

**Formal defense  
and final verdict of  
the Cold Case Team  
with respect to the  
historians' criticism**

In response to  
*The Jewish notary  
and the accusation  
of betrayal*

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This report is the formal response  
of two chief representatives of the CCT  
on the report of six historians  
that appeared on March 22, 2022,  
under the title:

*The Betrayal of Anne Frank:  
A Refutation,*  
(subtitle: *Critical Analysis of  
the Argumentation and Use  
of Historical Sources*)

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# Introduction

On 22 March 2022, the Dutch publisher Ambo|Anthos decided, without any consultation with the author or with us, members of the Cold Case Team (CCT), to pull the book *Het Verraad van Anne Frank* (the Dutch version of *The Betrayal of Anne Frank*) from the market. It did so based on a report published by six Dutch historians titled *The Betrayal of Anne Frank: A Refutation*, (subtitle: *Critical Analysis of the Argumentation and Use of Historical Sources*). In this report, these historians concluded that the CCT's hypothesis was completely without merit and thus proven untrue.

The scope of their investigation was limited to the last, most likely scenario that the CCT investigated. During the six-year investigation, the CCT examined thirty known and new scenarios that claimed to explain what caused the raid on the secret Annex. Twenty-five of these we rated as 'highly unlikely' or 'impossible'; four were rated as 'possible, but not very likely', and only one scenario was rated as 'the most likely'. The author, Rosemary Sullivan, highlighted over a dozen of these scenarios.

Contrary to what has been suggested by these historians, the CCT was not a group of overzealous amateurs who fell victim to their own wishful thinking. This was a highly professional team of some twenty permanent, experienced professionals like former police officers, war crimes investigators, forensic psychologists, forensic analysts, data scientists, criminologists and several historians (eight) led by accomplished retired FBI agent, Vince Pankoke.

The book that apparently aroused so much commotion in the Netherlands, written by the Canadian author Rosemary Sullivan, is not only a well-documented report about what happened in the CCT investigation but also provides insight into the life of the Frank family and what led to their final decision to go into hiding in the Annex. It is a story written by someone who was not a member of the CCT, but who had full access to the members of the CCT and all research data. She describes how the team examined scenario after scenario to finally conclude that the scenario, which assumes that notary Van den Bergh handed over a list of addresses to the Nazis, is the most likely.

Did the CCT claim to have established his guilt beyond a reasonable doubt? No, nor did we ever portray Van den Bergh as an 'evil' man. In fact, we have claimed that, if Van den Bergh did give a list of addresses of Jews in hiding to the SD, he did so to save himself and his family and that it is, therefore, impossible for us to pass moral judgment on him. It is a hypothesis. No more, no less.

Contrary to what the six historians claim and what was mostly taken over by the media, it is not the CCT that accused Van den Bergh. This accusation was made in an anonymous note that Otto Frank, according to his own account, received shortly after liberation, the existence of which has been in the public domain for over 50 years and described by past authors and historians. Oddly enough, no one really bothered to investigate this scenario thoroughly. Perhaps because it seemed implausible at first glance or perhaps because the findings of Chief Detective Arend J. van Helden from his investigation from 1963/64 were accepted, without verifying the claim of the anonymous letter writer.

The outcome of the CCT investigation is so sensitive and disturbing that six historians felt compelled to spend more than two months researching the conclusion of our investigation. In that time, they have never contacted anyone from the CCT and based their findings solely on the contents of Sullivan's book, which discusses only 12 of the 30 scenarios. They claim that their report shows unequivocally that the Van den Bergh hypothesis is false and that we, the CCT, have fabricated a totally unthinkable conclusion.

Their report was presented during a heated meeting in Amsterdam on 22 March 2022. No members of the CCT were consulted prior to publication nor were any invited to attend the presentation. At the end of the presentation, reportedly, emotions ran so high that Sullivan's book was even declared an "anti-Semitic pamphlet" by one of the historians. It was suggested that the CCT had planned from the outset to identify a Jewish perpetrator, a completely ridiculous and slanderous accusation.

The same evening that the historians' report was presented, the Dutch publisher Ambo|Anthos decided to take the book out of circulation. They did so without informing or even consulting the author or members of the CCT beforehand. In fact, even after this decision, neither author nor CCT were asked by the publisher to respond substantively to the allegations in the report. News of the publisher's decision was received with great enthusiasm during the presentation of the report.

In the days that followed, the news media were more than happy to quote the historians without any journalistic scrutiny, and reporters and columnists were once again ready to condemn the book and the research. It is rare that a book is withdrawn from the market by a publisher without a court order. Normally publishers stand behind their author and are a great champion of freedom of expression, unfortunately not Ambo|Anthos. An additional effect is that the decision of this publisher is wrongly seen as supporting the historians' claim.

The international publisher, HarperCollins in New York, first decided to wait for a substantive response from the author and the CCT and, after taking note of this response, decided to stand behind the book. The book, which is now available in more than twenty countries, has never had such a reception as in the Netherlands.

Of course, we take the criticism of the six historians very seriously. Over the past months, we have carefully studied the historians' report and their bold public claim that they had conclusively refuted our hypothesis. What follows is our response to their report. Comparing the rebuttal report with Sullivan's book and the CCT's investigation, one cannot help but conclude that the historians' report is full of irrelevant observations, half and full falsehoods, and critical omissions.

In this formal defense, the CCT wants to structurally refute the report of the historians. In the first chapter of our answer, we summarize our findings regarding the allegations and criticisms of the six historians. In the second part, we examine the statements of the historians chapter by chapter, and page by page, and in the last chapter we personally discuss the impact of our research and what the external criticism has brought about.

In view of the way in which the book was received in the Netherlands, another issue has come to the surface; is the commotion that has arisen solely a reaction to the research and the publication *The betrayal of Anne Frank*, or does the fear of anti-Semitism play a role in this? That is a sensitive issue, we understand that very well. Nevertheless, we believe that this fear should not be a reason to withhold the outcome of the investigation.

The CCT arrived at this hypothesis based on our interpretation of all research material known to us. We have acted with integrity and certainly not lightly. However, it is emphatically a hypothesis. Everyone is of course free to come to a different conclusion.

We also cannot exclude the possibility that new sources will emerge that invalidate our current hypothesis or justify a different view. Should that happen, we will accept that new information without further ado.

# 1. Summary

At a first glance, the report of the six historians is well-written, offers some new information on certain issues, and might appear convincing, especially for people who have not read Rosemary Sullivan's book, interviewed the CCT, or reviewed previous CCT rebuttals. However, a closer analysis of their report points to some disturbing and misleading arguments, ignored evidence, as well as assumptions that they erroneously attribute to the CCT. But most importantly, the report fails to undermine or disprove the essential hypothesis of the CCT. At best, it offers alternate explanations or interpretations, which in all cases are not the most plausible. And where they manage to point to some minor errors and/or omissions within Sullivan's book, these have no bearing on the case.

For example, the bulk of their 69-page report is focused on the private life of Arnold van den Bergh. Their central argument is that he was a prominent and successful member of the Jewish community, a very respected, decent, and amiable man, and an exemplary father to his children. While this is interesting information, it is in no way relevant to the case. The historians seem to be inferring that being a decent family man makes him incapable of betrayal. But just because he was a decent man doesn't mean he did not do it. The reality is that decent people are often forced to do the unthinkable to save themselves or their families. During the war, there are countless examples of the Nazis causing people to commit unimaginable acts to preserve their own life or that of their friends and family. To simply ignore this is to allow the Nazis to escape the culpability for these acts. It is inherent in human behavior which is, in our opinion, one of the most important messages of the book. It is critical to emphasize that when the Van den Bergh scenario came more and more to the fore, the CCT continued to see him as a decent man who could only have committed such an act under pressure from a dark influence.

This brings us to the next point. In the report, the historians use a metaphor to describe the Van den Bergh scenario. They compare our case against Van den Bergh to a *house of cards*. If you pull out one card the whole house comes tumbling down. By comparing the investigation to a house of cards, they are saying that if they manage to disprove even a single piece of evidence, it will destroy the hypothesis and the entire case. This is a completely deceptive metaphor since the case is nothing like a house of cards. We have always compared our business to a puzzle. Our hypothesis consists of many clues



and facts that fit together in a logical way like puzzle pieces. Even if some pieces are missing or don't fit, the image on the puzzle will still be recognizable. The post-war behavior of Otto Frank and Miep Gies, their statements and actions, testimonials from third parties, the mysterious anonymous note... these are all puzzle pieces that together yield a recognizable image. Removing a piece of the puzzle doesn't change that.

Additionally, many of the arguments in their report had been addressed by us in earlier rebuttals which are posted on our website (coldcasediary.com). The historians choose to push these aside and claim that 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."<sup>1</sup> The historians can claim this, but that does not make it true, and in this case, it is demonstrable incorrect. It is the historians who refuse to acknowledge our earlier responses to their criticisms. In previous rebuttals, we have already adequately addressed criticisms regarding the SD-lists and the Jewish Council, as well as the fact that the Van den Bergh family was in hiding. The same old arguments reappeared in their refutation report, clearly showing that they willfully rejected or ignored our responses. Since our counterarguments have apparently been deliberately discarded or not understood, we will explain them once again, and this time in more detail in the next chapter.

They also claim that since we are neither historians nor specialists on this subject, we lack knowledge and expertise, and therefore, often make incorrect assumptions. This is quite a presumptuous argument. Without providing any support other than their academic titles, the historians claim that their assumptions are true and ours are false. This kind of reasoning is a fallacy and is known as an *argumentum ad verecundiam*. The historians ignore the fact that we have investigated this case very thoroughly and from various disciplines for six years, with a team that also included eight historians.

This brings us to the last accusation by the historians, the claim that the CCT suffered from *tunnel vision*. According to them, we were so preoccupied with proving the guilt of Van den Bergh that we blindly worked toward this scenario ignoring the facts. This could not be further from the truth. Their claim makes it seem as if the Van den Bergh scenario was the only one reviewed, when it was just one of many investigated.

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1 See page 6 of their refutation document

This *tunnel vision* claim is quite an audacious accusation coming from six historians who have just written a 69–page report with no other objective than to prove Arnold van den Bergh was innocent. As we will show in the next chapter, all indications, and facts to the detriment of Van den Bergh are either ignored or misinterpreted by the historians. This is done in a manner that is often much more speculative than any statement made by the CCT.

Does this mean we say that the entire report is without merit? No, some of their points are valuable. After the historians carefully searched through the book, they discovered a number of non–substantive translation errors and some errors in sources and footnotes. Their report also provides some interesting new information, but let’s be very clear, none of it undermines or disproves our final hypothesis.

A careful comparison of the historians’ arguments to what is actually written in Sullivan’s book will show a pattern of omissions regarding the Van den Bergh theory. By omitting key pieces of information, the historians try to convince the reader that their claims are correct and the CCT’s are not. One of the key pieces of the puzzle that the historians curiously leave out of their refutation is the ‘statements evidence’ presented by the CCT. Numerous people who personally knew Otto Frank and Miep Gies informed the CCT that they (Otto and Miep) knew who betrayed them or at least had a strong suspicion.<sup>2</sup> Information derived from these statements aligned with only one of the pending scenarios, the one involving Arnold van den Bergh. We also documented how Miep Gies, and Otto Frank were aware of the name of the SD man who led the Annex raid, but on different occasions, chose not to acknowledge this fact or provide a false name.<sup>3</sup> Additionally, the behavior of Otto Frank, Miep Gies, and others also supported the belief that they had knowledge of the identity of their betrayer, but Otto Frank chose not to bring the name into the open. Past and present employees of the Anne Frank House along with accomplished authors on the subject Melissa Müller and Carol Ann Lee, believed that both Miep and Otto possessed knowledge about what/who caused the raid.

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2 TBOAF, pp. 28, 199–201, 205

3 TBOAF, p. 195

The following is a timeline of statements and behavior that we speak of:

### *Miep Gies's Statements*

- In May of 1963, Miep Gies was not candid with the investigators from the official investigation by omitting knowing Silberbauer.
- In November of 1963, Miep Gies said that she knew Silberbauer, but Otto Frank told her to use a different name, Silberthaler.
- In 1994, Miep Gies claimed that the betrayer was already dead when, in 1960, they started to investigate the betrayal again. (It is important to note that only two of the remaining suspects we investigated were dead by 1960, Arnold van den Bergh and Lammert Hartog)
- In 1994, Miep Gies claimed that Otto Frank knew who the betrayer was.
- In 1995, Miep Gies told Father John Nieman that she knew who betrayed them and the person was dead. It was someone that Otto Frank knew.
- In the 1990s, Miep told Anne Frank Stichting employees that she had a secret.

### *Otto Frank's Statements*

- In December of 1945, Otto Frank confronted Gringhuis with the name of their betrayer. (The name Otto Frank put forth was Arnold van den Bergh)
- According to Otto Frank's nephew Buddy Elias, when asked in 1945 why Otto wouldn't prosecute the man who betrayed them, he said, "What does it help, the man is a father too and if he has to go to jail, the family has no father."
- In circa 1947-1949, Otto Frank stated, "we were betrayed by Jews" (Only three scenarios remained which listed Jews as suspects, Arnold Van den Bergh, Ans van Dijk and the Jewish couple arrested at the Green Grocer's)
- In 1957, Otto Frank and Miep Gies provided author Ernst Schnabel with a pseudonym to use in place of Silberbauer's (Silberthaler) name for the original German language version of *Spur eines Kindes* and only the initial "S" for the English language version.
- In his December 1963 interview with police detective Van Helden, Otto Frank claimed not to know who the named betrayer, Arnold van den Bergh was.
- In December 1963, Otto Frank wrote a letter to Miep Gies and wondered if the new investigation would deliver anything new on Van Maaren but doubts it since there was no written evidence against him. We thought this was an odd statement. Did Otto Frank write this because the anonymous note he received was written evidence against Van den Bergh?

Otto Frank said to people who asked him to reveal the name of the betrayer, "It will not bring back my family and will injure the children of the man knowing that their father is in jail." (Arnold Van den Bergh had three children who survived the war and all outlived Otto Frank)

There were also actions and behaviors from Otto Frank and others that raised questions and tended to support only one of the leading theories:

- By 1948, Otto Frank seemingly stopped looking into the betrayal at about the same time as the Jewish Honor Court found Arnold van den Bergh guilty.
- Circa 1959-1963, Otto Frank failed to help the Nazi-hunter Simon Wiesenthal identify the Gestapo man who led the Annex raid. He resisted working with Wiesenthal even though Wiesenthal was doing so to prove the validity of Anne's diary and the Holocaust.
- In 1963-1964, Detective Van Helden indicated that the original betrayal note could not be located. However, the handwriting on the copy of the note says, "Hasselt has original."
- In 1963-1964, Van Hasselt vouched for Arnold van den Bergh to Kleiman saying he was "good" when he was fully aware of the Jewish Honor Court claims of collaborating with the enemy against Van den Bergh and the other members of the Jewish Council.

## 2. Comments

This chapter examines the historians' report page by page. We will show that the report in no way proves that our hypothesis is untenable and that we therefore see no reason to change our opinion, meaning that the Van den Bergh scenario is the most likely of all the scenarios we examined.

We have chosen to also comment on parts of the report that do not directly contradict our findings but are simply incorrect or misrepresent what is in Sullivan's book. We feel it is important to point out again that the historians produced this report without ever asking the CCT for comment or clarification, which led to unnecessary errors in their report.

The **blue text** is information, text and page numbers or direct quotes from the historians' report (Dutch version). The CCT answer appears directly below these sections.

*Page 5. The historians mention that we announced the findings of our investigation, identifying who was responsible for betraying the Annex, with a probability of being correct "precisely quantified at 85 to 87%".*

The probability percentage (85–87%) referred to in the historians' report is never mentioned in Sullivan's book but had been discussed by some of the CCT members during their interactions with the media. Presenting this percentage of probability has been a source of confusion and misconception and was, in hindsight, unfortunate. After the conclusion of the investigation, the CCT looked for a way to statistically quantify the Van den Bergh scenario's evidence by an external statistical expert to make sure that we drew a justified final conclusion and did not fall prey to tunnel vision.

On the advice of one of our police subject matter experts, a forensic statistician was consulted. He weighed the collected evidence completely independent of our conclusion using Bayesian forensic statistics and arrived at this percentage, which was peer-reviewed by two independent colleagues. This confirmed to us that the argumentation behind our judgment was sufficiently substantiated.

Part of the confusion came when people questioned why we would stand behind a theory that did not possess 100% certainty. It was clear that the Bayesian Statistics methodology was misunderstood as to the significance of

the percentage of probability quoted, along with the caveats of weighing the evidence.

For that reason, we already indicated in previous rebuttals ([www.coldcase-diary.com](http://www.coldcase-diary.com)) that it was not wise from us to even mention that percentage without further explanation; it caused an unnecessary commotion while it was of no significance to the case itself. We regret that this led to some commotion.

**Page 5.** *The historians pose that the CCT was committed to delivering a breakthrough in solving the case. “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 would be solved with forensic methods.”*

This representation does an injustice to what the CCT claimed and delivered. For them to say that it was “time for a breakthrough” suggests that the CCT was obligated and therefore delivered a breakthrough. Nothing could be further from the truth. We were never pressured, nor did we ever give any guarantee that we would resolve this matter. The only thing we have said it that we would make every effort to see if this matter could eventually be resolved. It is true that we intended not to approach this case as a mere historical one. The CCT wanted to use an investigation method analogous to the cold case methodology, with a multidisciplinary team consisting of investigation specialists, eight historians and other specialists from various disciplines.

Incidentally, the term *forensic* investigation was used by the historians in a very broad way. In police investigations, the term *forensic* is used when scientific methods are utilized to solve a crime (e.g., toxicology, pathology, psychology, graphology, etc.). The aim of the CCT investigation was to use a cold case investigation methodology and modern police investigative techniques, some of which were indeed forensic, to find out what ultimately led to the raid in the Secret Annex, which is something else.

**Page 7.** *“The Sullivan 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.”*

At the end of the investigation, we concluded that the Van den Bergh scenario was the most likely. The CCT obviously had no control over how the world media would report the findings of our investigation. Our conclusion was

only reached after 29 other scenarios were examined and approximately 25 people were relieved of a suspicion of guilt that had hung over their heads for decades.

Is it an open and shut case? No, it is not, nor did we ever pretend it was. And we've never represented that our theory was correct beyond a reasonable doubt. We have always been candid in saying that based on the current evidence, the case could never be proven in a modern court of law. Our conclusion was based on a multi-faceted approach, utilizing the process of elimination (others were too improbable or even impossible), facts, the interpretation of these facts, and finally, reasonable assumptions.

What veteran FBI agent Vince Pankoke and other law enforcement officers will confirm is that when a cold case team investigates a case where it's not immediately clear what happened, they necessarily work with assumptions to ultimately formulate a hypothesis about what could have happened. Investigators then set out to prove or disprove their hypothesis, but in most cases, there will remain missing facts. Utilizing techniques like behavioral analysis, and the law enforcement axiom of Knowledge (Means), Motive, and Opportunity, investigators formulate a theory about what they think took place. This is a successful standard law enforcement method of investigation performed by investigators as long as we may remember. If criminal investigations and the subsequent prosecutions were limited to only cases in which every fact was discovered and proven, the system of justice would be reduced to a fragment of its current self with a decimation of crime clearance rates and an exponential rise in victimization rates. For a case that was 72 years old when we started, there were missing pieces of information relating to what happened.

That is why at the beginning, we created a graphic depicting what could have been the possible causes of the raid. We identified four possible and plausible causes: Chance, Betrayal, Carelessness, and Mass Arrests. There were witness accounts and enough historical information to rule out Mass Arrests as a cause of the raid. That left us with Chance, Betrayal, and Carelessness, or a combination of more than one of these as the cause. We then reviewed and speculated about the specific actions within these remaining three causes to determine if there was any information available that would suggest what caused the 4 August 1944 raid.

To be clear, in the past twenty years several people have been mentioned as possible betrayers of the Secret Annex, such as Ans van Dijk, Lena Hartog van Bladeren and Tony Ahlers. Some of their names (other than Van den Bergh)

had never been made public before. There has never been any objection to this in the past. Our research has shown that many of these people were innocent or, in all likelihood, did not do it.



## 2.1 Arnold van den Bergh, a profile

*Author: Bart Wallet*

*Pages 8–12. In this chapter of the refutation, Bart Wallet focuses on the historical background of Arnold van den Bergh. He paints a picture of Arnold van den Bergh, his family, and his position in the (Jewish) community.*

His contribution is interesting from a historical and contextual perspective but has nothing to do with the central accusation of the anonymous note writer who claimed that Van den Bergh provided the SD with addresses of people in hiding. Wallet states that the CCT wrongly portrays Van den Bergh's actions during the war and goes on to describe his good deeds, relationships with friends, and favors he performed for the protection of his extended family. By doing this, Wallet infers that the CCT believes that Van den Bergh was somehow an evil man aligned with the Nazis, which is wrong. As a historian he continues in the remaining paragraphs to perform a quasi-psychological evaluation of Van den Bergh's personality and character, something that Wallet is not qualified in any way to do. Wallet then closes by adding a summation:

*Page 12. "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."*

We must reaffirm that the CCT never claimed that Van den Bergh:

- did not run a successful notary practice – in fact, we say he did.
- was not a family man – to the contrary, we assumed that every decision he made was for the preservation of his family and himself.
- did anything other than looking for a way out from the beginning of the occupation – It must also be stated here that Van den Bergh apart from obtaining a Calmeyer status and a Jewish Council Sperre, also managed to get a Diamond Sperre, which could only be obtained by providing something extremely valuable (diamond, gold, realty, stocks, expensive machinery, art, etc.)

## 2.2 The exercise of the duties of the notary Arnold van den Bergh

*Author: Raymund Schütz*

**Pages 13–14.** *Schütz spends two pages on a biographical sketch of Van den Bergh, including the Jewish identity of the Van den Bergh firm and the charitable works which the notary Arnold van den Bergh participated in during the 1930s.*

The CCT does not dispute any of this information, however, it in no way speaks to the issue of the betrayal of the address.

**Page 15.** *“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”) says nothing about his attitude towards the occupier, because all Jewish notaries continued to execute deeds in 1940.”*

The CCT does not say or infer that Van den Bergh’s execution of deeds in 1940 did in any way support the Nazi occupiers. Schütz obviously tries to paint the CCT as judgmental toward Van den Bergh’s execution of deeds when this is not the truth.

**Pages 17–21.** *This portion of the report discusses the Goudstikker Affair and Van den Bergh’s role. Schütz attempts to legitimize the sale of the Goudstikker collection to Aloïs Miedl, along with the amount Van den Bergh was paid for his notary services.*

According to the CCT there is sufficient evidence to disprove Schütz’s claim that the sale of the Goudstikker collection was legitimate, and that Van den Bergh’s compensation was acceptable. His bold statement is quite surprising considering the amount of well-documented information to the contrary (see below for more information). It is rather remarkable, to put it mildly, that Schütz here seems to share the same opinion Reich Marshal Herman Göring, who bought most of Miedl’s paintings. In a post-war statement he also claimed that that his purchase of the paintings was completely lawful and was even endorsed by Goudstikker’s lawyer. The Goudstikker attorney was identified in the report as Arnold van den Bergh.<sup>4</sup> People who have read Sul-

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<sup>4</sup> TBOAF, p. 262

livan's book should recognize Schütz's name as one of the many historians the CCT consulted and interviewed.

Part of Schütz's report is essentially a repetition of what Sullivan wrote along with a few additional details, one of which only serves to re-affirm that Van den Bergh made a significant sum of money from the Goudstikker Affair.

Despite quoting an incorrect source in the footnote about Van den Bergh's compensation for the Goudstikker transaction, we were correct in our claim that Arnold Van den Bergh, in all probability, received an enormous amount of more than 250,000 guilders for officiating the sale of the Goudstikker collection. This amount is far more than would have been a standard notary fee according to Dr. Cornelis M. Cappon, a professor of notarial law, University of Amsterdam (retired).

It is also clear that the sale of the collection to Miedl was not a legal transaction and should never have taken place. The widow of Jaques Goudstikker, Desi Goudstikker – Von Halban, who after the sudden death of her husband owned the majority of the company shares, made it unequivocally clear she did not grant permission for the sale.<sup>5</sup>

The claim that the sale was not legitimate is disputed by the historians, however, there is quite an abundance of proof as to the CCT's claim, as detailed in the report quoted above along with the book by Pieter den Hollander (Roofkunst, de zaak Goudstikker, Meulenhof 2007). Additional support for this claim can be found in the March 2022 article on the Historiek website by Cees van Hoore.<sup>6</sup> He cites a police report dated 1948 by Detective Sergeant A.M.G. Rouwhorst:

*“The owner of the Goudstikker company attempted to reach England by boat in May 1940 via a Dutch harbor. He lost his life in this. His wife Dési has reached America. She is the only one who can lay claim to her husband's property in Holland through inheritance law. Miedl bought the Goudstikker company from the Goudstikker heirs, represented by the then administrators, through the notary's office Van den Bergh for*

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5 Source: Recommendation Regarding the Application by Amsterdamse Negotiatie Compagnie NV in Liquidation for the Restitution of 267 Works of Art from the Dutch National Art Collection (Case number RC 1.15) page 5.

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

2.6 million guilders. A very large sum of approximately 2.5 tons (250,000 guilders) was given to the notary for his cooperation.”

According to Schütz, the 2.55 million guilders Miedl paid was a reasonable amount for the entire collection, which included three palatial estates, antique furniture, an antique weapons collection, and no less than 1,300 old masters and other paintings. The CCT found an article in a Dutch resistance newspaper that suggests that just the nine paintings alone that Miedl fled with to Spain were estimated to be worth four million Reichmarks! With a 1940 exchange rate of 1 guilder = 1.5 Reichsmarks, this means the nine paintings alone were worth more than the amount paid for the entire collection, properties, furniture, etc.

The source that the author of the article uses is the Military Broadcaster West, a German broadcasting program that was aimed at German soldiers stationed in Western Europe. The resistance picked up this news item about Alois Miedl who was apparently named “Parteigenosse” which means “party member” (as in fellow Nazi). According to the news article, Miedl arrived in Spain with nine paintings with an estimated value of 4 million Goldmark! The source of this article is from the resistance newspaper *De Schakel* dated 24 October 1944.<sup>7</sup>

This is another example of how the historians occasionally withhold documented information when it doesn't fit their story.

The police report by Detective Sergeant Rouwhorst also shows that Van den Bergh had received an additional 50,000 guilders from Alois Miedl and an official amount of 23,000, as stated in an accountant's report. All in all Van den Bergh may have made over 300,000 guilders from this transaction (an equivalent of 2,7 million USD now).

From Rouwhorst's report, it also becomes clear that there was a very close collaboration between Van den Bergh and Alois Miedl, who managed to get a special exemption to have Van den Bergh oversee the sale of the Goudstikker collection. This 'bond' between Van den Bergh and Miedl was also confirmed in an interview that the CCT conducted with Van den Bergh's granddaughter. She remembered that when her mother left for the south of the country

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7 Source: <https://www.delpher.nl/nl/kranten/view?query=alois+miedl&coll=ddd&max-perpage=50&resultsidentifier=ddd%3A010439397%3Ampeg21%3Aa0002&identifier=ddd%3A010439397%3Ampeg21%3Aa0002>

to go into hiding, she had been instructed by her father to drop the name 'Alois Miedl' if stopped by the authorities. The granddaughter told the CCT that her mother was indeed arrested and was set free after mentioning his name. Alois Miedl was without a doubt, a very influential German with high contacts in the Nazi hierarchy and sympathetic to the Van den Bergh family.

We do not feel that anyone could blame Van den Bergh for participation in the sale of the Goudstikker collection. After all, he was the notary of record for the Goudstikker company and stood to gain great favor with Miedl, someone that he could later call upon for protection from the Nazi occupiers, at least up until the time he fled to Spain in June 1944. But for Schütz to say that the deal was legal, not coerced, and was done at reasonable prices, is of course nonsense.

The illegitimacy of this transaction is without question. After litigated claims by the Goudstikker heirs were finally resolved in 2006, the Dutch government decided to return two hundred recovered works of art to Marei van Saher (daughter-in-law of Jacques Goudstikker). The litigation and arguments relating to this case are well documented in numerous books about the fate of this collection.

## 2.3 Van den Bergh and the Calmeyer procedure

*Author: Petra van den Boomgaard*

*Page 23–29. In this portion of the report, Van den Boomgaard goes into a less than detailed discussion of the Calmeyer process.*

*Page 24. “In other words, a successful review application did not depend on having the right Nazi contacts, as the CCT claims, but on having a well-informed lawyer.”*

Van den Boomgaard incorrectly claims that the CCT said that Van den Bergh received his Calmeyer status because of “having the right Nazi contacts”. We never claimed this. The success of Van den Bergh’s application due to him having a well-informed lawyer is something the CCT does not dispute. But we further clarify that it also took a considerable amount of money to accomplish this extraordinary action.<sup>8</sup> In Van den Bergh’s case, obtaining a Calmeyer status required having the financial means to retain a lawyer in Switzerland to act as an intermediary in requesting documents from the United Kingdom.

*Page 26. Next to the last paragraph in the same statement, Van der Boomgaard describes how a colleague and the designated, non-Jewish notary replacement of Van den Bergh, C.E. Massee, was subsequently sent to Germany as a prisoner of war at the hands of the Aryan notary appointed to replace Van den Bergh, Jan Schepers.*

By citing this example, Van der Boomgaard helped to substantiate our claim that Schepers was not the likely author of the anonymous note. On different occasions, the authors of the refutation paper have pointed to Schepers as the likely source of the anonymous note.

But as the CCT pointed out that, just like the actions he took against Massee, Schepers would not have hesitated to contact the post-war authorities and accuse Van den Bergh of providing addresses to the SD.<sup>9</sup>

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8 TBOAF, p. 222

9 TBOAF, p. 250

**Page 28.** *Van der Boomgaard claims that the CCT thought it was suspicious that Van den Bergh received a warning from the Calmeyer office.*

The CCT never claimed it was suspicious that Van den Bergh received a warning from the attorneys in Calmeyer's office.<sup>10</sup> Again, the historians deliberately falsify statements or opinions of the CCT to undermine our investigation. Without directly speaking with us or consulting Sullivan's book, someone who reads over their refutation document would be misled.

**Page 29. 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.”*

This entire paragraph is a fabrication of what the CCT has stated and cannot be found in the book. Based on what happened with Van den Bergh's Calmeyer status being called into question, the CCT concluded that Schepers could leverage more pressure with high-ranking Nazis in The Hague than Van den Bergh could.<sup>11</sup> A review of Schepers's CABR files shows that he possessed powerful contacts within the pro-Nazi government. Schepers merely brought the obvious to light: the fact that Van den Bergh was Jewish and lied on his application was undeniable and could not be overlooked by the Nazi authorities. Additionally, Van den Bergh's powerful connections only went so far. He possessed these connections through his friend Miedl. Miedl's power was with the SD, but only up until the time he fled to Spain in June 1944 after his friend Göring could no longer protect him.

Schepers's appeal for review of Van den Bergh's status was to the Nazi governmental authorities, an entity that the SD did not control. But, Schepers had his own powerful connections. Noted in his post war CABR (collaboration) file was his agenda, containing contact information of influential people within various agencies of the Nazi appointed government, including the SD in both The Hague and Amsterdam.

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10 TBOAF, p. 234

11 TBOAF, p. 234

Last, but not least, it is clear that Van den Bergh's position became precarious towards the end of 1943 and early 1944. However, it is not clear whether he actually lost his Calmeyer status or just had it called into question. Nor is it certain whether he was ever on an arrest list and/or if his identity papers were flagged. In any case, his non-Jewish status has never been reversed at the municipality and his identity card to this day is still marked non-Jewish.



## 2.4 Van den Bergh and the Jewish Council

*Authors: Bart van der Boom & Laurien Vastenhout*

**Page 31.** *Van der Boom and Vastenhout claim that Van den Bergh was not a founding member of the Jewish Council, stating that he didn't join until a few months after its establishment. The dates they list indicate it was approx. 2 months after the initial date of the JC's formation (13 Feb 1941), (Van Den Bergh's name was mentioned as being on the JC in the 11 April 1941 article from the Het Joodsche Weekblad.)*

Whether Van den Bergh was or was not a 'founding' member is of no consequence to our case. We have checked our sources, and this information came from a book by one of their own refutation historians. Raymund Schütz wrote in his book *Kille Mist* that Van den Bergh was "een lid van het eerste uur", which translates in English to "a member from the very beginning". Also, just because Van den Bergh was first mentioned in the newspaper in April 1941, doesn't necessarily mean he wasn't on the board earlier than this. Another example of the historians attempting to manufacture inconsistencies or mistakes in the book in order to discredit the investigation.

**Page 32:** *Van der Boom and Vastenhout attack the claim of the CCT that once per week, Van den Bergh had meetings or contact with the Emigration Department. They say that "there is no trace of reports of the weekly meetings of this department in the archives."*

Although we provided the historical source of this information, Van der Boom and Vastenhout claim that since there are no official reports of those meetings, the meetings never happened. Just because there are no minutes from these meetings in the archives that does not mean the described contact didn't take place. Although documents from the Jewish Council still exist, one NIOD historian told the team that many never survived the war or were preserved. Other sources, as mentioned in the footnote in Sullivan's book, did discuss these meetings.<sup>12</sup>

**Page 33.** *"On the 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*

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12 TBOAF, p. 230

*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.”*

Sullivan stated at its height, the Jewish Council had 17,500 members. It was clear the intent was to describe the 17,500 employees and family members that were exempted by the Sperres.

**Page 33.** *According to Van der Boom and Vastenhout, it is ‘disturbing’ that the CCT repeats ‘false accusations’ against the leaders of the Jewish Council. One example of a false accusation they mention is the story in Sullivan’s book about Asscher giving jewelry to the Amsterdam SD leader, Lages. Another example that they cite is the story about Asscher sending his future daughter-in-law to Auschwitz, which they claim is also untrue.*

Why is it disturbing to mention allegations of these incidents when they are so well documented in the procedural files against Asscher and Cohen? Of course, there may be false accusations, but not all of them can be dismissed as false as the historians seem to do. These accusations often came from witnesses and not the people involved in the alleged activity. Some were also made by Jewish victims or uninvolved bystanders. The accusation that Asscher provided jewelry to Lages is mentioned by several witnesses, people that would not have a reason to fabricate this.

The story about Asscher sending his future daughter-in-law to Auschwitz was told by Lages as well as by Gemmeker, independent from each other. The fact that these are notorious war criminals does not mean that they never tell the truth.

The fact the future daughter-in-law would ultimately dismiss the story herself is not inconceivable. She was likely oblivious to the fact that it was at the behest of Asscher, her future father-in-law. After returning, she planned on marrying Asscher’s son, so there would be no reason to refute this story. She either didn’t possess knowledge of what Asscher did, or once learning of it, chose not to accept the stories of Lages or Gemmeker.

All these documented stories obviously counter the narrative of one of the historians and his new book. This book is an attempt to rewrite the history of the Jewish Council, a valiant revisionist effort that goes against the judgment of most of the Jewish community after the war. It also goes against the findings of many academics, including Holocaust historian and camp survivor, Jacob Presser.

**Page 33.** *According to Van der Boom and Vastenhout, “The most ‘disturbing’ is the claim that the Jewish Council prepared deportation lists. 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.”*

Van der Boom claims in his book, released in April 2022, that the Jewish Council that prepared transport lists of Jews for deportation is a myth. That is possibly true for most of the deportation lists. But what Sullivan has done is rely on a lot of research and statements from historians in the past. Most importantly, the question of who drew up the lists of Jews to be deported is irrelevant to our case.

Again, it is clear from this portion of the report that Van der Boom is attempting to legitimize the premise of his own book, that the Jewish Council was not as bad as everyone thought. Although we are not in a position to judge the actions of the Jewish Council, he fails to take into account the criticisms of the people who were. These include the Dutch Jews who survived the Holocaust. The following is information regarding two of these survivors that were highly critical of the Jewish Council's actions.

Laura C. Mazirel testified that in the summer of 1942, she tried to convince Asscher and Cohen to help Jews hide from deportation, but they had refused. She claimed that Asscher stated: *“Let’s be honest, around the Waterlooplein, there are quite a number of miserable orange vendors who are no asset to the Jewish people and not a few idle youngsters who forced labor would do some good”* (Houwink ten Cate, *“De justitie en de Joodse Raad*, page 158) We also have the report from Gertrud van Tijn-Cohn who worked closely with David Cohen in the Jewish Council. She was deported to Westerbork in 1943 and then on to Bergen Belsen, from which she was allowed to travel to Palestine as one of the 110 Dutch Jews exchanged for German internees on June 29, 1944. Once in Palestine, she produced a report, accusing Cohen of selecting lower-class Jews for deportation instead of Jews from his own social class. A similar accusation was also made by another prisoner in the exchange, Sam de Wolff.

And then we have the 26 September 1942 letter from Police Commissioner Tulp to Rauter, in which he criticizes the call-up selections made by the Jewish Council:

*“The police battalion in Amsterdam, greatly weakened as a result of the transfer of the officer cadets to Apeldoorn and as a result of the fact that about 25 of the best officers, NCOs and men were assigned to train the auxiliary police, has now for about a month, night after night from eight o’clock in the evening to two o’clock in the morning been busy capturing Jews ordered by the Jewish Council to be deported from the Netherlands. This task became even more difficult, because the Jewish Council pointed out people which mainly consisted of old, sick and poor which negatively affected the mood of the onlookers.”<sup>13</sup>*

This revelation is especially salient in the light of Van der Boom’s argument that the Jewish Council never compiled deportation lists. Not only was the Jewish Council able to block people from being called for deportation by means of a Sperre (after all ‘deselection’ is also selection), but it seems that at least once the Council did draw up deportation lists itself.

In the CABR file of the governmental inquiry into Asscher and Cohen, testimony was found from Mr. Johannes Jacobus van Drunen which corroborates claims of Asscher and Cohen turning over names of Jews. During the war, Drunen was working for the Sonderstab O.K.W. His unit had informants at the Euterpestraat SD headquarters since they suspected corruption within the ranks. Drunen received the reports that were sent by these informants and compiled a dossier. According to Drunen, on numerous occasions Asscher had meetings with Lages and often brought diamond rings and other jewelry for him and his secretary Theodora Hoogendoorn (he probably meant Thea Hoogensteijn). At these meetings Asscher and Cohen were also said to deliver lists of new victims.

Finally, we have the actual actions that the Jewish Honor Court charged the Jewish Council (including Van den Bergh) with:

*“In principle, it makes no difference whether the members were consulted regarding each point or not, as long as they remained a member, they sanctioned the attitude, behaviors, and actions of the chairmen. That is to say, that they made themselves responsible for, amongst other things, the cooperation with the execution of anti-Jewish measures, such as, for example, the obligating of Jews to wear Jew-stars, the deportation of Jews, the prevention of escape of imprisoned Jews from the Joodse Schouwburg (equally from the budget and from the report regarding the finances of the Joodse Schouwburg, according to which report monies were extracted for the*

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13 Source: archive 5225, inv.nr. 1423: <https://archieff.amsterdam/inventarissen/scans/5225/1.2.1.1.2.4.2.3/start/110/limit/10/highlight/1>

*boarding up of doors and windows of the Joodse Schouwburg, and for the placement of a fence in order to prevent escape, as well as the transport of the prisoners) etc.”*<sup>14</sup>

Another critical point about their refutation is that they make assumption after assumption of what we thought. For instance, they say that we believed Lages’s post-war statement that Asscher only cared about the safety of his family. (page 33, first full paragraph) Yes, we reported that Lages said this, but it is quite presumptuous and incorrect for Van der Boom to claim that we believed this statement from Lages.<sup>15</sup>

**Page 34** *“In general, Sullivan portrays the Jewish Council as a collaborative institution led by people who wanted only to save their own skins. This representation is incorrect and has long since become obsolete in the international literature. But it does pave the way for the next step in the CCT’s argument: the alleged betrayal committed by Van den Bergh.”*

Neither the book nor the CCT ever portrayed the Jewish Council, as the historians stated, “as a collaborative institution led by people who wanted to save their own skins.” This is a conclusion that Van der Boom and Vastenhout draw themselves, but which has no basis in the book or in our research.

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14 Source: Nieuw Israelitisch Weekblad 1948-05-21 p. 9

15 TBOAF, p. 268

## 2.5 Van den Bergh and the Betrayal

*Authors: Bart van der Boom & Laurien Vastenhout*

**Page 35.** *Van der Boom and Vastenhout state that we concluded that Van den Bergh betrayed the Frank family, making it sound as if we definitively concluded that he was the betrayer.*

We never reached the final conclusion that Van den Bergh betrayed the Frank family. We argue that based on all available evidence and compared to all other suspects and scenarios we investigated, the Van den Bergh scenario is the most likely. There is a big difference between these two statements.

**Page 36.** *“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.....”*

Indeed, the first point turned out to be a misconception (see page 38). However, that error is of no importance for the outcome of the investigation. The second point is also a mistake, and the historians’ make a correct assumption here; The English translation of the note was mistakenly translated back into Dutch by the translator of the book and the original text was not used. However, this also does not affect the conclusions of the CCT’s investigation.

**Page 36.** *“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.”*

A fair point. At the time Sullivan wrote the book, the CCT had not yet deciphered this one line in the handwriting of Detective Van Helden. When the book was already at the printer’s, Harmen Snel, a handwriting expert working at the SAA, deciphered the meaning of this sentence. So, this point was already known to us and has been forwarded to the publisher for possible new editions. Again, this point also has no significance for the final conclusion of the study.

**Page 36.** *“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 published 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 fame, to vilify someone else, in this case Van den Bergh.”*

This is yet another example of the historians’ omitting information and mischaracterizing what the CCT stated. It is true that first mention of the Secret Annex was in an April 1946 article, and the CCT determined that it was authored by Jan Romein in *Het Parool*, and published 3 April 1946. But what Van der Boom and Vastenhout conveniently omit, is that the article does not mention the name Otto Frank, Opekta, nor a location where the Annex was located. It is hardly possible that the writer of anonymous note could have gleaned information on the victims, address, or any other indication of the location of the Annex from this article.

Also implied by the historians’ statement is that there was only a very narrow window of time (less than a year) in which the note could have been delivered before the story became public. As we just demonstrated, the key information about the Annex raid was not public until the actual diary was published in 1947. Then, one must consider the diary was not immediately popular due to the limited number of copies that were first printed. It wasn’t until the 1950s that the diary’s popularity was widespread. This is why in Sullivan’s book<sup>16</sup> she writes, *“If the letter had arrived ten years later—say in the mid-1950s—it could be argued that someone was just trying to use Otto Frank’s fame to cast a negative light on Van den Bergh.”*

We contend that if Otto Frank had not taken the note seriously, he would have tossed it aside, probably would have discussed it with his fellow helpers openly and would not have taken the trouble to visit Gringhuis in prison. Also, he would not have made a copy, would have said nothing to Van Helden, and would not have inadvertently given clues to third parties about the identity of the betrayer. It also explains why after 1950, he never wanted to search for the betrayer and even went so far as to sabotage the investigation by Simon Wiesenthal. All this behavior would be difficult to explain if he thought the note was just an accusation without any merit. Otto Frank knew firsthand that circumstances during the war sometimes pushed people to do the unthinkable; who was he to blame Van den Bergh? Would he not have done the same to keep his family safe? He probably foresaw what the extremely negative reaction would be toward Van den Bergh, especially in the Dutch Jewish community. This just might explain why Otto Frank decided

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16 TBOAF, p. 276

not to pursue this matter. As he said on many occasions, “*what good would it do? It would not bring my family and friends back.*”

**Page 36.** *“But if the note was written shortly after 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. This last conclusion is absurd. The fact that the author is talking about lists at the Zentralstelle of course does not mean that he knows something about them – he could have made it up or heard it as a rumor. In addition, everyone knows that there was organized 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 neighborhood. 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.”*

This is again a mere speculation and does not begin to address the reason why someone would accuse Van den Bergh of betraying Otto Frank’s hiding location! How do Van der Boom and Vastenhout think the author of the anonymous note came up with the idea to 1) accuse Arnold van den Bergh of turning over a list with addresses of Jews in hiding rather than any of the 800.000 Amsterdam residents and 2) just happen to choose Otto Frank as the recipient of the note? Noteworthy that it is exactly the kind of speculation that the historians constantly accuse the CCT of doing. The CCT addressed this issue in great detail within its rebuttals posted on our website.

**Page 36.** *“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.”*

The fact that Van der Boom and Vastenhout characterize this designation as unusual does not mean that the note is less credible. Nor does it in any way prove that the writer of the note was wrong.

**Page 36.** *“Besides this, the author thinks that the “Zentralstelle was situated on the 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.”*

This is highly speculative. It is clear that everyone during the war called this entire area the Euterpestraat, which was synonymous with the SD. We refuted this argument in the CCT’s Rebuttal Part II (see coldcasediary.com), even before the historians’ paper was published. Their claim that the note erroneously identifies the address of the Jüdische Auswanderung (J.A.) is incorrect. We contend that when the writer of the anonymous note uses the word Euterpestraat, he/she is not referring to the physical address of the JA, but rather the entire area occupied by the SD personnel, which included the J.A. building. During the war, the word ‘Euterpestraat’ was used as a term synonymous with the SD location in Amsterdam. The J.A., which was controlled by the SD, was located directly across the street from the SD headquarters, in the building known as the Zentralstelle. The Dutch SD detectives who worked for IVB4 were also located in that building. This included the SD detective who was witnessed searching Amsterdam with unknown somewhat older lists of Jewish hiding addresses in the summer of 1944, Eduard Moesbergen.

We would like to point out that the anonymous note did not say that the hideout was reported to the J.A. in Amsterdam on the Euterpestraat, which would have clearly indicated that the author was referring to the street name. The note says “...was reported at the time to the Judische Auswanderung in Amsterdam, Euterpestraat...” Since at that time SD and Euterpestraat were almost synonymous, it seems plausible that the writer meant that the information was transferred to the SD

Van der Boom’s and Vastenhout’s assertion that the author of the note could not have been an insider is far-fetched and completely wrong. It is intentionally misinterpreting the note, its meaning, and our meaning of the term “insider”. On pages 251–252 of the English version of *The Betrayal of Anne Frank*, it states that based on the assessment of the linguist, the author of the note had to know Van den Bergh and had to be privy to some sort of inside information.

On the grounds of an assessment the CCT could never definitively stated that the author of the anonymous note was an insider of a particular group or organization. It is however plausible that he or she had access to inside information. We speculated that perhaps the writer worked for the SD (Thea Hoogenstein) since the note mentioned that many other addresses were passed to the SD, something that possibly only someone within this agency

would know. Sullivan's book makes it abundantly clear<sup>17</sup> that it is unlikely, but not impossible that Hoogenstein wrote the anonymous note.

It could have just as easily been someone else at the SD or someone connected to Van den Bergh that knew that he turned over the list of addresses. But whoever the anonymous note writer was, they possessed inside information about Van den Bergh turning over these lists or had an interest in suggesting this. It is important to understand that although investigators deal with facts, we speculate, through the use of scenarios, how something would or could have happened. Or in this case, who could have possibly known about the lists being passed. Although at this point, we can't be sure of the identity of the anonymous note's author, what is certain is that the author possessed specific knowledge of Van den Bergh passing the list of addresses. The act of passing this list would have not been done in a public forum, therefore only a select group of people would have been privy to this, including people from the SD or more specific the J.A.

*Page 37. Van der Boom and Vastenhout try to say that when Otto informed Detective Van Helden that he received the note shortly after liberation that this really didn't mean the year 1945. They claim that it is unclear what Otto meant by this and inferred it could have been in the late 1950s.*

This is an attempt by Van der Boom and Vastenhout to disprove something that Otto Frank himself stated in an interrogation under oath to the police. Why do Van den Boom and Vastenhout think he is lying about that? And if the note was indeed received in the late 1950s, it would raise a new question that they would have to answer: why would someone accuse Arnold van den Bergh so long after the war, especially since he had already died in 1950?

Van der Boom and Vastenhout fall back to their repeated claim that after the war there were swarms of accusations, which is true and of which we are of course fully aware. But this does not mean these accusations were all false. Why would this note be false? They then try to speculate as to why someone would provide such a note to Otto Frank by claiming that as a member of the Jewish Council, Van den Bergh undoubtedly had *enemies* in Jewish circles, where he was a well-known administrator. Where is their proof of these enemies in Jewish circles? Further, if as they infer, the note was received in the late 1950s, why would this *enemy* not come forward with this accusation earlier, when Van den Bergh was still alive?

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17 TBOAF, p. 253

**Page 37.** *“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.” In press interviews, the historians and other critics claim that this conversation never happened. “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.” The historians have pointed out that the prison where Gringhuis was held was nowhere near the POD office.*

The historians are assuming that the confrontations with the Dutch detective(s) occurred at the prison where they were being held, but this is incorrect, as outlined in Victor Kugler’s 2 May 1958 letter to Otto Frank. Kugler states:

*“You might remember the visit we paid to the National Security Service on Driekonin-  
genstraat, where the picture file was put to us. During the second visit, where both of  
the Dutch (detectives), who were taken out of prison for the purpose of confrontation,  
were present, the serving officer explained that the third Dutch (detective) could not  
be brought in for the reason cited above.”*

This excerpt from Kugler’s letter clearly shows that the first confrontation did not take place at the prison where the Dutch detectives were being held but that they were taken out of the prison. It is thus logical to assume that the subsequent confrontation with Gringhuis that author Carol Ann Lee footnoted in her book, *The Hidden Life of Otto Frank*, occurred not at the prison, but at another location.

Incidentally, the historians David Barnouw and Gerrold van der Stroom who wrote the booklet *Who betrayed Anne Frank?* also cited this document. When we asked Barnouw, who worked as a consultant in the investigation, whether he had ever investigated this source, he replied that when the source was cited in their booklet, it had also been checked.

(More about Natasha Gerson’s critique and Otto Frank’s agenda on pages 41-42)

**Page 38-43.** *In this section, Van der Boom and Vastenhout attempt to discount the CCT’s claim that members of the Jewish Council, including Van den Bergh, possessed lists of addresses where Jews were hiding. “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.” (...) “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. Secondly, the testimony of a German translator. Thirdly, the case of Rudolf Pollak, who carried out work for the Jewish Council.”*

Although we have already refuted some of the arguments presented in these pages<sup>18</sup>, the historians present new information related to these criticisms, so we will address them once again. We will also present some newly discovered information that further corroborates our case.

Contrary to what the historians say, the CCT does not contend that the note is convincing only because Van den Bergh, as a member of the Jewish Council, would have had access to such lists. It is of course quite possible that Van den Bergh obtained lists in a different way. However, what we are saying is that if he possessed these lists, there are strong indications that he obtained them through his contacts within the Jewish Council.

Again, that is not to say that the Jewish Council as an organization was formally engaged in collecting addresses where Jews were in hiding. When we say the “Jewish Council”, we are not only referring to the twenty formal board members but obviously to the people working for the Jewish Council.

The members of the Contact Department (C.A.) in Westerbork that were interrogated by police officer Schoenmaker said they were approaching Jews in hiding to give them the opportunity to turn themselves in to avoid being penalized for going into hiding. Van der Boom and Vastenhoust correctly report that this alone is not certain proof of the existence of ‘lists’ (which we did not claim). However, they could have only approached Jews in hiding if they knew where they were, so therefore they had to have possessed addresses. So, at least it is a strong indication that such lists may have existed.

More proof of this came when, in their own statement (written before the end of the war), the four gentlemen from the C.A. reported that the Contact Department also took care of forwarding mail from people in Westerbork to relatives and friends who were in hiding. To deliver a letter to people in hiding, it is of course necessary to have an address. So, it is not illogical to assume that these addresses could have been retained since they were useful. So, as we mentioned above, this explains how the C.A. was later able to

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18 See the previous rebuttal posted to our website [coldcasediary.com/press](http://coldcasediary.com/press)

approach Jews in hiding. It is significant to point out that until the summer of 1943, Eduard Spier, friend, and business partner of Arnold van den Bergh, was in charge of the C.A. The practice of the C.A. smuggling letters out of Westerbork to people in hiding also happened during Spier's tenure in the C.A.. This again makes it very likely that people within the Jewish Council had access to addresses of people in hiding.<sup>19</sup>

**Page 41.** *Concerning the testimony of the German translator Henn, Van der Boom and Vastenhout claim that Henn's testimony, in which he claims to have overheard German officers talking about lists of addresses handed over by the JC to the SD is flawed. According to Van den Boom, Henn had a reason to lie to the investigators since he was helping a Jewish female friend who felt betrayed by the JC. Van der Boom and Vastenhout point out that there are three reasons why Henn's testimony should not be taken seriously: he had a reason to lie, 1) the court did not take him seriously, the man who had stated this was not involved in tracking down Jews and 2) secondly, that the idea that forwarded mail to people in hiding was 'absurd'. Finally, the mail from Westerbork did not go through the Jewish Council.*

The fact that Henn was acting as a witness in support of a Jewish woman who accused the J.C. of refusing her a moving permit, does in no way disqualify his statement. For them to claim that Henn came forward to testify in a formal court proceeding and willingly lied about something that he was not directly involved in does not make sense.

Henn's account of overhearing the conversation about the lists could very well be true for another reason. If he took the effort to fabricate negative information about the Jewish Council merely to support his friend, he probably would have developed a stronger lie, for instance, claiming that the men he overheard were from the SD IVB4 squad.

Also, the fact that the court did not use Henn's testimony does not prove that he was lying. It was more likely that since the testimony was purely "hearsay evidence", it could not be introduced in a court proceeding.

The fact that Van der Boom and Vastenhout say that it was absurd to believe that Jews would forward mail via the Jewish Council to people in hiding and that no mail ever went from Westerbork to the Jewish Council, is as we have shown, demonstrably incorrect.

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19 Source: USHMM <https://collections.ushmm.org/search/catalog/irn522573#?r-sc=178612&cv=5&c=0&m=0&s=0&xywh=-719%2C1349%2C6563%2C4754>

Although conveniently passed over in the historians' review of lists of addresses where Jews were hiding, is the story of the undeniable and suspicious connection between a Dutch detective that worked for the SD IVB4 (known as the Jew hunting unit), Eduard Moesbergen, and Arnold van den Bergh. In his post-war collaboration trial, Moesbergen claimed to have warned Van den Bergh of the pending Calmeyer review of his non-Jewish status, allowing him to take refuge. In this same trial, former informants of Moesbergen testified that in the Summer of 1944, he had lists of addresses where Jews were thought to be hiding. The informant(s) thought the lists to be a bit out of date since some of the addresses that Moesbergen searched no longer had Jews hiding there.<sup>20</sup>

One must ask if it is more than a coincidence that:

1. Moesbergen claimed that he warned Van den Bergh of a negative ruling of his Calmeyer status
2. The anonymous note writer alleges that Van den Bergh turned over a list of addresses to the SD, and
3. There were witness accounts of Moesbergen possessing such lists in the summer of 1944.

*Page 41-42. Van der Boom and Vastenhout say, "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 the senders of these letters mentioned addresses of family members in hiding." Van der Boom and Vastenhout claim that the Jewish Council did not handle mail from Camp Westerbork.*

What the CCT indicated is that letters from camps, not just Westerbork, were sometimes passed on through the Jewish Council and that the senders of these letters sometimes mentioned addresses of people in hiding and friends. The statement in the CA report confirms this statement. Indeed, letters to people in hiding from Westerbork were smuggled by employees of the Jewish Council, namely the people who work for the CA.

Remarkably, when the book first came out there were several critics who said that the Jewish Council never received mail from the camps. Based on what is said in their refutation, they have acquiesced and only now acknowledge that the Jewish Council did process mail from the concentration camps. This was just part of the historians' attempt to discredit Henn as a witness as to

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20 TBOAF, p. 235

what he said about the source of the addresses. Now that they admit that some mail was processed through the JC just as Henn stated, their attempt has failed.

As the CCT indicated, the Jewish Council did process letters and parcels to and from the Camps during the period of deportations. In fact, there were three (3) departments within the Jewish Council that were doing this:

1. The Centrale Voorlichtingsdienst (ENG Central Information Services) which was led by Van Den Bergh's former colleague Eduard Spier, situated at the Lijnbaansgracht 366 and the Euterpestraat 35.
2. The Afdeling Hulp aan Vertrekkenden (Eng.- Department of Assistance to the Departing) which was led by Gertrude van Tijn and was situated also at the Lijnbaansgracht 366.
3. The department Uitzending Buitenland (ENG Emission Abroad) which was led by L. Rein and was located at the Waterloooplein 109 (Dilligentia Building). This last department is also mentioned in the book *Ondergang* by Jacques Presser:

*“By the hundreds, soon by the thousands, the people disappeared to a destination only vaguely marked. Of course, those left behind were hungry for news; naturally they longed to maintain contact on their part. It is also only human that they wanted to know what it was like over there, how people lived in an area where they could end up themselves before long. The incoming mail might at least give them some idea of this. They would be, as it were, the glasses through which one could see, through which one would know the unknown.”*

*“The first shipment of letters arrived within about a month of the departure of the first group of deportees. An office had therefore been established on this Waterloooplein, the task of which was to arrange all postal matters; it gave the chairmen before and after an overview of the contents of the letters that had arrived from abroad. The significance of this work was not underestimated; of course it seemed impractical for the presidents to read these letters themselves, and so they – and indeed all who took note of them – had to rely on the overviews prepared for them. Impossible to assess to what extent these overviews correctly represent the content; for we possess very few copies of these letters, made by chance, and do not know to what extent they are representative. It is also very difficult for the historian to free himself from the knowledge that the vast majority of the deportees were murdered immediately after arrival and that these letters come from a provisionally saved remainder. Nevertheless, he cannot completely escape the impression that the gentlemen of the Waterloooplein office have searched more diligently for encouraging details than for somber ones.”*

Presser, Jacques – *Ondergang (ENG Demise)* page 479 (translation by Google Translate). *Ondergang* by Jacques Presser is one of the first and most encompassing works written about the Holocaust in The Netherlands.

**Page 43.** *“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.” According to Van der Boom and Vastenhout, the CCT is claiming that Pollak and Van den Bergh had similar functions within the JC and that the lists of Pollak were the same as the lists that Van den Bergh had in his possession.*

These are totally unfounded assumptions. The CCT has never claimed this. The only thing we try to indicate with the Pollak story is that it is an illustration of the fact that there were people in and around the Jewish Council who had addresses of Jews in hiding. If Pollak was able to obtain such a list, it is plausible that others did the same thing. And as we have shown above, there were indeed people sending mail from Westerbork to people in hiding via employees working for the Jewish Council.

**Page 44.** *Van der Boom and Vastenhout dispute that a telephone call that initiated the Annex raid was ever made to SD Lt. Dettmann: “As has already been shown, there is no serious evidence that supports the latter view. But even apart from that, this theory is a house of cards. 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.”*

Once again, Van der Boom and Vastenhout dismiss statements from witnesses without any proof to the contrary. The two authors fail to provide evidence that the call didn't occur. However, the CCT documented three official interviews of Silberbauer who provided the same story of a call initiating the arrest.

- Austrian Dept. of Interior interview of Karl Silberbauer 21 Aug 1963
- State Ministry of Internal Affairs, State police group, Dept. 2 C, Vienna, 25 November 1963
- Federal Ministry of Internal Affairs Group State Police, Department 2 C, Vienna, 4. March 1964



Silberbauer would have had no reason to lie about this call and is the only witness that would have been in a position to speak about this, other than the caller, or Dettmann, who committed 'suicide' in his jail cell shortly after liberation. If Silberbauer wanted to lie, it would be much more opportune for him to blame the initiation of the raid on the Dutch detectives rather than a call to his superior officer. It is remarkable that again and again, any historical statement that doesn't fit the historians' narrative is dismissed, claimed false, unreliable, or simply ignored.

**Page 44.** *"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."*

Time and time again, the historians first make up a claim that the CCT supposedly has made and then debunk it. The CCT never claimed it was the betrayer who called Dettmann.

**Page 44.** *"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 addresses Van den Bergh supplied to the Sicherheitspolizei. Then why should he even call?"*

Again, Van der Boom and Vastenhout are completely wrong on this. We have always believed that it was an internal call to Dettmann and not a call made by the anonymous note writer. It was likely someone within the ranks of the SD. To dispatch an arrest team, led by SD man Silberbauer to the Prinsengracht address, there needed to be an order from someone within the SD, just as Silberbauer related in his official statements.<sup>21</sup>

**Page 45.** *Van der Boom and Vastenhout indicate that we didn't include a source for the Buddy Elias quote which refers to Otto Frank's statement about not wishing to pursue the man responsible for their betrayal. This quote appears in our rebuttals on coldcasediary.com.*

At the time Sullivan's book was published, we did not have permission to quote the source. We have since obtained permission to identify the source for Buddy Elias's statement as a fax document Elias sent to Cara Wilson-Granat from Basel, dated 8 August 1997 @ 11:09 am. The statement he made was in an interview he gave to a local newspaper journalist, Rolf

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21 TBOAF, pp. 276-277

Spriessler. According to a date handwritten on the fax, this article appeared on 31 July 1997. Elias's interview was about one of Wilson-Granat's visits to Basel and the book she wrote about her relationship with her 'substitute' grandfather, Otto Frank. During the interview, Elias mentions asking Otto why he never went after the man responsible for giving up their hiding place. His response was, what does it help, it would only take another father away from their children. Elias's own translation of the article is, "What does it help, the man is a father too and if he has to go to jail, the family has no father." The CCT possesses the original fax document that Wilson-Granat received through her fax machine. This is the source of the wording that she used in the foreword of her book.

*Page 46. When discussing the 1994 Wallenberg lecture given by Miep Gies, Van der Boom and Vastenhout state, "The CCT concludes that Miep Gies here accidentally revealed the secret that she carried with her, namely the identity of the betrayer."*

This is a mischaracterization. The CCT never claimed that she revealed the secret that she carried with her, namely, the identity of the betrayer. We claimed that she accidentally revealed that she knew, or believed she knew who the betrayer was.<sup>22</sup>

*Page 46. "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. 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."*

The CCT did not make an erroneous reading of Otto Frank's agenda and Gerson is incorrect. On 10 May 2022, the CCT re-examined Otto Frank's agenda and determined that our original interpretation of "Ab" was the most plausible. In the agenda, Otto Frank would sometimes write with a small cursive "a" when meaning 'afterward', but for the entry in question (6

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December 1945), the “a” was written in a much larger size, the same size as the entries when Otto Frank notates meetings he had with Ab and wife, Isa.

Font example:



A historian from the Anne Frank House was present during this second investigation and he had to admit that although it was not certain whether the letter was intended as a capital letter it was indeed clearly written larger than the ‘b’ which followed.

Also, as previously explained from our comments regarding page 37 of the refutation document, we learned from Kugler’s 2 May 1958 letter to Otto that the Dutch detectives were pulled from the prison, not interviewed there as Van der Boom, Vastenhout, and Natasha Gerson have wrongly stated. Based on the wording of the letter, they were most likely interviewed at the POD office.

And once again, this point is also in no way essential for the validity of the hypothesis.

**Page 46.** *“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.”*

The historians have failed to provide proof that Otto Frank did not keep the note a secret. The CCT concluded that apart from the conversation he had with Gringhuis in which he asks him about Van den Bergh, he never mentions the note until 1958. Then we have Kleiman’s 1958 letter to Otto Frank in which he questions why someone would have just now brought this allegation forward. The historians are attempting to twist Kleiman’s comment in the letter to indicate that the anonymous note was received during this 1958 time period. Based on what Detective Van Helden’s report claimed, Otto Frank told him on 2–3 December 1964 that the anonymous note was received shortly after liberation (1945).

*“I have also noted that during the investigation, mr. Frank announced the fact that he had received an anonymous letter, which concerned the perpetrated betrayal, shortly after the liberation of our country. He had made this letter, of which he kept a copy, available to one of the board members of the then recently erected “Anne-Frank Stichting” at the time. Although I did inquire about the original, I could not succeed in recovering it.”*<sup>23</sup>

**Page 47.** *Conclusion “The evidence that is presented against Van den Bergh in The Betrayal of Anne Frank is summarized 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.’ There is not any serious evidence for this grave accusation.”*

It should now be clear that the CCT did not fabricate anything. Our assessments were accurate, and it is the historians who have filled their refutation with erroneous conclusions and false statements, which far too many in the press were willing to accept without further research or verification from the CCT. The only substantive correction that is needed involves an error in the translation of Kleiman’s March 1958 letter to Otto Frank. The translation correction will now indicate that it was Kleiman who received the original anonymous note from Otto and not Van Hasselt. Van der Boom and Vastenhout mention that we made a grave accusation against Van den Bergh as if someone from the CCT was the author of the anonymous note who first accused him, which of course we are not. The CCT merely performed due diligence about the accusation, something that none of the historians or authors who were aware of the existence of this note ever took steps to confirm.

The imputation that the CCT accused Van den Bergh without any caveat is also demonstrably incorrect. In several places in the book as well as in the many media interviews, the author, and the members of the CCT have always made it very clear that this is a hypothesis and that it does not proof the guilt of Van den Bergh beyond a reasonable doubt.

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23 Source: Excerpt from Detective Van Helden’s 1964 Summary Report

## 2.6 Van den Bergh family in hiding

*Author: Aaldrik Hermans*

**Page 49.** *Hermans tells the story of resistance member Albert Schlösser, who helped the Van den Bergh family go into hiding. “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.”*

What Hermans leaves out of the story of Albert Schlosser is that on 14 June 1944, after placing the Van den Berghs at various hiding places, his resistance network was compromised. Schlosser was arrested at least once by the SD and his home in Blaricum was searched. Somehow, he remarkably escaped, but others within the network were arrested. It is known that after resistance networks were compromised or members arrested, this often resulted in the arrests of other members and people in hiding. Further research is necessary to determine if there could be any ties between Schlosser’s arrest, the resistance network’s compromise, and the Annex raid.<sup>24</sup>

**Page 50.** *“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.”*

It was the granddaughter of Van den Bergh who informed us that her mother was imprisoned in Scheveningen, so it was she who is incorrect on this matter, not the CCT. We did attempt to find a record of this imprisonment but were unable to confirm it. However, this in no way has any bearing on the case.

**Page 50.** *“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*

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<sup>24</sup> Source: <https://www.lo-lkp.nl/component/edocman/de-zwerver-1946/download.html?Itemid=>

*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.”*

It is clear from the CCT’s taped interviews with the granddaughter that this story about her mother and Aloïs Miedl comes from her. Could Anne-Marie or anyone else in the family have just made up that story? That is highly unlikely. It must have been a story that circulated in the family, and it is very likely to be based on fact. Hermans claim that he couldn’t find an official records to corroborate this story is possible but does in no way proof that it did not happen. Interrogation reports are hardly ever found especially not for an arrest this insignificant. Hermans suggestion that this may all be made up is far-fetched and not very convincing.

**Page 50–51.** *“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 Bergh had the family registered at a postal address at the Nieuwendammerdijk 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.”*

There is no argument from us on this, but before they produced their report, we recall several of their contributors stating that Van den Bergh left his home in September 1943, not February 1944, as they now claim. We suspected and actually say that after registering at the Nieuwendammerdijk 61 address Van den Bergh and his wife must have been making plans to find refuge.<sup>25</sup> We go on to say that after Miedl’s power was diminished and he fled, Van den Bergh may have sought sanctuary at one of Miedl’s properties<sup>26</sup>, or possibly remained in his own home under the protection of the mother of Jacques Goudstikker, Mrs. Emmy Goudstikker – Sellisberger who, as the CCT discovered, had moved into the house of Van den Bergh at the Oranje Nassaulaan and was under special protection from persecution under the

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25 TBOAF, p. 264

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terms of the art deal. The protection from deportation that Goudstikker's mother received is irrefutable proof of the power that Miedl had with the SD. In a 1984 interview, Jan Dik Jr. indicated that if anything happened to Goudstikker's mother or nephew, the first thing Miedl would have done is to immediately phone Göring. Evidence shows that she survived the war despite being Jewish and publicly declaring her residence in Van den Bergh's home starting on 27 September 1943.

**Page 51.** *Here Hermans declares to have found information that Van den Bergh, his wife, and twin daughters were hiding in Laren. As proof he quotes a 11 March 1945 entry in the diary of painter, Gerard Huijsser. Huijsser, who was married to a Jewish woman, lived next to Jetske Hoeksema's guesthouse. During the war, he had a lot of contact with his neighbor, who trusted him. This was how Huijsser also came into contact with the Van den Bergh family. The historians attempt to convince the reader that this diary entry is proof that they were hiding in Laren, and thus Arnold van den Bergh could not be the betrayer.*

There is much to say about this find from the historians. First of all, at the risk of repeating ourselves, the CCT never claimed that Van den Bergh did not go into hiding. In fact, we have always assumed that they did as described in the previous paragraphs. We admit not knowing exactly where he and his wife were after February 1944. Secondly, the fact that he went into hiding is in no way proof of his innocence. More on that later.

For now, we will focus on the very interesting short quote from the entry they found in Huijsser's diary:

*“Sunday 11 – Fré is leaving – 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 Aryanized?). They are a married couple with two daughters; a younger daughter is still in Brabant in the now liberated area. They are friendly and cultured people.”*

Some months after the publication of the report by the historians, the CCT obtained a copy of the quoted diary page for examination from Aaldrik Hermans. Three things are striking about this 11 March 1945 entry. The first is that Huijsser writes in his diary that the Van den Bergh family had been in hiding. He uses past tense and stipulates that at that moment they are now no longer in hiding. And indeed, they stayed at the boarding house of Mrs. Jetske Hoeksema as regular guests. Secondly, he knows their names and uses them in the diary entry. In other words, they seemingly introduced

themselves under their own name. A third point of interest is that they lived openly under cover of their non-Jewish identity cards. Huijsser himself is apparently also surprised about this fact since he writes in his diary “(...) *but is now in possession of false identity documents (or aryanized?)*” He puts a clear question mark after the word ‘aryanized’. That question mark has somehow disappeared in the quotation in the historians’ report but is clearly seen on the copy of the diary’s page, The question arises if their identity documents were indeed false or simply their own regular identity cards that showed them to be non-Jewish on the basis of their Calmeyer status?

It is perhaps important to mention that despite the warning by the two attorneys in the Calmeyer office, Van Proosdij and Kotting, there is no evidence that Van den Bergh and his family ever lost their non-Jewish status, and it is therefore unproven that a warrant for their arrest was ever issued. This might explain why Huijsser writes so openly in his diary about the family Van den Bergh. If they were actually in hiding as opposed to living there under their Aryanized papers, why would he have given his real name to Huijsser?

This brings up another point. The historians indicated that the CCT claimed Van den Bergh was living openly in Amsterdam, and “hiding in plain sight” until the end of the war. This was a deliberate misrepresentation, which we promptly refuted on our website, citing Sullivan’s book:

*“According to the NIOD files, Van den Bergh applied for (in effect bought) the Sperres for himself and his family in July 1943. With the coveted Stempel (stamp) on his ID, he was able to live openly in Amsterdam. In effect, he was ‘hiding in plain sight.’ Interrogated after the war, a man named Hans Tietje claimed to have assisted Van den Bergh to obtain the Sperres.”*<sup>27</sup>

The above quote from Sullivan’s book described the 1943 time period when Van den Bergh obtained not only the exclusive 120,000 Sperre, but also Calmeyer status, declaring him and his family as no longer Jewish. Then on at least two more occasions in Sullivan’s book, the CCT indicates that after 28 February 1944, we believed that he went into hiding:

*“His duties as notary for Goudstikker N.V. ended on February 28, 1944. After this he must have been making plans to find refuge.”*<sup>28</sup>

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27 TBOAF, p. 230

28 TBOAF, p. 263



*“With Miedl’s power seriously diminished, Van den Bergh was more exposed than ever. Although the team cannot be certain, it’s possible that he and his wife sought sanctuary at one of the two properties Miedl had ‘bought’ from Goudstikker and for which Van den Bergh had served as notary.”*<sup>29</sup>

This proves that the CCT’s “hiding in plain sight” comment was made with respect to him freely walking around Amsterdam in 1943 with protection of Sperres, well before he went into hiding and disappeared in February 1944.

An interesting omission in Huijsser’s diary is that although Huijsser was a well-known artist, and Van den Bergh also a great art lover, collector, and dealer, there is nothing in the entry about art during their contact even though Van den Bergh shared a lot of personal information with him. Either Huijsser must have found this connection so trivial that he didn’t mention it, or Van den Bergh didn’t reveal his passion for art. The question arises, why not?

What does jump out from the diary entry is the question of where Arnold and his wife were for an entire year starting in February 1944 until 11 March 1945, the date of the Huijsser diary entry. Hermans never addresses this question, hoping the reader accepts his inference that they were obviously hiding in Laren from February 1944 until the date of the diary entry. This may indeed be the case, but without proof, the question remains. Especially in the light of Huijsser’s remark that the family *had* gone into hiding.

After the publication of Sullivan’s book, the CCT was contacted by a woman whose family was quite close to the Van den Berghs. After lengthy conversations with her, she found a letter from her mother, dated 16 February 1945, in which was written how surprised she was that Hetty (Esther van den Bergh), one of the twin sisters, suddenly appeared in her kitchen in Amsterdam. This visit occurred during a time when Amsterdam was still under occupation and the trains were no longer operating. Hetty told her that:

*“Mr. and Mrs. v.d.B with Emmy and Hetty are in the country and Annie somewhere in Brabant so she is free already. They are doing well and send you their greetings”*

There is no other information within the letter that indicates the purpose of her visit. The comment by Hetty that they were in the country may indeed confirm Huijsser’s diary entry that the Van den Berghs were in Laren during

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this time period (early 1945). The CCT now possesses of a copy of this letter, which is dated one month (16 February 1945) prior to the diary entry of Huijsser.

Does this unexpected visit indicate that with the Aryan identification that Huijsser mentioned in his diary entry, that Hetty felt safe enough to walk or bicycle to Amsterdam? We must also question the purpose of her travel to Amsterdam during the Hunger Winter, when food was scarce in the city, and it was still unsafe to travel. The friend who wrote the letter lived just a few streets away from the house on Oranje Nassaulaan where the Van den Berghs' once lived, and where Jacques Goudstikkers mother was now residing. Considering this fact, could it be that Hetty also visited her or even stayed at her house?

*Page 51. A review of two of the people mentioned by the historians, boarding housekeeper, Jetske Hoeksema, and resistance member, Albert Schlosser, who placed the Van den Berghs' in hiding.*

The historians' claim that Van den Bergh being in hiding is proof of his innocence from the allegation of providing lists of addresses to the SD is challenged in a number of ways. First, the CCT does not claim that the transfer of the lists took place in the period February 1944 to July 1944. This transfer may have already taken place in the period autumn 1943 to January 1944 (see the Moesbergen story, page 30 of this report). Secondly, even during their period of 'hiding', the danger was never far away. A sudden knock on the door by an SD agent was certainly a real possibility. Depending on the SD agent's level of corruption, arrest and deportation was not a certainty. By 1944-1945, many of the Jew hunters were more interested in ensuring their own safety after the war, or more commonly, enriching themselves. Helping Jews was a way to gain favors that could be used after the war and if someone could offer something of value, the SD agents were willing to turn a blind eye.

Proof that the Van den Bergh family was not safe in Laren becomes clear when we examine the two people the historians' identified as playing an essential role in their hiding spot: Mrs. Jetske Hoekstra and Albert Schlösser.

In a posting by Aaldrik Hermans himself on Joods Monument<sup>30</sup>, he reveals that Jetske Hoeksema had been arrested for the hiding of Jews on 13/14 July

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30 <https://www.joodsmonument.nl/nl/page/642789/gearresteerd-te-laren-op-13-7-1943>

1943. No less than four Jews and Mrs. Hoekstra herself were arrested that night. Somehow, she managed to get off without prison time or losing her house. This might be because she managed to convince the SD she was not aware of the Jewish identity of her guests, or she had struck some kind of deal with the SD. Whatever it was, we believe it is safe to say, that after this incident, her and her boarding house might have been under surveillance by the SD and their collaborators. An occasional routine check of the boarding house where the Van den Bergh family was living could certainly not be ruled out.

And then there is Albert Schlosser, the resistance member who found the hiding spots for the Van den Berghs. He had impressive contacts and was linked to some extraordinary examples of resistance work, like the raid on the Amsterdam citizen registry office on 27 March 1943. Many of the organizers of this raid such as Gerrit van der Veen and Willem Arondéus were caught and later executed. However, Schlosser managed to escape arrest on several occasions. Considering that the SD was quite aware of Schlosser's and Hoeksema's resistance activities prior to the time period when they assisted the Van den Berghs, this posed a serious danger to their (Van den Bergh's) safety and freedom. That is unless of course their Calmeyer status was still in effect and thus, were no longer considered Jewish.

**Page 51.** *“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.”*

We never said that they lived in a castle (Nijenrode) belonging to Miedl. We said that it or one of Miedl's other homes remained as plausible addresses, not that they were definitely there.<sup>31</sup> Further, we never found an arrest order for Van den Bergh, only that his Calmeyer status was called into question. Nowhere in the historians' report do they claim to have found an arrest order. Therefore, it is incorrect to say that there was an arrest order for him. Also, the time Van den Bergh and his wife went into hiding is probably late February 1944, not January.

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31 TBOAF, p. 264

## 2.7 Arnold van den Bergh and the reconstruction of Jewish Amsterdam

*Auteur: Bart Wallet*

**Page 53.** *“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. This statement of affairs however proves to be incorrect.”*

Bart Wallet’s statement is incorrect. We correctly claim that the Jewish Honor Court sentenced Van den Bergh to exclusion from the Jewish community.<sup>32</sup>

**Page 53.** *“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.”*

What is Wallet trying to say here? That any of the Jews who were forced into cooperation emigrated? Just because Van den Bergh did not flee the country does clear him of what the author of the anonymous note accused him of doing! His conclusion fails both logically and historically. If this was the case, every policeman who assisted the Nazis with the roundups and collected head bounty rewards would have fled the country, which of course they did not. The fact that Van den Bergh was actively working for the reconstruction of the Jewish community in no way alleviates him from the allegation in the anonymous note.

**Page 54.** *“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*

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32 TBOAF, p. 270

*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.”*

Wallet immediately makes a baseless claim in the first sentence. We never said that Van den Bergh was one of the greatest betrayers. Additionally, the only way that the accusation would have become widely known is if numerous people, including non-Nazis, would have been aware of Van den Bergh’s actions. We contend that the accusation of him turning over the list of addresses to someone at the SD was not well known. Other than Van den Bergh, only a few people likely knew what he did with the list of addresses, including whoever authored the anonymous note and the person who worked for the SD that received the list. This kind of information was better not shared. Eduard Moesbergen, for example, never revealed anything about the origin of his mysterious list containing sometimes outdated addresses of Jews in hiding.

### 3. Afterword by the author

On Sunday, 16 January 2022, the American CBS News television program, *60 Minutes*, presented a half-hour report on the findings of the Cold Case investigation into what led to the raid on the Annex where eight Jewish refugees were in hiding. One of the eight was of course Anne Frank, who, after the war, was to become one of the strongest symbols of the Holocaust.

The fact that *60 Minutes*, which may be seen as the pinnacle of television news journalism, thought it worthwhile to spend so much time on this subject contributed to the worldwide attention of other (news) media. On Monday, 17 January 2022, the findings of the Cold Case Team (CCT) made worldwide news. The idea that the CCT believed it knew what possibly led to the raid and arrest of the people in the Secret Annex drew large-scale attention in newspapers, magazines, and on radio, television, and the internet.

When the outcome of the investigation as well as the book, *The Betrayal of Anne Frank*, was released, it led to a massive worldwide interest in the work and findings of the Cold Case Team that had spent almost six years investigating this case. The reception of the investigation and the book on the 17<sup>th</sup> and 18<sup>th</sup> of January was not unequivocal worldwide. Reception in most countries was very positive. Since the team presented a hypothesis and not a proven case, it expected some questions and criticism. Although we are still convinced of our hypothesis, we all agreed in both the book and our appearances in the media that the evidence was not beyond a reasonable doubt. It was also made clear that the goal of our investigation was to attempt to determine what caused the Annex raid, never prosecution or persecution of a suspect. We also believe – and have stated this on several occasions – that if Van den Bergh did it, one could never pass a moral judgment on him, since in all probability he only acted to save himself and his family. There is only one party responsible for this entire horrific crisis that is known as the Holocaust, and that was the Nazis and their accomplices.

After six years of investigating approximately 30 scenarios as to what led to the raid, the conclusion was that 25 of these were either impossible or highly unlikely (thus exonerating the suspects in these scenarios), four were maybe possible though unlikely, and only one scenario stood out as the most likely of them all: the Van den Bergh scenario.

Even before the book was released, on the afternoon of Monday, January 17, 2022, critics could already be heard. Without having read the book, some historians and influential people in the media had already decided that the case was shaky and that there was not enough evidence to make such a claim.

We can safely say that we were shocked by the fierceness of the resistance that our hypothesis aroused in the Netherlands. The book, which has now been published in about 20 countries, has also led to criticism elsewhere, but it was always more substantive. We would of course have preferred a different, less fraught outcome, but the outcome of the investigation cannot be guided. In the Netherlands, however, it led to a storm of indignation, insults, threats and ultimately the publisher's decision to withdraw the book from the market without consulting the author or the CCT.

The question therefore arises why this outcome met with so much resistance in the Netherlands (and to some extent Germany where the book was not published) and not in other countries? It's not because the book hasn't been noticed elsewhere – far from it – so why this huge difference? Is it envy or a certain irritability that has arisen from our daring to enter the realm of historians? A certain degree of '*jalousie de metier*' may have played a role, as well as opportunism on the part of some, but it still does not explain the vehemence of the reactions, especially from some in the Jewish community. In recent months, Vince Pankoke and Rosemary Sullivan in the United States and Canada have made numerous presentations and lectures in the US and Canada for Jewish communities. They received nothing but praise for their work, even when the public was fully aware of the Dutch criticism of the research. There, too, the question was asked several times why this leads to so much controversy in the Netherlands. During these lectures and presentations, no accusations of anti-Semitism or disrespect have ever been made. Why is it so different in the Netherlands?

Most people who are persecuted and threatened will try to preserve their life and that of their loved ones, even if it leads to the destruction of others. Anyone who claims to be a historian, and especially the ones that studied the Holocaust, should know that; that is unfortunately human nature, and it comes to the surface, especially in times of persecution and oppression. Again, the blame for this lies entirely with the real perpetrators, the oppressors, the persecutors, the enablers, and in this case the Nazis, and their accomplices, never with their victims. This is something we made very clear in the book and all interviews that we did; we see Van den Bergh just as well as a victim and not as a culprit.

When we talked to one of the aldermen of the City of Amsterdam about the project, she immediately responded noting that the Holocaust in Amsterdam had left a such a scar that after all these years, people still have a hard time talking about it. The decimation of the city is still something many people have not come to terms with. This includes the role played by Dutch civilians, civil administration, the police, and all the so-called innocent bystanders, not to mention how the returning Jewish survivors were treated. Today, many still want to look away, and ignore that it happened.

Of course, we fully understand that our hypothesis may have been painful to the direct family of Arnold van den Bergh. And this aspect of the investigation was mentioned (though not in the report) multiple times. It must not have been easy for the granddaughter and grandson to learn that the CCT concluded that their family member was named as the most likely suspect. It must be said that if Van den Bergh's name had not been previously revealed in other publications, we might have chosen to change his name or refer to him in initials as is customary in Dutch journalism. The one fact that the historians and many others have chosen to forget is that we did not write the anonymous note that mentions his name and, his name had been published long before we ever started our investigation. Also, since the copy of the anonymous note would ultimately be donated to the Stadsarchief for public access, the name that appears, A. van den Bergh, would have easily identified notary Arnold van den Bergh as the subject of the allegation.

Also, the last remaining direct family members of Arnold van den Bergh do not carry his name. His children are deceased, and his two remaining grandchildren do not possess the surname Van den Bergh and, as far as we know, do not have children. To be extra careful, and not bring them into the open, we agreed with the granddaughter to change her name and surname in the book. She preferred not to go public under any circumstance and we respected that. So, we used a fictitious surname that she herself chose along with a different city of residence.

We believe that we took sufficient precautions to spare direct relatives but could not have imagined that ultimately the grandchildren and other distant family members would come forward themselves. We have never felt anything but respect for the grandchildren and while we do understand that our hypothesis may be painful, it in no way should reflect poorly on Arnold van den Bergh, let alone his children and grandchildren. The image of Arnold van den Bergh as a villain (a "bad guy"), later presented by some media, does not reflect reality, nor the nuance that we wanted to highlight in our research



and in the book. Again, if our hypothesis is correct, then the Nazis and their accomplices are still to blame, not Arnold van den Bergh.

Since the publication of the book, we, as well as others involved in the book and the investigation, have been mocked, insulted, threatened, accused of fraud, anti-Semitism and self-enrichment, and various steps have been taken to keep our story out of the public eye. This is an unprecedented attempt, at least in the Netherlands, to prevent the public from forming their own opinion about the investigation and its results. Given the sensitivity of the subject, we have always taken into account that our research could lead to a public debate. We have also always been open to this debate. However, we soon found out that this debate was mainly about us and not with us. It is unprecedented and disturbing that the Dutch publisher has withdrawn the book from the market without its own investigation and without an adversarial hearing. As is the fact that several law firms have now been called in to summon us never to publish our hypothesis again. It puts further pressure on freedom of expression in the Netherlands.

*Pieter van Twisk*