

SURVIVAL OF THE HOLOCAUST THROUGH LEGAL EVASION

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Three Perspectives on the Calmeyer Descent Procedure in
the Netherlands

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INTRODUCTION

Following orders of the Nazi occupier, most Jewish people registered as Jewish in the Netherlands in 1941. The chilling fact is that of the 140,000 registered Jews living in the Netherlands, 107,000 were deported to Eastern Europe, and that at least 102,000 of these were either directly murdered or worked to death in Nazi camps. In general, the survival rate in the Netherlands turned out to be twenty-seven percent, whereas in Belgium it was sixty percent and in France even seventy-five percent.^[1] According to historian Bob Moore, only approximately 25,000 Jews went into hiding. And although 10,000 people were arrested, those in hiding were still the single largest group of survivors.^[2]

The question is why so few people went into hiding. According to historians Pim Griffioen and Ron Zeller, the lack of physical hiding options, the smooth German deportation machine, and the lack of a large resistance movement basically left the people with few options other than to evade deportation by getting an exemption.^[3] In their dissertation Griffioen and Zeller argued that at the peak of the so-called Rückstellungsgruppen or ‘Sperrren,’ (lists of people exempted from deportation) at the end of 1942, 45,000 Jews, -almost one third of all Jews living in the in Netherlands- had some kind of temporary exemption. And although this number dropped to 30,000 in the spring of 1943, most people involved did not feel threatened. In fact, the exemption procedure prevented them from going into hiding.^[4] Moore confirmed the argument of Griffioen and Zeller, but related the usage of the so-called exemption ‘stamps’ to the more privileged individuals. For the far more numerous Dutch Jewish proletariat there were fewer

opportunities for protection.^[5]

The persecution of the Jews in the Netherlands was originally created by the Nazi Nuremberg laws and resulted in the regulation 6/41, introduced on January 10, 1941. This German rule required all persons of partial or full Jewish descent to register. The regulation was published on January 27, 1941, and included the obligation for all persons with one or more Jewish grandparents to register within a month. The city of Amsterdam would get some postponement until April 7.^[6] The registration form included standard questions and more specific ones, such as whether or not a person belonged to the Jewish religious community and whether he or she was married with a Jewish person on May 10, 1940.^[7] Last but not least, the number of Jewish grandparents had to be indicated.^[8] Many Jewish persons did fill out the 'J3' or 'J4', representing the number of their Jewish grandparents. The people were simply afraid of possible repercussions. Under the threat of five years of prison and the loss of property and capital most Jews ended up registering.^[9]

Registration would lead up to the following codes: J4, J3, J2, GI and GII. The number next to the letter J represented the number of Jewish grandparents. A grandparent was regarded as Jewish if he or she were a member of a Jewish religious community. J2 represented either the number of grandparents, or the fact that someone belonged to the Jewish religious community or was married to a Jew. In other words that person was considered a 'qualified' half-Jew.^[10] A half-Jew who was neither a member of the Jewish religious community nor married to a Jew was identified as a "Mischling" or GI.^[11] Someone with only one Jewish grandparent would be indicated with GII.^[12]

The implications of registration became clear in the summer of 1942,

when deportations started. Filing four Jewish grandparents instead of two did have disastrous consequences for the persons involved. In hindsight, only the GI and GII status turned out to be life saving. In a 1996 interview for the Shoah Foundation, Marie Cleeff-Fernandez summarized what the registration meant for her and her family: “Through registration I have become a Jew. Before the war my Jewishness did not play an important role in my life. However me and my family refused to be Jewish for the Germans.”^[13]

Fortunately the entire Fernandez family of Jewish Suriname descent decided not to register as Jewish. Consequently their case ended up being researched and the whole family got a spot on the so-called Calmeyer list.

Not only the people who questioned their Jewish descent from the beginning onwards, but also persons who originally registered as Jewish in 1941, tried and were able to evade deportation by a revision of their Jewish descent through the Calmeyer procedure. After the war, attorneys who helped the people to evade deportation through contesting Jewish descent estimated that 90 to 95% of the requests for revision was based on deception.^[14] It is hard to verify this percentage since the petitions, obviously would not show possible fraud. Petitioners were able to apply for a revision based on article three of the regulation 6/41, which dealt with doubtful cases. This article was included in the regulation as a result of previous experience in Germany.

In Germany, contrary to the Dutch situation, decisions on racial descent were requested by ordinary Germans with or without Jewish ancestry. The aim was to exclude doubt. Applications could be prompted by any life event, including professional careers or marriage. The most fundamental difference between the Dutch and German situations was that in Germany there was hardly a chance for Jews to have their ‘racial’ allocation revised. Formally, Hitler was the only person who could grant exceptions.

[15] Although only a fraction of the wartime requests processed by the German authority -the Reichssippenamt (RSA)- did survive, it is safe to conclude that the 'Jewish' status only rarely changed in petitions in Nazi Germany. Besides, due to a regulation ordered by Himmler, Reichsführer SS und Chef der Deutschen Polizei that prohibited Jews from applying directly to state agencies, the number of petitions diminished after February 1942. Instead the 'admissibility' had to be checked beforehand by a Nazi supervised official. [16] Expert testimonies were only admitted from official anthropological institutes assigned by the RSA. Moreover, genealogical research was only permitted after an applicant would appeal the RSA decision, which was initially based on official documents. [17] After a decision was made it could occur that RSA officials would revise a case. [18] In other words, contrary to the reality in the Netherlands, a decision was never final.

Article three of the Dutch regulation 6/41 specified that the Reichskommissar for the occupied Netherlands, or an assigned authority, would make a final decision with respect to the extent of 'Jewishness' of a person. The civil authority assigned to deal with the doubtful cases, was the Entscheidungsstelle of the Abteilung Innere Verwaltung, a subdivision of the Generalkommissariat für Verwaltung und Justiz. [19] The head of the Entscheidungsstelle was the lawyer Hans Georg Calmeyer. This thesis will argue that the presence on the Calmeyer list increased the likelihood of survival for a relatively small group of people compared to the overall survival rate of Jews from the Netherlands. The first chapter of this thesis will survey the historiography on legal evasion and the role of Calmeyer.

The thesis will then illuminate legal evasion of Jews in the Netherlands during the Holocaust from three different perspectives. The

ultimate aim is to establish whether legal evasion through contesting descent made survival more likely. First of all the oral testimonies of survivors, who had been on the Calmeyer list, will give insight into the probability of survival. Up until now, survivors have hardly been included in the issue of legal evasion. After the war, the shame surrounding the Jewish rejection might be the reason why so few people came forward and wanted to discuss what had happened. The testimonies are basically the only source that elaborates on very specific and sometimes life saving details of legal evasion.

The oral testimony of the lawyer Jaap van Proosdij, and the archival record of the lawyer Martien Nijgh offer a second perspective. Both men worked closely with or within the *Entscheidungsstelle* in order to legally assist and advise people in their attempt to evade the Holocaust. Similar to the survivor testimonies, the witness account of Van Proosdij and the written material of Nijgh not only give an insight into the survival through legal evasion, but also explain the extent of the likelihood of survival. Important, for instance, are the newly discovered contemporary accounts of Nijgh on Calmeyer and on the requests for revision. The testimony of Van Proosdij gives unique insight in the fraud and forgery and his relationship with Calmeyer.

A third quantitative perspective will be offered by the descent petitions preserved at the NIOD Institute for War, Holocaust and Genocide Studies in Amsterdam and at the Dutch Central Bureau for Genealogy (CBG) in The Hague. Most likely approximately 12,000 Jewish people are somehow represented in these archives, including many who did not petition for a descent revision. Based on quantification the chances of survival through legal evasion will be looked at and explained. In other words the testimonies from both the survivors who had been on the Calmeyer list and the legal helpers will be connected to a possible confirmation that petitioning

someone's descent ended up being worthwhile even though many obstacles had to be overcome.

In hindsight, looking at the overall survival rate of Jews in the Netherlands, these obstacles must, however, have been insurmountable for a majority of the people who registered as Jewish in 1941.

1 THE HISTORIOGRAPHY OF LEGAL EVASION

The historiography of the Calmeyer procedure is very much interlinked with Hans Georg Calmeyer (1903-1972). This is understandable since this lawyer decided to grant or decline petitions. The historiography on legal evasion, including Calmeyer's involvement, can be divided into three periods. The first period is the historiography written directly after the war. The second period, the 1960s, 1970s, and 1980s, can be pinpointed to the work of historian Jacques Presser, *De Ondergang* and the work of historian Lou de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*. In their work on the war, both historians elaborated extensively on Calmeyer and the descent procedure.^[20] The last and most recent period from 2000 to 2009 is characterized by a debate on the intentions of Calmeyer.

1.1 The first two periods of historiography

Directly after the war, historian Sam de Wolff wrote about the self-humiliation caused by extreme fear that must have pushed the people into the Calmeyer procedure. Wolff showed his deep distaste for legal evasion through contesting Jewish descent.^[21] Another early publication by historian H. Wielek acknowledged that some people must have gained time while others were liberated from deportation permanently. However, according to Wielek, the survival of these people was just incidental:

“Calmeyer wanted to hold on to his job and would, for this reason, decide not too quickly on the petition requests. Sometimes someone was ‘Aryanised.’ Sometimes a request was declined and the name of the petitioner passed on to the Zentralstelle.

The person was rounded up immediately.”^[22]

(Calmeyer wilde zijn baantje lang behouden en behandelde die gevallen niet te vlug. Soms werd er een geariseerd, [.....] Soms werd een verzoek afgewezen, de naam van de betrokkene aan de Zentralstelle doorgegeven, en hij werd prompt weggehaald) According to Wielek, the Sicherheitspolizei would immediately deport the people who were declined.

Doctor Wallenstein wrote in the Jewish Chronicle of August 17, 1951, an article in which he condemned the Jewish Portuguese attempt to evade on the basis of their Serphardi descent. Dr. Wallenstein qualified their attempt as ‘a shameful story.’ At the time historian David Cohen protested vigorously against the conclusions of Wallenstein. Cohen wrote that “Dr. Wallenstein is chiefly superficial because he writes on a question about the base of which apparently he has no knowledge at all.” In response to the ‘shameful’ qualification, Cohen wrote “Nobody who knows the real facts can have this opinion.”^[23]

In his work *Kroniek der Jodenvervolgung*, author Abel Herzberg did

not doubt that many people had been saved by a decision of Calmeyer.

Herzberg, however, made reference to the unpredictability of the decisions.

This unpredictability was very much related to Calmeyer's obstinate nature:

“He was a peculiar man, lawyer Calmeyer. He was not a Nazi party member, on the contrary. He was also not an opponent of the Nazi party, on the contrary. He wanted to be the opposite of everything. The difficulty of mister Calmeyer was that no one really knew whose opposite he was and wanted to be. Of the petitioners or his lawyer? Or of the occupier, by whom something needed to be accomplished?”^[24]

(Hij was een merkwaardig man, die Rechtsanwalt Calmeyer. Hij was geen lid van de Partei. Integendeel. Hij was ook geen tegenstander van de Partei.

Integendeel. Hij wilde het tegendeel zijn van alles (..) De moeilijkheid met de heer Calmeyer was, dat niemand van te voren ooit wist, wiens tegendeel hij van geval tot geval wilde zijn. Van de verzoeker en diens advocaat? Of van de bezetter, bij wie iets moest worden bereikt?) Herzberg portrayed Calmeyer in a negative way. According to Herzberg, Calmeyer was negatively motivated which made him unpredictable. The written testimony of lawyer Nijgh suggested that Herzberg's work is based on the input of the lawyer Nino Kotting, who also worked closely with Calmeyer and developed a negative opinion of him after the war.^[25]

The second period portrayed the descent procedure and Calmeyer in a more nuanced way. Historian Jacques Presser made an attempt to correct the negative perception of Calmeyer that was created by Herzberg. Based on thorough research, Presser portrayed Calmeyer as highly intelligent and not corrupted. Moreover, Calmeyer must have known about the deception and, last but not least, Calmeyer would go a long way to get liberating proof in order to be able to decide positively on someone's fate. Presser acknowledged Calmeyer's moody personality but refers to the constant threat of the Sicherheitspolizei at the same time.^[26] Presser also referred to the

extent to which the helpers must have been at risk. The lawyer Goldstein was sent to concentration camp Mauthausen, after the Sicherheitsdienst IVB4 discovered forgery in one of his applications.^[27] Presser typified the descent procedure itself in the following way:

“In the German fish net appeared to be a hole through which some Jews could escape and reach the open water. When faced with downfall there was this option not to be a Jew or at least not a full Jew.”^[28]

(In de Duitse fuik bleek nog een ander gat te zitten, waardoor een aantal Joden al spartelend naar het vrije water kon ontkomen. Wanneer men als Jood ten ondergang gedoemd was, kon men proberen geen Jood althans geen volle Jood te zijn.) Presser compared the German persecution with a fish net and the descent procedure with the hole in the net. Presser blamed historian Wolff for not making use of the witness testimonies that must have been available directly after the war. Instead, Wolff would condemn the people who decided to contest their descent. Moreover, Presser referred to the qualification ‘shameful’ that came from the Jewish community towards the petitioners. Based on the testimony of anthropologist De Froe, who was one of the helpers in the deceiving operation, Presser quoted:

“The term ‘shameful’ is terrible towards the memory of those who fell and the inconceivable grief of those who were spared.”^[29]

This inconceivable grief of the petitioners would prevent Presser from having any moral judgment on evasion of the Holocaust through contesting Jewish descent.^[30]

Ten years after the publication of Presser’s work, historian De Jong confirmed the account of Presser on Calmeyer and the descent procedure in an even more positive way. De Jong’s final judgment on Calmeyer was also

more considerate:

“For almost three years he had to make decisions on life and death. Decisions that did not concern abstract groups but real individuals whose personal circumstances were presented to him. Persons who were all entitled to be saved. A decent person who is coincidentally responsible for such an assignment must have severely suffered physically and emotionally.” ^[31]

(Bijna drie jaar lang had hij beslissingen moeten nemen over leven of dood. Beslissingen niet ten aanzien van abstracte groepen, maar van concrete, individuele mensen wier persoonlijke omstandigheden hem in uitgebreide documentaties voorgelegd waren en van wie hij wist dat zij in wezen allen aanspraak maakten op behoud. Wie als fatsoenlijk mens door de speling van het lot op zulk een post geplaatst wordt, lijdt onherstelbare schade aan lichaam en ziel.) De Jong portrayed Calmeyer as a decent man who, simply by chance, ended up deciding on life and death. According to De Jong, Calmeyer had started his work at the Entscheidungsstelle under the strong impression that the applications were appropriate and honest. Over time he and his associates must have realized and accepted that they were being deceived. ^[32] The start of the deportations resulted in an enormous influx of petitions. According to De Jong, Calmeyer must have realized that there was no way that he could get all petitioners on the exemption list. Under the pressure of the Sicherheitsdienst (SD) Calmeyer had to decline the applications that were not substantiated. ^[33]

With respect to the descent procedure De Jong elaborated extensively on the threats the Entscheidungsstelle was confronted with. Originally the Nazis did not have much objection to deal with temporary exemptions since not everyone could be deported at the same time. ^[34] Moreover, De Jong argued that the exemption lists were even part of the Nazi deportation policy.

[35] The Calmeyer decision, however, created permanent safety, a qualification the Sicherheitspolizei did not strive for. De Jong noted that the Sicherheitsdienst threatened the work of Calmeyer already in 1941. [36] This would only escalate and lead to the climax of 1944. However, revision of the decisions never took place. [37]

The work of the Entscheidungsstelle was particularly under threat due to the Dutch member of the Sicherheitsdienst, Ludo Ten Cate, head of the Central Service for Kinship Study, who was appointed by Generalkommissar für das Sicherheitswesen, Rauter. According to De Jong, Calmeyer was, despite the threat of the Sicherheitsdienst, able to save approximately 3,000 Jews. [38] Survival was directly connected to a decision made by Calmeyer. De Jong argued that this number of life saving decisions could have been higher in the absence of the 'risk factor' Ten Cate. [39] In 1976 De Jong qualified Calmeyer as a 'good German.' [40]

1.2 Published testimonies of legal helpers

In the second period of the historiography, two attorneys published their testimony of the work relation with the Entscheidungsstelle, and Calmeyer in particular. In *Advocaat in bezettingstijd*, lawyer Benno Stokvis not only clarified the descent procedure, the considerations of the petitioners, Calmeyer and other associates of the Entscheidungsstelle, he also gave an insight into his own work as a legal helper in the descent process.^[41] Stokvis explained, for instance, how it became harder to convince Calmeyer during the last years of the occupation. By the end of 1943, Stokvis discussed the case of a family with five children with Calmeyer. According to Stokvis, the case looked good but Calmeyer did not want to decide positively. He said: “Nein, nein und abermals nein!” Before Stokvis conscientiously realized it, he responded to Calmeyer’s refusal by saying:

“Dear colleague you are the official in charge and I am just a simple Dutch lawyer but I will sleep tonight since I have done my duty. You, however, you have just sent seven people to their death and you know it!”^[42]

(Herr Kollege! Sie sind der Bevollmächtigte des General-Kommissars, und ich bin ein kleiner holländischer Rechtsanwalt! Aber ich schlafe heute Nacht, ich habe meine Pflicht getan! Sie, Sie schicken hier sieben Menschen in den Tod, und Sie wissen es!) Stokvis told Calmeyer in a straightforward manner that he would not sleep at night due to the fact that he was about to send seven people to their death. Calmeyer jumped up, losing his cool. Stokvis was convinced that the man would explode, but he recovered and said: “Am Ende, was liegt mir daran! Ich unterschreibe!” At the end of the day it did not matter to Calmeyer, Stokvis got what he wanted.^[43] Stokvis testified that it was not until he and Calmeyer would meet again, many years after the war that he fully realized under what kind of pressure and in what kind of hell

Calmeyer had worked.^[44] Stokvis claimed that it was the Dutch Inspectorate of Registries that would inform the Sicherheitsdienst IVB4 of a rejection. After December 1 1942, people were still able to apply but could not get the so-called “30.000” stamp.^[45]

In the mid 1980s one of the lawyers who had worked most closely with Calmeyer wrote about his own experience in the descent procedure. Martien Nijgh published his testimony in a Festschrift on genealogy during the occupation, *Genealogie gedurende de bezetting*.^[46] The publication explained how people were made ‘Aryan,’ at first in a legal context and later on mostly in an illegal deceiving manner. Moreover the publication describes Calmeyer’s constructive contribution in the decision making process. According to Nijgh, Calmeyer had good intentions. Already before Calmeyer’s arrival at the Entscheidungsstelle, Nijgh had inquired about Calmeyer with the aid of his colleagues in Germany. Calmeyer turned out not to be a Nazi nor anti Semitic. Calmeyer had defended communists and refused to fire his Jewish secretary.^[47]

When Nijgh started to work with Calmeyer his positive impression was confirmed. The first petitions were filled out for the wrong reasons. As a result Calmeyer created a temporary protection list.^[48] Nijgh mentioned the risks taken by Calmeyer and more importantly the consequences of possible revision of the decisions. Calmeyer did work closely with a few lawyers, such as Nijgh, Van Proosdij and a third lawyer Nino Kotting. Nijgh testified that Kotting and Calmeyer did not really like each other. According to Nijgh, Kotting might have tried a bit too hard to convince Calmeyer.^[49] Nijgh suggested that there was only so much that Calmeyer could do. In the view of Nijgh, it was Rauter who was in charge and it was quite clear that the

Sicherheitsdienst had something else in mind with the Jews than Calmeyer.

[50] Nijgh testified that Calmeyer was informed about what was going on. At a certain point Calmeyer said to Nijgh: “Who am I, to make decisions on life and death?”[51]

Nijgh’s testimony confirms the perception that was given by De Jong. On more than one occasion, Nijgh referred to the Jong’s publication as the correct interpretation of the events, contrary to Herzberg’s and even Presser’s account. After the war, Nijgh and Kotting made an estimation of the number of people who were helped by them and Van Proosdij. The men estimated that 750 people were helped successfully. [52] It is not clear if successful coincided with a positive decision made by Calmeyer. Nijgh suggested that his most important assignment was to enable the people to profit from the delay that was created. In this context he did not understand why the Jews from Portuguese descent decided not to make use of the created opportunity. [53]

1.3 Controversy in the period 2000-2009

In the spring of 2012, a small Dutch community, Aalten, near the border of Germany, organized an exhibit on Hans Georg Calmeyer. The exhibit was unambiguous: Calmeyer could rescue everyone who took the risk to evade deportation by contesting his or her Jewish descent. Calmeyer, head of the *Entscheidungsstelle*, was de facto head of a resistance network. By forging documents, creating new ‘Aryan’ parents or even grandparents, Calmeyer and his network changed someone’s descent. The ‘Aryan’ or half-Jew who was created was exempted from deportation. If forgery were not feasible, Calmeyer would keep a petitioner as long as possible on the so-called ‘Calmeyer list’. Presence on this list implied after all at least temporary postponement of persecution. ^[54]

In my view the exhibition not only deviates from the reality, it also missed the opportunity to inform the public in a more balanced way. The exhibition was created with the help of Peter Niebaum, of the Hans Calmeyer Initiative, and financed by the European Union and the Prins Bernard Cultuurfonds. Peter Niebaum also published in 2001 a biography on Calmeyer, *Ein gerechter unter der Völkern*. The title, referring to the Righteous Amongst the Nations award (Calmeyer received posthumously in 1992) is indicative of the content of the biography, a portrayal of a ‘good German.’ ^[55] The lawyer Matthias Middelberg elaborated in his dissertation of 2003 on Calmeyer’s working method. Middelberg illustrated based on the descent dossiers how Calmeyer would deviate from the procedure in Germany. Based on this working method, Middelberg concluded that Calmeyer meant well. Moreover, Middelberg estimated that Calmeyer must have saved 3,500 people.

This last and most recent period 2000-2009 is characterized by its

controversy and connected to two developments. Inspired by the Righteous Amongst the Nations award Calmeyer received posthumously in 1992, and the positive portrait of Calmeyer published by De Jong in 1975, Niebaum and Middelberg, both cast Calmeyer in a more positive light.^[56] At that same time, some people who had been saved by Calmeyer decided to go public. One of the survivors, Marianna Willems-Hendrix, sponsored a biography on Calmeyer: *Het Geval Calmeyer*, published in 2008 by historian Geraldien von Frijtag Drabbe Künzel. Survivor and author Ruth van Galen-Herrmann published an article about Calmeyer in 2006 followed by a book in response to Von Frijtag Drabbe Künzel's study: *Calmeyer dader of mensenredder* published in 2009.^[57] In Van Galen-Herrmann's view the shame surrounding the Jewish rejection might be the reason why so few people wanted to discuss their relation towards the Calmeyer procedure. This aspect and the lack of willingness within the Dutch Institute of War Documentation (NIOD) to take up the issue are, according to Van Galen-Herrmann, the reason why up until today research on the descent procedure only happened marginally. She believes that it has been too little and too late, since many survivors have already passed away.^[58] Fortunately, as it turned out, some people did give their witness account in the context of the Shoah testimony project in the 1990s. Historian Coen Stuldreher also contributed to the current debate on Calmeyer in his dissertation *De Legale Rest, Gemengd gehuwde Joden onder de Duitse bezetting* published in 2007.^[59]

Stuldreher and Von Frijtag Drabbe Künzel did not share the positive view of Calmeyer held by De Jong, Nijgh, Niebaum and Middelberg.^[60] Von Frijtag Drabbe Künzel actually reproached Stuldreher for using Calmeyer's actions to draw conclusions to his motives. For that matter, she

blamed Middelberg for the same reason.^[61] In my view, Von Frijtag Drabbe Künzel did nothing but connecting actions and motivation of Calmeyer in her own publication. Moreover, she restricted herself in using her research materials, referred to in the publication, which could have resulted in a more balanced conclusion on Calmeyer. Stuldreher, cast the positive life saving decisions of Calmeyer in general. He concluded that Calmeyer did not save more than fifty people. For Von Frijtag Drabbe Künzel, the number of people rescued by Calmeyer was not the main issue. She disqualified Calmeyer based on his motivation and behavior in the wider context of his work for the German civil authorities in the Netherlands. She portrayed him as a functionalist type of perpetrator, a man, who overall was motivated to hold on to his job. Being head of the Entscheidungsstelle would prevent him from having to fight in Eastern Europe. Calmeyer had no humane motives to rescue people.^[62] In addition, legalistic motives and not so much the creation of legal possibilities in order to escape deportation were at stake.^[63]

Van Galen-Herrmann convincingly challenged the arguments used by Von Frijtag Drabbe Künzel.^[64] Von Frijtag Drabbe Künzel, for instance, claimed a leading role for Calmeyer already in the initial phase of the registration process.^[65] According to Ruth van Galen-Herrmann there is, however, not a clear-cut link, since Calmeyer started his job as head of the Entscheidungsstelle only from March 1, 1941 onwards. Calmeyer's participation in the process of registration could therefore only be limited to the implementation phase since all crucial decisions in the preparation had been made, at the end of 1940 and the beginning of 1941. Moreover, Van Galen-Herrmann noted that historians Lou de Jong and Peter Romijn have comprehensively illustrated Lentz's stake, head of the Dutch Inspectorate of

registries, in the process.^[66] Another point that was raised by Van Galen-Herrmann is related to Calmeyer's efforts to facilitate to bring forward evidence of 'half-' Jewish or non-Jewish descent. Already in the spring of 1941, Calmeyer had convinced his superiors of the necessity to be able to disprove Jewish descent in cases in which Jewishness was assumed irrefutable on the basis of a provision in Regulation 6/41 concerning the Jewish religion of the grandparents. Several lawyers who worked on descent cases would condemn Calmeyer for his unpredictable decisions. However, according to Van Galen-Herrmann, Calmeyer would permit, on a structural basis, to bring forward evidence that would prove the 'half-' Jewish or non-Jewish descent. This facilitation was never a point of discussion.^[67] The evidence that would be admitted by Calmeyer included the validity of Dutch civil law with regard to minors with two Jewish grandparents (according to which law in Calmeyer's vision, these minors could not on their own be members of a Jewish religious community); acceptance of judicial statements of Dutch judges, confirming the non-membership of a Jewish religious community; the usage of witness statements, including from Jewish witnesses; and expert reports from experts appointed by the applicants themselves. Still at the start of 1941, Calmeyer even admitted as evidence the solemn promise of an applicant with regard to his or her descent.

In his dissertation, Matthias Middelberg compared the above-mentioned examples to the German 'legal' situation to prove that Calmeyer meant well.^[68] Historians Stuldreher and Von Frijtag Drabbe Künzel, also compared Calmeyer's approach with the German 'legal' reality. Both referred to his desire for legalistic uniformity with the German situation from a negative perspective.^[69] Van Galen-Herrmann refuted this line of reasoning by illustrating that Calmeyer objected to the usage of the anti-Jewish

measures in Dutch communities and in initial-regulations that deviated from less strict German rules on the matter. This is why Calmeyer proposed conformity with the German legal situation. It created a better point of departure for the Jewish people in the Netherlands. Van Galen-Herrmann refers to Middelsberg's example of the 'half'-Jews in Germany, who were in a better position than the half-Jews in the Netherlands. Legal conformity would lead to an improvement of their situation.^[70] Overall, Van Galen-Herrmann objected to the conclusions of Von Frijtag Drabbe Künzel, since there are so many examples to prove that Calmeyer meant well.^[71]

1.4 A quantitative perspective

In 2004, Gerry Faber researched the Calmeyer procedure from a different perspective. In her history master thesis, Faber concluded, based on one thousand selected case-files, that twenty-nine percent of the petitioners claimed to have an 'Aryan' parent, because of an 'extramarital affair.' If an attorney was hired, often an anthropological report or baptized evidence was added to the petition. Furthermore, forty percent of the applicants based their petition on 'unknown' descent. Nineteen percent of the petitioners based their claim on religion. Faber related this relative high number to the fact that Calmeyer allowed minors to choose their own religion, in accordance with Dutch law. Twenty-nine percent of the people claimed to have an 'Aryan' parent. Other claims were based on adoption or Portuguese Jewish descent. [72]

Moreover, Faber showed the relation between wealth and the consideration to opt for the Calmeyer petition. By looking into the address of the applicant, some indication of wealth was given for those living in Amsterdam and The Hague. In Amsterdam, wealthy, middle as well as labour classes applied. The least represented group was the middle class. In The Hague mainly high and middle class Jews would apply; the poorer Jews of The Hague did not. [73]

1.5 Conclusion

Over the years the historiography of Calmeyer procedure focused more and more on Calmeyer's motives rather than on the rescuing operation. The first period of historiography made reference to the shame and the phenomenon of gaining time as a result of the Calmeyer procedure. The first publication started with Wolff's moral judgment on people who tried to evade persecution by denying their Jewish background. Much later in the 1980s, the publication of lawyer Nijgh, one of the lawyers who worked closely with Calmeyer, went beyond the informative aspect of the usage of genealogy in order to help people to evade the Holocaust. Nijgh made a convincing case to portray Calmeyer and his associates Miessen and Wander as 'good persons'. With his publication, Nijgh basically confirmed the conclusions of historians De Jong and Presser. Historians De Jong and Presser have both given a clear insight into many aspects of the descent procedure. De Jong concluded that Calmeyer could only rescue some at the expense of others.

In order to characterize Calmeyer or to prove his ignorance or consciousness for the fate of Jews, the historical debate of the period 2000-2009 discussed the legal loopholes that were created by Calmeyer. The publications by Von Frijtag Drabbe Künzel, Stuldreher, Van Galen-Herrmann and Middelberg referred to positive decisions, to evaluate Calmeyer's actions. The estimated number of people who were saved by a decision made by Calmeyer differed from 50 (Stuldreher) to more than 15,000 people (Niebaum). Overall there is hardly any dispute about the fact that people were rescued by a decision made by Calmeyer. The core of the historical debate of the last decade was the extent of Calmeyer's willingness to help. Was he a perpetrator? Someone who had the urge to aim for legalistic uniformity instead of creating legal loopholes? Was Calmeyer motivated to hold on to his job to avoid a transfer to the east or did he want to prevent that

someone else, a Nazi, would take over? Or was Calmeyer a righteous amongst the nations? Based on the literature, I have the strong conviction that he meant well. However, in order to prevail he also had to decline people, which must have had an effect on his mood. In an interview with historian Ben Sijes after the war, Calmeyer admitted that he saw himself as a murderer as well as a rescuer.^[74] Regardless of the assumption in relation to Calmeyer's character and motivation, due credit must be given to him for creating the exemption list. After all, the very existence of this list enabled many people to legally evade the Holocaust.

2 SURVIVORS

This chapter takes a look at the people who made the difficult decision to evade the threat they faced by questioning their Jewish descent. Not only did the petitioners come up with the option, weigh the risk, they also had to bear in mind the disapproval of their own community. Historian Thomas Pegelow wrote in relation to the similar German situation, that many fellow Jews regarded petitioning the Reichssippenamt as an act of treason: “After all, claims to Germanness generally evolved around the rejection of a Jewish parent or grandparent,”^[75]

As noted earlier the shame surrounding this Jewish rejection prevented survivors in coming forward after the war, but some people did give their witness account in the context of the Shoah testimony project.^[76] These testimonies describe the considerations and steps the people went through. The testimonies also show how participants in the descent procedure, such as Calmeyer himself, his associates Miessen and Wander, the German anthropologist Weinert, and last but not least, Dutch attorneys, like Van Proosdij, did function and were perceived for their role in processing descent petitions. These oral testimonies show that the petitioners themselves played a key role in their own survival; they had what historians call agency.

2.1 Who would petition?

Beside, evading purposely, many people did make genuine mistakes on the application form, as Calmeyer shared with lawyer Nijgh in March 1941.^[77] Others approached the Dutch Inspectorate of registries because they were confused about their registration. Since there was not an official policy position of the German occupier with respect to ‘mixed’ marriages, quite a few people chose to safeguard their situation through the Calmeyer procedure. In hindsight, contrary to the Jews from Portuguese descent, Jews in ‘mixed’ marriages were in deed relatively safe, according to historian Johannes Houwink ten Cate.^[78] The perception of their safety at the time was quite different. The fear of Jews in ‘mixed’ marriages seemed even more appropriate in marriages without children or in situations of divorce or death. Even in the case of a marriage with children, the Nazis turned out not to be consistent in relation to the ‘safe’ age of the children. Lawyer Nijgh had to explain to the parents of a seventeen-year-old boy that, contrary to the German situation, his age prevented him from being protected by their ‘mixed’ marriage. In the Netherlands protection was only guaranteed up until the age of sixteen.^[79]

Already in the first half of 1941, petitioners contested the racial connection between the Portuguese ‘Sephardi Jews’, and the so-called ‘Ashkenazim’ Jews from Eastern Europe. The Sephardi Jews had fled Portugal for religious reasons. The argument was made that the Jewish element in the Sephardi community already by 1600 had been diluted heavily.^[80] The Sicherheitsdienst had sent the case for advice to Berlin. Calmeyer was only temporarily able to get an exemption for ‘pure-blooded’ Sephardi Jews on a case-by-case basis. He was able to add another one hundred and twenty Portuguese Jews to the three hundred and sixty two that

were under discussion. Efforts, however, to exempt the whole group failed.

[81] Their ultimate fate was based on a decision made by the Reichssippenamt, followed by an inspection by the SD-men Zopf, and Aust and camp commander Gemmeker on 20 february 1944 in Westerbork. Most of the Portuguese Jews ended up being deported to Theresienstadt by February 1944. Only a few survived. [82]

Elsa Jessurun d'Oliveira took part in the final inspection of twenty-two families. Elsa was horrified by the attitude of the Sichterheitsdienst. The people were told to line up and to pass a table with five SD men and Frau Slotke also of the SD. Elsa herself was not confident that they would be exempted, and it was surprising to her that up to the very moment of the inspection many other Portuguese Jews were convinced that they would be exempted. [83] A conviction that prevented many from going into hiding according to the testimony of anthropologist, De Froe This aspect but also the extent of integration into the Dutch society as well as their affluent position in society had diminished their ability to be on the alert. [84]

Another group that ended up in the administrative framework of the Dutch Inspectorate of registries and in some cases the Entscheidungsstelle, were the Jews who decided not to register at all. The Inspectorate of registries headed by Lentz and working in close cooperation with Calmeyers' Entscheidungsstelle, discovered these people. The Inspectorate took the initiative and retrieved and reported them. [85]

2.2 The 'Calmeyer procedure' story of the Vlessing family from Texel

In the Shoah interview Philip Vlessing explained that the plan to create a new 'Aryan' identity was born due to a shortage of alternatives.^[86] After being forced by the occupier to move from Texel to Amsterdam, Philip and his family lived with the grand parents, in a small apartment building. The deportations had started and father Elias Vlessing was looking into the options to save his family. He seriously considered going into hiding, but acknowledged that the size of his five-member family was an insurmountable obstacle.

Elias Vlessing figured out that if he were able to become 'Aryan,' he would save his whole family at once. The 'mixed' marriage that would arise would turn his three sons into part-Jews and his wife into a Jew saved by her marriage. Elias Vlessing created the following story: an older friend of the family, 'aunty' Krien, would claim that Elias Vlessing was her son, instead of his legal Jewish parents Vlessing. Aunty Krien had an affair with a servant and to avoid the family-shame the child Elias was adopted by the Vlessing family. In order to prove his 'Aryan' descent Elias called for the help of the family friend aunty Krien, organized a testimony from the church in Texel, organized an expert report from an anthropologist, hired a lawyer and ended up on the Calmeyer list.

But the safety the family expected to derive from the Calmeyer stamp was less secure than they had hoped for. Before finally being deported to transit camp Westerbork in May 1943, the family was arrested at least twelve times by the Nazis. Thanks to the Calmeyer stamp they were released up until this thirteenth time in May 1943. The family stayed in camp Westerbork, up until March 6, 1944. Philip Vlessing explained that the family had a privileged position since they lived together in a small house. He did not clarify if the privileged position was related to the Calmeyer procedure.

Suzanne Thaler, another Shoah interviewee, also referred to the special treatment, including the small house, she and her family received in Westerbork due to their doubtful Jewish descent.^[87]

The procedure did provide for a ‘Sperre,’ the qualification that would prevent the entire family from being deported from Westerbork. Until the beginning of 1944 the family did not hear anything in relation to the Calmeyer procedure. At that point in time an ‘assistant’ of Calmeyer, Van Proosdij, came to visit the family Vlessing in Westerbork. The family did not trust the man. Van Proosdij kept on challenging Elias Vlessing to admit that he was Jewish. “You better tell me, it makes things easier,” Van Proosdij had said. Elias did however not give in. To their surprise, not long after the visit, the family received a message that the father and three sons could leave Westerbork. However the name of the mother was not mentioned in the decision. Elias Vlessing went immediately to the camp commander Gemmeker, who on his turn asked why he had the nerve, being a Jew, to visit him. Elias responded that he was not a Jew, showing the decision. Gemmeker suggested to Elias to take another wife. After some discussion and under the condition that his wife would undergo sterilization, she was allowed to join the family.

Back in Amsterdam, the family was summoned by Van Proosdij to visit the Entscheidungsstelle in The Hague. The German anthropologist Weinert had to research Elias and his ‘real mom’ Aunty Krien. The whole family was ordered to travel to The Hague. Being a Jew, the mother of Philip was not allowed to sit down in the waiting room of the Entscheidungsstelle. By the end of the visit, Aunty Krien burst out in tears, went on her knees to Weinert and said: “please give me back my son and grandchildren.” Weinert responded by assuring her he would, and wished her a pleasant rest of the day. Thus, according to Philip Vlessing, Aunty Krien saved five lives that

day, May 3, 1944.^[88]

Philip's testimony is unique in its completeness. The story basically illustrates the entire descent procedure. The considerations to deceive, actually creating an 'Aryan' story and identity in order to evade persecution up to and including liberation of an entire family. Moreover, it tells the story behind the dossier of Elias Vlessing, present in Calmeyer archive of the Dutch Genealogical Archive (CBG) in The Hague.^[89] The Vlessing story shows that the Calmeyer stamp in the end did not prevent deportation to camp Westerbork. Moreover, despite the newly created 'mixed' marriage, the Jewish partner was excluded from the decision. In other words, in this case the creation of a 'mixed' marriage in 1944 was, ultimately, not a safeguard for the Jewish wife. Moreover the wife was basically forced to undergo sterilization.

The Vlessing case also shows that up until the spring of 1944, Calmeyer requested expert reports from Weinert, the German anthropologist he used to work with. Furthermore, the petition testimony indicates that Calmeyer was still working on descent cases in the spring of 1944. The testimony also illustrates how 'Aryan' Dutch people were willing to take a risk and to help out. In his testimony Van Proosdij acknowledged the enormous risk that people would take by asking 'an Aryan' friend to become part of the story. Adding a real person to a case was risk bearing, since people talk under pressure. This is why Van Proosdij and his confrere Kotting, would turn at a certain point to the imaginary 'Aryan' parent.^[90]

Based on the testimony of Philip Vlessing, the role of the attorney does not seem crucial for the success of evasion. Overall, the Vlessing case illustrates that despite all other actors in the process, first and foremost, the petitioners themselves took the initiative and risk. Based on the research of

historian Gerry Faber the conclusion can be drawn that the Vlessing-story exemplifies almost one-third of the applications. [\[91\]](#)

2.3 Creativity used by petitioner Sophie Souget-Blindeman

The Shoah testimony of Sophie Souget-Blindeman shows the creative abilities of people in distress.^[92] Sophie Souget used almost all options available to her to evade the Nazi-threat. In the beginning of the war she tried to flee to the United Kingdom but was stopped by the Dutch police. In 1942 she went into hiding with her infant. With the help of the church, Sophie Souget was able to find a hiding place. The family that hid her and her child turned out to be horrific and anti Semitic, so she ended up biking back from the countryside where she stayed, to Amsterdam. Ultimately, Sophie had the idea to use her blond appearance into her advantage. Sophie visited her old servant and convinced the woman to ‘become’ her mother. When asked, Sophie persuaded the servant by claiming that there would hardly be any risk. She managed to get many people involved in the plot she created. Letters from her mother, the physician, the father involved in an extramarital affaire, a letter from the Jewish church community were all added to the dossier. Sophie even persuaded the bank director that she had always believed herself to be non-Jewish. Sophie even persuaded the notary who refused at first to make a statement. She started to believe herself in her own invented story.

Sophie’s file included an anthropological report from Mister De Froe. Attorney Kotting, who helped Sophie with the application-process, suggested this report. Sophie was in her testimony rather negative of Calmeyer. However, she never personally met Calmeyer and her case was decided positively. I found all (falsified) documents Sophie referred to in her dossier at the CBG archive.^[93]

2.4 'Confidence' created by the Calmeyer list

Having one's name on the exemption list, referred to by historians Pim Griffioen and Ron Zeller, created confidence.^[94] As long as the research procedure was going on, people were in principle exempted from deportation. For many, as we saw previously and based on my research of the CBG archive, having their name on the list, prevented them from being transported from Westerbork to the east. Some people even started a procedure after they arrived in Westerbork. In the case of Elsa Jessurun d'Oliveira, on the verge of her deportation as one of the last Portuguese Jews from the Netherlands, others even organized her presence on the list. The Calmeyer procedure would ultimately save her. The case of Elsa was, for that matter, completely falsified by the lawyers Kotting and Van Proosdij. Kotting even falsified the approval signature of Calmeyer.^[95]

The procedure period gave people time to prepare their physical hiding or even to flee from the Netherlands. Marcel Frey and his brother Robbie were children of a "mixed" marriage.^[96] Their 'Aryan' mother unfortunately had died in the first year of the occupation. In 1943, the brother Robbie went to visit the Entscheidungsstelle. While waiting for an opportunity to talk to Calmeyer, the latter passed the full waiting room, saw the boy and asked Robbie to follow him to his room. After Robbie explained the situation, Calmeyer said that he was willing to help. Calmeyer told the boy that he would try to keep their case open until the end of the war. In this way they would be relatively safe. Moreover, Calmeyer warned the boy and advised him, in the event he or his relatives would be arrested by the Sicherheitspolizei to refer to the fact that their case was being researched. Not much later, Marcel's father did get an order from the Sicherheitsdienst to report himself. The boys and the father decided that the father would go with

Marcel. Robbie would stay behind to be able to warn Calmeyer in case things went wrong. A visibly irritated Miss Slottke, from the Sicherheitsdienst had seemingly no choice but to let them go, when learning about their presence on the list. She said: “Let the Jews go.” A provocative statement since the Jewish ancestry was contested, indicating her assessment of the Calmeyer procedure. ^[97]

The decision to go into hiding came when Marcel learned more in 1943 about the treatment of the Jews in east Europe and witnessed the anti Semitic climate in the Netherlands. Moreover, a definitive decision would, as discussed with Calmeyer, not be made in the case of Marcel’s father. The most likely reason why Calmeyer would have opted for this solution of not deciding was related to the fact that the protection of the Jewish partner in a ‘mixed’ marriage would disappear in the case of death or divorce of or with the ‘Aryan’ partner. Thus Calmeyer tried to stay within the formal ‘legal’ framework, created by the German occupier. He knew that he was being deceived, he cautiously showed people the way to challenge their descent, but never participated in the deception himself. ^[98]

Philip Izak de Leeuwe managed to get his mother, sisters and himself on the Calmeyer list with the help of money and connections. ^[99] The expenses of one thousand guilders seemed reasonable to Philip. Similar to the situation of Marcel Frey, his application was real and not falsified. His presence on the list did not prevent Philip from arranging a hiding place for his family and fleeing himself to the south of Europe.

Jacob Lobatto felt confident due to the fact that his Portuguese Jewish ancestry gave him and his family a spot on the Calmeyer list. ^[100] The presence on the list had set him free after he was detained for two days. However when in January 1943, his grandmother was arrested and he

discovered that the Sichterheitspolizei actually wanted to round him up, Jacob decided to go into hiding in Amsterdam.

Apart from the sexual harassment by a Dutch police officer, Marie Cleeff-Fernandez experienced the second time she was arrested, she mostly felt confident.^[101] This feeling of confidence was based on two aspects. First of all her entire family, who was originally from Jewish Suriname descent, decided collectively not to register as Jewish. Consequently their case was being researched and the whole family got a spot on the Calmeyer list.^[102] In the meantime the family did not wear a star of David or have a “J”-stamp in the identity card. The good relationship of the family with Calmeyer’s associate, Wander was the second reason why Marie felt confident. Wander not only helped the family out in precarious situations with the Sicherheitspolizei, he even gave them his private number in the case a similar situation would reoccur. Her feeling of confidence gave Marie the self-assurance to join the Dutch resistance movement. The story of Marie shows that the deception was not limited to Jews who did register Jewish in 1941. Similar to the story of Ruth Van Galen-Herrmann, people were already on their alert in 1941 when they contested the Jewish descent from the beginning onwards.

In the Shoah interview Marie Cleeff-Fernandez explained how she refused to be Jewish for the Nazis but ultimately the war had made Marie Jewish.^[103] In the case of Marcel Frey and Marie Cleeff-Fernandez, the absence of the star of David and the part-Jewish identity clearly enlarged the freedom of movement and extent of their feeling of confidence due to their Calmeyer application. Ultimately, almost everyone who was arrested by the Nazis was released again due to their presence on the list in the first years of the occupation.

2.5 Shame and pride

Not all under threat of deportation shared Marie Cleeff-Fernandez' determination to contest their Jewish descent. Ruth van Galen-Herrmann referred to the possible shame a petitioner might feel.^[104] In a similar context the lawyer Van Proosdij mentioned the children who discovered the extramarital relationships of their parents after the war.^[105] Suzanne Thaler, who experienced the descent procedure as a six-year-old child, was well aware that her survival was entirely related to the non-Jewish appearance of her mother. This filled her with energy and shame at the same time.^[106] Yvonne Samuels, who was born in the war, was even more articulated on shame. In the Shoah interview Yvonne was still ashamed of her father. By denying his Jewishness he had a lucky escape. Yvonne clearly disagreed with the decision of her father to question his descent.^[107]

Stephanie Cohen Weinbaum explained what it felt like to be ashamed.^[108] Her family, who originally had fled Germany before the war in 1933, stayed in the same neighborhood in Amsterdam before and after the Calmeyer petition and positive decision. First they were Jewish and wore the star of David, followed by the situation that she and her family all of a sudden appeared to be 'Aryans' in the perception of their neighbors. What had happened? The neighborhood gave them the cold shoulder. In the interview Stephanie makes the connection to the denial of their Jewishness. She substantiated her observation by referring to the fact that their Dutch flag was torn apart by the neighbors when the Netherlands was liberated.

In his interview Van Proosdij recalled how as a consequence of shame, some people who already started or considered making an application, withdrew or abandoned this option. According to him, this kind

of shame, created a missed opportunity to potentially survive the Holocaust. [109] Neither Sophie Souget-Blindeman nor Philip Vlessing raised the point of shame when they were interviewed. The interviewees seemed actually proud of having been able to survive without posing too big of a risk to others, which would have been the reality in case of physical hiding. With legal evasion, people involved could always ‘isolate’ the responsibility. [110] Marie Cleeff-Fernandez and other interviewees referred to this consequence of hiding. On a side note it is interesting to mention that for the same reason, the famous Law Professor Meijers, did not want to flee from Westerbork, although a feasible escape was being prepared for him and his family. [111]

Last but not least, shame, doubt and pride could prevent people from acting promptly. In the case of Hanna Strauss-Ricardo her father did not come into action until Hanna’s brother was deported. Her father, however, was well aware of the possibilities that the Calmeyer procedure could create.

[112] The sister of Elisabeth Sarphati refused to apply even after Elisabeth’s petition did result into a positive decision. Her sister said: “I refuse to renounce my Jewishness” (Ik verloochen mijn Joods zijn niet). This profound refusal disappeared after arrival in Westerbork. Both she and her brother were successfully ‘Aryanised’ with the help of document forger Teutscher. [113]

Lawyer Benno Stokvis argued that it would have been relatively easy to rescue Etty Hillesum and her family. The mother of Etty, with blond hair and blue eyes, had the perfect appearance to qualify and to create a ‘mixed’ marriage. However, both Etty and her father refused to petition. Both wished not to ‘abandon their destiny.’ [114]

2.6 Success factors according to the petitioners

Norbert Buschbaum suggested in an interview in 1996, that the success of the Calmeyer procedure was directly related to high fees and ‘non-Jewish’ appearances.^[115] Sophie Souget-Blindeman and the mother of Suzanne Thaler both indeed had a blond appearance. From the testimony of Van Proosdij we know that Calmeyer saved a man from deportation to Westerbork, mister Sinek, who did not look Jewish. Calmeyer suggested to him to contest his Jewish descent.^[116]

Philip Izak de Leeuwe referred to one thousand guilders expenses he paid Wander, associate at the Entscheidungsstelle. Stephanie Cohen-Weinbaum and Marie Cleef-Fernandez both referred to a fee that Wander asked for his services. In her testimony Stephanie testifies how Wander saved her life. By the end of 1943, the family was declared ‘Aryan’, got their business back and Stephanie and her sister were allowed to attend an ‘Aryan’ school. After the war Stephanie and her family took the initiative to get Wander, a posthumous Righteous Amongst the Nations award.^[117] It is not fully clear if the help of Wander was conditioned on the payment, which would imply that he was corrupt, the testimony of Stephanie Cohen-Weinbaum suggests otherwise. However, Calmeyer told the NIOD researcher Ben Sijes in the 1960s that Wander was paid by petitioners in exchange for a positive decision. This was the reason why he had Wander transferred in the fall of 1943.^[118]

Philip Vlessing testified that friends from Texel supported him and his family. Not only would they help to pay for the Calmeyer procedure expenses, the people from Texel kept on sending ‘survival’ packages to Westerbork.^[119] In other words the social inclusion of the Vlessing family

within the Dutch community was more decisive in the matter than their wealth. Money undoubtedly did play a role, but it never could have been the decisive factor in the final decision making process, mainly because Calmeyer himself was not corrupt and basically made all the decisions.

Jewish people would not only opt for the Calmeyer list. Some people tried different options at the same time. Norbert Buschbaum explained how he and his family, in parallel to the Calmeyer procedure would opt for the Weinreb list.^[120] This controversial exemption list was created by Friedrich Weinreb and, like the Calmeyer list, temporarily prevented people from deportation.^[121] Calmeyer declined the petition of Lodewijk Houthakker.^[122] He and his family were, however, affluent and saved through a spot on the Barneveld-list, a list that temporarily protected prominent Jews held in Barneveld.^[123]

Freddie Roettgen worked for the Jewish council and was a very connected person before he considered the Calmeyer procedure. At a certain point in the procedure Freddie met with Calmeyer, who made it clear he knew that he was being deceived. Calmeyer asked him: “I have helped women and children. Why would I help a connected man such as you?”^[124] This response suggests that in Calmeyer’s perception, connected and affluent people had more options to survive.

Determination was another success factor. The former Dutch TV celebrity Jaap van Meekren testified what happened to the, at the time, nineteen year old boy after he was declined by the Entscheidungsstelle. His extraordinary determination to survive and the help of ordinary people including the German Jew Walter Suskind and some money came to his

rescue. [\[125\]](#) Moreover the oral testimonies of Philip Vlessing and Sophie Souget-Blindeman show how the strong will to survive helped increase their chances to survive.

2.7 Conclusion

The testimonies show that the operation of contesting descent could not have existed without the survivors taking risks and their determination to save themselves and their loved ones. Furthermore, the testimonies contradict the testimony of the lawyer Van Proosdij, that Calmeyer never really had direct contact with petitioners.^[126] Calmeyer did have direct contact with the petitioners on more than one occasion. Moreover, he showed his good intentions and even warned the people.

The testimony of Marcel Frey has not only indicated how Calmeyer himself opted to postpone decision making in order to save Marcel's father, more importantly the story of Marcel suggests how the time factor was of influence to the resilience of the people who had applied for a revision. I would argue that the time consuming aspect of the Calmeyer procedure must have created a sense of urgency to evade the Holocaust. Jacob Lobatto explained this development.

At first he felt confident due to his presence at the Calmeyer list. The developments that occurred over time made him, however, decide to go into hiding.

Other Shoah interviewees also survived, by not entirely trusting on their presence on the list. Ultimately, many decided to go into hiding. It is safe to conclude that due to the presence on the Calmeyer list, they were able to witness the developments in the Netherlands, the gradually developing anti Semitic climate and round-ups of Jews. Moreover, the petitioners were even occasionally informed about the reality of what was going on in the east. This alarming situation was absent during first deportations of 1942. Thus, the Calmeyer petition gave the people the opportunity to become aware of the urgency to find a hiding place.

In hindsight a decision of the Entscheidungsstelle turned out to be

permanent. The time factor and determination seemed decisive in the likelihood of survival. The Shoah survivors, with the exception of one interviewee, were unanimous in their positive evaluation of the Calmeyer procedure. Their presence on the Calmeyer list, the good intentions of Calmeyer and his associates, were directly linked to their survival. In their perspective, reference to legal assistance, their own determination to survive or the fact that they ended up hiding was inconsequential.

3 LEGAL AID

During the war lawyer Benno Stokvis had an interaction with a colleague. The man blamed him for working together on descent cases with the German occupier: “One should not ask favors from the occupier!” (Men vraagt de Duitsers geen gunsten!) Stokvis responded by arguing that the alternative, having one’s fellow countrymen being deported without legal help, did not seem appropriate either. ^[127]

This chapter will look at the ‘legal’ assistance of lawyers Jaap van Proosdij and Martien Nijgh, based on their own testimonies and the Nijgh archival record. The survivor testimonies in the previous chapter do not explicitly refer to the involvement of the attorney. Apparently in the perception of the survivors, attorneys did not play a crucial role in the procedure. However, Stokvis estimated that in one out of five petition cases a lawyer was involved. ^[128] The historian Faber has not only confirmed this ratio, but has also illustrated the correlation between the use of a lawyer in a descent case and its outcome. The chances to get a favorable decision would increase to ten percent if a petitioner decided to hire a lawyer. ^[129] My research could not always connect the name of the lawyer to an applicant.

^[130] It is, however, reasonable to assume that hiring a lawyer would increase someone’s chances of receiving a favorable decision. In particular, if the lawyer was specialized in descent cases and knew Calmeyer and his associates well. Chances could also diminish by hiring a certain lawyer. In a letter of Oktober 1943 from Nijgh to lawyer Sikkel, Nijgh blamed Sikkel that he only sent him hopeless cases. Nijgh suggested in the letter to stop this since it could harm his reputation. ^[131]

Research of the activities of Van Proosdij and Nijgh, shows that the

lawyers must have played an important role in the descent petition process. From the testimony of Van Proosdij we know that he would even improve the work of his confreres while working at the Entscheidungsstelle.^[132] After the war, both men and the lawyer Kotting received the Righteous Amongst the Nations award.^[133] In my research, their names reoccurred indeed many times in the Calmeyer applications archive at the CBG. Nijgh, Kotting and Van Proosdij were, however, not the only ones involved. The lawyer Stokvis, who was also involved, assessed the total number of lawyers frequently involved in the petition process at twenty-five.^[134] Historian Meihuizen claimed that in total at least fifty lawyers must have dealt with descent petitions.^[135] Other lawyers frequently involved in descent cases, were for instance Van Taalingen-Dols, De Vries, Kymmell, van Hattum, de Kort, Van Drooge, Goldstein and van der Flier. In 1941, lawyer Goldstein, was himself declared Mischling, after an ‘Aryan’ friend of the family was willing to give a sworn statement that Goldstein was his child.^[136] On a side note, several of the lawyers involved in descent cases declared after the war, on the initiative of Nijgh, that Calmeyer had good intentions.^[137]

Attorney expenses differed, some attorneys only charged after the war or nothing at all. Van Proosdij, testified that people did only pay for expenses that were actually incurred. Moreover, Van Proosdij received money from the Dutch resistance to use in the descent cases.^[138] When Helene Stern received a bill from her lawyer, Nijgh she responded in the following way:

“I transferred the amount of nine guilders to your bank account. This is, in my view, a little too less for your efforts. Could there be a mistake?”^[139]

(Het bedrag van negen gulden heb ik op uw girorekening laten overschrijven.

Ik vind het wel een beetje weinig voor wat u voor uw moeite vraagt. Zou dit een vergissing zijn?) We know from the interview with Van Proosdij, that over time deception became the standard and real honest cases were turned down since they impressed less.^[140] The consequence of this development was that recourses were needed to create deception. For Van Proosdij, Kotting nor Nijgh, lack of financial resources was never a reason to turn someone down.^[141] Directly after the war, Calmeyer claimed that he had rejected all cases of petitioners whose lawyers were charging them too much.^[142] High fees were, however, charged by certain lawyers.

Apart from their own expenses, lawyers were also involved in other charges related to the procedure. Seven hundred and fifty guilders was the fix fee asked by the German anthropologist Weinert.^[143] Calmeyer included Weinert in the petition process from 1942 onwards.^[144] Von Frijtag Drabbe Künzel illustrated that Calmeyer knew about the fee that was charged by Weinert.^[145] Although Calmeyer himself did not receive any financial compensation, it is reasonable to argue that Weinert's involvement in the descent process created a financial barrier for many petitioners. Lawyer Stokvis made an arrangement with Weinert to allow higher payments in exchange for a lower fee for petitioners who were not able to pay for the high expenses.^[146]

Van Proosdij, Kotting and Nijgh worked closely together and frequently visited the Entscheidungsstelle. Nijgh would work quite often on behalf of other lawyers. His archival record shows that he regularly advised other lawyers on descent cases or would talk to Calmeyer on their behalf. Van Proosdij even worked directly for Calmeyer in his office in The Hague in 1943. Between 1943 and 1944, Van Proosdij even frequently visited

Westerbork on assignment of Calmeyer. The lawyer who dealt with probably most descent cases was Nino Kotting.^[147] Kotting was himself in a 'mixed' marriage. Kotting managed to hide this 'risk' from Calmeyer. His wife, Renee Kotting, explained in the Shoah interview, how she and Nino chose not to petition her Jewish descent. In theory this would not have been hard since the mother of Renee was already saved in this way. Kotting would have lost his credibility with Calmeyer. This possibility would make him refrain from rescuing other people.^[148] According to Van Proosdij the couple made a huge sacrifice in doing so.^[149]

3.1 The experience of Jaap van Proosdij (1921-2011)

Immediately after the war Van Proosdij saw himself as mean and angry. This attitude must have reflected his work for ‘rechtsherstel,’ the restoration process towards the rule of law, and his unsettled opinion of Calmeyer after the war. In the fifties Van Proosdij decided to immigrate to South Africa away from the Netherlands. In the first years after the war, Van Proosdij blocked his memory of the ‘legal’ evasion he was involved in.^[150] The first time he would talk about his experiences was in interview with Presser in 1955.^[151] It was, however, not until the end of his life that he gave two extensive interviews. This was in 1998 for the Shoah Foundation and in 2004 for the United States Holocaust Memorial Museum.^[152]

For Jaap van Proosdij the dilemma of working with the occupier in order to save people never arose consciously. His whole family was involved in some kind of resistance activity. To protect each other, no one really knew from the other family members how they were involved. In 1942, van Proosdij was in his early twenties and had just finished law school, when he started to get involved in the Portuguese descent and general descent suspension cases, through the Amsterdam law firm Van Krimpen. Van Proosdij would work on the cases together with Kotting. Both Kotting and the lawyer Nijgh, based in The Hague, met frequently with Calmeyer to discuss the different petition cases. By the end of 1942, Calmeyer would ask the men if they knew someone who could help out to shorten the separate Portuguese list.^[153] This was a remarkable request in itself, the German occupier asking for help from Dutch lawyers.

The original list was made by Nijgh in July 1942, and was based on the number of Jewish grandparents. Everyone with three or four Jewish grandparents would get on the list. By redefining the ‘Portuguese Jew’ as

someone who would have seven to eight Portuguese Jewish grandparents and who was not married to an ‘Asjkenazic or eastern European Jew,’ Calmeyer’s plan was to shorten the list even further. In order to come to a proper result, all cases of the original list had to be researched.^[154] Van Proosdij was willing to take on this ‘shortening’ research job, but expressed to Calmeyer that he only could do the job as long as the work would coincide with his conscience. Moreover, Van Proosdij expressed his resentment of the Jewish persecution to Calmeyer. Neither concern prevented Calmeyer from assigning Van Proosdij.

In 1943, Van Proosdij worked for weeks at the Binnenhof in The Hague, in order to shorten the Portuguese list. By deducting the dead, the already deported and those who were ‘mixed’ married and those who were on other exemption lists, based on information he received from the Jewish Council, Van Proosdij was able to shorten the Portuguese list. In this first period, Van Proosdij, stayed within the legal framework of the German occupier. While working on the assignment Van Proosdij was able to assemble information useful to deceive on a later instance, as well as to build on a relationship based on trust with Calmeyer, at the same time. This period created the foundation for the descent petition cases he would later get involved in.

The trust between Van Proosdij and Calmeyer was of such a level that the young lawyer was able to have an influence on the outcome of a few petition cases. Moreover, for almost a year in the period from 1943 to 1944, Van Proosdij was sent by Calmeyer on a biweekly basis, to the transit camp Westerbork. In this camp Van Proosdij would discuss petition cases with the SD commander of the camp, Gemmeker. Historian Von Frijtag Drabbe Künzel referred to this working situation of Van Proosdij with Calmeyer as ‘rather remarkable’.^[155] In my view it certainly is, a Dutch lawyer, who

worked for clients who contested their Jewish ancestry was hired by the head of the Entscheidungsstelle, Calmeyer, who decided on the fate, of amongst others, Van Proosdij's clients. ^[156]

In the interview Van Proosdij gave a few examples how he was able to persuade Calmeyer in the decision making process. Sometimes a case was hopeless but he could change it into the right direction. However, in the case of a six -year old adopted child of a couple in a 'mixed' marriage, Calmeyer declined. The case was indeed not strong. Van Proosdij expressed to Calmeyer that he resembled Herodotus, who also killed children. Moreover, he suggested to Calmeyer that he also had the option not to decide yet. On another occasion, Van Proosdij would present, in his view, a clear-cut case to Calmeyer. The latter did not share Van Proosdij's opinion and wanted to decline. After a very emotional response of Van Proosdij the case was ultimately decided positively. In the eyes of Van Proosdij it was in particular this case that had disqualified Calmeyer. Based on his mood, Calmeyer, was willing to send four people to their deaths.

Van Proosdij had free access to the office of the Entscheidungsstelle and to Calmeyer. Moreover, Kotting and Van Proosdij had compromised Miss Appelman one of the secretaries at the Entscheidungsstelle. In this way, access was created to the dossiers and 'improvements' could be made. Reichskommissar Arthur Seyss-Inquart had decided that people could no longer apply for revision after November 30, 1942. For that matter Van Proosdij falsified the dates of the applications. The cases were 'returned,' by Miss Appelman. Van Proosdij still remembered a petition in which, the original registration-form of an applicant was stolen from the Inspectorate of the registries. A sentence was added to the form: "I am not sure of my grandparents, I would like to return to this matter on a later instance." A copy was added to the dossier in the Entscheidungsstelle. With a letter of the

applicant Van Proosdij asked, De Waard one of the workers at the Entscheidungsstelle, if he knew anything about the status of the case. Herewith an opening for rescue was created.

Except in almost one case, Van Proosdij could not recall any negative decision that was made on the basis of his trips to Westerbork. Van Proosdij travelled to Westerbork to look at the ‘Aryan’ appearances of applicants together with the camp commander Gemmeker. Before the ‘event’ with Gemmeker, Van Proosdij met with the people involved. If necessary Van Proosdij changed the guiding note written by Calmeyer and addressed to Gemmeker in a more positive sense. One time it almost went wrong. It concerned a case that was initiated by Calmeyer himself. Calmeyer wanted to rescue the ‘Aryan’ looking man Mister Sinek, who he had met just before the man’s deportation to Westerbork. Calmeyer instructed Mr. Sinek to contact Van Proosdij, who should be able to help him. Ultimately, Gemmeker was not impressed by the case but Van Proosdij was able to convince the camp commander in the right direction.

It is remarkable that Philip Vlessing, Adriaan van As and Henri Vles all have a negative impression of Van Proosdij while he was visiting camp Westerbork.^[157] Henri Vles worked as a lawyer amongst other topics on descent cases at the ‘Antragstelle’ of the Jewish Council in camp Westerbork. Van As was an administrative coworker at the camp. Henri Vles did not trust Van Proosdij. From the context of his testimony of the case of Elsa d’Oliveira, it is clear that Van Proosdij was not always alone with the applicants. The Sicherheitsdienst could have been present in the office when Vles and Vlessing met with Van Proosdij. In the interview of 2004, Van Proosdij, claims that he limited the contact with Jews living in camp Westerbork to mister Ottenstein, head of the Antragstelle. This limitation was needed in order to keep up the appearances. Renee Kotting, the wife of Nino

Kotting, remembered after the war, that Van Proosdij used to be very upset after a Westerbork visit.^[158]

Before his last visit, Van Proosdij was asked by Calmeyer to remove fifty percent of the people from the list. Someone had to do this otherwise no one would survive. There was no other alternative, according to Calmeyer, who was at that point in time under enormous pressure from the Sichterheidsdienst. Van Proosdij testified that the decision came from Frau Slotke, of the Sicherheitsdienst IVB4. Gemmeker had nothing to do with it. In 2004 Van Proosdij was still very upset when talking about the experience. He made the comparison with the movie Sophie's choice. Together with the head of the Antragstelle, Ottenstein, Van Proosdij tried to make the decisions as best as he could. Van Proosdij could not recall, how many people were ultimately removed from the list. In this event, the lawyer was unwillingly compromised by the occupier and was involved in the process to send people to their death. If he had refused no one would have survived, an ironic resemblance to the work of Calmeyer.

Calmeyer, from his part showed great trust in Van Proosdij. Van Proosdij described the relationship as a father-son connection. Calmeyer indicated to Van Proosdij that he could be of help in case Van Proosdij needed to evade the "Arbeitseinsatz" in 1944. Directly after the war, Calmeyer seemed surprised that Van Proosdij had deceived him. From the other lawyers, Calmeyer expected this, but not from Van Proosdij. This statement of Van Proosdij is interesting since Calmeyer would use and refer to Van Proosdij in several cases, when a descent rescue was needed on behalf of himself or even on behalf of Gemmeker and Aus der Funten. At the latter occasion, Calmeyer advised Gemmeker to contact Van Proosdij, since Van Proosdij 'knew how to deal with these kind of situations.'^[159] In my view Van Proosdij contradicted himself in the interview. On the one hand

Calmeyer assumed that Van Proosdij was not involved in the deception plot on the other hand Van Proosdij, did mention several interactions that confirm Calmeyer's awareness of Van Proosdij's involvement in the deception.

Similar to the above-mentioned example, the appeal attempt of lawyer Van Taalingen-Dols could be mentioned to indicate that Calmeyer was maybe not involved but aware of the deception. In principle there was no option to appeal a case. Once, a decision was made by Calmeyer, it was the only and last resort.^[160] Lawyer Van Taalingen-Dols did, however, try to appeal one of her cases. She wrote to the Generalkommisar fur Verwaltung und Justiz Wimmer, Calmeyer's boss in the second half of 1942. In the letter Van Taalingen complained about the rejection of her case while similar cases, were admitted by Calmeyer. Directly after the incident, Calmeyer shared the course of events confidentially with Nijgh, Kotting and Van Proosdij. According to Calmeyer, Van Taalingen-Dols could have endangered the lives of many Jews. Thanks to Wimmer's carelessness, he did not read the letter but delegated it directly to Calmeyer, nothing happened.^[161]

In the interviews Van Proosdij could not remember the specific successful or less successful cases nor any specific details. Van Proosdij's criticism of Calmeyer was however very specific. His opinion changed again half a year before Van Proosdij's death.^[162] This change is remarkable since Van Proosdij made a real effort in the interviews to contest Nijgh's views on Calmeyer in 1985. Van Proosdij literally testified in 1998 and 2004 that his motivation to give an interview was to refute the account of Nijgh. Moreover in the interviews he disputed the Yad Vashem Righteous Amongst the Nations award Calmeyer received posthumously in 1992. For Van Proosdij it seemed important to make the argument that he knew Calmeyer better than Nijgh. Van Proosdij was "better informed about what was going on in the

office of the Entscheidungsstelle”. It is important to realize that Van Proosdij’s involvement in the legal descent cases started in the course of 1942, his work at the Entscheidungsstelle did not start until 1943. At that point in time most Jews were already deported and the chances of success had gradually diminished coinciding with Calmeyer’s moody state of mind.

Both interviews describe Van Proosdij’s own experience with Calmeyer without referring to the totality of the situation. Over the years Van Proosdij should have been more aware of the broader context of the war. To illustrate this, Van Proosdij only referred to the SD-threat when it affected his own involvement. For instance when he was forced to divide the petition list in half. On the other hand, in the interview of 2004, Van Proosdij argued that the SD “could not touch Calmeyer” without connecting this conclusion to a certain time frame. In reality the Sicherheitsdienst indeed could not touch Calmeyer in the first period of the persecution. This would change over time. The Dutch SD man Ten Cate checked the decisions taken by Calmeyer already from 1941 onwards.^[163] Van Proosdij referred to the ‘Ten Cate threat’ not until the summer of 1944, when Ten Cate was about to discover the involvement of Nino Kotting in the deception. After the war Van Proosdij admitted that a Nazi party member instead of Calmeyer in charge of the Entscheidungsstelle must have had disastrous consequences.^[164]

The last interview of 2004 is typical since Van Proosdij seemed influenced by his interviewer, historian Von Frijtag Drabbe Künzel. Van Proosdij used the exact same particular arguments, such as the legalistic aim of Calmeyer, in criticizing Calmeyer, as Von Frijtag Drabbe Künzel would use in her biography on Calmeyer. An indication that Von Frijtag Drabbe Künzel could have influenced Van Proosdij or the other way around. In any event Van Proosdij did not use this argument before 2004.^[165] Again, six

months before his death, Van Proosdij would judge Calmeyer differently and referred to the man as a ‘good German,’ the same way historian the Jong had done in the 1970s. [\[166\]](#)

The interviews clearly show how Van Proosdij marginalizes his contribution in legal evasion. In the interviews Van Proosdij makes a bitter impression in relation to his own achievements as well as to the achievements of Calmeyer. It all seemed hardly worth the effort since so few people did survive the Holocaust. His resentment towards the Netherlands and the war also clearly showed when Van Proosdij and his wife decided to emigrate in the 1950s. He was proud of the Yad Vashem price, but interesting enough when he received the price Van Proosdij decided not to make any specific reference to Calmeyer. Overall, Van Proosdij seemed to be motivated by the resistance atmosphere in his family. He still was excited when talking about the more risky parts of the deceiving process. Looking back Van Proosdij considered his contribution to the descent rescue operation his duty. [\[167\]](#)

According to Van Proosdij, he and Kotting estimated that the number of people who they had rescued was approximately two hundred and forty. [\[168\]](#) In my view this number seemed like a sign of Van Proosdij’s marginalization of his contribution to legal evasion. However, even if the number is correct it still represents at least five hundred people who must have been rescued since petitioners often created ‘mixed’ marriages or had dependents in different ways. Nijgh was more positive about the contribution. He had estimated with Kotting that the three lawyers Nijgh, Kotting and Van Proosdij were successful in seven hundred and fifty decent cases, resulting in the rescue of approximately two thousand people. [\[169\]](#)

3.2 The Law office of Mr. Y.H.M. (Martien) Nijgh (1907-1992)

After the war Martien Nijgh would never visit Germany nor buy any product of German origin. According to his son, Philip, his father would keep this aversion towards Germany for the rest of his life.^[170] Martien Nijgh had chosen to work closely with the ‘German’ Entscheidungsstelle in order to save people from deportation, from the very beginning. Nijgh consciously chose to ask the German occupier for favors in order to help Jews evading deportation. He did this, as we will see below, in his own specific way. Moreover, he consciously made this choice while there could have been major consequences for him and his young family.

Nijgh left a most interesting archival record, a written print of his entire working life. Unfortunately, so far no effort has been made to file the documents and client dossiers Nijgh has left behind.^[171] However, even haphazard research and with the help of previous research indicators of historian Von Frijtag Drabbe Künzel, a most interesting picture emerged with respect to Nijgh’s activities in relation to his involvement in descent applications.

In his written testimony from the 1980s, Nijgh wrote that due to his involvement with Jews from Germany and Austria, already before the war, he had some kind of clue of what to expect from the Nazi measures.^[172] Moreover, Nijgh testified that he did some back checking on Calmeyer in Germany. Calmeyer was not a party member and had defended communists in the 1930s. In Nijgh’s view this was the reason why he and his fellow attorneys had an easy entrance with Calmeyer from the beginning onwards.^[173] The archive silently confirmed the close working relationship of Nijgh with Calmeyer and his coworkers of the Entscheidungsstelle. By 1942, the petition cases were prepared for a final decision-making by Calmeyer’s

coworkers. Investment in the relation with both Calmeyer as well as his associates was of crucial importance to Nijgh.

The lawyer had to bypass de Waard in the case of Samuel Pino in October 1943. Nijgh wrote a formal letter to Calmeyer in which he explained how De Waard missed certain crucial facts and wanted to reject. It turned out to be a balancing act since Nijgh could not jeopardize his relationship with de Waard too much.^[174] Calmeyer, overall, would follow the advice of his coworkers. Due to this close relation with basically all of them, Nijgh would know upfront if a case would be rejected or not. The archival record illustrated how on more than one occasion, De Waard not only informed Nijgh upfront on the upcoming decision, it also showed how he was willing to hold on to a dossier before finalizing the request. This implied that he would wait to present the case to Calmeyer. In the petition of Mister Burgers for instance, De Waard not only informed Nijgh of the planned final decision, he also suggested to Nijgh that he would hold on to the case for a week before presenting the dossier to Calmeyer.^[175] It is obvious that in this way other options to evade could be prepared in time. This happened in the last period of the war when the willingness of Calmeyer to decide positively declined under the pressure of the Sicherheitsdienst and in particular due to the involvement of Ten Cate.

If it were not for Nijgh, Miessen would have given up his work at the Entscheidungsstelle. Miessen told Nijgh: “It seems often as if I have to take the full responsibility for human suffering.”^[176] (Mir war es oft, als ob ich an der Fülle der Verantwortung und des menschlichen Elends zerbrechen müsste) Nijgh urgently asked Miessen to stay on for the sake of his human duty. Nijgh had described Miessen as a good person who always was prepared to help.^[177]

Although Nijgh and Calmeyer did not befriend each other, they did have a close and trusting relationship and did speak about issues other than the petitions. The only letter left from correspondence between Calmeyer and Nijgh shows that the men would borrow literature from each other. ^[178] Correspondence between Nijgh and his clients, illustrate how Calmeyer would think along and give advice. In the case of Erika Rottgen, Nijgh explained to Erika how he discussed her case with Calmeyer on February 1, 1943. Calmeyer was very much prepared to write a letter of recommendation to the correct authority to which she should address her case. However, if according to Calmeyer, Erika would do so, she might put herself in danger. For this reason Calmeyer advised against this option. Therefore her only option was to get the ‘30.000 Sperre‘ stamp’ from the Zentralstelle. Calmeyer even suggested who, within the Zentralstelle, she should contact in order to get the stamp. ^[179] In general Nijgh, used the predictability of the judgement of Calmeyer to reassure his clients in descent cases. Although the decisions of the Entscheidungsstelle were not open for appeal, Nijgh would discuss a negative decision with Calmeyer. In the case of Karl Lindner, Nijgh was able to convince Calmeyer to reconsider the petition in October 1943. Calmeyer decided favorably. Unfortunately, Karl did not survive the war. ^[180]

Due to the relationship with Calmeyer and Nijgh’s presence in The Hague, the lawyer soon became the contact person for other colleagues towards the Entscheidungsstelle. Nijgh sometimes discussed a case with Calmeyer before applying. ^[181] At other instances Nijgh would pass Calmeyer’s advice or opinion directly on to a client. ^[182] Nijgh also asked advice from Wander or he encouraged the coworkers to do their utmost when discussing the case with Calmeyer. ^[183] Even when the Entscheidungsstelle

could not deliver the solution, as was the case with Mister Olman, who was already in Westerbork, Nijgh did not hesitate to contact the Chef Cabinet of Secretary General Van Dam, to get the man successfully on the ‘Van Dam’ exemption-list. This list temporarily exempted prominent Jews from deportation.^[184]

Once the people were liberated from the Nazi threat due to a positive decision of the Entscheidungsstelle, Nijgh would continue by formally applying to the Lippman-Rosenthal Bank to get the belongings of his clients back. In the case of the Asscher family, the father had an English nationality. This fact was used to claim that the man was not obliged to enlist as a Jew in the Netherlands. In April 1943, the bank refused to give Asscher’s belongings back, since Asscher was married with a Jewish woman. Nijgh would not give up. He proposed to the family to legally donate the belongings to the ‘Mischling’ children. This construction worked and Lippman-Rosenthal Bank had to give in.^[185] Nijgh would repeat the ‘donate’ construction more often.^[186]

In the first period of the occupation Nijgh stayed, like Van Proosdij, within the ‘legal’ framework that was created by the Nazis. An example of the attempt to work within this ‘legal’ context was Nijgh’s effort to keep Mister Nemeth in Westerbork. In this case Nijgh approached the camp commander Gemmeker, while using a supporting letter written by Calmeyer, in January 1943.^[187] Sometimes one almost has the impression that Nijgh was not involved in ‘illegal’ cases that implied fraud at all. In the case of Gisela Deutz-Ratz, Nijgh indicated to the woman in December 1942 that she had no chance to get a positive decision from the Entscheidungsstelle. Nijgh therefore refused to accept her case. Nijgh did not like her arrogant attitude.^[188] Historian Von Frijtag Drabbe Künzel wrote how Nijgh declined

requests from clients to help them with their revision of their descent petition from 1942 onwards. Von Frijtag Drabbe Künzel referred to a letter from Nijgh of 1942, in which he explains to a client how he limits his descent activities to Portuguese Jewish ancestry cases.^[189] Except for this refusal, evidence of his limitation to Portuguese petitions could not be located in the Nijgh archival record. Research of the clients' dossiers gave the impression that Nijgh hardly did anything else but to help both the Portuguese as well as the Jews from Eastern European ancestry.^[190]

Proof of fraud can be found in between the lines of the dossiers. For instance correspondence of Nijgh with colleagues showed remarks relating to a less 'legal' solution. In the case of Cornelus Wolf, Nijgh wrote, for instance, that he 'made' the man a half-Jew.^[191] In the case of De Vries-Robles, Nijgh wrote to his client in October 1943 that the statement made by the 'natural' father should improve and become more 'convincing.'^[192] Moreover, Nijgh wrote on more than one occasion to a client that his research did not deliver the necessary proof to 'upgrade' someone to the 'Aryan' race. He would end the letter by asking the client to come over to his office to talk about the case. In my view this is the indicator that the case would continue by adding some necessary 'illegal' documents.^[193] It is obvious that the recording of fraud needed to be prevented as much as possible. In this context lawyers involved continued to formally write and charge each other. Nijgh received for instance a letter from Kotting in which he formally referred to the petition of Sophie Souget-Blindeman. We know from the previous chapter that the case Souget-Blindeman was entirely based on fraud.^[194]

Nijgh would typically write a formal request for revision in Dutch. He was the exception. Most lawyers would address Calmeyer in German.^[195]

Moreover, with Miessen, Nijgh only spoke Dutch. Nijgh explained to Miessen that this was a fundamental choice. One should not use the language of the occupying force. The archive even shows a personal letter of Nijgh towards Calmeyer in Dutch. ^[196] This choice on the basis of principle is interesting since we know that there must have been a relatively close working relation between Nijgh and Calmeyer. After the war Nijgh would even defend Calmeyer. ^[197]

Nijgh also worked as a consultant. He advised colleagues and even the Jewish Council on how to proceed and explaining the options that were left to explore. He advised even in hopeless cases. ^[198] In the case of Mrs. Vrij-De Jonge, Nijgh explained to the lawyer involved the steps and documents that were needed. The invoice to the lawyer was twelve Dutch guilders. ^[199] Nijgh advised his colleagues also on more general policy matters of the Nazis. He shared for instance with lawyer De Vries his concern for the position of Jews in ‘mixed’ marriages. ‘Ultimately, no one is fully protected,’ according to Nijgh. ^[200]

The Nijgh archive moreover, shows the close working relation between Kotting, Van Proosdij en Nijgh. The case of Juda Groen illustrates how Nijgh coordinated the contact between Kotting, anthropologist Weinert and Miss Appelman. ^[201] On the other hand, Van Proosdij would for instance add the case of Isabella de Jong to his list of the Jews to be examined in Westerbork on instruction of Nijgh in September 1943. Nijgh even made the arrangements for the anthropologist De Froe to examine Isabella in Westerbork. ^[202]

The archive also illustrates the pressure under which the lawyers had to work. According to Mrs. Moll, who worked closely with Nijgh on descent

cases, Nijgh had made a dejected and completely worn-out impression in October 1943. From that moment, all still ongoing requests had to be sent to the Central Service for Kinship Study in Apeldoorn, headed by the Dutch SD man Ten Cate, which declined all cases.^[203] Nijgh's feeling for justice would continue even after the war, when he decided to defend Calmeyer, after initially requested by Entscheidungsstelle coworker De Waard.^[204]

Nijgh's son Philip characterized his father as a modest man. Someone, who would never brag about his courageous activities during the war. Philip learned as a boy about his father's involvement in the war from the parents of his Jewish friend. It was not until just before his death, that Philip became fully aware of his father's contribution to legal evasion, when his father received the Righteous Amongst the Nations award in 1991. Nijgh was prepared to extend himself to help saving his clients. Moreover, he would comfort them, kept a positive attitude towards them.^[205] Even faced with the most hopeless prospects he tried to stay positive. Nijgh made, for instance, an effort to get a medical job for one person in Westerbork. In the hopeless case of Mrs. Janssen-Zwanensteijn, Nijgh tried to convince the Nazis to send her to Theresienstadt. Nijgh wrote the woman that this is probably the best place to be send to.^[206] Nijgh's reflection of the descent procedure was, in his own words, related to a little Italian girl he had helped to rescue. After the war he saw the girl almost every day passing his office on her way to school.^[207] This girl gave him the confirmation that his work during the war was worth the effort even if he had only helped rescuing this little girl.^[208] In the same testimony it seemed as if Nijgh needed the confirmation of historian De Jong to write about the descent procedure and the fact that Calmeyer intended well. On more than one occasion the archival

record of Nijgh clearly confirmed this positive attitude of Calmeyer. With respect to Calmeyer, Nijgh concluded that he must have consciously created the margins for evasion. However, as it turned out, legal evasion was just a ‘drip in a sea of misery.’^[209]

3.3 Conclusion

In his testimony after the war, Nijgh expressed his frustration that not everyone used the delay that was created by the lawyers. As a matter of fact, Nijgh perceived the creation of delay as his most important assignment. ^[210]

The continuous and tireless help of people like Van Proosdij and Nijgh gave petitioners a better chance to get accepted on the Calmeyer list and was often followed by a positive decision of the Entscheidungsstelle. This was in particular true in the first years of the occupation. The primary sources show that their efforts were mainly focussed on the decision making process itself. This is in my view, why the petitioners experienced the influence of the legal helpers to a lesser extent. There was contact between the attorney and petitioner primarily in the first stage of the petition procedure. Once the petitioner received a place on the Calmeyer list, it turned out to be a matter of waiting and occasionally providing more specific evidence.

In the first period of legal evasion the close relationship of the lawyers with Calmeyer and his associates must have had a positive influence on the ultimate outcome of a decision. Both lawyers started to look for 'legal' loopholes to save their clients. Gradually deception was used to arrive at the same result. Moreover, the continuous involvement of the lawyers guaranteed continuity in the descent work. The involvement of the lawyers contributed to a sense of urgency amongst the petitioners. They warned the people to have a suitcase ready in the case of a rejection.

Neither Nijgh nor Van Proosdij displayed any scruples about their contribution to the deception process, which transgressed their professional code of conduct. The fact that the lawyers had to deal directly with the occupier did not seem to withhold them in their aim to help people to evade their fate. The young lawyer Van Proosdij took even extra-ordinary risks by adjourning in the environment of the occupier. The relationship with the

Dutch resistance movement of his family must have had an influence on Van Proosdij's actions. Being married and having little children did not restrain lawyer Nijgh from helping his fellow citizens. His one-man business did not prevent Nijgh from helping out, even if this would imply limited financial income for him and his family. Only after the war and the revelation of the terrible truth the lawyers Nijgh and Van Proosdij began to marginalize their own contribution to the descent procedure.

4 QUANTIFICATION OF THE CALMEYER PROCEDURE

The exact number of people who were rescued or sent to their death by the Entscheidungsstelle has never exactly been determined. As we will see in this chapter this is understandable, since the effort to look into all the applicants' dossiers of the Calmeyer archive at the Dutch Central Bureau for Genealogy (CBG) is rather labor-intensive. This is not only related to the quantity of dossiers present at the CBG, but also due to the fact that many dossiers have been partially destroyed by fire, caused by the bombardment of villa

Kleykamp on April 11, 1944.^[211] The question is whether the undertaking to look into all the dossiers would be of relevance. It certainly would for people who have been rescued by Calmeyer. Ruth van Galen-Herrmann, for instance, made it clear that quantitative research could make an end to the debate on Calmeyer.^[212]

All historians but Stuldreher have used the numbers mentioned by the last commander of the Sicherheitspolizei and the Sicherheitsdienst in the Netherlands, Eberhardt Schöngarth.^[213] Schöngarth wrote in 1944 that 5,667 people had requested a revision of their Jewish status. All of these people registered as Jewish in 1941. In all, 3,709 people received a revised safe 'Aryan' or half-Jewish GI or GII status. Schöngarth herewith, implicitly, presented a success rate of 65 percent. The likelihood to receive a positive decision by denial of the Jewish background in order to evade the Holocaust was 65 percent, according to the Nazis themselves. The schedule below gives an overview.^[214]

Request	Number
Total requests for revision	5,667

descent	
Total requests revised, in 1941 registered as Jewish, of whom received the GI status,	3,709
of whom received the GII status,	2,078
of whom became Aryan.	909
	722
Total requests denied and received J2, J3, or J4 status	1,958

Ultimately, according to Lou de Jong, 2,899 people who registered as Jewish in 1941 were saved from deportation. Meanwhile, 1,868 people were declined and did not get a revision of their Jewish status. In other words, according to De Jong, three out of five Jews (60%) were saved from deportation. [\[215\]](#)

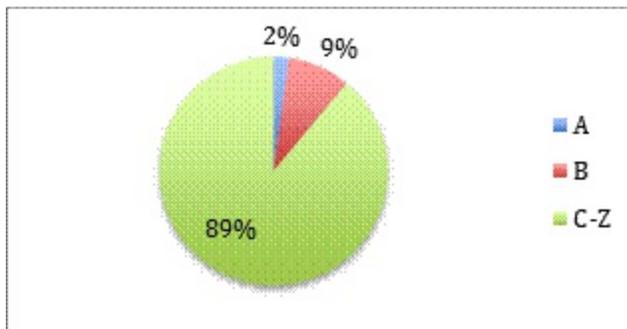
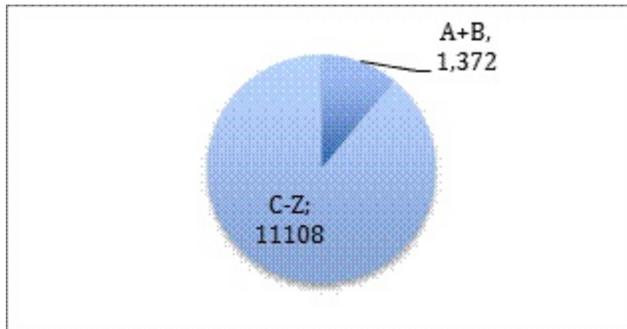
An exact determination of the number of positive decisions of people who registered as Jewish in 1941 may indeed contribute to a judgment on Calmeyer's intentions. However, this thesis does not have the ambition to give the ultimate judgment on Calmeyer and his associates of the Entscheidungsstelle. In my view, the ultimate number of positive decisions is more valuable for giving insight into the relationship between the Calmeyer procedure and survival of the Holocaust. To what extent did presence on the list contribute to survival regardless of the possible decision? How much does the total number of positive decisions deviate from the total number of people who survived the Holocaust? Positive decisions and therewith implicitly the

intentions of the people of the Entscheidungsstelle are perceived relevant for this thesis in the life saving context. This chapter attempts to quantify the relationship between presence on the Calmeyer list and the probability of the survival chances of petitioners.

This research will include the ‘desirable’ result of decision-making. Could a negative decision also result in survival? In this chapter I will discuss the tendency of Calmeyer to decline people who, in his perception, were relatively safe. Most typical examples are the Jewish partner in a ‘mixed’ marriage or the Jew of Portuguese ancestry, who tried the Calmeyer evasion route next to the possible general exemption of the Portuguese Jews. In the case of Rosa Rodrigues, whose petition was declined and had to stay ‘J4,’ a note written by Calmeyer indicated that the woman was protected by her ‘mixed’ marriage.^[216] The CBG archive shows several similar notes in Calmeyer’s handwriting. This research addresses this kind of decision making as ‘negative but safe’ and as part of the life saving result.

The a-selected research of 1,372 applications with the family name starting with the ‘A’ or ‘B’ is looked at in the Calmeyer CBG petitions archive. These 1,372 applications were present in 990 dossiers in 23 archive boxes out of a total of 208 boxes. Moreover, the representation of 1,372 people (11%), suggests that approximately 12,000 (12,480 by extrapolation) people might have some kind of presence in the archive. Not all of the dossiers in the archive consisted of a request for a status revision. The Dutch Inspectorate of registries checked everyone who had indicated to be half-Jewish on the 1941 registration-form. This category has to be added to the petitions handled by the Entscheidungsstelle. Furthermore, some people decided not to register at all. The Inspectorate managed to find many of them. In general, the Entscheidungsstelle would not deal with their cases, since many just had to register and that was the end of it.

REPRESENTATION ARCHIVAL BOXES AT THE CBG.



1,372 persons, (per box 60 people), extrapolation: 12,480 people,
The 'A' and 'B' family names represent 11% of the total estimated people in the archive.

4.1 Representation in the archives

The type of dossiers and people that are currently represented in the archives will be looked at in the context of this paragraph. For the sake of completeness it should be noted that the NIOD archive also possesses a ‘list of Jewish persons who requested revision on the basis of Regulation 6/41.’^[217] A closer look at the NIOD archive shows that many of the people mentioned in the dossiers are also represented in the CBG files. Moreover, similar to the CBG archive, not all dossiers at the NIOD, represent a request for revision but consist of, for instance, a letter in which a person contacts the Dutch Inspectorate of the registries to ask if he or she should register or not. The NIOD-dossiers represent 1,658 people. From the ‘A’ and ‘B’ family name dossiers only 51 persons did not reoccur on the CBG-list. To put it differently, the NIOD archive represents 4% of persons who are not represented in the CBG Calmeyer petitions archive.

Some people ended up dealing with the Inspectorate and occasionally with the Entscheidungsstelle without actively aiming to get the descent status revised. Some people decided not to register at all. The Inspectorate discovered them and still registered these people. Others registered half-Jewish GI or GII and some approached the Inspectorate because they were confused about their registration. Did they have to register or not? Some were truly puzzled while others incorporated the puzzlement into their strategy. Occasionally, Dutch companies contacted the Inspectorate to check on the Jewishness of an employee. For instance, the ‘Levensverzekeringsmaatschappij De Nederlanden’ wanted to know if Salomo Aptroot had registered. With this request one could argue that De Nederlanden carries at least some responsibility for Salomo’s death in 1944.^[218] Fortunately for Auguste Amerson, the consequences were less severe when the Dutch Post

Office, the ‘PTT,’ secretly checked on his possible Jewishness.^[219]

Of the 1,372 people represented in the CBG-dossiers (1,423 if the NIOD archive is included), 392 persons (406 if NIOD is included) are considered ‘remnant’ cases. These cases were initiated by the people themselves as well as by the Dutch authorities. The Dutch Inspectorate urged local authorities to register Jews. In this way, many people who decided to take the risk not to register ended up being registered after all. The Entscheidungsstelle did not deal with their cases unless the people would opt for a revision of the registration. Hermanus Salomon van Been had to go to court because he had not registered. He was sent to prison for six months. He died at Camp Vught in February 1943.^[220] Hendrik Blanket did not register either. His dossier was present in the CBG archive, but his name did not reoccur in the databases of the Jewish Council or the Central European database, both created in their current appearance after the war.^[221]

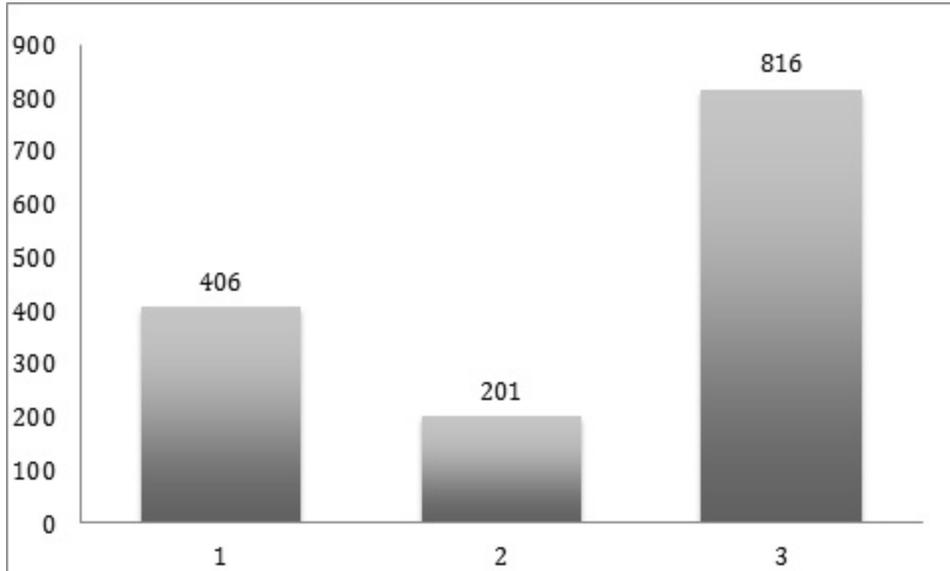
An exact number of the people who did not register cannot be given. However, the remnant cases represent 29% of the total number of people in the CBG archive, which challenges De Jong’s argument that it was worth not to register at all. The percentage, representing presumably 3,480 people, seems too high to subscribe to De Jong’s claim.^[222]

A specific category of remnant cases consisted of newborn babies. The Inspectorate managed to identify many very young Jewish children. For obvious reasons parents tried to avoid the registration. Another group present in the documents, already mentioned, were the people who registered as partial-Jewish GI and GII. My research identified a consistent eagerness of the Inspectorate to check this category of people. Registering as partial-Jewish implied having to bring forward the proof substantiating this claim. Therewith these people would enter the procedure of the Entscheidungsstelle

and will not be considered part of the 29% remnant cases.

The diagram below shows the different type of dossiers present at the CBG archive. Column 1 represents the remnant category. This category accounts for, as indicated earlier, 29% of the people. Column 2 shows the number of partial-Jews (GI and GII) including the assumed partial Jews: the people who were checked by the Inspectorate as well as those who had doubts about their Jewish background in 1941. This group accounts for 14% of the total number of people. The left over 57% represents the people who registered as Jewish in 1941.

DIFFERENT TYPES OF DOSSIERS PRESENT AT THE CBG AND NIOD ARCHIVES



No.1: remnant cases, 406 persons (29%); No. 2: GI and GII and assumed partial Jews: 201 persons (14%); No. 3: registered Jewish in 1941, 816 persons (57%) (Proportion: partial-Jewish towards Jewish is 1:4 or 20%: 80%)

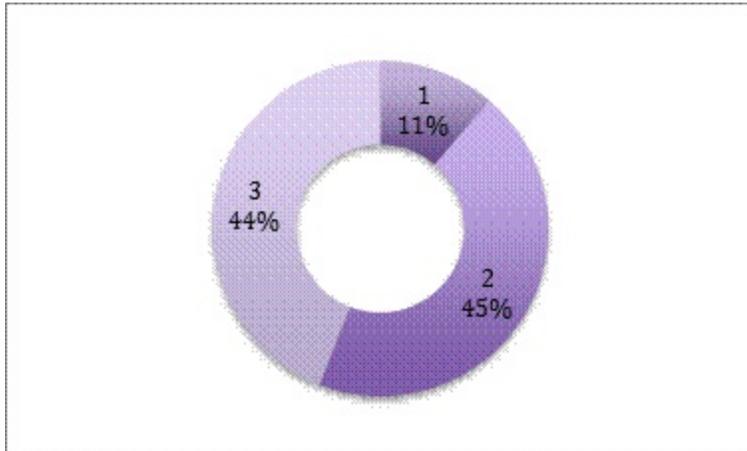
Based on the numbers, I conclude that 43% of the people ended up in the registration administration due to the eagerness of the Dutch Inspectorate or due to their own decision to contact the authorities, either as part of a calculated strategy or because they were actually puzzled.

4.2 Quantification of decision making by the Entscheidungsstelle

The success rate of 65% of the people that received a life saving positive revision, presented by Schöngarth, suggests that Calmeyer and his colleagues at the Entscheidungsstelle were willing to rescue people. This paragraph will look at positive decisions, negative decisions, as well as ‘negative but safe’ decisions. The last category seemed safe between 1942 and 1943. The safety changed in the course of 1943 with respect to the Portuguese Jews. ^[223] The ‘negative but safe’ decision making of the Entscheidungsstelle will be included in the overall quantitative picture, since it seems a realistic representation of the ultimate life saving dimension. Not every one could have received a positive decision in my view; had the Entscheidungsstelle decided positively even more, it would not have been able to continue its work up until 1945.

Once identified by the Inspectorate, the Entscheidungsstelle consequently would research the half-Jewish claim, confirm the ‘mixed’ marriage, determine the Portuguese descent and last but not least look into requests of those people who registered as Jewish (J2, J3 or J4) in 1941 but claimed that they had made a mistake. The diagram below illustrates the number of people that received a decision. From the total number of people the Entscheidungsstelle dealt with, (1,423 CBG and NIOD) a decision rate of only 56 percent could be determined. (11% partial-Jewish and 45% Jewish) Moreover, from the 796 (56%) people who received a decision one out of five was considered partial-Jewish. In other words 159 people (20%) originally registered as half-Jewish GI or GII (including those who assumed their partial Jewishness) and 637 people (80%) had registered as Jewish in 1941.

PETITIONS RELATED TO A DECISION IN THE ARCHIVES



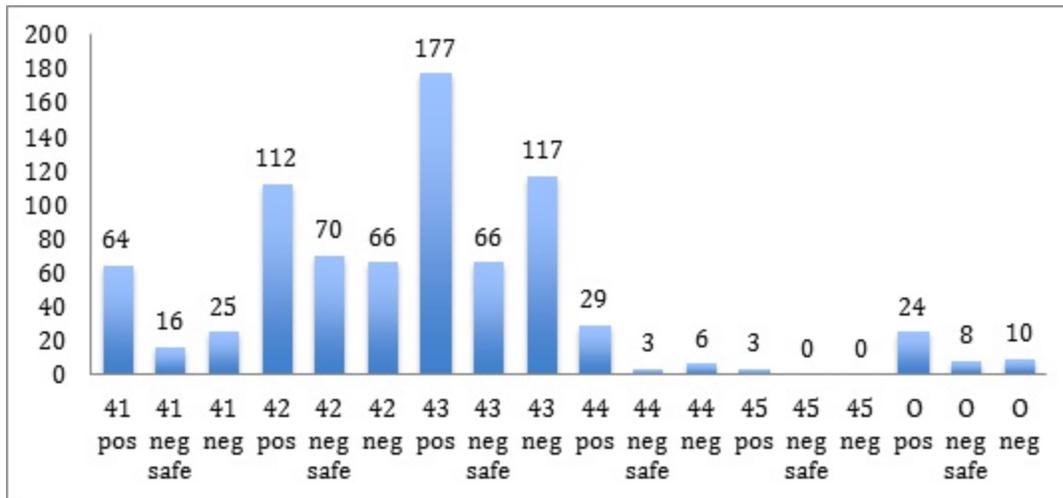
Total number of people: 1,423 (CBG and NIOD), 796 people (56%) received to a decision. 11 percent is considered partial-Jewish (GI and GII and assumed partial-Jewish) and 45 percent represented those people who registered Jewish in 1941. From the 796 people, 159 people (20%) are partial-Jewish and 637 people (80%) full Jewish.

Due to the incompleteness of the archives and possibly also because Calmeyer sometimes postponed decisions, 44% of the people could not be connected to a decision. ^[224] For 56% of the people whose cases were looked at and who did receive a decision, the moment of decision-making should be taken into consideration. With the beginning of the deportations in the summer of 1942, the ‘Entjudung’ of the Netherlands fell more and more into the hands of the Sicherheitsdienst. ^[225] Evidently this process changed the freedom of movement of the Entscheidungsstelle over time.

The diagram below shows how most decisions were made in 1942 and 1943. The year 1943 even accounted for most decisions. Seyss-Inquart ordered not to take on new cases after to the end of 1942, but the diagram shows, that the decision making process continued in 1943. ^[226] In the years 1944 and 1945 relatively few decisions were made. The indication ‘negative but safe’ reflects, as indicated above, the number of people who received a negative decision but were either of Portuguese descent or in a ‘mixed’

marriage. In this study these decisions are included in the life saving category. From 1944 onwards, decisions related to petitioners of Portuguese descent were no longer included in the 'negative but safe' decisions, since the decisions no longer turned out to be 'safe.'

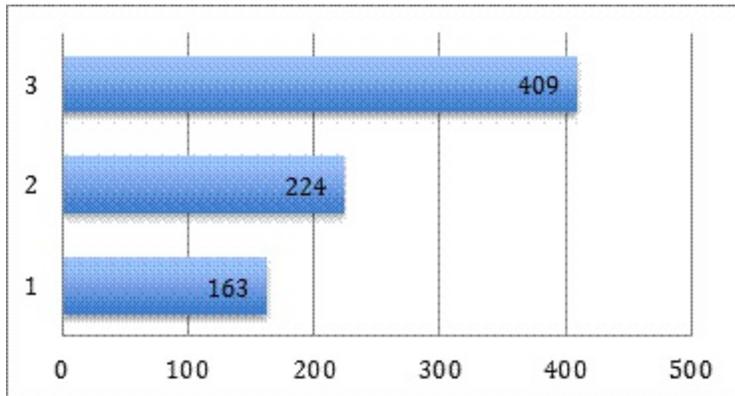
TYPE AND MOMENT OF DECISION MAKING BY THE ENTSCHEIDUNGSSTELLE



1941: positive decision (pos.) 64 people, negative but safe decision (neg. safe) 16 people, negative decision (neg.) 25 people; **1942:** pos. 112 people, neg. safe 70 people, neg. 66 people; **1943:** pos. 177 people, neg. safe 66 people, neg. 117 people, **1944:** pos. 29 people, neg. safe 3 people, neg. 6 people, **1945:** pos. 3 people; O = 'not dated': pos. 24 people, neg. safe 8 people, neg. 10 people.

The diagram below reflects the total number of decisions and the different decision-types. The overview shows that 51% (409 people) is related to a positive decision. The percentage of decisions that turned someone down is 28% (224 people). And the 'negative but safe' decisions account for 21% (163 people) of the total amount of petitions that were connected to a decision.

OVERVIEW DECISION TYPE MADE BY THE ENTSCHEIDUNGSSTELLE



1 = negative but safe decisions (21%), 2 = negative decisions (28%), 3 = positive decisions (51%)

If the ‘negative but safe’ decisions are added to the unambiguously positive decisions, we arrive at a total of 72 percent potential life saving decisions. This is even 7% higher than the success rate mentioned by the Nazis (65%). Schöngarth made reference to the fact that the people who received a positive decision from the Entscheidungsstelle were registered as Jewish in 1941. It is not known if half-Jews, GI and GII were included in the number of the Sicherheitspolizei. As indicated before, almost all Portuguese Jews were deported from 1943 despite efforts, including from Calmeyer to prevent this from happening. Their share (10%) in the decisions should therefore be deducted, regardless of the intentions of the Entscheidungsstelle. Overall, it seemed worth the effort to start a descent revision procedure. Moreover, it seems not unreasonable to conclude that the Entscheidungsstelle in 62% (51% pos. plus 11% ‘mixed’ married, negative but safe) of the cases was responsible for an ultimate life saving result.

The 11% percent (constituted of the A and B family names that were looked at) of the total estimated amount of decisions constitute of 409 positive decisions. We could assess by extrapolation that from the 12,000 estimated people represented in the CBG archive, approximately 6,720

people must have received a decision (56%). Further extrapolation assumes that based on this number approximately 3,427 (51%) people must have received a positive decision.^[227] From the life saving perspective even 4,166 people (62%) were most likely saved. The number of positive decisions includes the people who were checked based on the fact that they registered partial-Jewish GI or GII (20%). Therefore, theoretically, from the 3,427 people, 685 persons must have originally registered partial-Jewish GI or GII in 1941. This implies that the rest of the people (80%), account for 2,742 people who registered Jewish in 1941. This estimation approaches the number of De Jong (2,899 people).

With respect to the originally partial-Jewish petitioners, one could argue that the Entscheidungsstelle indeed positively confirmed 685 people. We know from the testimonies of Ruth van Galen-Herrmann and Marie Cleeff-Fernandez that their applications were not always based on the truth.

^[228] In their cases the positive confirmation did save their lives. In other words, according to this line of reasoning, even the ‘life saving confirmation’ by the Entscheidungsstelle is relevant for the aim of this thesis to establish the likelihood of survival.

Furthermore, contrary to the 65% success rate associated with the reception of a positive decision mentioned by Schöhngarth, I estimated a success rate of 51% if the half-Jews are included in the total number. If, however, only the originally registered as Jews are taken into account, a success rate of only 41% should be distinguished. This number is very close to the percentage mentioned by historian Faber (44%), whose research was founded on a ‘selected’ group contrary to my research.^[229]

It is relevant to look at the rate of the life saving decisions made by the Entscheidungsstelle to evaluate the considerations made by the people to

opt for the descent procedure at the time. A life saving result of 62% seemed to make it worthwhile up until the first months of 1943 to opt for the ‘Calmeyer‘ procedure. The Nijgh archival record shows that Calmeyer was willing to take on new cases up until approximately the first half of 1943.

[230]

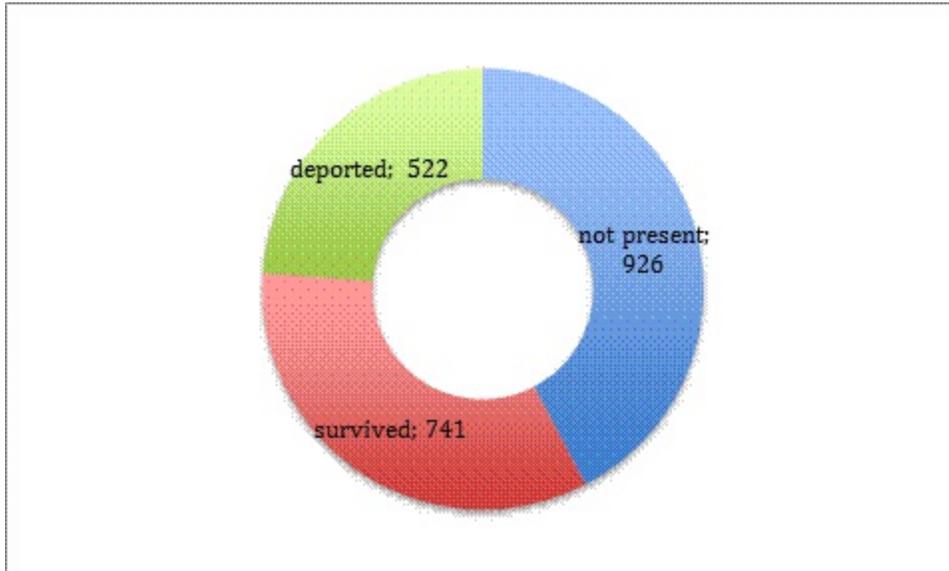
4.3 Survival rates of the petitioners

The Entscheidungsstelle did obviously also decline people. Decline, however, did not always result in deportation. The Shoah testimonies of the survivors indicated that the people concerned were on the alert and determined to survive. Let us look at the numbers to find out if there was pattern. The ultimate fate of the petitioners will be established by looking at two different petition lists: (1) The CBG 'A' and 'B' family names were checked on their survival rate; and (2) the official exemption lists created by the Entscheidungsstelle itself were checked. This research used the official exemption list from September 8, 1942, completed with five shorter lists covering the second half of 1942. ^[231] De Jong referred to these official exemption lists that were shared by the Entscheidungsstelle with the Sicherheitspolizei from September 1942 onwards. ^[232] A closer look at the 2,189 people on the lists shows that often only one or two family members occur on the lists. At the CBG archive, however, the family who applied for a revision often consisted of more members than indicated on the lists. Marinus Agsteribbe, for example, is mentioned on the list of September 8, 1942. In reality, five of his family members applied and received a positive decision from the Entscheidungsstelle. ^[233] In other words my research discovered that the official lists used by the Entscheidungsstelle and shared with the Sicherheitspolizei were incomplete. ^[234] An explanation could be that by limiting the official number of petitioners in one family, the list appeared to be not too long. At the same time presence of one or two family members on the list might have guaranteed the prevention of deportation of the other family members as well. This is plausible since this sharing of information with the Sicherheitspolizei prevented that the petitioners were deported from

transit camp Westerbork to the east while their application process was still underway. (At least up until the last transport in September 1944.^[235]) If one family member turned out to be ‘Aryan,’ it would at least be an inconvenient reality for the Nazis to have murdered the siblings of this person.

I compared all of the 2,189 people present on the official lists with their name cards in the Jewish Council database and the Central European Database (CEC), both created in their current appearance after the war.^[236] In particular, the Jewish Council register turned out to be of great use. Not only do the cards make reference to the Calmeyer procedure, they also show if someone was released from the transit camp Westerbork. Last but not least, the cards mention the deportation date. If a name did not reappear in both registers, I considered the person to be safe from deportation.^[237] I checked the people who were absent in the registers but were declined by the Entscheidungsstelle through the online ‘Joodsmonument’ database.^[238] Overall the following picture arises. The percentage of people who ended up being deported is 24% (522), the percentage of registered ‘Jews and half-Jews’ who survived is 34% (741) and the percentage of people who were on the lists but did not reoccur in the databases of the Jewish Council and the CEC, is 42% (926).

FATE OF THE PETITIONERS NAMED ON THE OFFICIAL EXEMPTION LISTS OF 1942



522 people were deported (24%), 741 Jews survived (34%), 926 people on the list did not reoccur in the database and are assumed to have survived the Holocaust (42%).

Many people did not reoccur in the Jewish Council database. However, their names were mentioned on the exemption lists. This can be related to the fact that they were considered 'Aryan' or they did not need to register for other reasons. The category that was retrieved in the databases were the 'Jews and half-Jews.' These people either obtained the GI or GII status or were saved for other reasons, such as through their 'mixed' marriage.

Thus we can conclude that 76% of the people who applied for the Calmeyer procedure survived the Holocaust. This percentage is higher than the life saving decision-making result of the Entscheidungsstelle. (62% including the people in 'mixed' marriages who were declined) One of the reasons for the difference can be that most decisions were made after the start of the deportations, and it generally took a few months. Both the applicants and their lawyers must have been on their guards and might have taken precautionary measures. We know, for instance, that Philip Izak de Leeuwe sent his family into hiding, regardless of the positive decision made by the

Entscheidungsstelle. [\[239\]](#)

Comparison of the CBG and NIOD application lists with the Jewish Council database shows that 62 people (8 % of the 796 decisions) received a negative decision but still survived the Holocaust. Comparison of the official exemption lists of the Entscheidungsstelle with the Jewish Council database uncovers 27 persons (1%) who received a negative decision and survived. In other words we may conclude that a certain percentage of people did survive even though decline of their petition by the Entscheidungsstelle. But the reverse also happened. Tragically, 2% of the people did receive a positive decision of the Entscheidungsstelle but were deported anyway. Often the decision came too late. Despite major efforts of Miessen, associate at the Entscheidungsstelle to speed up the process, it came too late for instance for

Werner Moritz Abraham. [\[240\]](#)

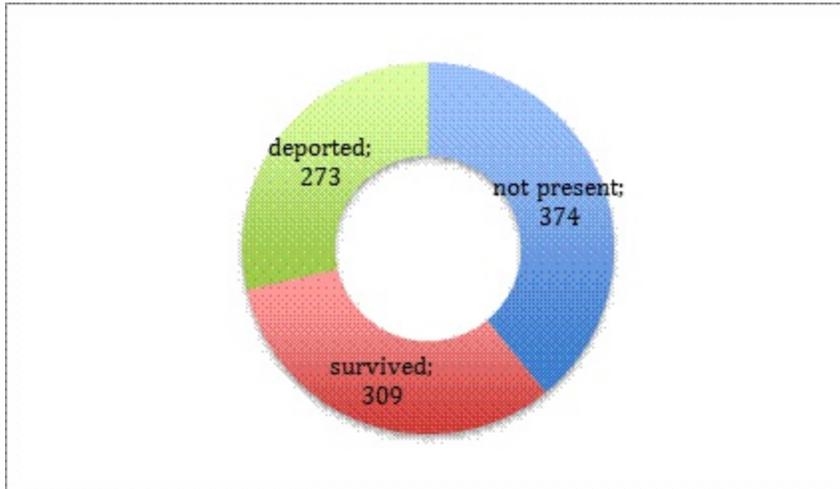
Furthermore, there is evidence that Calmeyer's personal tactic was to suspend decision- making. Marcel Frey and his family were saved in this

way. [\[241\]](#) The Calmeyer exhibition in Aalten presented this approach, however, without any quantitative foundation, as one of the most important

tactics of Calmeyer to save people from deportation. [\[242\]](#)

To substantiate the survival rate of 76%, I also compared the 1,423 people found in the CBG and NIOD archives with the Jewish Council and CEC registers. In order to identify the people, I used the date of birth. For 956 people a date of birth was indicated in the dossiers. The outcome of the comparison is significant. The diagram shows that 29% of the people were deported, 32% of the people survived the Holocaust while listed in the registers, and 39% of the people survived and were not listed in the databases at all. In other words, the survival rate was 71%.

FATE OF THE PEOPLE REPRESENTED AT THE CBG AND NIOD ARCHIVES



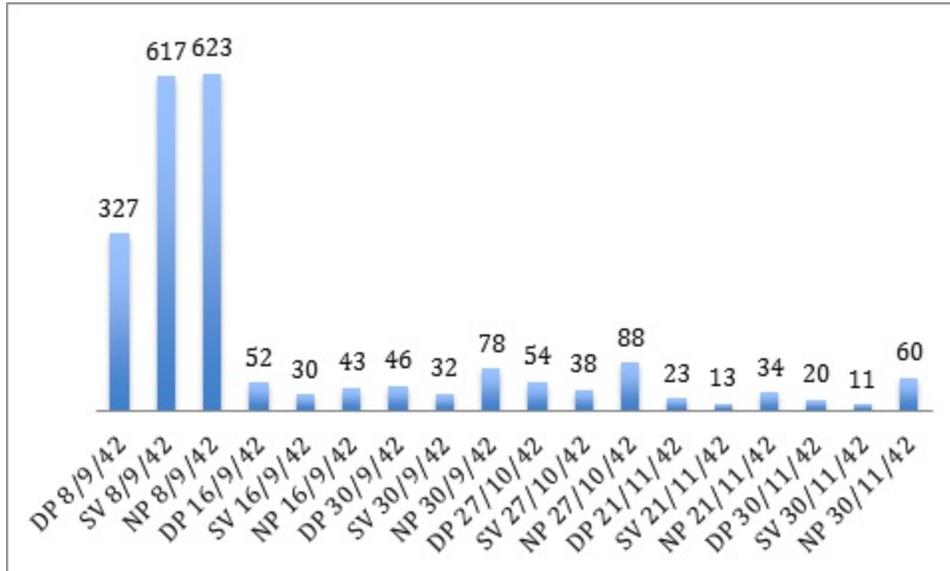
273 people were deported (29%), 309 Jews survived (32%), 374 people on the list did not reoccur in the database and are assumed to have survived the Holocaust (39%).

In conclusion it is plausible that the survival rate of the petitioners varies between 71% and 76%. This high survival rate means that it was worthwhile to legally evade persecution and as we will see this percentage was even higher than the survival rate of people who went into hiding.

4.4 Survival rate of legal evasion compared and taken in context of place and time

The six official exemption lists of the Entscheidungsstelle were drafted in the period between September and November of 1942. A crucial period since the deportation had started from July 1942 onwards. Moreover, Seyss-Inquart ordered to stop accepting new cases by the first of December 1942. The diagram below shows that the earlier one applied, the higher the chances were to be placed on the Calmeyer list and thereafter to survive. The diagram reflects the diminishing margins for positive decision making by the Entscheidungsstelle over time. To underline this argument, the first list of September 8, 1942 represents a survival rate of as high as 79%.

FATE OF THE PETITIONERS ON THE OFFICIAL EXEMPTION LISTS IN TIME



DP=deported, SV=Jewish and survived, NP=Not Present in the database and survived
 Data lists: September 8, 1942; September 16, 1942; September 30, 1942; October 27, 1942; November 21, 1942 and November 30, 1942.

Historian Gunnar Paulsson estimated the survival rate of Jews in Amsterdam who went into hiding at 56%. Paulsson substantiated this calculation based on the estimation that 20,000-25,000 Jews were hidden. In all 10,000-15,000 people survived the Holocaust.^[243] A survival rate of 71-76% compared to the estimation of 56% shows how the descent procedure, relatively speaking, prevailed over hiding. Moreover, the Jewish Council registration cards indicated quite often ‘ondergedoken’, implying hiding. Comparison of the names that occur on the official exemption lists shows that 63 people decided to opt for physical evasion through hiding. Only one of them did not survive the Holocaust. In other words a certain percentage of the applicants decided to go into physical hiding.

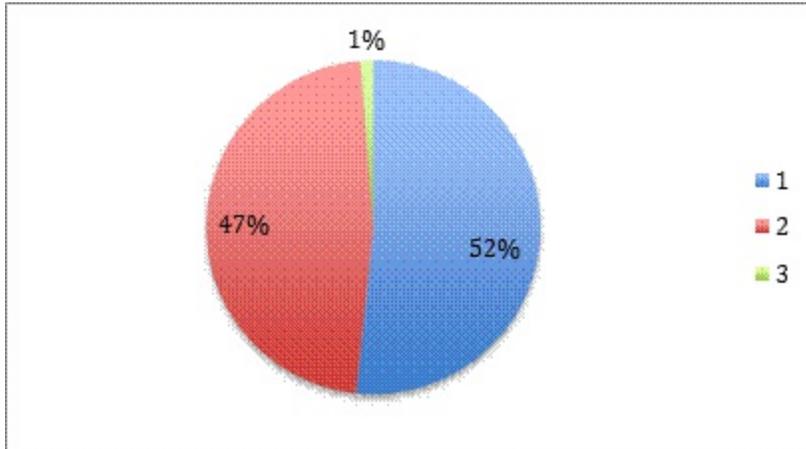
Moreover, the high survival percentage found in this study challenges the theory of historians Pim Griffioen and Ron Zeller who argued that the

system of temporary exemptions explained the low survival rate in the Netherlands. They argued that instead of finding a hiding place almost one-third of the Jews opted for an exemption.^[244] Apparently in the case of legal evasion it was worthwhile to make the decision to get a spot on the exemption list.

Historians Peter Tammes and Marnix Croes have claimed that the people who received an exemption mostly lived in Amsterdam.^[245] In their view the theory of historians Ron Zeller and Pim Griffioen, related to temporary exemptions is only influential in Amsterdam, since most people who tried to get an exemption did live in Amsterdam.^[246] I looked at the places of residence of the petitioners named on the official exemption lists in order to check if the claim of Tammes and Croes is legitimate with respect to the descent procedure. Did most petitioners indeed live in Amsterdam? If they also lived elsewhere it could contribute to the explanation why so many people survived the Holocaust through legal evasion.

The first exemption list of September 8, 1942, mentions 1,567 people of whom 808 people did not live in Amsterdam. (The 25 people already in transit camp Westerbork were not included). Moreover, a look at all the official exemption lists of 1942 shows that only a small majority of 52% of the people lived in Amsterdam at the moment of applying for the Calmeyer procedure. The other petitioners, 47% of the applicants, did not live in Amsterdam. To conclude one could argue that the revision procedure, contrary to possible other exemption options, was not limited to the people living in Amsterdam. This could partially explain why the descent procedure does not account for an overall low survival rate. Living in the countryside, for instance, could have created more evading options for the petitioners who received a rejection from the Entscheidungsstelle.

PLACE OF RESIDENT OF PETITIONERS ON THE OFFICIAL EXEMPTION LISTS (1942)



1=1,131 people living in Amsterdam (52%), 2=1,031 people not living in Amsterdam, (47%), 3= people already in camp Westerbork (1%).

4.5 Conclusion

My research has estimated that by extrapolation at least 12,000 people are likely to be represented in the Calmeyer petitions archive at the CBG. Almost one-third (29%) of the dossiers are considered so-called ‘remnant cases’ and they are not directly related to a petition dossier. A majority of these cases seemed initiated by the Dutch Inspectorate of registries and represent ‘newly discovered’ Jewish people. Other people represented in this category contacted the Inspectorate of registries because of their sincere or ‘calculated’ confusion of the Jewish registration. These people theoretically did not deal with the Entscheidungsstelle, unless they opted for a revision or possible confirmation of the GI or GII status. Further research could estimate the survival rate of the ‘newly discovered’ cases. Therewith implicitly including the responsibility of the Dutch Inspectorate for the possible death of these ‘newly discovered’ people. In my view, the Dutch Inspectorate of the registries did nothing more than ‘Jew hunting.’

Research of the CBG and NIOD petitions archives presents a survival rate of 71% of the people. A survival rate of 76% was even determined in the case of the official exemption lists created by the Entscheidungsstelle in 1942. While the decision making of the Entscheidungsstelle is estimated in this research at a life saving result of 62%. This last percentage represents the positive decisions made by the Entscheidungsstelle and concerned people who were either registered Jewish or half-Jewish in 1941. Furthermore people who were in a ‘mixed’ marriage and who were declined by the Entscheidungsstelle are included in the percentage. A percentage of 72 is established if the Jews of Portuguese ancestry, who were declined by the Entscheidungsstelle, are also included. This percentage is of relevance to evaluate the decision making of the Entscheidungsstelle. In hindsight this percentage is not regarded as life saving since most Portuguese Jews did not

survive the Holocaust.

The one question that remains to be answered is the reason for deviation between the life saving decisions of the Entscheidungsstelle, 62% and the 71%-76% overall survival rate. Despite the fact that the Jewish petitioners in a 'mixed' marriage are already included in the percentage there still remains a gap. As referred to earlier in this thesis, time and determination must have been decisive factors here. Over time the awareness of the people grew. In fact the longer the procedure took the more one should have been aware of the urgency to find a hiding place. My research found evidence that the petitioners did decide to go into hiding. Not only the Shoah interviewees indicated their physical hiding, the Jewish Council cards also indicated hiding. Another reason that might explain the deviation could be related to the place of residence. My research shows that only half of the people who petitioned their descent lived in Amsterdam. The countryside seemingly offered more options to evade persecution.

Last but not least the high survival rate contradicts the theory of historians Ron Zeller and Pim Griffioen, who related the system of exemptions to the low survival rate of Jews in the Netherlands. Apparently this was not true for the Calmeyer exemption list. The relative chances of survival through legal evasion appeared to be even higher than physical evasion.

CONCLUSION

In his dissertation, historian Coen Stuldreher argued that the search for 'foreign' blood should be considered laughable if only this search was not followed up by persecution. To establish the sufficient amount of 'German blood' in Nazi Germany, 'Jewish blood' was measured in full, half-, and quarters and legally formalized in the regulation 'zum reichsbürgergesetz'. Basically the regulation would define who would qualify as a German citizen and who would drop out due to too much 'Jewish blood.' The regulation became effective November 14, 1935. Together with the "Blutschutzgesetz" of September 1935, prohibiting sexual relations and marriage between Jews and Germans, it formed the infamous Nuremberg laws. Proof of Jewishness was based on the number of Jewish grandparents and membership of the Jewish religious community, similar to the later requirements in the Netherlands. [\[247\]](#)

Discrepancy with the Nazi-German 'legal' situation explains to a certain extent the variety in chances of survival of the people who decided to contest their Jewish descent. The revision of the Jewish status was practically impossible in Germany, whereas the likelihood to get a revision of the Jewish descent seemed reasonable in the Netherlands. More importantly, the overall chance to evade the Holocaust seemed realistic in the Dutch situation.

One of the reasons was that already in the spring of 1941, Calmeyer advised his superiors in order to end the confusion and unnecessary Jewish registration it would be wise to create the opportunity to bring forward irrefutable proof. Based on the primary sources, the assumption that Calmeyer meant well as Head of the Entscheidungsstelle seems appropriate. Moreover, the accounts of Nijgh and Van Proosdij showed that although Calmeyer did not actively participate in the fraud, he was aware of it,

tolerated it and he would even refer potential petitioners to the lawyers. Calmeyer's positive attitude was in particular present in the first years of the occupation.

This research has estimated that Calmeyer's intention to save people seems realistic in 72 percent of the revision and positive confirmation cases. The fact that Calmeyer was not able to save the Portuguese Jews, who are included in this number, only illustrates his limited influence within the Nazi system. Although Calmeyer was rewarded posthumously with the Righteous Amongst the Nations award in 1992, he never ended up being celebrated in the Netherlands. The fact that he turned people down, thereby sending many people to their death will probably prevent this from happening. After the war Calmeyer argued that he had limited himself to decisions that would hold against possible revision. "The only way to rescue some was to endanger the lives of others."^[248] My conclusion with respect to Calmeyer and the coworkers of the Entscheidungsstelle is that their attitude has undoubtable contributed to the high survival rate of the petitioners.

The Jewish petitioners perceived the Entscheidungsstelle positively after the war in the Netherlands. This research has shown that the petitioners did take an active and determined role in their own fate. They had to overcome the shame of their own Jewish community. They had to be creative with respect to their deception story and find the resources and contacts. Last but not least they needed to have the necessary guts. Due to the spot on the Calmeyer list, the petitioners became over time more aware of the urgency of the situation. The feeling of confidence originally caused by the list was transformed into a sense of urgency to evade. Ultimately, the anti Semitic developments that occurred made several survivors decide to go into hiding. In other words, they survived by not entirely trusting on their presence on the list. Moreover, the testimonies show that there were Dutch people who were

willing to help Jews to evade deportation. Some came forward as a legal parent, others provided financial means, whereas some decided to help on the basis of their expertise.

The accounts of lawyers Nijgh and Van Proosdij illustrate how their legal background was being ‘used’ in the deception plot to deny Jewish descent. The other lawyer who was also intensively involved in the descent procedure, Nino Kotting, explained after the war in answer to the question as to why ethical norms needed to be exceeded, that in the absence of a decent community, holding onto honor and dignity seemed rather foolish. Moreover, it was ridiculous to assume that the position of Jews was damaged by the fact that a few people tried to evade their fate by contesting their ‘Jewish’ qualification while the occupier was determined to annihilate the Jewish community. ^[249] The fact that the three lawyers did not have any reservations in exceeding ethical norms, contributed not only to the positive decision making climate within the Entscheidungsstelle, but also to the overall high survival rate of petitioners. Although not every dossier in the CBG archive was allocated with an attorney, we know from their accounts that the continuity and intensity of their descent work must have contributed to a large extent to the survival of the petitioning Jewish people.

This research suggests that at least 6,840 people might have applied for a revision of their case. Extrapolation moreover, suggests that 5,472 people were registered as Jewish in 1941 and 1,368 people originally registered with the GI or GII status or assumed to have the GI or GII status. The number of 5,472 people approaches the number that was originally mentioned by the last commander of the Sicherheitspolizei and the Sicherheitsdienst in the Netherlands, who referred to 5,700 people. The percentage of people on the Calmeyer list who ultimately survived the Holocaust turned out to be relatively high and ranges between 71 and 76

percent. The introduction of this thesis explained how the Jews in the Netherlands were basically left with few options other than to evade deportation by getting an exemption. Historians Pim Griffioen and Ron Zeller argued that the people focussed for too long on getting any kind of exemption rather than to decide to go into hiding. They contributed the low survival rate to the existence of these exemption lists. ^[250] This research has demonstrated that the argument of Griffioen and Zeller does not hold with respect to the Calmeyer procedure. The discrepancy between life saving decision making (62%) and the ultimate survival rate (72%-76%) underlines the sense of urgency that must have been felt by the petitioners over time.

The end result of legal evasion through contesting Jewish descent, 2% of the overall survival rate seems marginal. For the people, however, who decided to take control of their own fate and that of their loved ones through legal evasion, the overall conclusion must be that it was ultimately beneficial to overcome the shame and the unknown risks.

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Philip Nijgh, son of Martien Nijgh, was willing to meet with me, although he warned me upfront about his limited knowledge of his father’s involvement in the war. The meeting not only turned out to be very useful, Philip also showed me his father’s ‘Righteous amongst the Nations Award’.

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Marie Cleeff-Fernandez, No. 15144

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Marcel Frey, No. 04611

Lodewijk Houthakker, No. 28233

Renee Kotting, No. 13085

Philip Izak de Leeuwe, No. 07115

Jacob Lobatto, No. 12662

Jaap van Meekren, No. 2528

Jaap van Proosdij, No. 45079

Elsa Rodrigues Pereira, No. 05449

Freddy Roetggen, No. 00858

Yvonne Samuels, No. 29132

Sophie Souget-Blindeman, No.08822

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- [96] Survivors of the Shoah interview, Marcel Frey, (1923), September 1995, no. 04611,

JHM Amsterdam.

[97] Survivors of the Shoah interview Marcel Frey, (1923), September 1995, no. 04611, JHM Amsterdam.

[98] Nationaal Archief The Hague, IND (5.023.5028) inventory number 2625, Hans Georg Calmeyer: written testimony Calmeyer, April 15 1946, and pro Calmeyer statements, statement Van Praag, September 18, 1945: Lawyer Van Praag testified how Calmeyer gave the name of a lawyer who could help in the creation of descent fraud without referring to it as deception.

[99] Survivors of the Shoah interview, Philip, Izak de Leeuwe (1919), December 1995, no. 07115, JHM Amsterdam.

[100] Survivors of the Shoah interview, Jacob Lobatto (1925), March 1996, no. 12662, JHM Amsterdam.

[101] Survivors of the Shoah interview Marie Cleeff-Fernandez (1923), May 1996, no. 15144, JHM Amsterdam.

[102] Cases from petitioners from the Dutch colonies of Suriname and the Dutch Indies were hard to trace. However, the Dutch SS man, Ten Cate managed to trace some of these petitioners regardlessly.

[103] Survivors of the Shoah interview Marie Cleeff-Fernandez (1923), May 1996, no. 15144, JHM Amsterdam.

[104] Conversation Ruth van Galen-Herrmann, February 1, 2012.

[105] Survivors of the Shoah interview, Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij, May 2004, USHMM, RG-50.570. 0001.01.03.

[106] Survivors of the Shoah interview, Suzanne Thaler (1937), June 1996, no. 15988, JHM Amsterdam.

[107] Survivors of the Shoah, interview Yvonne Samuels (1941) March 1997, no. 29132, JHM Amsterdam.

[108] Survivors of the Shoah interview Stephanie Cohen Weinbaum (1934) July 1996, no. 18101, JHM Amsterdam.

[109] Survivors of the Shoah interview, Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij, May 2004, USHMM, RG-50.570. 0001.01.03.

[110] Kotting gave an example of isolation when confronted with fraud by Ten Cate. Kotting claimed that he only saw a copy and was not aware of any forgery: Survivors of

the Shoah interview, Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij, May 2004, USHMM, RG-50.570. 0001.01.03.

[111] Interview Adriaan van As (1919), RG-50.570*0005.02.05, USHMM, July 19, 2004. Van As worked in camp Westerbork while being a member of the Dutch resistance. Van As received the Righteous Amongst the Nations award, in 1991.

[112] Survivors of the Shoah, interview Hanna Strauss-Ricardo (1916), June 1996, no. 16222, JHM Amsterdam.

[113] Testimony Teutscher, NIOD doc. II Joden-Afstammingsonderzoek Box 2/1005, not dated.

[114] Mr. Benno Stokvis, *Advocaat in bezettingstijd*, p. 11.

[115] Survivors of the Shoah interview, Norbert Buschbaum (1925), February 1996, no. 08912, JHM Amsterdam.

[116] Survivors of the Shoah interview, Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij, May 2004, USHMM, RG-50.570. 0001.01.03.

[117] Survivors of the Shoah interview Stephanie Cohen Weinbaum (1934), July 1996, no. 18101, JHM Amsterdam.

[118] Geraldien Von Frijrag Drabbe Künzel, *Het Geval Calmeyer*, p. 153.

[119] Survivors of the Shoah interview Philip Vlessing, (1929), October 1996, no. 2158, JHM Amsterdam.

[120] Survivors of the Shoah interview Nortbert Buschbaum (1925), February 1996, no. 08912, JHM, Amsterdam.

[121] Bob Moore, *Victims and Survivors*, p. 136.

[122] Survivors of the Shoah interview Lodewijk Houthakker (1926), February 1997, no. 28223, JHM Amsterdam.

[123] Bob Moore, *Victims and Survivors*, p. 132.

[124] Survivors of the Shoah interview Freddie Roetggen (1916), May 1995, no. 00858, JHM Amsterdam.

[125] Survivors of the Shoah interview, Jaap van Meekren (1923-1997), no 2528 JHM Amsterdam.

[126] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam.

- [127] Mr. Benno Stokvis, *Advocaat in bezettingstijd*, p.13.
- [128] Joggli Meihuizen, *Smalle Marges*, De Nederlandse advocatuur in de Tweede Wereldoorlog, Boom, Amsterdam, 2010, p. 240.
- [129] Faber, G. *Het winnende lot is...* Doctoraal scriptie Universiteit van Leiden, p. 20.
- [130] Calmeyer petition archive, CBG The Hague. Boxes 1-23; Faber selected for her research dossiers that mentioned the name of the attorney. Therewith the research was not at random.
- [131] Nijgh archival record The Hague, 780, Box 368.
- [132] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam.
- [133] Martien Nijgh received the ‘Righteous Amongst the Nations award’ in 1992, Jaap van Proosdij received the award in 1997 and Nino Kotting, posthumously in 2006.
- [134] Mr. Benno Stokvis, *Advocaat in bezettingstijd*, p. 13.
- [135] Joggli Meihuizen, *Smalle Marges*, p. 113.
- [136] Geraldien von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, p.146.
- [137] Nationaal Archief The Hague, IND (5.023.5028) inventory number 2625 Hans Georg Calmeyer, pro Calmeyer statements, written testimony Nijgh, mentioning Dutch lawyers willing to give a positive testimony, September 18, 1945.
- [138] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam.
- [139] Nijgh archival record The Hague, 780, Box 150, dossier Helene Stern.
- [140] Interview Jaap van Proosdij 2004, USHMM, RG-50.570.0001.01.03.
- [141] Nijgh archival record The Hague, 780, Box 150, dossier Helene Stern, Survivors of the Shoah interview, Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij, May 2004, USHMM, RG-50.570. 0001.01.03.
- [142] Nationaal Archief The Hague, IND (5.023.5028) inventory number 2625 Hans Georg Calmeyer, contra Calmeyer statements, written testimony Calmeyer, April 15, 1946.
- [143] At least four interviewees mention this amount; Survivors of the Shoah interviews, Jaap van Proosdij (45079), Vlessing (21581), Souget-Blindeman (08822), Cohen-Weinbaum (18101).
- [144] It is safe to conclude that Calmeyer himself did not receive any financial

compensation from petitioners or people related to the process. However, Von Frijtag Drabbe Künzel, illustrated that Calmeyer knew about the fee that was being charged by Weinert. In his letter to Calmeyer, Weinert would refer to one thousand marks for one consultation, six times the amount that was charged in Germany, and in the case of four consultations during one visit, only five hundred marks needed to be paid. Ultimately a fixed price of seven hundred fifty guilders was set. In other words, due to the inclusion of Weinert in the process, money was needed in the formal procedure to petition someone's descent; Geraldien Von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, p. 153. Weinert was not always available. On such an occasion the Dutch anthropologists De Froe and Ariens Kappers replaced him. In his testimony after the war, De Froe explained that people were charged for his services. This money was used to help others who did not have the necessary financial resources; Testimony De Froe, NIOD, doc. II Jodenafstammingsonderzoek Box 2/1005, not dated.

[145] Geraldien Von Frijtag Drabbe Künzel, *Het geval Calmeyer*, p.153.

[146] Mr. Benno Stokvis, *Advocaat in bezettingstijd*, p. 49.

[147] Joggli Meihuizen, *Smalle Marges*, p. 118; Kotting was, for instance, involved in the falsification of Calmeyer's signature. This was in the petition of Elsa Jessurun d'Oliveira. This case turned out to be very risky for many reasons. Elsa was a friend of Kotting and Van Proosdij and needed to be rescued at all costs. Kotting discussed three dossiers with Calmeyer and would afterwards hand over four dossiers to the secretaries to settle. The fourth dossier carried the falsified signature. From Van Proosdij's testimony can be concluded that this approach was rather exceptional. Interview Jaap van Proosdij 2004, USHMM, RG-50.570.0001.01.03.

[148] Survivors of the Shoah interview, Renee Kotting (1913), March 1996, no. 13085, JHM Amsterdam.

[149] Interview Jaap van Proosdij, May 2 2004, RG-50.570. 0001.01.03, USHMM.

[150] Survivors of the Shoah interview, Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam.

[151] Notes interview Presser with Jaap van Proosdij, 1955, NIOD, doc. II, Jodenafstammingsonderzoek, number 249/ inventory 1005.

[152] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij May 2, 2004, RG-50.570.0001.01.03; USHMM.

[153] The original list consisted of one thousand names and was drafted by Nijgh at the request of Calmeyer. By creating a separate list, Calmeyer was able to remove the Portuguese Jews from the Calmeyer list to the Portuguese list. Nijgh, was an expert in Portuguese Jewish genealogy, Geraldien von Frijtag Drabbe Künzel, *Het Geval Calmeyer*,

p. 137.

[154] Geraldien von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, p.134.

[155] *Ibid.* p. 134.

[156] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij May 2, 2004, RG-50.570.0001.01.03, USHMM.

[157] Survivors of the Shoah interview, Philip Vlessing (1929), October 1996, no. 21581, JHM Amsterdam; Interview Heni Vles (1916), RG-50.570*0026 USHMM, July, 12, 2005.

[158] Survivors of the Shoah interview, Renee Kotting (1913), March 1996, no. 13085, JHM Amsterdam.

[159] Gemmeker and Aus der Funten, requested Calmeyer to ‘Aryanise’ two Hungarian tailors, living in Westerbork, Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam; Interview Jaap van Proosdij May 2004, RG-50.570. 0001.01.03, USHMM.

[160] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam.

[161] Nationaal Archief Den Haag, IND (5.023.5028), inventory no. 2625 Hans Georg Calmeyer, written testimony Calmeyer, April 15, 1946.

[162] Oral statement made by Van Proosdij to Joggli Meihuizen in June 2010. Meihuizen interviewed J.van Proosdij, for his book *Smalle Marges*, 2010 Amsterdam.

[163] Moreover, Ten Cate started to make copies of twenty thousand registration forms of people who had registered with only one or two Jewish grandparents. Jews of Surinamese descent who, due to lack of information regarded themselves safe were jeopardized by Ten Cate when he retrieved an old register of Surinamese Jews. Ten Cate even found Jewish registers dated from Napoleon time, of 1811. He consulted religious registers with baptism information, old registers, and old notary statements. Ten Cate also read history books about Jews in the Dutch Indies. He even found old newspapers from Suriname and the Dutch Indies in which he could retrieve Jewish traces in the small advertisements. With the help of twenty associates, Ten Cate was able to create three hundred thousand documents. This happened already in 1941; Dr. L. De Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Volume 5, Part I, pp. 514-515.

[164] Testimony Van Proosdij, Nationaal Archief, PV 1943 Ag. 418/6 4 January 1946

[165] Von Frijtag used Calmeyer’s potential desire to aim for legal consistency with the German Nuremberg laws as one of the main arguments to portray Calmeyer as a functional perpetrator; Geraldien von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, pp. 9-16, and 261-

272. Van Galen-Herrmann, *Calmeyer dader of mensenredder?*, pp. 45-50.

[166] Oral statement made by Van Proosdij to Joggli Meihuizen, June 2010; Dr. L. De Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Volume 7, Part I, p. 365.

[167] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam.

[168] Survivors of the Shoah interview Jaap van Proosdij (1921-2011), December 1998, no. 45079, JHM Amsterdam.

[169] Mr. Y.H.M. Nijgh, "Genealogie gedurende de bezetting," p. 234; Nationaal Archief The Hague, IND (5.023.5028) inventory number 2625, Hans Georg Calmeyer: pro Calmeyer statements, statement Nijgh, September 18, 1945.

[170] Conversation with Philip Nijgh, April 17, 2012.

[171] Nijgh archival record The Hague, 780.

[172] Mr. Y.H.M. Nijgh, "Genealogie gedurende de bezetting," p. 219.

[173] Ibid. p. 222.

[174] Nijgh archival record The Hague, 780, Box 176.

[175] Nijgh archival record The Hague, 780, box 148.

[176] Ibid. Box 45210.

[177] Mr. Y.H. M. Nijgh, "Genealogy gedurende de bezetting," p. 228.

[178] Nijgh archival record The Hague, 780, Box 368; letter Nijgh to Calmeyer, August 5, 1943.

[179] Ibid Box 150.

[180] Calmeyer petitions archive, CBG The Hague, Box 109, Case of Karl Lindner. Jewish Council and CEC databases, Dutch Red Cross The Hague.

[181] Nijgh archival record The Hague, 780, Box 150, dossier Ludwig Sloederum.

[182] Ibid. Box 150 Case Erika Rottgen and Mister Lichtenstein.

[183] Ibid. Box 150 Case Jacqueline Stibbe, and case Mrs. C. van der Heyden-Spanjaard.

[184] Ibid. Box 150 Case Mr. Olman.

[185] Nijgh archival record The Hague, 780, Box 135.

- [186] Ibid. Box 270; Case Stibbe.
- [187] Ibid. Box 150; Case Mr. Nemeth.
- [188] Nijgh archival record The Hague, 780, Box 150; A check in the Jewish Council Archive, after the war shows that another lawyer must have decided to accept the request. The card of Gisela Deutz-Ratz carries the '30.000' number and Gisela did survive the war.
- [189] Geraldien von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, pp. 148-149.
- [190] The Nijgh archival record 780, basically consists of client dossiers. From all the boxes that were looked at only a few dossiers were related to other legal issues than descent petitions.
- [191] Nijgh archival record The Hague, 780, Box 135.
- [192] Nijgh archival record The Hague, 780, Box 148.
- [193] Ibid. Box 148, Case Mrs. Van Dongen-Leyden van Amstel.
- [194] Ibid. Box 150; copy letter Kotting to Nijgh.
- [195] All formal requests in the Nijgh archival record are in Dutch, contrary to 99% of the requests in the CBG petitions archive. Applications in the latter case are in German. Calmeyer petitions archive, CBG The Hague and copies at the Nijgh archival record, The Hague 780, Boxes 148 and 150.
- [196] Geraldien von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, p. 313, footnote 70.
- [197] Ibid. p. 213.
- [198] Nijgh archival record The Hague, 780, Box 368, letter March 1, 1944 and Box 148, example dossier Maria Pijpeman, in which Nijgh compared to the German 'legal' situation.
- [199] Ibid. Box 150.
- [200] Ibid. Box 368; letter Nijgh to De Vries, October 1943.
- [201] Ibid. Box 149.
- [202] Ibid. Box 148.
- [203] Ibid. Box 148 see letter from Mrs. Moll to Mrs. De Vries Robles, October 1943.
- [204] Ibid. Box 368; letter De Waard to Nijgh, June, 25, 1945.
- [205] Ibid. Box 190; case Mrs. Klein, Nijgh reassured the woman.
- [206] Ibid. Box 175; case of Mrs. Janssen-Zwanensteijn. With the help of the Jewish

Council, Nijgh made an effort to get a nurse job for Jetje Cohen in Westerbork in June 1943, Nijgh archival record The Hague, 780, Box 150.

[207] Mr. Y.H.M. Nijgh, *Genaologie gedurende de bezetting*, p. 229.

[208] The archival dossier shows how the girl and her mother were rescued while both were already in Westerbork. With the help of the Italian embassy, mother and daughter received Italian nationality and could leave in freedom. Nijgh archival record The Hague, 780, Box 148.

[209] Mr. Y.H.M. Nijgh, “Genealogie gedurende de bezetting.” p. 234.

[210] *Ibid.* pp. 226-227.

[211] RAF bombardment aimed at the destruction of the dossiers present Inspectorate of the Registries. April 11, 1944.

[212] Ruth van Galen-Herrmann, *Calmeyer dader of mensenredder?* pp.106 -120.

[213] Without substantiating his argument, Stuldreher, decided to disregard the number presented by Schönhgarth. Instead Stuldreher, decided to use the official lists made by the Entscheidungsstelle; Coen Stuldreher, *De Legale Rest*, p. 217.

[214] Ruth van Galen-Herrmann, *Calmeyer dader of mensenredder?* pp. 106 – 107.

[215] Dr. L. de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Volume 6, Part I, pp. 296-297.

[216] Calmeyer petitions archive, CBG, The Hague, Box 146.

[217] NIOD archive no. 77 inventory no. 1429, Generalkommissariat für Verwaltung und Justiz, no. 20 documents 1535-1540 ‘*Stukken betreffende behandeling van verzoeken van joden om VO 6/41 niet op hen van toepassing te verklaren.*’

[218] Salomo left the Netherlands on a punishment transport in April 1944. Calmeyer petitions archive, CBG The Hague, Box 4. Salomo Aptroot, January 16, 1886, Jewish Council and CEC databases, Dutch Red Cross, The Hague.

[219] Calmeyer petitions archive, CBG, The Hague, Box 4.

[220] Calmeyer petitions archive, CBG The Hague, Box 8 and Jewish Council and CEC databases, Dutch Red Cross, The Hague.

[221] *Ibid.* Box 14; Jewish Council and CEC databases, Dutch Red Cross, The Hague.

[222] Dr. L. De Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Volume 5, Part I, p. 504.

[223] Despite the efforts of Calmeyer and lawyers such as Nijgh and Kotting the

Portuguese Jews were considered Jewish by the Sicherheitsdienst.

[224] Chapter 2, paragraph ‘Confidence’ created by the Calmeyer list: Calmeyer’s response in the Frey case.

[225] Geraldien Von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, p.83.

[226] Dr. L. De Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Volume 6, Part I, p. 296.

[227] The number of 3,427 approaches the number mentioned by the Sicherheitspolizei in 1944 and the number mentioned by Mr. Wolters of the Dutch Inspectorate in a letter to Calmeyer: 3,465; Geraldien Von Frijtag Drabbe Künzel, *Het Geval Calmeyer*, p. 142.

[228] Conversation with Ruth van Galen-Herrmann, February 1, 2012, Survivor of the Shoah interview Marie Cleeff-Fernandez (1923), May 1996, no. 15144, JHM Amsterdam.

[229] Faber, G. *Het Winnende lot is*. pp. 39-40.

[230] Calmeyer refused for instance to consider the case of Mrs. Burgers. The application of August 1943 turned out to be too late. This decision had no consequences since Mrs. Burgers was ‘mixed’ married; Nijgh Archival record, The Hague, 780, Box 148.

[231] NIOD archive: access no. 077, inventory no.1429: ‘*Staten, de zogenaamde Calmeyer lijsten, met opgave van personen van “joodsche bloede”, wier genealogische afstamming op grond van eigen verzoek of op grond van voordrachten van ambtelijke Duitse instanties bij de Generalkommissar fur Verwaltung und Justiz nog in onderzoek is, en op grond daarvan voor een Sperr-stempel, het 30.000 stempel, in aanmerking kan komen, 1942-1943.*’

[232] Dr. L. De Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Volume 6, Part I, p. 296.

[233] Calmeyer petitions archive, CBG, The Hague, Box 3.

[234] NIOD archive: access no. 077, inventory no.1429: ‘*Staten, de zogenaamde Calmeyer lijsten, met opgave van personen van “joodsche bloede”, wier genealogische afstamming op grond van eigen verzoek of op grond van voordrachten van ambtelijke Duitse instanties bij de Generalkommissar fur Verwaltung und Justiz nog in onderzoek is, en op grond daarvan voor een Sperr-stempel, het 30.000 stempel, in aanmerking kan komen, 1942-1943.*’

[235] Van Proosdij was forced to divide the list into halves. As a result halve of the people on the Calmeyer list were transported to the East.

[236] The Jewish Council database and CEC database, Dutch Red Cross, The Hague.

[237] Henricus Anrochte was considered GII, and Peter F. Grunstein and Otto Herlitsschek were considered GI, but all three men were not mentioned in the registers. Bertha Angerbauer, on the other hand, registered as half-Jewish and is present in the registers. Bertha received also the GI status. Calmeyer petitions archive CBG, The Hague, Box 4; NIOD archive: access no. 077, inventory no.1429.

[238] www.joodsmonument.nl

[239] Chapter 2, paragraph: ‘Confidence created by the Calmeyer list.’

[240] Calmeyer petitions archive, CBG, The Hague, Box 2.

[241] Chapter 2, paragraph ‘Confidence created by the Calmeyer list.’

[242] Community of Aalten exhibition, *Calmeyer in den Nederlanden, Jodenredder in Duitse dienst*, February 18, 2012 to July 1, 2012.

[243] Gunnar S. Paulsson, “Evading the Holocaust, the unexplored continent of Holocaust historiography,” in John K.Roth and Elisabeth Maxwell, eds., *Remembering for the Future: The Holocaust in an Age of Genocide*, vol. 1: History (Houndmills, Basingstoke, 2001), 302-318, p. 314.

[244] Jan Willem Griffioen and Ronald Zeller, *Vergelijking van Jodenvervolging in Frankrijk, België en Nederland, 1940-1945, overeenkomsten, verschillen, oorzaken*, dissertation Amsterdam 2008, p. 601.

[245] Historians Tammes and Croes argue that temporary exemptions only could have been influential in Amsterdam, since few exemptions existed outside of the city; Marnix Croes, “The Holocaust in the Netherlands and the Rate of Jewish Survival,” *Holocaust and Genocide Studies*, V20 N3, Winter 2006, p.487.

[246] Marnix Croes, “The Holocaust in the Netherlands and the Rate of Jewish Survival,” p. 487.

[247] Coen Stuldreher, *De Legale Rest*, pp.111-112.

[248] Nationaal Archief The Hague, IND (5.023.5028) inventory number 2625, Hans Georg Calmeyer: written testimony Calmeyer, April 15 1946.

[249] Dr. J.Presser, *Ondergang, de vervolging en verdelging van het Nederlandse Jodendom 1940-1945, Part II*. p. 51.

[250] Jan Willem Griffioen and Ronald Zeller, *Vergelijking van Jodenvervolging in Frankrijk, België en Nederland, 1940-1945, overeenkomsten, verschillen, oorzaken*, dissertation Amsterdam 2008, p. 601.