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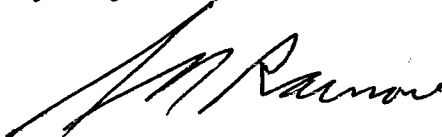
Gudah Gribetz  
C/O Richards & O'Neil, LLP  
885 Third Avenue  
New York, NY 10022-4873

**RE: Proposal for Distribution of Settlement Funds**

Dear Mr. Gribbits,

Enclosed please find the Proposal for the Distribution of Funds to the Romani People. This proposal has the support of Dr. Ian Hancock who is on the Washington DC Holocaust Commission as well as the Roma National Congress and other prominent Romani Organizations and Individuals.

Very Truly Yours,



Sebastian M. Rainone, Esquire

SMR/smm

**PROPOSAL  
FOR THE DISTRIBUTION  
OF FUNDS TO  
THE ROMANI PEOPLE**

**SUBMITTED BY:**

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## **I. HISTORY OF THE PERSECUTION OF THE ROMANI PEOPLE**

The Romani people ("Roma"), colloquially known as "Gypsies" are the descendants of non-Aryan speaking warriors and their camp followers from the Rajput population in northwestern India. They migrated out of India nearly 1,000 years ago and moved westward through what is now Iran, Armenia, and Turkey, reaching Europe about 1250 A.D. In this migration period, the Roma absorbed non-Gypsy populations into their own, but the children of mixed unions were considered Roma and the Romani people remain today a genetically distinct ethnic group.

The Roma spread throughout Europe but maintained a common language (Romani), racial and ethnic identity, and culture. From the time they arrived in Europe up to the present day, the Roma have experienced discrimination and persecution because of their distinct language, appearance, cultural behavior and religious beliefs, and because they lacked a country. The Romani arrival in Europe was the result of the Islamic takeover of Southeastern Europe by the Turks. They were often confused with other non-Christian or unorthodox groups. In fact, the term "Gypsy" often used to describe Romani people is derived from "Egyptian". Because of their dark colorings, Europeans thought they were from Egypt, hence the term "Gypsy".

A shortage of manpower led to enslavement of Romani people in southern Europe because of their much-needed skills. In the Balkans, they remained slaves until the mid-19th century. In other parts of Europe, they were subject to laws against them, which required deportation from the country, or even hanging since merely being a "Gypsy" became a crime. In 1500, all Roma were banished from Germany or subject to death by the Emperor Maximilian I; killing a Roma was declared not to be a crime. In 1558, Pope Pius the Fifth banished the Roma from all Roman Catholic countries.

After the European colonization of the Western Hemisphere, Romani people were often shipped off to the colonies. In 1709, a German law required their arrest and

authorized them to be deported to America or to serve as galley slaves. In 1710, all Romani males were ordered to forced labor and the German government began to remove Romani children from their families. In 1721, Emperor Karl VI ordered the extermination of all Romani people everywhere. In 1725, King Frederick William I condemned all Roma adults to death.

Romani people survived in Europe by remaining on the fringes of society. Since they were not permitted to settle anywhere, they took up professions, such as fortune telling and entertainment, that permitted them to live on the move. This only increased their social isolation.

Later, policies towards the Roma changed to require their settlement in one place. By the end of the 18th century in Austria and the end of the 19th century in Germany, Romani people were forced to settle and allotted agricultural plots, which were however too small to support their extended families. They often supported themselves by working as laborers. Even though forcibly settled, they were rarely accepted by the local populations and continued to endure bias and persecution. From 1922 up to as late as the 1970's, the Swiss were taking Romani children from their parents without their consent. To this day, Romani parents who had children taken from them are not permitted access to records, which would help locate them.

#### **A. The Nazi Genocide of the Romani People**

During the years of Nazi rule in Germany and the occupied territories, the Roma were subject to confiscation of property, resettlement, deportation, and imprisonment in concentration camps, torture, and wholesale extermination on the basis of their ethnicity. In 1934, under the "Law to Prevent Genetically Deviant Progency", forced abortions and sterilizations were performed on Roma and deportations to concentration camps began. Germans were forbidden from marrying Gypsies under the Nuremburg laws. Under the

terms of the same laws, Roma were classified along with Jews as non-Aryan. In 1935, Roma were formally deprived of their civil rights.

The first mention of the Final Solution of the Gypsy Question appeared in a statement by Himmler in November 1938. The first genocidal action against any targeted groups officially began in 1940, when 250 Romani children were murdered during the testing of a new gas at Buchenwald. The Himmler decree of December 16, 1942 required that Gypsies be deported to Auschwitz-Birkenau concentration camps for extermination. This decree preceded by one month the conference at Wannsee, where the decision to annihilate the Jews was taken. The Jews and the Roma were the only ethnic groups specifically singled out by the Nazis for genocide.

The Roma and Sinti were deported to a special "Gypsy" camp at Auschwitz-Birkenau. Many thousands of them lived in harsh conditions and succumbed to diseases, which were rampant because of overcrowding, insufficient food rations, and lack of sanitary facilities. Some were put to hard labor or selected for human experimentation by Joseph Mengele. Thousands were sent to the gas chambers.

The true numbers of the Roma murdered by the Third Reich will never be known. Although many thousands died in the camps, thousands more were massacred at hundreds of different locations. Some 5,000 Roma were massacred at Kulmhof alone. Because Roma were often not included in censuses, their pre-war population is not known. Estimates of the total number of Romani people slaughtered during the Holocaust range from 200,000 to one and one half million.

## **B. Continuing Prejudice Against the Romani People**

To this day, prejudice against Romani people continues. As recently as 1991, pogroms against Gypsies were issued in the former East Germany and Poland. According to a 1995 Amnesty International Report, the Romanian government is responsible for torture and other human rights abuses against Romani people. As late as

1986, the U.S. Congressional Caucus on Human Rights intervened on behalf of the Romani people to protest the sterilization of Romani women in Czechoslovakia.

Incidences of anti-Gypsy violence occur with regularity in Eastern Europe. In 1995, the Czech Republic alone reported 450 documented attacks against Romani people.

Part of the prejudice against the Romani in societies where the dominant ethnic group is of European stock is undoubtedly racial. The Romani are dark and Asiatic in appearance and they are easily identified as non-European. Linguistic and cultural differences also serve to reinforce prejudice against the Roma. During the centuries when they were not permitted to settle anywhere in Europe, the Roma turned to fortune telling and begging to support their families. Both of these activities have far greater acceptance in the Eastern culture from which they are descended than they do in the West. In fact, fortune telling is highly regarded in India. Nonetheless, these cultural behaviors provide a convenient excuse to single out "Gypsies" for discrimination.

Like the Jews before they gained a homeland in the former Palestine, the Romani people also suffer from statelessness. There is no national government to protect their interests diplomatically and no homeland where they can escape persecution as it arises. However, the International Romani Union, which represents Romani people worldwide, has made significant progress in protecting the interests of Romani people. The International Romani Union, through its consultative status in the United Nations and membership in several U.N. organizations, seeks to ensure recognition of the Romani people as nation entitled to self-determination and to protect the civil and human rights of Romani people everywhere. The International Romani Union also works to improve the living conditions and educational opportunities of Romani people worldwide.

## **II. ROMANI ORGANIZATIONS:**

There exists in the world today numerous Romani organizations, which have been formed to benefit the Romani people. In addition, there are several non-Romani

organizations whose purpose is to work with and assist the Romani people. The fact that the Romani people have been subject to severe persecution over the years, as well as their peculiar demographic of having no country and a cultural history of living outside organized societies renders the job of their own organizations difficult to maintain some semblance of constituency.

These organizations which are poorly funded and loosely organized reflect the unfortunate socio-economic status of the Romani people worldwide. There are a minimum of ninety-two (92) legitimate Romani organizations, and twenty-eight (28) non-Romani organizations all of whom are trying to improve the lot of the Romani people. The following is a list of those organizations:

**Romani Organizations:**

- ACERT
- Amalipe Association of Roma Culture and Traditions
- Anakerando
- Asociacion de Gitanos de Navarra "La ajari"
- Asociacion Secretariado General Gitano
- Association of Gypsies
- Association of Gypsies Romani International (Ev)
- Association of Roma Students
- Association of Roma Women Participating in Public Life
- Association Tsiganes Solidarites
- Associazione Italiana Zingari Oggi
- British Romani Union
- Central Committee Sinti & Roma Germany
- Centro Culturale Zingaro "Them Romano"
- Centrum Doradztva Informacj dla Romow
- Centrum Kultury Romow
- Comite pour le Respect des Droits des Tsiganes
- Coordination des Associations Tsiganes de France
- Deutscher Sinti und Roma
- European Roma Rights Centre
- Foundation for Regional Development ROMA
- Foundation for Regional Development ROMA
- GCECWCR
- General Union of Romani
- Gypsy Association of Women

- Hungarian Foundation for Self-Reliance
- Inforoma
- International Romani Union
- Internationell Romani Rad
- Jekhetane Spolu
- Klub Roma Hrvatske
- La Majari
- Landesverband Deutscher Sinti und Roma
- Legal Defense Bureau for Roma Rights
- Nadace Dzeno
- National Association of Gypsy Women
- National Gypsy Council
- National Romany Rights Association
- Opera Nomadi (Italy)
- Opre Roma (Romani.org)
- Patrin
- Pavee Point Travellers' Centre
- Phrav O Utara
- Prezes Stowarzyszenia Romow
- Principios Gitanos
- Roma Association Committee of Norway
- Roma Community & Advocacy Center
- Roma Community Center DROM Kumanovo
- Roma National Congress (Rom News)
- Roma Obcanska Inciativa
- Roma Participation Project
- Roma Refugee Organization
- Roma Research Institute
- Roma Scientific and Artistic Society
- Roma Students Association
- Roma Union Frankfurt
- Roma Youth Federation
- Romani Association of Australia
- Romani Baht Foundation
- Romani Children and Youth Assoc. of the Czech Rep.
- Romani International-Australia
- Romani og Romanesfolkets Landsforbund
- Romani Union Australia
- Romani Union Berlin e.V.
- Romani-Jewish Alliance
- Romano Atmo
- Romano Centro
- Romano Drom
- Romano Hangos
- Romano Komiteto ande Italia
- Romano Kulterno Jekhetaniben



- Romano Yekhipe-France
- Romany and Traveller Family History Society
- Romany Guild
- Romany Mission
- Romi
- Romske Obscanske Sdruzeni
- Secretariado Desarrollo Gitano
- Solidarity Center for Roma Women
- Southern Albanian Romani Association
- The Bridges Foundation
- The Democratic Alliance of Roma of the Czech Republic
- The Romano Dzanibem Foundation
- The Rroma Foundation
- Traveller's Youth Service
- Union Romani (Spanish)
- Union Romani Andalucia
- Union Romani Mladeze
- Union Socio-Educativ Tzigane d'Aquitaine
- UNIRSI
- Vlaams Centrum Woonwagenwerk
- Western Canadian Romani Alliance

**NON-Romani Organizations:**

- Artemis
- Asociacion Nacional Presencia Gitana
- Asociacion Secretariado General Gitano
- Centro Studi Zingari-Romano Siciarimasko Than
- Citizenship Counseling Center
- Documentation Center for Human Rights
- Drom Network
- Foreningen Resandefolket
- Fundatia WASSDAS
- Ghandi Secondary School
- Global Organization of People of Indian Origin (GOPIO)
- Gypsy Traveller Health Information Service
- HCA-Romani Section
- Helsinki Citizens Assembly-Roma Section
- Kalyi Jag Roma School for Vocational Training
- Katholische Zigeunerseelsorge in Deutschland
- National Assn. of Health Workers with Travellers
- National Assn. of Teachers of Travellers
- Open Society Fund-Soros Foundation
- Oripando Kalo
- Soros Forced Migration Project

- The Civil Rights and Tolerance Movement
- The Foundation for a Civil Society
- The New School Foundation
- The Romani Studies Center
- The Tolerance Foundation
- Traveller Education Team
- Villela or Gao Kalo

As mentioned before, these organizations have attempted to maintain themselves without the benefit of funding, database, and direct lines of communications to those people they seek to help. As such, various organizations have not been without their problems internally, as well as externally. A case in point would be the International Romani Union. Due to severe lack of funding, and the transition from Communism to Democracy, this organization has had trouble in maintaining its own stability, as well as following its own internal by-laws. The International Romani Union is supposed to have a Congress every four (4) years to elect leadership. Unfortunately, due to many problems the International Romani Union has not held a Congress in over eight (8) years. This has resulted in a fair amount of factionalism developing within that organization that contributes to its inability to truly organize or effectively speak on behalf of the Romani people. It should also be noted that this example is not to specifically criticize the International Romani Union, but rather use it as an illustration which is reflective of most Romani organizations.

### **III. REPARATIONS TO THE ROMANI PEOPLE:**

On an individual basis it has been extremely slow in its development, and arbitrarily unequal in its amounts distributed compared to the multitude of reparations given to the Jewish community and other groups. For example, one particular fund gives a monthly amount to victims of the Holocaust, and that very same fund, for absolutely no reason, gives only one half of that amount to Romani people. It is unfortunate that the

value of a Romani life and the price put on Romani suffering is only fifty (50%) percent of that suffered by those who were side by side with them in the concentration camps.

Reparations to Romani organizations have been completely non-existent. When this is compared with the many reparations paid to various Jewish groups, it is a clear illustration of the tendency of even the global community to continue to deny legitimacy of Romani claims.

#### **IV. HISTORY OF THE ROMANI ORGANIZATIONS:**

In the past certain Romani groups both, domestically as well as in Europe, have applied for various funds and/or grant programs to help promote their cultural preservation and cultural identify. Unfortunately, as is the case with many instances on even a national level in the United States, funds have sometimes been misapplied, misused and taken without the application of them to their original purposes. When other organizations have this problem, they are because of their history and reputation able to "weather the storm" and come out of their controversies still in tact with a fair amount of credibility. Due to the extreme prejudice against Gypsies, any mistakes no matter how statistically minor with regard to the use of funds have been used only to further persecute the Romani people by their critics claiming that they are incapable of truly handling or administering any funds.

#### **V. DESCRIPTION OF FOUNDATION:**

It is proposed that, proposed with United States class action precedent and recognized trends, a non-profit foundation be created for the purposes of receiving the Romani share of the proceeds of the Holocaust litigation. This foundation's structure will be a two (2) tiered. The foundation itself will also exist for two (2) major purposes.

The two (2) tiered foundation structure is designed to ensure that the funds will be properly administered and that the activities of this foundation will be above reproach.

The first tier will consist of a select group of individual Romani who have a history of dedication to their community, as well as some experience in community organizing and community service. In addition, this first tier will be joined by various prominent members of the global community who have offered their services, as well as have participated in Romani causes in the past. It is this tier's responsibility to accept the fiduciary responsibility of accepting and maintaining such a fund. The Board of Directors will serve on a "no salary basis", and donate their time and efforts in this regard. The only expenses to be paid would be staff, when and if it should become necessary, as well as fees to any professionals that the foundation may need during the course of fulfilling its purpose.

The second tier of this organization will be an advisory one and its membership will be opened to any individual Romani person who feels the need to volunteer his or her efforts to the cause of this organization, as well as representation from any legitimate Romani organization.

The foundation, when established, will do two (2) things. The first objective is to make direct payments to all the individual gypsies who have joined the existing Class Action. The second objective is to take the remaining funds and through this foundation defend against racism, persecution and nationalist hatred and promote both an information network and a legal assistance project.<sup>1</sup> The establishment of such a foundation has support under well-established United States class action law. The method of distribution in a class action depends upon the circumstances of the individual case. 2 H. Newberg & A. Conte, Newberg on Class Actions Sec. 10.12 at 10-34 (3d ed. 1992). In addition to individual damage awards, included among the various methods of distribution is the creation of a foundation on behalf of the class. See, e.g., In re Brand Name Prescription Drugs Antitrust Litig., 1999 WL 639173 (N.D.Ill. Aug. 17,

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<sup>1</sup> See Section VI, *infra*.

1999); In re Cumbustion, Inc., 978 F. Supp. 673 (W.D.La 1997), aff'd, 159 F.3d (5<sup>th</sup> Cir. 1998).

In In re Brand Name Prescription Drugs Antitrust Litig., plaintiffs alleged a price-fixing conspiracy by the manufacturers and wholesalers of brand name prescription drugs to keep prices artificially high to both large and small retail pharmacies. A portion of the settlement fund was immediately set aside to establish a foundation to protect the interests of smaller community pharmacies. Id. At \*6. The court appointed a five-person board of trustees comprised of the pharmacy trade to oversee the foundation. In Ramos v. Philip Morris Companies, non-smoking flight attendants brought a class action against tobacco companies for injuries from second-hand smoke. The entire settlement fund was used to create an anti-smoking medical foundation. The court concluded that the creation of such a foundation was fair even though it provided no direct benefit to any class member. Id. At \*6-7. [Note: The Master Settlement Agreement recently entered into between the tobacco industry and 46 states, among other things, created a national public health foundation, an enforcement fund, and established a youth-awareness program.]

In In re Cumbustion, Inc., 978 F. Supp. 673 (W.D.La. 1997), aff'd, 159 F.3d 1356 (5<sup>th</sup> Cir. 1998), a community brought against a hazardous waste carrier and its insurer for personal injuries and property damages from toxic exposure and contamination. The special master's recommendation to award individual damages and create a fund for annual medical check-ups, including blood work, free of charge to the class was "wholeheartedly supported by the Court." Id. At 677. The courts' acceptance of a fund in In re Combustion is consistent with the growing trend in class actions litigation involving injury from a single act or course of conduct to create a fund to monitor the health of class members and to pay or reimburse them medical expenses caused by defendants' wrongdoing. As recently as this fall, the court in In re Diet Drugs Product Liability Litig., 1999 WL 673066 (Aug. 26, 1999), certified a medical monitoring class action in which the request for relief included the creation of a program (1) to accumulate

and analyze relevant medical and demographic information from class members; (2) to maintain a “registry” in which relevant demographic and medical information concerning all class members is gathered, maintained, and analyzed; (3) to provide for medical research concerning the incidence, prevalence, natural course and history, diagnosis and treatment of diet drug induced valvular heart disease; and (4) to publish and otherwise disseminate all such information to members of the class and their physicians.

Similar medical monitoring funds have been approved throughout the United States both on legal and equitable grounds. Potter v. Firestone Tire and Rubber Co., 863 P.2d 795 (Cal. 1993); Cook v. Rockwell International Corp., 755 F. Supp. 1468 (D.Colo. 1991); Friends for All Children, Inc. v. Lockheed Aircraft Corp., 746 F.2d 816 (D.C.Cir. 1984); Burton v. R.J. Reynolds Tobacco Co., 884 F. Supp 1515 (D.Kan. 1995); Bobook v. Ashland Oil, Inc., 819 F. Supp. 530 (S.D.W.Va. 1993); Gibbs v. E.I. DuPont De Nemours & Co., Inc., 876 F. Supp. 475 (W.D.N.Y. 1995); In re Paoli R.R> Yard PCB Litig., 35 F.3d 717 (3d Cir. 1994); Hansen v. Mountain Fuel Supply Co., 858 P.2d 970 (Utah 1993); In re Hanford Nuclear Reservation Litig., 780 F. Supp. 1551 (E.D>Wash. 1991); Cain v. Armstrong World Industries, 785 F. Supp. 1448 (S.D.Ala. 1992); Johnson v. Armstrong Cork Co., 645 F. Supp. 764 (W.D.La. 1986); Meyerhoff v. Turner Construction Co., 534 N.W.2d 204 (Mich.App. 1995); Weirlein v. United States, 746 F.Supp. 887 (D.Minn. 1990); Thomas v. FAG Bearings Corp., Inc., 846 F. Supp. 1400 (W.D.Mo. 1994); Ayers v. Township of Jackson, 525 A.2d 287 (N.J. 1987); Day v. NLO, 851 F. Supp. 869 (S.D. Ohio 1994); Stead v. F.E. Myers Co., 785 F. Supp. 56 (D.Vt. 1990); Mergenthaler v. Asbestos Corp., 480 A.2d 647 (Del. 1984); Ball v. Joy Technologies, Inc., 958 F.2d 36 (4<sup>th</sup> Cir. 1991); Purejet v. Hess Oil Virgin Islands Corp., 1986 WL 1200 (D.V.I. Jan. 8, 1996).

Generally, courts have distributed unclaimed class funds by (1) pro rata distribution to the class; (2) reversion to the defendant; (3) escheat to the government; and (4) cy pres distribution. Newberg on Class Actions Sec. 10.15 at 10-38, 10-39.

Courts traditionally use cy pres distribution where they conclude that it is likely that only a small percentage of class members will actually share in the recovery. *Id.* At 10-39. In such instances, cy pres distribution of unclaimed funds promotes compensation – albeit indirectly – to the entire class. *Id.* In Market Street Railway v. Railroad Commission, 171 P2d 875 (Cal. 1946), *cert. Denied*, 329 U.S. 793 (1946), the court held that riders who had unfairly paid higher fares during a particular time period were entitled to individual refunds. When only a portion of the riders sought refunds, the court ordered the streetcar company to use the unclaimed funds to improve transportation facilities for riders generally. *See also Powell v. Georgia-Pacific Corp.*, 119 F.3d 703 (8<sup>th</sup> Cir. 1997) (residential funds in discrimination action used to create a high school scholarship to benefit class members’ younger relatives); In re Three Mile Island Litigation, 557 F. Supp. 96 (M.D.Pa. 1982) (residual funds used to fund foundation to study effects of radiation exposure from nuclear power accidents); West Virginia v. Chas. Pfizer & Cp., 314 F. Supp. 710 (S.D.N.Y. 1970), *aff’d*, 440 F.2d 1079 (2d Cir. 1971) (residual funds used to fund related public health projects). In each case class members who had not directly participated in individual awards were “Compensated” by the courts.<sup>2</sup>

The Court may apply the cy pres doctrine here. Since it is an equitable remedy, there are no specific rules as to when (i.e., at what stage in the settlement) cy pres distribution is most appropriate. A review of the cases suggests that cy pres distribution may be appropriate where it is impossible or economically difficult to locate class members, where identifiable class members have failed to file claims or where class members have failed to cash their distribution checks. *See, e.g., In re Folding Carton Litig.*, 557 F. Supp. 1091 (N.D.Ill.1983). In that case, the court held that class funds

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<sup>2</sup> Cy pres distribution has met with disapproval only where the remedy fashioned by the court is too remote or unrelated to the original purpose for settlement. *See, e.g., Six Mexican Workers v. Arizona Citrus Growers*, 904 F.2d 1301 (9<sup>th</sup> Cir. 1990) (rejecting cy pres distribution in a foreign country, Wilson v. Southwest Airlines, Inc., 880 F.2d 807 (5<sup>th</sup> Cir. 1989)(rejecting cy pres distribution to a general, rather than specific, charitable organization); Houck v. Folding Carton Administrative Committee, 744 F.2d (rejecting general cy pres distribution to fund unrelated class action research project).

were “unclaimed” where class members had received their single damage awards but not their full treble damages. Here, the Court should reasonably anticipate that a significant portion of the settlement fund reserved for the Romani will not be claimed by individuals, and therefore should consider application of the cy pres doctrine at an early stage of the settlement, rather than later.

Accordingly, this Court has significant authority to create a foundation either at the outset of the settlement or shortly thereafter from residual funds. Just as in the cases set forth above, where the courts created a foundation or dedicated fund based upon the special circumstances of the class – typified among other things by low income, great mobility, lack of documentation, and/or the hardships locating and giving notice – here distribution under the auspices of a foundation would truly “compensate” the Romani. Through a foundation, the Romani people would not only receive direct payment due them but also be compensated by an organization directed against racism, persecution and nationalist hatred and which promotes the dissemination of information and legal assistance.

#### **VI. NEED FOR A SPECIAL FOUNDATION:**

Several current and historical factors merit establishment of a foundation to benefit the Romani people at large, to widen their economic and educational opportunities, and to fight continuing official and unofficial discrimination, prejudice, lack of cultural understanding, and violence against Roma and Sinti worldwide. Because of these factors, payment of proceeds from litigation and other sources should be paid directly to the foundation, rather than to the few identified class members who vastly under-represent the entire class of Romani and their survivors. For the reasons outlined below, actually identifying the significant numbers of Romani Holocaust survivors and the descendants of victims is simply not possible. Limiting recovery to Romani who



have or may come forward to prove their connection to the Holocaust would work a great injustice against the vast majority of Romani victims and their survivors who will remain uncompensated.

**A. Lack of Demographic Information and Vital Statistics**

Like the Jews before they gained a homeland in Palestine, the Romani people suffer from statelessness. No national government exists to protect their interests, keep records of the location and size of various Roma and Sinti populations worldwide, or conduct research into the location and numbers of Holocaust victims or their descendants currently residing in countries around the globe. Although such groups as the International Romani Union represent the interests of the Romani people, it does not have the Resources of a national government with the power to collect taxes and other revenues which might be used for such a purpose. Therefore, Roma efforts to locate victims or their descendants are stymied simply by lack of historical record-keeping of Romani populations dispersed worldwide and by current avenues to locate survivors or descendants.

**B. Cultural Factors Discouraging Self-Identification of Victims**

Romani culture, with its India roots, has many strict taboos relating to death and dying. The Sinti (Romani from German-speaking regions) in particular are restricted by cultural taboo from mentioning the names of the deceased or displaying their photographs.

**C. Lack of Literacy and Education Preventing Dissemination of Information on the Holocaust Lawsuit and Other Efforts**

The vast majority of Romani people worldwide have little or no formal education and therefore no access to written publications or advertisements which would inform

them of the existence of efforts on behalf of Holocaust victims and their descendants. Even where Roma today have access to schooling, Roma children are often placed in remedial classes or labeled retarded because of the lack of bilingual education in Romani, particularly in Central and Eastern Europe where any presumed Holocaust victims' descendants reside.

The traditional migratory lifestyle of the Roma, forced upon them by pogroms against them, has created a culture of institutionalized illiteracy since it is very difficult to school migrant children. Very few Roma achieve higher levels of scholarship or enter professions requiring higher education. Therefore, in addition to widespread illiteracy, few educated Roma are available to undertake a public education campaign about the existence of possible compensation.

**D. The Impact of Historical and Current Persecution on the Willingness Of Roma Victims to Identify Themselves**

Due to the historical and ongoing prejudice and persecution faced by those identified as Romani, many Romani people are understandably reluctant to come forward and identify themselves as such. For survivors or descendants of victims, without a government to protect them from scapegoating and racially and ethnically motivated violence, Roma living in European and other countries where local prejudice runs high will simply not come forward because it will raise awareness of their presence in the community.

In addition, the Romani experience of persecution has made Romani people extremely wary of paperwork, of government officials, and of revealing information about themselves. Many Holocaust survivors remember well the nefarious actions of Robert Ritter and Eva Justin, who pretended to befriend the Romani in order to collect genealogical data and to locate Roma for arrest by the Nazis. Justin warned some

Romani families of impending roundups for deportation to the concentration camps and asked for the addresses of relatives, ostensibly to warn them too. Her information was used to ferret out Romani people for imprisonment and annihilation.

Individuals who have a claim for assets taken from them or their ancestors have a very real connection with these kinds of historical events and particularly survivors themselves may be very suspicious that self-identification would lead to further persecution rather than compensation.

The existence of a foundation run by Romani people themselves would give survivors and their descendants a great comfort level and permit them to obtain benefits that they would not otherwise feel secure seeking. Funds paid into the foundation would be used to locate survivors and pay compensation but also to fight contemporary discrimination, establish educational and economic opportunity to remedy historical discrimination and persecution of which the Nazi Holocaust is emblematic.