



Universiteit
Leiden
The Netherlands

The betrayal of Anne Frank: a refutation

Boom, B.E. van der; Boomgaard, P. van den; Hermans, A.; Schütz, R.; Vastenhout, L.; Wallet, B.

Citation

Boom, B. E. van der, Boomgaard, P. van den, Hermans, A., Schütz, R., Vastenhout, L., & Wallet, B. (2022). *The betrayal of Anne Frank: a refutation*. Amsterdam: Spui 25. Retrieved from <https://hdl.handle.net/1887/3562060>

Version: Publisher's Version

License: [Leiden University Non-exclusive license](#)

Downloaded from: <https://hdl.handle.net/1887/3562060>

Note: To cite this publication please use the final published version (if applicable).

Report

The Betrayal of Anne Frank: A Refutation

Critical Analysis of the Argumentation and Use of Historical Sources

Prof. dr. Bart Wallet
Dr. Petra van den Boomgaard
Dr. Bart van der Boom
Dr. Raymund Schütz
Dr. Laurien Vastenhout
Aaldrik Hermans MA

Amsterdam, March 2022

Colofon

Copyright: The Authors, 2022

Translations: VVH business translations, Utrecht

Table of Contents

Introduction	5
Critical comments.....	6
This report	7
Chapter 1: Arnold van den Bergh, a profile – Bart Wallet.....	8
1.1 Van den Bergh according to the CCT	8
1.2 Van den Bergh as a family man	9
1.3 Van den Bergh’s position within the Jewish community	10
1.4. Van den Bergh during the wartime years	11
Chapter 2: The exercise of the duties of the notary Arnold van den Bergh – Raymund Schütz	13
2.1 Van den Bergh’s role in the Jewish Community.....	13
2.2. The dismissal of the Jewish notaries	15
2.3 The successors: first Schepers, then Overberg	16
2.4 The Goudstikker Affair	17
2.5 The Goudstikker art dealership during the occupation	18
2.6 The notary Van den Bergh and the liquidation of Goudstikker N.V.	19
2.7 Van den Bergh’s works of art.....	20
2.8 Financial interests and earnings	21
Conclusion.....	21
Chapter 3: Van den Bergh and the Calmeyer procedure – Petra van den Boomgaard	23
3.1 Registration	23
3.2 Sperren.....	24
3.3 Fraud.....	26
Conclusion.....	29
Chapter 4: Van den Bergh and the Jewish Council – Bart van der Boom and Laurien Vastenhout.....	30
4.1 Van den Bergh's role in the Jewish Council.....	31
4.2 The CCT and the Jewish Council.....	32
Chapter 5: Van den Bergh and the Betrayal – Bart van der Boom and Laurien Vastenhout...	35
5.1 The note.....	35
5.2.1 The ‘lists’: The Contact Department.....	38
5.2.2. The ‘lists’: the testimony of Henn	40
5.2.3. The ‘lists’: Pollak	42
5.3 The telephone call	44
5.4 The knowledge of Otto Frank and Miep Gies	44
Conclusion.....	47

Chapter 6: Van den Bergh family in hiding – Aaldrik Hermans.....	48
6.1 The last year of the war according to the CCT.....	48
6.2 The daughters in hiding.....	49
6.3 Van den Bergh and his wife in hiding.....	50
Conclusion.....	51
Chapter 7: Arnold van den Bergh and the reconstruction of Jewish Amsterdam – Bart Wallet	53
7.1 Jewish reconstruction.....	53
7.2 Jewish Honour Council.....	54
Conclusion.....	56
Conclusion.....	57
Method and approach.....	57
Criticism of the factual content.....	58
Appendix: Timeline.....	62
Sources.....	65
Archives.....	65
Media.....	66
Literature.....	66
Authors.....	68

Introduction

After a well-orchestrated media campaign subject to strict embargo rules, a controversial book was launched on 17 January 2022: *The Betrayal of Anne Frank: A Cold Case Investigation*. The Cold Case Team (hereafter: CCT) went public with the news that it could identify - with a very high probability, precisely quantified at 85 to 87% - the traitor responsible for the raid on the Secret Annex. Canadian best-selling author Rosemary Sullivan, who was not herself involved in the investigation, had written the accompanying book, which is halfway between a journalistic description of a scavenger hunt and the actual investigation.¹

The overall goal is formulated very clearly at the beginning of the book: the fact that the mystery of who betrayed the location of the Secret Annex, triggering the raid on 4 August 1944, has not been solved is very unsatisfactory. Many historians and journalists had already looked into this, and renowned institutions such as the NIOD Institute for War, Holocaust and Genocide Studies and the Anne Frank House (Anne Frank Stichting) had commissioned research into the matter. Those investigations led to a variety of theories about her betrayal, with several individuals named as possible perpetrators. Quite recently, other researchers launched the theory that there was no betrayal at all, that the raid was related to another case and that the people in hiding in the Secret Annex were discovered by chance. None of these theories has been proven as yet. The CCT argued that a proper investigation has never taken place, which in itself is odd because this is the question that visitors to the Anne Frank House ask most frequently.² So it was high time for a breakthrough. This would be achieved by abandoning the classical approach to a historical investigation, as adopted previously, and treating the 'betrayal of the Secret Annex' as a cold case, which could be solved with forensic methods. The idea was that a police investigation conducted by 'a multidisciplinary team of investigators' using modern detection techniques and Artificial Intelligence (AI) could uncover new information and lead to a breakthrough.³

The first part of the book assesses the different scenarios and critically examines the arguments of previous authors. This exercise provides new information on certain aspects and some of the AI methods do seem to pay off here. In the final section of the book, the CCT develops its own theory based on the last remaining scenario. In this scenario, the Jewish notary Arnold van den Bergh is identified as the most likely betrayer of the Secret Annex - and, in the same breath - of numerous other hiding places.

¹ *The Betrayal of Anne Frank: A Cold Case Investigation* (London/Dublin 2022).

² Rosemary Sullivan, *Het verraad van Anne Frank: Het baanbrekende onderzoek van een internationaal coldcaseteam in Nederland*, vert. Hans E. van Riemsijk en Marijke Gheeraert (Amsterdam 2022) 9, 11.

This report is based on both the Dutch publication *Het verraad van Anne Frank*, and the English publication *The Betrayal of Anne Frank*. There are (significant) differences between both editions, particularly in the respective introductions.

³ Sullivan, *Het verraad van Anne Frank*, 12.

Critical comments

After the book's launch, criticism quickly followed, particularly in the Netherlands and Germany.⁴ There were two issues. Firstly, the argumentation method. The book displays a distinct pattern in which assumptions are made by the CCT, held to be true a moment later, and then used as a building block for the next step in the train of logic. This makes the entire book a shaky house of cards, because if any single step turns out to be wrong, the cards above also collapse. Furthermore, almost all the steps in the process for developing the argument are based on speculation, not just one of them. The CCT also ventures onto thin ice by regularly employing 'argumentum e silentio', i.e. drawing conclusions based on a lack of contrary evidence. When the CCT has no information about a particular point - for example, Van den Bergh's whereabouts from February 1944 until the liberation in May 1945 - it concludes that this 'silence', combined with the fact that Van den Bergh survived the war, is suspicious. The lack of evidence thus becomes an argument for making Van den Bergh a suspect and singling him out the betrayer of the Secret Annex in August 1944 - even though nothing is known about the notary's whereabouts and actions in the months after February 1944.

The second issue is the content. The critics argue that the context of the war and post-war period appears to have been poorly understood by the CCT, leading to numerous misinterpretations. For example, the strongest evidence put forward by the CCT - a copy of an undated anonymous note accusing Van den Bergh and a statement by a German translator - was taken to be true, without much in the way of critical analysis. This ignores the immediate historical context of the post-war period, in which gossip and (false) accusations were the order of the day. Crucial sources were either not or hardly subjected to thorough analysis and often turned out to have been misread or misinterpreted.

The CCT responded in a few 'rebuttal statements' in which it reiterates its own views, without addressing the criticism directed at the argumentation and content. On the contrary, it even tried to evade this entirely by claiming that its investigation was forensic in nature, rather than one based on historical analysis.⁵ That may be so, but even forensic evidence must ultimately stand the test of expert academic and scientific criticism.

⁴ See: Felix Bohr, 'Historiker sprechen von "verleumderischem Unsinn"', *Der Spiegel*, 18 januari 2022; Bart van der Boom, 'Het beeld van de oorlog. De Joodse Raad als zondebok', *De Groene Amsterdammer*, 26 januari 2022; Bart F.M. Droog, <https://reportersonline.nl/de-canard-van-het-verraad-van-anne-frank-de-tweede-wereldoorlog-als-industrie-3/> and subsequent blogs; Natasha Gerson, 'Het briefje, de bronnen en de bewijslast', *De Groene Amsterdammer*, 15 februari 2022; Christoph Gunkel e.a., 'Warum Anne Franks Verräter vermutlich keiner war. Hinterhaus-Versteck in Amsterdam', *Der Spiegel*, 25 januari 2022; Sven Felix Kellerhoff, 'Was an den Enthüllungen über den Verräter noch alles nicht stimmt', *Welt*, 17 februari 2022; Bas Kromhout, 'Onderzoeker Joodse Raad: Verraadtheorie Anne Frank is 'lasterlijke onzin'', *Historisch Nieuwsblad*, 17 januari 2022; Bart Wallet, 'Beschuldiging in verraadzaak Anne Frank wankel kaartenhuis', *Reformatorisch Dagblad*, 21 januari 2022.

⁵ Vince Pankoke, Rebuttal statements 3, 9 and 22 February 2022, <https://www.coldcasediary.com/press/>.

This report

Sullivan's book has led to much confusion and raised numerous questions. The name of Arnold van den Bergh has now gone around the world as the most likely betrayer of the Secret Annex. Given the importance of Anne Frank's story as the central, iconic narrative of the Holocaust, meaning that Van den Bergh is now positioned as the archetypal traitor, we felt it incumbent upon us as historians to write this report. Each of us specialises in an aspect of this era of history, so we are familiar with the relevant sources and the immediate historical context. Given the short time available for this research, we decided to focus on the specific case of Van den Bergh. This report reconstructs Van den Bergh 's life on the basis of the available historical sources and tests the views of the CCT on the basis of this information, whereby we conclude that the accusations levelled against him are unjustified. We demonstrate the problematic nature of the CCT's approach to historical sources, the scanty nature of historical knowledge about the period from 1930 to 1950, and how this leads to a series of unjustified inferences being made in the case of Van den Bergh.

Our objective in writing this report is to make clear that the accusation against Van den Bergh is not convincing. Moreover, we want to emphasise that the debate on the Holocaust and the position of Jews during World War II should be approached with respect for the historical context and with nuance, rather than from an overly complacent modern perspective. For only then can we do justice to the past and also do justice to the people of the past. Including the notary Arnold van den Bergh.

The structure of our report is both chronological and thematic. Each chapter explores a different sub-theme, in which the vision of the CCT is mapped out, the sources are presented and analysed, and conclusions are drawn. In some chapters, we deviate from the chronology in order to properly bring the sub-arguments to a conclusion.

Colleagues and the wider public have helped us with this research in all kinds of ways. We wish to thank the National Archives of the Netherlands (Nationaal Archief, NA) in The Hague, the Archives of Noord-Holland (het Noord-Hollands Archief), Rotterdam City Archives (Stadsarchief Rotterdam), Amsterdam City Archives (Stadsarchief Amsterdam), the NIOD, and the SVB. In addition, we received valuable feedback from and/or discussed parts of this report with Myriam Everard, Ilias Frieling, Natasha Gerson, Jelly Posthumus, Elise Tak, Rian Verhoeven, Wouter Veraart en Ruben Vis. This has been subject to peer review, and we are grateful for the comments we received during this process. Obviously, as historians, we accept responsibility for the contents of this report.

Chapter 1: Arnold van den Bergh, a profile

Bart Wallet

This first chapter focuses on Arnold van den Bergh as a person. Who was he? And to what extent is that picture consistent with the CCT's portrayal of him? This profile is a vital element in the subsequent process of accurately assessing Van den Bergh's position and actions during World War II.

1.1 Van den Bergh according to the CCT

In Sullivan's book, Van den Bergh is briefly introduced as one of only seven Jewish notaries operating in pre-war Amsterdam and the owner of 'one of the largest and most successful notary businesses in the city'. He is characterised as a wealthy man, composed and confident, living in luxury in his elegant villa surrounded by seventeenth and eighteenth-century paintings.⁶ That image is fleshed out as the book progresses: he is 'cunning' and 'clever' and during the wartime occupation, as Goudstikker's notary and as a member of the Jewish Council, succeeds in establishing connections with 'powerful Nazis'.⁷ Because of these 'powerful contacts in the Nazi hierarchy', he secured Calmeyer status for himself, but he was 'not naive enough to trust a Nazi'.⁸

Witnesses who describe Van den Bergh as someone who was 'good' during the war, are set aside by the CCT without any supporting arguments.⁹ Indeed, according to the CCT, he was not 'good' at all, as he is identified as the betrayer of the Secret Annex and numerous other hiding places. The book paints a picture of Van den Bergh as someone 'put into a devil's dilemma by circumstances for which he was not to blame' and who 'under pressure ... may have failed to understand fully the consequences of his actions'. He is claimed to have committed the betrayal not 'out of wickedness or for self-enrichment', but to save his family. The restraint exercised to some extent earlier in the book when pointing the finger at Van den Bergh as the traitor disappears in the final pages: 'He saved his family by giving up addresses, including Prinsengracht 263, to the SD.'¹⁰

The picture of Arnold van den Bergh that emerges from the book is that of a wealthy, intelligent and clever man who fostered contacts with high-ranking Nazis in wartime and used them to save himself and his family. However, the historical reconstruction we have produced as part of this report reveals a very different picture of a) Van den Bergh's personality; and b) his alleged connections with high-ranking Nazis during wartime (see our chapters on Calmeyer, Goudstikker, and The Betrayal).

⁶ Sullivan, *The Betrayal of Anne Frank*, 229.

⁷ Ibid., 231, 235, 263

⁸ Ibid., 236, 263.

⁹ Ibid., 248.

¹⁰ Ibid., 283.

If we are to properly understand Arnold van den Bergh and how he weathers the war, three factors are important: 1) Van den Bergh's strong family ties; 2) his position as a notary to many Jews in Amsterdam; and 3) his commitment to Jewish social welfare.

1.2 Van den Bergh as a family man

Arnold van den Bergh was born in Oss in 1886. Van den Bergh as a surname is inextricably linked to Oss. The founder of the dynasty, Zadok van den Bergh (1769-1857), opened a shop selling textiles and colonial goods in the neighbouring village of Geffen. Because he received butter from farmers in payment for goods, he also became active in the butter trade. His descendants continued the different lines of business as separate operations, leading to two large but related Van den Bergh families: the 'Unilever' Van den Berghs and the 'Bergoss' Van den Berghs. One of Zadok's sons, Simon, became a pioneer of margarine in Europe and, with the help of his children, created a network of margarine factories that would later be incorporated in Unilever, which was founded in 1930. Another son, Daniël, remained faithful to textiles and laid the groundwork for Koninklijke Tapijtfabrieken Bergoss N.V., a major manufacturer of carpeting. Daniël was Arnold's grandfather.¹¹

Van den Bergh was born into a family of six children; four boys and two girls. Family stories indicate that this was a close-knit family, who remained in close contact with each other even after the children had started their own families. He wrote a personal poem in a niece's poetry journal, and his photo appears in the family album.¹² On the eve of World War II, Arnold's parents had already died, as had his oldest two brothers and a brother-in-law. Some of the family had emigrated abroad; his sister Henriëtte had moved to Britain a number of years beforehand in 1927 and his sister-in-law Clementine with her two sons left just in time when they moved to the United States in 1939. During the war, Van den Bergh felt particularly responsible for his brother Daniël, sister Bertha, sisters-in-law Rosetta and Betje, and his nieces and nephews.¹³

Arnold van den Bergh was raised in the Jewish tradition and married within his own community, choosing Auguste (Guusje) Kan (1899), a manufacturer's daughter from Oldenzaal, as his spouse. His relationships with Auguste's brother and sister, Max and Johanna, were also warm. Those close family ties also included Arnold and Auguste's three daughters: twins Emma and Esther (1921) and the youngest, Anne Marie (1929). The family went to Amsterdam in 1921, and subsequently moved into the ground floor space at Oranje Nassaulaan 60 in 1929. Other families lived on the upper floors of the building.¹⁴

¹¹ J. Becker, *Het smouse kerkhoff te Geffen 1693-1908* (Uden 1987) 41-57; Bart Wallet, *Ontkomen. Het vluchtverhaal van Albert en Ella Andriessse-van den Bergh 1940-1941* (Utrecht 2019) 65-67.

¹² Private collection of Elise Tak, poetry journal of Cornelia van den Bergh and photo album.

¹³ Genealogical information based on personal and family charts sourced from Amsterdam City Archives. Family stories based on information provided by Mirjam de Gorter and Elise Tak.

¹⁴ Amsterdam City Archives, family record for Arnold van den Bergh and residential records for Oranje Nassaulaan 60.

1.3 Van den Bergh's position within the Jewish community

Although Van den Bergh was not born and raised in Amsterdam, he quickly managed to secure a solid position in city society and within the Jewish community. This was the result of both his position as a notary and his strong commitment to community life and, in particular, care and social work. In pre-war Amsterdam, notaries were often chosen on philosophical grounds, which is why the firm Van den Bergh had run since 1923 mainly worked on behalf of Jewish clients. This was further strengthened by the location of his office, first on Sarphatistraat and later on Westeinde, both addresses in or near neighbourhoods with relatively large numbers of Jewish residents. The notarial archive of Van den Bergh's notary practice from 1926 to 1935 can be viewed at Amsterdam City Archives. A random look at the main register and deeds shows that a wide cross-section of Jewish associations, foundations, organisations and individuals found their way to Van den Bergh. At the same time, the firm also had non-Jewish clients and the other members of staff also came from varied backgrounds.¹⁵ The firm was successful and, from 1938 on, Van den Bergh shared the office with Eduard Spier, who was also Jewish, a relationship that would continue until Van den Bergh's death in 1950. As notary, Van den Bergh was among the notables in pre-war Amsterdam, and he enjoyed a solid income.

Van den Bergh was a member of the largest Jewish community in the Netherlands, the Orthodox Ashkenazi Dutch-Israelite Main Synagogue Amsterdam (Asjkenazische Nederlands-Israëlietische Hoofdsynagoge Amsterdam, NIHS). Within that community and beyond, he was particularly committed to Jewish social care. For example, he was a director of the Dutch Israelite (Jewish) Poor Administration (Nederlands Israëlitisch Armbestuur, NIA), a committee devoted to providing care and support for the poor among the many working-class Jews. The NIA provided material support to the poor and had a network of its own facilities, ranging from an Old Men's and Women's Home to its flagship hospital, the Nederlands Israëlietisch Ziekenhuis (NIZ). So a seat on the board of the NIA was a responsible position, open only to individuals from the community who were widely respected and incorruptible. His other positions are largely an extension of this, such as his involvement with the Home for Unemployed Jewish Youth (Tehuis voor Werkloze Joodsche Jongeren), the Society for the Benefit of Israelites (Maatschappij tot Nut der Israëlieten), and the Rudelsheim Foundation for the Mentally Handicapped (Rudelsheim Stichting). In the 1930s, he also helped the German-Jewish refugees who came to the Netherlands. He was member of the Committee for support to foreign Jews in the Netherlands (Comité voor steun aan in Nederland verblijvende buitenlandse Joden).¹⁶

¹⁵ Amsterdam City Archives, archive 30642, inventory numbers 2960-3027.

¹⁶ Collection Jewish Museum Amsterdam, D000833, instructions for Committee for Special Jewish Affairs (Comité voor Bijzondere Joodsche Belangen), 12 September 1940.

1.4. Van den Bergh during the wartime years

Partly because of his contacts with German-Jewish refugees, Van den Bergh must have had few illusions when Nazi Germany attacked the Netherlands in May 1940. Along with countless other distraught Jews in Amsterdam, the Van den Berghs also tried to flee as a family to Britain via IJmuiden. Van den Bergh, meanwhile, had already transferred some of his assets abroad. The attempt to flee failed, however, forcing the family to return to Amsterdam.¹⁷

This escape attempt shows that Van den Bergh was by no means naive and realised that he was in danger because he was Jewish. During the war, he was characterised by W.H. Woortman, an employee of the 'LiRo' bank, or 'robber bank' in popular parlance, as someone who had an 'infernal hatred of Germany'.¹⁸ This is difficult to reconcile with the portrayal, concocted by the CCT, of Van den Bergh as someone who fostered friendly relations with prominent Nazis. Moreover, that fierce anti-German disposition turns out to be a better key to understanding how Van den Bergh acted during the war.

The three central factors that had characterised Van den Bergh in the pre-war period also played an important role during the war. His close relationships with his extended *family* – his and Auguste's brothers, brothers-in-law and sisters-in-law, nieces and nephews – resulted in reciprocal help. At a time when many Jews were losing their jobs in the community and thus becoming vulnerable to rapid deportation, Van den Bergh helped as many family members as possible find new jobs. He did this mainly within Jewish care institutions, such as the NIZ, the Joodse Invalide or the Apeldoornse Bosch psychiatric clinic. These new jobs also gave them, over time, a 'Sperre', a stamp that provided temporary protection against deportation. While this may have lulled some Jews into a false sense of security, it also gave them extra time to arrange hiding places. In the case of the Van den Bergh and Kan families, a connection between the new job, with the associated 'Sperre', and intervention by Arnold van den Bergh can be inferred in thirteen cases. That is an exceptionally high number and especially remarkable taken into consideration that many Jews were exclusively occupied with the survival of their own households. It highlights Van den Bergh's care for his extended family as well as the possibilities he had as director of Jewish care institutions. Connections to people who were prepared to hide Jews were also shared in the family, and Arnold, Auguste and the twins found a hiding place thanks in part to their niece Hester van den Bergh (see chapter 6 for further details).¹⁹

Arnold van den Bergh lost his position as a *notary* in February 1941, because he was a Jew. He had already arranged a good non-Jewish replacement, Mr. C.E. Masee, while remaining active in the office himself. Moreover, he continued to work on behalf of his Jewish clients. His notary practice became an active part of attempts to give Jews Aryan status through fraudulent documents (for more details, see chapter 3). The trust he enjoyed as a notary and his anti-German leanings encouraged Jews to turn to his practice to obtain forged papers.

¹⁷ National Archives, Calmeyer file, Van den Bergh, Woortman, 14 October 1943.

¹⁸ Ibid. Woortman had an interest in providing a negative image of Van den Bergh to the Nazis, yet he would never have made such a remark if Van den Bergh had been known as someone with friendly connections with high-ranking Nazis.

¹⁹ Based on an analysis of all the available Jewish Council index cards, Bad Arolsen archive.

All of Van den Bergh's actions indicate a huge sense of responsibility. His work as a member of the managing boards of the NIA and other Jewish healthcare institutions led to an invitation to join the Jewish Council (De Joodsche Raad voor Amsterdam). As a member of that council, he was assigned responsibility for the healthcare portfolio, meaning that he could continue to take care of 'his' institutions. During his activities within that care network, he saw the danger of deportation at close quarters when the Nazis descended on Jewish care homes to round up and deport residents. Those experiences can only have strengthened Van den Bergh's alertness. This care network, incidentally, also gave him crucial contacts in the resistance, such as doctor Maurits Kropveld and Albert Schlösser, who helped arrange hiding places (more details in chapter 6).

So was Van den Bergh in fact a wealthy, clever man who fostered contacts with high-ranking Nazis? What we can say with certainty is that he ran a successful notary practice. In addition, he was a family man who devoted himself to helping socially disadvantaged people and continued to do so during the war. He was not naive: from the beginning of the occupation, he looked for ways out (through flight, the Calmeyer list and hiding) and obstructed the Nazis via his notary practice. In none of these contexts - family, notary practice and Jewish social work - do we see any indication that Van den Bergh fostered close contacts with high-ranking Nazis. This accusation will be further scrutinised in the following chapters.

Chapter 2: The exercise of the duties of the notary Arnold van den Bergh

Raymund Schütz

This is a brief biographical sketch of Arnold Van den Bergh, focusing on the central question of how he fulfilled his role both in terms of his official duty and administratively. We consider his period of office up to the occupation and his activities during the occupation as the liquidator of the company Kunsthandel J. Goudstikker N.V.

During the interwar years Amsterdam had a large Jewish community (around 80,000 people), largely comprising people living close to the poverty line. At the end of the 1930s there were six Jewish notaries practising in Amsterdam besides Van den Bergh: Jacques van Zoest (1869-1943), Samuel Teixeira de Mattos (1880-1949), Salomon West (1898-?), Jakob van Hasselt (1903-1997), Ed. Spier (1902-1980) and A. Roos (?-1949). Everyone had a free choice of notary, but whether notaries were Protestant, Catholic or Jewish was public knowledge, so people could choose the notary that matched their beliefs.²⁰ In July 1916 Van den Bergh was appointed as deputy of the vacant office of the Amsterdam notary J.A. Ritman at 611 Herengracht, who operated the firm from 1895 to 1915. Junior notaries with power to deputise were eligible to be appointed as notaries themselves.

On 1 January 1923, Arnold van den Bergh was appointed by Royal Decree to fill the vacancy of the non-Jewish notary P.O. van Nispen. In January 1924, the firm moved to 43 Sarphatistraat, in a Jewish neighbourhood.²¹ In the early 1930s, besides Van den Bergh, there were two junior notaries working at the firm, including Spier, who was appointed as a notary on 1 January 1938. The Van den Bergh en Spier firm thus came into being. In April 1939 they moved into new premises at 24 Westeinde in Amsterdam.

2.1 Van den Bergh's role in the Jewish Community

The Jewish identity of the Van den Bergh firm is reflected in the charitable works which the notary Arnold van den Bergh participated in during the 1930s. These included positions on the boards of foundations, but also supervising the proper running of charitable lotteries. Junior notaries and staff of the firm were deployed to organise them. Van den Bergh held a board position in the Dutch-Israelite Poverty Relief Council (Nederlands-Israëlitisch Armbestuur)²² and the Home for Unemployed Jewish Youth (Tehuis voor Werklooze Jongeren).²³ He was a member of the board of the Rudelsheim Foundation.²⁴ He was also Secretary of the Society for

²⁰ From 1900 to 1983, Fikkert's *Yearbook of the Notarial Profession and Registration* stated the religious affiliation of all notaries: Protestant, Catholic, Jewish and non-religious. Ron de Jong, *Tussen ambt en vrij beroep. Het notariaat tussen 1842 en 1999, Ars Notariatus CXVI* (Amsterdam, Kluwer: 1999) 38-39.

²¹ *Algemeen Handelsblad*, 3 January 1924.

²² *Centraal blad voor Israëlieten in Nederland*, 6 July 1939 (Delpher), 30 December 1937, 16 June 1933.

²³ *Weekblad voor Israëlitische huisgezinnen*; published by the Association of Jewish Sciences in Rotterdam, vol. 58, 1937, no 6, 5 February 1937.

²⁴ *Centraal blad voor Israëlieten in Nederland*, 9 June 1932.

the Benefit of Israelites in the Netherlands (Maatschappij tot Nut der Israëlieten in Nederland), where he was responsible for the annual report.²⁵ In 1938 Van den Bergh was appointed as honorary chairman of the Jewish youth association Betsalel. That is a long list of positions, but notaries of other faiths often also devoted themselves selflessly to social goals.²⁶ This connection with care for the weak can also be seen in the notary's two eldest children, the twins Emma and Esther (1921), who trained as student nurses at the NIZ.

Van den Bergh built a firm offering a wide range of services in family, real estate and company law. Besides being a lawyer, he was also a qualified accountant, a notable combination at the time because many notaries lacked knowledge of financial accounting.²⁷ We also see these competencies reflected in the administrative positions he held, in which he took on the financial and accounting responsibility for organisations and in his professional role as a company liquidator.

Arnold van den Bergh was a respectable and expert notary who built up a firm with a clear Jewish identity and clientele in the pre-war years.²⁸ As a notary and administrator, he placed himself at the service of the Jewish community in the difficult 1930s through his administrative efforts and through his contribution to many fundraising activities. There are no indications of anything untoward with regard to Van den Bergh's integrity. This is also reflected in the way in which, on his death in 1950, Van den Bergh was commemorated by the notary Klaas Abma. He was one among the few ethical notaries who supported their Jewish colleagues during the occupation, took part in the resistance and strongly criticised the attitude of the Board of the Fraternity after the liberation.²⁹ Abma described Van den Bergh as 'a skilled lawyer and a jewel of the notarial profession'.³⁰

²⁵ *Weekblad voor Israëlietische huisgezinnen*; published by the Association of Jewish Sciences in Rotterdam, vol. 70, 1939, no. 41, 13 October 1939.

²⁶ Such positions are mentioned in *Persoonlijkheden in het Koninkrijk der Nederlanden in woord en beeld (1938)*; examples: Kl. Bijlsma, Vrijzinnig Democratische Bond, 286; W.H.M.A. Bahlmann, Voogdijraad, 67; A.M.R. Beguin, 'Mr. B. held many ancillary positions. He is secretary-treasurer of the Hague Circle of the Fraternity of Notaries in the Netherlands; Chairman of the Supervisory Board of the Cooperative Raiffeissenbank in Voorburg; Chairman of the Liberal Religious Association in Voorburg; of the Board of Elders and Deacons of the Eglise française in Voorburg; a member of the Order of Freemasons of the Greater East of the Netherlands, in which Order he performed many important services and was a member of the main board for two years; Chairman of the Dept. Voorburg and District Department of the Public Benefit Society, secretary-treasurer of the Veen- en Binkhorstpolder and a member of numerous committees, - He is also Master of Honour of his Hiram Abiff Lodge and an honorary member of the High Ranks Chapter "l'Union Royale", 101 Heerenstraat, Voorburg', 100.

²⁷ R. Schütz, *Kille mist. Het Nederlandse notariaat en de erfenis van de oorlog* (Amsterdam 2016) 101, 102.

²⁸ He maintained that honest attitude during the occupation in the administrative position he fulfilled for the Jewish Council. He argued in favour of granting the Jewish Council legal personality, so that it could account for itself, but this fell afoul of the prohibition imposed by the German authorities. Schütz, *Kille mist*, 292 ff.

²⁹ Schütz, *Kille mist*, 107-108, 407-409.

³⁰ Fraternity of Notaries, Amsterdam circle, 'Om de guillotine', annual report 1950 (Amsterdam 1951), 21, (library of Stichting der Notariële Wetenschap, Amsterdam).

2.2. The dismissal of the Jewish notaries

On 6 October 1940, all officials were instructed to submit the signed 'Aryan declaration' by 26 October. Only a few refused.³¹ Notaries and junior notaries also had to complete and sign the Aryan declaration. Van den Bergh did so on 25 October 1940. The nine Jewish notaries in the Netherlands were dismissed by a decision on 21 February 1941 of Secretary-General J.C. Tenkink of Justice, a measure that hit Amsterdam particularly hard. The following individuals were dismissed: S.S. Wijsenbeek (Rotterdam), S.K.D.M. van Lier (The Hague) and the Amsterdam notaries J. van Hasselt, E. Spier, S. Teixeira de Mattos, J. Zoest, A. Roos, S. West and Van den Bergh.³²

The Cold Case Team's observation that Van den Bergh was still executing deeds in 1940 ('The Cold Case Team located records that showed Van den Bergh still officiating at various transactions in 1940')³³ says nothing about his attitude towards the occupier, because *all* Jewish notaries continued to execute deeds in 1940.

It is notable that the dismissed Jewish notaries in the Amsterdam district took little notice of their dismissal and continued with their work. They could not execute the deeds themselves, but they found a number of colleagues willing to do so. In contrast to, for example, Jewish doctors, Jewish notaries were no longer allowed to serve their Jewish clientele and they were left without an income. In 1941, the successive Secretaries-General of Justice, Tenkink and I.P. Hooykaas, wrote threatening letters to the Chamber of Supervision. J.J. Schrieke, who was Secretary-General of Justice from 1 July 1941, and member of the Dutch National Socialist Movement (Nationaal-Socialistische Beweging, NSB) wrote as follows to the Amsterdam Chamber on 16 August 1941:

I hereby have the honour of informing the Chamber that the German authorities have made known that the dismissed Jewish notaries are still partly practising their former profession in a covert manner and using deputies in the vacant offices as front men. The letter of 22 April 1941 [...], which included a reminder of the circular dated 26 February 1941, [...] already requested the Chamber to inform the dismissed Jewish notaries that such a course of action is completely inadmissible and may lead to very serious consequences. I would ask the Chamber to once again draw the attention of those involved to the fact that such circumventions will no longer be tolerated. Furthermore, I would like to see an investigation initiated urgently, in order to establish to what extent the deputies of vacant firms are involved in practices such as those referred to above. I would like to be informed of the results of this investigation as soon as possible.

³¹ Peter Essers, *Belast verleden. Het Nederlandse belastingrecht onder nationaalsocialistisch regime* (Alphen aan den Rijn 2012) 231.

³² *WPNR* 1941/3749, job listing.

³³ Sullivan, *The Betrayal of Anne Frank*, 229.

The Jewish notaries' failure to obey the dismissal decision was an act of official resistance. This also applied to Van den Bergh, who cooperated with the junior notary C.E. Masee.³⁴ Masee took over the vacant posts of Van den Bergh and Spier on 6 March 1941.³⁵ After his removal from office, Van den Bergh, like the other Jewish notaries in Amsterdam, did not therefore adopt a docile and passive attitude towards the German repressive measures, but actively opposed them through the office he held.

2.3 The successors: first Schepers, then Overberg

When appointing candidates to succeed a notary, the Chamber of Supervision, whose function gave it access to information regarding the performance of candidate-notaries, drew up the recommendation (the nomination). During the occupation, the appointments were made by the Secretary-General of Justice and the candidates were first proposed by the Chamber to the Public Prosecutor. On 2 December 1941, the Amsterdam Chamber had indicated to the Department that the quality of the applicants for the five vacancies posed 'difficulties' in drawing up the nomination.³⁶ The Chamber also pointed to the possibility of appointing a Jewish notary, who would serve exclusively Jewish clients, but this draft plan would never be implemented.³⁷ Apart from these difficulties, the vacant posts were being filled satisfactorily. For these reasons, the Chamber continued the nominations. It appears that the Chamber employed a delaying tactic in filling the vacancies, which was made possible by the lack of applicants with a solid notarial track record.

In January 1942, Jan Hendrik Swenne, head of the Justice Office, wrote that no arrangement for Jewish notaries was to be expected in the foreseeable future and the vacancies had to be filled quickly.³⁸ On 8 May, the nominations for the five vacancies were finally made and the relevant letter was sent to the Public Prosecutor. This did not end the delay, because it would take another 15 months to appoint Van den Bergh's successor. Masee invoked the usual arrangements for offices that became vacant due to the death or dismissal of the notary. For cases dating from before 21 February 1941 and which Masee had to deal with, half of the fee was shared with the predecessors Van den Bergh and Spier. The fee was payable to Van den Bergh and Spier for cases that were almost completed by 21 February 1941. From 21 February 1941, Masee himself charged the cases he handled. Masee also stated that he practised independently and not as a 'front man for the aforementioned dismissed notaries'.³⁹ In May 1943 Masee became ill and a deputy had to be appointed to fill his post,

³⁴ The notaries' resistance could be the subject of an in-depth dissertation study into Jewish resistance.

³⁵ North-Holland Archive 489/1597 Amsterdam District Court, files of notaries of Jewish blood, 1940-1945, letter dated 30 September 1941 from C.E. Masee to the Chamber of Supervision. It is notable that the identity card of Cornelis Elisa Masee, born in December 1905, a candidate-notary, states that he was deregistered on 9 June 1940 to Van Miertstraat 34, Vught.

³⁶ NHA 489/1597, letter from the Chamber dated 2 December 1941 to the Secretary-General of Justice.

³⁷ NHA 489/1597, letter from the Chamber dated 8 May 1942 to the Secretary-General of Justice.

³⁸ NHA 489/1597 letter from Swenne dated 15 January 1942 to the Amsterdam Chamber.

³⁹ NHA 489/1597 letter from Masee dated 20 September 1941 to the Amsterdam Chamber.

which was difficult and led to a delay due to the limited number of candidates. Eventually, mr. A. Bruijning was appointed.⁴⁰

The intended successor, candidate-notary J.W.A. Schepers, had to wait a long time for the decision of Secretary-General of Justice Schrieke. On 31 August 1943, Schepers, an anti-Semitic NSB member, was appointed as Van den Bergh's successor.⁴¹ The takeover of the firm turned out to be less favourable for him than expected, because most clients had been excluded from the legal system by the measures imposed by the occupying power. They had been imprisoned or deported or were in hiding. Most resales of 'Jewish properties' in the period from 1942 to the summer 1943 had already been facilitated through other notaries' offices. Schepers believed that Van den Bergh opposed his takeover of the firm and he ensured that Van den Bergh's 'de-judification' was reversed (see chapter 3).⁴² Schepers proved unable to keep the firm operating satisfactorily. On 1 February 1944 J.D. Overberg was appointed as deputy of the notaries Van den Bergh and Spier. Overberg had previously been appointed as deputy of the vacant office of Teixeira de Mattos and had been appointed as notary there on 6 August 1942. Overberg was not a member of the NSB.

2.4 The Goudstikker Affair

The entire, complex Goudstikker affair will not be discussed here, only the involvement of notary Van den Bergh in Kunsthandel J. Goudstikker N.V. How did that involvement come about? What was his role, and did he benefit excessively from the liquidation of the company? What was the outcome for the Goudstikker family and what attitude did it adopt after the war?

The art dealership was originally a family business, founded in 1845 by the Goudstikker brothers, including Jacques' grandfather. In the 1920s, the company was professionalised. In 1921, Jacques's father registered the art dealership, then located at 21 Kalverstraat, in the Trade Register. The firm was turned into a limited partnership by notarial deed dated 20 December 1923. This legal form is chosen if the business owner needs money to invest but cannot finance it himself. The lender is involved in the business as a silent partner. In this case Jacques Goudstikker was the managing partner and his mother, widow Goudstikker, was the limited partner with a capital of f180,000. In this way the business succession was legally secured, and the legal entity was assured of working capital. This deed was executed before the notary Arnold van den Bergh. His involvement in Goudstikker's business activities therefore dates from the early 1920s.

In the early 1930s, the limited partnership was converted into a public limited company. The authorised capital at that time amounted to no less than f3,000,000 (a current value of EUR 27,000,000), the issued and fully paid-up capital was f600,000. f400,000 was issued in bonds with a coupon of 4% to the widow Mrs E. Goudstikker-Sellisberger. Jacques Goudstikker

⁴⁰ Petra van den Boomgaard, *Voor de nazi's geen Jood, Hoe ruim 2500 Joden door ontduiking van rassenvoorschriften aan de deportaties zijn ontkomen* (Laren 2019) 549.

⁴¹ WPNR 3845/1943, appointments. *Nederlandsche Staatscourant* dated 8 September 1943.

⁴² Schütz, *Kille mist*, 262-263.

held 550 shares and his mother 50 shares. The contributed assets also included a number of valuable paintings worth f 500,000 and three properties: 458 Herengracht, the Oostermeer country house and Nijenrode castle, with a combined value of f 495,000. E.A.D. Von Saher indicated in his post-war report that the actual value of the paintings was far below the value of the stated in the deed. This deed was executed not by Van den Bergh but by his Limburg colleague Ch.H.D.M.J. Russel in Eijsden. It is notable that in the years 1919-1938 the brother of this Limburg notary ran a tax advice firm, which was located at 279 Keizersgracht and had a branch office in Maastricht. Furthermore, G.M.G.H. Russel specialised in company law. This connection appears to explain the Limburg route of this legal entity, and Von Saher's claim that the value of the trading stock stated in the deed was far below the real value, if correct, would have constituted grounds for a well-informed and honest notary not to execute such a deed. Professional ethics required a notary to refuse to render services if the parties wished to include an untrue statement in the deed.⁴³ The Eijsden notary Russel was dismissed at his own request in 1960, but without the usual addition of 'honourable'.⁴⁴

2.5 The Goudstikker art dealership during the occupation

On 16 May 1940, Goudstikker died during his escape as a result of an accident on board of the *De Bodegraven*, a ship that was bound for England. Shortly afterwards, a German businessman named Alois Miedl and Hermann Göring, the Nazi leader, bought Goudstikker NV and its assets in a complex set of interrelated transactions which took place under the impending circumstances of war and occupation and with the payment of large commissions to the acting management of Goudstikker NV (and which after the liberation would be regarded as forced transactions by the Judiciary Division of the Council for the Restoration of Rights). On 1 July 1940, Miedl entered into a preliminary agreement to purchase Goudstikker NV and all its assets for f2.55 million. A change was made on 13 July 1940, because Göring was also interested in some of the artworks: the commercial art collection (the trading stock) of the company was excluded from the sale to Miedl. The paintings in the trading stock were sold to Göring for f2,0 million, the so-called Göring transaction. The company, the real estate and a large number of assets related to the real estate – including works of art – went to Miedl (for f 550,000, the so-called Miedl sale). In practice, the distinction between the two transactions was not so clear. Shortly after the transactions were completed, Miedl transferred most of the assets he had acquired (except some movable property that he kept for his family) to a new company. He called this 'Kunsthandel voorheen J. Goudstikker, NV'. Miedl continued to operate this art dealership profitably throughout the war.⁴⁵

⁴³ Ibid., 82.

⁴⁴ Ibid., 328.

⁴⁵ W.J. Veraart, Expert Report of Prof. Wouter Veraart inzake de rechtszaak Von Saher v. Norton Simon Museum of Art at Pasadena, No. 07-2866-JFW (SSx) (C.D. Cal.).

2.6 The notary Van den Bergh and the liquidation of Goudstikker N.V.

In what way was Van den Bergh involved in these transactions and did he benefit from them financially? Because of the war, news of Goudstikker's death did not reach the notary Van den Bergh and Jan Dik Sr., a restorer in the art dealership, until mid-June 1940. As a notary, Van den Bergh formalised the transactions initiated by Miedl and Göring that would give effect to the liquidation of Goudstikker N.V. On 14 September 1940, the deed of sale was formally executed before the notary Van den Bergh, just as he had also executed the deed of incorporation of the pension fund for the staff on 8 August 1940.⁴⁶ Van den Bergh's role was to record these agreements. He would continue to act as a notary in this case until he was removed from office in February 1941.

After the liberation, the notary Van den Bergh was interrogated by two state investigators about his involvement in the sale of the Goudstikker art dealership.⁴⁷ His account included the following. A few months after the start of the occupation, Dik Sr. and A.A. ten Broek, the former proxy holder, contacted Van den Bergh and told him that there were difficulties with the Goudstikker art dealership and that the Germans had threatened to seize the business. These difficulties could be solved by selling the art dealership and all the associated assets. First the name of Erich Gritzbach was mentioned, the biographer of Hermann Göring and chief of staff of the Reichsführer SS.⁴⁸ Later Miedl offered to buy the firm for f2,500,000.⁴⁹ Van den Bergh had to make a decision on behalf of the Goudstikker family and sought advice from the accountant Polak, who considered that the offer was 'quite high and very acceptable'. The offer was accepted by the meeting of shareholders on the recommendation of Van den Bergh. The amounts he mentions differ by around 10% from the recorded amounts, since he was presumably speaking from memory.

In the post-war hearing, the notary made a nuanced statement about Miedl. He treated the German with the necessary reserve, because his 'financial past' was questionable. But 'he was by no means a despot who acted improperly, taking advantage of the very difficult circumstances faced by Jews. On the contrary, he did a lot for old Mrs Goudstikker in this matter.'⁵⁰ Van den Bergh could have portrayed Miedl as a proverbial Nazi, but he did not. In a conversation with the historian Adriaan Venema, Dik Sr. said that Miedl had a drinking problem ('he drank a lot') but was reliable. Miedl had sent a number of people into hiding on the Oostermeer estate near Ouderkerk aan de Amstel.⁵¹

⁴⁶ Amsterdam City Archives (Stadsarchief Amsterdam – SAA), 1341 Inventory of the Archives of Jacques Goudstikker and Desi Goudstikker-Halban, 95, Summary of events in the period from 31 December 1939 to April 1952. Essay by A.E.D. von Saher on the fortunes of Kunsthandel J. Goudstikker N.V. in this period. 1952, 1341 Inventory of the Archives of Jacques Goudstikker and Desi Goudstikker-Halban, 95, 31.

⁴⁷ National Archives 2.09.16.05, NBI, inventory number: 81997, Goudstikker, M.H. [family], The Hague, Central Asset Investigation Service, Amsterdam, report of the hearing of the liquidator, director and owner of NV J. Goudstikker of Amsterdam, in relation to irregularities in Stichting Nederlands Kunstbezit, dated 12 October 1948,

⁴⁸ Ernst Klee, *Das Personenlexikon zum Dritten Reich* (Frankfurt am Rhein 2003) 201.

⁴⁹ SAA 1341/95, Essay by E.A.D von Saher, 36.

⁵⁰ SAA 1341/95, Essay by E.A.D von Saher, 38.

⁵¹ Adriaan Venema, *Kunsthandel in Nederland 1940-1945* (Amsterdam 1986) 219.

The financial obligations of Miedl, who had payment problems and could not afford the purchase price, were notarised by Van den Bergh. On 14 September 1940, this took the form of an agreement between the (old) Kunsthandel Goudstikker and Miedl, under which the latter had to pay the former an amount of f500,000. On 2 October 1940, Van den Bergh and Ten Broek were appointed as liquidators for the financial liquidation of (the old) J. Goudstikker N.V.⁵² Through Miedl, Van den Bergh was able to secure an understanding from the German authorities that the capital yielded by the transaction would not be seized or confiscated as Jewish assets during the remainder of the occupation period. Van den Bergh and Ten Broek discussed this with the General-kommissar für Finanz und Wirtschaft on 9 April 1942.⁵³

After the liberation, Jacques Goudstikker's widow did not apply for a restoration of rights for the commercial collection (sold to Göring), but only for the real estate and appurtenances (sold to Miedl). According to Van den Bergh, this had to do with the amounts of money that had been paid. In post-war restoration of justice, the purchase price received during the occupation (to the extent that it had actually benefited the seller) had to be paid when the transaction was reversed. 'In answer to your question as to how it was that Mrs Goudstikker did not claim her property after the liberation,' Van den Bergh stated after the war,

I can say that she presumably failed to do so because of the purchase price received at the time, which, as stated, was very high in relation to the value of the goods. I would describe the 'Nijenrode' property as an 'elephant in an apartment' and the portfolio of paintings was very unfavourable in relation to the offer accepted at the time.⁵⁴

2.7 Van den Bergh's works of art

The Cold Case Team claims to have established that Van den Bergh was a very active art dealer and even sold works of art directly to the Reichskanzlei, one of which ended up in Hitler's personal collection.⁵⁵ The CCT cites a statement from Van den Bergh's granddaughter and research by the Origins Unknown agency (Herkomst Gezocht) as the source. However, this is not what the granddaughter has stated in her own words, and the Origins Unknown agency states only that works of art owned by Van den Bergh 'ended up with the German occupier'.⁵⁶ The Cold Case Team's claim that Van den Bergh himself traded art with the Nazis is therefore not confirmed in this correspondence cited as a source.

⁵² SAA 1341/95, Essay by E.A.D von Saher, 26.

⁵³ SAA 1341/95, Essay by E.A.D von Saher, 39-40.

⁵⁴ National Archives 2.09.16.05, NBI, inventory number: 81997, Report of the Rijksrecherche dated 12 October 1948.

⁵⁵ Sullivan, *The Betrayal of Anne Frank*, 262.

⁵⁶ Letter dated 18 June 2007 from the Origins Unknown Agency to a Van den Bergh family member. Van den Bergh family archives.

2.8 Financial interests and earnings

Did Van den Bergh benefit from the Goudstikker sales? According to Sullivan, he collected no less than 200,000 guilders.⁵⁷ However, it appears from the sources she cites⁵⁸ that this sum went to Miedl, Ten Broek and Dik Sr. Contrary to the suggestion by the Cold Case Team, Von Saher also does not mention Van den Bergh among those showered with a 'golden rain'.⁵⁹ The annual accounts show that a total of f 9,000 was paid to Van den Bergh as liquidator.⁶⁰

At the beginning of March 2022, an article by Cees van Hoore was published on the Historiek website in which it was claimed, on the basis of information from Gerard Aalders, that Van den Bergh had earned a quarter of a million guilders from the Goudstikker transaction.⁶¹ The allegation is based on an official report in the criminal record of Dik Sr. referring to this amount. It is the only document that records this accusation against Van den Bergh. No further legal proceedings took place against Van den Bergh and this issue was not discussed in the post-war settlement of the Goudstikker affair.

The notary Van den Bergh will have claimed a fee for the execution of the deed, but after his dismissal in February 1941 he was no longer able to file expense claims as a notary. The compensation he received as liquidator was reasonable and not excessive, as unjustly argued by the Cold Case Team. The notarial office expenses claimed by Masee as a deputy (until December 1943) totalled f1,540.67.⁶² These are also normal amounts for the notarial work performed.

Conclusion

Van den Bergh did not interfere on his own initiative with the Miedl and Göring transactions in 1940 that led to the sale of the assets of Kunsthandel J. Goudstikker NV, the commercial collection and various properties and appurtenances. Before the war, he had already been involved in various business matters relating to Jacques Goudstikker's company and as a notary he had an obligation to act and could only refuse to cooperate under exceptional circumstances. At the same time an occupation was under way with a new administrative regime under the Nazi flag. The notary's involvement led to a protected position for the Goudstikker family during the years of the occupation.⁶³

⁵⁷ Sullivan, *The Betrayal of Anne Frank*, 262.

⁵⁸ Edo von Saher, N.V. Kunsthandel J. Goudstikker, 'Overzicht van de gebeurtenissen in de periode van 31 December 1939 tot April 1952 [Art Dealer J. Goudstikker: Overview of the Events in the Period from December 31, 1939 to April 1952]. Report of Restitutie Commissie (Restitutions Committee), 2005, 5.

⁵⁹ Sullivan, *The Betrayal of Anne Frank*, 262; SAA 1341/95, Essay by E.A.D von Saher, 27.

⁶⁰ SAA 1341/79, Accountancy firm Wolfrat, Entrop & Van Namen. Report on the audit of the books of Kunsthandel J. Goudstikker N.V. for the period 30 June 1940 – 31 December 1945.

⁶¹ <https://historiek.net/verkoop-goudstikker-wettelijk-gemaakt-door-van-den-bergh/147801/>

⁶² NA 2.09.16.05, inv. no: 81997, Accountancy firm Wolfrat, Entrop & Van Namen. Balance sheet as at 31 December 1943, Report dated 31 July 1944, 6.

⁶³ Venema, *Kunsthandel*, 139.

The fact that Jacques Goudstikker's widow, Desi von Saher-Halban, did not apply after the liberation for a restoration of rights with regard to the trade collection sold to Göring indicates that this part of the complex set of transactions was not financially unfavourable for the art dealership. On the other hand, Van den Bergh's qualification (in his hearing on 12 October 1948) of the Miedl and Göring agreements as 'wonderful' from a financial point of view has been exaggerated. From the seller's perspective, the agreement must be seen in the light of the above post-war context – in which it was generally assumed, including by the widow Goudstikker and her legal advisers, that Göring had paid a reasonable price for the commercial collection – and in the light of the fact that the purchase price paid remained at the disposal of the Goudstikker family during the occupation years and, contrary to the anti-Jewish measures, was not eventually confiscated by the occupier.

The Cold Case Team's accusation of excessive enrichment is not based on the sources and cannot be proven. The mention of this in an official report, without further examination, does not constitute proof of such excessive enrichment by Van den Bergh. The notary cannot be blamed for the fact that the parties did not – or did not fully – comply with the agreements adopted by the notary, or that they enriched themselves as a result.

Van den Bergh was a skilled notary who was respected by his colleagues. Before the war, he built up a thriving firm in Amsterdam that mainly provided services for Jewish clients. In his administrative work he served the Jewish community. In his work during the occupation, under very difficult circumstances, he served the interests of widow Goudstikker and did not profit excessively from that work.

Chapter 3: Van den Bergh and the Calmeyer procedure

Petra van den Boomgaard

Arnold van den Bergh was able to lose his full Jewish status by means of a so-called 'Calmeyer procedure'. Was such a revision an incidental matter for privileged Jews, as the CCT claims, or was it a more 'common' option to escape the deportations? What were the consequences of the objection by the NSB junior notary J.W.A. Schepers against the review decision? Is there a relationship with Van den Bergh going into hiding in January 1944? To what extent was Van den Bergh's notary's office itself involved in the Calmeyer procedure?

3.1 Registration

Like almost all Jews living in the Netherlands, the notary Arnold van den Bergh, together with his wife and daughters, registered as a Jew at the beginning of 1941 by order of the occupying power (Registration Ordinance VO 6/41⁶⁴). He had four Jewish grandparents. This fact, combined with his membership of the Dutch Israelite Religious Community (NIK), meant that Van den Bergh had to be registered as a full Jew. He had no choice. His membership of the local Jewish Community (NIHS) was already stated on his identity card in the Amsterdam population register. Moreover, failure to register was punishable by five years' imprisonment and forfeiture of assets.⁶⁵ In 1941 all local registration data was shared nationally with the National Inspectorate of Population Registers in The Hague. This Dutch organisation was also responsible for introducing an ID card for all Dutch residents aged 15 and over. This was ordered by the occupying power and carried out punctiliously under the supervision of the Dutch head of the National Inspectorate, Jacob Lentz.⁶⁶

It will come as no surprise that such a double population registration system could be used as a means of control. Nevertheless, at least 2,659 Jews were able to escape the deportations and survive, notably by using the very registration ordinance itself.⁶⁷ Article 3 of the Ordinance even provided a specific opportunity to do so. It stated that 'in case of doubt' as to whether someone should be designated as Jewish, it was possible to submit a review application to the occupying power. A subsection of the German Commission-General for Administration and Justice decided on the doubtful cases. This *Entscheidungsstelle* was led by the German lawyer Hans Calmeyer. Of all the people who contacted the *Entscheidungsstelle*, numbering at least 4,670, almost three-quarters survived. Most, like Van den Bergh, had registered as Jews at the beginning of 1941. The 'Calmeyer procedure' therefore offered a real possibility of escaping the deportations.

⁶⁴ Ordinance Gazette for the occupied Dutch territory.

⁶⁵ Article 10 of Ordinance 6/41, Ordinance Gazette for the occupied Dutch territory. Who did not register, could be punished by the Sicherheitspolizei (SiPo), which later meant deportation to Mauthausen.

⁶⁶ P. van den Boomgaard, *Voor de nazi's geen Jood, Hoe ruim 2500 Joden door ontduiking van rassenvoorschriften aan de deportaties zijn ontkomen* (Laren 2019) 93-113.

⁶⁷ Van den Boomgaard, *Voor de nazi's geen Jood*, 591.

Although a small number of mostly wealthy people had already applied for a review *before* the start of the large-scale deportations in the summer of 1942, most Jews would only decide to do so *after* the deportations started. Van den Bergh too only started his procedure in October 1942. After all, it was quite a task to convince the occupying power, with generally fraudulent evidence, that a person had been incorrectly registered as a Jew. The many approvals show that Calmeyer's department went along with the deception until just after the summer of 1943.⁶⁸ An application nevertheless had to meet a number of requirements and be in order. For that reason, not all applications were approved. In order to increase the chance of approval, people who could afford it hired a lawyer. Van den Bergh engaged the services of Nino Kotting.⁶⁹ He was by no means alone in doing so. Kotting was found to have assisted at least 295 people with the review procedure. The lawyer was thus in close contact with the *Entscheidungsstelle*. Kotting's legal assistance was not without success. Almost three-quarters of the Jews he assisted survived.⁷⁰ In other words, a successful review application did not depend on having the right Nazi contacts, as the CCT claims, but on a having a well-informed lawyer.

Less than a year after Kotting submitted the application, it was approved by the *Entscheidungsstelle* on 2 September 1943. The decision document, which was drawn up by an employee of the *Entscheidungsstelle* and signed by Calmeyer, clearly lists all the claims. The first sentence of the substantiation even states that Van den Bergh had registered as a Jew in March 1941. The review decision resulted in Van den Bergh being declared quarter-Jewish. His daughters Emma, Esther and Anne Marie were assigned half-Jewish status as a result of the decision. The decision document stated that Arnold's wife, Auguste Van den Bergh-Kan, could apply for 'mixed marriage' status as a result of the decision. The direct risk of deportation was thus eliminated for the whole family. The ID cards then had to be exchanged or amended in the Amsterdam population register. The card bearing the letter "J" for Jew with the Calmeyer 'Sperré' number 30,000, was replaced by an ID card without the "J". Van den Bergh received a "GII" annotation for quarter-Jew and the daughters "GI" for half-Jew, while Auguste received a "GH" annotation for Mixed Marriage. The lawyer Kotting had made an elaborate case in the review application for Van den Bergh, naturally in consultation with his client. He argued that not only was Van den Bergh's mother born out of wedlock, but also that Van den Bergh's father could not have been his natural father. The argument was not very credible, but it was nevertheless accepted by Calmeyer and his staff, as were many similar applications.

3.2 Sperren

The review procedure was not an isolated one. There were all kinds of deferment lists that people would use after the start of the deportations in the summer of 1942. Van den Bergh

⁶⁸ Between July 1942 (start of deportations) and September 1943 the approval percentage was 71%. Van den Boomgaard, *Voor de nazi's geen Jood*, 338.

⁶⁹ Centre for Family History CBG, Calmeyer Collection, file of Van den Bergh (20.1.1886).

⁷⁰ Van den Boomgaard, *Voor de nazi's geen Jood*, 494-495.

could also have obtained a 'Sperre' exemption through his membership of the executive board of the Jewish Council, but his family was already temporarily protected by the Calmeyer 'Sperre', so was not granted a Jewish Council 'Sperre'.⁷¹ Applicants were exempt from deportation as long as the 'Aryanisation' procedure was running. Nevertheless in 1943 hardly anyone with a 'Sperre' escaped deportation to the Westerbork transit camp. Even those who had not yet received a final decision from the *Entscheidungsstelle* and were therefore still on the list were sent to Westerbork in 1943. According to historian Loe de Jong, the 'list policy' was an essential part of the Nazis' deportation policy in the Netherlands.⁷² Dr W. Harster, *Befehlshaber der SIPO und SD*, confirmed the 'organisational tactics' in his post-war trial in Munich in 1967. After all, not everyone could be transported at the same time. The fact that people preferred to defer rather than looking for a hiding place was a welcome side effect, Harster concluded.⁷³ Pim Griffioen and Ron Zeller showed that at the height of the occupation a third of all Jews, about 45,000 people, had a deferment stamp on their ID card.⁷⁴ In other words, Van den Bergh's decision to opt for the review procedure at the *Entscheidungsstelle* was not unique. It was one of the many strategies that Jews used to try to escape deportation.

With a few exceptions, most managed to maintain the 'safe status' resulting from the 'Calmeyer procedure' throughout the occupation. The deferment was therefore permanent. This was notable because the 'Aryanisation' of Jews was not exactly consistent with the Nazis' extermination policy. It was nevertheless possible because the *SIPO und SD* was too preoccupied with the deportation process up to the end of the summer of 1943. The *Entscheidungsstelle* was also under the responsibility of another part of the occupying power, the Commission-General for Administration and Justice. The fact that Van den Bergh was a member of the executive board of the Jewish Council but nevertheless submitted a review application was not unique either. Other Jewish Council members had also opted for the Calmeyer procedure. Jews with a distinctly Orthodox Jewish background or with a typical Jewish family name, such as Cohen, Levie or Polak, also tried the Calmeyer route. A few rabbis and refugees who stayed in the Netherlands because of their Jewish descent had also submitted review applications.⁷⁵ Without exception everyone also had a chance of their application being approved. And even those whose applications were rejected were not always transported. Around 17% of those whose application was not approved nonetheless survived. The time taken to complete the review procedure could be used to prepare a possible hiding place.⁷⁶

⁷¹ PV 56/10, hearing of A. van den Bergh, 15-11-1947, National Archives, CABR 2.09.09, 107491, no. 3.

⁷² L. de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog 1939-1945* (The Hague 1972) part 6, 1st half, 304-305.

⁷³ Conviction of Harster, Zopf and Slotke, Landesgericht München II, 24 February 1967, archive access number 249, number 270g, numbers 1.1,1.3,2.3,2.5,3,4 NIOD.

⁷⁴ Pim Griffioen and Ron Zeller, *Vergelijking van de Jodenvervolging in Frankrijk, België en Nederland, 1940-1945, overeenkomsten, verschillen, oorzaken*, Amsterdam, 2008, 601-606, 671-676.

⁷⁵ Van den Boomgaard, *Voor de nazi's geen Jood*, 592.

⁷⁶ *Ibid.*, 594.

3.3 Fraud

People who chose the review route were taking a risk, as any detection of fraud almost always led to immediate deportation. And yet a revision of the original Jewish registration could not be obtained without fraud. We know from the post-war testimony of the lawyer Jaap van Proosdij, Kotting's partner, that most people had a suitcase ready for that reason. If their application was rejected, they had to go into hiding immediately. Van Proosdij and Kotting encountered this situation regularly.⁷⁷ The lawyers themselves also ran a risk because of their direct involvement in the procedure, none more so than Van Proosdij, a young lawyer who had just graduated and had contacts in the underground. He worked for several months at the *Entscheidungsstelle* at Calmeyer's explicit request. The law firm of Kotting and Van Proosdij was only too happy to honour Calmeyer's request. After all, Van Proosdij was able to influence the review procedure from the lion's den, as he said after the war.⁷⁸ Calmeyer himself protected Kotting on several occasions and was able to shield him from prosecution. This was also the case after the 'discovery' of fraud in Van Bergh's review application in December 1943.⁷⁹

The revision of the notary Van den Bergh's Jewish status to quarter-Jewish status put a spanner in the works of the junior notary J.W.A. Schepers. He had been counting on taking over the Jewish notary's office. Schepers had been officially appointed as Van den Bergh's successor by Secretary-General of Justice Schrieke. However, Van den Bergh himself had appointed C.E. Masee as his representative when he was expelled from his profession, and hence also from his notary's office, by the occupying power in February 1941. Masee managed to prevent Schepers from moving into the notary's office, partly because Van den Bergh had registered the office inventory in his name.⁸⁰ This stalemate continued until Van den Bergh was able to resume his profession after his Jewish status was revised. In his post-war testimony against Schepers, Masee described how Schepers threatened him in early January 1944 in the presence of the notary A. Bruijning, who was also involved in deputising for the notary Van den Bergh:⁸¹ "You saw how it went with Van den Bergh, how he didn't do what I wanted; if you don't do what I want, I'll make sure the same happens to you as happened to Van den Bergh."⁸² In the same statement, Masee described how he was subsequently sent to Germany as a prisoner of war at the hands of Schepers.⁸³

During the period in which the junior notary Masee and the notary Bruijning were deputising for Van den Bergh, they worked closely on review applications from other Jews. Masee drew up notarial deeds for at least forty-nine people in order to show that there could be no question of Jewish descent.⁸⁴ These were false statements alleging that there was, for

⁷⁷ Visual History Archive of the USC Shoah Foundation: Jaap van Proosdij (1921), 1998, no. 45079.

⁷⁸ Van den Boomgaard, *Voor de nazi's geen Jood*, 450-454; Visual History Archive of the USC Shoah Foundation: Jaap van Proosdij (1921), 1998, no. 45079.

⁷⁹ CBG, Calmeyer Collection, file of Van den Bergh (20.1.1886).

⁸⁰ Van den Boomgaard, *Voor de nazi's geen Jood*, 546-547.

⁸¹ Ibid.

⁸² Statement by C.E. Masee, CABR file of J.W.A. Schepers no. 22356, National Archives.

⁸³ Ibid.

⁸⁴ Van den Boomgaard, *Voor de nazi's geen Jood*, 553.

example, an extramarital relationship or an adoption. Bruijning assisted at least eighteen people.⁸⁵ The deeds clearly stated that they were drawn up 'in the vacant office of notary Van den Bergh'.⁸⁶ The involvement of Masee and Bruijning in these Calmeyer applications occurred between the summer of 1942 and February 1944.⁸⁷ Van den Bergh had not yet gone into hiding during this period. He just stayed around the office and continued to manage it.⁸⁸ Two deeds by Van den Bergh were even found in the Calmeyer archive.⁸⁹ This bears out the conclusion that Van den Bergh was aware of the involvement of Masee and Bruijning in the Calmeyer procedure and was also actively involved in it.

With his own review decision, Van den Bergh was able to resume his work as a notary as he no longer had Jewish status, much to the annoyance of Schepers. He initially tried to put pressure on Van den Bergh to withdraw voluntarily, but when that did not work, he decided in October 1943 to take a different tack. Schepers wrote to the looting bank Lippmann, Rosenthal & Co. to complain about Van den Bergh. How could the Jewish notary with a limited budget afford to continue living in his Amsterdam villa?⁹⁰ Schepers had learnt that Van den Bergh, an Orthodox Jewish notary with Jewish clients, including N.V. Goudstikker, a man active in various Jewish religious institutions, had been 'star-liberated'.⁹¹ The lawyer Kotting became aware of Schepers' complaint. That may have been why the daughters Emma, Esther and Anne Marie went into hiding in October 1943.⁹²

Schepers' complaint was taken seriously by the looting bank. An employee, W.H. Woortman, wrote on 14 October 1943 that the 'Aryanisation' in notary circles in Amsterdam had caused 'laughter' and that nobody believed in the legality of the decision. Woortman had also understood from a personal conversation with Schepers that the staff of the Van den Bergh firm had stayed loyal throughout and had opposed him as much as possible. Woortman, like Schepers, insisted that Van den Bergh's 'Aryanisation' would be reversed because it harmed the prestige of the 'deutschen Instanz'.⁹³

Against this background, Kotting and Van Proosdij quickly submitted a new review application in November 1943 to create a fall-back option for the Van den Bergh family. This time the application focused on the 'Aryan' descent of Van den Bergh's wife, Auguste. This seemed a realistic option because her sister had also submitted a review application in early October 1943.⁹⁴ In order to lend weight to Auguste's sister's review application, a *SiPo und SD*

⁸⁵ Ibid., 549.

⁸⁶ See for example the file of M.S. Cohen (4.3.1932), CBG, Calmeyer Collection.

⁸⁷ See for example the files of Menko (21.7.1913), Kinsbergen (5.5.1899), De Jong-Nieweg (17.2.1898), CBG, Calmeyer Collection.

⁸⁸ CBG, Calmeyer Collection, file of Van den Bergh (20.1.1886), letter of J.W.A. Schepers to LiRo, 15 October 1943.

⁸⁹ Files of Berkley (29.8.1909) and Kan (11.8.1897), CBG, Calmeyer Collection.

⁹⁰ The Notary Van den Bergh occupied the ground floor of a house and not a villa as Schepers claims. The CCT went along with this framing of Van den Bergh as a wealthy Jew.

⁹¹ Van den Boomgaard, *Voor de nazi's geen Jood*, 547.

⁹² Act on Benefits for Victims of Persecution (Wet Uitkering Vervolgingslachtoffers – WUV), file of Esther van den Bergh (27.8.1921) & file of Emma van den Bergh (27.8.1921).

⁹³ CBG, Calmeyer Collection, file of Van den Bergh (20.1.1886), report of W.H. Woortman 14 October 1943.

⁹⁴ CBG, Calmeyer Collection, file of Van den Bergh (20.1.1886) & file of De Winter-Kan (22.9.1902).

representative from Den Bosch had even written a letter to the *Entscheidungsstelle*.⁹⁵ Auguste's application was composed by Van Proosdij and used a genealogical argument. This was too far-fetched for Calmeyer to believe. Auguste's application was immediately rejected.⁹⁶ Quantitative research demonstrates that requests submitted in autumn 1943 barely had a chance to succeed: most were not taken in consideration or simply rejected.⁹⁷ The rejection of Auguste's application was partly due to the campaign by Schepers, who complained not only to Calmeyer but also to Reichskommissar A. Seyss-Inquart and to H.A. Rauter, *Höhere SS- und Polizeiführer*. Armed with a detailed genealogical report, Schepers finally reiterated to Calmeyer in December 1943 the unsoundness of Van den Bergh's application.⁹⁸

In Schepers' criminal trial after the war, Jaap van Proosdij stated that he had been able to determine from the review file that the incriminating information about Van den Bergh received by Calmeyer and Seyss-Inquart had come from Schepers. According to the same statement Van Proosdij had heard that Calmeyer had instructed *SS-Hauptsturmführer* F.H. aus der Fünten of the *Zentralstelle für jüdische Auswanderung* (the police centre for the persecution of Jews in Amsterdam) to arrest Van den Bergh for fraud. Van Proosdij was able to warn Arnold and Auguste van den Bergh about this in good time. Contrary to the claims of the CCT, it was therefore not suspicious that Van den Bergh received a warning from Calmeyer's office; Van Proosdij was entirely on his side.⁹⁹ An arrest warrant was issued on 4 January 1944, after which Van den Bergh fled in haste and went into hiding.¹⁰⁰ In the post-war benefit application lodged in 1978, the daughters Esther and Emma confirm that their parents had joined them in hiding during that period.¹⁰¹

In his letter to the *Entscheidungsstelle*, Schepers wrote "that Van den Bergh is a typical Jewish person who works behind the scenes with a crowd of people to help Jews and other people and that those people have recruited specialists in every field to commit forgeries and fraud of all kinds in registers of births, marriages and deaths, church registers, etc."¹⁰² De Jong wrote in his magnum opus on the Second World War that in the same period, the autumn of 1943, 'there was reason to assume that the *SiPo und SD* attempted to *reconsider* the decisions of the *Entscheidungsstelle*.¹⁰³ It is clear that Schepers' attitude not only put Van den Bergh and his family in direct danger, but many other families too. Other people also contributed to this

⁹⁵ CBG, Calmeyer Collection, file of De Winter-Kan (22.9.1902).

⁹⁶ CBG, Calmeyer Collection, file of De Winter-Kan (22.9.1902). From 1943 on 3 review applications based on a genealogical argument were checked on fraud charges by Ludo Ten Cate, member of the German SS and in April 1942 appointed by the Dutch government as official for genealogical research. Van den Boomgaard, *Voor de nazi's geen Jood*, 321.

⁹⁷ Van den Boomgaard, *Voor de nazi's geen Jood*, 340-341; this is why a review application that was based on true facts, but only submitted in autumn 1943, still was rejected. Review application of Femma Fleijsmann, CBG, Calmeyer Collection, Dossier Swaalep (28.2.1928).

⁹⁸ Van den Boomgaard, *Voor de nazi's geen Jood*, 548.

⁹⁹ Sullivan, *The betrayal of Anne Frank*, 234.

¹⁰⁰ Statement of Van Proosdij, J., CABR inv. no. 22356, notary Schepers, J.W.A., 29 June 1896, National Archives, The Hague.

¹⁰¹ Act on Benefits for Victims of Persecution (Wet Uitkering Vervolgingslachtoffers – WUV), file of Esther van den Bergh (27.8.1921) & file of Emma van den Bergh (27.8.1921).

¹⁰² CABR inv. no. 22356, notary Schepers, J.W.A., 29 June 1896, National Archives.

¹⁰³ De Jong, *Het Koninkrijk*, part 7, 1st half, 402-403.

during that period.¹⁰⁴ In his dissertation on Calmeyer, Mathias Middelberg referred to an imminent review of all revision decisions in the summer of 1944. It was only because of the course of the war and Calmeyer's refusal to make the files available to *SS-Untersturmführer* Dr Ulrich Grotefend from Berlin that this did not take place and at least 2,659 Jews survived the war as a result of the review procedure.¹⁰⁵ Van den Bergh, his wife and daughters were five of them, although it is true that they remained in hiding.

Conclusion

The CCT sees Van den Bergh's Calmeyer procedure as a sign of his good connections in the wrong circle. This conclusion is unfair and illogical. A successful review application did not require any special connections. Nor was it surprising that Van den Bergh was warned that the revision was being reversed, given Van Proosdij's special position. The fact that Schepers was able to successfully reverse Van den Bergh's loss of Jewish status suggests that Van den Bergh actually had no powerful connections.

¹⁰⁴ Advocate L.M.I.M. van Taalingen-Dols, for example, deliberately jeopardised the previously approved applications in the autumn of 1943 by complaining about Calmeyer to various Nazi authorities, Van den Boomgaard, *Voor de nazi's geen Jood*, 506-508.

¹⁰⁵ Report of U. Grotefend, 20 August 1944, in: Matthias Middelberg, *Judenrecht, Judenpolitik und der Jurist Hans Calmeyer in den besetzten Niederlanden 1940-1945* (Göttingen 2005) 300-301, note 1037; Van den Boomgaard, *Voor de nazi's geen Jood*, 591.

Chapter 4: Van den Bergh and the Jewish Council

Bart van der Boom and Laurien Vastenhout

Arnold van den Bergh was one of the twenty members of the Jewish Council for Amsterdam established in February 1941 by order of the German occupiers. This group of notable Jews, led by Professor David Cohen and diamond merchant Abraham Asscher, became a mini-government of the Jews of the Netherlands, who had been cut off from the rest of society by the occupying forces. This organisation took over tasks that the Dutch government was now no longer allowed to perform, such as education and health care, as well as new tasks imposed by the occupying forces, such as issuing relocation and travel permits or distributing the Jewish badge (a yellow star of David). Jews were bombarded with an incessant stream of prohibitions, instructions and threats via *Het Joodsche Weekblad*, a Jewish weekly. The Jewish Council preached obedience to the Germans occupier's measures, fearing that draconian punishments would otherwise follow. That the occupying forces were capable of draconian measures became apparent in February 1941, when about 400 young Jewish men were rounded up in reprisal and sent first to Buchenwald and then on to Mauthausen, where dozens worked themselves to death in the quarries. The first death certificates reached the Jewish Council a few months later.¹⁰⁶

Because the Jewish Council believed that anything was better than Mauthausen, the organisation continued to cooperate with the occupying forces when the deportations to 'the East' began in July 1942. The Jewish Council provided instructions, shoes, hats and backpacks for the journey, took care of those who had been arrested for deportation at the assembly points and transported their luggage to transit camp Westerbork in the north of the country. Most of the thousands of employees of the Jewish Council had a 'Sperre', an official stamp in their papers that provisionally exempted them from deportation. From May 1943, the protection offered by the 'Sperre' expired and, at the end of September, the last employees were deported, and the Jewish Council was dissolved (except for a small skeleton organisation). Strictly speaking, then, there are two distinct phenomena called 'the Jewish Council': the group of notable Jews of which Van den Bergh was a member, and the extensive organisation they managed. To avoid misunderstanding, the group of notable Jews will be referred to as 'the Council' in this chapter, and the organisation as 'the Jewish Council'.

The Cold Case Team (CCT) believes that Arnold van den Bergh's membership of the Council put him in an influential position, in which he developed relationships with German officials, and as will be shown in the next chapter, provided him with knowledge of addresses where Jews were in hiding. Those conclusions are unfounded.

¹⁰⁶ Wally de Lang has researched the fate of these Jewish men and published her findings in a detailed book. See: Wally de Lang, *De razzia's van 22 en 23 februari 1941 in Amsterdam* (Amsterdam: Atlas Contact, 2021).

4.1 Van den Bergh's role in the Jewish Council

Sullivan describes Van den Bergh as a 'founding member' of the Jewish Council.¹⁰⁷ This is not true: he was not present at the founding meeting of the Jewish Council on 13 February 1941.¹⁰⁸ During his interrogation on 15 November 1947, as part of the legal proceedings against the chairmen of the Jewish Council, Abraham Asscher and David Cohen, Van den Bergh stated that he did not join until 'a few months' after its establishment.¹⁰⁹ Van den Bergh is first mentioned as a member of the Council in the maiden issue of *Het Joodsche Weekblad*, published on 11 April 1941. In the archives of the Jewish Council, the earliest mention of Van den Bergh's presence is dated May 1941, when the 'Committee on the Organisation of Jewish Societies in the Netherlands' (Commissie inzake de Organisatie van Joodsche Vereenigingen in Nederland) met.¹¹⁰ From that date on Van den Bergh's name appears consistently in the various lists of the 'members of the Jewish Council'.¹¹¹

So, Van den Bergh was asked to join shortly after the Council was founded. This is not surprising. The Council consisted of leading Jews in positions of authority and was intended to be a reflection of the Jewish community in the Netherlands. As a prominent notary and a board member of all kinds of Jewish organisations, especially those working to support the sick and the poor, Van den Bergh was an obvious candidate. His membership was therefore a logical consequence of his pre-war involvement in the Jewish community.

Van den Bergh held various positions within the Jewish Council. For example, he oversaw the old people's homes and hospitals, which were controlled by the Jewish Association for Nursing and Care (Joodsche Vereniging voor Verpleging en Verzorging/JVvV).¹¹² Van den Bergh was also a member of the Buildings Committee (Gebouwen Commissie), set up for the purpose of dealing with 'questions concerning the housing of departments and institutions such as renting buildings, moving departments, renovations, etc.'¹¹³ In addition to these activities, he was involved in registering the assets of Jews in the Netherlands.¹¹⁴ Van den Bergh also appears to have been part of the finance committee that managed the Jewish Council's budget and audited its expenditure.¹¹⁵

¹⁰⁷ Sullivan, *The Betrayal of Anne Frank*, 229.

¹⁰⁸ Minutes of the founding meeting of the Jewish Council, 13 February 1941, 182.3, NIOD.

¹⁰⁹ Interrogation of Arnold van den Bergh, 15-11-1947, 56/10, CABR 2.09.09, 107491, no. 3, National Archives.

¹¹⁰ Report of the meeting of the committee on the organisation of Jewish associations, 14 May 1941, 182.189, NIOD.

¹¹¹ See the various lists of the members of the Jewish Council in 182.1, NIOD.

¹¹² 'Gids van den Joodschen Raad', 25, 182.1, NIOD. The task of the old people's homes was 'the care of minors, old people, invalids; nursing and care for the sick, as well as management of the combined Jewish institutions for nursing and care in the Netherlands.' See also the 'Alphabetical address list of the principal employees of the Jewish Council of Amsterdam,' 182.1, NIOD; Cohen to Zentralstelle, 10 September 1942, NIOD, 182.23.

¹¹³ *Ibid.*, 30.

¹¹⁴ See various minutes of the meeting and of the Central Committee, e.g. 19 August 1941, 12 June 1942, 17 June 1942, NIOD, 182.38.

¹¹⁵ On 18 December 1941, several members of the Jewish Council, including Van den Bergh, sent a letter to the chairmen urging the formation of a finance committee. Letter signed by several Jewish Council employees, including Van den Bergh, 18 December 1941, 182.3, NIOD.

The positions Van den Bergh held within the Jewish Council were of secondary importance within the organisational structure. Contrary to what Sullivan suggests, none of the above positions indicate that Van den Bergh maintained direct contact with the German authorities in his position as a member of the Jewish Council.¹¹⁶ Only the chairmen and some high-ranking officials maintained contact with the German authorities, which were primarily the 'Beauftragte' for the city of Amsterdam and the 'Aussenstelle Amsterdam' of the 'Sicherheitspolizei und Sicherheitsdienst' (SiPo and SD). Sullivan's claim that Willy Lages and Ferdinand Aus der Fünften of the Sicherheitspolizei (Security Police) attended meetings of the Jewish Council is also false.¹¹⁷

Van den Bergh's influence on Jewish Council policy, and the control he had within the organisation, was limited. This is underscored, among other things, by a letter that he, along with several other members of the Council, sent to the chairmen of the Council on 26 December 1941: 'Members of the Council do serve on some committees, but they cannot exert a great deal of influence in them, and besides, those committees usually only give advice.'¹¹⁸ That they are held accountable for the work of the Jewish Council, but have no influence on policy, they feel, is a 'situation' that is 'unsustainable'.¹¹⁹

To address their discontent, members of the Jewish Council were assigned certain departments to oversee. Van den Bergh would (along with Council members Abraham de Hoop and Abraham Soep) maintain contact with the head of the Emigration Department 'once a week, and as often as would further prove necessary'.¹²⁰ In early 1942, that department was almost entirely occupied with completing the mandatory emigration applications for foreign Jews. Perhaps - although there is no specific reference to this effect - it was this task that gave the CCT the idea that Van den Bergh attended 'weekly meetings of the emigration department' of the Jewish Council.¹²¹ However, there is no trace of reports of the weekly meetings of this department in the archives.

4.2 The CCT and the Jewish Council

Sullivan shows little due diligence in her description of the Jewish Council. For example, she writes on page 220 that 'the general secretary of the Jewish Council, M. H. Bolle' was authorised in July 1942 to issue 'Sperre' exemption stamps. That would be an extraordinary position of power for a young secretary, whose name then was Mirjam Levie. She was in fact not authorised to do this. The 'Sperre' exemptions in question were issued by the influential general secretary of the Jewish Council, Max Bolle, the brother of Mirjam's fiancé Leo Bolle. On the

¹¹⁶ Sullivan, *The Betrayal of Anne Frank*, 230.

¹¹⁷ Ibid.

¹¹⁸ Letter from Arons, Van den Bergh, Gomperts, De Haan, De Hoop, Krouwer, Palache and Prins to the chairmen of the Jewish Council, 26 December 1941, NIOD 182.6.

¹¹⁹ Ibid.

¹²⁰ Meeting of Van den Bergh, Krouwer, Van Lier, Palache and Soep with the chairmen of the Jewish Council, 21 January 1942, 182.3, NIOD.

¹²¹ Sullivan, *The Betrayal of Anne Frank*, 229.

same page, Sullivan claims that at its 'height', the Jewish Council had 17,500 'members'. There can be little doubt that she means 'employees' here, but that claim is also not correct. A total of 17,500 people were exempted in connection with work for the Jewish Council, but that number includes family members. The number of employees is unknown, but much lower.

More disturbing though are the false accusations against the leaders of the Jewish Council. Apparently, the CCT does not know that after the war, German war criminals routinely tried to deflect attention from their own guilt onto the Jewish Council by portraying it as corrupt and selfish. For example, they blindly adopt the story that chairman Abraham Asscher, who was a diamond merchant, 'often' brought with him diamond rings and jewellery for Willy Lages and his secretary.¹²² There is no proof of this at all. Furthermore, the CCT believes Willy Lages' note that Asscher only cared about the safety of his family.¹²³ In reality, Asscher refused to flee abroad with his family in the summer of 1942 because he believed he was needed in the Netherlands.¹²⁴ Finally, based on the testimony of camp commander Albert Konrad Gemmeker, the CCT even goes so far as to claim that Asscher had his son's fiancée deported to Auschwitz because he considered her an unsuitable match.¹²⁵ Sullivan fails to mention that the same file contains the fiancée's dismissal of this story, and that she and Asscher's son married after the war.¹²⁶

The most disturbing aspect in all this is the CCT's adoption of the myth that the Jewish Council prepared deportation lists. For example, Sullivan writes that the Emigration Department, in which Van den Bergh was involved, had the 'unenviable task of compiling the names of Jews who would be placed on the deportation lists.'¹²⁷ 'The council picked the people to be deported,' Sullivan writes on page 222. Three pages later she claims that Mirjam Levie, secretary for the Jewish Council, wrote in her letters about 'the terrible days and nights within the Jewish Council when the deportation lists were drawn up.'¹²⁸

This is all untrue. The lists of Jews who were to be called up for deportation were prepared by the 'Zentralstelle für jüdische Auswanderung' (Central Office for Jewish Emigration). After the summer of 1942, when it became apparent that the number of Jews who responded to these calls was insufficient to meet the 'quota' agreed upon in Berlin, Jews were rounded up in raids, and the 'call-up system' fell largely into disuse.¹²⁹ The passage referred to in Mirjam Levie's letters is not about the preparation of the deportation lists, but about the cancellation of half of the Jewish Council's 'Sperrre' exemptions in May 1943. The idea that the Jewish Council was responsible for preparing deportation lists is one of the many post-war lies spread by German officials and Dutch collaborators that the CCT blindly buys into.

¹²² Ibid., 268.

¹²³ Ibid.

¹²⁴ Report 42a1, interrogation of A. van Dam, 11-12-1947; Report 42c, interrogation of G.A.J. Jonker, 18-12-1947, NA, CABR 2.09.09, 107491, file 5.

¹²⁵ Sullivan, *The Betrayal of Anne Frank*, 268.

¹²⁶ Report 50, interrogation of J. Asscher-Snijders, 12-5-1948, National Archives, CABR 2.09.09, 107491, file 6.

¹²⁷ Sullivan, *The Betrayal of Anne Frank*, 226.

¹²⁸ Ibid., 256.

¹²⁹ Jacques Presser, *Ondergang: De vervolging en verdelging van het Nederlandse Jodendom 1940-1945*, part 1 (The Hague 1985), 266-267.

In general, Sullivan portrays the Jewish Council as a collaborative institution led by people who wanted only to save their own skins. That view is incorrect and long outdated in the international literature.¹³⁰ But it does pave the way for the next logical step in the CCT's argument: the alleged betrayal by Van den Bergh.

¹³⁰ See for example: Tom Lawson, *Debates on the Holocaust* (Manchester 2010) 255-260.

Chapter 5: Van den Bergh and the Betrayal

Bart van der Boom and Laurien Vastenhout

How did the CCT conclude that Arnold van den Bergh betrayed the Frank family? It essentially presents four pieces of evidence for this: an anonymous note delivered to Otto Frank, the lists of Jews in hiding that Van den Bergh could have possessed, a telephone call allegedly made on 4 August 1944, and the behaviour of Otto Frank and Miep Gies after the war.

5.1 The note

The most important piece of evidence for the CCT is the 'betrayal note' that Otto Frank received after the war. The translation in Sullivan's book reads:

Your hideout in Amsterdam was reported at the time to the Jüdische Auswanderung [Jewish Emigration] in Amsterdam, Euterpestraat, by A. van den Bergh, a resident at the time at Vondelpark, O. Nassaulaan. At the J.A. was a whole list of addresses he submitted.¹³¹

The note itself has not been found, but the CCT located a copy of it in the documents of investigator Arend van Helden, who did research into the betrayal in 1963-1964. Through clever detective work, the CCT established that the copy was made on Otto Frank's typewriter, and certainly before 1959.¹³²

Van Helden made notes on his copy, which in all probability read as follows:

The original is in the possession of notary Van Hasselt, Keizersgracht 702 (230047 234602)

Sent by mail in Basel (?) whether or not via foundation

Sent anonymously

Was also typed

Already several years

Given to me on 16/12-63

Mr. Heldring

1. was a member of the Jewish Council.

2. Including 1. dept. of nursing & care

2. dept. Lijnbaansgracht (aid to departees & emigration)

¹³¹ For an image of the note, see: [Who betrayed the Frank family? - Amsterdam City Archives](#). The rendering of the text in the Dutch version deviates slightly from the original, remarkably enough. Sullivan, *Het verraad van Anne Frank*, 254.

¹³² Sullivan, *The Betrayal of Anne Frank*, 244.

According to these notes, Otto Frank had given the original betrayal note to notary Jakob van Hasselt, a close acquaintance, and the copy on 16 December 1963 to Van Helden, shortly after he had spoken to him. Indeed, in the Dutch version of the book, the text is presented badly corrupted, probably because it has been translated back out of English.¹³³ In this, the investigators did not decipher the phrase ‘was ook getikt’ (was also typed), although this could have helped them in their further speculations regarding the writer.

The CCT attaches great value to this note, because it could have been delivered before December 1945, at a time when the story of the Secret Annex was not yet known (it was publicised for the first time in April 1946). If it had been delivered later, says the CCT, for example in the 1950s, it could very well have originated from someone making use of Anne Frank’s fame to blacken the name of someone else, Van den Bergh in this case.¹³⁴

But if the note was written shortly after the liberation, the CCT argues, the anonymous writer must have been someone with access to particular information: he or she must have known that people had been arrested at the address Prinsengracht 263, that Otto had returned, and that lists of people in hiding were circulating at the Zentralstelle.¹³⁵ This last conclusion is absurd. The fact that the author is talking about lists at the J.A. of course does not mean that he *knows* something about them – he could have made it up or heard it as a rumour. In addition, everyone knows that there was organised hunting of Jews in hiding during the war, so anyone could imagine that lists were involved. The author of the note only needed to know two things. Firstly, that people in hiding were arrested on Prinsengracht, and that someone had returned. This would not have been a secret in the neighbourhood. Secondly, he must have known who Van den Bergh was and where he lived during the war. Given Van den Bergh’s public role, this was hardly intimate knowledge either.

Close reading of the note moreover reveals that the writer was *not* familiar with the German persecution machinery, which of course makes him or her less believable. The writer calls the Zentralstelle für Jüdische Auswanderung ‘the Jewish Emigration’ and even ‘the J.A.’, while during the war, anyone who was involved with this institution called it the ‘Zentralstelle’. As far as is known, this unusual, ahistorical designation first turns up in post-war newspaper items.¹³⁶ Besides this, the author thinks that the Zentralstelle was situated on Euterpestraat, while in fact it was positioned opposite, on Adama van Scheltemaplein. The Sicherheitspolizei, the Security Police, were on Euterpestraat – everyone in Amsterdam knew that. Given the great importance that the CCT attaches to the note, it is surprising that it failed to spot these important indications. Sullivan even extensively considers the possibility that a secretary at the Zentralstelle was the author of the note.¹³⁷

Lastly, the dating of the original note to the second half of 1945 is very uncertain. The CCT bases this on a combination of two sources: Carol Ann Lee, Otto Frank’s biographer, writes

¹³³ *Ibid.*, 274.

¹³⁴ *Ibid.*, 276.

¹³⁵ *Ibid.*

¹³⁶ See for example the *Provinciale Drentsche en Asser Courant* (Drenthe and Assen Provincial Daily) of 6-10-1947 and 18-10-1947.

¹³⁷ Sullivan, *The Betrayal of Anne Frank*, 252-254.

that Gesinus Gringhuis, one of the policemen who arrested the Frank family, said that Otto Frank had told him that, according to an anonymous note, a member of the Jewish Council had betrayed them.¹³⁸ When and where he said this cannot be determined from Lee's book, and until now, no one has been able to discover the source of this tale either.¹³⁹ The CCT however derives from Otto Frank's diary that he spoke to Gringhuis on 6 December 1945, and concludes that this conversation took place then.¹⁴⁰ It emerges from investigations by Natasha Gerson that this is incorrect: Otto Frank's diary refers to a visit to (or possibly from) the Political Investigation Service (POD), and not to a visit to the prison on Amstelveenseweg in which Gringhuis was. Gringhuis was questioned through into the 1950s, so in theory, he could also have made the statement to which Lee refers much later.¹⁴¹

A much stronger indication is investigator Van Helden's 1964 report. He writes that 'during this investigation, Mr. Frank informed me that he had once, shortly after the liberation of our country, received an anonymous note concerning the betrayal'. From what follows can be deduced that it concerns the accusation against Van den Bergh.¹⁴² What Otto literally said to Van Helden and what he meant, in 1964, by 'shortly after the liberation' remains unclear: it is conceivable that he either refereed to a few months, or a few years, later, but not to the 1950s. This is relevant because the first hard dating of the betrayal note dates from March 1958, when, according to a letter to Otto Frank, Johannes Kleiman had received it from Van Hasselt, and had gone to historian Loe de Jong with it. Kleiman wondered why someone would only now come forward with this accusation and so formed the opinion that the note was of recent date.¹⁴³ It has been suggested that the note was sent to Otto Frank around this time and that Van Helden's note 'Sent by mail in Basel (?) whether or not via foundation' (the Anne Frank Foundation, which was established only in 1957), refers to the original.¹⁴⁴ It is more likely that the phrase refers to the copy, which was indeed made at that time.

Although it is impossible to establish with certainty, on the basis of the available material, when the betrayal note was sent to Otto Frank, it is above all important to emphasise that we should attach little value to this anonymous note. If the original note was written after the first publicity about Anne's diary in April 1946, there is little reason to attach value to it, as the CCT itself admits. But even if it was written before this time, the value of an anonymous accusation is meagre. Immediately after the war, the place was swarming with accusations.

¹³⁸ Carol Anne Lee, *Het verborgen leven van Otto Frank. De biografie* (Amsterdam 2002) 215.

¹³⁹ Gerrold van der Stroom and David Barnouw write in *Wie verraadde Anne Frank?* (Amsterdam 2003), 34, that this statement was made by Gringhuis in December 1945, but they refer only to Lee, who does not say this in so many words, but does suggest that Frank Gringhuis made the identification in the prison in December 1945 (while that in fact happened in November 1945).

¹⁴⁰ Sullivan, *The Betrayal of Anne Frank*, 164, 279.

¹⁴¹ Natasha Gerson. 'Het briefje, de bronnen en de bewijslast', *De Groene Amsterdammer*, 15 February 2022

¹⁴² Police report Van Helden, 3 November 1964, pp. 18-19, Doc I. W.G. Van Maaren (248-A1088A), NIOD. Sullivan also refers to this, without providing a footnote, however. Moreover, she indicates elsewhere, again without citing the source, that Frank never said when he received the note. Sullivan, *The Betrayal of Anne Frank*, 247-248.

¹⁴³ *Ibid.*

¹⁴⁴ Gerson, 'Het briefje, de bronnen en de bewijslast'; De datering van het anonieme briefje. De canard van 'Het verraad van Anne Frank'. *De Tweede Wereldoorlog als industrie (3-IV)* – Reporters online.

Everywhere, people were trying to cover their tracks or settle scores. Van den Bergh had enemies in the ‘wrong’ circles, as did Schepers. As a former member of the Jewish Council, he also undoubtedly had enemies in Jewish circles, where he was a very well-known administrator. This is, in short, very weak evidence.

5.2.1 The ‘lists’: The Contact Department

The CCT is however convinced that the anonymous note is believable because it considers that Arnold van den Bergh, in the capacity of his leading role in the Jewish Council, possessed lists of Jews in hiding: ‘It’s almost certain that the Jewish Council had lists of addresses of Jews in hiding. Through his key position on the Jewish Council, Van den Bergh would have had access to those lists.’¹⁴⁵ In *The Betrayal of Anne Frank* the likelihood of this finding is discussed in various ways. It is stated on page 269 that the team considers ‘the probability high that Van den Bergh had been in possession of an address list for a long time, a list that he could use in an emergency as life insurance’, while this ‘very high probability’ suddenly turns into a certainty 14 pages later: ‘He saved his family by giving up addresses, including Prinsengracht 263, to the SD.’

According to the CCT, there are three strong indications that the Jewish Council maintained lists of Jews in hiding. Firstly, a post-war investigation that is supposed to show that the Contact Department (Contact Afdeling, also known as Contact Commissie), a division of the Jewish Council in Camp Westerbork, could have possessed such lists.¹⁴⁶ Secondly, the testimony of a German translator. Thirdly, the case of Rudolf Pollak, who carried out work for the Jewish Council. The source usage of the CCT is however problematic in all three cases.

The CCT bases its assertion about the Contact Department on an investigation conducted in June 1948 by Sergeant Major Jan Schoenmaker of the Netherlands State Police. In contrast to what the CCT asserts, this was not an investigation into the Contact Department but into the war crimes that were committed during the occupation in transit camp Westerbork (and particularly by Camp Commandant Albert Konrad Gemmeke).¹⁴⁷ The work of the Contact Department only forms a (limited) part of this investigation. This part in fact does not mention the existence of lists of people in hiding at all.¹⁴⁸ P. 6-7 of this report contains the following:

A German called Puttkammer, employed by a large German banking institution, was charged with what was called the revelation of property belonging to Jews in hiding. It was made possible for Jews who had been in hiding, and then been arrested, to insure themselves for a certain sum with what was called a Puttkammer-Sperre. They did not

¹⁴⁵ Sullivan, *The Betrayal of Anne Frank*, 283.

¹⁴⁶ The Contact Department was founded in July 1942, and its primary task was to record the property of Jews in the camp. Besides this, the Contact Department developed other (semi-official) activities, including the delivery of baggage, the provision of help, and organising temporary ‘Sperre’ exemptions from deportation. The Contact Department maintained contact with German institutions and the camp organisation.

¹⁴⁷ Sullivan, *The Betrayal of Anne Frank*, 267.

¹⁴⁸ Report by J. Schoenmaker, dated 4 June 1948, 250i, Inv. No. 1007, NIOD.

then end up in the punishment barracks and the 'offence' was annulled. The sum was around 10,000 to 30,000 guilders, for which it could also be possible to obtain travel papers for abroad. Later, this process was also extended by what was called the Contact Department to the already-arrested Jews who were in Westerbork. In the final stage, the Contact Department was tasked to get in contact with Jews who were in hiding, in order possibly to extract sums of money from these people, for which they could again rejoin society unpunished.

On p. 9 of this investigational report is then stated:

The Contact Department later served as intermediary between the camp leadership and the internees, in order to receive a 'Sperre' exemption, or to be released as an 'S' case, in return for a consideration (release of diamonds, money etc.). Later, this also happened by contacting people in hiding.

In this source, no mention is made of lists. This is an addition by the CCT in order to make the theory about Van den Bergh convincing.¹⁴⁹ The note that was sent to Otto Frank, indeed specifically refers to 'lists' containing addresses of those in hiding.

What does appear in this investigational report (as cited above), is that the Contact Department was tasked 'during the very last stage to make contact with Jews in hiding.' A little later in the report it seems to have been assumed that this also really happened: 'later, this also happened by contacting people in hiding.' It remains unclear what this information is based on – this is not explained further in the report. Because there are no other sources (or any that were cited by the CCT) that confirm this information, the question remains whether the Contact Department actually had contact with Jews in hiding. In the exposé that was drafted by the members of the Contact Department itself in February 1945, no mention is made of contact with Jews in hiding, or of lists containing addresses of those in hiding.¹⁵⁰ Neither does the critical reflection that was prepared based on this exposé by M. de Jong make any mention of these.¹⁵¹

Even if the Contact Department had had information about the people in hiding, it is very improbable that this ended up with Van den Bergh. After all, the report talks about 'the final stage'. This probably refers to the year 1944, when the Netherlands was declared 'Judenfrei'

¹⁴⁹ Sullivan, *The Betrayal of Anne Frank*, 277.

¹⁵⁰ Hans Eckmann, Fritz Grunberg, Hans Heinz Hanauer, Walther Heinemann, 'Het werk van de Contact-Afdeling te Westerbork' (The Work of the Contact Department at Westerbork), February 1945, Inv. No. 716, 250i, NIOD.

¹⁵¹ M. de Jong, 'Beantwoording van het exposé betreffende het werk van de Contact-Afdeling te Westerbork' (Response to the exposé about the work of the Contact Department at Westerbork), July 1945, Inv. No. 716, 250i, NIOD. It is so far unclear who this M. de Jong was. His view of the work of the Contact Department and Jewish Council is very critical, and he states that the Jewish Council had a major role in the deportation of 'Nederlandsche joden' (Dutch Jews).

The criticism of De Jong is particularly aimed at the fact that the Contact Department members gave an over-positive view of their (clandestine) activities, and on the fact that, by cooperating with the Germans, they tried to obtain a privileged position. Although it is very critical about the work of the Contact Department in various areas, the exposé does not mention the provision of addresses of Jews in hiding to the German institutions, or any similar activities by the Contact Department.

(Jew-free), with the exception of the Jews with a protected status (for example those in so-called 'mixed marriages') and Jews in hiding. Given the fact that the Jewish Council had already been abolished by then, it is very improbable that this information could have reached Van den Bergh at this stage. Even in the case where 'the final stage' might refer to 1943, when the Jewish Council was still in operation, the pressing question still remains as to whether the Jewish Council could have received this information from the Contact Department. As is indicated in the investigation by Schoenmaker in 1947, the working relationship between the Contact Department and the Jewish Council was not good; there was 'friction' – this information is not mentioned in *The Betrayal of Anne Frank*.¹⁵² That there was not a good working relationship between the Contact Department and the Jewish Council is confirmed in the exposé that was prepared by the leaders of the Contact Department in February 1945. The Council leadership did not have much to do with the Contact Department: 'Although originally part of the Jewish Council, the Contact Department became a fully independent body, separate from the leadership of the Council.'¹⁵³ Even if the Contact Department did possess lists of Jews in hiding, this is therefore, in contrast to what the CCT asserts, absolutely not evidence that Van den Bergh, who was not affiliated to the Contact Department in any way whatsoever, could have had access to these lists.

5.2.2. The 'lists': the testimony of Henn

A second 'piece of evidence' that the CCT presents for the existence of lists of addresses of people in hiding with the Jewish Council is testimony from Ernst Philip Henn, a German who worked as a translator with the Law Council of the German Air Force (Feldgericht Luftgau Holland) in Amsterdam. Henn declared on 15 September 1947, that in the office of a sergeant of the military police (Feldgendarmarie) not mentioned by name, he had heard the following:

that another transport needed to be put together of 500 Jews who therefore needed to be arrested. The agency had at that time requested 500 addresses of Jews from the Jewish Council in Amsterdam, and he had received from the Jewish Council lists of addresses of between 500 and 1000 Jews who were in hiding at these addresses. He said in addition that the gentlemen of the Jewish Council were always willing to help them and gave them more addresses than they asked for, and he added sarcastically that the gentlemen of the Jewish Council certainly thought that if they betrayed more than asked for, they would perhaps come out better themselves. I once asked a Jewish woman how it was possible that the Jewish Council possessed so many addresses of Jews in hiding and she then told me that the Jews trusted the Jewish Council, and if a member of a Jewish family was arrested, they made contact with the Jewish Council in

¹⁵² Report by J. Schoenmaker, dated 4 June 1948, p. 9, 250i, Inv. No. 1007, NIOD.

¹⁵³ Hans Eckmann, Fritz Grunberg, Hans Heinz Hanauer, Walther Heinemann, 'Het werk van de Contact-Afdeling te Westerbork' (The Work of the Contact Department at Westerbork), February 1945, p. 14, Inv. No. 716, 250i, NIOD.

order to find out where their arrested family member was, and then they had to give the Jewish Council the secret address, so that the Jewish Council could reach them if necessary or forward correspondence, and that this therefore was the reason that so many secret addresses were known to the Jewish Council. I overheard this conversation early in 1943. I did not see the lists personally. This sergeant had red hair, was slightly built and was about 30 years old.¹⁵⁴

The CCT attaches value to this statement: 'Henn did stand trial after the war, since he'd worked as an interpreter for the German occupiers, but it's hard to see how that particular statement could have helped him.'¹⁵⁵ But that interest is as clear as day. Henn was in fact examined as a witness for a certain Mina S., a Jewish woman who had been in a 'mixed marriage', and for this reason, according to her, was exempt from deportation. In May 1944, she had applied to the Expositur (branch office) of the Jewish Council in Jan van Eijckstraat (where after September 1943 a skeleton organisation remained operative) for a change of address permit. Her request was refused. In response, by her account, she had yelled at the officer 'that if you, as a woman, just throw yourself down in front of them, you could achieve anything from the Jewish Council' and that she would return the following day 'with the Security Police.' The following day, she returned with her brother-in-law and a German, who presented themselves as Security Police, and she obtained her moving permit.¹⁵⁶

This German was Henn. He was therefore examined to confirm her complaint against the Jewish Council. In the associated witness statement card system, the following is indicated on Henn: 'Made statement about: refusal of change of address permit by the Jewish Council.'¹⁵⁷ Henn's story about the lists of people in hiding was ignored by the court. This is even more interesting, because these witness statements were collected in preparation for the case against the chairmen of the Jewish Council, Asscher and Cohen. Lages and Aus der Fünten, who maintained the contact with the Jewish Council, were not asked about the alleged 'lists', nor were Asscher and Cohen, the chairmen of the Jewish Council.

The court did not take Henn's accusation seriously. The reason was obvious: Henn was firstly a biased witness. Secondly, he was a minor official who knew nothing about this matter at first hand: he only said he had heard a story from an otherwise unknown officer of the military police. Thirdly, this story is implausible. The military police did not deal with tracking down Jews in hiding and would never have asked for such lists. The idea that Jews in hiding might forward their secret address to the Jewish Council is completely absurd: everyone knew that the Jewish Council preached obedience, and especially Jews in hiding probably had little trust in the organisation.

Moreover, Sullivan presents Henn's story about the origin of the addresses wrongly yet again. She writes that the letters from Westerbork were passed via the Jewish Council and that

¹⁵⁴ Statement by E.P. Henn, 15-9-1947, PV 9R, file 3, 107491, 2.09.09. CABR, NA.

¹⁵⁵ Sullivan, *The Betrayal of Anne Frank*, 269.

¹⁵⁶ PV 9R, statement of Mina S. 11-9-1947, NA, CABR 2.09.09, 107491, file 3.

¹⁵⁷Alphabetic overview of witness statements, Henn card, NA, CABR 2.09.09, 107491, file 1.

the senders of these letters mentioned addresses of family members in hiding.¹⁵⁸ This is not correct either: mail from the camps in Eastern Europe was processed through the Jewish Council; mail from Westerbork went directly to the addressees.

If the Jewish Council indeed passed lists of addresses of Jews in hiding on to the German authorities, this would be far and away the most serious crime that the Council committed. If the court had considered this in any way believable, it would have done further investigation into the matter. But the court saw this evidence for what it was: empty talk from an imaginative witness who wanted to malign the Jewish Council. In contrast, the CCT considers it ‘a bombshell’ and a crucial building block in their case against Van den Bergh.¹⁵⁹

5.2.3. The ‘lists’: Pollak

The third piece of evidence for the existence of lists of people in hiding is based on the book *Vogelvrij: de jacht op de Joodse onderduiker* (2010) by Sytze van der Zee. It does not appear that the CCT itself has made close reference to the documentation concerning Pollak, while the ‘Pollak case’ is a crucial element in their reasoning. Van der Zee writes that Rudolf Pollak, who according to him started to work for the Jewish Council in 1942, is supposed to have had a ‘card catalogue with addresses of Jewish hiding places’.¹⁶⁰ What this finding was based on, however, remains unclear. In the footnotes of *Vogelvrij* there is no explicit reference to a source that confirms this, and the Doc I dossier of Pollak that the CCT cites in this regard does not refer to a card catalogue.¹⁶¹ Above all, the link the CCT makes between Rudolph Pollak and Arnold van den Bergh – namely that Van den Bergh must have had access to the same lists of secret addresses as Pollak – is entirely unfounded.

In contrast to what the CCT asserts, Pollak was not a member of the Jewish Council; Van den Bergh however, as mentioned earlier, was. Just like many Jews in the Netherlands, Pollak provided various services to the organisation.¹⁶² He therefore played an entirely different role within the Jewish Council than Van den Bergh did. It is important to emphasise this, because the CCT seems to suggest that both men had similar positions, that they operated in the same social environment, and that they, therefore, had access to the same information. This is not the case.

¹⁵⁸ Sullivan, *The Betrayal of Anne Frank*, 269.

¹⁵⁹ *Ibid.*, 268.

¹⁶⁰ Sytze van der Zee, *Vogelvrij: De jacht op de joodse onderduiker* (Amsterdam 2010), 384-390. What this finding was based on however remains unclear. In the book's footnotes, there is no explicit reference to a source that confirms it.

¹⁶¹ Sullivan, *The Betrayal of Anne Frank*, 354, footnote 7.

¹⁶² For the assertion that Pollak was a member of the Jewish Council, see: Sullivan, *The Betrayal of Anne Frank*, 269. Based on the archive, it can be established that Pollak obtained a dispensation from the Jewish Council to travel for his work. On 4 March 1943, David Cohen, one of the chairmen of the Jewish Council, wrote a letter to the Travel Permits Department of the Council, in which he instructed them to request a permanent travel permit for Pollak for all of the Netherlands, ‘except for those areas prohibited to Jews.’ He stated that Pollak ‘frequently had to conduct important discussions’ outside the provinces of Noord-Holland and Zuid-Holland that were ‘of the greatest importance’ to the work of the Jewish Council. See: David Cohen to the Travel Permits Department (Amstel 25), 4 March 1943, 182.17

During the occupation, Pollak was involved in various clandestine activities, including the production of false personal identity documents, and the (illegal) provision of distribution allocations. Among other things, he supplied food ration cards to Jews in the Hollandsche Schouwburg (used to concentrate the Jews in Amsterdam before they were transported) and to transit camp Westerbork.¹⁶³ Pollak also asserted that he could buy the freedom of Jews who were interned in Westerbork; he only occasionally succeeded. With these activities, Pollak, who was declared half Aryan in July 1943 and therefore exempt from deportation, earned (a lot of) money.¹⁶⁴ On 23 March 1944, he was arrested by SD agents from The Hague due to his illegal activities. As a result of the discovery of illegal documents in the house of Rudolf Pollak and his wife, more arrests took place during the night of 24 to 25 March.¹⁶⁵ In one of the statements in Pollak's dossier, mention is made of a 'list of names' that could be found in their house. This concerned people who were helped by Pollak to find hiding places and obtain illegal identity documents. This 'list of names' therefore had nothing to do with the work he did for the Jewish Council. After he pledged to work for the SD, Pollak was released again, after which, according to Van der Zee, he betrayed various members of the underground. On 17 November 1944, he was liquidated by the underground.¹⁶⁶

We can establish that the idea that the 'Pollak case' would demonstrate that Van den Bergh had access to lists of secret addresses via the Jewish Council is unfounded. There is no evidence that Pollak possessed lists of secret addresses that originated from the Jewish Council. On the contrary, the clandestine activities he developed, and through which he had information about the hiding places, had nothing to do with the work that he did for the Council. Pollak's activities during the occupation, through which he earned money illegally, cannot be compared in any aspect with the work that Van den Bergh did as a member of the Jewish Council.

Above all, there is thus no serious indication that the Jewish Council maintained lists of Jews in hiding. This would also be quite absurd: the Jewish Council wanted to remain strictly legal in order not to put its cooperation with the occupier at risk, and such lists could only bring the organisation into discredit. That the Jewish Council would systematically forward lists of Jews in hiding to the Germans is completely unbelievable and an extremely serious allegation. That the CCT, based on this evidence, accused the Jewish Council of a crime for which the surviving leaders could have received the death penalty after the war, is irresponsible.

¹⁶³ Van der Zee, *Vogelvrij*, 384-390. This is confirmed in various statements that are cited by Lucas Bruijn in the report on his investigation of Rudolf Pollak. See: Lucas Bruijn, 'Verslag van een onderzoek naar Rudolf Pollak' (Report on an Investigation into Rudolf Pollak), 20 March 2010, NIOD Library. This report may also be found in the Doc 1 dossier of Pollak (Inv. No. 1334A). Bruijn also wrote 'Rudolf Pollak alias Schuster', in which he further elaborated his findings. This report may be consulted in the NIOD Library.

¹⁶⁴ Van der Zee, *Vogelvrij*, 385. See also: Rudolph Pollak, Doc 1 248, Inv. No. 1334-A, NIOD; Dossier of Rudolf Pollak, Inv. No. 86707, CABR, National Archives.

¹⁶⁵ Rudolph Pollak, Doc 1 248, Inv. No. 1334-A, NIOD; Van der Zee, *Vogelvrij* (Outlawed), 386-387.

¹⁶⁶ Van der Zee, *Vogelvrij*, 387-390.

5.3 The telephone call

The third piece of evidence that, according to the CCT, points in the direction of Van den Bergh, is the telephone call from the betrayer. Their theory is that Julius Dettmann, who worked for the Sicherheitspolizei, received a tip from the betrayer on morning of 4 August 1944, through a phone call. As a result, he ordered the raid on the Prinsengracht. The fact that the betrayer was able to contact a relatively high-ranking German official like Dettmann proves, according to the CCT, that it must have been someone with good contact in those circles.¹⁶⁷ According to the CCT, Van den Bergh, unlike many other suspects, had such contacts.

As has already been shown, there is no serious evidence that supports the latter view. But even apart from that, this theory is weak. First, it is uncertain whether a call was made in the first place. The only source that corroborates this idea is a statement of Karl Silberbauer, the policemen who led the raid on the Prinsengracht, and was ordered to do so by Dettmann. In 1963-1964, almost twenty years later, Silberbauer testified about the telephone call, yet he made contradictory statements and eventually seemed uncertain whether it had indeed taken place.¹⁶⁸

Secondly, it remains unclear why the betrayer would pass this information on himself. Why could a German or Dutch officer not do this? In that case, it is much less remarkable that the call ended up with Dettmann.

Thirdly, the notion that there was a phone call does not fit into the scenario that is put forward by the CCT. After all, the anonymous sender writes that there was 'a whole list' of addressed Van den Bergh supplied to the Sicherheitspolizei. Then why should he even call?

5.4 The knowledge of Otto Frank and Miep Gies

The fourth element in the CCT's averment is the assumption that Miep Gies and Otto knew that Van den Bergh was the betrayer and tried to keep this secret. That they kept it secret would suggest that it was a betrayer from within the Jewish community who they tried to protect.¹⁶⁹ This assumption is in itself questionable. At the end of 1963, Frank spoke extensively, and in a nuanced way, with policeman Van Helden about the possibility of Willem van Maaren being the betrayer. In these same days he wrote to Miep Gies that he was curious if the investigation would result in any new findings. He feared not, because there was no written evidence against Van Maaren.¹⁷⁰ These written sources suggest that both of them still did not know who the betrayer was.

¹⁶⁷ Sullivan, *The Betrayal of Anne Frank*, 187.

¹⁶⁸ Gertjan Broek, *Onderzoeksverslag inzake verraad en arrestatie van de onderduikers in het Achterhuis* (Amsterdam 2016), 8-9.

¹⁶⁹ This very same argument is used to exonerate the well-known betrayer of Jews, Ans van Dijk. Sullivan, *The Betrayal of Anne Frank*, 274.

¹⁷⁰ Broek, *Onderzoeksverslag*, 17; statement Van Helden, 3 November 1964, p. 18-19, Doc. I W.G. van Maaren (248-A1088A), NIOD.

The CCT, however, believes that Frank and Gies from the end of the 1940s in fact knew who the betrayer was. They conclude this from the – indeed very well documented – fact that Frank did not want Silberbauer to be found. The ‘only reasonable explanation’ for that would have been that Frank feared that Silberbauer would point to Van den Bergh.¹⁷¹ This is highly speculative. There are other explanations possible, such as Frank’s humanism and his dislike of revenge.

In addition, the CCT puts the emphasis on several supposed statements of Frank and Gies about the betrayer: Otto Frank is supposed to have said to his nephew, Buddy Elias, that the betrayer had children whom he wanted to protect from the disgrace of their father's crime; he is supposed to have said to journalist Friso Endt that the Secret Annex was betrayed by Jews; and Miep Gies is supposed to have said that the betrayer was dead in 1960. Therefore, concludes the CCT, the betrayer was Jewish, he had children, and he was already dead in 1960.¹⁷² In this way, a whole series of suspects drops out, and in fact only Van den Bergh remains – according to the CCT.

The first problem with this argumentation is that, even if Otto Frank and Miep Gies thought that they knew who the betrayer was (and both had the same betrayer in mind), this does not say that the suspicion is correct. The second problem is that it is not certain whether of any of these three crucial 'statements' were actually made.

The CCT does not give a single source citation for Buddy Elias's statement, so it is unclear when he made the statement, and how we know about this. Otto Frank’s statement to Friso Endt does have a footnote: Endt is supposed to have heard this from Frank between 1947 and 1949 and told this in the early 1960s to fellow journalist Sytze van der Zee, who then reported it to the CCT.¹⁷³ It turns out, after consulting Van der Zee, that this is not right: Endt told him this story in 2010.¹⁷⁴ This was therefore over 60 years later. By then, Endt was 87 years old. This of course does not mean that Frank did not say this to Endt, but it is anything but certain after this long passage of time.

Finally, Miep Gies is supposed to have said, at a ceremony at the University of Michigan in 1994, that the betrayer was dead in 1960. During this ceremony, she answered questions from students, and because she spoke very poor English, she was supported by the Dutch-born historian Rolf Wolfswinkel. He sometimes translated the questions and her answers, although she also spoke a few English sentences on her own. One student asked, ‘What gave the Franks away?’ She answered partly in English and partly in Dutch. She said that, after the war, she went to the police and that the ‘housemaster’ - Van Maaren - was the primary suspect. But the police were so busy after the war with all the accusations of betrayal that the investigation (or such investigations in general, this is unclear) were done ‘a little carelessly’. Then Gies said:

¹⁷¹ Sullivan, *The Betrayal of Anne Frank*, 281.

¹⁷² According to Sullivan the American pater John Neiman told the CCT in 2019 that Gies had informed him in 1996 that she knew who the betrayer was, as did Otto Frank; Sullivan, *The Betrayal of Anne Frank*, 199-200, 274.

¹⁷³ Sullivan, *The Betrayal of Anne Frank*, 270.

¹⁷⁴ Statement by Sytze van der Zee, 24-2-2022.

And after fifteen years, when it was quiet, because we were sick of the war, we began again to search for this, eeh, traitor [sic]. But it was 1960 and in this time the traitor [sic] had died, but who it was, we didn't know. I have only, eeh, veronderstellingen [Wolfswinkel: 'supposed'] I have only supposed, but what can I do now? The people had died.¹⁷⁵

The CCT concludes that Miep Gies here accidentally revealed the secret that she carried with her, namely the identity of the betrayer.¹⁷⁶ This assumes that the sentence 'I have only, eeh, veronderstellingen (suppositions)' is a lie, but the words 'the traitor had died' are true. This is not impossible, but it is absolutely not certain. It could very well be a misunderstanding caused by a significant language barrier: perhaps Miep Gies meant that by 1960 the betrayer could already have been dead. This is also Wolfswinkel's impression, as he stated when asked: 'I suspect that she wanted to say that in 1960, the course of events in 1944 already seemed so long ago, and that many of those who had experienced them were already dead.'¹⁷⁷

These three supposed statements about the identity of the betrayer are therefore all questionable. Nevertheless, the CCT uses them as hard indications that exclude other suspects and incriminate Van den Bergh.

Finally, the CCT believes that Otto Frank kept the betrayal note secret, except from Miep Gies. Supposedly Frank wanted to keep Van den Bergh's guilt a secret out of fear of anti-Semitism. According to the CCT, the fact that Frank kept the note secret can be deduced from the fact that during his questioning of Gringhuis in the prison in December 1945, he did not take along his usual confidants Kleiman or Victor Kugler, but his friend Ab Cauvern.¹⁷⁸ This, in turn, could supposedly be deduced from Frank's diary. Natasha Gerson has demonstrated that this conclusion rests on an erroneous reading of the diary. It says there: 'POD! ab Distributie' (POD! ab Distribution). Or in other words: Otto Frank went to the POD (and not to the prison where Gringhuis was) after – 'ab' – a visit to the distribution. This note therefore does not demonstrate that he looked for Gringhuis, nor that Ab Cauvern went along.¹⁷⁹

The CCT supplies no other evidence that Frank kept the note secret. Conversely, there are many indications that he did the exact opposite. He gave the original note to his friend Van Hasselt. Van Hasselt showed the note to Kleiman in 1958, who then took it to Loe de Jong. And finally, in 1963, Otto Frank gave his own copy to policeman Van Helden. Sullivan presents a remarkably contrived explanation for the fact that Frank made a copy: out of fear that difficult questions might be asked about Van den Bergh. In the English version, she says he took the 'bold but very risky step' of giving the note to Van Hasselt: 'In case he was ever confronted about its existence, he could truthfully respond that he no longer had it.'¹⁸⁰ But why should anyone ever ask him about the note if he had so carefully kept it secret? If he wanted to keep

¹⁷⁵ <https://youtu.be/7exvJQWHueg?t=3857>

¹⁷⁶ Sullivan, *The Betrayal of Anne Frank*, 199.

¹⁷⁷ Statement by Rolf Wolfswinkel, 28-2-2022.

¹⁷⁸ Sullivan, *The Betrayal of Anne Frank*, 249.

¹⁷⁹ Gerson, 'Het briefje, de bronnen en de bewijslast'.

¹⁸⁰ Sullivan, *The Betrayal of Anne Frank*, 281-282.

it secret, why did he then give it to Van Hasselt, and why did he not prevent him then showing it to Kleiman? Why did he then make a copy himself and give this in turn to a policeman? The theory that Otto Frank protected Van den Bergh's identity is unfounded.

Conclusion

The evidence that is presented against Van den Bergh in *The Betrayal of Anne Frank* is summarised in the previous sections. It is without exception very weak, sometimes based on an evidently erroneous reading of the sources, fabricated additions to sources, and has not in any way been subjected to a critical assessment by the CCT. If the CCT had handled the accusation against Van den Bergh as critically as the accusations against others that they refute in the first half of the book, it would never have concluded that Van den Bergh was the betrayer. Because this is what Sullivan and the CCT do, without keeping their options open: 'Van den Bergh [...] saved his family by giving up addresses, including Prinsengracht 263 to the SD.'¹⁸¹ There is not any serious evidence for this grave accusation.

¹⁸¹ Ibid., 283.

Chapter 6: Van den Bergh family in hiding

Aaldrik Hermans

A crucial part of the CCT's argumentation is the presumption that, in the last year of the war, Van den Bergh was not in hiding, but was able to remain at liberty by committing a betrayal. This was how he could have saved his family. To what extent is this presumption valid?

6.1 The last year of the war according to the CCT

The CCT starts with the statement that Van den Bergh and his family members were never deported or interned in a camp.¹⁸² It presents secretary Mirjam Bolle who says that she does not remember Van den Bergh having been in one of the German camps.¹⁸³ The suggestion is that this is suspicious. Next, the CCT states that, after 4 January 1944, Van den Bergh left his 'city villa' and had himself registered at the address of one of the staff of his lawyer's office. This was a cover.¹⁸⁴ But for what?

Based on a conversation with Van den Bergh's granddaughter, the CCT adds extra details. 'Some time in 1943,' danger threatened the family, putatively 'in late September of that year, after dissolution of the Jewish Council.' The family lived in fear, with cases packed, ready to flee. At that point, Van den Bergh had his daughters went into hiding via his underground connections. The twins ended up in Scharwoude and daughter Anne-Marie in Amsterdam. There she was exploited and treated badly, after which the underground took her to a new hiding address in Brabant. On the way, she was detained on a station platform, presumably because she looked Jewish. According to the CCT, she ended up in a cell in Scheveningen, where she was imprisoned for nine days. After she had mentioned the name of Alois Miedl, they say she was unexpectedly released and travelled on to her hiding address in Brabant.¹⁸⁵ It remains unclear when this happened.

But where did Van den Bergh himself stay? The CCT has found no evidence whatsoever but speculates freely and extensively.¹⁸⁶ Van den Bergh is said to have asked his supposed friend Miedl for help and possibly stayed at one of the properties that 'Miedl had "bought" from Goudstikker, and for which Van den Bergh had served as notary'.¹⁸⁷ Apparently she did not feel safe there due to the presence of Nazis. Because Miedl had disappeared off to Spain in the meantime, the CCT speculates further, 'Van den Bergh might have needed to find some additional insurance – something the SD would value enough that it would provide protection

¹⁸² Ibid., 225.

¹⁸³ Ibid., 227.

¹⁸⁴ Ibid., 234.

¹⁸⁵ Ibid., 257.

¹⁸⁶ According to the granddaughter she did tell the CCT that she had heard her grandparents had been in hiding in Laren. This information is omitted from the book.

¹⁸⁷ Sullivan, *The Betrayal of Anne Frank*, 264.

for himself and his family.’ This was the list of hiding addresses, ‘a valuable commodity’ for Van den Bergh, which he could have exchanged for his family’s safety.¹⁸⁸

6.2 The daughters in hiding

The CCT’s reconstruction is not only insinuating and speculative, but also full of errors. The family was indeed not deported. Van den Bergh had already made arrangements for his daughters at an early stage. The twins obtained positions as student nurses in the Dutch-Israelite Hospital (Nederlands-Israëlietisch Ziekenhuis), due to which they received a ‘Sperré’ and were temporarily exempted from deportation. The sisters remembered afterwards that it had been terrible to have to work there, while the Nazis and their accomplices arrested ill people and cleared out the hospital. In the hospital, they were already occupied hiding patients.¹⁸⁹ The nieces Bertha Ossendrijver and Hester van den Bergh also worked there as student nurses.¹⁹⁰ In the hospital, they met the German communist and resistance fighter Albert Schlösser. He played an important role in the National Organisation for Aid to Those in Hiding (LO), was the printer of the illegal newspapers *Vrij Nederland*, *Ons Vaderland* and *Trouw*, and was one of the central figures in the underground in Laren (NH). Hester van den Bergh formed a relationship with Schlösser.¹⁹¹

When, early in October 1943, the NSB candidate notary Schepers began to put Van den Bergh under pressure to obtain his office, the situation became tense. Schepers saw through the fraud around the Calmeyer application and approached various Nazi organisations to file complaints about Van den Bergh. At this point the fear struck. Possibly the family had already been collectively in hiding temporarily, as may be deduced from Venema’s observation that Van den Bergh was in hiding for a short time with the restaurateur Henk Dik in 1943. This observation is not further substantiated with sources.¹⁹² In any event, it is clear that the three daughters went into hiding. For this, the Van den Bergh family had various connections with the underground. Besides Schlösser, there was the NIZ surgeon Maurits Kropveld. His daughter, Erna, was a member of Hannie Schaft’s resistance group.¹⁹³

The twins remained in hiding until the end of October 1943 at various addresses in Amsterdam, initially with Kropveld. Later, Schlösser took the sisters into the countryside. Esther ended up with a large family in Broek op Langedijk, her sister with the widow De Bruin in Scharwoude. They stayed there for three months. In January 1944, it became too dangerous there. It was once again Schlösser who helped them find a new hiding address, this time in his own town of Laren. Here, they ended up with the guesthouse landlady Jetske Hoeksema, who

¹⁸⁸ Ibid., 265.

¹⁸⁹ Sociale Verzekeringsbank, WUV files of Esther and Emma van den Bergh, reg. nos A 53953 and A 53954, 21 February 1978.

¹⁹⁰ Bad Arolsen archive, Jewish Council cards of Bertha Ossendrijver and Hester van den Bergh.

¹⁹¹ WUV files; private collection of Elise Tak, video interview by Wiljen van Seters with Edith Peper, 5 July 1996.

¹⁹² Venema, *Kunsthandel in Nederland*, 139.

¹⁹³ Tim Brady, *Three ordinary girls. The remarkable story of three Dutch teenagers who became spies, saboteurs, Nazi assassins – and WWII heroes* (New York 2021) 79, 130, 135, 232, 234.

continually accommodated people in hiding at Leemkuil 11. Previously she had been arrested for this, but after her release on 22 December 1943, she simply carried on with it.¹⁹⁴

In Laren, other family members had meantime also gone into hiding. The sisters Cornelia and Hester van den Bergh were put into hiding there by Schlösser, as were their brother Flip and his wife Edith Peper. Part of the wider Peper family was also in hiding there. While in hiding, Flip became seriously ill, and due to waiting too long before calling in medical help, he died.¹⁹⁵

The youngest sister, Anne-Marie, initially went into hiding in Amsterdam as well. The circumstances at that address were however intolerable. On the way to her new hiding address in Brabant, she was indeed arrested. However, she did not end up in jail in Scheveningen as Sullivan writes, but in the Haagse Veer prison in Rotterdam. She was arrested on 13 February 1944 and released on 22 February 1944.¹⁹⁶ The CCT suggests that she had her mention of the name of Miedl to thank for this. The granddaughter is stated as a source for this; she however indicates that she only has a vague recollection from family conversations that her grandfather had contact with Miedl. She does not know any more details of this, and she also indicated to the CCT that her vague recollections are not entirely clear and should be thoroughly investigated.¹⁹⁷ This evidently did not happen, because there are no sources for this story. The available sources in the Rotterdam Municipal Archives show that she was arrested carrying her distribution papers.¹⁹⁸ We have not found any record of interrogations. We cannot know if mentioning Miedl's name would have helped Anne-Marie, or if Miedl was in a position to exert influence on a police investigation under way in Rotterdam. Anne-Marie survived the war in hiding, partly in Sprundel, partly in Breda, and was liberated on 30 October 1944.¹⁹⁹

6.3 Van den Bergh and his wife in hiding

From October 1943, Van den Bergh knew his daughters were in safety. Possibly he had heard something about the arrest of Anne-Marie via underground contacts, but from 22 February 1944, she had again disappeared into hiding. Van den Bergh and his wife went into hiding themselves around the same time. They had been warned on 4 January 1944 that their Calmeyer status had collapsed and an arrest order for them had been issued. This must have been the point when they left their house on Oranje Nassaulaan. Given the fact that Van den

¹⁹⁴ WUV (Victims of Persecution Benefits Act) files; district archive of Gooi & Eemland, Registers, personal card of Jetske Hoeksema; ditto, Police Day & Night Reports for Laren, 13-14 July 1943; private collection, diary of Gerard Huijssen, Wednesday 14 July 1943, 25 and 26 October, 28 December 1944 and 29 June 1945; card index card, Camp Herzogenbusch, Jetske Hoeksema, Häftling 0308.

¹⁹⁵ Spielberg film *Edith Peper*; statements by Elise Tak on 9 March 2022.

¹⁹⁶ National Archives, CADSU (Central Settlement Office for German Damage Payments)/Master File 167.563, reg. no. 342.317, application by Annie-Marie van den Bergh, 3 January 1993.

¹⁹⁷ Statement by Mirjam de Gorter, 23 January 2022.

¹⁹⁸ Municipal Archives Rotterdam, archive 63, inv.no. 3437, 3538, 3775.

¹⁹⁹ National Archives, CADSU (Central Settlement Office for German Damage Payments)/Master File 167.563, reg. no. 342.317, application by Annie-Marie van den Bergh, 3 January 1993.

Bergh had the family registered at a postal address at the Nieuwendammerdijk²⁰⁰ on 15 February 1944, and that he worked as liquidator of N.V. Goudstikker until the end of February 1944, could have been in hiding somewhere in Amsterdam for a short time at an until-now unknown address, and dealt with some current cases.

Long after the war, the daughters reported that their parents joined them in Laren, and the entire family – with the exception of Anne-Marie in Brabant – then remained together in hiding with Jetske Hoeksema.²⁰¹ This is confirmed by a wartime source. The painter Gerard Huijsser, who was married to a Jewish woman, lived next to Hoeksema's guesthouse. During the war, he had a lot of contact with his neighbour, who trusted him. This was how Huijsser also came into contact with the Van den Bergh family. On Sunday, 11 March 1945, he wrote in his diary:

In the evening, visit to van den Berg family (Notary van den Berg) who live in the Hoeksema guesthouse – Not. v. d. B. is a well-known Jewish notary from Amsterdam. The family has been in hiding, but is now in possession of false identity documents (or Aryanised). They are a married couple with two daughters; a younger daughter is still in Brabant in the now liberated area. They are very friendly and cultured people.²⁰²

It was in Laren that the family experienced the liberation on 5 May 1945.²⁰³

Conclusion

The CCT's speculative fantasy that Van den Bergh and his wife lived in a castle belonging to Miedl is not only unbelievable, it also proves to be in conflict with the sources available. After first having put their daughters into the relative safety of being in hiding, the notary and his wife disappeared from Amsterdam in January-February 1944. In this way, they were able to escape the arrest order out for them. The daughters' post-war WUV (Victims of Persecution Benefits Act) application and Huijsser's war diary confirm that the family was in hiding in Laren. The family maintained close connections with their 'rescuer', Albert Schlösser. They knew him from the NIZ and as niece Hester's lover, and also remained in contact with him after the war. When he died, the Van den Bergh family placed a death notice in *Het Parool*, the newspaper that he himself had printed during the war: 'To our great regret, our good Friend, Mr Albert Schlösser, passed away today, Laren, 14 December 1964,' placed by A. v.d. Bergh-Kan, Emmy, Hetty and Annie and Eduard. This was a final tribute to their 'Friend' from the wartime period.

²⁰⁰ SAA, housing card Nieuwendammerdijk 61. This was the address of Albertus Sallee, one of Van den Bergh's employees. The fact that the entire family was registered here, including the daughters who were in hiding at the time, suggests it was a postal address.

²⁰¹ Victims of Persecution Benefits Act files

²⁰² Private collection, diary of Gerard Huijsser, 11 March 1945.

²⁰³ NA, CADSU (Central Settlement Office for German Damage Payments), claim by Emma van den Bergh, claim A53954, 8 July 1963; and claim A53953, 8 July 1963.

This chapter demonstrates a) that the Van den Bergh family survived thanks to contacts with the underground and not through the connection with Miedl; and b) that, from October 1943, the daughters were already in hiding, as were Van den Bergh and his wife from January-February 1944. When the raid on the Secret Annex took place on 4 August 1944, the notary had already been entirely out of the picture for at least five months. He therefore had no reason whatsoever to supply lists to the SD in exchange for the lives of his family. The theory that he did has been conjured out of thin air.

Chapter 7: Arnold van den Bergh and the reconstruction of Jewish Amsterdam

Bart Wallet

After the liberation, notary Van den Bergh was quickly back in Amsterdam. According to the CCT, he arrived there as someone with a big secret and a troubled conscience: after all, he had betrayed countless hiding addresses. Moreover, according to the CCT, he had been sentenced to exclusion by the Jewish community.²⁰⁴ This statement of affairs however proves to be incorrect.

7.1 Jewish reconstruction

Someone who has betrayed addresses on a large scale would be expected to emigrate as quickly as possible and build up a new life somewhere else. This after all was what many Jews did after 1945; several thousand Jews emigrated to the United States and Palestine/Israel. Not Arnold van den Bergh, however: he remained in Amsterdam and appeared again at the forefront. He started to work actively for the reconstruction of the Jewish community.

In this, the continuity is again noticeable: before the war, he gave his best efforts to social work; during the war, he continued to fulfil his responsibilities there as long as possible under difficult circumstances; after the war, he picked up where he had left off. He was again active in the NIA, now as chairman. The NIA's activities included helping Jews in hiding and Jews returning from the camps.²⁰⁵ Besides this, he became chairman of the Joodse Invalide, where he oversaw the painful move from the large, modern building on Weesperplein to the former Portuguese-Israelite Hospital (Portugees-Israëlitisch Ziekenhuis) on Henri Polaklaan.²⁰⁶ He was also involved right from the beginning, when the social Department of the Jewish Coordination Committee, the overarching organisation that gave structure to the reconstruction of the Jewish community in the immediate postwar period, became independent as the Jewish Social Work foundation (JMW). Van den Bergh was a board member from the start.²⁰⁷ From his position as director, Van den Bergh worked hard for redress and was involved in drawn-out cases to recover Jewish possessions. In this, he realised the vulnerability of Jews to the government: it is difficult to make a fist without a hand, he said.²⁰⁸ Much of his time must also have been taken up obtaining redress for his own family.²⁰⁹

On all these boards, Van den Bergh worked closely together with other surviving prewar administrators, and with the new, younger generation, who usually had a Zionist and socialist

²⁰⁴ Sullivan, *The Betrayal of Anne Frank*, 271.

²⁰⁵ SAA, NIHS Archive, minutes of daily board, 2 August 1945.

²⁰⁶ R.G. Mansfeld, *50 jaar Joodse Invalide* (Amsterdam n.d.) 67-75, 86.

²⁰⁷ Philip Staal, *Roestvrijstaal. Speurtocht naar de erfenis van de joodse oorlogswezen* (Delft 2008) 120-121.

²⁰⁸ SAA, NIHS Archive, minutes of daily board, 2 August 1945.

²⁰⁹ Hinke Piersma and Jeroen Kemperman, *Openstaande rekeningen. De gemeente Amsterdam en de gevolgen van roof en rechtsherstel, 1940-1950* (Amsterdam 2015) 138-140; National Archive, 2.09.48, inv. no. 916, Council for Redress. Justice Dept, dispute files.

orientation. Van den Bergh was surrounded by Jews who had survived the camps, by people who had also been in hiding, and by Jewish resistance fighters. His fellow notaries Eduard Spier and Jakob van Hasselt, side-by-side with Van den Bergh, also put their efforts into the reconstruction of Jewish Amsterdam. If the CCT theory is true, namely that Van den Bergh was one of the greatest betrayers, and that this was known after the liberation, it is astonishing that this did not come up in these administrative contexts. An accusation as explosive as this would have to have become more widely known and would certainly have led to discussions. In the immediate postwar community, there were many such cases, and people who in one way or another were suspected of collaboration, or more seriously, of betrayal, were rapidly excluded from the community. Nothing indicates that Van den Bergh was seen as a betrayer.

After the war, many people were accused of collaboration. They were either tried according to the Special Jurisdiction (Bijzondere Rechtspleging) or 'purged' by their profession. This also applied to Jews. Van den Bergh was neither indicted nor purged. There is no indication there were any objections against the notary's wartime behaviour among his peers.

7.2 Jewish Honour Council

Meanwhile, this did not mean that there were no questions about Van den Bergh. He was after all one of the nine surviving members of the Jewish Council. The Jewish Council, according to the postwar conviction, had played a disastrous role in the Nazi tactics with the Jewish community. To what extent the surviving members of the Jewish Council should be held responsible for this was a question widely asked and discussed. By analogy to the purge commission in other places in Dutch society, the JCC instituted the Jewish Honour Council. The idea was that complaints could be filed there against Jews who had collaborated, or that Jews themselves could present themselves to be exonerated if rumours about them were circulating.²¹⁰

Van den Bergh did not present himself, but a complaint was filed against him, or, more precisely, at his membership of the Jewish Council. He was tried together with the other surviving members of the Jewish Council who had been members at the time of the deportations. The Honour Council immediately made an important decision, which had already been made by other Jewish organisations.²¹¹ A distinction was made between the two chairmen, Abraham Asscher and David Cohen, who had been directly involved in the negotiations with the Nazis and had called for obedience to Nazi orders, and the ordinary members of the Jewish Council. These ordinary members had each had their own domain within which they had tried to do their work as well as possible. In Van den Bergh's case, this was mainly social work.

²¹⁰ N.K.C.A. in 't Veld, *De Joodse Ereraad* (The Hague 1989) 37-43.

²¹¹ SAA, NIHS, minutes of daily board, 14 October 1945. Concerning the chairmen of the Jewish Council, it was established that they had occupied a very different position from the ordinary members of the Council, and that, moreover, account had to be taken of the opinion of the Jewish public.

Van den Bergh, who thought in strictly legal terms, did not recognise the authority of the Honour Council, because it had been instituted by the JCC, which only had a temporary nature and had not been democratically elected. He did not reject the idea of a purge as such, only this specific body. The members of it were co-opted in, and the regulations were drafted without involvement of other Jewish organisations, such as the three Jewish denominations. He sought advice from various Jewish bodies and was supported in his criticism by Chief Rabbi Justus Tal. For this reason, he did not defend his case at the Honour Council.²¹² The possibility existed there to submit mitigating information against an accusation, such as involvement in resistance or opposition to Nazi measures. Here, Van den Bergh could have referred to the involvement of his office and himself in helping to 'Aryanise' dozens of Jews, the help to family members to be temporarily exempted from deportation and his further contacts with the underground.

On 15 May 1948, the Honour Council, probably without a session having taken place, decided to sentence the surviving ordinary members of the Jewish Council to five years' exclusion from positions within the Jewish community. This happened solely based on their membership of the Jewish Council; no other aggravating grounds or extra personal accusations were needed.²¹³ If the note referred to a real betrayal, it is difficult to imagine that this accusation would not have come to the attention of the Honour Council and not been assessed by it.

After the verdict was returned, this came as a shock to Van den Bergh. He did not see himself as guilty; he had simply accepted his responsibility for the community and the social work during a difficult time. He therefore decided to recognise the Honour Council in order to appeal his conviction, which would allow him to submit mitigating evidence.

Not only Van den Bergh was shocked by the verdict; the boards in which he played a prominent role were too. This led to difficult discussions. Van den Bergh did not agree with the verdict but was prepared to vacate his positions. Many of his fellow board members however did not want this. They refused to view Van den Bergh as guilty and wanted to keep him on their boards. At JMW, Van den Bergh remained on the board, and a number of people who were closely connected with the JCC and the Honour Council resigned.²¹⁴ The NIA (meanwhile renamed the NIISA) equally did not acquiesce in the verdict; the board did not want to lose its chairman. The decision to keep Van den Bergh in his post was approved by the council and board of the Jewish community, the NIHS. A structure was devised in which the vice chairman was the temporary spokesman, but Van den Bergh was not dismissed. In the meantime, the NIA board continued to insist on Van den Bergh's rehabilitation from the other Jewish bodies.²¹⁵

The NIA and Van den Bergh considered that this was all taking far too long. The Honour Council in fact had a problem: none of the available Jewish lawyers wanted to serve on the

²¹² SAA, NIHS, minutes of daily board, 12 April 1948; Jewish Cultural Centre Amsterdam, NIK Archive, minutes of Permanent Committee, 27 January and 17 February 1948.

²¹³ In 't Veld, *Ereraad*, 70, 101-103.

²¹⁴ Even afterwards, Van den Bergh was anything but 'sentenced to exclusion' and he was invited as a JMW board member to a discussion with the Permanent Committee of the NIK; JCC, NIK, minutes of PC, 18 May 1948.

²¹⁵ SAA, NIHS, minutes of daily board, 23 May and 6 June 1948; JCC, NIK, minutes of PC, 5 July 1948.

appeals board. They did not want to get their fingers burned on this sensitive question. The Jewish community had become small, and everyone knew each other, which rather prevented objective jurisprudence. In the meantime, the Honour Council had become controversial in large swathes of the Jewish community, and ever more Jewish bodies refused to abide by its verdicts. Due to the Honour Council's impotence, the largest Jewish organisation, the NIK, the Dutch-Israelite Church Congregation, finally decided to settle the impasse itself. The verdict was suspended for everyone who had gone to appeal. Moreover, the JCC approved of this. Van den Bergh was thus rehabilitated and could also re-accept the chairmanship of the NIA.²¹⁶

Conclusion

Was Van den Bergh, as the CCT asserts, sentenced to exclusion by the postwar Jewish community? Not particularly. He was prominently present in the community, put his whole effort into reconstruction, and was widely esteemed. No personal accusations against Van den Bergh were made in the Honour Council's verdict. He was expected to present mitigating evidence in an appeal. The verdict issued was formal in nature and based solely on his membership of the Jewish Council. Moreover, this verdict led to much unrest, which showed plenty of support from his fellow board members. Their protest and that of Van den Bergh himself ensured that the verdict was annulled. In this immediate postwar context, in which accusations and rumours abounded, no-one accused Van den Bergh of betrayal.

²¹⁶ JCC, NIK, minutes of PC, 9 March, 6 April, 11 April, 20 April, 18 May, 8 June, 27 June, 5 July, 15 July 1948 and 27 December 1949.

Conclusion

In this report, we have scrutinised central elements of the argumentation presented in *The Betrayal of Anne Frank*. In doing so, we have focused on the case of Van den Bergh, because the scenario in which he betrays the Secret Annex is presented by the CCT as being the most likely. By the end of the book, previously shown restraint disappears altogether and Van den Bergh is directly identified as the betrayer. Our conclusion in this report is that that accusation does not hold water. Our counterarguments focus on two aspects: firstly, criticism of the CCT's method and approach, and secondly, criticism of the factual content of its historical reconstruction.

Method and approach

The CCT adopts a forensic method, approaching the historical case of the betrayal of the Secret Annex as a cold case. However, the use of this method does not justify completely disregarding the most basic of scientific and academic preconditions. Anyone investigating a historical case needs to be well-versed in the broader historical context in order to properly interpret sources and testimonies. A researcher who wants to do proper justice to the past must also consider and weigh up all the possible perspectives. Great care must be exercised, particularly when deceased persons are involved, who can no longer defend themselves.

In Sullivan's book, we see three areas where significant mistakes are made. The first area of concern is the use of sources. Apart from the fact that the annotation in the book is sparse and regularly found to be inaccurate, analysis of the original sources shows that the CCT often read them sloppily and poorly, applied little critical judgement when analysing them, and either did not contextualise them, or only made a half-hearted attempt at doing so. Even the content of the most important piece of evidence, the ominous note, is not deciphered, and the detective's notes on it are either erroneously interpreted or ignored.

The historical context of World War II and the immediate post-war period is frequently misunderstood. For example, the CCT is under the mistaken assumption that successfully filing a Calmeyer application required 'influential' connections and, later on, they consider the fact that Van den Bergh also knew people in the underground to be 'suspicious'.²¹⁷ That he survived the war and was not interned in a camp is again seen as an expression of privilege and a possible indication of treason.²¹⁸ Taking this point of view to its logical conclusion would make everyone who went into hiding suspicious. In reality, going into hiding was just another way of trying to save one's life - and even then, the risk of being betrayed or discovered was still significant. Because the CCT does not have a clear picture of the Jewish Council, it does not see how implausible the accusation of mass betrayal is. Furthermore, when assessing the 'note' and

²¹⁷ Sullivan, *The Betrayal of Anne Frank*, 236.

²¹⁸ *Ibid.*, 263.

Henn's statement, it also fails to properly factor in the post-war context of an Amsterdam that was sweltering with gossip, accusations and rumours of treason.

Secondly, the argument does not stack up. The entire body of evidence in the Van den Bergh case is built on presuppositions, which are initially launched as hypotheses and with some nuance, but subsequently assumed to be true. For example, on page 259, the granddaughter is claimed to have said that if her grandfather was indeed guilty of the betrayal, it could only have intended to save the lives of his wife and daughters. That option becomes a fact for the CCT a little later: 'He saved his family by giving up addresses to the SD.'²¹⁹ The fact that individuals such as Mirjam Bolle and the granddaughter know little about Van den Bergh is used by the CCT to insert its own theory. That the granddaughter – according to the book – does not know whether Van den Bergh and his wife had gone into hiding is used to insinuate that they therefore had a secret that should not be revealed to others.²²⁰ This is just one of the examples where 'argumentum e silentio' is used in the book.

Thirdly, it should be noted that the CCT exhibits tunnel vision. In contrast to the earlier scenarios, which are dissected and analysed with critical verve, it appears that the opposite is perfectly acceptable when looking at the last scenario: Van den Bergh is guilty unless proven otherwise. Only those elements of sources were used that could support its own theory, anything pointing the other way has been omitted or disregarded. Source information originating from Nazis and collaborators is adopted without much in the way of critical analysis, while sources favourable to Van den Bergh are brushed aside or do not appear in the book at all. Thus, Van den Bergh is framed, step by step, as a clever and cunning Jewish notary with high-ranking Nazi connections who commits unthinkable treason at the decisive moment. This picture is the result of an accumulation of faulty assumptions and careless use of sources.

Criticism of the factual content

In addition to pointing out the errors in the argumentation and use of sources, this report also presents a historical reconstruction of Arnold van den Bergh's actions and his role within the Jewish Council. This shows that the accusation of betrayal a) does not match the picture of his personality that emerges from the sources; b) is based on the erroneous assumption of the existence of lists of hiding addresses within the Jewish Council; and c) does not fit with the timeline of Van den Bergh's actions during the war.

The war period is too often studied separately from the pre-war and post-war periods. The case of Van den Bergh shows how important it is to see the continuity between them. His pre-war profile as a family man, notary, and a board member of Jewish care institutions is an important key to understanding the wartime phase and the post-war period. Due to the close ties within the family, Van den Bergh helped his relatives as much as possible during the war and these networks also played an important role later when Van den Bergh's family went into hiding. As a notary, he put his expertise to good use during the war and helped other Jews

²¹⁹ Ibid., 283.

²²⁰ Ibid., 270.

fraudulently claim 'Aryan descent' via his office. These strategies to evade and counter German policies also fit in with Van den Bergh's characterisation as someone who was fiercely anti-German. His commitment to Jewish social care explains why he became a member of the Jewish Council and continued to fulfil his responsibilities from that position. After the war, he again worked as a notary for much of the Jewish community, along with his colleague Spier and his wartime partner Masee. He also immediately resumed his social welfare work on behalf of the Jewish community.

Obviously, the war period also bred discontinuities. Prewar values that Van den Bergh adhered to, were no longer applicable. Thus, Van den Bergh tried to save his family and others by administrative fraud. It is clear he used every opportunity to circumvent the rules and arrange exemptions, and in the end, he went into hiding.

The CCT claims that Van den Bergh had knowledge, motive and opportunity and therefore betrayed the Secret Annex and numerous other addresses.²²¹ This report shows that every element of these claims is based on misuse of sources and unsound reasoning.

Knowledge - according to the CCT, it is 'almost certain that the Jewish Council had lists of addresses where Jews were in hiding', to which Van den Bergh, in turn, would have had access through his 'key position'.²²² Those alleged lists of addresses are based on 'the note', Henn's testimony, the Pollak case, and a report on the Contact Department in Westerbork. These are very disparate sources, written at different times and also appear to relate to different issues. The accusation in the note and Henn's statement, this report argues, is to be seen in the context of widespread rumours about the Jewish Council, which Nazis and collaborators used to try to shift as much responsibility as possible to Jews and thus exonerate themselves. In post-war criminal cases this accusation of large-scale betrayal by the Jewish Council was not considered credible in any of the procedures. Furthermore, war criminals such as Willy Lages and Ferdinand Aus der Fünten did not use this argument in their defences. The Pollak case is actually about a somewhat shady member of the resistance who kept a personal card index of addresses he had contact with, as was common in underground circles. As far as is known, this was in no way related to the Jewish Council. The report on the Contact Committee, finally, makes no mention of lists of addresses where Jews were thought to be in hiding. The whole theory about the lists of hiding places is not 'almost certainly accurate'; in actual fact, it is based on misreading of the sources and combining information that is not related in any way.

Motive - according to the CCT, Van den Bergh's motive was 'to safeguard himself and his family from capture and deportation by making himself useful to the Nazi occupiers'.²²³ Quite apart from the fact that this 'making himself useful to the Nazi

²²¹ Ibid., 277.

²²² Ibid., 277.

²²³ Ibid., 277.

occupiers' is not substantiated anywhere in the book, the motive is completely absent. This report shows conclusively that his children had been in hiding since October 1943. The fact that he knew his children were safe contradicts the alleged motive that he acted to save his family. If anything, then, his motive could have been to ensure his own survival and that of his wife Auguste. But all the available sources indicate they also went into hiding from February 1944 at the latest. All this makes the betrayal on the part of Van den Bergh highly unlikely. If he had provided those address lists in February, the Nazis would have raided the Secret Annex and other locations at that time. However, if disclosure of the addresses took place in August 1944, Van den Bergh would have had to come out of hiding to do this. But why would someone leave the relative safety of a hiding place to betray others when there was no actual motive for doing so because he, his children and his wife were already all in hiding? To sum up: there is no motive.

Opportunity - the CCT claims that Van den Bergh had the opportunity for the betrayal because he had 'freedom to move about and access to the SD'.²²⁴ This refers firstly to his Calmeyer status and secondly suggests 'regular contact with highly placed Nazis'. Van den Bergh had indeed managed to obtain a Calmeyer status, but contrary to the CCT's assertion, this did not require contacts with high-ranking Nazis. There is no evidence that Van den Bergh had any such contacts throughout the process, and the supposed 'protection' was also lacking when his fraud was discovered and his Calmeyer status was revoked. The theory of Nazi connections is also based on the Goudstikker case, in which he appears to have played a technical role. As the former notary of the company and the Goudstikker family, he endeavoured to help the widow Goudstikker get through the war. These endeavours bring him into contact with Miedl, a shadowy figure who profited from the Nazi regime but also helped people. The book suggests an amicable relationship between the two, but this is not supported by any of the sources. Furthermore, Miedl disappears from the Netherlands in July 1944 when Van den Bergh is already in hiding. The claim that Van den Bergh had direct contact with the Reich Chancellery in Berlin and sold a painting to Hitler is pure invention. Van den Bergh also had no contact with high-ranking Nazis as a member of the Jewish Council, as he was responsible for social care within that body. The book offers no proof of any contact between Van den Bergh and the Amsterdam SD or other prominent figures in the Nazi hierarchy, and our research has also revealed no evidence of this nature. To cut a long story short, Van den Bergh could not move freely from January 1944 because a search and capture warrant had been issued against him, and he also did not have easy 'access to the SD'. In view of the above, opportunity is also refuted.

²²⁴ Ibid., 278.

The CCT has turned the betrayal of the Secret Annex into a thrilling cold case. Unfortunately, it is clear that the investigation was conducted amateurishly and, due to misinterpretation and tunnel vision, also wrongly identifies Arnold van den Bergh as Anne Frank's betrayer.

Appendix: Timeline

Period	Central events
Pre-war period	<p>20 January 1886 – birth of Arnold van den Bergh</p> <p>8 June 1920 – Marriage with Auguste Kan (born 5 May 1899)</p> <p>27 August 1921 – birth of the twins Emma and Esther</p> <p>1923 own notary firm in Amsterdam</p> <p>21 July 1929 – birth of Anne Marie</p> <p>1938 Eduard Spier becomes a full partner in the notary firm</p> <p>1929 – family lives at the ground floor of Oranje Nassaulaan 60, Amsterdam</p> <p>Van den Bergh has many functions in Jewish social organizations</p>
1940	<p>10-15 May – Family tries to run away and leave the country, to no avail</p> <p>14 September – sale of Goudstikker firm, bought by Alois Miedl, Van den Bergh acts as notary</p> <p>2 October – Van den Bergh en Ten Broek vereffenaar liquidatie Goudstikker NV</p>
1941	<p>13 February – founding of the Jewish Council</p> <p>21 February – Van den Bergh fired as notary for being Jewish</p> <p>3 March – form filed: 4 Jewish grandparents</p> <p>6 March – Van den Bergh takes Masee as substitute for his firm, firm get a role in producing false documents for acquiring non-Jewish status through the Calmeyer-procedure</p> <p>11 April – First mentioning of Van den Bergh as a member of the Jewish Council in <i>Het Joodsche Weekblad</i></p> <p>19 August – founding of the Jewish Association for Nursing and Care</p>
1942	<p>9 July 1942 – twins become student nurses at the Dutch Israelite Hospital NIZ</p>

	<p>October – start Calmeyer procedure to be Aryanized, resulting in getting a temporary Sperre</p>
1943	<p>May – illness Masee, A. Bruijning as substitute in the firm</p> <p>31 August – Schepers appointed as successor to Van den Bergh</p> <p>2 September – Calmeyer decides to give Van den Bergh the GII status</p> <p>8 September – Van den Bergh gets the GII decision and consequently leaves the Jewish Council</p> <p>29 September – de facto end of the Jewish Council with the last large transportation of Amsterdam Jews to Westerbork</p> <p>October – three daughters go into hiding, via Amsterdam to the villages of Broek op Langedijk, Zuid-Scharwoude and Sprundel</p> <p>14 October – Complaint of Woortman (LiRo) about the Aryanization of Van den Bergh</p> <p>15 October – Complaint of Schepers about the Aryanization of Van den Bergh</p> <p>25 October – Letter of LiRo to Calmeyer about Van den Bergh</p> <p>16 November – new request to Calmeyer to Aryanize the Kan family</p> <p>26 November – letter of Schepers to LiRo accusing Van den Bergh, copies sent to the Zentralstelle für jüdische Auswanderung the Commissariat General of Justice</p> <p>29 November – letter of Schepers to Seyss-Inquart and Rauter about Van den Bergh</p> <p>29 November – conversation of Calmeyer and Schepers about Van den Bergh</p> <p>29 November – rejection of the request to Aryanize the Kan family</p> <p>14 December – visit of Schepers to Calmeyer with self-prepared genealogy of Van den Bergh's family</p>
1944	<p>4 January – Van Proosdij and Kotting warn Van den Bergh for imminent arrest</p> <p>January – Schepers pressures Masee in order to collaborate, he does not know where Van den Bergh is</p> <p>January – twins go to new hiding place in Laren</p>

	<p>14 January – Calmeyer freezes Van den Bergh's finances and holds decision about his status under consideration</p> <p>January-February – Van den Bergh and his wife go into hiding, join their daughters in Laren</p> <p>1 February – appointment J.D. Overberg as substitute in Van den Bergh's firm</p> <p>13 February – Anne Marie caught in Rotterdam while on her way to a new hiding place</p> <p>15 February – registration of the family to Nieuwendammerdijk</p> <p>22 February – Anne Marie released, goes into hiding in respectively Sprundel and Breda</p> <p>6 March – Van den Bergh's firm taken over by J.W. Anton Schepers</p> <p>4 August – raid in the Secret Annex</p> <p>20 October – Anne Marie liberated in Breda</p>
1945	<p>5 May – Van den Bergh, his wife and the twins liberated in Laren</p>
Post-war period	<p>6 June 1945 – Van den Bergh reappointed as notary</p> <p>18 September 1945 – family moves to Minervalaan 72-III</p> <p>15 May 1948 – verdict Jewish Honorary Council: five years banned from honorary functions in the Jewish community because of membership of the Jewish Council</p> <p>27 December 1949 – verdict Jewish Honorary Council annulled</p> <p>28 October 1950 – death of Van den Bergh</p>

Sources

Archives

National Archives, The Hague

Central Archives for Special Jurisdiction CABR
CADSU-II dossiers
Nederlands Beheersinstituut (NBI)
Council for Restitution

CBG Centre for Family History, The Hague

Calmeyer dossiers Van den Bergh, Menko, Kinsbergen, De Jong-Nieweg, M.S. Cohen, Berkley, Kan, De Winter-Kan, Swaalep

North Holland Archives, Haarlem

District Court Amsterdam

Amsterdam City Archives

Personal and family cards
Housing records
Archive of Jacques Goudstikker and Desi Goudstikker-Halban
Archives of the Amsterdam Notaries
Dutch Israelite Main Synagogue Amsterdam

Rotterdam City Archives

City police Rotterdam

NIOD Institute for War, Holocaust and Genocide Studies, Amsterdam

Jewish Council
Judendurchgangslager Westerbork
Documentation II dossiers

Jewish Museum Amsterdam

Documentation Comité voor Bijzondere Joodsche Belangen

Sociale Verzekeringsbank, Winschoten

WUV dossiers Esther and Emma van den Bergh

Regional Archives of Gooi and Eemland, Hilversum

Civil Records Laren
Police reports Laren

Jewish Cultural Centre Amsterdam

Archives Dutch Israelite Community NIK

Das Arolsen Archiv – International Center on Nazi Persecution, Arolsen

Scans card catalogue Joodse Raad

USC Shoah Foundation – The Institute for Visual History and Education, Los Angeles

Testimonies Jaap van Proosdij and Edith Peper

Private collection Mirjam de Gorter, Haarlem

Private collection Elise Tak, Amsterdam-New York

Private collection N.N., Laren, diary Gerard Huijssen

Media

Historical Dutch press via the database Delpher:

Algemeen Handelsblad

Centraal blad voor Israëlieten in Nederland

Nederlandsche Staatscourant

Nieuw Israëlietisch Weekblad

Provinciale Drentsche en Asser Courant

Telegraaf

Verordeningenblad voor het bezette Nederlandsche gebied

Weekblad voor Israëlietische huisgezinnen

Weekblad voor Privaatrecht, Notariaat en Registratie

Weblogs and websites

[Wie verraadde de familie Frank? - Stadsarchief Amsterdam](https://www.stadsarchief.nl/verraadde-de-familie-frank/)

<https://youtu.be/7exvJQWHueg?t=3857>

Bart F.M. Droog, <https://reportersonline.nl/de-canard-van-het-verraad-van-anne-frank-de-tweede-wereldoorlog-als-industrie-3/> and consequent blogs

<https://historiek.net/verkoop-goudstikker-wettelijk-gemaakt-door-van-den-bergh/147801/>

Vince Pankoke, Rebuttal statements, <https://www.coldcasediary.com/press/>

Literature

Broederschap der Notarissen, ring Amsterdam, *'Om de guillotine', jaarverslag 1950* (Amsterdam 1951)

Restitutie Commissie, *Rapportage 1.15* [inz. Goudstikker] (z.pl. 2005)

Barnouw, David, and Gerrold van der Stroom, *Wie verraadde Anne Frank* (Amsterdam 2003)

Becker, J., *Het smouse kerkhoff te Geffen 1693-1908* (Uden 1987)

Bohr, Felix, 'Historiker sprechen von "verleumderischem Unsinn"', *Der Spiegel*, 18 January 2022

Boom, Bart van der, 'Het beeld van de oorlog. De Joodse Raad als zondebok', *De Groene Amsterdammer*, 26 January 2022

Boomgaard, Petra van den, *Voor de nazi's geen Jood, Hoe ruim 2500 Joden door ontduiking van rassenvoorschriften aan de deportaties zijn ontkomen* (Laren 2019)

Brady, Tim, *Three ordinary girls. The remarkable story of three Dutch teenagers who became spies, saboteurs, Nazi assassins – and WWII heroes* (New York 2021)

Broek, Gertjan, *Onderzoeksverslag inzake verraad en arrestatie van de onderduikers in het Achterhuis* (Amsterdam 2016)

Brugmans, H. a.o., *Persoonlijkheden in het Koninkrijk der Nederlanden in woord en beeld* (Amsterdam 1938)

Essers, Peter *Belast verleden, het Nederlandse belastingrecht onder nationaalsocialistisch regime* (Alphen aan den Rijn 2012)

Gerson, Natasha, [‘Het briefje, de bronnen en de bewijslast’](#), *De Groene Amsterdammer*, 15 February 2022

Griffioen, Pim and Ron Zeller, *Vergelijking van de Jodenvervolging in Frankrijk, België en Nederland, 1940-1945, overeenkomsten, verschillen, oorzaken* (Amsterdam 2008)

Gunkel, Christoph a.o., ‘Warum Anne Franks Verräter vermutlich keiner war. Hinterhaus-Versteck in Amsterdam’, *Der Spiegel*, 25 January 2022

Jong, Loe de, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog* (The Hague 1972 and 1976) Vol. 6, 1st part, and Vol. 7, 1st part

Jong, Ron de, *Tussen ambt en vrij beroep. Het notariaat tussen 1842 en 1999, Ars Notariatus CXVI* (Amsterdam 1999)

Kellerhoff, Sven Felix, ‘Was an den Enthüllungen über den Verräter noch alles nicht stimmt’, *Welt*, 17 February 2022

Klee, Ernst, *Das Personenlexikon zum Dritten Reich* (Frankfurt am Rhein 2003)

Kromhout, Bas, ‘Onderzoeker Joodse Raad: Verraadtheorie Anne Frank is ‘lasterlijke onzin’’, *Historisch Nieuwsblad*, 17 January 2022

Lang, Wally de, *De razzia’s van 22 en 23 februari 1941 in Amsterdam* (Amsterdam 2021)

Lawson, Tom, *Debates on the Holocaust* (Manchester 2010)

Lee, Carol Anne, *Het verborgen leven van Otto Frank. De biografie* (Amsterdam 2002)

Mansfeld, Renate G., *50 jaar Joodse Invalide* (Amsterdam z.jr.)

Middelberg, Matthias, *Judenrecht, Judenpolitik und der Jurist Hans Calmeyer in den besetzten Niederlanden 1940-1945* (Göttingen 2005)

Piersma, Hinke, en Jeroen Kemperman, *Openstaande rekeningen. De gemeente Amsterdam en de gevolgen van roof en rechtsherstel, 1940-1950* (Amsterdam 2015)

Presser, Jacques, *Ondergang: De vervolging en verdelging van het Nederlandse Jodendom, 1940-1945*, part 1 (The Hague 1985)

Schütz, Raymund, *Kille mist. Het Nederlandse notariaat en de erfenis van de oorlog* (Amsterdam 2016)

Staal, Philip, *Roestvrijstaal. Speurtocht naar de erfenis van de Joodse oorlogswezen* (Delft 2008)

Sullivan, Rosemary, *The Betrayal of Anne Frank: A Cold Case Investigation* (New York 2022)

Sullivan, Rosemary, *Het verraad van Anne Frank: Het baanbrekende onderzoek van een internationaal coldcaseteam in Nederland* (Amsterdam 2022)

Veld, N.K.C.A. in ‘t, *De Joodse Ereraad* (’s-Gravenhage 1989)

Venema, Adriaan, *Kunsthandel in Nederland 1940-1945* (Amsterdam 1986)

Veraart, Wouter J., Expert Report of Prof. Wouter Veraart inzake de rechtszaak Von Saher v. Norton Simon Museum of Art at Pasadena, No. 07-2866-JFW (SSx) (C.D. Cal.).

Wallet, Bart, *Ontkomen. Het vluchtverhaal van Albert en Ella Andriessse-van den Bergh 1940-1941* (Utrecht 2019)

Wallet, Bart, ‘Beschuldiging in verraadzaak Anne Frank wankel kaartenhuis’, *Reformatorisch Dagblad*, 21 January 2022

Zee, Sytze van der, *Vogelvrij: De jacht op de Joodse onderduiker* (Amsterdam 2010)

Authors

Dr. Bart van der Boom teaches History at Leiden University. His expertise is modern Dutch history and the Second World War. Amongst his publications are *Wij weten niets van hun lot. Gewone Nederlanders en de Holocaust* (Boom Uitgevers, 2012), rewarded with the Libris Geschiedenis Prijs 2012, and *De politiek van het kleinste kwaad. Een geschiedenis van de Joodse Raad voor Amsterdam, 1941-1943* (Boom Uitgevers, forthcoming in 2022).

Dr. Petra van den Boomgaard is Assistant Professor Transitional Justice at University College Utrecht. During her PhD research at the University of Amsterdam she analysed the so-called ‘Calmeyer-gevallen’, for which she was the first to make use of all personal files of the war archive of the Rijksinspectie van de Bevolkingsregisters, the Collectie Calmeyer. Subsequently, in 2019 she published *Voor de nazis geen Jood* (Verbum). She is board member of de Stichting Sobibor, where she is involved in the organisation of the annual commemorative tour to Sobibor, Poland.

Aaldrik Hermans MA teaches History at the Jewish Cheider School in Amsterdam and is an independent researcher on ‘the survival chances of Jewish hiding in the Gooi area’. Publications: *De Larense verzetsstrijder August van Wilgenburg* (ab. *Resistance in the Gooi area*), *De Badkuip* (ab. *Summernursery of Anne Frank in Laren*) Weinberg, Van Driel & Hermans, *Het Bestek van de Naarderstraat* (ab. *Jewish hiding*), Weinberg, Brinkman & Hermans. Forthcoming *Persoonsbewijzensectie (PBS) 1941-1945*.

Dr. Raymund Schütz received his Ph.D. from the law faculty of the Free University in Amsterdam (2016). The title of his Ph.D. thesis translates to *Cold Mist: The Dutch Notaries and the Heritage of the War*. It analyses the behaviour of Dutch civil law notaries during the Second World War and its aftermath. He was the historian and archivist of the Netherlands Red Cross war archives (2001-2019). Currently his is senior researcher in the municipal archives of The Hague.

Dr. Laurien Vastenhout is researcher and lecturer at NIOD Institute for War, Holocaust and Genocide Studies in Amsterdam (PhD 2020). Her field of specialisation is the history of the Second World War, and specifically the persecution of the Jews in Western Europe. Her research projects are comparative and transnational in nature. In recent years, she has done extensive research on the creation and functioning of Jewish representative bodies during Nazi occupation (‘Jewish Councils’). Her monograph *Between Community and Collaboration: The ‘Jewish Councils’ of Western Europe* is forthcoming with Cambridge University Press (CUP).

Prof.dr. Bart Wallet is professor of Jewish studies: early modern and modern Jewish history at the University of Amsterdam. His field of specialization is the history and culture of Dutch Jewry, on which he authored a range of publications. He is one of the authors and editors of the authoritative *Reappraising the History of the Jews in the Netherlands* (London: Littman Library

of Jewish Civilization, 2021). Wallet is the editor of the much-acclaimed war diary of Rotterdam Jewish girl Carry Ulreich, which was published in Dutch and translated into Hebrew, German, Spanish, Portuguese and Italian. Wallet is co-editor-in-chief of *Studia Rosenthaliana: Journal of the History, Culture and Heritage of the Jews in the Netherlands* and editor of the *European Journal of Jewish Studies*.