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From Tree Of Hope To Symbol Of Rancor

By SALLY McGRANE

AMSTERDAM — From the window in the attic of her family's hiding place in Amsterdam, Anne Frank could see the crown of an old chestnut tree growing in a neighbor's garden. For two years, it was her only contact with nature.

The tree is gone now, having fallen during a storm in August, but its memory lives on — not in the diary but in a nasty dispute over its remains.

Board members of the Support Anne Frank Tree foundation, the group responsible for the tree, are incensed with the contractor they hired to build a metal brace meant to extend the sick tree's life. They accuse him of botching the job and killing the tree, and then stealing the tree's remains and leaving them to rot instead of distributing them to the Jewish museums and other institutions around the world that would like to have them. Perhaps inevitably, given the context and the hard feelings the matter has stirred, they have also accused him of acting like a Nazi.

The tree, which was more than 150 years old and suffering from a fungal infection, was supposed to be felled several years ago. But a group of neighbors and arborists protested the city's decision.

"This tree was a monument of hope," said Helga Fassbinder, a member of the foundation board and a retired university professor whose house overlooked the tree. In 2008, the foundation assumed responsibility for the tree, which experts said could live another 5 to 15 years with the aid of a metal support.

Arnold Heertje, a board member, prominent Dutch economist and public figure known for his polemic stances, asked a local contractor, Rob van der Leij, to build the metal structure, which had been designed by a third party. Mr. Heertje, who is Jewish, survived the Nazi occupation of the Netherlands as a child in hiding.



HERMAN WOUTERS FOR THE NEW YORK TIMES

The chestnut tree Anne Frank could see from an attic collapsed in August, despite being supported by a metal brace.

The structure, which cost about \$170,000 to build, was finished in April 2008. As both sides agree, Mr. Van der Leij and his subcontractors donated around \$120,000 of the cost. When presented with the bill, the foundation could only cover about half of the remaining \$50,000, so Mr. Van der Leij offered the rest as an interest-free loan, and the foundation asked him to join the board.

Then, on Aug. 23, the 70-foot tree fell.

An emergency board meeting was held that afternoon at a cafe across from Ms. Fassbinder's house. Here, the stories diverge. Ms. Fassbinder said that Mr. Van der Leij knew immediately that the structure's failure was his fault, and that he wanted to remove the evidence as quickly as possible. (An analysis commissioned by Generali Non-Life in the Netherlands, which had donated the foundation's insurance coverage, did not conclude that Mr. Van der Leij was at fault.)

Mr. Van der Leij said that when the tree fell, he called Generali and was told the plan would most likely not cover damage the falling tree had done to neighboring property. Removal was not covered. At the cafe, he alerted the other board members and sug-

gested that they split the costs among themselves if necessary. He said Ms. Fassbinder initially refused, saying she was already paying for the foundation's postage.

By the end of the meeting, according to Mr. Van der Leij and the members present agreed that he would remove the tree. But once the 30-ton tree was cleared away, Mr. Van der Leij received a letter saying the removal had never been ordered. "That was when my trust was broken," he said.

Things went downhill from there. Mr. Van der Leij called another meeting to protest, and said that Mr. Heertje, who was not present at the previous meeting, reacted angrily, drawing comparisons to Auschwitz and the gas chambers. In a private meeting, he said, Mr. Heertje warned him to drop the issue and threatened to make use of his contacts in the news media. Mr. Heertje denies both claims.

In December, Mr. Van der Leij's lawyer sent the foundation a letter regarding payment for the tree's removal costs, which Generali had decided to donate. A few days later, the contractor received a fax from Mr. Heertje, copied to "other interested par-

ties" and later quoted in the daily newspaper *de Volkskrant*, saying that Mr. Van der Leij was "like many who, in the footsteps of the destruction of millions of Jews, took their possessions." Mr. Heertje also likened the lawyer's letter to Nazi commands.

In response, Mr. Van der Leij filed a libel suit. Last month, he also sued the foundation to collect all outstanding debts, nearly \$50,000.

Sitting beneath a framed portrait of Nelson Mandela (a gift from Mr. Mandela for building houses for the poor in South Africa) in his office in Amsterdam, Mr. Van der Leij shook his head. "There are only losers in this story," said the contractor, whose company specializes in renovating public housing units. "But I feel my integrity is at stake."

"I don't care about the money," said Mr. Van der Leij, who said that if he wins, he will donate the proceeds to charity. "They signed an agreement in 2007, they said, 'Yes, we have the money, we know what we are doing.' But there was no money, there was not adequate insurance and the board members were responsible."

"Now they are saying I'm a bad guy and I am stealing Jewish

cultural heritage. It is a failure of morality."

Under Dutch law, Mr. Van der Leij has the right to keep the tree until he is paid, but he has offered pieces of the tree to institutions selected by the foundation.

Wood from special trees is typically reused in symbolic ways. But Mr. Van der Leij said that if he were to release the tree now, its fate would be unclear. The foundation admits it cannot afford to pay for storage, transportation or cutting. They name Jewish museums in Berlin, New York and Amsterdam as potential recipients, but officials for the New York and Berlin museums said neither would include the tree in their collections. In the Dutch news media, the foundation said DHL would provide free shipping. But DHL said there were no concrete plans, and shipping might be free or offered at a reduced cost.

So for now, the tree is on the site of Mr. Van der Leij's construction company. He denies accusations that his storage is subpar, saying his approach has been approved by a tree expert.

"It's the Anne Frank tree," Mr. Van der Leij said. "This is our responsibility, to do a good job with this."