 175 Koninginneweg became vacant.

This house had been lived in since the war by Mr. and Mrs. Bezemer. They were a childless couple, both of whom had survived the concentration camps in separate locations. Robbed and destitute, they had returned to the Netherlands, found each other, and gotten married, starting a new life with one another on Amsterdam's Koninginneweg. Hard workers, who despite what they had experienced, were able to enjoy life. I was impressed; it took me more than forty years to be able to see the good things in life. The Bezemers took a vacation twice a year, and on the Shabbat or a Sunday, weather permitting, they went to Zandvoort, walking in the dunes and enjoying the silence.

The house my in-laws moved to, one floor with a cellar, was completely worn with age. Major renovations had to be made to make it livable again. And the garden was a sorry sight. Nothing but weeds. A small city garden about which Chana always used to say, "It's not big, but it's tall."

Uncle Cor was a house painter by profession, and he rolled up his sleeves and got down to the task at hand. In a couple of months, he had turned the place into a little palace for Chana. "I'll fix up the garden when we go to live there," he said. The time had finally come, and Cor and Chana moved to 175 Koninginneweg.

Once the house had been refurbished and all their stuff was back in place, Cor started on his next task of cleaning up the garden. Starting from the far end of the opposite neighbor, he slowly worked his way back toward the house. Several kinds of plants were put in,

including a magnolia, and there was even room for a small plot of vegetables. A couple of days later, looking with satisfaction at what he had done in the garden so far, he began planting a couple of rose bushes along the lower façade of the house and the fence to the neighbors next door. Cor had just started to dig when his shovel bounced off something hard. He thought, *How odd, must be a stone*. He wiped away the soil and saw something metallic.

“Come and take a look at this, Chana—there’s a vase buried here.”

“No, that’s not a vase; there are numbers and letters engraved on it,” she answered.

“Yeah, I can see it now too. It looks like a mine. I’ll call the police.”

“So what are you going to tell them, then? That there’s a mine in our backyard? ‘And how did that happen?’ they would ask us.”

“I’m still calling the police. Let them figure out what this thing is. Imagine if this really were a mine and the thing exploded. We have just fixed things up so nicely ...”

Cor called the police, who came within half an hour. They examined the object and alerted the bomb-disposal squad. The bomb squad showed up that same day and, sure enough, it was a landmine from World War II. By the number on it, they could tell that it had come from the North Sea coastal area, presumably somewhere near Zandvoort. The houses on Koninginneweg were evacuated; the whole neighborhood cordoned off. And they went to work. The job was completed in a couple of hours with no damage done. Two landmines were dismantled, and everyone went home breathing a huge sigh of relief. At the time, my mother-in-law could not complain about not having any visitors. All the neighbors wanted to know exactly what had happened, how the landmines had gotten into their backyard. But all they could do was guess. Maybe Mr. and Mrs. Bezemer had found them on one of their walks along the

beach, thinking they were vases, and ended up taking them home. When they then discovered they were two landmines, they were in big trouble. At the time, the radio and daily newspapers reported that mines had been laid everywhere in the Netherlands, especially in the coastal areas, and could explode at any moment:

DO NOT TOUCH ANY OBJECTS IN THE DUNES—  
LEAVE THEM ALONE AND INFORM THE POLICE RIGHT  
AWAY. TOUCHING OR REMOVING SUCH OBJECTS IS A  
PUNISHABLE OFFENCE ....

So going to the police would not have been an option, and bringing them back to Zandvoort too dangerous. Just imagine: taking the train to Zandvoort with two landmines in your bag that could explode at any minute. So they decided to bury them in the garden. Just a theory.

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The preliminary talk with Robert van der Heijden took place in a pleasant atmosphere. It was important for Abraham and me to get to know Robert and tell him about Platform Israel's aims. On balance, we had an important job to finish in the upcoming four years: the distribution of the MAROR monies. When the meeting ended, Abraham and I decided to get a bite to eat somewhere in Zandvoort. Robert had told us that the Zandvoort casino had an excellent restaurant. It was crowded, but we found a spot where we could talk quietly. I ordered a plate of plaice with french fries, and Abraham a steak.

We were making small talk when, out of the blue, Abraham quietly said, "So here you are, the orphan boy, sitting across from



me now. In a couple of days, Minister Zalm is going to install you as board member of the MAROR. Who could have predicted that when you were in the Rudelsheim Foundation? That's quite an achievement. Not everybody with a start in life like yours could have done it."

"I've never really looked at it that way before, Abraham," I reacted. "I did not think that this would be an important milestone in the Dutch restoration of rights. In all honesty, I'm surprised to hear that coming from you. Up until now, for reasons that still escape me, my childhood was not something you wanted to discuss. Every time I started telling you something about it, the few hairs you still have left, were rubbed the wrong way. That usually put a damper on any further conversation."

That the children from the Rudelsheim Foundation were regarded as and treated like they were some less intelligent kind of Jewish orphans is evident through the address given by the former chairman of the CJO, the psychologist Dr. Rob Wurms. On December 4, 2000, to mark the installation of the board of the MAROR, he articulated the feelings of being powerless that those of us at the Rudelsheim Foundation had experienced as children: "I want to thank everyone here who devoted themselves to this discussion. On a more personal note, I of course want to thank those who agreed with me, but especially also those who constantly posed me critical questions and because of their great dedication in achieving the most just form of settlement.

"If you would permit me, I would like to mention one of them by name. He grew up with two of my brothers in an orphanage, which at the time was regarded as a place for the slightly less bright, little Jewish war orphans: Master of Economics Philip Staal of Platform Israel. Philip, we meet again after nearly fifty years to now do what we were unable to do when we were little."

Abraham and I sat eating in silence, but I kept on thinking about his words. Back in Amsterdam at my mother-in-law's, I telephoned Henneke.

"Pookey, the MAROR foundation is going to be officially installed on Monday afternoon, and I would really like for you to be there. If it wasn't for you, I never would have gotten involved in all this; without your support, I never would have gotten this far."

There was a momentary silence on the other end of the line. "That's just great. It's now Thursday evening. Saturday and Sunday everything is closed. How am I supposed to buy a plane ticket? Besides, my passport expires next week."

"I'm sure you can handle it. Call our travel agency tomorrow and buy a ticket. We'll deal with an extension of your passport here in Holland."

The next day, she called our children to say she was going to Holland for a couple of days. They asked her, "Are you going there because Dad forgot his suit?"

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Minister Zalm installed the MAROR board at the Ministry of Finance building on December 4, 2000. At the end of 2004, the statutory term of office of the board members expired, and on January 1, 2005, the foundation was dissolved by the Minister of Finance. MAROR board members were Michel Robert van der Heijden—chairman; Fred Ensel—vice chairman; Philip Staal—treasurer; Michaël Gelber—secretary; Jacob Bernard Polak, Reina Louise Spier-van der Woude, and Abraham Roet. The auditorium was filled with "important" people when we were installed, but for me the most important person was Henneke.

The MAROR had been charged with the responsibility of managing and distributing the restitution funds. The distribution of these funds for both individual and collective projects occurred in accordance with benefit regulations set down by the MAROR board and approved by the Ministry of Finance.

Four months before the MAROR was established, a start had been made setting up the MAROR Monies Bureau. This bureau was charged with distributing restitution funds. The board of the MAROR at its first meeting of December 4, 2000, took over the obligations taken on by the MAROR Monies Bureau during the period of preparation. The bureau offers support to MAROR activities.

The Ministry of Finance and the organizations involved had agreed that MAROR operating costs would be defrayed by the government, as long as they remained within the budget drawn up by the board and approved by the Minister of Finance. During the negotiations between Jewish parties and the government, it had been decided that the loss of interest would be offset by the operating costs involved in distributing the MAROR monies. It had to do with the loss of interest incurred by the often long period of restoration of rights. In the report drawn up by Paardekooper & Hoffman of March 15, 2000, this loss of interest was calculated at present-day rates to well over thirty-six million euro. The actual operating costs of the MAROR monies were approximately one-third of the loss of interest. However, there had been no adjustment for the leftover amount of some twenty-four million euro, making up the difference between the actual operating costs and the loss of interest revenue during postwar restoration of rights.

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*The MAROR made payments to both individual claimants and those with collective aims. Naturally, individual rights-holders, the victims of war, were given the highest priority. The first payments were made to them in December 2000. Payments for collective aims only began in 2004.*

*Because most of those entitled to rights were not that young anymore, speed was of the essence. Partly with that in mind, we decided to accept applications until December 31, 2001, for individual claims. Slightly more than a year is a relatively short time frame, certainly if one takes into account that this was all happening some fifty years after “restoration of rights” had occurred. Moreover, after World War II, some 30 percent of Dutch Jews had emigrated abroad. Therefore, it was difficult to reach those entitled to rights. Nevertheless, every effort had to be made to inform potential recipients about the possibility of submitting an application for MAROR monies. An advertising campaign, which was to cover an area far beyond the borders of the Netherlands, was one of the solutions. In this way entitled parties were informed via advertisements in newspapers, radio, via embassies, and at various meetings. We maintained many contacts with Jewish organizations in the Netherlands, Israel, and beyond.*

*The MAROR board also paid a great deal of attention to the possible emotional consequences the MAROR activities would have on applicants. We tried to alleviate the mental anguish, the reliving of the Shoah, as much as possible by setting up a helpdesk in the Netherlands and Israel. On-call workers, trained by JMW in the Netherlands and ELAH in Israel, were always reachable and prepared to talk with applicants if they had the need to do so. The helpdesk was also made use of by those with specific problems, either with questions about MAROR policy or practical questions with regard to filling out the application forms, as well as with emotional concerns. If those manning the helpdesk deemed it necessary or desirable, they referred people to JMW in the Netherlands or its counterpart, ELAH, in Israel. The helpdesk operated from mid-2000 until the end of 2001. Helpdesk and special-service costs were reimbursed by the Ministry of Finance via the MAROR,*

*Platform Israel developed a large number of activities, namely general Platform tasks, working-group activities, MAROR preparation costs, support groups, Helpdesk Israel, and later the implementation agency in Israel. This was important, since all these different activities brought with them collective costs, including the cost of housing the organizations. These costs had to be properly divided among the various organizations, because monies coming from a wide variety of sources in the Netherlands were set aside for the different activities involved. Each individual organization had to provide an account of its activities to the subsidizing agencies.*

*Platform Israel did consider all these organizations to form the sum total of the activities they had developed; however, costs made by Helpdesk Israel were paid for by the Dutch Ministry of Finance and the MAROR. The MAROR is a nondepartmental public body, accountable to the Dutch States General. And so Helpdesk Israel was an integral part of MAROR and accountable to it. Ministry of Finance conditions stipulated, among other things, that the flow of funds be clearly separate and transparent. This, however, was not the case, which made it impossible for me as treasurer of the MAROR to take responsibility for the activities of Helpdesk Israel.*

*Over the years, those Dutch Jews living in Israel represented by Platform Israel had continually resisted what they unjustifiably thought was "patronizing treatment" by the Netherlands. The regulations that had been achieved with such difficulty could only be enforced through a great deal of effort. Platform Israel constantly strived to make the most of the budgetary space provided for operational costs that had been made available. This was a source of repeated conflicts between Platform Israel on the one hand and the MAROR on the other.*

*It is a fact that the costs of distributing MAROR monies, per person, was a thousand times more expensive in Israel than in the Netherlands and the rest of the world.*

*After lengthy deliberation, the MAROR board finally came to the conclusion that any further attempts to implement Dutch public policy to*

*organizations in Israel would only lead to endless legal procedures. This was of no benefit to those entitled to payment. Consequently, the MAROR advised the Dutch Ministry of Finance in its letter of July 8, 2004, to terminate its involvement, regarding the operating cost of MAROR monies in Israel, as soon as possible.*





## Surprise

During this six-year period, I flew back and forth from Israel to the Netherlands about twice a month. Because two of the MAROR board members lived in Israel, I thought it reasonable to request that a few meetings be held in Israel. I was finally able to persuade the chairman. On the morning of March 24, 2002, I was just about to go out the door, when Henneke said to me, “Don’t you think you ought to put on your suit?”

“Why? I always go to Tel Aviv in these clothes.”

“Yes, but you’re going to visit the Dutch ambassador tonight, right?”

“I go there often. What makes this day any different than all the others?”

“Well, take a jacket just in case; it could get chilly tonight.”

“Since you asked so sweetly, okay then.”

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Robert van der Heijden opened the MAROR board meeting at twelve noon, welcoming everyone present. He reminded everyone of the historic fact this was the first MAROR meeting to be held

in Israel. After the meeting, I went with Reina and Robby to a restaurant overlooking the Mediterranean. We had to kill some time. It wasn't until six in the evening that we were expected at the Dutch embassy to mark the occasion of the first MAROR meeting in Israel. At least, that is what I had been told. On arrival at the Dutch embassy, I was welcomed by Mr. Herman Froger, the Dutch ambassador to Israel, and his wife. I had my picture taken. That was strange. I had been to see the ambassador quite often before, but this time it felt different. In the reception room, I saw Henneke, my children, grandchildren, brother, and friends. I also saw the entire MAROR executive board and the Dutch military attaché. It slowly began to dawn on me that I was the birthday boy.

After a few minutes, Herman Froger said a few words.

"Ladies and gentlemen. Under the new system of awarding distinctions, the selection criteria for those nominated as candidates to receive a Royal Honor are considerably more strict. More demanding selection norms mean that the value of a Royal Honor, if indeed bestowed, has been enhanced. Upon completion of the procedure, which took some sixteen months, the decision has been taken that Mr. Staal be awarded a Royal Honor for the decisive role he played in the negotiating process concerning World War II assets. Mr. Staal's activities have had an enormous, long-lasting effect on all areas concerning the representation of the victims of war persecution, both in the Netherlands and abroad, and especially in Israel. I recognize, ladies and gentlemen, the commitment, the passion of the man who himself came out of the war an orphan, was raised in children's homes, and who was able to muster the strength and motivation to attain degrees in higher education in several subjects before embarking on a career, first in the Netherlands, and then later, from the 1960s onward, with his wife in Israel; whose involvement with those just like him had to find a way to carry



on after World War II and make a fresh start. It is that dedication, that compassion, that enthusiasm, ladies and gentlemen, that I was referring to when I said that Mr. Staal's activities have had an extraordinary effect. That is why it is a great honor to be able to pin on this decoration of Knight of the Order of Orange-Nassau!"

The thought occurred to me, *it is indeed an honor to receive such a high distinction, but I would have preferred the Netherlands not to have discriminated against me and the twenty-six thousand other persecuted Jews who survived the Shoah, during the period of postwar restoration of rights. That the Dutch government had not enacted special laws with the purpose of withholding that to which their fellow Jewish citizens were morally entitled.* No amends can be made for what was done from the 1940s through the 1960s. I am reminded of the words published in *Elsevier* magazine of May 4, 2012, by Professor Afshin Ellian:

The Dutch government in exile during the Second World War did nothing to hinder the persecution of Jews by the occupier. Under certain circumstances, taking a passive stance could be regarded as being an accessory to the crime.

But Ambassador Froger could not help it. He was a child when it all took place.

Then the mayor of Zandvoort and the chairman of the MAROR said a few words:

"Following on from the words of the ambassador, ladies and gentlemen, I would like to add: Today is a special day, and this is indeed a special occasion, because we have just witnessed in our midst the awarding of a high royal distinction to the man who so justly deserves it. Philip, today you have been designated Knight in the Order of Orange-Nassau, because of the tenacity that is so

much a part of you, to defend interests for the greater good, of your persistence in taking up, making clear, and putting forward interests to which many parties had contributed. Whenever there was a clash of interests, you always regarded it as a challenge to quickly weigh all the alternatives, make priorities in the formulation and presentation of points to be made at the next round of negotiations. Through that effort, that zest for work, that tenacity, you never lost sight of the interests of those for whom you fought, for your fellow sufferers, your partners in misfortune—I would say, the victims of World War II. You more than deserve this high distinction. In conclusion, I would like to offer you an engraving, depicting the front view of the Hooogduitse Jodenkerk (Great Synagogue) located at Houtmarkt in Amsterdam. *Jodenkerk*, a grim word perhaps, but regard it as a memento of this joyful day.”

My wife was allowed to end with a few words of her own:

“First of all, I would like to apologize for the past several weeks. For losing my temper with you, for not answering your questions. As your wife, partner, and best mate, I was not allowed to share this with you. *Keep a secret*: that’s the advice I was given by many. Maror, bitter, it runs like a leitmotiv through your life. However, the past few years, things have been taking a different course. Negotiations, contacts, and the letter of apology. Night flights, delays, accusations—you took everything in your stride. This decoration is your crowning glory. Together with the MAROR board, you continue to stand strong. I am so proud of you for what you have been able to achieve. I know that you will stand your ground until things have been settled once and for all. Thank you, Netherlands, for this deed. It brings our countries closer together. To the place that really matters: to justice, honesty, and combined action.”

It had all come as a total surprise. I was speechless in the fullest sense of the word. It does not often happen that I am unable to find

the words. This was such a moment. I walked to Henneke and gave her a kiss, tried to think of something logical to say, but the only thing I could stutteringly come up with was, “I would like to thank everyone who has made this possible. I would especially like to thank Henneke, my best friend, my girlfriend, my partner, my mistress. Most of all, you are my wife, my pookey. Without your help and support I would have never gotten this far.”





## Justice for All

A working group was set up to determine who was entitled to an individual payment of MAROR monies, which consisted of representatives from the CJO, Platform Israel, the Restitution and Distribution Advisory Board, the Dutch Ministry of Finance, and the Ministry of Public Health, Welfare, and Sport. The working group prepared the individual payments of Jewish assets and made a proposal. I came home from a Platform Israel meeting in April 2000 and told Henneke what the working group proposal entailed:

To be eligible for a payment, the person has to be Jewish, has either lived permanently in or was a resident for some time in the Netherlands during World War II, has been directly or indirectly robbed, and must have survived the war. It was further decided that if the entitled party had passed away in the meantime, that his or her portion be paid to their children. This person would receive payment as a substitute.

“And you think this is a logical and just system?”

“Yes.”

"You're crazy."

"And why is that?"

"This wording means that children who had survived the war with their parents would be entitled to a maximum of three portions: their own portion, and if one or both of their parents had died in the meantime, they would also be eligible as a substitute. If this person were an only child, he or she would receive one portion as an entitled party and two portions as a substitute. This proposal is even more unjust when it comes to second-generation persecuted persons. These persons are not entitled to their share as a rights-holder, since after all, they had been born after the war. But if, in the meantime, one or both of his or her parents were to die, they would be eligible for a portion as substitute. If he or she is the only postwar child, which is relatively frequent among rights-holders, then this substitute would be eligible for two portions."

"That is well put, but what is unjust about it, pookey? After all, the MAROR monies are made up of Jewish assets that were looted during the war and had been unjustly held in the Dutch government and financial institutions until 2000. The MAROR monies are paid to entitled parties in consideration of shortcomings that had been determined in the postwar restitution of rights in the 1950s and '60s. And so it is only logical that if an entitled party had died in the meantime, that his or her heirs would get their share."

"Oh yeah, do you think that it is logical that substitute are eligible to receive three portions and that a war orphan like you a maximum of only one? A war orphan, by definition, cannot be a substitute."

"Wow, I never thought of that. You are totally right, and I will see if I can do anything to change that. To be honest, I wasn't really all that interested in the distribution of the MAROR funds and have not looked into it that much. For me, the most important thing is

that it is out of the hands of the robbers. But you are right; this is unjust to the group of persecuted people who have already been afflicted with so much suffering.”

SINJOI, the Israeli foundation set up to represent the interests of Jewish World War II orphans from the Netherlands, demanded a double share for its target group. Its chairman, Simon de Winter, and Secretary Siegfried (Shalom) Pront laid the claim before me, and I answered, “I don’t see why a war orphan should receive a double share.”

“Because this group was hit harder than the others” was the answer I got.

“It has to do with restitution money and not about compensation. Besides, it is argued, that suffering is subjective. You cannot and should not compare suffering with suffering. How are you supposed to compare the suffering of one survivor of the Shoah to that of another? Nor should you even try to calibrate it.”

“But,” they put forward as a further objection “after postwar restoration of rights, the war orphans were robbed by their guardians of a portion of their inheritance.”

“That is what we claim, but there is no proof. This part of the restoration of rights has never been examined. In the event that after an investigation you are proven to be right, then the war orphans would still have to receive restitution. Except, this has nothing to do with the MAROR monies.”

More than a month later, Micha Gelber and his wife paid us a visit. Micha is chairman of the Restitution and Distribution Advisory Board of the CJO and was visiting family in Israel.

“I have heard that you want to double the shares of MAROR monies to war orphans?”

“Where did you hear that? There is no reason whatsoever why war orphans should receive any more than any other persecuted

persons. But I cannot accept that they will receive less than children who survived the war with their parents. This holds especially for the second generation, who are eligible to receive even more. Your proposal is unjust, and you, as CJO advisor, can do something about it.”

“Could you accept that we propose that the number of portions per person be limited to a maximum of one?”

“Well, I think that’s unjust too, but I can live with it.”

“So what do you propose?”

“I have sent my proposal by e-mail to the parties concerned and will elaborate on it during my lecture next month in Amsterdam.”

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There was only one item on the Platform Israel agenda at its meeting in September 2000: approval of the distribution criteria MAROR monies. The working group’s final report was passed around, and Abraham said, “CJO has already approved of this proposal; they are waiting for our go-ahead. Who would like to speak?”

After nearly all the board members had said that they had no problems with the distribution criteria, I asked to be allowed to take the floor. “The distribution of the MAROR monies as proposed here, does injustice to the first generation of Jewish survivors of the Shoah. This is not the first time that I have drawn your attention to this. We have had several meetings concerning how the proposed distribution ought to be handled. I made my objections perfectly clear in an interview with Elma Verhey in *Vrij Nederland*. That publication quotes me on July 22, 2000, under two headlines: “Distributing Jewish Money: Second Generation Wins Battle” and “The First Victims Relegated to Second Place.”

“Can you elaborate on that, Philip?” Abraham asked.

"Months ago, I had resigned myself to what I call 'the victory of the second generation' in the Netherlands. But, with great pleasure, I would like to tell you about it again."

"By definition a rights-holder is a Jew who has survived the Shoah, and doesn't it *first and foremost* have to do with this group of people? A rights-holder receives one portion and this is the maximum payment per person. This means that under the present definition, a survivor of the Shoah is not a substitute. Put differently, a substitute can only be a person who was born after the war or someone who had not been persecuted as a Jew. He or she and he or she alone is eligible to receive a portion of the inheritance of the deceased rights-holder. The persecuted person still living, the person who had been robbed and had undergone the greatest suffering, is disinherited. He or she is not eligible to receive a share in the inheritance of their deceased father, mother, or partner. After all, as a rights-holder, he or she receives the maximum of one share per person. Through the unreasonable application of limiting a maximum of one portion per person, only a part of the inheritance is distributed. The other part finds its way back to the communal kitty and is distributed among the substitute, who had not received a portion.

"All in all, because of the current definition of what a rights-holder and substitute are, Jewish survivors of the Shoah are being grossly discriminated against."

"What do you propose then?" Abraham asked.

"I sent my detailed proposal by e-mail a couple of months ago to all relevant persons in Israel and the Netherlands. My proposal is based on the fact that the MAROR fund is restitution for stolen Jewish property during the Shoah. Therefore, distribution of this amount should proceed on the basis of what had been robbed and not on the basis of population. Furthermore, rights-holders must also receive a portion of the inheritance of their parents and partner, so



that the inheritance can be totally distributed. That means to say, that the number of portions not be limited to one.”

“What do you mean by distribution on the basis of what has been robbed, Philip?” asked Barend Elburg.

Barend, the secretary of Platform Israel at the time of the meeting, is someone I have known since I was eight years old. As the son of the director, he lived at the Rudelsheim Foundation for three years with his parents, brother, and sister. Looking back, I must acknowledge that this period in his life must have been an unpleasant one for him as well. We war orphans took out our frustrations on Barend on several occasions. We bumped into one another by chance some thirty years later while out walking in Rehovot. He had emigrated to Israel in 1972 with his wife and children and was working for IBM. He is retired, and now does a great deal of volunteer work for the Dutch community in Israel.

“Barend,” I began in response to his question, “on September 21, this year, the Netherlands Interdisciplinary Demographic Institute (NIDI) presented its report, ‘Estimate of Individual Reimbursement of Jewish Assets’ to the client who commissioned it, the CJO. I have examined this report and have come to the conclusion that the NIDI has confirmed my earlier findings: under the current criteria, the so-called half Jews, together with the second generation will both receive more than half of the MAROR monies.”

“And what’s wrong with that?” Abraham wanted to know. “What is a half Jew, anyway? You’re either Jewish or you’re not, right?”

“For me, you’re right, Abraham. But not everyone thinks the same way about it. You know that this is a touchy subject, especially in Israel, and is a matter of *Halakah*, religious law. Liberal and orthodox rabbis disagree on this. You are Jewish if you have a Jewish mother, according to the Halakah—the father is not important. A so-called half Jew has one Jewish and one non-Jewish parent. But

fortunately, the whole question of who is a Jew, is not relevant for the distribution of the MAROR monies.”

“And why is that?” Barend asked again. “MAROR monies are only paid out to Jews, aren’t they?”

“That isn’t entirely correct. For the umpteenth time, I point out that the MAROR fund is reimbursement of losses owing to shortcomings in postwar restoration of rights. That refers to Jewish property that had been unjustly in possession of the Dutch government and financial institutions. These assets have now been given back to the Jewish community and must be divided on a fair basis.

The working group has assumed that persons who had actually been persecuted as Jews had also been robbed. I agree with this point of view. This means that a Jew who was not persecuted, would be ineligible to receive MAROR monies. In other words, he would not have been robbed during the war.”

“So it ought to be determined who was and was not robbed during the war,” said Elburg. “Is that what you meant when you said, ‘the division ought to take place on the basis of robbery and not population?’”

“Precisely.”

“That would be time-consuming, and the question remains whether or not it would actually be possible,” said Barend in reply.

“It’s easier than you think” was my reaction.

I continued. “The NIDI report contains statistics on the Jewish population in the Netherlands in the year 1941, before the Jews had been persecuted and robbed; after the end of the war in 1945; and today, showing how the MAROR monies would be distributed if the present selection criteria were maintained. I started playing around with these figures. I would like to share with you my findings, like the ones that showed up on my computer screen.

“In the Netherlands at the beginning of World War II there were 155,000 Jews, 9,000 of whom were of mixed marriages (a Jew who is married with a non-Jew). At that time, the number of *half Jews*—the offspring of the mixed marriages—numbered less than 15,000. That means to say less than 10 percent of the entire Jewish population.

“The Dutch survivors of the insane Nazi racial policies can be put into four different categories:

1. 98 percent of the non-Jewish population of the Netherlands survived the Shoah;
2. 98 percent of half Jews survived the Shoah;
3. 94 percent of Jews in mixed marriages survived the Shoah; and
4. 20 percent of the remaining full Jews (unmarried or married to Jews) survived the Shoah.

“The figures are more than clear: half Jews and Jews from mixed marriages were not systematically deported. A number of half Jews, an estimated 1,050, did go into hiding for safety’s sake and were still subsequently discovered, deported, and around 350 murdered. The ‘natural birth rate’ of half Jews during the war was estimated by the NIOD to be zero. The ‘natural death rate’ among half Jews was low, owing to their low average age. The number of births was proportionally low, since the mixed couples deemed it too risky to have children, in view of the opaque policy of the Germans on this point.

“The so-called half Jews and Jews of mixed marriages were not persecuted and therefore, in accordance with the working-group definition, they were not robbed. And yet the working group still proposes they be eligible to receive payment, since a rights-holder is defined as being someone born with at least one Jewish parent

and two Jewish grandparents on the side of the Jewish parent in question. From this is concluded that half Jews as well as Jews of mixed marriage are entitled to payment.

“At the outset of the Second World War, the percentage of half Jews and mixed-marriage Jews numbered 10 percent of the Dutch Jewish population, but as a result of Jewish persecution, that percentage rose to 46 percent.

“The definition of what constituted rights-holders and substitute in the proposal that lies before us, sees to it that Jews who had not been robbed received more than half of the Jewish assets. To be exact: only 48 percent of the MAROR monies will be distributed among Jews who had had their properties looted. As I had already predicted in July 2000, the second generation has won the battle. However, today no one can get around the fact: my prediction was officially confirmed by the Netherlands Interdisciplinary Demographic Institute. The question is: what are we going to do about it?”

Shalom Pront, secretary of the Israeli organization for war orphans, is the first one to dare ask a question. “And what about the war orphans then? After all, they are only entitled to one share. They cannot be, as opposed to war children, considered substitute.”

“Indeed, you are right. That is why my proposal is to enlarge the scope of what constitutes a substitute into: a rights-holder who survived the war as an underage orphan should be eligible to be a substitute to his or her murdered parents.”

The entire Platform Israel board were shocked and looked at me in silence. You could have heard a pin drop. I had never experienced anything like it before. Platform meetings were always lively—everyone had something to say and enjoyed the discussions.

After a few minutes, a discussion finally did take place; my proposal was put to a ballot and accepted by a majority vote.

Afterward, Abraham asked me, “Would you like to defend our position in Holland with a lecture?”

“No problem, but I think it’s already too late for that.”

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We now know the reason why half Jews and second-generation war victims are going to receive a disproportionate amount of the total MAROR monies. It is strange that half Jews were recognized as rights-holders. Half Jews and Jews of mixed marriages were persecuted to the same degree as *non-Jews* and therefore robbed to the same extent. That is, only inasmuch as war victimizes everyone, but they were not singled out as Jews per se. I then ask myself why this group should receive payment.

What could the reasoning have been behind the Dutch Jewish community’s decision to accept the working-group proposal and lend it support? The final report of the Distribution of Jewish Assets was drawn up by a working committee whose members are: Hans Vuijsje—CJO advisor; Arthur Vis, Hans Behrendt, and John Koekoek representing the Restitution and Distribution Advisory Board; and Berthie Nachbahr from Platform Israel. The advisory board was made up of eight Dutch Jewish associations plus the Committee of Former Dutch Holocaust Survivors from the United States. Futile attempts were made from Israel to alter the distribution criteria.

Hans Vuijsje presented the distribution criteria in Amsterdam on October 30, 2000. Those present were officials from the Ministry of Finance and representatives of the Jewish associations in the Netherlands and Israel. After the break, as the Platform Israel representative, I gave a PowerPoint presentation in which I explained what the consequences of the distribution criteria would entail.

Afterward, I let everyone present see what Platform Israel proposed ought to be done concerning the distribution of MAROR monies. However, the Dutch Jewish community would not hear of changing the definition of what constituted a rights-holder or substitute. I found that odd. Had there been a conscious decision to bring half Jews on board? And if that was the case, what was the reason for it?

I was interrupted several times during my presentation—by the chairman of the Netherlands Auschwitz Committee, Jacques Grishaver, among others. It was clear that Jacques was angry.

“Mr. Chairman, where is this going, and what’s the meaning of all this?”

Rob Wurms, the man designated to chair today’s meeting, answered in a quiet tone of voice, “My dear Jacques, Philip has the floor. I would kindly request that you save any questions or comments until after his presentation is finished.”

When I had finished, I approached Jacques and asked him, “Jacques, what is not logical about my story? Have I made an error of judgment somewhere?”

“Your story is completely accurate. But, Philip, half of my members are half Jews.”

So, he was sticking up for his target group.

Would Hans Vuijsje, the director and board member of the JMW and the chairman of the working group and CJO counsel, hold the same opinion? JMW clients were also made up to large extent by half Jews. Would this be the reason why *rights-holder* had been defined in such a way so that half Jews would be included?

Viewed from that perspective, it came as no surprise that Platform Israel had proposed to define only full Jews as rights-holders. After all, only a very small percentage of the Dutch Jewish community in Israel was made up of half Jews. The pros and cons of the various definitions as to what constituted rights-holders and substitute was

open to discussion. The consequences of the various interpretations could be weighed and a considered decision taken. But the Dutch Jewish community was not willing to even consider changing the definitions of rights-holder and substitute. They did not even want to discuss it. Differences of opinion concerning these definitions are naturally allowed, but one thing is already certain: by defining half Jews as rights-holders, the basic premise of the distribution criteria had already been abandoned. The bulk of the money would be going to the rank and file of the prominent representatives of Dutch Jews.

In 2003, monies set aside for individual claims were paid. What was expected to happen actually took place. Those not robbed during the Shoah received, together with second-generation Jews, more than 60 percent of MAROR monies. The *real* war victims, still alive, had to settle for less than 40 percent of these assets.

It was already known in advance to the Jewish community that more than half of the restitution money would be paid to those Jews who had not been robbed. This was also a conscious decision. Naftaniel, spokesmen for the CJO, in his memo of September 24, 2000, even called the distribution of MAROR monies unfair, writing, "The Nazis did not steal from half Jews. They were not fired. An illustrious example is Secretary-General Hirschfeld. If their Jewish parent had died during the war, then clearly half Jewish children also had a right to a share of the inheritance. In essence, the statistics meant those really stolen from would receive approximately 40 percent less. That was unfair toward this group. Not because the "real" Jews would begrudge payment to persons who had bid farewell to Judaism, but because the group of half Jews and their quarter Jew substitute had scarcely, if at all, suffered any property damage during the war, and that is the crux of the matter.

In a conversation I held with Gerard Aalders on September 15, he confirmed the situation outlined above. He also added that

practically everyone who was married during the war years enjoyed “community property,” as a result of which the non-Jewish partners of Jews, those in mixed marriages, were co-owners of their joint property. It was virtually impossible for the Nazis to expropriate these joint properties.

The distribution of the MAROR monies was in accordance with the balance of power in the Jewish community *anno* 2000. Therefore, the distribution of MAROR monies was not at all aimed at reimbursing stolen property. It is, instead, an arrangement between interested parties that avoids rectifying errors made during the postwar restoration of rights. Unfortunately, this is in keeping with the restoration of rights after World War II when the Minister of Finance at the time, Lieftinck, regarded the reconstruction of the Netherlands to be of the highest priority. The final report of the Van Kemenade Commission reads:

The government has, as it turns out, for the purpose of a speedy recovery of postwar international flow of capital, partly within the framework of reconstruction, allowed at several junctures, the interests of the stock exchange and the securities transactions to prevail over an adequate and expeditious restoration of rights involving victims of war persecution and therefore been detrimental to the due process of law they themselves had set out in the restoration of legal rights legislation.

History repeated itself! By not excluding half Jews, dissension was avoided within the Jewish community. But the individual interests were made subordinate to the collective aims. Who is to say which choice was the wiser one?



It would appear that it is not so simple for the current Jewish community in the Netherlands to criticize and reproach the former postwar Dutch government for not making the restoration of rights its highest priority.

CJO used to be of the opinion that MAROR monies should only be paid to Jewish organizations. In the course of 1999, a large number of Jewish organizations and private individuals objected to the fact the CJO was negotiating on behalf of the entire Jewish community. The protest was aimed chiefly at the CJO standpoint that individual victims of war persecution not receive a single cent from the Jewish assets. CJO showed sympathy for their objections and set up the Advisory Board for Restitution & Distribution. The advisory board, however, had no legal authority whatsoever. There were no provisions in the CJO charter for the establishment of such an advisory board. Therefore, as the name already implies, the board only had an advisory function and had no rights or obligations. That was reason for the Association for Interests of Persecution Victims not to recognize the CJO. CJO subsequently rejected its original standpoint and agreed to the distribution formula: 80 percent payment to individual victims of war persecution and 20 percent for collective Jewish aims.

The amount to be set aside for collective aims in Israel was a subject that required investigation and consultation. Parties involved finally agreed that 74 percent of those MAROR funds intended for collective purposes be made available to the Jewish community in the Netherlands and the remaining percentage to Israel.





## **Expectations, Hope, and Disappointment**

At the end of the 1990s, Simon de Winter, Siegfried Alex (Shalom) Pront, and myself, all war orphans of Dutch origin, founded SINJOI, Stichting Israël Nederlands Joodse Oorlogswezen (Dutch Jewish War Orphans in Israel Foundation). Its main purpose was to conduct research into the asset management of Dutch underage Jewish war orphans. This was, after all, the only aspect of the postwar period of restoration that had not been subject to scientific research. At the beginning of 2000, Abraham Roet began to get involved with our association. He too wanted war-orphan research, and he would see to it that it would be carried out by his own foundation the Israel Institute for Research of Lost Dutch Jewish Assets during the Holocaust. Soon afterward, the die was cast.

On October 12, 2000, before the founding of the MAROR, a Dutch acronym for Morele Aansprakelijkheid Roof en Rechtsherstel (Moral Liability for Robbery and Restoration of Rights) and the foundation SCMI, a Dutch acronym for Stichting Collectieve MAROR-gelden Israël (Foundation for Collective MAROR monies, Israel), Abraham Roet commissioned Elma Verhey and Pauline Micheels to conduct research into the material damages suffered

by Dutch war orphans. I disagreed with the wording Abraham had used in commissioning the war-orphan research. In my opinion, the terms of reference and phrasing of the questions already made the research conclusions predictable. Because I was not supported by the other two founders, I resigned from the war-orphan association. My conscience would not allow me to be responsible for a political pamphlet.

This research did not meet the standards of scholarly research. Abraham had put forward the argument to me and other war orphans that “You should stay out of it; you are a war orphan and any effort you make in formulating the terms of reference of the war-orphan research is a conflict of interest.” In and of itself, this was a good argument, which I as a researcher myself could totally understand. But the paradox with this notion was the composition of the supervisory committee involved with the research: it was comprised of Abraham Roet and Menno Paktor. Both persons had vested interests in the outcome of the research: Abraham Roet, a son of Sam who oversaw the war-orphan assets during and after the war, and Paktor was the treasurer of the foundation that wanted and needed the money of the Jewish custodian organizations.

During the course of the negotiations, I had the growing feeling that Abraham had a good reason not to talk to me about the custodian organizations. It wasn’t until January 18, 2001, during a meeting of the working group for the distribution of MAROR monies, that the connection became clear to me between Roet and the custodian organizations. Abraham was the son of Salomon (Sam) Roet. Before, during, and after the war, Sam had been a board member of the richest and oldest Jewish custodian organization in the Netherlands, namely, the Dutch Israelite Orphanage for Boys, Megadlé Jethomim, which had been founded on January 14, 1836. From July 1942, onward, Sam Roet was the head of finances of the

Jewish Council's Aid to the Departing Department. After the war, Sam Roet had become a member of Le-Ezrath Ha-Jeled and head of a commission to track down the assets of war orphans.

Menno Paktor, the second man on the supervisory committee, was at the time, treasurer of the SJMW. This foundation is the successor to the Jewish custodian organizations in terms of managing war-orphan assets.

The Ten Commandments is a generic term referring to a set of rules of how to conduct one's life according to the great religious principles God imposed upon mankind. "Honor thy father and mother" is one of them. The way you treat your parents depends on the stage of life you are in. These different stages of life apply to everyone, regardless of whether or not you were raised by foster parents, in an orphanage, or with your biological parents. Someone once told me there were four phases in your life. In the first one you believe in Santa Claus. In the second one, you don't. In the third, you play Santa Claus. In the fourth, you look like Santa Claus.

Even though I can scarcely remember being raised by my parents, I have continued to honor them ever since the third phase of my life. I suspect that children of the postwar regents do as well. They too honor their parents. They do this by blocking scholarly research being conducted. But in the Halakah—Jewish law, literally, *the path that one walks*—the process of establishing the truth is the right path and even necessary to living one's life according to Jewish rules.

The establishment of the truth is only found through scientific research. I am not making any judgment as to the expertise of Abraham and Menno, but one thing is certain: these two persons were not impartial.

As long as no scientific research has taken place, all manner of rumor and insinuation supersede the facts in determining the historical view.

Elma Verhey was commissioned to conduct research by Abraham Roet, the chairman of the Israel Institute for Research of Lost Dutch Jewish Assets during the Holocaust and of Platform Israel. The commissioning authority was also a member of the supervisory committee. Moreover, Abraham Roet's father was a board member of the custodian organizations and commissions that were the object of the research. Both persons in the supervisory committee—that is, Roet and Paktor—had vested interests in the results of the research. They could therefore not be considered to be independent.

The maxim goes, “He who pays the piper, calls the tune.” Another old saying is, “Justice must be seen to be done.” Neither the supervisory committee nor the research team lived up to scientific standards. Verhey was a journalist with an interest in history but not a financial expert. The research team should also have included one. This was not the case.

I thoroughly discussed my contention that Verhey's research was not conducted independently nor underpinned by any financial expertise with Hans Vuijsje, the director and board member of the JMW, who continued to defend both the supervisory committee and research team. Vuijsje, as evident in an e-mail from Elma Verhey to Abraham Roet, dated May 29, 2003, was overjoyed with the progress being made and wanted to publish a final report based on Verhey's three interim reports. According to Roet, they were even prepared to pay for half of the research costs.

The period of time in which the investigation was to have taken place was originally planned to take three to six months at most—it turned out to take more than four years. The announcement, made in 2001, that Elma Verhey would be conducting research on the restoration of rights of Jewish war orphans was finally published as a book entitled *Picking Up the Tab* on April 20, 2005. In her foreword,

Verhey thanks, among others, the historians Pauline Micheels and Dr. F. Hoek for their contributions:

I would especially like to thank Pauline Micheels. At the time, we were convinced the two of us would be able to successfully conclude the research. But the three, at most six, months we had planned, turned out to be much too short. Pauline had many other commitments to fulfill on other publications, including her biography of Van Leer.

About Frits Hoek, she writes, "I owe my gratitude to Dr. F. Hoek, who provided me with the necessary technical advice concerning financial matters and provided me with critical commentary."

By making these acknowledgments, she leads her readers to believe that she had been assisted by a historian and financial expert. As Verhey herself wrote, her collaboration with the historian was of short duration. And her thanks to Frits Hoek does not wash.

In his capacity as a forensic accountant, Fritz Hoek had been a researcher connected to the Contact Group World War II Assets. Together with the registered accountant J. ten Wolde, he had published the reports *Looting and Restoration of Jewish Assets, vols. I and II*. Frits had been an excellent choice as financial advisor. I know Frits quite well. We spent hours discussing the subject matter. Frits was very instrumental in helping get a better grasp of what the postwar process of restoration entailed. He is one of the accountants who was very helpful during my published research *Be-Ezrath Ha-Jeled (With the Help of the Child)*, and who critically examined and ultimately authorized it. In response to an e-mail of mine, Frits Hoek wrote back on May 10, 2005:

You are extremely well-informed. I was indeed present at Elma's book launch; her having mentioned me was very kind of her. But my contribution to her book was very slight indeed. I had made comments on various earlier drafts of her manuscript in terms of the sections dealing with financial matters (which were not included in the final draft). Furthermore, I carefully read her manuscripts, and where I deemed it necessary, made critical remarks. Naturally, I had no influence on the contents of the book, since that is something I know nothing about.

Elma Verhey's book was controversial even before it was published. In early April 2005, Hans Vuijsje, the managing director and board member of JMW, reviewed its contents in an internal memorandum and decided to publically distance himself from its findings and seek an open debate. These memos were sent to the Supervisory Board, members of the Employees' Council, members of the Client and Participant's Council, and the members of the JMW Community Council.

The text of the memos were leaked to the Dutch daily newspaper *Trouw*, who published on April 12, 2005:

- "According to the research done the assets of Jewish war orphans was not properly managed."
- "Not all children received what they had been entitled to receive when they had come legally of age."
- "Jewish custodian organizations had used the money, for among other things, their own organizations."

- “The financial records of children were presumably destroyed on purpose in 1976 to wipe out any trace of the abuse of assets.”

All this was in Elma Verhey’s book, who was an editor at the Dutch weekly *Vrij Nederland* at the time. It had taken her more than four years to examine how the custodian organizations of children whose parents had been murdered by the Nazis had managed their assets after World War II.

A couple of hours after the publication of *Kind van de rekening*, JMW published a thirty-seven page rebuttal on its website under the title “A Good Reputation.” In Vuijsje’s reaction, I read that he had been shocked at the contents of the book and asked himself what had gone wrong. Reading this question, I was reminded of the age-old Jewish tradition as expressed in Deuteronomy 24:17: “Thou shall not pervert the judgment of the stranger, nor of the fatherless; nor take a widow’s raiment to pledge.”

In my naïveté, I thought that Vuijsje was asking himself what had gone wrong with the custodian organizations managing the assets of the war orphans. However, reading further in “A Good Reputation,” I came to the surprising conclusion that I had misunderstood Vuijsje entirely. Hans Vuijsje, JMW’s managing director and a board member of the main organization that had wanted to liquidate the custodian organizations in order to take care of the millions in capital assets, was angry. Vuijsje was reproaching Verhey and her coresearcher Micheels for not having conducted “proper research.” So Hans Vuijsje was wondering what had gone wrong with Verhey and Micheels as researchers. The conclusions Verhey had reached in *Picking Up the Tab* were in stark contrast to what she had written about the asset management in her three previous drafts of the report.



During Verhey's lecture in Israel on December 16, 2001, on the occasion of her interim report, she had said, "I have concluded that the Jewish custodian organizations have managed the war-orphan assets well."

In Verhey's report to JMW on October 22, 2002, one reads, "It is totally implausible that there had been dependents who had not received final settlements. Supervision by the court and coguardian had been too well regulated for that purpose."

Also in her third interim report of May 2003, which she entitled "In the Interest of the State Treasury," Verhey's conclusion had remained unchanged: "No indications have been found that would point to there having been any mismanagement by the custodian organizations with regard to the assets of Jewish war orphans." The report ends with the words, "We sincerely hope that this report will at least contribute in some small way toward dispelling any mistrust amongst those orphans with regard to their former guardians."

It makes logical sense that Vuijsje wanted to publish on the basis of these three reports.

But in the foreword to *Picking Up the Tab*, Elma Verhey writes, "In addition to research in Israel at the end of 2003 and beginning of 2004, I re-examined administration documents and correspondence files of Jewish custodian organizations, housed by the Amsterdam Municipal Archives. The documents that I had now finally been able to find gave an increasingly clearer view of what may have happened."

It might have also been possible that my own report, *Be-Ezrath Ha-Jeled*, published in January 2004, may also have helped her re-write her book *Picking Up the Tab*.

Ever since the year 2000, until the publication of *Picking Up the Tab*, the JMW had defended both researchers with admirable consistency and proclaimed that there was no reason whatsoever

to initiate any new research. In the autumn of 2004, JMW ran a full-page advertisement singing the praises of Verhey and co-author Pauline Micheels. "The integrity and expertise of both these researchers are undisputed," according to Vuijsje in the advertisement. It is therefore understandable that the conclusions drawn in Verhey's book must have come as a shock.

But was that the case? Did the book's contents come as a shock? After examining the manuscript of *Picking Up the Tab*, on March 8, 2005, therefore quite some time before the date of the court hearing and even before submitting their statement of defense in the case of Staal vs. JMW/SJMW (resistance against the Merger), a conversation took place between Elma Verhey and Hans Vuijsje. George Italiaander, who since January 1, 2004, had been sorting out the JMW records held in the Amsterdam Municipal Archives, also took part in the conversation. It was suggested to Elma Verhey that she postpone publication of her book. There were even attempts made to influence her conclusions.

On April 21, 2005, in "A Good Reputation," Vuijsje gave the reason why JMW renounced her book. Vuijsje reproaches Verhey for not having conducted proper research. He calls the allegations made against the former custodian organizations *careless* and wants new scientific research to be undertaken into the asset management of the war orphans.

However, there is no reason whatsoever to renounce Verhey's book and certainly not for the reasons put forward in "A Good Reputation." JMW also made recommendations in its reaction. Vuijsje wanted an independent and scientifically well-founded investigation: "In order to do justice to former underage war orphans and the regents and staff members of the Merger, it is recommended that a sound, independent, and scientifically well-founded investigation be undertaken."

Science, generally speaking, concerns the search for truth. Therefore, scientific research should, by definition, be based on the trinity of integrity, independence, and expertise. So JMW wanted an independent and scientifically sound investigation. Who could argue with that? But what did JMW mean by it?

After publication of Verhey's three interim reports, JMW wrote, "The integrity and expertise of both these researchers are undisputed." But in addition to Verhey's final report Vuijsje renounced *Picking Up the Tab* and reproached her for *not* conducting proper research. So does JMW think that the integrity, independence, and expertise of researchers is dependent upon the results? And did JMW call research *scientific* only if the result were favorable to JMW, like Verhey's *interim* reports?

JMW argued for a scientifically sound investigation. But did initiating new research make any sense? Would JMW also disassociate itself from the new research were its findings to show JMW in a negative light?

It seemed as though JMW would only lend its cooperation to the new research if the terms of reference, the composition of the supervisory committee, and all other necessary requirements were determined by or originated from JMW. Obviously, JMW's cooperation was a requirement, since it managed all the records of the Jewish custodian organizations. By definition, such an investigation could not be called independent because JMW had a vested interest in the outcome.

JMW renounced *Picking Up the Tab* and now insisted, four years after I had initially called for it, that scientific, scholarly research be conducted on the asset management of the war orphans. Whatever the outcome of this new investigation, it would have no material consequences for either JMW or the war orphans. JMW had decided to leave it to the court to decide, in order to not be

morally responsible for any findings of any subsequent investigation. It would seem that JMW wanted new research to buy time. JMW needed that time because, by means of a merger, they wanted to liquidate the custodian organizations and then be able to look after the remaining multimillion-dollar assets.

It is remarkable, to say the least, that Vuijsje waited until after the court hearing on March 24, 2005, to say that Verhey had conducted insubstantial and careless research. Especially since long before the court hearing, several persons at JMW, including the director and board member Vuijsje and Chairman Van den Bergh, had read the manuscript. JMW had already known for quite some time that Verhey had radically changed her conclusions from those reached in her three interim reports earlier. All this is borne out by Vuijsje's memorandum of April 11, 2005. But in his own way, even Vuijsje himself regards the whole matter as sad. As I read in his memo:

The sad thing, in hindsight, is that JMW had always defended the research done by Verhey and Micheels. When it came to statements made by Philip Staal alleging that the research was not independent and that new research ought to be undertaken, JMW had always defended the researchers and argued to await the results of the investigation first before any judgment could be made. Those results are now available, and in JMW's view, based on research on the source material, it turns out that Philip Staal was right after all.

Vuijsje did not find it sad that the custodian organizations had mismanaged the assets. No. Vuijsje found it sad to have to admit that

Philip Staal was right and thereby accept what Maimonides, a rabbi, philosopher, and physician wrote in the twelfth century:

“The truth must be accepted, from no matter which source it comes.”

For JMW, there was not a shadow of a doubt: Jewish war-orphan assets had been properly managed. That was a simple fact to them. As far as JMW was concerned, research was superfluous. Presumably, JMW expected Verhey’s final report would confirm that “knowledge” as the three interim reports had done. Now that it was no longer the case, a new investigation had to be started. In the same memorandum of April 11, 2005, Vuijsje writes:

Even though it had been agreed that JMW would receive the final manuscript well in advance and be able to discuss its contents with Verhey, the manuscript never came. Upon making inquiries, it was said there would plenty of time to review it. In the end, however, I received a galley proof from the publisher, De Bezige Bij, who informed me I had to react quickly and that there wouldn’t be much leeway to make any changes.

As stated in the JMW memo, they had received the proofs at the last minute. There had not been time to react; there was little or no leeway to make changes. Nevertheless, Vuijsje did succeed, in a short period of time, to inspect Verhey’s research, which had taken more than four years to complete. On the day *Picking Up the Tab* was published, JMW put out an extensive rebuttal, in which it disassociated itself from its findings.

Doesn’t this give pause for thought? Verhey had written in all three interim reports, “There is nothing to indicate that any

irregularities had occurred with regard to the management, administration, and payment of assets to the foster children.”

Based on these findings, Vuijsje told the press in newspapers and advertisements, and the court during the hearing (Staal vs. JMW/SJMW), “The integrity and expertise of both these researchers are undisputed.”

But on April 21, 2005, he disassociates himself from Verhey’s new findings and writes that she had lost her scientific objectivity.

Everyone can, may, and in some instances, *must* change their opinion. But then one must accept the consequences. Something which JMW refused to do. In the Statement of Defense dated March 10, 2005, and also during the court hearing of March 24, 2005, the JMW continued to cite Verhey’s interim reports. Even though they already knew Verhey had completely altered her conclusions concerning the custodian organizations. During the court hearing, JMW kept silent about the truth and knowingly misinformed the court.

Unfortunately, I only received JMW’s earlier memo after the court hearing. It made it clear to me that Elma Verhey’s final report had thrown an entirely different light on the management provided by the Jewish custodian organizations than in her three previous interim reports.

Verhey’s report of October 22, 2002, was used by JMW/SJMW in Staal vs. JMW/SJMW as one of the most important pieces of evidence in the discussion between the parties in order to demonstrate that thorough research conducted by JMW had indicated that no irregularities in the management of the assets of Jewish war orphans had been brought to light. That is why I considered the disclosures in *Picking Up the Tab* to be of the greatest importance for a proper definition of the standpoint taken by the Enterprise Section of the Amsterdam Court of Appeal. That is also why I wanted to draw

to the court's attention the above-mentioned memo and the article entitled "JMW Ruckus" about the "prejudiced book," published in *Trouw*. But the rules of conduct that apply between lawyers did not allow one or more documents to be sent to the court without permission from the opposing party. That is why our attorney, Oosterveen, approached the SJMW attorney requesting permission to send the documents in question to the Enterprise Section of the Amsterdam Court of Appeal. To point out the discrepancy between the contents of Verhey's soon-to-be published book and that of her report used by SJMW in their statement of defense and during oral evidence given at the court hearing, and furthermore, to indicate that JMW/SJMW had known about the contents of Elma Verhey's final report long before submitting their statement of defense.

That same day, we received a negative answer from the law firm of Brauw Blackstone Westbroek representing SJMW:

Article 15, paragraph 2 of the Rules of Conduct states that once a ruling has been requested, legal counsel is not permitted to approach the court without permission of the opposing party. The Merger partners (SJMW) do not see any reason whatsoever why they should grant permission in this instance. Therefore it is not permitted to exhibit new evidence into the proceedings.

And so the Enterprise Section of the Amsterdam Court of Appeal could not take into account the information about which JMW had intentionally kept silent. On July 26, 2005, the Enterprise Section of the Amsterdam Court of Appeal had affirmed the ruling of the court and decided that this ruling was provisionally enforceable—to have immediate effect. It would therefore not be very feasible to

instigate any further legal proceedings. The merger was allowed; the custodian organizations disappeared; their total assets, amounting to approximately eight million euro, went to the Foundation SJMW. The court ruled:

The court notes, leaving aside the fact of whether or not the statute of limitations apply as the defense has claimed, that the applicants are scarcely able anymore to sufficiently substantiate the accusations through instituting legal proceedings on the merits of the case to challenge the facts.

Formally speaking, in legal terms this was a provisional decision. A judge is not bound to a ruling made through interlocutory proceedings, in the event of possible future legal action being taken on the merits of the case. But such legal action takes a long time and is quite costly. That is why my brother and I decided not to take legal action, and partly because JMW had also appealed to the statute of limitations.

I thought it odd and had started to ask myself what the reason could be for Verhey's absence during the court hearings and the subsequent proceedings in the court of appeal. She had investigated the management of war orphans for four years. Her findings, as published in the interim reports that JMW had used as the main basis of their argument in the court proceedings to prove no irregularities had come to light in the asset management. As already stated, at the end of her investigation, she had completely changed her mind. A journalist must certainly be interested in what the judge would have to say about what she had investigated, shouldn't she?

I can somewhat understand why JMW had not informed me of Verhey's new findings. Their objection was to neutralize resistance to



the merger. But what had motivated Verhey to not notify her objects of study, the war orphans, about her new findings? The last lines of her book made her new conclusions amply clear and read as follows:

The plea put forward to distribute the assets from the former custodian organizations among those war orphans still living and not to add it to the assets of the JMW as currently intended, therefore, has gained legitimacy. The case regarding the assets of the Jewish war orphans is in need of an answer that goes beyond a mere apology.

JMW clearly disassociated itself from *Picking Up the Tab*, because of its contents. But I found this book to be a step in the right direction. Anyone conducting research is always dependent on the sources made available to him or her. And out of all the information in his or her possession, it is always a personal choice which source material is to be used and analyzed.

As stated earlier, the financial sections of the final report had been deleted. In the last chapter of Verhey's third interim report, "In the Interest of the State Treasury," she wrote:

In a new research attempt whereby we examined some 130 boxes containing roughly 1,300 Le-Ezrath files to see if they contained exceptionally detailed records, only three of them contained final settlements and other relevant documents. One of the Le-Ezrath files we had found was even labeled "Assets Files." The two other files found were clearly recognizable social files, to which the financial documents were added at a later date.

Verhey had access to three financial files. Among other things, she said they contained final-settlement statements of accounts. Naturally, these three files are not representative of all of the others. But thorough analysis of the final statement of the guardian, together with the report made by the Netherlands Property Administration Institute, one could get an idea of how assets of war orphans had been managed. In addition to my conversation on December 10, 2003, with Professor Heertje and Hans Vuijsje, Hans sent me the minutes that had been taken: "I have asked Elma Verhey to include at least one of the three still extant files (where the names have been deleted) as an appendix to the publication. That would, in any case, provide insight to the original composition of the financial files of the underage war orphans."

Frits Hoek wrote to me that he had provided commentary on the sections of the *Picking Up the Tab* manuscript dealing with financial matters, which were not included in the final version of the book. Strange, a financial investigation in which the financial analysis is omitted. Did Elma Verhey, Abraham Roet, Menno Paktor, and Hans Vuijsje not find these sections interesting enough for the reader? I can guess what the conclusions to this chapter were.

Another source of information that it was decided *Picking Up the Tab* should not mention had to do with real-estate property.

The great majority of those vacant estates of absent persons during the war could only be settled after the law of June 1949 had been instituted. That is why most of the administration, under the supervision of the Netherlands Property Administration Institute, took place between 1945 and 1951. The number of administrated estates rapidly decreased thereafter. Therefore, for the most part, the transfer of the assets to the rights-holders (in the case of war orphans to their guardians) occurred up until 1951.

A great number of interested parties had been involved with the recovery of real rights regarding real-estate properties with regard to the original owners. This resulted in a large number of disputes. In order to relieve the Legal Matters Department of the Council for the Restoration of Rights of having to deal with such disputes, the council, in November 1945, set up the Real-Estate Department at the instigation of Statutory Order F-272. There are roughly 12,800 files on cases dealing with disputed real-estate ownership. At the beginning of 1959, all the disputes had been handled and the Department of Real Estate of the Council for the Restoration of Rights had been terminated.

One can conclude from the above that in the vast majority of cases, the original owners of real-estate properties did not recover their real rights during the transfer of assets. Therefore, no mention is made of real-estate properties in the majority of the accounts provided by the administrators to the Netherlands Property Administration Institute. From this we can deduce that, during the transfer of assets from the Netherlands Property Administration Institute to the guardians of war orphans, no real-estate properties were included. In the vacuum that ensued, it is a simple and very tempting matter of letting real-estate properties simply *disappear*. The ultimate disappearing act!

In the year 2000, Elma Verhey had received notary documents from the war orphan Siegfried (Shalom) Pront indicating that his guardian, Le-Ezrath Ha-Jeled, had sold four buildings (three in Amsterdam and one in Groningen) in 1953 that had been owned by his grandparents who had been murdered in Sobibor. Pront had a right to an eighth share of the proceeds. But in the final statement he received on March 14, 1956, on his twenty-first birthday, there was no mention of any proceeds accruing from the sale of any real

estate. One could therefore expect that the Verhey research team would publish this fact.

On July 3, 2004, Joop Bouma, journalist at *Trouw*, published three articles and interviews based on my research report *Be-Ezrath Ha-Jeled*, with the titles “All I Knew Was That My Parents Were Poor,” “Jewish War Orphans’ Money Vanished,” and “The Problem: The Evidence Had Been Destroyed.”

Before publishing the articles, Joop thoroughly investigated the matter and contacted all the relevant parties in this dispute. Telephone calls and e-mails followed.

On May 29, 2005, I received an e-mail from Elma Verhey:

Hello Philip,

Shalom told me this week about the houses and that one of them had been bought by Engelsman. I did not know that at the time, let alone that the houses had already been sold in 1953 and so should have been included in the final settlement of 1956 .... And I don’t think it was included in Joop Bouma’s articles in *Trouw*, either. But of course, I don’t know whether you mean this case. I would love to sit down and talk to you about it. Will you be in Holland any time soon?

Regards,  
Elma

Verhey had denied facts. “I did not know that at the time” she wrote me in above mentioned e-mail. But this point *was* dealt with extensively in Joop Bouma’s piece of 3, July 2004. Moreover, it is clear from her e-mail correspondence that she had had these

documents in her possession since 2000. On June 29, 2004 she wrote to the journalist:

Dear Joop Bouma,

That business that I had known about those houses that had been sold had been bothering me when suddenly I realized what you had meant! It's about the Pront brothers. Four years ago or thereabouts, I had indeed talked to Siegfried Pront, and I even seem to remember he came to visit me at home. In any case, I had several conversations with him on the phone, and I have the papers you are referring to.

But Verhey had not investigated this either. Or had she? Had Verhey actually investigated this and made the decision when the results were known (with or without pressure from JMW) not to include real-estate properties in *Picking Up the Tab*?

Journalist Bouma sent the final version of his article to Hans Vuijsje before publication, for commentary. On July 2, 2004, he received the following reaction:

I am also surprised by the fact, with regard to the anonymous complainants, you did not indicate that on the final settlement mention indeed had been made that there was still a part of the estate that had yet to be divided. It would be divided at the moment they came legally of age. There are two possibilities: it is either the family we had been referring to and then you have erroneously reported the facts, or it involved other persons and then I as a representative of JMW cannot defend myself against these kinds of accusations.

JMW again resorted to the principle: *first deny, and only then give it some thought*. The truth is something to worry about later: when denial is pointless and no longer an option.

Ever since the publication of the article in *Trouw*, it was publically known that it had to do with war orphan Siegfried (Shalom) Pront and his brother. Shalom is the founder and secretary of the Dutch Jewish War Orphans Foundation in Israel.

To reiterate: the guardian had to provide a final statement of the settlement to his or her ward when he or she had come of age. One can see the assets, expenditures, and income on Siegfried Pront's statements of assets and liabilities as drawn up by his guardian, Le-Ezrath Ha-Jeled. Furthermore, two deeds of sale were found with regard to buildings in Groningen (one house) and Amsterdam (three buildings). These properties had been owned by Siegfried Pront's grandparents who had been murdered in Sobibor. As both these sales contracts show, both Pront brothers were entitled to an eighth share each of the proceeds accruing from the sale. Apart from that, this sale was necessary because in the undivided estate (including the four properties), there were, among others, four underage heirs involved. Three of the minors were represented by their guardian institution, the fourth by his mother. Le-Ezrath Ha-Jeled acted as mandatory to two of the minors, Siegfried and Ingfried Pront.

As far as the *sale* of these four properties was concerned, the guardians had not acted improperly. After all, this undivided estate had to be divided. However, the proceeds did have to be visibly included on the war-orphan statements of assets and liabilities.

At the beginning of this century, Siegfried Pront sent me his statement of assets and liabilities and the sales contracts for the sale and purchase of the real estate for a critical examination. I was struck by the following:

The deeds of sale and purchase of the three properties in Amsterdam had been executed by notary Jakob van Hasselt in the Frascati aan de Nes in Amsterdam on January 19, 1953. Van Hasselt was a board member of the Amalgamated Jewish Institutions for Child Protection, known in short as the Merger from 1950–1963. He had been treasurer of the Merger from 1950–1953 and a member of its executive board from 1954–1959.

The three Amsterdam houses were sold as usual, put up for Dutch auction in Amsterdam to sell to the highest bidder. The highest bid for one of these properties was 3,700 guilders, made by real-estate agent J. Springveld. It was subsequently put on sale by bid-and-exit and purchased by the firm Simon Godschalk Engelsman Junior for the price of 5,200 guilders. Real-estate agent Engelsman claimed to have bought these premises for one B. F. Martini, who in turn accepted to purchase it for the sum of 5,200 guilders. In the short space of minutes, Engelsman—at the time, board member of the Jewish Custodian Organizations—had seen more than 40 percent profit.

But Engelsman denied this too. In his e-mail of November 2, 2005, he writes to Verhey:

This shall be my final response to all this. I think that Marianne van Geuns, in her quite unseemly reaction to Philip Staal's website, is mistaking me for someone else. I had an uncle called S. Engelsman, but he went by the name S. G. Engelsman. That is why

while he was still alive, I put the suffix Junior after my name. He was a real-estate agent.

I checked the deed of sale and purchase again. It quite clearly stated the name “Simon Godschalk Engelsman Junior,” the same person who at the time had been a board member of the custodian organizations referred to earlier.

The deeds of sale and purchase of the property in Groningen was executed by notary Felix Renaud Mari Theodore Gouverne in Café “Het Huis at A-Kerkhof” in Groningen on March 11, 1953.

There are *no* records of any proceeds from the sale of properties on Siegfried Pront’s statement of assets and liabilities. It does however say that he is partially entitled to the undivided estates in the custody of:

- notary J. van Hasselt,
- notary J. C. J. van Brummelen,
- notary W. C. Weier, and
- notary J. van Kemerén.

The deeds of sale and purchase of the properties in Amsterdam were executed by notary J. van Hasselt. It is indeed stated on Siegfried Pront’s settlement that this notary had his grandparents’ undivided estate under his management. However, this could not include the proceeds of the Amsterdam buildings. After all, by definition, real estate is always divided in the deeds of sale, among the heirs. Siegfried Pront and his brother were each entitled to one-eighth of the proceeds from the sale. The four properties were sold for a total value of 43,550 guilders.

The deeds of sale concerning the property in Groningen were executed by notary Gouverne. Naturally, the proceeds from this sale



were also divided into the deed of sale. This notary was not even mentioned in Siegfried Pront's final settlement. So the proceeds of the four houses cannot be considered to fall under the heading of "part of the heirs entitled to the estate." Siegfried Pront's statement of assets and liabilities was dated March 14, 1956, while the properties in Amsterdam and Groningen were sold in 1953.

How was it possible that on Pront's statement of assets and liabilities, drawn up by the custodian organizations, there was no mention of proceeds of the sale of these properties? The question is glaring: who acquired the share that had been intended for the Pront brothers?

It is possible and even highly likely that many war orphans had rights to a portion of the estates from the sale of real-estate properties, while these had not been included in the administrators' accounts. This can also be investigated by the Land Registry Office.

The Land Registry Office collects data about property subject to registration (including real estate), keeps them on public record and land-registry index-card files, and makes this information available to private individuals, companies, and other interested parties in society, for a fee. The land-registry office fee for a title search, better known in the Netherlands as an *extract from the mortgage register*, costs more than ten euro per fifteen minutes of search time. In the great majority of cases, real-estate properties were bought as cash investments. In that case, war orphans could not know whether real-estate properties exist or where they are located, to which they are entitled to a share in their inheritances. The entire land-registry office would have to be consulted, and that would be a huge and costly task.

As a point of fact, many postwar board and staff members of LEHJ worked at one of the financial departments of the Jewish Council during the Shoah, such as:

- the Auditing Department
- Aid to the Departing Department
- *Lijnbaansgracht* Department—literally, *line canal path*, with the job description: Registration of personal and financial details of those summoned for employment (read: *deportation*) and all administrative matter accruing to these details
- Camp Westerbork

And so forth and so on. These staff members knew or could have known where the assets of the deported Jews were. Right to this very day, there are only a handful of people who can provide any information about this. These people have continued to refuse to speak to me about this. They no doubt have good reason.

There are more cases resembling this one and plenty of documents available in the possession of war orphans that could be critically reviewed. However, a conscious choice has been made not to do so. What I have feared has unfortunately come true. The argument that the financial records of Jewish custodian organizations were destroyed (according to Verhey and Vuijsje) has been misused to sweep a great deal under the carpet.

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I made arrangements to exchange views with Elma Verhey. We agreed to meet on August 17, 2005. I called Elma, saying that Henneke and I were in the Netherlands and if it was all right to bring her along, I'd like to.

"Yes, that's fine," she said, "come to my house. I have good coffee, and then you can have a look at my personal archives." And then she gave me her address.

At the time, Elma lived in a magnificent historical building with a sad history, right in the heart of the former Jewish Quarter. After the war, apartments had been made out of the premises that had once housed the Dutch Israelite Girls' Orphanages. At the turn of the twenty-first century, at the collective initiative of its tenants and the Association of the Friends of Amsterdam Memorial Stone Tablets, a decision was made to have the place renovated. The stone tablets with Hebrew texts on the ridge pieces that had disappeared after the war were put back and unveiled in 2003 by Amsterdam's alderman of culture.

I rang the doorbell, and the door opened electronically. A shiver ran through my body upon entry. We stood in a large hallway where, in one corner, there was an old-fashioned baby carriage. An image flashed through my mind of all the little orphan girls who had enjoyed playing games while living here and being well looked after before being forcibly evicted by the Dutch police amid crying and screaming. The children and their caregivers were all murdered. Maybe it was because we knew our history, but everything in the building reminded us of that awful day of February 10, 1943.

"How could families with children even live here?" said Henneke. "This hall, this building, these walls are howling with grief."

She had a modern, well-furnished apartment. We sat down on the couch near the window, and Elma took a chair, which she set down in front of us. After some small talk, I said to her: "I had expected to see you at the court hearings my brother and I had instituted against JMW, to keep the merger from happening. Weren't you interested in what the judge had to say on the subject?"

"I knew nothing about it."

"Oh," I sighed with surprise, "was that the reason you weren't there?"

"Yes."

“But how is it that you mention this court hearing in the concluding observations in your book? What I did not find in your book were the houses owned by the Pront family that I told you about earlier. Nor could I find anything about the financial records you found.” I continued without waiting for a reply. “Elma, I have the contract that you and Micheels signed with the JMW on February 14, 2001. It states that JMW made records available to you for your research from the archives of the former custodian organizations who had merged in 1950 into the Amalgamated Jewish Institutions for Child Protection. But one of the conditions JMW requires is that the researchers may use things for publication only after obtaining written permission from JMW. You worked for more than four years on your book, and the subject matter was far from easy. You have studied many documents. You know a lot more than you used in *Picking Up the Tab*. I read somewhere that writing and publishing a book is like bringing a baby into the world. Were you given the choice either to have an abortion or bear a child that was not perfectly healthy? And did you choose to publish a defective book?”

Elma did not answer; she walked into the kitchen, lit a cigarette, looked at her cell phone, and asked: “Would you like some coffee?”

Once the contents of *Picking Up the Tab* had been made public, the JMW Supervisory Board and its director, Hans Vuijsje, prepared and worked out an elaborate communications plan, which included the publication of “A Good Reputation,” referred to earlier, extensive media campaigns, communication with Jewish special-interest groups, and working visits throughout the Netherlands and Israel.

This media campaign along with legal expenses in Staal vs. SJMW/JMW had cost a fortune. In actual fact, these costs were paid for by the war orphans. In any case, there were still funds running into the millions to help the financially ailing JMW get back on its feet.



## **Plea for Scientific Research**

From 1999 to 2004, the Dutch Jewish community received a total amount of more than eighty million euro for collective purposes. This amount was set aside for such projects as research, medical care, services, commemoration, etc., on behalf of the survivors of the Shoah and their next of kin.

One could therefore say that there was more than enough money available to conduct research into the asset management of underage Jewish war orphans. The costs for research in order to answer my remaining questions were estimated by experts to amount to some 130,000 euro—approx. 0.16 percent of the total amount available.

World War II assets intended for collective purposes were distributed in the Netherlands by the Foundation for Collective MAROR Monies-Netherlands (COM). The COM was founded on November 24, 2000 by the CJO.

On the other hand, the portion of collective funds intended for Israel was distributed by the Foundation for Collective MAROR monies, Israel (SCMI). However, SCMI was founded on October 18, 2001, at the commercial register kept by the *Amsterdam* Chamber of Commerce and Industry. An extract from the commercial trade register showed who the founders were: Abraham Roet, Barend

Elburg, and Baruch Bar-Tel, chairman, secretary, treasurer, respectively, of Platform Israel (SPI). SCMI had its offices at 43 Michelangelostraat in Amsterdam.

Oddly enough, the chairman of Platform Israel left the distribution of monies intended for collective purposes *in Israel* to a Dutch foundation. It would seem obvious to have set up a foundation in Israel to pay out monies intended for that country, wouldn't it? A foundation to which the same laws applied as those organizations receiving funds? But no, SCMI is a Dutch foundation, domiciled in the residence of its chairman, Abraham Roet.

The Netherlands has associations and foundations. An association has members and its board gives an account to the members during its annual general-membership meeting. Each year, the board requests its members to approve the financial annual report.

A foundation has no members; its annual report is approved by the board. A Dutch foundation is not required to publish its annual report or lodge it with the chamber of commerce and industry.

However, an Israeli foundation *is* required to lodge its annual report with Rasham Ha'Amoetot (Register of Foundations in Israel). This organization audits the annual report and makes binding recommendations and remarks. An Israeli foundation is publically accountable.

Could it be possible that the difference between Dutch and Israeli foundations was the reason why Abraham Roet opted to register the SCMI in the Netherlands?

It goes without saying that one of the first requirements of sound administration is that any foundation that grants or denies payments ought to be made up of independent persons. That was not how the SCMI was set up. Their board members also had seats on the boards of organizations *applying* for SCMI subsidies. In

other words, the board members of those organizations, with vested interests, determined among themselves which projects would be awarded grants.

At the beginning of 2005, Abraham Roet's son Yoav was admitted to the SCMI board. Yoav is a *sabra*, a Jew who was born in Israel. The sabra is a tenacious, thorny, desert plant, with a thick skin that conceals a sweet, softer interior. There was one slight problem: Yoav was unfamiliar with the Dutch language and did not understand a word of what went on at his first meeting. No problem, Papa Roet would take care that: from now on, SCMI's working language would be Hebrew. It was decided that those Dutch board members unfamiliar with Hebrew had to learn it or resign from the board. Which is not very logical—a Dutch foundation that has to use Hebrew as its working language because one of its twenty board members does not speak Dutch? It shouldn't be that difficult a task to find a person with a command of the Dutch language. Besides, no one had taken into account the registrar of the Amsterdam Chamber of Commerce and Industry. Or had they? I must assume he had not mastered the Hebrew language and was therefore unable to read the minutes or other SCMI documents.

Even though the SCMI was set up in the summer of 2001 and by 2002 had received the sum of five million euro, the foundation that would distribute money for collective purposes to Israel met for the first time no earlier than March 2003. At this meeting, Abraham Roet was still chairman. It was not until June 2003 that Abraham Roet was succeeded as chairman by H       (Ilana) Braaf-Snir. Ilana would only fulfill this office for a year and a half. At this writing, the SCMI is still registered at the same address in Amsterdam.

Better late than never, the SCMI must have thought, because it wasn't until its meeting of April 15, 2004, that an accountant was appointed for the fiscal year 2003. Why not also for 2001 and 2002?

The first SCMI annual report was only published in September 2004 and dealt with the years 2001, 2002, and 2003.

Berthie Nachbahr-Cohen and myself, as chairman and vice chairman of AJALAH and cofounders of Platform Israel, represented AJALAH, Hebrew acronym for the Assistance and Legal Advice to Dutch Shoah Survivors in Israel, in the umbrella organization Platform Israel (SPI). In a letter dated August 1, 2000, we informed Platform Israel that we were withdrawing from the board. Our decision was based on a succession of events. The most important reason, which we provided in writing, was that the “interests of the first-generation victims of persecution, which is what it is all about, are no longer given first priority.” The AJALAH board would have to decide whether or not, and with which persons, it would still be represented in the Platform Israel board. Until this decision could be taken, Berthie and I were willing to remain on the Platform Israel board.

It took until May 2001 before AJALAH decided to cancel its membership in Platform Israel. This decision was taken at its general-membership meeting of May 9, 2001. At this meeting, the Platform Israel board approved of its annual financial statement up to and including December 31, 2000. The AJALAH were the only representatives who voted against approval and consequently resigned from Platform Israel. AJALAH gave the following five reasons for resigning:

1. Even though it is required by Israeli law, Platform Israel has no control board.
2. Platform Israel has not provided a financial statement from the period of its founding at the end of 1998 until June 17, 2000, the date of registration in the Israeli foundation register.



3. Platform Israel's balance as of December 31, 2000, shows a large deficit.
4. Platform Israel does not have an approved budget. Even though their articles of association state that a maximum of 5 percent of current income may be spent in the event there is not an approved budget, the expenditures were greater than the income.
5. The goal of Platform Israel has been reached: representatives of the Dutch community in Israel have taken part in the negotiations. This led to a realistic portion of MAROR monies being allocated to Israel. As far as AJALAH is concerned, Platform Israel may be liquidated. The continued existence of Platform Israel would only mean unnecessary costs for the Dutch community in Israel.

Representatives of Platform Israel at those negotiations—that is, Abraham Roet and I—had advanced a portion of the so-called recruitment costs, because at the time, Platform Israel did not have enough liquid funds. A great deal of the costs incurred involved having to be present in the Netherlands. It was therefore only logical that the advanced amounts would be reimbursed once the World War II assets had been transferred back to the Jewish community. In July 2000, this principle was officially agreed upon at a Platform Israel meeting.

Was it a coincidence or a sanction? Anyway, AJALAH left the umbrella organization in May 2001, and a couple of months later, Platform Israel decided to reimburse costs incurred and advanced by its board members only, as of June 1, 1999. The recruitment costs incurred from September 1998 until June 1999 were not paid back.

In this connection it is interesting to note that the Platform Israel chairman, Abraham Roet, received on July 9, 2000, the full

amount of costs declared in the year 2000. He therefore suffered no financial losses owing to this new stipulation.

After a great deal of correspondence, I received in September 2002 around 60 percent of my outstanding bill. I wrote off the approximately six thousand euro remaining costs I had incurred under the heading “Platform Israel: Defaulter.”

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Platform Israel thought it normal that its own chairman was also chairman of SCMI and likewise promoted the interests of the MAROR board.

As a member of the MAROR board, Abraham Roet oversaw SCMI; as chairman of SCMI, he oversaw SPI; and as chairman of SPI, he was responsible for the appointment of SCMI board members.

SPI also submitted grant applications to SCMI. And at the time, Abraham Roet was also chairman of the Israel Institute for Research of Lost Dutch Jewish Assets during the Holocaust and of the foundation Research into the History of Dutch Jews.

All Dutch organizations in Israel were eligible for subsidies to be distributed by SCMI. Furthermore, Abraham ensured that the following was included in the SCMI statutes:

- The maximum number of independent board members is 30 percent.
- SCMI is required to reimburse costs incurred or to be incurred by Platform Israel.

So we have come full circle!

Board members of those organizations having a vested interest would determine which projects would be awarded grants!

There were seven applications up for review on the agenda for the normal SCMI meeting of June 10, 2004. Four of the projects under consideration for a grant were submitted by organizations of which Abraham Roet was chairman. Of the five projects that made it to a final vote only two were approved. These two applications were approved of by 90 percent of the votes cast and were submitted by the Foundation for the Research of Dutch Jewry, which Abraham Roet chaired.

The last applications to be dealt with were those submitted by Platform Israel. The representative of the organization applying, Abraham Roet, sat waiting in the hall to explain the projects in more detail. Earlier that evening, he had achieved success with his performance, his two other submissions. But things with Platform Israel were to take a different course.

Before Abraham was called in and the content of the discussion began, an independent board member, Uri Kupferschmidt, professor at the University of Haifa, asked to have the floor: "We cannot process the applications submitted by Platform Israel. Those applications were dealt with earlier at this table, were not approved, and now they are back. We cannot process applications of a body that has appointed us. In my view, it is a matter of principle."

Ies Tropp, with whom I had lived in the Amsterdam Jewish Boys' Orphanage, reacted by saying the following, "In connection with this issue, we submitted an application last year to have our articles of association altered. However, our legal counsel in the Netherlands opposed this. His advice was that projects submitted by Platform Israel cannot be processed by SCMI."

Ilana added, "This legal matter is not closed. I propose we get legal counsel from an attorney in the Netherlands. If it turns out that

we are able to process these applications, then we will be willing to again discuss the matter of principle that Uri has raised. And if not, then the matter will be stricken from the agenda.”

“It is a disgrace that we have come to a situation in which people are invited to attend and that once they are here are sent away again. I propose we take a short recess,” said Gidi Peiper.

Miriam Dubi, the former chairman of Irgoen Olei Holland, the Association of Dutch Jews in Israel, got involved in the discussion. “Who will the attorney be who will monitor all of this? It has already been arranged behind our backs as to whether or not there is a quorum. I have already had a meeting this week with the MAROR people who are here for a visit. If there had been a board of seven independent members, then applications submitted by Platform Israel could have been processed.”

The chairman took the floor. “It is clear that we are not going to come to a decision in the next few minutes, and that is why we ought to apologize to Abraham and inform him that the Platform projects will not be discussed this evening.”

Gidi took it upon himself to inform Abraham. But at that very moment, and unasked, Abraham entered the room, demanding he be allowed to speak. Was this a coincidence as well, or had it been prearranged? In any case, Uri was the only one vehemently opposed to this clear conflict of interest. But Abraham just kept on talking, and there was no one who called him to order. It was too much for Uri, he got to his feet and called out furiously while heading for the door, “I’ve had it up to here with this crap! I’m sick to death of it. That’s the last straw; I quit,” leaving the room together with Mirjam. The rest of the board stayed put in stunned silence.

Abraham broke the silence and said, “I am sorry that we have come to this situation. For your information, ours is the same as the CJO situation, which appointed the COM.”

That was yet another one of Abraham's unfounded accusations. After all, the COM, the foundation that distributed the MAROR monies for collective purposes in the Netherlands, had indeed been set up by CJO, but its board was made up of seven independent members.

That same evening, Dr. Uri Kupferschmidt tendered his letter of resignation:

To: The Chairman of the SCMI  
The Chairman and Members of Platform Israel  
The Chairman and Members of MAROR  
The Embassy of the Kingdom of the Netherlands  
To Whom It May Concern:

After thorough consideration, I have decided to tender my irrevocable resignation as member of SCMI. This decision is based on the accumulative effect of displeasure experienced over the past few months.

The immediate reason is the behavior of Abraham Roet this evening and the Platform Israel applications that were on this evening's agenda. In my opinion, they ought to have been unambiguously rejected before having reached the current round of hearings. That would have spared both us and Abraham Roet from the direct confrontation that took place this evening. My position in the matter had been known by the chairman and many of those in attendance for quite some time. At any rate, some of the reactions of those at our conference table indicate just how great their dependence on Abraham Roet is. As you are

aware, I was sought and appointed as an independent member of the board.

The various statutes, as formulated at the time, in my opinion, exhibit fundamental flaws—through ill-considered legal decisions or compromises that had been pushed through. In terms of a separation of powers, of checks and balances, in my view, it is unacceptable that this same Platform Israel, who holds a ballot on SCMI members and who proposes and appoints them, thus acting as an umbrella organization, at the same submits applications for its own projects. Even if they were to be referred to as “activities”—I refer you to our unfortunate earlier decision with regard to the Claims Conference applications. Legal counsel is not necessary for every difference of opinion; lawyers may try to argue that what is right is wrong all they want, but in so doing do not satisfy my basic sense of justice ....

Dr. Uri M. Kupferschmidt

Not a month later, Bernd Struch resigned as chairman of the SCMI financial committee. His resignation was based on his disenchantment with the financial policy and flow of money between Platform Israel and SCMI. In accordance with SCMI articles of association, it was obliged to reimburse costs incurred by Platform Israel:

Ilana shalom,

During the past few weeks, I wrote several letters concerning the financial dealings between SCMI and SPI, and yesterday we discussed the subject of

improper financial behavior. During today's meeting, I again explained what is wrong. Many of the board members agreed. Much to my astonishment, the board approved the continuation of the procedures. The conclusion is that my financial background and recommendations are either wrong or don't suit SCMI. In both cases, it is a waste of time for the board and for myself, and I therefore resign my function as Chairman of the Finance Committee of SCMI.

My decision is final.

Bernd Struch

The day after Struch resigned, Shalom Pront also handed in his letter of resignation to the SCMI chairman.

To Ilana and all SCMI Members,

A well-managed organization first has to prove itself trustworthy before any trust can be placed in it by other organizations. An organization that seems to be unwilling, during several month of incitements, to fully expose its financial dealings by providing simple documentation, and instead is spreading opinion-forming excuse stories, does not, in my opinion, deserve any trust from public funds managers. Moreover, in face of the decision of the board tonight to entrust our partners with an additional NIS 180,000, I have no options left but to announce my resignation as well.

Shalom Pront

But Pront changed his mind, for personal reasons, and stayed on as board member, despite his observations, reproaches, and

displeasure at the manner in which financial affairs were being conducted.

In that regard, it is interesting to note that already in the year 2003, an amount of more than four million euros, intended for COM and SCMI has “vanished.” This amount, at least not visibly, is not in the annual reports of the foundation in question.

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At the “Still Going Strong—Jewish War Children’s Congress,” held in Amsterdam in August 2005, Elma Verhey, Hans Vuijsje, and I gave lectures on the financial aspects of war orphans.

After my lecture, some 480 war orphans, from all over the world, solicited information via my website from the Jewish Social Work (JMW) concerning the management of their assets by their former guardians. Subsequent to JMW letting it be known at the end of August 2005 that it saw no reason for payments to be made to war orphans and made clear that individual claims would be examined by them, we started a petition aimed at getting JMW to change its position.

The “youngsters” among those who survived the Shoah were the war orphans. They had all now reached retirement age, had children themselves, grandchildren, and even great-grandchildren. The defenseless child back then now had a family again and had taken his or her place in society. These “youngsters” demanded that scholarly research be conducted.

There were two organizations set up in Israel to promote the interests of war orphans born in the Netherlands. In the Netherlands, there was the Association for the Promotion of Interests of Victims of Persecution.



As part of the JMW communication plan, its delegation, made up of Harry van den Bergh, Gerard Sanders, and Hans Vuijsje, paid a working visit to Israel at the beginning of June 2005 to confer with several interest groups. This delegation spoke with representatives of the war orphans on June 1 and 2.

On June 2, our organization was invited to talks in the Irgoen Olei Holland (IOH) building in Tel Aviv. It was more of the same. JMW's position turned out not to have changed, but they had cleaned up their presentation. If you listen well, however—and I am good at listening well—the contents remained the same. I was not at all pleased about it.

At a certain point, I couldn't take it anymore and said to Harry, "I don't understand your problem. JMW, the legal successor to the former custodian organizations, is not to blame. But the way you as an organization have been acting these past few years has made JMW an accessory to the expropriation of a part of our inheritance."

Harry got angry and shouted, "Take that back! The injustice done to you was done by the Nazis. Take it back, otherwise—"

"Otherwise, what, Mr. van den Bergh?" Marcel interrupted. "Is that a threat? But beware: if you mess with my brother, you mess with me."

To be honest, it did me a world of good and reminded me of when I was a boy. My older brother was once again sticking up for me. But the situation had made me angry. It is characteristic of the present-day regents. JMW governors allow themselves to treat us the same way their predecessors used to: telling half-truths, resorting to intimidation, ignoring us, and ordering us around.

"I know, Harry, that it was the Nazis who murdered our family. I'm not that stupid, although Le-Ezrath Ha-Jeled never gave my brother and me the chance to learn anything outside *Yiddishkeit*! Your predecessors never talked about the Shoah. The war orphans

had to find out for themselves what had happened to our families. We have learned how to live with it, without any help from your predecessors. It is mean, denigrating, and insulting to reproach us for saying that our being war orphans is your fault. It is mean, because you are trying to put the ‘monkey’ that is justifiably on your shoulder, onto ours. The Yiddishkeit that is still within me is something you have apparently lost. Maybe it’s because I live in Israel and you are Diaspora Jews, living in the *Galut*.

“Harry, you know damned well we, the war orphans, are talking about postwar restoration of rights. It’s all about money that is still unjustly in the hands of Dutch organizations. Financial institutions in the last decade of the previous century were subject to thorough investigation. The *Jewish* organizations knowingly were able to keep the investigators at bay with the argument ‘we are not financial institutions.’ It’s high time your organization’s finances be scientifically investigated, Harry. You will stop at nothing, by hook or by crook, to sabotage any form of investigation.”

“And you should take that back too,” said Harry in an angry tone of voice, getting to his feet to lend force to his words. “We have been doing everything in our power to assure that scientific research is being done.”

“Please be seated, Mr. van den Bergh; why should I take this back? It is the truth as it was put by Abraham Roet and endorsed by your own director Hans Vuijsje,” I calmly react. “That is, these two persons feel that both CJO and Platform Israel regard this latest form of restoration of legal rights—the struggle between Jew and non-Jew and dissension amongst our own ranks—[something that] should be avoided. This makes it clear why, at the time, CJO did not call for the Van Kemenade Commission to review the Jewish war-orphan affair. For that matter, I was vice chairman of Platform Israel at the

time. I checked the minutes of the meeting not that long ago. This item, as Roet has stated, was not dealt with at any SPI meeting.”

Harry asked in a surprise tone of voice, “How do you know all this, Philip?”

“You can read all about in Elma Verhey’s latest book, *Picking Up the Tab*.”

I then turned to Hans Vuijsje and said, “Hans, at the time, you were a consultant to CJO. You therefore undoubtedly know that the treatment and management of the assets of the Jewish war orphans would have been an appropriate task for the Van Kemenade Commission to have dealt with, which they assigned to the Scholten Commission. Could you please give me an answer to the following questions: What did Abraham mean by: ‘dissension within our own ranks?’ The purpose of the Scholten Commission was scholarly research aimed at finding the truth, wasn’t it? Do you mean the fight of the Jewish war orphans against the custodian organizations for the restitution of their assets that are still unjustly in their possession? But this fight can only come into being once scholarly research has indicated that the war-orphan assets were not properly managed! Do you already have a sneaking suspicion what the results of a scholarly investigation would be? And might that be the reason why no pressure was brought to bear on the Van Kemenade Commission to examine that part of the restoration of rights?”

A long, painful silence ensued, after which Harry said, “Gentleman, unfortunately, we have other duties elsewhere; this conversation is at an end.”

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Harry van den Bergh’s letter of August 29, 2005, sent to the chairmen of the war-orphan organizations, left nothing to doubt. In

addition to his consultations in Israel, this letter expressed his views. In short, it boiled down to JMW, who had taken care of the multi-million-guilder funds of the custodian organizations, would be the one to investigate claims, decide whether they were reasonable, and determine the amount to be reimbursed. This letter gave the war orphans little hope of having their claims processed in an honest, independent manner. In a country with the rule of law, the robbers, the judges, and the executioners are all different bodies. Aren't they?

We also disagreed with what was meant by *independent research*. In my opinion, this investigation could not be called independent. After all, JMW determined the terms of reference; JMW compiled the supervisory committee and appointed the researcher(s); JMW commissioned the investigation; and JMW financed it. Only after everything had been worked out in advance and was all cut and dried, was their proposal put to the delegation representing the war orphans. But, as Harry wrote, to avoid any possible misunderstanding "on the grounds of the consultations that have taken place, JMW shall proceed to take the decision to commission the investigation."

JMW pays the piper.

JMW calls the song.

Together with Elma Verhey, I was able, against all expectations, to convince the one Dutch and two Israeli interest groups to cooperate in working together on this matter. In order to be better able to promote the war-orphan interests, on October 20, 2005, it was decided to set up the umbrella organization Restoration of Rights Alliance of Jewish War Orphans (SRJO). Its board was chosen a month later. Via Internet, more than 90 percent of the Dutch war orphans still alive—and spread out over the entire world—had registered with the SRJO and received our newsletter.

SRJO's response to Harry's letter was the following:

A couple of days ago on October 20, 2005, the SRJO was founded in which the two Israeli and one Dutch interest group have come together to form a united front with regard to the “orphan monies.” Elma Verhey and Philip Staal are also part of this umbrella organization. Our goal is to have independent research carried out at the earliest possible opportunity that is not at the behest of either JMW or SRJO. We view the latter to be undesirable with a view to fostering a possible conflict of interest.

Unfortunately, Elma Verhey’s *Picking Up the Tab* did not provide a comprehensive picture, and moreover, it had not been approved of by JMW. Even more than that, JMW had completely disassociated itself from it. That was the reason SRJO’s primary aim was to have independent research carried out concerning restoration of the rights of Jewish war orphans who had survived World War II in the Netherlands. Furthermore, it also dealt primarily with those war orphans who had been in the care of one of the postwar Jewish custodian organizations.

The following persons were approached by SRJO, who declared themselves to be willing to sit on the investigative committee:

- Professor Dr. Eric J. Fischer, former managing director of the Dutch Association of Insurers and university lecturer for more than fifteen years on business history at several Dutch universities,
- Professor Dr. Arnold Heertje, Emeritus Professor of the History of Economy, and
- Professor Dr. Johan C.H. Blom, at the time director of the Netherland Institute for War Documentation (NIOD).

After consultation with this committee on December 29, 2005, SRJO submitted an application to SCMI for a research grant. The commission estimated the necessary budget to be approximately 130,000 euro (169,000 USD). The application was accompanied by a few letters of recommendation by prominent individuals in the Jewish community, including Rabbi Rodrigues Pereira and Dr. Manfred Gerstenfeld.

Gerstenfeld—board member and former chairman of the Jerusalem Center for Public Affairs (2000–2012)—writes in his letter of recommendation:

To SCMI: Re: Application of SRJO

Publications in recent years have brought many new facts to the light concerning the issue of the treatment of the Jewish orphans who survived the war.

The facts that have been made public raise many questions as to how the relevant Jewish organizations have dealt with this matter in the postwar years. This creates a moral debt the Jewish community owes to these survivors.

This in itself provides sufficient justification for a profound investigation of what today still can be clarified in this matter. The involvement of Profs. Heertje, Fischer, and Blom gives the proposed project substantial weight.

There is one other additional aspect. The Jewish community rightly has asked the Dutch government and Dutch organizations to investigate restoration matters and make payments on the basis of moral grounds, even if, due to the many years elapsed, there was no legal obligation. I think this should be an

example for the Jewish organizations in the case of the Jewish war orphans.

I thus strongly recommend support for this project.

Dr. Manfred Gerstenfeld

Rabbi Rodrigues Pereira, in Israel, writes in his letter of recommendation to SCMI:

Dear Board,

As a child who had gone into hiding during World War II, I had the inexpressible privilege of being reunited with my parents, brother, and sister after two and a half years.

It goes without saying that I am greatly sympathetic toward the lot of all those war orphans who had to face the future without any close family.

Unfortunately, it has turned out these past few years that question marks need to be placed behind the manner in which these children had been looked after. Nor is there clarity concerning the settlement of their finances.

It is to be commended that SRJO has taken it upon itself to try to have independent research undertaken. For the “war orphans,” all of whom are now past the age of sixty, it is of paramount importance for their psychological well-being that a full and honest account of affairs can be reached.

A great deal of money is needed to conduct such research, and I, with all my heart, appeal to your

committee to grant the money applied for from the MAROR monies that have been allocated to Israel.

In hopes of a positive decision,

I remain, yours sincerely,

H. Rodrigues Pereira

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JMW let us know by letter that they wanted scholarly research to be conducted concerning Jewish war orphans. Since SRJO also had the same aim and I thought that only a research assignment endorsed by both parties would be able to resolve differences of opinion, SRJO sent a letter to JMW on November 14, 2005, with the following proposal:

In order to achieve such an investigation, we first think it advisable to form a steering committee whose task it would be to explore the possibilities with both JMW and SRJO to formulate terms of reference that would be acceptable to both parties. And that this steering committee also be involved in all matters related to this research including the choice of which researchers be appointed.

We propose as members for the steering committee, such persons as Professor A. Heertje, Professor E. Fischer, and Professor J. Blom. We would greatly appreciate it if you would make suggestions from your end about which persons could or would like to take part in this research committee.



But instead of working together in a serious attempt to solve this conflict, JMW began a media offensive.

Advertisements were placed and interviews given. Harry van den Bergh, chairman of the JMW Supervisory Board and chairman of the JMW Alliance, in the December 16, 2005, issue of the *New Israelite Weekly*, gave a “full disclosure” of the state of affairs. He spoke with journalist Daphne Meijer.

Daphne [NIW] asks: The three interest groups regarding orphans in the Netherlands and Israel came together in the SRJO in October 2005. What has happened in the interim?

Harry van den Bergh [JMW]: Please allow me to recapitulate. Elma Verhey’s book was published in April, which caused a great deal of turmoil and from which we disassociated ourselves. Gerard Sanders, Hans Vuijsje, and myself went to Israel in June to talk with the war orphans. We had made it abundantly clear at the time that we did not intend to make any payment to a collective claim by all the orphans. We did, however, state that individual claims concerning Le-Ezrath could be reviewed. If these claims were found to valid, they would be honored.

In addition to this, we said that a new, independent investigation would be undertaken. JMW has instituted a project group to prepare the new research and individual claims.

We invited both organizations for new talks in the Netherlands in September, but our invitation was refused.

I asked them in October if they would reconsider. To this, they answered that in the meantime they had formed an alliance and that we would have to come to Israel to speak to the completely new board. I thought, *Should I be difficult about this?* That is why we decided to go to Israel, probably in the second half of next January.

Harry had “forgotten” to mention that his invitation, right after the founding of SRJO at the end of October 2005, *had* been accepted by Tswi Herschel, Shalom Pront, and Flory Neter, the chairmen of the three interest groups.

Daphne [NIW]: What were the proposals?

Harry van den Bergh [JMW]: JMW had assembled a team that would review individual claims. If someone were unsatisfied with the result, he could make an appeal to an appeals committee; that still needs to be set up. Furthermore, we were preparing large-scale, scientific, historical research. We are currently engaged in talks with those who will probably carry that out.

Daphne [NIW]: Have you already received a reaction to your proposal for independent research?

Harry van den Bergh [JMW]: Not yet. We are going to Israel to discuss it. We have made a first-draft proposal with research questions. We want to them to respond to it, so we can reach agreement, as well as [for] the people who would be conducting the research.

Of course we had not responded to your proposal yet, Harry. After all, we had not received it yet.

Harry continued:

Our idea is to have the research be done by a historian and someone with a background in accountancy—and have it scientifically monitored by experts. Finding them is quite difficult. Not everyone wants to lay his reputation on the line by putting himself in this precarious situation. I myself have experienced this; as in the way I have been attacked for things that occurred in the past for which you bear no responsibility—the anger and grief that the orphans are projecting on the present-day JMW. The researchers read the newspapers too; they follow the discussions. I can understand their hesitation.

Daphne [NIW]: But that anger is justified, isn't it? Mistakes were made in the past, weren't they?

Harry [JMW]: Those so-called *mistakes* will be examined. One of the research questions will have to do with policy matters of the postwar custodian organizations. For that matter, I still contend that the governors at the time acted impartially.

Harry does not need any research, he already knew that “nothing had gone wrong”!

It reminded me yet again of the postwar restoration of rights. The board of the Amsterdam Stock Exchange Association, especially its chairman, Carel Frederik Overhoff, and its undisputed leader, had constantly taken the position that there was nothing principally wrong with selling LIRO assets during occupation. But the

government research conducted at the end of the twentieth century found differently.

Daphne [NIW]: And the responsibility for the position recently taken by JMW? You know the stories yourself: Hanna Gutmann who wrote a letter to Hans Vuijsje in 2000, requesting information about her JOKOS file, to which she never received a reply. Philip Staal, who had to go to the utmost difficulty to be allowed to see his own file, and when he was finally allowed to do so after a protracted period of stalling, was given a hard time by a social worker who said she really had to be present when he did so. It is not the case with everyone, but some orphans do not at all feel they are being taken seriously by JMW.

Harry [JMW]: I've noticed that people in Israel feel that way. We are busy dealing with that. Everything is being taken very seriously indeed. Everything is also being done to assure the orphan organizations that we are taking this seriously, but it is difficult. We have received 110 individual requests for cases to be reviewed, by war orphans who consider they were wards of Le-Ezrath, with all the accompanying stories about their parent's possessions and what they had lost because of the war, and expect JMW to compensate them for it. Sixty percent of these people, initial reports indicate, had not been Le-Ezrath dependents. These are heartrending things JMW cannot do anything about. Injustice was perpetrated by the Nazis. Everything subsequently undertaken by the custodian organizations was marginal, out of sheer

necessity. They tried to alleviate matters, but they could not make amends for that which could not be made right. That is what makes the whole situation so painful, for me as well. I was mentally exhausted after two days of talks in Israel. I can take quite a lot, but that aggression ...

Daphne [NIW]: As chairman of JMW, listening to complaints is part of your job, isn't it?

Harry [JMW]: Yes, I can appreciate that emotions can run high, but I don't consider that a decent way to treat one another. There are justifiable limits to our capacity for resilience.

Daphne [NIW]: So why are the orphans in Israel so much more angry—since you hardly hear a word from those living in the Netherlands?

Harry van den Bergh [JMW]: You cannot come up with an explanation that applies to the entire group. A number of orphans are quite dissatisfied with their material situation. Life in Israel is simply much harder. Orphans living there have had a much harder time of it. They have had to work incredibly hard, much harder than us here. And they have had to process all the pain and grief of being an orphan. All that hard work in a situation with the continual threat of a war, has no doubt hurt them more, made them more sensitive to the pain. But maybe this is just some armchair psychology of mine.

Daphne [NIW]: What would happen if an ex-ward of Le-Ezrath submits an individual claim to JMW that research indicates is valid? What happens next?

Harry [JMW]: We're not even saying the person involved had to substantiate his claim. We would do that ourselves, at our expense.

Harry's last remark also reminded me of the postwar restoration of rights. The original Jewish owners could recover their securities by pressing charges against the postwar owner. Evidence, however, could only be obtained if the Amsterdam Stock Exchange Association provided it. Its chairman was of the opinion that nothing was wrong and refused to hand over the information to the original owners. In turn, in most cases the original owners did not have any evidence with which to substantiate their claims.

The Amsterdam Stock Exchange Association both researched and assessed whether or not the postwar owner could retain his or her securities.

JMW was not very original in this regard. JMW wanted to cover up the truth and add the custodian organization assets, totaling in the millions, to its own.

Daphne [NIW]: An independent investigation, with an independent supervisory committee of experts, is now in the offing. Will we now be getting to the bottom of all this?

Harry [JMW]: We are putting ourselves in a vulnerable position, because we don't know what the investigation will reveal. Things could go wrong; things could turn up that had been wrong. If that is the case, we will do what is within our means to rectify the situation.

Daphne [NIW]: So JMW has moved towards the orphans' position?

Harry [JMW]: I don't think so, because we have been pleading for an independent investigation for the past six months. A great deal of precious time has been lost because of the position the orphans have taken. Research will take a year, if not a year and a half, and cost a great deal of money. Some people want the results in three months, but that is not realistic. I sometimes ask myself whether or not they have lost touch with how things actually work in the Netherlands. When I hear them talking I think: *You have no idea how complicated all this is!*

After reading this article, SRJO asked JMW to send the research proposal so we could discuss it with them when they came.

February 5, 2006, has been set, after an exchange of several e-mails between SRJO and JMW, to meet each other in Israel. The JMW delegation of Harry van den Bergh, Gerard Sanders, and Hans Vuijsje traveled afterward to Israel to meet with the entire SRJO board. Talks were held in The Seasons hotel in Netanya.

We only received their research proposal on January 27, 2006. We were not given much time to examine it. I sent the proposal to our board members for their comments and remarks.

Shalom Pront was the first to respond. "More time is needed to make complete changes in content and the order of things in this proposal. It is clear that all these activities cannot be completed in a week, and our counterproposal is to postpone the meeting with JMW at least three weeks, in a letter to be sent immediately. We don't see what the preparatory meeting on February second can achieve. We propose to have this postponed at least two weeks."

Shalom Pront, the man with a substantiated claim against JMW, proposed postponing the consultations for at least three weeks?

During an SRJO meeting, he had told me that he, together with his lawyer, were involved with discussions with JMW to reach a solution about “a private matter,” as he called it. I of course knew it was about his inheritance, his real-estate property. Pront had given me all the documents about the case and asked me for my opinion when he did not know which way to turn at one point. He also saw no reason why the planned SRJO meeting on February 2 should also take place. As far as Shalom Pront was concerned, SRJO meetings were totally superfluous anyway. He had not been present at the last two SRJO meetings, without any notice of absence.

Fortunately, the other SRJO members responded differently. The day following our meeting on February 3, 2006, JMW sent us a new draft of their research proposal, “Asset Management of Underage Jewish War Orphans by Jewish Custodian Organizations.” This new proposal was discussed by both parties (JMW and SRJO) on February 5, 2006. This proposal included the following:

The JMW board will commission the assignment to the researchers and supervisory committee and finance the research. A copy of the assignment will be sent to SRJO and placed on JMW’s website.

It was clear that JMW wanted to pull all the strings concerning the intended research program. They had paid for and commissioned it. Understandable. But we wanted a little bigger finger in the pie, which we were willing to pay for. However, during the meeting of February 5, JMW made it perfectly clear: “the commissioning of the research assignment and funding of the project is our business. This point is not open to any discussion.”

Even though we only had a day to examine the proposal, the draft proposal as a starting point was positively received by SRJO.



We agreed to jointly work out the details and sign an agreement on this document within two weeks.

Great strides were made on February 5, 2006, steps which brought a settlement/solution that much closer. Agreement had been reached that there be a mandatory, joint nomination of candidates for both the supervisory committee and the research team for the general research.

A joint JMW and SRJO press release read:

Discussions regarding the individual reviews that JMW is conducting at the request of a number of war orphans concerning the management of their assets by the Jewish custodian organizations, will be resumed at a later date.

In the two weeks that followed the initial meeting, three SRJO board members got down to brass tacks about JMW's research proposal. The most important thing to me was: *how do you ensure that the investigation be independent?* Everything else is a side issue. With this in mind, I pleaded that we accept that JMW commission and pay in total for the investigation under the following conditions:

- that a high level, jointly approved research committee be appointed: the commission recruits the researchers it deems they need, and
- the tasks with which the research committee is charged be subscribed to by both JMW and SRJO.

If the qualifications of the commission members were high, and their scientific and social reputation beyond reproach, and if no conflicts of interest could arise, then the chance would be extremely

small that either one of the parties would dare have any criticism of their work after the fact.

Our draft proposal was based on JMW's draft of February 3, 2006, and the subsequent ideas generated from our talks on February 5, 2006. With the exception of one member, all the other SRJO board members approved this proposal. Shalom Pront was the only board member who never responded to this proposal.

We had met all of JMW's demands with our proposal. All that remained was to reach agreement as to the appointment of persons to sit on the supervisory committee.

We sent our research proposal to JMW on February 19, 2006. In an accompanying letter, I wrote:

It is our view that any agreement between us ought to be based on principles. In order to restore mutual trust, we would greatly appreciate having these principles be drawn up in consultation with the research committee.

I was convinced that we would meet with an enthusiastic response by JMW, but the opposite occurred.





## **Importance of the Terms of Reference**

On February 19, 2006, the Restoration of Jewish War Orphan Rights Alliance (SRJO) sent its investigation proposal to JMW. With this, all conditions laid down by JMW had been met. The only point on which agreement had to be reached were our proposed constitution of the supervisory committee and that which ought to be investigated. After all, the terms of reference give direction to the implementation of the investigation.

A good answer can only come from a good question, but it is no guarantee. It is also important that the members of the investigative committee, as well as those conducting the research, have an undisputed scientific and social reputation. However, a good answer to a bad question does not exist.

We had no need of nor were we waiting for yet another new investigation to be conducted the conclusions of which are already known because of the terms of reference had been manipulated in advance.

During the evidentiary hearing of November 29, 2004, in the case Staal vs. JMW, it had once again been clearly evident how crucial the terms of reference to an investigation was.

In addition to my questions put to Hans Vuijsje, the JMW had commissioned Frits Hoek to conduct an investigation. The terms of reference read:

Is the asset statement of the administrator of the estates of Staal (Vos Report) in keeping with the state of receipts and expenditures per June 13, 1962, as drawn up by the S. A. Rudelsheim Foundation?

It is not difficult to answer the JMW's terms of reference. An investigation need not even be conducted. It is a rhetorical question. After all, the underlying documents of the financial reports were no longer in existence—according to JMW. It was therefore impossible for the asset statement of the administrator for the years 1946–1954 and the financial account of the guardian (June 1963) to be in line with one another. Nevertheless, the JMW still referred to the report by Frits Hoek in the media and during the legal proceedings to demonstrate this investigation led to the conclusion that the assets of the Staal brothers had been managed properly.

In his report, Frits Hoek provided the expected answer to the question posed by JMW:

On the basis of the information I received, I find it impossible for the asset statement of January 1, 1953, by the administrator of the financial account of the guardian to be in keeping with one another.

Both with regard to the asset statements of the administrator as well as the account provided by the guardian and on the basis of the documents with which I was provided, it is just as impossible to

ascertain whether or not the inheritances of Mr. and Mrs. I. Staal, or the net assets of Mr. Philip Staal, have been properly managed, and or whether the receipts were in full and the expenditures were fully accounted for.

Even though in its defense pleadings, JMW made no mention of the Hoek report, against all the rules, during the evidentiary hearing of the case *Staal vs. SJMW* on November 29, 2004, it was brought forward and heard. During this hearing JMW stated:

Mr. Hoek issued a written report to the JMW concerning his further enquiries into the management of the estates of the applicants' parents. The defense is willing to enter into evidence Mr. Hoek's written response on May 30, 2003. As opposed to how the applicants (the Staal Brothers) claim, both Mrs. Verhey and Mr. Hoek did indeed make a case study of management of assets of the applicants' parents. Furthermore, consideration was also given to the report *Be-Ezrath Ha-Jeled* ("Staal Report"). Neither Mrs. Verhey nor Mr. Hoek could find any indication of anything having gone wrong with the payment of the parents' assets to the applicants.

That is strange. To put it mildly indeed JMW twisted the facts during the evidentiary hearing. All Hoek did in his report of May 30, 2003, was provide an answer to their question.

In response to my own enquiries, Hoek wrote to me on July 24, 2003:

I therefore do not have an answer to your question as to whether your guardian managed your assets properly. I did not conduct any research into the management of assets by the Rudelsheim Foundation (your guardian) in general during the nineteen fifties and sixties, and certainly not in terms of your individual case.

This letter is part of the appendix of my investigation report *Be-Ezrath Ha-Jeled*. JMW also has a copy of this. In the spring of 2005, Hoek again wrote me that he had not conducted any research into asset management of war orphans. Furthermore, he informed me that he had not engaged in any case studies.

It should be clear to everyone that Frits Hoek, in his written report to JMW of May 30, 2003, would not have been able to give any reaction to my report *Be-Ezrath Ha-Jeled* of January 2004; the same holds true for Verhey: her report to JMW was dated October 22, 2002. Nonetheless, JMW asserts at the evidentiary hearing that Verhey and Hoek had undertaken a case study and consulted my report in the process.

The question JMW posed to Hoek was badly chosen on purpose, so a good answer could not be expected. Because of the terms of reference, Hoek did not deem it necessary to interview war orphans and did not conduct an investigation of existing archives; those directly involved had not been consulted in his investigation. And therefore, it cannot be said that serious scientific research had been undertaken. What we have here is piece of targeted political writing.

JMW also put forward during the evidentiary hearing of November 29, 2004:

The conclusions of JMW on the basis of investigations conducted [Verhey and Hoek] are clear:

1. No irregularities were ascertained concerning the asset management of the Rudelsheim Foundation.
2. Despite the fact that all investigations have concluded that the inheritances of the Staal Brothers has been correctly administered, the Staal Brothers persist in their claim they are entitled to receive 1.5 million euro.

The first point makes sense, is logical, but meaningless. Hoek and Verhey did not conduct any research into the management of our assets by the guardian and (naturally) did not find any irregularities concerning it.

But the second assertion by JMW is nothing short of scandalous and cannot stand the legal test of truth. JMW knowingly misinformed the court of justice by shrouding the sordid facts of their predecessors in veils of mist. Once again: *Frits Hoek and Elma Verhey never conducted any research into the management of our assets.*

The defense pleading of the Merger partners during their appeal repeats the same defense pleadings made in the court of first instance. In their appeal to have our claim refuted, the Merger partners refer to the original defense pleading and entries made in the court of first instance.

As I was leaving the courtroom, I heard Harry van den Bergh say to Hans Vuijsje, “Well, that’s good. We’ve won the case.”

It wasn’t clear to me at the time what he meant by that. Was it just a feeling or did he have information that I did not?

A month after the hearing, it all became clear to me. Van den Bergh was relieved that the embargo surrounding Verhey's manuscript had not been breached. The court could not take into account Verhey's latest attempts at establishing the truth. Her book *Picking Up the Tab* could be published without any financial consequences to JMW. That must have been quite a relief for the organization.

We might possibly have succeeded in preventing the proposed merger had Pront decided to side with us. He, after all, had also filed his claim against JMW for his share of the four buildings owned by his grandparents. But Pront had decided to take a different tack and decided to support JMW. He wrote a letter to JMW and the court in which he undermined our resistance to the merger.

After the court decision Henneke published the following poem, which flawlessly expresses the feelings of the war orphans:

The robbery of the parents cannot be undone,  
Though the assets and cash guarded on behalf of their  
daughter or son  
Should surely be given back  
So their lives may be cut some slack.

Alas in 2005, the robbery was comprehensively completed.  
Both the toddlers, now husbands, fathers and granddads,  
Though still together are now totally deprived and  
depleted.

The course of justice runs straight, not on some  
crooked route.  
This much I know—I'm not some fool to be given  
the boot.



Judicial hearings are hearings where justice is heard;  
Robbery is dishonest, in a word.

Injustice takes place where truth is treated like some  
thug.

Invoking the statute of limitation sweeps everything  
under the rug.

So of what are robbery, limitations, and injustice made?  
It's about time someone called a spade a spade.

It is about the treatment of the orphans after the war  
took place,

By the “co” guardians and so forth and so on—such  
a disgrace.

Profiteers and swindlers, blind to the children's plight;  
There was never anyone to stand up for their rights.



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## **JMW Decides to Conduct Its Own Investigation**

In reaction to our research proposal, Harry van den Bergh sent a letter to the four war-orphan organizations which read as follows:

The JMW has decided to conclude consultations with the Jewish war-orphan organizations and, under the auspices of JMW itself, to work out the design of the study and implement the appointments of those to sit on the Supervisory Committee and the members of the Research Team to take part in the general independent investigation. Therefore, as of today, JMW bears sole responsibility for all aspects of the investigation.

At about the same time, the Foundation for Collective MAROR monies, Israel (SCMI), decided not to make any funds available to the SRJO for this investigation. The explanation given for this decision: “MAROR monies are limited; choice has to be made from several applications for funding.” Moreover, SCMI writes in its decision that since JMW has already appointed a research committee, the

SCMI cannot justify allocating MAROR funds for research into war orphans. Despite the letters of recommendation and the makeup of the research committee, the Jewish community again did not deem it necessary to honor the request for funding this project. Among those opposing our struggle to have independent, scientific research conducted were the children of postwar war-orphan trustees.

JMW had finally managed to pull it off. Only those who agreed with one another in advance, who admired one another and were convinced that their point of view was beneficial to the cause, were the ones who truly had a say.

On both sides of the scene of battle was a fundamental difference of perception as to the nature and desirability of this investigation.

JMW's most important goal: to ensure its continued existence. Vuijsje and van den Bergh were of the opinion that JMW's very right of existence and survival was dependent on an exonerating result of the investigation.

The Restoration of Rights Alliance of Jewish War Orphans (SRJO) were interested in establishing the truth. The importance of scholarly research into the asset management of us Jewish war orphans and the possible restoration of rights that might accrue from that was much greater than any material reimbursement. We viewed such research as the gateway to justice, the only road left open to us to gain recognition for the suffering (intentional and unintentional) caused us.

JMW was alarmed at the prospect of this, and that is why it took sole responsibility for this investigation.

Two months later, Harry van den Bergh and Hans Vuijsje co-wrote a letter to the Jewish war orphans:

We hereby inform you of the progress being made  
into the investigation of the management of the assets

of Jewish war orphans by the Jewish guardianship institutions, and at the time, members of the so-called Amalgamated Jewish Institutions for Child Protection (the Merger).

This letter from JMW makes abundantly clear that the investigation was not at all scientific nor independent when it came to assessing individual claims. JMW, the legal successor to the Jewish guardianship institutions, informed the war orphans of the following:

- JMW is funding the research.
- JMW commissions the research to be done and draws up the terms of reference.
- JMW comprises the research committee and appoints its members.
- All individual claims must be submitted to JMW.
- JMW renders decisions on individual claims.
- JMW appoints the Appeals Commission.
- And last but *NOT* least, JMW holds the exclusive right to contest any claims put forward in civil proceedings. The statute of limitations applies to this last point. JMW already abused the statute of limitations earlier in the lawsuit brought against the Merger by the Staal Brothers. Other letters indicated that JMW also concerned itself with the implementation of the investigation.

The supervisory committee for the research consisted of three persons: A. J. van Gils, former director of the Pensions and Benefits Council (PUR) the implementing body for the laws concerning victims of war and members of the resistance; C. J. Ruppert, project

director of the World War II Assets project at the Ministry of Finance in the period 1997–2001; and E. van Thijn, former mayor of Amsterdam, member of the First Chamber of the States General.

Professor Eric Jacob Fischer, PhD, was also asked to sit on the supervisory committee. His scientific and social reputation is undisputed. He declined the invitation, however, and gave his reason for doing so: “I shall not accept the invitation to sit on the supervisory committee, because of a lack of confidence (on my part at least) in all parties concerned in the setup of the investigation.”

At the time, Eric was the general director of the Dutch Association of Insurers and initiator and cosignatory to the “Agreement concerning the definitive and final settlement of insurance claims by policy holders for damages suffered during World War II as a result of persecution for being Jewish.” He was also a member of the Eagleburger Commission, occupied with the worldwide recuperation of Jewish assets from World War II.

As far as the supervisory committee is concerned it is interesting to note that before the allocation of MAROR monies could be made, it had to be determined which organization would be the one to effect making payments. One of the possibilities was the PUR, because of its years of experience as the implementing body for laws with regard to war victims.

But the Jewish community under no circumstances wanted the PUR to be involved in the implementation of any MAROR monies payments whatsoever. This was, so the explanation goes, because of the dissatisfaction Jewish war victims had with the Victims of Persecution (1940–1945) Benefits Act (WUV). The feelings of those Jews adversely affected by the war were taken into account. The MAROR board commissioned KPMG Management Services to implement payments. With this in mind, it is odd that JMW decided to appoint A. J. van Gils as a salaried member of the supervisory

committee, who himself from 1990 until June 2006 had been both managing director and secretary of the Pensions and Benefits Council (PUR) and a member of the PUR board since 2006.

Didn't the war orphans have any feelings? Didn't their feelings have to be taken into account? I also found it odd that Ed van Thijn, who had no interest in the subject whatsoever, made himself available for a position on the supervisory committee. After having published my research report (at the beginning of 2004), I got in touch with van Thijn. I wrote him an e-mail saying, "I have heard that you have shown an interest in my report, *Be-Ezrath Ha-Jeled*, on the asset management of Jewish war orphans. For your information, you can download this from my website without any cost."

Ed van Thijn's response was not long in coming. "There must be some kind of mistake. I am not at all interested in the subject."

So, we were back to square one. Scholarly research had been dropped. JMW conducted the research, played judge and jury as to whether war orphans had any right to lay claims, determined the extent of the claims, and were responsible for making payment once a verdict had been handed down.

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Two years later, at the beginning of November 2008, I put an advertisement on my website saying that my book *Roestvrijstaal (Stainless Steel: The Quest into the Inheritance of Jewish War Orphans)* would be published at the end of that month, by Eburon Publishers.

Not two weeks later, JMW, issued a press release, announcing the results of their appointed investigators (Dr. Johan Joor and Dr. Frits Hoek). Unfortunately, right up until the publication of their report, entitled *Account (Rekenschap)*, at the beginning of 2009,

the terms of reference and its purview were kept a secret. It would appear that JMW thought it should leave its rank and file and the war orphans in the dark as long as possible concerning the questions the research was supposed to address.

Via the Dutch Press Agency (ANP), JMW announced:

Historical and financial scientific research, conducted during the past two years, indicated that the asset management of Jewish war orphans, in the care of the Amalgamated Jewish Institutions for Child Protection, was properly conducted and that it positively distinguished itself in light of government policies in operation at the time. No indications have been found that show any abuse of the assets of Jewish war orphans.

The time had come: that which I had been afraid of all along, that I had predicted years before, and which can be read about in my book *Roestvrijstaal* (*Stainless Steel*), had finally happened. The truth had been solemnly buried and was only a nuisance to be dealt with sometime later when denial was no longer an option. JMW can look back with satisfaction. JMW had taken care of the multimillions that were in the custodian organizations, thereby ensuring their continued existence.

I had been fighting for more than a decade to initiate a scholarly investigation into the asset management of the war orphans. JMW, together with the descendants of the former trustees/regents of the custodian organizations spared no costs to prove their "truth." *Scientific* truth must, by hook or crook, remain swept under the carpet.

Prof. Arnold Heertje, PhD, emeritus professor of the history of economics, was willing to go through the extremely bulky Hoek and Joor report. He writes in his own review of it:

I took notice with utter amazement of the Hoek and Joor reports with regard to Jewish war orphans and the conclusion reached by the Supervisory Committee.

The conclusion implies that proper management took place, but anyone closely reading the text, will notice that this suggestion is untruthful.

The management—although not without flaws—was in general as it should be:

1. “not without flaws” is a qualification.
2. “in general” means not always.
3. “should be” is also a qualification, synonymous with reasonable.

The tone of the language left everything wide open to interpretation. How could it have been otherwise, since all the financial records had been intentionally destroyed in 1975 without any sound explanation.

The Supervisory Committee’s conclusion—even in its diluted form—is therefore also highly contestable because there is no solid evidence.

The phrase “circumstantial evidence” conceals this gap. Moreover, indications and examples of dubious acts committed by guardians and the like, in the report itself, are all too easily brushed aside.

On page 34 we read, “There are no indications of (systematic) abuse being made of the assets of



Jewish underage war orphans by Jewish custodian organizations,” therefore, obviously *not systematic but from time to time*, as the attentive reader must conclude.

In summary, these reports do more to reinforce the doubts as to the integrity of the management of the assets than it does to dispel them. Therefore, the press release issued by the Dutch Press Agency (ANP) is incorrect.

Yours sincerely,  
Arnold Heertje

Joor and Hoek reacted to the rumpus kicked up in response to the publication of their report “Account” (“Rekenschap”) in the first, January 2009, edition of the *New Israelite Weekly* (NIW). Again, Heertje took up his pen and sent a letter to Joor, dated January 21, 2009:

Dear Mr. Joor,

I have taken note of your reaction to my comments about your research with regard to Jewish war orphans.

As usual, whenever no tenable defense is available, you seek refuge in dissertations of a procedural nature. I will not go into this, because it distracts attention from the main point.

That you as so-called researcher resign yourself to the formulation of a research question, drawn up with the patent intention of concealing the truth, illustrates that you do not perform your function as a scholar but as a civil servant. After all, the phrase *systematic*

*abuse* is intended to hide from view *unsystematic abuse*, whilst from the point of view of the orphan, it makes no difference whether he or she has been a victim of systematic or unsystematic abuse.

The destruction of important records because of a lack of space is in this context unacceptable. It would have been much simpler—were this argument to have been sound—to make the files available to the orphans, since it dealt with their history. Undoubtedly, in Israel they would have found sufficient space in which to house it. Because this did not happen makes it appear the files could not stand the light of day. In combination with the other data, the suspicion is justified that in this case appearances are not deceiving. You as researcher have failed by not shedding light on this aspect. Naturally, all those involved had “taken a considered decision to destroy the files.” Your forced defense, “against your better judgment,” does not bring closure to the question it raises but gives cause instead for further research by top-class historians.

This is even more cogent now that you, supposedly because of the terms of reference, have refused to hear testimony by the orphans themselves. Surely you must realize yourself that, under the circumstances, it does not constitute serious, scholarly research, now that those directly involved have been excluded from the investigation. Instead, it has more to do with being a political pamphlet.

In the meantime, Philip Staal’s book *Roestvrijstaal* (*Stainless Steel*) has been published. Anyone

familiarizing himself with this detailed and sound scholarly study based on historical documents cannot help but conclude that the Jewish war orphans were deprived by Jewish institutions of a share of their property and that JMW deliberately passed on false information to the court of justice in order to keep these sordid acts shrouded in mystery. In this respect, history repeats itself.

Both your pseudo-research and the book by Philip Staal are sufficient cause for a responsible scholarly investigation to be conducted on this subject. The results will almost certainly be most painful to the administrators of yesteryear and their descendants. There is no other choice for the Jewish community than to bite the bullet, now that finding the truth is at stake.

Yours sincerely,  
A. Heertje





## **Save Me, and I Shall Deliver You**

The Foundation for the Central Registration of Jewish War Claims was founded by CJO at the beginning of 1998. The registration center was housed on the premises of Foundation 1940–1945 in Diemen, a suburb of Amsterdam. CJO paid its rent, service, and organization costs. It ended its activities on May 1, 2002.

The registration center summoned all survivors of the Shoah to lodge damage claims with the Dutch financial institutions and government. The purpose was to impress upon and convince the Dutch financial institutions and government of the great dissatisfaction with the postwar restoration of legal rights. On request, the registration center sent a folder with a closed application for information and/or the lodging of a claim. The registration office gathered data, provided information, answered questions, and handled the claims.

A great many war orphans decided to take advantage of this to make inquiries about their inheritance from their parents and other family members. The claims had to do with insurance policies, bank balances, furniture claims (JOKOS), art, businesses, and various other objects (such as jewelry, diamonds, and stocks.)

Claims for which sufficient information could be provided were lodged for inspection at several bodies, especially insurance companies and banks. Home-contents claims were lodged with JMW, because it had JOKOS files under its management.

My brother, Marcel, was one of the persons who requested information from the registration center concerning the JOKOS claims for our parents, grandparents on our mother's side, grandparents on our father's side, two uncles, and an aunt. The registration center had deposited these questions with JMW for further handling. These written questions were answered in extraordinary detail by JMW (the administrator of the JOKOS archives) nine months later on August 2, 1999. The contents of this letter include:

In the JOKOS archives, under registration number 20668, is a file under the name of your great-grandmother, Debora Trijtel-Ketellapper, born in Amsterdam on January 1, 1891. Your great-grandfather, Isaak Trijtel, was born in Amsterdam on September 1, 1887.

Since my grandmother on my father's side, Rosalie Trijtel, was born on July 2, 1881, this would mean that my grandmother was more than nine years older than her mother and more than six years older than her father. That of course cannot be right. Out of curiosity, I requested a copy of all the relevant JOKOS files. I wanted to see with my own eyes to understand how JOKOS applications, settlements, and payments took place.

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Guardians submitted material claims on behalf of underage war orphans as well as compensation claims for emotional damage. Once war orphans had reached legal age, they had to lodge the claim or grant someone else power of attorney to do so. At the end of the 1950s, at the start of the period that material claims were being lodged (JOKOS/CADSU-I), there were not many underage war orphans left. The lodging of claims for compensation of emotional damages (CADSU-II) could not be lodged until 1963.

LEHJ lodged material claims on behalf of many war orphans who had come of legal age. This requires additional explanation, because most of the war orphans cannot remember having authorized their former guardian to do this. As has been stated earlier, once war orphans reached the legal age of adulthood, they received a letter with an enclosed request-to-grant-power-of-attorney form. “Without this power of attorney, we are unable to promote your business for the settlement and payment” is what the letter said.

War orphans, especially those living outside the Netherlands, complied with this procedure—after all, they wanted to receive their inheritance. This power of attorney entitled the LEHJ to promote all financial interests of their ex-ward. Because this power of attorney was full and without time limit, these material claims were, strictly speaking in formal legal terms, *correctly* lodged by LEHJ.

Damage claims with regard to home contents had to be individually lodged with JOKOS. CADSU then submitted the claims to West German agencies and settled the accounts.

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*JOKOS gave each file a specific number that corresponded to the address where the contents of the house had been robbed (pulsed). If more than one family lived at the same address, then when requested, one single file was opened.*

*In order to divide up the estates among the rights-holders, notaries had to draw up a so-called certificate of inheritance, in which was indicated the whereabouts and time of death of the deceased leaving behind to which children, and they in turn—and so forth and so on. Therefore, the certificate was directly involved with those persons who had died in the war and indicated at the end who the rights-holders were, as well as the portion of their JOKOS claim.*

*It often took a great deal more time to handle claims of multiple heirs, since the necessary certificates of inheritance had to be gotten from each and every one of them beforehand. Moreover, there were cases in which one or more of the rights-holders of a shared claim appeared to be “absent.” The certificate of inheritance likewise indicated which portion of the joint heirs there were whose whereabouts were unknown. In order to comply with the demands of German law, which stated that a settlement of claims could only be processed if all the directly involved relatives were represented, it was necessary to appoint a curator for these partially vacant successions. In order to solve this problem as practically as possible, the Dutch court, at CADSV’s request, appointed the JOKOS foundation as curator.*

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Once JOKOS had received the money from Germany and the claimant had complied with all the bureaucratic formalities, the amount could be deposited in his or her account. There was always a time lag between the moment JOKOS received the money and the date of payment to the rights-holder. During this period, JOKOS received interest payments accruing from the claim. That was not all. As soon as one entitled person lodged a claim for a piece of furniture, JOKOS received the entire amount of the claim from the Federal Republic of Germany. But JOKOS only paid out once the legally entitled claimant had registered or had been located. A

great deal of time could elapse before the notary had tracked down the whereabouts of each and every “absent” rights-holder in the succession.

Until the middle of 1966, West Germany honored 28,655 claims for household effects made to CADSU. The JOKOS foundation received for these claims the total value of more than 192 million DM (approx. 175 million guilders), of which roughly 179 million DM could be paid out to rights-holders who had been tracked down. Consequently, this meant that upward of thirteen million DM (nearly twelve million guilders) of vacant successions were under administration at the curator, JOKOS. Complete payment of their inheritances was never made to some successors, because some of the rights-holders remained untraceable (absent).

At the end of 1965, the Bundesfinanzministerium (Federal Ministry of Finance, Germany) indicated that as far as West Germany was concerned, no time limit would be put on tracking down the whereabouts of absent successors. No more mention of further developments was made after June 30, 1966, when CADSU’s final report was issued, because CADSU ceased to exist as of that date.

The West German Minister of Economic Affairs and Finances determined in June 1972 that any remaining BRüG (Federal Restitution Law, Germany) monies did not have to be reimbursed, as long as those monies ended up at JMW “for the benefit of the alleviation of the needs of those Jews resident in the Netherlands and to the promotion of their social interests.”

Interest received by JOKOS on the partially vacant successions was not paid out to those rights-holders who were finally traced, but remained at JOKOS. This led to an amount of 8.5 million guilders being fetched due to the difference in time between receipt of monies from West Germany on the one hand and the payment to rights-holders of their inheritances on the other.



A total amount of 11.6 million guilders, consisting of accrued interest, vacant successions, and a surplus of retained operating costs, was paid out by JOKOS in 1974–1975 as follows:

Two million guilders to the State of Israel, three million to the organization of Dutch immigrants in Israel (IOH), three million to JMW, and 3.6 million to three Jewish religious communities in the Netherlands.

It is a pity that JOKOS gave no account of what happened to the amount of twelve million guilders, from vacant successions, that were still in JOKOS's possession in June 1966. This amount plus the accrued interest (without the surplus of operating costs) added up to 20.5 million, while JOKOS paid out only 11.6 million in 1974.

An amount of twelve million guilders in vacant successions is equivalent to the contents of more than two thousand Jewish homes that were looted by the German occupier. For some household effects, only one person was recognized as the sole heir, but to give an example in the above-mentioned household-effect claim (file 20668), seventy-four people were recognized as the successors. In short, an amount of twelve million guilders of vacant successions equals thousands to tens of thousands of "absentees."

More than twenty-one years after the war had ended, I found this quantity of absentees to be uncomprehendingly high, taking into account that on June 11, 1949, a special law had been enacted to solve the problem of "absent persons." This fact was all the more reason that I requested to review the JOKOS files that were in the JMW archives.

From JMW, I received five JOKOS files, three of which (10773, 10774, and 10775) were easily settled. These were claims to which

my brother and I were the only rights-holders. These three claims were lodged by our guardian, the Rudelsheim Foundation, and paid, without our consent after my brother Marcel was of majority age, by JOKOS to two different accounts, both of which were administered by Le-Ezrath Ha-Jeled.

A fourth JOKOS claim (33153), was requested by accountant Philip Vos. In the certificate of inheritance signed by notary Eduard Spier on December 5, 1963, I read that this claim involved *ten* rights-holders. For this claim, Marcel and I were each entitled to a 61/240 share. JOKOS paid out this claim to notary Eduard Spier to then divide among the rights-holders. The first part (nine rights-holders) was paid to Spier on October 7, 1964, and a portion of the tenth (up until then “absent”) was transferred to Eduard Spier on September 19, 1969. Each of these two payments regarded two separate JOKOS claims. No itemized account was given for the amount received per claim. Seeing as how JMW only issues information to those entitled to the claims, it cannot be checked to see if JOKOS claim 33153 was ever paid in full.

In summary, the JOKOS foundation, of which Eduard Spier was chairman, paid civil-law notary’s office, Eduard Spier, the amount for this JOKOS claim, to divide in accordance with the certificate of inheritance drawn up by the same notary, Eduard Spier. For that matter, JMW was represented at JOKOS at that time by its chairman—you guessed it—Eduard Spier.

JOKOS claim 20668 regarding damaged suffered by Isaak Trijtel and Debora Trijtel-Ketellapper (brother and sister-in-law of my grandmother and not my great-grandparents as Vuijsje wrote in his letter) was a more complicated case. The four certificates of inheritances, drawn up on November 22, 1960; May 23, 1962; April 25, 1963; and March 31, 1969, by notary J. Schaap, having

his offices in Amsterdam, indicated that there were seventy-four successors to this claim.

With regard to this claim, Vuijsje wrote Marcel in his letter of August 2, 1999:

The claim for material war damages was submitted by Sophia Francisca Zetter on March 31, 1958. Your great-grandparents lived at 256 Vrolijkstraat in Amsterdam. Household effects were looted (*pulsed*) from that house. The four certificates of inheritance indicate [...] your name was mentioned for a 9216/36864 (1/4) share. There is a document in the file that indicates that the notary had all the required powers of attorney. The value of the household effects at the prices of May 9, 1940, was determined to be 1,806.00 guilders. In postwar prices this amounted to 4,942.62 guilders. Minus withholding, administration, and stamp costs of 214.14 guilders, this comes to an amount remaining of 4,728.48. On November 7, 1961; July 17, 1962; July 12, 1963; and May 2, 1969, the following amounts respectively of 3,078.15; 147.26; 1,208.24, and 294.83 guilders were transferred to the Nederlandse Middenstands Bank in Amsterdam, office of notary J. Schaap. After withholding his fee and costs, the notary ought to have divided the money among the successors. We do not have a statement from the notary to that effect.

Still, it would appear that concerning household effects claim 20668 by JOKOS and notary Schaap (who divided the contents) everything had been properly and dealt with according to the “rules”:

- Sophia Francisca Zetter, a niece of my grandmother, had on March 31, 1958, lodged a claim with the JOKOS foundation.
- Notary J. Schaap had sorted out who the rights-holders were in this inheritance, tracked them down, and put them into four groups according to the date that these rights-holders were found. He subsequently drew up certificates of inheritance for the four groups.
- Notary Schaap, in accordance with the certificates of inheritance, received this inheritance in four installments from JOKOS.
- After withholding his fee and costs, the notary *ought to have* divided the money among the successors. [Emphasis mine.]

However, after closely examining this JOKOS claim, a strange course of events caught my attention, as well as false statements:

- In the certificate of inheritance date, November 22, 1960, it was stated that married couple Trijtel-Ketellapper had died in Auschwitz. However, both of them had been murdered in Sobibor.
- Despite the fact that the claimant Sophia Francisca Zetter on October 31, 1958, had irrevocably authorized H. D. van Werkum, attorney and procurator having his offices in Doorn, to receive monies accruing from JOKOS claim 20668, JOKOS nevertheless paid them to notary Schaap. Indeed, the claimant, under pressure from JOKOS, withdrew her earlier signed authorization on September 29, 1961, sending notaries Schaap and Spier a copy of her letter. But her authorization of October 31, 1958, legalized by the mayor of Zeist, *was irrevocable*. Therefore, Sophia's letter with regard to the withdrawal of this authorization was not

permitted to be sent to Germany—so I read in a note made in dossier 20668. Nevertheless, JOKOS paid the part set aside for Sophia to notary Schaap!

- Vuijsje writes on August 2, 1999, to my brother: Your name was mentioned for a 9216/36864 share (1/4). There is a document in the file that indicates that the notary had all the required powers of attorney.

How can Vuijsje explain this? Two persons included on the certificate of inheritance, each entitled to a 1/4 share, did not even exist and so could not have granted their power of attorney!

Even though Vuijsje says that my brother's and my name are to be found in the certificate of inheritance, I could not find them. But my brother and I are legally entitled to a quarter of this claim.

On July 8, 1952, notary Jacob van Hasselt issued a certificate of inheritance for the AOF life-insurance policy of Isaak Trijtel, born on September 1, 1887 (the same person who had suffered damages and was named in JOKOS file 20668). The certificate of inheritance concludes, "consequently, with regard to the above, the aforementioned minors Marcel and Philip Staal are the only rights-holders to the estate of Mr. Isaak Trijtel."

Isaak Trijtel, my grandmother's brother on my father's side, who was murdered in Sobibor, was married in community of property to Debora Trijtel-Ketellapper. So my brother and I were entitled to half of JOKOS claim 20668. My share was the same as Marcel's: (net) 1,182.12 guilders.

But my brother and I cannot receive anything from this claim. Our names do not appear anywhere in this file. Therefore, JOKOS had not received approval from CADSU, the Ministry of Finance and BRüG to pay us. An approval required by law.

The Rudelsheim Foundation, for reasons that are still unclear to me today, transferred my assets to my coguardian Philip Vos *when I came of legal age*. On June 16, 1977 (I was thirty-six at the time), Philip Vos sent me my former guardian's statement of assets and liabilities as well as an account of assets, income, and expenditures from the time I came legally of age until June 1977.

There is an item on the statement of assets and liabilities of the Rudelsheim Foundation that reads, "JOKOS claim Trijtel-Ketellapper 1,027.06 guilders." On this statement are the expenditures, received income and assets over an eight-year period as of June 13, 1962. The underlying documents are not there and unavailable. It is impossible to verify these amounts. Isn't this a case of *creative bookkeeping*?

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It is often the case that not all rights-holders come forward in the settlement of an estate, and attempts by the notary to track down all successors are not always successful. That portion of untraceable rights-holders remains with the civil-law notary appointed to handle the division of an estate. Ultimately, the notaries are required by Dutch law to deposit these vacant successions into judicial custody.

It was clear to JMW that this entailed large amounts, which over the course of years would increase, as they would earn a great deal of interest. In one matter, a case was put before the Civil-law and Junior Civil-law Notaries Disciplinary Board, after which the notary in question was discharged of the management of the funds in question. That one case netted JMW 1.2 million guilders. The notary refused to give back this accrued interest.

In that connection, it deserves mentioning that in 1997 it came to light that fifty-eight Dutch notaries still had 663,000 guilders worth of vacant successions under their management. It involved assets

for which the owners had not been traced. In 1999, the Minister of Finance, in consultation with JMW, had this amount assigned to the now dormant JOKOS foundation (the foundation was never liquidated). The reason the Minister of Finance had decided to assign this amount to the Jewish community was because these monies came from vacant Jewish successions.

JOKOS, according to the apportionment formula used in 1974–1975, had divided this money among IOH (Organization of Dutch immigrants in Israel), Dutch Jewish religious communities, and the Jewish Social Work (JMW). IOH received an amount of roughly 211,000 guilders, and the three religious communities and JMW together around 452,000 guilders.

It is clear that these notary amounts were vacant successions originally from surpluses in JOKOS claims because the notaries are required by Dutch law to deposit vacant successions into judicial custody. The exception to this law were the notary amounts originating from JOKOS. In June 1972, the West German minister of Economic Affairs and Finance decided surplus amounts accruing from JOKOS claims did not have to be reimbursed, on condition the monies came into possession of JMW.

It is clear, notaries appropriated money that was not meant for them. For each and every file and certificate of inheritance, the notary had to declare that he was in possession of power of attorney from every entitled person present whom he referred to in the certificate. Thus JOKOS/CADSU, in a letter to notary Schaap, wrote on October 16, 1961:

As you are well aware, in accordance with certain guarantees given to the German authorities, I can only proceed to effect payment of that portion of compensation received, regarding those successors

whereby it has been established they are present and accounted for.

For the settlement of a claim, in accordance with a demand from the Germans, all successors must be represented. That portion for nontraceable successors was supposed to remain with JOKOS.

How can it be that vacant successions rested with notaries? Why in the first place did JOKOS pay notaries instead of those directly entitled to the inheritance? After all, the Dutch court had appointed JOKOS as curator and not the notary who issued the certificate of inheritance.

Didn't JOKOS know that they had wrongly paid the notaries? Notary Eduard Spier, of civil-law notaries Spier and Bennink Bolt, must have known this. He had, so Isaac Lipschits wrote in his book *Tzedakah: Half a Century of Jewish Social Work in the Netherlands* and had the decency of saying he still managed such funds. That is why in 1972–1973 his office deposited approximately 210,000 guilders in the JMW account. But if notary Spier knew this, then both the chairman of the JOKOS Foundation and JMW should also have known. Eduard Spier, notary, having his offices in Amsterdam after all, wielded the chairman's gavel of both the JOKOS Foundation and JMW.

I get angry every time I read the words Lipschits has written. What did Lipschits mean by "Notary Spier had the decency to report that he still managed such funds?" Wouldn't it have been much more decent to have given the money back to their rightful owners, the war orphans?

Spier was a pragmatist above all. When, during the autumn meeting of the general board in 1970, Spier was accused of exceeding his authority with regard to JOKOS affairs, Spier admitted that he might possibly have not observed the formalities. He asked to



be granted dispensation. Spier resigned on November 19, 1972, during the meeting of the general board. Following his resignation, Spier stayed on as a member of the executive board to, in his words, “secure the chairmanship of JOKOS.”

Clearly it was very important to the JMW board that notary Spier continue to swing the JOKOS chairman’s gavel. Perhaps they were afraid that the new chairman of the JOKOS foundation would not draw a discreet veil over Spier’s “not too formalistic” acts.

The settlements and the records of bank transfers of the notaries to the rights-holders is not present in the JOKOS files. Notary files with regard to JOKOS are no longer available either. So it is not possible to check whether or not—and if so, with whom and in what way—these notaries settled the claims. What remains evident from all the above is that *not all JOKOS claims were paid to those entitled to payment.*

Rights-holders who had personally lodged JOKOS claims did make sure they received their portion of an estate. It was altogether a different story for war orphans, especially for those who lived outside the Netherlands, most of whom had never heard of JOKOS or CADSU. Their claims were lodged by Le-Ezrath Ha-Jeled, without the war orphans’ knowledge. It is therefore highly likely that a large portion of the notary monies had come from claims lodged by Le-Ezrath Ha-Jeled that were never paid to the war orphans. These millions of notary monies and the JOKOS bank balance were divided among Jewish organizations between 1970 and 1997. JMW received the lion’s share. JMW is still sitting on the war-orphan money!

In this regard, the contention by war orphans that they never received any JOKOS claim money has to be taken seriously. It is no longer sufficient for JMW to say, “We want to see proof.”

Proof can be given for what has been received. But how can proof be given for what has not been received? The burden of proof should therefore rest with JMW, as the legal successor to LEHJ. Just as in the JOKOS files, where bank statements are present as proof of payment, JMW should submit bank statements regarding payment to their (former) dependents.

It was already apparent on December 20, 1948, at a Le-Ezrath Ha-Jeled board meeting, during a discussion with regard to the monitoring of the management of assets, that serious consideration had to be taken into account that, in specific management situations, misappropriation of parts of assets could not be ruled out. In that regard, Mesritz's assistant had pointed out how difficult it was to track down "fraud at the top."

Unfortunately, the old mind-set, in which it was common practice to hide things and cover up for those colleagues who were responsible, still exists to this day. Supervision of administrators was badly displayed!

Hans Vuijsje and Harry van den Bergh, director, chairman, and spokesman for Jewish Social Work (Joods Maatschappelijk Werk, JMW), have always adhered to the principle *first deny and only then think about the consequences. The truth is something to worry about later, when denial is no longer an option.* Well, Harry and Hans, the time has come: there is no more use in denying!

It does not make any difference to the war orphan whether a notary, accountant, lawyer, real-estate agent, or custodian organization had misappropriated a share of his or her assets. Nor for that matter does it make any difference whether or not this took place before or after he or she reached legal age. The custodian organizations managed their assets and therefore were responsible.

It is money time, time to pay up. However, I fully realize that this settlement will not have any financial consequences for JMW

and the war orphans. The millions in capital has “disappeared” into your merger of the custodian organizations.

This I say directly to Harry and Hans: During my research, I came up against all kinds of hindrances I had not expected. Obstacles such as your position to refuse to grant me access to the archives, and the JMW standpoint that invoked the statute of limitations in the lawsuit brought by my brother and me against it. But, Hans and Harry, I have got news for you: moral claims do not lapse, some cases never lapse.

When it comes to my findings, the Dutch poem “Liedje” (“Song”) by Judith Herzberg can be given an extra stanza:

It is worse than you think,  
 even if you think  
 it's probably even worse than I think,  
 it is still worse than you think.





## The Painting

The telephone rang a couple of times in the office before Joost answered it.

“I am calling with regard to your article, published in the September 17, 2005, edition of *De Telegraaf*, under the title ‘War Orphans in Revolt,’” said ninety-two-year-old Bert de Haan on the other end of the line. “Would you please be so kind as to give me Philip Staal’s telephone number, whom you mentioned in your article?”

Bert had some vague story about his parents and Philip’s mother. He said that his parents had received a painting and several other valuable articles from Philip’s mother for safekeeping.

“We do not give out personal details about the people we interview,” Joost replied. “But if you leave your phone number, I will see to it that Philip gets it. I’ll e-mail him your story and telephone number and ask him to call you. I’m afraid I can’t do anything more than that for you.”

A week later, I telephoned Bert full of expectations. I was hoping it had to do with one of my father’s paintings he had painted himself. I have four children, and only three tableaus painted by my father.

But I heard, to my disappointment, that it had to do with a painting by the famous German painter Fay.

“The painting came into my parents’ possession during the war,” said Bert. “My parents had a clothing shop in Hilversum. In the spring of 1943, a certain *Anna* came to see them and enquired if she could hang the painting for sale in the shop. But the painting wasn’t sold, and I now have it. It came from the married couple Anna and Isaac Staal and belongs to their family and must be given back to their family. When can you come to see me, so we can talk and [you can] pick up the painting? One of my daughters has already passed away; no one lives forever—I’m ninety-two, so my days in this world are numbered.”

It touched me that, more than sixty years after the war, there were still people who still had a conscience, and I replied, “I don’t know when I’ll be in the Netherlands again, but I’ll let you know in a couple of weeks.”

Excited, I told Henneke about the phone call.

“Wow, how fantastic for you! But why didn’t you set up an appointment with him right away? Why only after a couple of weeks? You have to go to Holland, right away—this week even!”

“Because I think it’s so special, I have to be well-prepared. It shows both the good and the evil in people. That is why I want a journalist and a photographer there when we meet. Besides, I still have to get some more information, because I cannot accept the painting if it did not belong to a family member of mine who was murdered in World War II.”

After looking into the matter, I came to the conclusion that the painting might very well have been part of my parents’ estate.

Henneke had to remind me several times to call Bert back. On October 12, 2005, half an hour before sunset, at the beginning of

Yom Kippur, I felt it was the right moment to call Bert for a second time. I felt that I was finally up to meeting him personally.

I cautiously asked him, "Do you want to give the painting to me, or is there a price tag on it?"

"Not long ago the painting was valued at 50,000 euro, and it's yours if you pay 100,000 euro," said Bert.

I felt the blood rushing from my brains. After a few moments, I heard Bert's voice again. "Mr. Staal, are you still there? When will you be coming to pick up the painting?"

I slowly regained consciousness and then stammered. "During our first conversation you told me that my mother had given it to your parents to hang in the shop. So the painting didn't cost you anything and now you want 100,000 euro?"

"That is not true; my parents well and truly bought it."

"How can you be so sure of that?"

"I saw a signed purchase agreement at the time and picked up the painting from your parents."

"Do you still have the purchase agreement?"

"No."

"Is the painting still in its original frame?"

"No, after the war, my parents had its value assessed so they could sell it. They needed the money. The painting underwent restoration, was cleaned and put into a new frame on the advice of the art dealer at the time. He thought this would increase its value.

I picked up the painting after a couple of weeks somewhere in the heart of downtown Utrecht. It looked gorgeous. It had its original bright colors again, and the new frame lent a luster to the painting dictated by time."

"How much did your parents pay for the painting at the time?"

"Together with the painting, I received from the owner of the studio an envelope with two letters and the old frame. One of the

letters was the contract of sale for the painting, and the other a map of a backyard on Plantage Muidersgracht in Amsterdam. I don't remember the price that was mentioned in the agreement. Nor do I have any idea what became of these papers after I gave them to my father."

"During our first conversation, you said I could come and *fetch* the painting. 'The painting belongs to your family and should be given back'—that's what you said."

"What are you talking about? The painting is mine, and I haven't even decided whether or not to leave it to my children or put it on sale."

"But why did you call the newspaper and ask to speak to me?" I asked.

"That painting is a memento of your childhood and your deceased parents. It is worth more to you than just the market value; it has sentimental value. You are the only person who would be willing to pay a higher price than its estimated value."

"Do you think it's normal that people were robbed of all their possessions and then murdered during the war while people like you profit from it?"

"Yes," Bert answered, "that's just the way things go in life. One man's breath is another man's death. When are you coming, so we can discuss the details?"

Once again, I was disillusioned with mankind, sad, and furious at the same time. I had already informed the journalist but did not even want to meet this beast of a man. Would I be able to control myself if I was standing across from him? Or would I attack him and deliver a fatal blow to a ninety-two-year-old? He deserved it. But if I were to beat him to death, I would be just as evil as Bert. Wasn't the price I would therefore have to pay be much too high for me and my family?

“It’s clear to me now: you’re the one who betrayed my parents, after you took the painting as payment from them to go into hiding. You’re guilty of my parents being murdered; you took their bequest, and now you want to collect interest on your criminal acts.” When it was silent on the other end of the line, I continued, “I don’t want to meet with bastards like you. Nor do I have the slightest desire to talk to them either.”

I slammed the receiver down on the phone and mused, *A fine way to come to your senses on Yom Kippur.*

I now know, almost certainly, who it was that betrayed my parents.

As to my question—who was it who excavated and took away the chest with my parents’ jewelry after the war?—it remains unanswered. I can no longer muster the mental strength to get to the bottom of that. Moreover, it all has to do with material value, and that’s water under the bridge. The four people who knew about it are all dead. They took their secret with them to the grave.





## *Epilogue*

This book is my homage to the Second World War orphans and their murdered parents.

I have considered it an honor, together with others, to be allowed to represent the Jewish community and, in so doing, offer my small contribution to the restoration of Jewish property during the years 1997–2005.

A researcher is always dependent on the sources that are available to him or her. It became apparent to me quite soon that there were no lack of sources on the subject of looting and restoration of rights.

I have only used a small fraction of the information that I have in my possession in the writing of this book. The source material that was used and analyzed has indeed been a personal choice. These thousands of pages of documents can all be seen on my Internet site, [www.staal.bz/](http://www.staal.bz/).

I did not always make detailed notes concerning all the events described in this book, which meant here and there I had to rely on my memory. To the best of my knowledge, the described events actually happened, and I take sole responsibility for the accuracy in rendering them.

This book began in the Second World War with the fact that my brother and I owe our lives to people who risked their own lives (out of free will) to save Jews. This book also began with the fact that “well-intentioned” Dutch men and women informed the occupier of Isaac and Anna’s plans to go into hiding, resulting in their being

deported to Sobibor. My brother and I are indebted to the former group, the heroes. That we were robbed of our loved ones is partially thanks to that second group.

Many children lost their parents as a result of the war. The Jewish community in the Netherlands had to conduct a bitter struggle to have these children brought up in Jewish surroundings. I think it is necessary to repeat that fact here. I would also like to add that Jewish institutions, with a great deal of effort and love for their fellow man, took care of the war orphans. These institutions gave them a place to live, saw to their education, and provided material needs to underage orphans resident in the Netherlands. The Jewish custodian organizations took the education of the war orphans upon themselves and, in so doing, received scant support from the Dutch government.

But this book is predominately about the asset management of war orphans by their guardians. About the fact that in the 1990s the Dutch government commissioned an investigation into the postwar restoration of rights. About the fact that (practically) all financial institutions were placed under review. About my finding that Jewish custodian organizations were not being investigated.

After having been deprived of my material and immaterial possessions as an infant and, later, a child after World War II, and confronted by ultimate evil, I can no longer believe in order and morality as ordained by God. I do not want to accept that the God of Abraham, Isaac, and Jacob, of Sarah, Rachel, and Leah could have conceived of or wanted this to happen. If that were to be the case, then the Almighty would be nothing less than a devil. My conclusion is that evil is within man himself. Man is his own devil. In this world, one can choose between good and evil. It is up to man to fight against the evil powers, in Hebrew known as *yetzer hara*.

I did not reach this insight because I had become aware that the world had kept silent when Jewish families were being robbed of their earthly possessions, removed from their homes by force, deported, and finally murdered in extermination camps. Nor did I have these feelings because of the infernal German occupier with their Nazi racism, and not even because of the stories told by the camp survivors about the Jewish Council and their fellow camp prisoners. Fellow prisoners who were willing to lie for a crust of bread, to betray other prisoners, to steal. To put it briefly, to sell their soul to the devil and, in so doing, increase their chances of survival. The instinct for survival causes this sort of behavior in human beings. It is the survival instinct of primal man. The words from the Mishnah's *Ethics of the Fathers* (Pirkei Avot) apply here: "Do not judge your fellow until you have stood in his place" (2:4).

My insight that evil is in man grew out of my research into the looting that had taken place during the war and the postwar restoration of rights by the Dutch government and financial institutions.

Ultimate evil is an evil act or deed committed when one is *not* in an extremely hazardous situation. Absolute evil is a bad deed a man commits to gain financial profit or from the simple fact he enjoys inflicting pain and injury on his fellow man.

I reached the conclusion that evil was in man through certain behaviors (during the war):

- those traitors who deprived Jews of hiding places, and
- those Dutch people who informed the German occupier about others' (primarily Jews as targets of the Nazis) plans to go into hiding, resulting in my parents' and other people's deportation to camps in Eastern Europe.

I also reached this conclusion because of the way the regents behaved with regard to managing the assets of underage war orphans, who consciously “earned” money at the expense of war victims, enlarging our grief to irreparable proportions. That their acts (partly) were in agreement with laws that applied at the time does not make it any easier to make a judgment on this. These postwar laws were designed to restore the Netherlands as quickly as possible—in the full knowledge that this would be at the expense of restoration of property rights for Jews.

Consequently, any judgments made about postwar restoration of rights therefore means it entails judgment on the norms of Dutch society. And, that, in this connection, postwar restoration of rights, failed. The postwar restoration of rights of Jewish war orphans was a catastrophe.

The Jewish Social Work (JMW) is not to blame for this. After all, management of the assets of Jewish war orphans had already taken place before JMW became the legal successor to the custodian organizations. JMW is not responsible for the acts of former custodian institutions. However, subsequent actions on their part committed in the final decade of the previous century and the first years of this one make them (moral) accomplices. In legal and financial terms, JMW acted correctly; in social and moral terms, JMW acted monstrously.

During my journey into the past, I came to the realization that reality was much worse and more traumatic than I could have ever imagined in my wildest dreams. Compared to the larger reality, my story as related here is a veritable romance.

As a baby, the only “crime” I committed was simply being born a Jew. It was my bad luck that this happened in the Netherlands.



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# *Appendix*

## *Abbreviations*

- AEX—Amsterdam Exchanges, de rechtsopvolger van de Vereniging voor de Effectenhandel VvdE (Amsterdam Stock Exchange the legal successor to the Amsterdam Exchange Association VvdE)
- AJALAH—the Hebrew acronym for the Assistance and Legal Advice to Dutch Shoah Survivors in Israel
- ANBO—Algemeen Nederlands Beheer van Onroerende Goederen (General Dutch Real-Estate Management Authority)
- AOF—Ancient Order of Foresters
- BEG—Bundesentschädigungsgesetz (Federal Indemnification Law, Germany) This law made it possible to grant compensation for emotional damages to Nazi victims persecuted on the grounds of race, creed, or personal beliefs.
- BRüG—Bundesrückerstattungsgesetz (Federal Restitution Law, Germany) This law made it possible to grant compensation to Nazi victims persecuted on the grounds of race, creed, or political conviction, for property confiscated from them or which they had been forced to sell.
- CADSU—Centraal Afwikkelingsbureau voor Duitse Schade-uitkeringen (Central Bureau for German Reparation Claims)
- CEFINA—Centrale financierings-actie voor Joods-Sociaal Werk in Nederland (Center for Fundraising for Jewish Social Work in the Netherlands)
- CJO—Centraal Joods Overleg (Central Jewish Consultation Netherlands)

- CRBE—Commissie Rechtsherstel Buitenlandse Effecten  
(Committee for the Restitution of Foreign Securities)
- COM—Stichting Collectieve MAROR-gelden Nederland  
(Foundation for Collective MAROR monies, the Netherlands)
- FUSIE—Gefusioneerde Joodse Instellingen voor kinderbescherming  
(Amalgamated Jewish Institutions for Child Protection)
- HONI—Hulp aan Oorlogsslachtoffers uit Nederland in Israel  
(Assistance to War Victims from the Netherlands in Israel)
- ICHEIC—International Commission on Holocaust-Era Insurance  
Claims This commission, also called the Eagleburger  
Commission, named after its chairman and former American  
secretary of state, was founded in 1998 and investigates claims  
by Jewish next of kin with European insurers.
- IOH—Irgoen Oleh Holland (Organization of Dutch immigrants  
in Israel)
- JCC—Coördinatie Commissie voor het Bevrijde Nederlandse  
Gebied (Jewish Coordinating Commission for Liberated Dutch  
Territory)
- JMW—Joods Maatschappelijk Werk (Jewish Social Work)
- JOKOS—Joodse Kerkgenootschappen en Sociale Organisaties  
voor Schadevergoedingsaangelegenheden (Foundation of  
Jewish Religious Communities and Social Organizations for  
Reimbursement of Damage)
- JOZEBOKO—Joodse Zee- en Boskolonies (Jewish Sea and Forest  
Community, an Institute for Child Protection)
- JVVV—Joodse Vereniging voor Verpleging en Verzorgen (Jewish  
Society for Nursing and Caretaking)
- LEHJ—Le-Ezrath Ha-Jeled (The Child for Help, foundation for  
providing long-term care and education, as well as the promotion  
of the interests of Jewish war orphans)



LIRO—Lippmann Rosenthal & Co Sarphatistraat (LIRO was not only the place where Jewish wealth was concentrated but also where it was definitively swindled from its owners. The LIRO turned out to be a looting bank. Personal belongings had to be forfeited to the LIRO. Proceeds from the sale of businesses sold were deposited at the VVRA.)

LVVS—Liquidatie Van Verwaltung Sarphatistraat (Liquidation of Administration, Sarphatistraat (To avoid confusion about the names, in 1948 LIRO became known as the LVVS.)

MAROR—Morele Aansprakelijkheid Roof en Rechtsherstel (Moral Liability of Robbery and Restoration of Rights)

NBI—Nederlands Beheersinstituut (Netherlands Property Administration Institute)

NGO—Nongovernmental organization

NGV—Niederländische Grundstücksverwaltung (Dutch Real-Estate Management)

NIDI—Nederlands Interdisciplinair Demografisch Instituut (Netherlands Interdisciplinary Demographic Institute)

NIK—Nederlands-Israëlitisch Kerkgenootschap (Organization of Jewish Communities in the Netherlands)

NIOD—Nederlands Instituut voor Oorlogsdocumentatie (Netherlands Institute for War Documentation) This institute was established shortly after liberation on May 8, 1945, and set up with the realization of the huge historical importance of the period of occupation. The NIOD has the following tasks:

- the gathering, preserving, organization, and provision of access to information and materials in archives concerning the Second World War,
- the carrying out of scientific research and publications thereof, and

- the dissemination of information to government authorities and private individuals.

NIW—Nieuw Israëlietisch Weekblad (the *New Israelite Weekly*)

NMB—Nederlandsche Middenstandsbank (Netherlands Merchants Bank)

NPRF—Nazi Persecutee Relief Fund

NSB—Nederlandse Nationaal Socialistische Beweging (Dutch National Socialist Movement)

NVB—Nederlandse Vereniging van Banken (Netherlands Bankers' Association)

NZB—Nederlandse Zionisten Bond (Netherlands Zionist Union)

OPK—Voogdijcommissie voor Oorlogspleegekinderen (Guardianship Commission for War Foster Children)

PIK—Portugeesh- Israëlitisch Kerkgenootschap (Portuguese Jewish Foundation in the Netherlands)

PUR—Pensioen- en Uitkeringsraad (Pensions and Benefits Council, the implementing body for the laws with regard to war victims)

Rambam—Rabbi Moshe ben Maimon

SCMI—Stichting Collectieve MAROR-gelden Israël (Foundation for Collective MAROR monies, Israel)

SEC—Schade-Enquête Commissie (Damage Enquiry Commission)

SICO—Stichting Sieraden Comité (Jewelry Committee Foundation)

SINJOI—Stichting Israël Nederlands Joodse Oorlogswezen (Dutch Jewish War Orphans in Israel Foundation)

SJMW—Samenwerkingsverband Joods Maatschappelijk Werk (Jewish Social Work Alliance)

SPI—Stichting Platform Israel (Platform Israel Foundation)

SRJO—Samenwerkingsverband Rechtsherstel Joodse Oorlogswezen (Restoration of Rights Alliance of Jewish War Orphans)

TCG—Tripartite Commission for the Restitution of Monetary Gold

- VAB—Vermogensaanwasbelasting (Wealth Accretion Tax)
- VBV—Verbond Belangenbeharting Vervolgingsslachtoffers  
(Association for the Promotion of Interests of Victims of  
Persecution)
- VvdE—Vereniging voor de Effectenhandel (Amsterdam Stock  
Exchange Association)
- VVRA—Vermögensverwaltungs-und Rentenanstalt (Institute for  
Management and Administration) This institute dealt with the  
management and administration of Jewish property. Proceeds  
from the sale of businesses sold were deposited at the VVRA.  
Personal belongings had to be forfeited to the LIRO.
- VWS—Ministerie van Volksgezondheid, Welzijn en Sport (Ministry  
of Health, Welfare, and Sport)
- WJC—World Jewish Congress
- WUBO—Wet Uitkeringen Burgeroorlogs-slachtoffers 1940–1945  
(Civil Victims of War 1940–1945 Benefits Act)
- WUV—Wet Uitkeringen Vervolgingsslachtoffers 1940- 1945  
(Victims of Persecution 1940–1945 Benefits Act)



## *Glossary of Terms*

**Abi Jethomim:** A father of orphan boys.

**absent party:** A known person whose whereabouts are unknown.

**aliyah:** The modern meaning of the word stands for immigration, and indicates the influx of Jews (from the wave of immigration, flight from abroad and the Diaspora, as well as of the wandering) back to Israel, to the Promised Land.

**Be-Ezrath Ha-Jeled:** With the Help of a Child.

**bewariër:** contraction of the Dutch words *bewaren* (safekeeping) and *Ariër* (Aryan). During the war, this term *bewariër* was used to mean a non-Jew who took possession of personal valuables for safekeeping of those Jews who were deported. In the majority of cases, those Jews who returned did not get their valuables back. The term originally had a neutral meaning. After the war, the word quickly took on negative overtones.

**disfranchisement:** During World War II, the Jewish population was systematically robbed of all its property. This looting was made “legal” through a series of ordinances instituted by the occupier. This process was called *disfranchisement*: Disfranchisement is a process, that is aimed at removing specific categories of people from the legal order and systematically infringing on their capacities as a person having legal rights and taking part in the legal system and therefore economic and public life. (W.J. Veraart 2005, PhD dissertation, Erasmus Universiteit, Rotterdam, Stellingen p. 642)

**fourth tranche of the gold pool:** See *monetary gold*.

**Galut:** The Hebrew term *Galut* expresses the Jewish conception of the condition and feelings of a nation uprooted from its homeland and subject to alien rule

**Halakah:** The collection of rabbinical laws and rules founded in the Tanakh, the most prominent book of Judaism (to Christians, the Old Testament), and written down in rabbinical literature used from the fourth century BC to this day.

**Halakhic:** The word is used to specify whether or not something is in agreement or in contradiction to Jewish rules of how to live one's life.

**Megadlé Jethomim:** Dutch Israelite orphanage for Ashkenazi boys.

**Megadlé Jethomoth:** Dutch Israelite orphanage for Ashkenazi girls.

**mezuzah:** A piece of parchment, contained in a decorative case, inscribed with specified Hebrew verses from the Torah (Deuteronomy 6:4–9 and 11:13–21). These verses comprise the Jewish prayer “Shema Yisrael,” beginning with the phrase “Hear, O Israel, the LORD our God, the LORD is One.” A mezuzah is affixed to the doorframe in Jewish homes to fulfill the mitzvah (biblical commandment) to inscribe the words of the “Shema Yisrael” on the knob posts of your house.

**Mezon Habanoth:** Dutch Jewish orphanage for Sephardic girls.

**minyan:** A Hebrew word that means a quorum of (at least) ten Jewish men—older than thirteen years—required for certain religious obligations.

**monetary gold** (the four tranches of the gold pool): During World War II, 146,674 kg of monetary gold was stolen from the vaults of De Nederlandsche Bank. A large portion of this gold was later recovered by the Western allies. It was placed in the so-called *gold pool* of the Tripartite Commission for the Restitution of Monetary Gold (TCG), in which the United States, the United

Kingdom, and France were represented. This commission was set up in 1946 pursuant to international treaties. The TCG's main task, before it was liquidated in September 1998, was to assess claims of the robbed countries and, on the basis of allowed claims, to award prorated shares of the gold pool.

In 1947, the Dutch government lodged a claim with the TCG for 145,649 kg of gold, 110,174 kg of which was considered valid by the commission. The TCG awarded a first provisional amount, and the Dutch share was 35,891 kg. A second *tranche* (or portion of the whole) followed in 1948, and for the Netherlands it amounted to 30,646 kg. The Netherlands received an additional 4,100 kg in 1958. However, this third tranche was refused by the Dutch government because of disagreement concerning the 35,475 kg (145,649 minus 110,174) that the TCG did not recognize as looted monetary gold. In the end, in 1973, the Netherlands accepted the third sub-payment of 4,100 kg, which amounted to a total amount of 70,637 kg gold being paid back by TCG to the Netherlands. By Dutch government decree the proceeds of this gold were given a monetary use.

In September 1997, the TCG announced it intended make its fourth, and final, tranche of the gold pool. From this fourth tranche, the Netherlands received residual payment of 1,183 kg. In total, the Netherlands received 71,820 kg of looted gold during the war from TCG, or 49.3 percent of the amount claimed (145,649 kg) and 65.2 percent of the claims recognized by the TCG (110,174 kg).

On April 3, 1998, the Dutch cabinet decided to contribute the proceeds of the fourth tranche, worth 22.5 million guilders (10.2 million euro), in accordance with the recommendation made by the Van Kemenade Commission to projects, such as rendering care and community services to the survivors and

their descendants of Nazi persecution still residing in the Netherlands. Since care for war victims falls within the policy domain of the Ministry of Health, Welfare, and Sport (VWS), this ministry was responsible for the implementation of the fourth tranche of the gold pool.

On August 31, 1998, the VWS minister set up an independent advisory board under the chairmanship of Dr. Dick Dolman, member of the Council of State (Raad van State) and ex-speaker of the Dutch House of Representatives (Tweede Kamer). The task assigned Dolman by the advisory board was the assessment of submitted project proposals within the framework of the funds allotted, and to make recommendations to the VWS minister whether or not to grant subsidies—and if so, either in whole or in part. The projects had to fall within the purview of the following areas:

- the rendering of substantive and intangible aid to war victims and their descendants still residing in the Netherlands,
- initiatives to breathe new life into traditions of culture and knowledge that to a large extent had been destroyed during the war, and
- the preservation of the memory of the victims and the dissemination of a warning against the ideology of the Nazi regime.

In the recommendations made to the minister on July 1, 1999, the Dolman advisory board listed all the projects it had recommended that should or should not receive subsidies.

In terms of percentages, those projects earmarked to receive a portion of the 10.2 million euro available were as follows:

books 7 percent, films 5 percent, libraries and study centers 11 percent, museums 12 percent, culture and education 22 percent, synagogues 9 percent, cemeteries 11 percent, memorials 2 percent, health care 18 percent and websites 3 percent.

The government voted to follow the advisory board's recommendations.

Up until then, it had been customary to transfer a third of all proceeds accruing from Dutch Jewish World War II assets to the Israeli organization Irgoen Olei Holland. This was also the case with the so-called *notary monies*, i.e., those funds from World War II estates that had still not been settled and were held by notaries.

This time, however, the Jewish community in the Netherlands gave preference to earmarking the entire amount of the "fourth tranche of the gold pool" to victims of Nazi persecution living in Holland. In any case, it was decided to accept the recommendation put forward by the Van Kemenade Commission: the monies accruing from the fourth tranche should only be spent on projects to benefit those war victims still living in the Netherlands.

It turned out that 73 percent of the distribution of MAROR monies made to individuals were to war victims living in the Netherlands, about 10 percent in Israel and roughly 9 percent in the United States. The remaining 8 percent of Shoah survivors were distributed in the following countries (in order of the amount): Canada, Australia, Belgium, the United Kingdom, France, Germany, and Switzerland. (Staal 2008 pp. 225–229, 231, 264, 329–330)

**muktzeh:** A Hebrew word that means *separated* or *set aside*. The generally accepted view regarding these items is that they may be touched though not moved during Shabbat or Yom Tov (Jewish



holiday). Some extend this prohibition to the actual handling of these items.

**Ne'ila:** The final prayer of Yom Kippur.

**Palestine:** Since 1948, Israel.

**restoration of rights:** Restoration of Property Rights must be distinguished from the compensation [for] material war damage. Compensation for material war damage is borne by a collective, on the grounds of consideration for “distributive justice,” the pre-eminently political question of how to distribute scarce resources to members of a community. Conversely, restoration of property rights takes place primarily on the grounds of “restorative justice”: the community is not liable, but those who have profited from the disfranchisement are. (W.J. Veraart 2005, PhD dissertation Erasmus Universiteit, Rotterdam, Stellingen p. 642)

**restoration, banks:** The accountancy firm PricewaterhouseCoopers (PWC) was commissioned by the NVB and CJO to conduct research into the remaining Jewish assets in Dutch banks. PWC was requested to investigate issues that would provide answers to the following questions:

1. *Nonclaimed credit funds*, the so-called *sleeping funds*: To what degree had unclaimed credit funds of Jewish accountholders been released to the members of the NVB?
2. *Ordinary securities commission*: How much money had been generated from the net proceeds of those banks that had been active in World War II and were still currently members of the NVB, by the sale of securities of the LIRO bank and/or the purchase by a straw man appointed by the bank?

3. *Additional securities commission:* Did Dutch banks receive additional commissions if they sold off LIRO bank securities, and if so, what was the amount?
4. *Foreign accounts:* How were records kept of unclaimed credit/bank balances in foreign banks? A distinction should be made from those accounts under the names of the accountholder and outstanding amounts under the name of the bank in question (in respect of the client).
5. *Diamonds:* How had records been kept of unclaimed depots that had been formed by the sale of diamonds? Did it entail a similar procedure to that of those claiming credit funds or did it entail another form of crediting an account?
6. *Purchase by the Twentsche Bank and/or Amsterdamsche Bank of its own shares:* Are there administrative indications that point to the Twentsche Bank and/or Amsterdamsche Bank having purchased their own shares in the years 1940–1945?
7. *Un-cashed mortgage bonds:* To what degree had members of the NVB benefited from funds released by mortgage bonds owned by Jewish war victims that had been drawn but not cashed?
8. *Commission on surrendered securities:* How large were the commission revenues made by the banks by virtue of the transfer of security portfolios to the LIRO?
9. *Safes/safe-deposit boxes:* The Second LIRO Ordinance of May 21, 1942 entailed a tightening of the obligation to hand in properties. This led to safe-deposit boxes belonging to Jewish clients who had not responded to demands for payment being broken open. The costs incurred from drilling them open—for the sum of fifty guilders per safe-deposit box—was charged to the Jewish clients. The parties stipulated to some three thousand safe-deposit boxes.

10. *Puttkammer stamps*: In mid-1942, when the deportations of Jews began in full swing, the occupier offered the possibility of obtaining an exemption from deportation, albeit quite temporarily, by granting a Sperr stamp if people handed in diamonds and valuable jewelry. The German Sicherheitspolizei either sought or dealt with recognized brokers, one of whom was E. A. Puttkammer, a staff member of the Rotterdamsche Bank, who assessed these diamonds and pieces of valuable jewelry according to their value on the black market. The CJO wanted to claim 50 percent of the commissions received by Puttkammer. (Staal 2008, 255–261)

**restoration, national government:** The parties involved reached an agreement in the end that during the period of postwar restoration of rights the monies that accrued to the national government immorally and unjustly amounted to a total of 399.4 million guilders. This amount, at the signing of the agreement, was rounded off to 400 million guilders (roughly 182 million euro, 236.6 million USD). The amount was constituted from the fourteen points dealt with by the assets committee:

1. *Camps Vught and Westerbork*: At Seyss-Inquart's orders, an amount of 25.9 million guilders taken from confiscated Jewish assets were assigned for the construction and maintenance of Westerbork and Vught and for rail transportation with the Dutch Railways to the transit Camp Westerbork in the northeastern Netherlands, operated by Dutch Railway officials, and ultimately to the extermination camps in Poland.

After the war the state of the Netherlands took over these camps for 5.6 million guilders and used them as prison camps for traitors and other political prisoners. The Kordes Commission writes in its Final Report: “The State’s refusal to recompense an amount of 20.3 million guilders in effect meant that the Jews had paid for their own deportation. And that the very thought of it must surely be unbearable to the Dutch nation.”

2. *Pauschregelung (Tax 1943)*: Until the end of 1942, Jews had to pay taxes to the Dutch tax authorities. That tax was paid by the LIRO bank, who “managed” Jewish assets. When by order of the occupier the payment of Jewish taxes was ended, the Ministry of Finances protested. In 1943, at the insistence of the ministry, LIRO transferred an additional eight million guilders, on the grounds of the so-called *Pauschregelung*, to pay Jewish back taxes for 1941 and 1942. The deportation of the Jews to the extermination camps had begun, but taxes still had to be paid.

By court order, the finance ministry paid back 2.5 million guilders of this money in September 1952. Therefore, there was still an outstanding amount of 5.5 million guilders (at 1943 value). The national government and CJO determined its value in 2000 was to be multiplied by a factor of 6.1 (excluding interest and inflation correction of the 2.5 million guilders from the period 1943–1952).

3. *LVVS/VVRA (operating expenses)*: The costs of settling the damage claims and liquidation of the looting institutions were paid for by Jewish assets. This was made possible by a clever legal arrangement. The looting institutions who availed themselves of Jewish assets were regarded as “enemy nationals,” and therefore, the Jewish assets they owned as

“enemy assets.” Because of this judgment, the victors were able to make free use of the assets. The costs involved in the entire restitution-and-liquidation procedure—connected with transferring property back to its rightful owners and reimbursing the properties involved—came to an amount of 12.9 million guilders. The Kordes Commission writes in its Final Report: “In the opinion of the commission these ‘administrative costs’ ought not be borne by those aggrieved parties. We are, after all, talking about a government task. It is not a matter of a bank, instructed by an account holder, rendering services and therefore charging administration fees, but a task by order of the government to do justice to victims. That is why the costs involved must be paid at the expense of the national government.”

4. *CADSU-I (operating costs)*: In 1957, the Federal Republic of Germany (BRD, West Germany) promulgated the Bundesrückerstattungsgesetz (see BRüG). This law made it possible to grant compensation to Nazi victims persecuted on the grounds of race, creed, or political conviction, for property confiscated from them or that they had been forced to sell. This entailed LVVS creditors, who had not or only partially received payments for confiscated property, jewelry, and other valuables as well as confiscated foreign securities that disappeared after the war.

In 1957, the Dutch Ministry of Finance decided to set up an administrative office charged with the settlement of these claims with West Germany. This Dutch agency that paid out claims to victims of German *wiedergutmachungsgeld* (compensation money) for material damage was given the name in 1959 of Centraal Afwikkelingsbureau Duitse

Schade-Uitkeringen, CADSU (Central Bureau for German Reparation Claims).

Right from the very start, it was determined that CADSU's operating costs, from its offices at 105 Keizersgracht in Amsterdam, would be defrayed completely by contributions made by the parties concerned themselves, and in no way be at the expense of the Dutch national budget. Without any financial consequences for the state, a few dozen civil servants were put to work who otherwise would have had to receive unemployment compensation. In total, CADSU operating costs amounted to 1.7 million guilders (roughly one million USD). CADSU ceased to exist in 1967. The Kordes Commission recommended on this point too that the operating cost be borne by the Dutch government.

5. *JOKOS (operating expenses)*: The Foundation of Jewish Religious Communities and Social Organizations for Reimbursement of Damage, more commonly known by its Dutch acronym JOKOS, devoted its efforts to obtaining compensation payments on behalf of Dutch Jewish war victims. This mainly had to do with household effects that had been looted and taken to (West) Germany. JOKOS negotiated with the West German authorities concerning the clarification and interpretation of the BRüG legislation.

All claims lodged with BRüG had to be made on an individual basis. CADSU lodged claims against the Federal Republic of (West) Germany and took care of administrative handling. This JOKOS payment, for material damages, took place at the beginning of the 1960s. JOKOS/CADSU administration costs to effect the claims were covered by withholding 4 percent of the gross

amount of damage compensation received on behalf of those entitled to receive payment, 2.5 percent of which went to CADSU and 1.5 percent to JOKOS, to offset insurance costs, among other things. The 2.5 percent withholding by CADSU came to an amount totally more than four million guilders. Here too, the Kordes Commission recommended that the administration costs be borne by the Dutch government.

6. *NBI (operating expenses)*: The administrative costs involved in the management of estates under the auspices of the Netherlands Property Administration Institute (Nederlands Beheersinstituut, NBI) were passed on to the court-appointed administrators. The Kordes Commission estimated these costs—based on an average term of management of six years (1945–1950)—more than four million guilders. Here too, the Kordes Commission recommended that the administration costs be borne by the Dutch government.
7. *NBI (property)*: The Netherlands Property Administration Institute existed until June 1, 1967. The remaining property, with an estimated value of 0.29 million guilders, was added to the Dutch treasury.
8. *Veegens-monies*: During the postwar restoration of rights, a significant portion of life-insurance and annuity policies that had been bought out under duress during the war, after having paid off overdue premiums, were restored, and as such paid back directly or at a later date. Part of the surrender value deposited with the LIRO was unable to be paid back after the war because the rightful owners did not register claims. These surrender values reverted to the state coffers around 1955 as “vacant successions,” in accordance with the so-called Veegens Agreement. According to the

investigating committee, this amounted to some 0.43 million guilders.

9. *Public domain service and judicial custody*: Vacant Jewish successions (estates for which no heirs could be located) were settled by the Public Domain Service and ended up in judicial custody. The proceeds of sold goods from vacant estates also ended up there. The management of consignment office was charged to the Ministry of Finances (Public Domain Service).

The sum of 1.54 million guilders ended up in judicial custody, presumably from vacant Jewish estates that were settled by the Public Domain Service, as well as an amount from Jewish estates estimated at two million guilders. In 1985, as compensation for the latter, a portion was donated to Jewish charities.

10. *Loss of interest*: This entails loss of interest that the parties involved suffered due to the often protracted length of time over which restoration took place. Parties agreed that this loss of interest would be settled with the administration costs of implementing payment of the MAROR monies.
11. *Diamonds (operating expenses SICO)*: In mid-1942, the occupier offered the opportunity of granting an exemption from deportation, which in the majority of cases turned out to be quite temporary, by handing in diamonds and other precious stones. The recipient then received a Sperr stamp (stamp of exemption).

At the end of the 1950s, it became possible to receive compensation for material damages through the Bundesrückerstattungsgesetz (se BRüG) passed by the West German parliament. In order to assist those entitled to compensation, in 1958 a private initiative was started



called the Jewelry Committee Foundation (SICO). The SICO held discussions with German authorities in order to determine a method of calculating value that would assist in the drawing up and lodging of claims with regard to valuables handed in to obtain Sperr stamps, valuables looted in the war and not deposited with the LIRO bank, and the diamonds that had been confiscated or sold under duress. An administration fee of 1.5 percent was withheld by SICO from any payments actually made and for the cost of hiring attorneys (10 percent). SICO managed to collect more than 25 million guilders through its efforts, owing to the looting of diamonds, precious stones, and valuable pieces of jewelry. The total administration and legal costs amounted to more than three million guilders.

12. *Deficit securities*: Deficit securities are the shortfall that exists from stockholdings that have not been reported by the dispossessed. By comparing the skeletal (registration of all securities issued by Dutch institutions), reported securities, and those that went missing, it was determined which securities had not been registered, as a result of which they ended up in the *deficit* (the sum of all nonreported securities). These securities were declared invalid, and due to standard legal procedures, they reverted to the state. (The law indicates the Dutch state to be entitled to estates where no legal heirs have come forward).

The assets accruing from the missing securities originate from the so-called *enemy assets*, from income not declared to fiscal authorities, and from the original murdered Jewish owners. The total proceeds from the sales by the state of this *deficit* totaled in 1970 some 200 million guilders. The Scholten Commission wrote in its report that it would be

plausible that this amount chiefly comprised nonidentifiable enemy assets and income not declared to the fiscal authorities. The total value of the deficit securities of the original murdered Jewish owners was determined to be four million guilders.

13. *Inheritance tax*: The deceased's estates of absent persons from the war could only be settled after the specially enacted law of June 11, 1949. The method in that 1949 law to determine the date of death meant that the survivors were subjected to inheritance tax. Because entire families were murdered, this law led to cumulative inheritance tax being levied. Because of this point, a nominal amount of twenty-five million guilders was charged.
14. *Guarantee Fund*: The stock exchange strike that took place on May 20, 1952 was the reaction of the VvdE to the verdict rendered by the legal department of the Council for the Restoration of Rights the day before. This verdict was tantamount to saying that the stock-exchange dealers were financially liable for the consequences of their actions during the war. The government decided to help the stock exchange, and so the 1953 Guarantee Fund (Waarborgfonds 1953) was set up with the purpose of simplifying the restoration of securities rights and protecting the members of the exchange against the consequences of the verdict. The Dispossessed Committee, which had been representing the interests of the Jewish stockholders since 1950, were satisfied with 90 percent of a total compensation. The government contributed 26 million guilders (12 million euro, 15.34 USD) to the Guarantee Fund. The Association of the Amsterdam Stock Exchange was ultimately willing to contribute 3 million guilders (1.4 million euro, 1.8 million USD).

This amount was wholly disproportional to the profits made during the war by its members, who had been guilty of collaboration. During the negotiations, it was decided that that half of the amount donated by the government (13 million guilders) should be regarded as compensation to the Jewish dispossessed parties. In 1976, it was decided that the Guarantee Fund should be liquidated. The credit balance of 11.5 million guilders was then deposited in the state treasury.

The operating expense with regard to the compensation of emotional damages (CADSU-II and WUV/WUBO) were defrayed by the Dutch government. These points were accordingly not included in the negotiations that took place with regard to the restitution of Jewish World War II assets. (Staal 2008, pp. 235–255)

**shofar:** A horn, traditionally that of a ram, used for Jewish religious purposes. Shofar blowing is incorporated in synagogue services on Rosh Hashanah and Yom Kippur.

**Sperr stamp:** When the deportations of Jews started taking place in earnest, in mid-1942, the occupier offered the opportunity of granting an exemption from deportation, that in the majority of cases turned out to be quite temporary, by handing in diamonds and other precious stones. The recipient then received a Sperr stamp (stamp of exemption). Until June 11, 1943, the going rate for this stamp was 20,000 guilders.

During the war years the Germans had great need of industrial diamonds for their war industry. Whenever diamonds or precious stones with a prewar value of around 1,500 guilders were handed in, the value was fixed as the amount on the Sperr stamp. After June 11, 1943, this amount was increased to 30,000

guilders, which meant nothing else but an adjustment to rising prices on the black market.

**tefillin:** From the Ancient Greek *phylacterion*, a form of *phylássein*, meaning “to guard, protect.” Tefillin are a set of small black leather boxes containing scrolls of parchment inscribed with verses from the Torah, which are worn by observant Jewish men during weekday morning prayers.

**Tanakh:** The canon of the Hebrew Bible, composed of three parts: Torah (laws), Nevi'im (prophets), and Ketuvim (writings).

**Torah:** The five books of Moses in the Hebrew Bible (or Old Testament).

**tzedakah:** The religious obligation to perform charity and philanthropic acts, which Judaism emphasizes are important parts of living a spiritual life.

**yetzer hara:** The term is drawn from the Hebrew phrase “*yetzer lev ha-adam ra minaarav*,” the imagination of man’s heart is evil from his youth.

Traditionally, a person’s indulgence of either the good or evil impulse is seen as a matter of free choice. Man’s inclinations are therefore balanced between good (*yetzer hatov*) and evil (*yetzer hara*), and he is not compelled toward either of them. He has the power of choice and is able to choose either side knowingly and willingly.

**Yiddishkeit:** Literally, it means *Jewishness*; i.e., a Jewish way of life. In a more general sense, Yiddishkeit has been identified in manners of speech, in styles of humor, in patterns of association, in culture and education. It has come to mean the Jewish essence.

**Yom Kippur:** The Day of Atonement is the holiest day of the year for the Jewish people and therefore the most important holiday. On this day, God seals the fate of man for the coming year. The Jewish day—and so every holiday and anniversary—lasts from

sunset to sunset. Yom Kippur begins on the eve of ten Tishrei—the first month in the Jewish year—and ends the following day when three stars are in the night sky. It is a day of fasting and no work whatsoever. Everything is geared to purifying both body and mind, to confess any sins that may have been committed, and to receive forgiveness.



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## *About the Author*

Philip Staal is a researcher, strategic planning, and international marketing expert and the author of Roestvrijstaal (*Stainless Steel: The Quest into the Inheritance of Jewish War Orphans*).

Philip is one of the signatories of the agreement between the Dutch financial institutions and the Jewish organizations, which in mid-2000 ensured restitution to the Dutch Jewish victims of persecution.

He is appointed by the Queen of the Netherlands to Knight in the Order of Orange-Nassau.



It was 1942 in Amsterdam when Isaac and Anna Staal began noticing their Jewish neighbors disappearing. Some were taken away by Dutch police. Some vanished in the middle of the night. As the Nazis embarked on a manhunt for Dutch Jews, Isaac and Anna made the agonizing decision to entrust their children to strangers and seek another hiding place for themselves. On May 21, 1943, the time had come. Dazed with sleep, Philip and his brother were given a last hug by their parents and put in the arms of an aunt who went out the door softly, got on her bicycle with the two tiny tots, and disappeared in the silent night.

Sixty years later, Philip was commissioned to work for the restoration of rights in the Netherlands. When looking through archives and records, he discovered the well-kept secret of the war orphans' guardians' organization.

In his compelling story that weaves between past and present, Staal not only shares a heartbreaking narrative of his childhood as a toddler separated from his parents during World War II and forced to live in orphanages after years of hiding but also how he eventually made it his personal mission to reimburse assets and restore rights lost by Dutch victims of persecution, and search for the legacies of war orphans' parents, including his own.

*Settling the Account* shares poignant personal narrative, historical facts, and one man's determined pursuit to bring justice to Dutch-Jewish war orphans, and their murdered parents and resolve the mystery of his past.

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