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# 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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*ISBN: 978-1-4917-5166-4 (sc)*

*ISBN: 978-1-4917-5165-7 (e)*

*Library of Congress Control Number: 2014955134*

*Printed in the United States of America.*

*iUniverse rev. date: 01/09/2015*

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

*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.

\*\*\*

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 (LIRQ) 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 LIRQ.*

*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 LIRQ 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 LIRQ 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.*

# 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 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 WVRA 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.'"

# 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 Laïressestraat 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 Laïressestraat 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.



## **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.

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.



## **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 CADSVU’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.

## *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.

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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**Philip Staal** is one of the signatories of the agreement between the Dutch financial institutions and the Jewish organizations that ensured restitution to the Dutch Jewish victims. Staal, who lives in Israel with his wife, is appointed by the Queen of the Netherlands to Knight in the Order of Orange-Nassau.