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The 71-Year Quest for Restitution of Stolen Properties in Poland: Engelman and Szafran Family Properties

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EDNA KAPLAN

I. INTRODUCTION

In 1946, my father, Symcha Engelman, returned to his native Poland after six years of brutal incarceration during World War II. He soon learned that of a large immediate family of 160 people, which included nine siblings, only he and his sister Lena Engelman Zarnowitz had returned alive.

I am going to tell you about our family history, about our properties, and about our ongoing and still futile quest for restitution.

Our history will be helpful in understanding the injustices my family endured *after* World War II. I repeat, *after the war*, and at the hands of Poles. It was 1946. The Germans were gone, the Polish government had returned from exile, and the Communists had not yet taken the reins of government.

These injustices forced my father, Symcha Engelman, to leave Poland forever, and deprived us of our heritage and properties to this day—more than seventy years later.

So let me tell you about my family, the Engelmanns and the Szafrans, two wealthy, patriotic, and philanthropic Polish-Jewish families with an illustrious history in Poland, for which they were well known.

II. FAMILY HISTORY

Our roots in Poland go back more than 500 years. In those years, the Engelmanns made many contributions to Polish society, Polish culture, and Polish prosperity, as detailed in my father's memoir.

My father, Symcha Engelmann, could trace the family back to the mid-fifteenth century. How did my father know that? In part from *Yiches* letters, which he had read while living with his grandfather, Aron Engelmann, in Warsaw as a student. *Yiches* letters were letters passed down from generation to generation detailing the family pedigree—and in my family's case, also their philanthropy. The expectation was that if and when these letters were passed down to you, you were obligated to continue the family legacy, which for our family was one of extreme generosity, kindness to all, and patriotism.

The *Yiches* letters didn't survive the war but my father had an excellent memory, bordering on photographic. He told us countless stories about his family and about his life in Poland before and immediately after World War II. He also recorded his memoir for us and for posterity, in more than thirty hours of audio and videotapes.

Other information was obtained from letters, books, and from corroborating information posted online by Polish historians. No doubt further exploration of Polish history texts would shed additional light on our family history.

These are some highlights of the last 150 years of history, which are included because they are relevant to our quest for restitution.

III. THE ENGELMAN FAMILY

The Engelmann family was very well known in Poland. They weren't just well known in the Jewish community. They were prominent nationally, primarily for their patriotism, and for their generosity to all Poles.

Let us start with my great grandfather, Aron Engelmann, who was born in the early 1830s. There is good reason why a street in Blonie, Poland is named in his honor: Ulica Arona Engelmana. It is still there today, as Google Maps shows.

In recognition of his service and help to the Polish government and army, the Polish Government awarded Aron with its highest military and civilian honors, the *Virtuti Militari* and *Odrodzenia Polski*, among many others. He was named Patriot of Poland. He was entitled to a government pension for these honors, which, with his emblematic generosity, he refused. He wore his many medals with pride, and in his day everyone in Poland knew who he was. Notably, he was only one of only two or three Jews to earn these national medals.

During major holidays, such as the third of May, which is Constitution Day in Poland, and on Independence Day, Aron marched in the parades to the cemetery that he donated. Poland's national ceremonies were held there. He marched alongside the highest government officials, including the President and Vice President, and was a featured speaker. My Aunt Lena Engelman, his granddaughter, often accompanied him there, as well as to celebrations in the Presidential Palace. In his later years, the government would send transportation to pick them up and bring them to all the ceremonies.

Students carrying national flags would be brought to meet Polish hero Aron Engelman. Stories about him and his biography appeared in the Warsaw newspapers, and I hope that they are available in archives.

Aron Engelman died at the age of 109 in 1939 or 1940, murdered by the Nazis. He was still a well man, living on his own in an apartment in Warsaw, taking two walks a day, and in full command of his faculties. When he died, Jews and Poles marched united through the streets of Warsaw carrying flags and reciting patriotic slogans. My Aunt Lena wrote in a letter to me, "His funeral was a manifestation of unity of Jews and Poles against the German invasion."

IV. HAIM ENGELMAN

One of Aron's children was my grandfather, Haim Engelman. Haim was a landowner and a businessman. He had a bank, of which he was Chairman of the Board, sugar warehouses, and several other enterprises. He, too, was well known for his generosity and kindness, especially to people in need.

Like his father Aron, my grandfather Haim was known for his patriotism, and he too was a speaker on Constitution Day, Independence Day, and other national commemorations. In fact, Haim was so highly

regarded that he was elected to the Polish Sejm, the Parliament, one of the few Jews to be so honored.

He married my grandmother, Chia-Sura, (known as Sarah), who was from the wealthy Szafran family in Pultusk. Haim and Sarah lived in Pultusk until 1926, when they moved with their family to a very large farm owned by the Szafrans in Podos. The farm is located somewhere between Maków Mazowiecki and Krasnosielc. My grandparents eventually left the farm, moving to Krasnosielc, but their son, my father Symcha, stayed and managed that vast amount of prime farmland, thousands of acres, until September 1, 1939 when he was ordered to leave.

V. LENA AND SYMCHA ENGELMAN

That brings us to the third and last generation of family who lived in Poland, my father and his sister Lena. I will just tell you very briefly what they did when World War II broke out.

VI. LENA ENGELMAN ZARNOWITZ

In 1939, Lena was a twenty-year-old student studying history at Warsaw University. When the war broke out, she, a young unmarried woman, took a group of more than thirty Jewish war orphans to Kazakhstan.

She asked the Polish Government-in-exile in London for financial assistance, and because the Engelman family was so well regarded, they sent it to her.

In Kazakhstan, she opened a Polish school where she taught the orphans and other Polish children. During the entire war, she taught, fed, housed, and clothed the orphans, hiring teachers to help her. Among them was her future husband, Victor Zarnowitz. In 1946, she brought the entire group of orphans back to Poland and stayed with them until she and my father arranged for them to go to a kibbutz in Palestine as a group.

VII. SYMCHA ENGELMAN

My father, Symcha, worked in the underground at the beginning of World War II. He smuggled Jews out of Poland into Russian territory until he was caught and sent to the camps.

In the camps, where typhus was rampant, he often gave his meager rations—a piece of bread and bowl of soup—to those who were sick. He fed them and nursed them as best he could. He saved a number of lives that way (as I was told by one of the people he saved), and he earned the

respect of the camp guards, which helped him survive. In the worst conditions you can imagine, he maintained his dignity throughout, and gave Poland a good name.

VIII. SZAFRAN FAMILY

I am still researching the history of the Szafran family, my father's maternal grandparents. I have learned that Moszes (Moshe) Szafran, my other great grandfather, was wealthy, and like the Engelmans, very philanthropic. He had a textile business, but most of his wealth came from owning a great deal of rent-generating property.

In addition to the Podos farm that I mentioned earlier, he owned valuable property in the very heart of Pultusk, a town not far from Warsaw—about 61 kilometers away. The properties were located on the town's main streets—eight commercial buildings on three blocks in the heart of Pultusk. The street names were Ulica Swietojanska, Ulica Piotra Skargi, and Rynek. The buildings on Rynek faced the market. Those on Ulica Swietojanska ran the length of the street to Ulica Piotra Skargi, which is parallel to Rynek. Rynek and Swietojanska are Pultusk's main shopping streets.

The buildings contained thirty-six stores with apartments above, 600 rooms in all. My father collected the rents and knew every single tenant. I have a list of the tenant names, as well as a video he made detailing the properties. The rents from the Pultusk properties alone were quite substantial, supporting much of the family.

The Podos farm extended thousands of acres. It was so large that my father's family themselves farmed just twenty-five percent of it. The rest was rented out to farmers in the area. The portion of the farm that my family personally farmed produced hay, thirty two-year-old horses a year, beef, chicken, potatoes, grain, fish, chickenfeed, and other produce. The meat, produce and livestock were given by the Szafrans and Engelmans to the Polish army and to the Polish government to pay the taxes on their properties.

My father could name some of the farm fields. Although I am likely misspelling them, these include Pienki, Zamostek, Grenka, Sapietz, Jenzay, Zaroc, and Kempa, among others. Our properties were very valuable then and I believe even more so today.

Pultusk is a thriving community not far from Warsaw, an idyllic town popular for primary and second homes. The properties that belonged to us are still thriving today, with stores on the ground floor and

residences above. The Podos area where the farm is located, through which the river Orzyk flows, is still prime farmland.

The pre-war (1939) value of those properties was U.S. \$3.5 million. However, when our legal counsel in Warsaw made two trips to the District Court of Pultusk earlier this year, the court clerk denied them full access to some of the property documents.

IX. PIETROKOWSKI PROPERTY IN LODZ

My father's uncle, Moshe Pietrokowski¹ of Piotrkowska 115 in Lodz, was married to my father's aunt, one of Aron Engelman's daughters. He owned four factories in Lodz that made textiles and coats from imported raw wool.

Moshe Pietrokowski was one of the richest men in Lodz. His import-export business was called Pietrokowski & Fuchs. It was a thriving business. The products were sold to Norway, Finland, Sweden, Switzerland, and other countries. Two of the factories were on Gdanska Street. These four factories were also appropriated during the war and no compensation was ever made. None of that family survived.

The 1939 value of the Pietrokowski & Fuchs' four factories was approximately \$8 million U.S. dollars. Unfortunately, we have not yet been able to yet find records for the Lodz business or properties.

X. QUEST FOR RESTITUTION BEGAN IN 1946

My father's quest for restitution began in 1946. After the war, my father Symcha, like other survivors, spent months searching for family, mostly in Warsaw and Lodz. But of his immediate family—his parents, grandparents, brothers, sisters and their families— only he and his sister Lena survived, and possibly a cousin.

With his parents, grandparents, aunts and uncles, siblings and their families deceased, my father knew he needed to go to court to claim the properties² He first went to Pultusk.

1. Please note that I am unsure of the spelling of the names, which is especially problematic when attempting to find information. It could be one of several spellings of people with similar sounding names from Lodz. The spelling variations include: Pieterkowski, Pietkowski, Piotrkowska, Piotrkowski, Pietrokowska, Pietrokowski, Pietrowski, Pietrykowska, and Pietrykowski.

2. Editors Note: The properties were still in the name of Moszes Szafran or his children. The proceeding of 1946 was only to grant physical possession of the property while it was abandoned by the owners. In other words, the proceeding of 1946 was not about the ownership but about the physical possession of the property.

Unfortunately, he did not have any money to hire a lawyer. At the time, his only daily meal came from a soup kitchen; but he was an Engelman, and his family was still well known in 1946. He went to the Polish government's offices in Warsaw and because he was an Engelman, they gave him money to have a suit made so he could appear in court appropriately dressed. That suit hung in his closet until he died.

He asked the government for no more help than that, certain that he would soon recoup the value of the properties. However, it was not to be.

Without the money for legal help, Symcha had no choice but to represent himself in court. However, he brought witnesses, not all of them Jewish. They were people who knew both the Engelman and Szafran sides of his family. Some of the witnesses had worked for the family.

The Polish court in 1946 found sufficient evidence to grant Symcha Engelman the possession of the Pultusk property. The records are all there, as they have been since 1946.

As is well documented, Jewish survivors who returned to Poland faced a hostile, threatening, and dangerous environment. My father learned that first hand.

I'll give you just one example from his personal experiences. The night after my father went to court, he went to a rooming-house in Pultusk to sleep. He went to bed at about 11:00 p.m., then all of the sudden, a commotion.

He heard the familiar voice of a known and violent anti-Semite shouting to the proprietor that he heard my father, the Jew, was back and that he had come to finish him off. "Where is he," the man demanded to know. My father knew the man, and knew full well that the man would surely kill him. He jumped out of bed and ran for his life, putting his pants on outside as he ran. He knew better than to face a lynch mob alone. Luckily it was dark and there were no streetlights then, so he escaped—barely.

The next day he attempted to go to the Podos farm to see what had happened to that property. On his way there, he saw a couple of young men running in the other direction. He asked them why and they told him. They were running for their lives. They said that if he went any closer to the farm, he would be killed. He never got there.

So, as you see, it was simply too dangerous for my father to stay in Poland, even though the family was famous and had been such an integral part of Polish society before the war, just a few short years earlier.

They had no choice but to leave Poland, and they were afraid to ever return. They were driven out. The door slammed in their face. After 500 years.

My family, who fed the Polish army with the produce and meat from their farm, who supplied the army with horses and hay. My family, who fought for Polish independence and who were so well known for their patriotism and for their generosity to all Poles.

They were Poles who loved their country. They were considered Polish heroes.

They just happened to be Jews. So instead of being welcomed back to rebuild their lives in Poland, they were driven out. Their properties stolen by – I cannot tell you who, because we still have no idea what happened to the family properties. Except we have learned that the Polish government appropriated the properties illegally, because those records do exist, according to the Warsaw law firm attempting to overturn that verdict.

Who rebuilt on our Pultusk property if it was bombed? And who has been collecting the rents since 1939? Who is farming our vast Podos land, living in our houses, using our barns and storage facilities? Who has been selling its produce? Its livestock? Its horses? Its fish? Its chickenfeed that was exported internationally?

Sadly, my father didn't live long enough to find out, nor do we yet know. For the rest of his life after leaving Poland, first in Israel, then the United States, whenever my father read in the newspaper about German restitution or Swiss restitution or any restitution, he applied, always listing the Poland properties and property owned by other family members who perished. I helped him fill out those forms again and again, but nothing ever came of it, because Poland has yet to pass a restitution law.

It always surprised me that my otherwise fearless father was so certain that if he ever returned to Poland, he would be hunted again and killed, even decades later. But recent events show that he was absolutely right. Anti-Semitism is still rampant in Poland, with tens of thousands of neo-Nazis marching on November 11, 2017, the very Independence Day that Aron Engelman fought for, shouting they want Jews out, for a "clean" Poland.

Were it not for Aron and Haim Engelman and others like them, who fought for Polish independence, paid for the independence wars, and showed the way to independence by keeping the torches of independence burning bright, who knows? Poland might not be free today.

This history is apparently not taught in Poland; although it should be.

Until my father died at the age of 91 in 2005, he wanted justice. You can just imagine his pain and frustration every time he read about restitution of property by other countries, while Poland refused to pass a restitution law. He too wanted to pursue the return of his family properties, but how?

Our first break came in 2003, when I met Stuart Eizenstat—who I'm sure you know and who has worked tirelessly for the U.S. State Department seeking justice and restitution. Through his contacts, we were introduced to an attorney in Warsaw.

In 2004, that attorney reviewed the court records and said they indeed existed, our first confirmation since 1946. But then came the bad news. She told us that without a restitution law, there was nothing to be done. So once again we hit a dead end.

Another 12 years went by. Until, quite by chance, one night my husband and I watched a movie I am sure you're all familiar with, *Woman in Gold*, with a good friend of ours who happened to be a friend of the lawyer represented in that movie, Randy Schoenberg. It was Randy Schoenberg who introduced us to Holocaust Law Professor Michael Bazyler, and with his help we fully intend to find out what happened to our properties and act accordingly.

XI. CAN POLAND AFFORD IT? EASILY.

Poland has complained that compensation for personal property will have a negative effect on its economy. I was told, rather unceremoniously, to “go get it from the Germans.” But in 1946, the Germans were gone, the Communists had not yet taken over, and it was the Poles who stole our properties and drove what was left of my family out of Poland.

I would like to point you to a working paper from the Conference Board in New York, which often works with the government of Poland. According to their analysis, Poland is one of the fastest growing economies, not just in Europe, but in the world. Poland has the fourth fastest growth rate after Singapore, South Korea, and Israel.³

3. Abdul Azeez Erumban & Klaas de Vries, *Projecting Global Economic Growth*, THE CONFERENCE BOARD, https://www.conference-board.org/pdf_free/workingpapers/EPWP1403.pdf (last visited June 4, 2018).

The argument that restitution is unaffordable is invalid. In any case, as most of the world believes, restitution is the right thing for Poland to do.

XII. CONCLUDING REMARKS

Decade after decade, we, like many others whose family owned property in Poland before World War II, had no idea where to turn or how to go about seeking restitution from Poland. Attempts made to apply for widely publicized German and Swiss restitution bore no fruit.

My father could not afford to hire lawyers; not in 1946 and not for the rest of his life. That there has been no path to restitution of Polish property is truly a travesty of justice for all families like ours.

It is in their memory, and on behalf of the families who lost everything and almost everyone, that I am here today with the hope that one day soon, with your help, justice will prevail.

How many generations have already been impacted by Poland's failure to pass a restitution law? We have been waiting seventy-one long years. Please, the time has come to end this injustice.

The government of Poland itself sees the importance of restitution of *its* looted property, seeking return of properties taken from Poland during World War II. We hope the Polish government will act now to enable full and just restitution of the properties stolen by Poland from our illustrious Polish family.

XIII. ADDENDUM

In October 2017, the Polish government announced a proposed new restitution law. However, the proposed law excludes most holocaust survivors, as it allows restitution to be made only to citizens of Poland residing in the country. That language is just a way for Poland to avoid paying restitution for property that rightfully belongs to its owners or their heirs. This law must not be allowed to pass in its current form. Poland must provide fair, just, and full restitution.