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January 29, 2004

Holocaust Victims Assets Litigation  
P.O. Box 8300  
San Francisco, CA 94128-8300

In accordance with Judge Korman's orders of November 17 and December 17, 2003, we are mailing herewith to the address specified therein, the consolidated and updated proposal by the United Romani Education Fund for the allocation and distribution of possible unclaimed residual funds.

The Proposal has been post marked on or before January 30, 2004.

Respectfully submitted,

Ramsey Clark

cc: The Hon. Edward R. Korman  
Special Master Judah Gribetz  
Burt Neuborne  
(with courtesy copy of proposal enclosed)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
: :  
In re: : Case No. CV 96-4849 (ERK) (MDG)  
HOLOCAUST VICTIM ASSETS : (Consolidated with CV 96-5161  
LITIGATION : and CV 97-461)  
: :  
: :  
-----X  
This Document Relates to :  
All Cases :  
-----X

PROPOSAL OF UNITED ROMANI EDUCATION FUND  
CONSOLIDATED AND UPDATED

This proposal by the United Romani Education Fund (UREF) consolidates and updates prior proposal documents filed in 1999-2002 on behalf of Romani claimants in this case.

The principal prior submissions are included in the appendix as Exhibits A-C.

The proposal is recommended to a level of not less than \$25 million by Burt Neuborne, Esq. Chief Settlement Counsel, who has written of it in his letter of July 10, 2001, to Ramsey Clark:

I have read your thoughtful memo describing an educational foundation to aid Romani students....

In connection with [the anticipated] secondary distribution, I will enthusiastically support a thoughtful plan to establish a Romani Educational Foundation. We are agreed that such a Foundation must be carefully constructed to assure that it serves the entire Romani people, and that the funds are fairly and efficiently administered. We are also agreed that a \$25 million figure for the Foundation's assets is a realistic figure. It is, I believe, a mistake to attempt to agree on a more detailed proposal for at least two reasons. First, we should maintain flexibility to consider other proposals from the Romani

community. Second, we should leave ourselves free to design an educational program that may require secondary school aid, as well as college-level assistance.

Since we are in fundamental agreement about the desirability of establishing a significant fund to benefit Romani as part of the anticipated secondary distribution, I hope that you agree that no reason exists to pursue your pending appeal....

#### A. Preliminary Consideration

##### 1. Romani History "Is A Long Recital Of Persecution."

Romani have been victims of pervasive persecution for more than a thousand years since persecution drove them from their native lands in northern India. Persecution greeted them as they spread over Europe, across the Atlantic to America and around the world as nationless wanderers and over time as widely scattered migrants and marginalized settlers.

Romani were targeted for extermination by the Nazis as early as 1939. Their people have continued to be persecuted. The brief description of Romani persecution which follows is set forth in the 1967 edition of Encyclopedia Britannica, a period of more objective scholarship than in recent years on the subject of the Holocaust, under the entry "Gypsy".

Persecution. Most of the history of the gypsies is a long recital of persecution. From the Straits of Messina to the Baltic, from Russia to Spain, they have been enslaved, tortured, even put to death -- simply for being Gypsies. The quarry in an 18th century Rhineland hunt was a Gypsy woman with a child at her breast. Between 1701 and 1750, 68 edicts, the aim of which was to persecute gypsies, were passed in Germany and Austria alone.

The hatred that they inspired was also accorded to the

few who befriended them. In the 16th century it was decreed in England that all those consorting with gypsies should be considered felons and suffer death and loss of lands without the benefit of a jury... as late as 1819 in the English county of Norfolk, "those who wandered abroad in the habit of Egyptians" were punishable by imprisonment and whipping. In the 20th century the gypsies encountered a new form of mass persecution. The Nazis, on Hitler's instructions, exterminated in concentration camps the great majority of them in eastern Europe in spite of their Aryan origins. It is estimated that 10% of the world Gypsy population perished in this manner.

Yet the gypsies' reaction throughout to persecution has remained as constant as the persecution itself. In 1614 Cervantes wrote of them: "Having learnt early to suffer, we suffer not at all...the cruellest torment does not make us tremble; and we shrink from no form of death, which we have learnt to scorn. When we see fit, we make no difference between yes and no; well can we be martyrs, but confessors never...We sing loaded with chains and in the deepest dungeons..."

The Nazi atrocities apart, modern persecution in Europe and America have become less intense and of a more indirect nature. The gypsies are still hounded from one camping site to the next and are accused of trespassing. Local bylaws in England forbid them to camp within 300 yd. of a house, to get water from a brook or light a fire within so many feet of a main road. The places in which their ancestors have camped for generations are out-of-bounds.

Encyclopedia Britannica, Vol. 10, p. 1067 (1967)

Persecution of Romani has remained severe since 1945 wherever Romani are found in significant numbers and they remain with few exceptions the poorest in every region in which they live.

## 2. Between One And One And A Half Million Romani Were Murdered In The Nazi Genocide

The Nazis exterminated the "great majority" of the Romani in eastern Europe and an estimated 10% of the world population of

Romani in the Holocaust. At the first U. S. Conference on Gypsies in the Holocaust held at Drew University in November 1995, Sybil Milton, then Senior Historian at the U. S. Holocaust Memorial Museum in Washington, D. C. stated, we "believe that something between half a million and a million and a half Romani and Sinti were murdered in Nazi Germany and Europe between 1939 and 1945."

The Romani population in Germany and territories occupied by Axis powers during World War II is as difficult to measure as are the Romani victims of the Holocaust. Romani were rarely a part of the larger societies, were not recognized by them and were not counted in many censuses. Wherever they were included in official statistics, they were undercounted. The Special Master's report analyzes current and pre World War II populations of Jews for 13 pages. It requires less than a page, only six sentences and footnotes to cover the same subjects for Romani. It observes that the Notice Plan's "...conservative assessment of the pre-War European Roma population is approximately 1,075,000 people." Special Master's Report C-14. This is far too low. The present Roma population in Europe is estimated at 5 to 8 million. The pre-War European Roma population was probably over 3 million.

Many Roma were nomadic and not considered part of any community. Others had settled outside towns and villages, or in parts where census counters would not find them. Their households were usually large, the structure, or wagon which was

home serving many more people than would be seen, or expected. The poor are undercounted in the most comprehensive census efforts and the Roma were usually the poorest. Roma often have been hard to find because police and vigilante groups were hunting them. The very places and ways Romani lived made any effort at counting them ineffective. Roma, in addition to the hundreds of thousands who died in death camps, were massacred in many different places, particularly outside Germany, sometimes a few caught on the road, sometimes hundreds found in the fields and forest. Sometimes thousands of Romani were rounded up and massacred. By 1993, more than 150 such sites had been located in the one small area of eastern Poland the Nazis called the General Government. Roma dead were often counted as "partisans", "hangers-on", "remainder to be liquidated" and sometimes as Jews. More Romani were murdered outside the death camps than in them. The failure of the efforts of the Notice Administrator and others to find more Roma claimants demonstrates how difficult it remains to count the Romani.

**3. Romani Victims Of The Holocaust Are Vastly Under Represented In Every Category Of Claims And Losses.**

The Special Master observed that "in contrast to the extensive programs designed to assist Jewish Holocaust victims... the Special Master is aware of no currently existing humanitarian or non governmental programs specifically aiding survivors of Nazi persecution from among the Roma...communities." He goes on

to identify as central reasons that until very recently their suffering has not been well recognized, as evidenced by the lack of scholarship concerning their plight and the dearth of compensation programs for their benefit. He concludes "...compensation to the Roma ... victims of Nazi persecution generally has been more limited in scope and beset by difficulties, including continuing prejudice and mischaracterizations of the victims" than for Jewish and other victims. Special Master's Report, p. 138-39.

However qualified and experienced the Notice Administrator was in ordinary class action cases, the failure to understand and address the unique and enormous challenge of reaching the Roma peoples and securing their participation was near total. Reliance on the Notice Administrator for this purpose was a fundamental mistake. Romani leadership attempted to explain the problems inherent in efforts by a non Romani U.S. advertising and communications firm trying to find Romani victims of the Holocaust and their heirs to the Notice Administrator and others to no avail. Only a carefully planned, well financed effort conducted by the Romani themselves could hope to adequately secure the communication and participation of a significant portion of surviving Romani victims and heirs.

Romani victims of the Holocaust have not been equitably compensated heretofore for losses in the Holocaust because they have not known of the possibility of compensation, have been overlooked and have not been able to organize, or finance

activity needed to identify and present their claims.

According to the Special Master, Jews filed 70,879 claims to deposited assets. Romani filed 1809. All other claims for Deposited Assets total 9162. Romani claims equal only 2.2% of all deposited assets claims.

The Special Master has arbitrarily limited the Looted Assets Claims to \$100,000,000. Yet nearly every murder victim of the Holocaust was stripped of assets. The most reliable objective estimate of the number of looted assets claimants is the death toll. It is also the most objective measure of the suffering of Holocaust victims and the people of whom they were a part, as a whole, by groups and individually.

The value of Nazi gold that went through Swiss banks, including gold seized from occupied territories and from Holocaust victims, was at least several billion dollars according to the Bergier Committee at wartime values. See Special Master's Report, Annex G-25. Adjusted to reflect the appreciation in the value of gold and inflation by the year 2000, the value would be tens of billions of dollars.

The Special Master has arbitrarily determined that 90% of the \$100,000,000 allotted to looted assets should be given to Jewish class members and 10% to all others "...based on historic precedent and current demographics." Special Master's Report. p. 25.

The percentage of all murdered Jewish and Romani Holocaust victims that are Romani is between 14% and 20% if 6 million Jews



and between 1 and 1 1/2 million Romani were killed. The percentage of all claims for looted assets in this case that is Romani is just over 4%. Yet, as is true with Jews murdered in the Holocaust, virtually every Romani victim was looted of his assets.

If 8,000,000 victims of the Holocaust had an average of only \$100 in gold and other valuables taken from them, the total would be \$800,000,000. Romani in Germany and Nazi occupied countries traditionally invested their wealth in gold bracelets, necklaces, coins and ornaments. Their gold possessions would have exceeded \$100 per Rom by a significant multiple. Gold was the material wealth of the Romani people.

There are 206,202 claims for slave labor, of these 8934, or 4.6%, are Romani. If all claims were approved for the full \$1000 maximum proposed by the Special Master, the total slave labor claims would equal \$206 million dollars. Romani believe for the reasons set forth above that they are substantially underrepresented as a group in slave labor claims. Payments for slave labor have been made from other funds. Romani were unrepresented, or underrepresented in those programs.

There are 736 Romani refugee claims, 532 in the first category for which payments of \$250 to \$500 are recommended and 90 in the second for which payments of 1250 to 2500 are proposed. Total refugee claims equal 18,441, of which 4% are Romani. If all Romani claims were allowed in the full amount, their total recovery for refugee claims would be \$491,000. See Ex. A, pp. 8-

19.

Inequality, discrimination, or unfairness in the distribution of Holocaust victim funds among survivor groups manifests a failure of recognition, respect and compassion for those unfairly treated. It undermines the possibility of solidarity among survivors and their larger populations. Romani do not want more than is just for themselves. Nor do they want any others to receive less than is just from the limited funds available for all.

Fair allocation of all funds available for victims of Nazi genocide and persecution among and within victims groups is of fundamental importance to all the purposes for which the funds are created including the prevention and protection from future genocide and persecution.

**4. Fundamental Fairness Requires Allocation To Romani Proposals Of A Substantial Portion Of All Funds Remaining From Deposited Assets And Other Claims Categories After All Established Individual Claims Are Determined.**

The needs of the Romani people, victims and descendants of the Holocaust, are vast. After more than a millennium as homeless wanderers, or outcasts, ignored, and persecuted, the condition of the Romani people is desperate. As a group, wherever they live in significant numbers, they are the poorest, most alien to the general population, most persecuted and most dependent on their own group for survival.

Virtually all Romani living in Europe are uniquely victims,

or descendants of victims of the Holocaust because of the close social structure of Romani clans beyond direct blood lines. Every Romani clan in east Europe and most elsewhere in Europe suffered devastating losses in the Holocaust.

The Romani condition since World War II has worsened in comparison to the general population where they live, almost without exception. Any relief from small temporary provisions of food, firewood, clothing, shelter, or money would prove cruel when their lives and future generations face the same tragic destiny that has been theirs since they left their ancient homeland and became "gypsies".

Funding required to meet all of the needs of the Romani, the majority living in eastern Europe, but millions living elsewhere, including several millions in the America's, would equal annually the gross national product of a nation of 12 to 15 million with a decent standard of living, or tens of billions of dollars even if the Romani were not scattered, persecuted and impoverished. Nothing approaching this is possible.

The essential need therefore is to identify the most effective means of affording opportunities for the Romani that can break the cycle of isolation, alienation and repression that is their history and open doors to a hostile world in which they can live at a decent standard with their own culture and people if they choose, or integrate into the large societies and function within them in equality and under fair standards of living.

5. Higher Education For Qualified Individual Rom To Develop Leadership Is The Highest Priority For A Better Romani Future

Romani leadership and peoples believe as do the Directors of the United Romani Education Fund that education is the single most important element in their quest for a better life.

This proposal will offer scholarships for higher education that few if any among the Romani murdered in the Holocaust ever had. Higher education is the most immediate and effective means of breaking the chains of Romani poverty, isolation and repression because it will create awareness of the Romani condition and the way out of its tragedy among young Romani leaders chosen and motivated to remain committed to better the lives of their people.

The elementary and secondary education of Romani children in recent years has been much studied and debated, and has been widely and authoritatively deplored. The subject has been considered in part for its bearing on admissibility to the European Union and because the education of Romani children while part of a larger darker picture of mistreatment and deprivation is in itself a matter of fundamental civil and human rights protected by treaty and international accords.

Today thousands of Romani children receive no schooling. The vast majority receive poor primary level schooling, and little secondary education also of poor quality. They are often segregated in "special" inferior schools, and treated without basis as developmentally disabled. The task of overcoming this

condition is vast. Few Romani have had any university level studies. In countries with large Romani population the number of Romani university students ranges from 0 to single digits in number.

According to the World Bank:

#### **Education: Leaving Roma Children Behind**

Lack of education keeps Roma out of work and limits their future opportunities for participating in society. A majority of Roma do not complete education beyond primary school. A stark example of the education gap is in Bulgaria where 89 percent of Roma had only primary education or less, in contrast with 33 percent of the non-Roma population in 2000. Few Roma continue on to secondary school, and many who do never finish. Across countries, less than 1 percent of Roma participate in any form of higher education.

One particularly pernicious problem is a tendency to inappropriately place Roma children into schools for the mentally and physically disabled. Language barriers, the isolation of Roma communities, and segregation in mainstream schools also leave Roma children behind. Roma are also segregated in under-resourced, sub-standard Roma-only schools, or within separate classrooms within mainstream schools.

World Bank Press Release, Washington, D.C. June 24, 2003,  
accessed on January 27, 2004, at:

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20116873~menuPK:34463~pagePK:34370~piPK:34424~theSitePK:4607,00.html>.

Despite these tragic conditions, there are thousands of young Romani qualified for higher education and capable of excelling if given the chance. This fund can support only a minor fraction of those eligible for university study. This proposal can multiply these higher education numbers and by its multiple benefit, impact quickly, widely and permanently.

#### **B. The United Romani Education Fund Proposal**

As proposed, UREF will have a limited duration of not more than 10 years. Within this timeframe, with the sums requested

UREF can multiply the number of Romani preparing for and in degree programs in universities and graduate schools in nations where Romani number in the hundreds of thousands to millions.

#### 1. Organization And Administration

The administrative office of UREF is safely established at the University of Texas at Austin with the internationally recognized Romani Archives and Documentation Center. This is the most important Romani archives and library in the U.S. and ranks among the best in the world. The UREF Administrative office and Archives is under the leadership of the preeminent Romani scholar, Ian Hancock, who serves as Chair of the UREF Board of Directors and President of the Archives Center. UREF has private local legal counsel, accountants and as members of its Board, the Director of Legal Research and Law Librarian for the University of Texas School of Law, Roy Mersky, who holds the Harry M. Reasoner Regents Chair in Law, and the Hon. Rodney Ellis, an attorney and prominent member of the Texas State Senate.

The Board of Directors consists primarily of leading Romani academics and national Romani organization leaders who work in established institutions that will provide space and support for regional Romani research and study centers in Belarus, Bulgaria, Czechoslovakia, Hungary, Poland, Russia, Sweden and hopefully soon in Romania and Brazil all under the direction of Romani educators and leaders. A list and brief biography of the Directors is attached at Exhibit D.

The sixteen Romani Board members listed are respected and well-known advocates and spokespersons for Romani communities in their respective countries across Europe and in North and South America as well as for the Romani people as a whole. These Board members are a key programmatic resource. They are knowledgeable about current policies and programs of government and non-government organizations affecting Romani interests, and are themselves often instrumental in shaping and carrying out these policies and programs. They are alert to the important differences among Romani from country to country as well as the common core of problems the Romani people face. They are keenly aware of the vast extent to which these programs to benefit Romani are inadequate to meet Romani needs and the crucial importance of education in general and of increasing the extremely low number of Romani students who receive university and graduate education. Each director will be an active participant in the work of UREF and its program in his/her own country.

## **2. Scholarships For Higher Education for Romani**

The single most important use of extremely inadequate funds for Romani victims of the Holocaust who are largely unknown is to provide higher educational opportunities among the most deserving and best qualified descendants of victims to greatly increase the number of college educated and graduate degree awardees among the Romani people to lift their people from centuries of poverty, illiteracy, isolation and persecution and develop Romani

leadership. Research in Romani history, culture, language, Romani experience in the Holocaust epoch, the creation of Romani research centers in appropriate universities and development of teaching materials for Romani, to include their story in world history will provide the foundation for a better future for all Romani.

Many qualified and deserving Romani applicants have been identified. Some are completing secondary school and need assistance to stay in school. Selection criteria for scholarships are being established and assistance in meeting individual costs sought from student families, the universities, Romani and other organizations to enable as many scholarships as possible to be granted. Scholarships in education will be emphasized, but graduate studies in medicine, law, business administration, anthropology, history and other fields will be sought.

It is estimated that as many as 1000 university degrees and additional substantial university studies by Romani students can be attained from an initial \$25 million dollar fund.

In most countries where UREF scholarships will be granted, tuition will not be a significant cost. Universities and organizations where Romani scholarship students enroll will be asked to waive, or lower tuition, where it exists to provide dormitory and student meals free or at reduced rates, provide space, equipment and funding for the office and assist non Romani students who work in the office, do research for it, or enroll in



Romani studies.

Enabling students to live apart from their families during the school year and motivating the students and their families to sacrifice to pursue higher education will be the greater cost. It is believed that the outstanding Romani leadership both at the Romani Research and Study Centers and through Romani populations who support this proposal will be able to help locate scholarship candidates and encourage their families and communities to approve and support the university education opportunity offered.

### 3. Romani Research And Study Centers

Romani Research and Study Centers are being set up initially at the University of Texas in Austin and at the seven locations in Europe identified in Exhibit D.

Romani receiving scholarships will study in institutions with Research Centers and other universities. Some will major in Romani studies. All will be asked, whatever their chosen field, to undertake some research related to Romani history, culture and needs most relevant to their major field of study. An effort will be made to instill a lifetime interest and commitment in Romani affairs, needs and continuing relations with the fund and its staffs, activities and growing alumni.

Romani research and studies will cover a wide range from Romani history and culture to health care and civil rights depending on regional concerns, ongoing studies, faculty fields and interests, students backgrounds, interests, major fields of study and local conditions and needs. The Administrative office

in Austin will supervise, guide, coordinate and organize research and studies. It will collect, analyze, translate and make available materials produced. All Romani scholarship students and Romani organization offices as well as non Romani students and researchers who volunteer will be involved in Fund activities. Development of educational materials for primary and secondary education for Romani class lessons, students and courses will be a priority.

### **C. Allocation Of Funds**

#### **1. Scholarships**

At least 80% of UREF expenditures will be directly for scholarships. At a \$25 million dollar level this would be at least \$20 million. Each scholarship will be tailored to meet the needs of the individual.

Scholarships will be awarded among nations in rough proportion to the Romani population, seeking descendents of Holocaust victims in large, strong Romani clans and families with commitments to Romani culture, language and well being and high scholastic aptitudes. UREF will seek supplemental support for each scholarship from all feasible sources including universities, other scholarship sources, student funds, family and part time employment. It will also seek appropriate contributions from those who are granted scholarships such as independent research papers for credit, or extra curricular study, on Romani issues related to the students field of study, providing research, or other assistance in University Centers

established for Romani studies, volunteer service in Romani organizations, or communities during and after completion of studies, participation in support groups for Romani causes, helping identify other prospective scholarship candidates, repaying grants in proportion to financial ability to provide other scholarships through worldwide Romani Education Fund programs.

## 2. Research and Study Centers

Up to \$3 million will be allocated to fund Romani Research and Study Centers in countries with a large Romani population in the most appropriate universities willing to provide the most support and showing most faculty interest for such a Center.

Research should be undertaken and study and teaching materials developed for Romani history, culture, language, the Holocaust epoch, Romani rights, current Romani demographic data, information concerning Romani health, death rates, life expectancy, poor housing, jobs, lack of education, poverty, low incomes, absence of government programs and hostility, and means of meeting the needs of the Romani people. A cluster of Romani scholarships should be granted in each university with a Research Center to assure Romani student presence and to provide research and volunteer support in running the Center.

## 3. International Romani Rights Center

Allocate \$500,000 to create an international computerized Romani Rights Complaint, Information and Protection Coordination Center, probably at a university in east Europe where a Research

and Study Center is located. Inform Romani worldwide of the Center and its services. The Center will coordinate distribution of Rights information from Research and Study Centers, other Romani organizations, government and human rights organizations. It will have the capacity to receive and catalog complaints of Romani Rights violations from all sources, including police, government agencies, human rights agencies and organizations and Romani organizations and individuals. It will inform relevant Romani organizations, human rights NGO's, inter governmental human rights agencies, local police, prosecutors, national authorities, the media and the public of violations of Romani rights and press for redress and prevention and document and publicize violations of Romani rights.

**4. Programs To Study The Holocaust, Locate And Aid Victims, Assist Victims In The Pursuit Of Claims And Raise Funds For Continuing And Expanding UREF Programs.**

Allocate up to \$1,000,000, to the extent needed, to engage in research in the history and fate of Romani during the Nazi Holocaust, to supplement efforts to identify all Romani and other Holocaust victims by the use of Romani organizations and Romani leaders, the Research Centers and students using direct contacts, interviews and surveys of Romani survivors and older Romani particularly in eastern and southern Europe on an expedited basis.

A capacity will be developed to support and pursue Romani Holocaust victim claims in legal and other proceedings, seek recovery from sources which have ignored Romani victims in

programs and payments for Holocaust victims. An office in the administrative headquarters will supervise analyses and preparation of proposals to governments, foundations, corporate, religious, private sources of support and individuals for funding of Romani programs including supplements to expand and aid continuation of the programs initiated herein to benefit future generations of Romani, as briefly described in Romani appellants November 1, 2000 Comments to the Court, Ex A, to be administered from the Research Center at the University of Texas.

#### 5. Support Of Administrative Office

Allocate \$500,000, for central administration expenses of the Proposal based at the University of Texas, to provide program evaluation, financial security, program evaluation auditing and accounting, required professional services, oversight, undertake supportive Romani programs, and to provide the Court required information and assistance for its Judicial Supervision. The central administration will coordinate the Board of Directors of approximately 18 to 21 members, including at least 16 Romani, at least one student on scholarship, a representative from each of the Research Centers, the Romani Rights Center and diverse Romani leaders, and three non Romani to include a University executive, a financial expert, and a lawyer.

As previously stated, UREF will have a limited duration of not more than 10 years. The entire sums received from this litigation and interest income generated from it will be expended during this time. It is hoped that new support to continue these

projects will have been developed during that period, that they will remain a priority and that a new, permanent organization, a Worldwide Romani Future Organization, will continue as a direct and expanded outgrowth of the beneficial use of these funds to advance higher learning and knowledge among Romani.

Communication and coordination among the Board members and their various organizations and constituencies is being strengthened, systematized and directed toward the creation and administration of a scholarship program for Romani intended to fairly reach promising young Rom and empower them for personal development and service in areas of knowledge and activity most needed by the Romani people. The Board is simultaneously involved in planning and implementing priorities for research to serve Romani needs and methods of operation for UREF's research centers and supervision of scholars and for other activities. It is also seeking ways to supplement scholarship support and raise additional funds to strengthen its programs.

**D. UREF Proposal Has Multiple Impact And Benefits That Reinforce Each Other.**

1. UREF is controlled and directed by international Romani leadership and will be accepted and supported by Romani everywhere.

2. UREF can multiply the number of Romani presently enrolled in university studies within several years enriching and empowering them and their associates.

3. The research and study centers will empower Romani

leaders working in the Centers and reinforce and counsel Romani students in their studies, motivating them to a greater commitment to lifelong involvement in support of Romani peoples and their needs.

4. Research in Romani history, culture, experience in the Holocaust and issues of importance to Romani peoples will be multiplied in the centers and contributions of UREF scholars benefitting all Romani and the larger communities.

5. Romani teaching materials and teachers will be developed capable of reaching all Romani in primary and secondary education, making their experience less frustrating and more productive and encouraging higher enrollment and better students.

6. UREF will become an international communication and coordination center for Romani organizations and individuals providing contacts, cooperation, knowledge and cooperation among Romani that is not now possible.

7. UREF activities can increase Romani self knowledge, pride, coordinated effort and protection from persecution and discrimination.

#### **E. UREF Requests A Grant Of Fifty Million Dollars**

UREF has agreed to an award of not less than \$25 million. It now appears that more funds are available from those allocated to cover Deposited Assets claims than was anticipated in August 2002. Accordingly, if it is fair to all Holocaust victims, UREF respectfully requests an award of \$50 million. It has the capacity to effectively and efficiently use that sum within ten

years and to help build a permanent organization to carry on its progress when the original funding is exhausted.

UREF is anxious to make its first scholarship awards for the school year beginning September 2004. If its proposal can be approved and initial funds of \$2 million allocated by April 2004, UREF can place as many as 40 students in universities with several each in universities at its seven present research and study centers and the University of Texas at Austin at its headquarters.

January 29, 2004

Respectfully submitted,



Ramsey Clark  
Counsel for  
United Romani Education Fund



# Exhibit A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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:  
In re: :  
HOLOCAUST VICTIM ASSETS :  
LITIGATION :  
:  
:  
-----X  
This Document Relates to :  
All Cases :  
-----X

: Case No. CV 96-4849 (ERK) (MDG)  
: (Consolidated with CV 96-5161,  
: and CV 97-461)

ROMANI COMMENTS AND OBJECTIONS  
TO THE  
SPECIAL MASTER'S PROPOSED PLAN  
OF ALLOCATION AND DISTRIBUTION

Romani Organizations:  
Romani National Congress  
Romani Documentation Center  
& Holocaust Archives  
Sa-Roma, Inc.  
Lawyers Committee For  
Roma Rights  
Association Civil Indentitdad  
Cultural  
Romani Association of Australia  
IRU and Romano Centro

Romani Leaders and Spokespersons  
Honorable Ian Hancock, USA  
Honorable William Duna, USA  
John Nickels, USA  
Joe Kaslov, USA  
Ken Lee, Australia  
Jorge Bernal Vitrovic, Argentina  
Dragan Jevremovic, Austria  
Alexandre Flores, Brazil  
Dr. Hristo Kjukukov, Bulgaria  
Nicolay Kirilov, Bulgaria  
Ronald Lee, Canada  
Julia Lovell, Canada  
Ondrej Gina, Czech Republic  
Peter Bakker, Denmark  
Barrie McCann, England

Romani Organizations  
continue on the last page

Individual Roma Sponsors  
continue on the last page

By their attorneys

Ramsey Clark  
36 East 12th Street  
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Sebastien Rainone  
Rainone Associates  
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Suite 1201  
Philadelphia, PA 19102

12000001-17000001

**ROMANI COMMENTS AND OBJECTIONS  
TO THE  
SPECIAL MASTER'S PROPOSED PLAN  
OF ALLOCATION AND DISTRIBUTION**

The undersigned Romani organizations and individual Rom through their counsel respectfully present their comments and objections to the Special Master's Proposed Plan of Allocation and Distribution of Settlement Proceeds.

**1. Romani Seek Unity Among Victims Of The Nazi Genocide To Prevent Future Genocide**

Romani survivors of the Nazi Holocaust and the Romani people seek solidarity with all survivors of the Nazi Holocaust and with the larger populations of which they are a part. As the victims of the Holocaust were joined in death, Jews, Romani, Jehovah's Witnesses, disabled people, homosexuals and other victims have the highest duty to unite the living to protect their own people and to prevent future acts of genocide against any people. No other human effort can adequately honor those who died, or comfort those who survived, money payments least of all. Inequality, discrimination, or unfairness in the distribution of Holocaust victim funds among survivor groups manifests a failure of recognition, respect and compassion for those unfairly treated. It undermines the possibility of solidarity among survivors and their larger populations. Romani do not want more than is just for themselves. Nor do they want any others to receive less than is just from the limited funds available for

all.

Romani will assert their best estimates of just claims for their own people. They cannot properly assert claims for others, but will support all such claims that appear just and reasonable assistance to determine just claims for groups unable to do so themselves. Fair allocation of all funds available for victims of Nazi genocide and persecution among and within victims groups is of fundamental importance to all the purposes for which the funds are created including the prevention and protection from future genocide and persecution.

**2. The Special Master's Plan For The Allocation Of Funds Is Inequitable And Discriminates Against Romani Victims**

Romani who have had an opportunity to examine the Special Master's Report filed with the Court on September 11, 2000 believe their people have not been treated equally, or justly. This will threaten solidarity among the victims of the Holocaust, harm those treated unequally, reduce empathy for its victims and diminish their ability to prevent recurrences. It is to achieve and strengthen unity, assure fairness in distribution of funds and shared capacities to prevent future genocides, that these objections are filed.

**3. Romani History "Is A Long Recital Of Persecution."**

Romani have been victims of pervasive persecution for more than a thousand years since persecution drove them from their native lands in northern India. Persecution greeted them as they

spread over Europe, across the Atlantic to America and around the world as nationless wanderers and over time as widely scattered semi-indigenous settlers. Romani were targeted for extermination by the Nazis and their people have continued to be persecuted. The brief description of Romani persecution which follows is set forth in the 1967 edition of Encyclopedia Britannica, a period of more objective scholarship than in recent years on the subject of the Holocaust, under the entry "Gypsy".

**Persecution.** Most of the history of the gypsies is a long recital of persecution. From the Straits of Messina to the Baltic, from Russia to Spain, they have been enslaved, tortured, even put to death -- simply for being Gypsies. The quarry in an 18th century Rhineland hunt was a Gypsy woman with a child at her breast. Between 1701 and 1750, 68 edicts, the aim of which was to persecute gypsies, were passed in Germany and Austria alone.

The hatred that they inspired was also accorded to the few who befriended them. In the 16th century it was decreed in England that all those consorting with gypsies should be considered felons and suffer death and loss of lands without the benefit of a jury... as late as 1819 in the English county of Norfolk, "those who wandered abroad in the habit of Egyptians" were punishable by imprisonment and whipping. In the 20th century the gypsies encountered a new form of mass persecution. The Nazis, on Hitler's instructions, exterminated in concentration camps the great majority of them in eastern Europe... It is estimated that 10% of the world Gypsy population perished in this manner.

Yet the gypsies' reaction throughout to persecution has remained as constant as the persecution itself. In 1614 Cervantes wrote of them: "Having learnt early to suffer, we suffer not at all...the cruellest torment does not make us tremble; and we shrink from no form of death, which we have learnt to scorn. When we see fit, we make no difference between yes and no; well can we be martyrs, but confessors never...We sing loaded with chains and in the deepest dungeons..."

The Nazi atrocities apart, modern persecution in Europe

and America have become less intense and of a more indirect nature. The gypsies are still hounded from one camping site to the next and are accused of trespassing. Local bylaws in England forbid them to camp within 300 yd. of a house, to get water from a brook or light a fire within so many feet of a main road. The places in which their ancestors have camped for generations are out-of-bounds.

Encyclopedia Britannica, Vol. 10, p. 1067 (1967)

Persecution of Romani has remained severe since 1945 wherever Romani are found in significant numbers and they remain with few exceptions the poorest in every region in which they live.

#### 4. Comparatively Little Is Known About The Romani Generally Or Their Fate During The Holocaust

The most important fact about the Romani is the magnitude of ignorance about them as human beings, their origins, history, culture, language, migrations, character, condition - and for present purposes, their numbers and experience in the Holocaust. While Romani revere their ancestors, their parents and especially those who suffered the most, the victims of the Holocaust, they care most, as those victims would want them to, for the living and future generations. Romani believe, and scholarship supports it, that their numbers worldwide today are 10 to 12 million persons. They are overwhelmingly poor, undereducated and underemployed, socially ostracized, politically persecuted and too often physically endangered.

5. **Between One And One And A Half Million Romani Were Murdered In The Nazi Genocide**

While it is painful to endeavor to count the Romani who died in the Nazi Holocaust and Romani culture resists it, the counting must be done for the truth to be known, the protection of Romani and the prevention of future genocides. In a world in which the principal and growing threats of violence and genocide are between and among different races, ethnic groups and tribes within and among nations, knowledge of this past is critically important to prevent its repetition. In any place where political violence exists and Romani live in significant numbers, they are likely to be the greatest victims in proportion to population, as was probably true in Nazi Germany and territories it occupied and in Kosovo in 1999. We have seen that in 1967, the Encyclopedia Britannica reported the Nazis exterminated the great majority of the Romani in eastern Europe and estimated 10% of the world populations of Romani perished in the Holocaust. At the first U. S. Conference on Gypsies in the Holocaust held at Drew University in November 1995, Sybil Milton, then Senior Historian at the U. S. Holocaust Memorial Museum in Washington, D. C. stated, we "believe that something between half a million and a million and a half Romani and Sinti were murdered in Nazi Germany and Europe between 1939 and 1945."

The Romani population in Germany and territories occupied by Axis powers during World War II is as difficult to measure as are the Romani victims of the Holocaust. Romani were rarely a part of the larger societies, were not recognized by them and were not

counted in many censuses. Wherever they were included in official statistics, they were undercounted. The Special Master's report analyzes current and pre World War II populations of Jews for 13 pages. It requires less than a page, only six sentences and footnotes to cover the same subjects for Romani. It observes that the Notice Plan's "...conservative assessment of the pre-War European Roma population is approximately 1,075,000 people." Special Master's Report C-14. This is far too low. The present Roma population in Europe is estimated at 5 to 8 million. The pre-War European Roma population was probably over 3 million. Between one and one and a half million Romani perished in the Holocaust.

In a later December 1999 draft memorandum provided to the Special Master, Sybil Milton states "at least a minimum of 220,000 Roma and Sinti were killed in the Holocaust and that the figure is probably higher, possibly closer to 500,000." See, Special Master's Report at C-17-18.

The "minimum" figure is admittedly incomplete since Milton explains it does not include killings by the EinsatzKommando, or those sent to euthanasia centers in Operation "14f13". Among other major deficiencies in the accounting which render it clearly a minor part of all Romani victims is the omission of those exterminated in Romania, Yugoslavia, the former Soviet Union and other countries occupied by the Nazis, or Axis powers, where most Romani lived and were executed. See, Master's Report C-18. The Notice Plan recognized most Romani lived in "Romania,



Bulgaria, Hungary, Russia, Slovakia, Yugoslavia, the Czech Republic, Italy, Poland, Belarus". See Id. C-14-15.

The Notice Plan stated "...it is difficult to estimate Roma population accurately due to the Roma community's cultural distrust of outsiders, centuries of persecution and concomitant history of not cooperating with census officials and bureaucrats trying to identify and quantify their populations." Other non-Roma have attributed the difficulty to the claim that "this group generally has avoided self-identification." See, Id. at C-14, ftnt 38. While to a Rom, those explanations reveal an anti-Rom perspective, they suggest some reasons Rom are nearly always undercounted. More basic however, many Roma were nomadic and not considered part of any community. Others had settled outside towns and villages, or in parts where census counters would not find them. Their households were usually large, the structure, or wagon which was home serving many more people than would be seen, or expected. The poor are undercounted in the most comprehensive census efforts and the Roma were usually the poorest. Roma often have been hard to find because police and vigilante groups were hunting them. The very places and ways Romani lived made any effort at counting them ineffective.

Roma, in addition to the hundreds of thousands who died in death camps, were massacred in many different places, particularly outside Germany, sometimes a few caught on the road, sometimes hundreds found in the fields and forest. Sometimes thousands of Romani were rounded up and massacred. By 1993, more

than 150 such sites had been located in the one small area of eastern Poland the Nazis called the General Government. Roma dead were often counted as "partisans", "hangers-on", "remainder to be liquidated" and sometimes as Jews. More Romani were murdered outside the death camps than in them. The failure of the Notice Administrator's and other efforts to find more Roma claimants demonstrates how difficult it remains to count the Romani.

Jews lived largely in ghettos. Ghetto clearings and jammed railroad cars characterize their journey to death camps. The location and number of Jews were comparatively well known. And for fifty-five years diligent and well financed efforts to identify and count Jewish victims of the Holocaust and to aid Jewish survivors have created an enormous body of knowledge about Jewish victims of the Holocaust. The Rom remains the invisible man.

A careful analysis will reveal that far more than 500,000 Romani and Sinti were put to death in the Nazi Holocaust and that the true count is probably between one million and a million and a half. An equitable distribution of the Swiss Banks funds cannot be made unless the Romani victims of the Holocaust are fairly included.

**6. Romani Have Been Unable To Inform Their People Of The Swiss Banks Settlement Fund And The Plan Administration And Other Efforts To Do So Failed.**

Romani have been extremely handicapped in efforts to inform their own people of the Swiss Banks settlement fund and the

opportunity victims of Nazi persecution have to file claims to recover lost assets and be compensated for past wrongs. Romani number as many as 12 million widely dispersed and isolated people, of whom tens of thousands are victims, or decedents of victims of the Holocaust who, or whose forebears, lived in Germany or Axis occupied territories during 1935-1945 where they were victims of Nazi genocide. They remain without a nation, persecuted in many places, discriminated against in most, more widely scattered than any other people, with inadequate health care, high infant mortality and death rates and short life expectancies. Romani remain overwhelmingly poor, unemployed, or underemployed, nearly always more illiterate than the people among whom they live, often fugitive. As a consequence of centuries of persecution, wandering, and fragmentation, there are limited communications among Romani, only vague awareness of where and how their own people live, and no powerful, or effective political, civil social, economic, humanitarian, support, or cultural organizations to speak, or act in their behalf, aid them in distress, or even find them outside their tribal groups, none of which are large, wealthy, or capable of international outreach.

The Special Master notes that the Swiss Humanitarian Fund found it difficult to organize aid for Roma in several nations where Roma communities were divided, their organizations were new to such efforts, and the people often lived where there were inadequate postal and banking systems. Continuing mistreatment

of Roma in many locales and lingering distrust of government added to the difficulties. He concluded "These problems were exacerbated by the relative lack of identifying data concerning potential recipients." Id K 18-19.

The organizations that have filed claims for individual Roma demonstrate the negligible role of organizations among Romani people and their inability to effectively find and present their claims. The Special Master observed that "in contrast to the extensive programs designed to assist Jewish Holocaust victims... the Special Master is aware of no currently existing humanitarian or non governmental programs specifically aiding survivors of Nazi persecution from among the Roma...communities." He goes on to identify as central reasons that until very recently their suffering has not been well recognized, as evidenced by the lack of scholarship concerning their plight and the dearth of compensation programs for their benefit. He concludes "...compensation to the Roma ... victims of Nazi persecution generally has been more limited in scope and beset by difficulties, including continuing prejudice and mischaracterizations of the victims" than for Jewish and other victims. Special Master's Report, p. 138-39.

Efforts by the Notice Administrator through the Roma Outreach Program failed to locate, and communicate effectively with Roma populations to evaluate the numbers of Roma victims, or to elicit claims. However qualified and experienced the Notice Administrator was in ordinary class action cases, the failure to

understand and address the unique and enormous challenge of reaching the Roma peoples and securing their participation was near total. Reliance on the Notice Administrator for this purpose was a fundamental mistake. Romani leadership attempted to explain the problems inherent in efforts by a non Romani U.S. advertising and communications firm trying to find Romani victims of the Holocaust and their heirs to the Notice Administrator and others to no avail. Only a carefully planned, well financed effort conducted by the Romani themselves could hope to adequately secure the communication and participation of a significant portion of surviving Romani victims and heirs.

**7. Romani Require Funding To Locate, Organize And Represent Themselves**

Only the Romani can best organize and account for themselves. The very nature of their existence, their impoverishment and persecutions has prevented this. Romani claimants will not be found or come forth except for other Roma. Even a successful effort if one were possible to locate and compensate Romani Holocaust victims conducted by others would leave the Romani in the same condition, subject to the same persecution and victims of the next genocide wherever they live. At least one effort to persuade the Special Master to provide \$60-70,000 dollars to enable Romani leadership to locate Romani victims was ignored. Under the Special Master's proposed allocation, once again the Romani would receive a radically unfair share of funds available for Holocaust victims. The

Romani object to the allocation of funds that does not adequately account for Romani victims.

**8. Additional Allocations Of Funds For Romani Should Be Made To Partially Compensate Them For past Exclusions And Discrimination In Participation In Holocaust Victim Programs In Which Other Claimants Have Participated.**

Romani victims of the Holocaust have not been equitably compensated heretofore for losses in the Holocaust because they have not known of the possibility of compensation, have been overlooked and have not been able to organize, or finance activity needed to identify and present their claims. In most of the aid and compensation programs for Holocaust victims since 1945 Romani have been excluded, or received less than their fair share. Efforts to find potential claimants by others and assist in presenting claims have been failures. This injustice should not be repeated. Efforts to compensate Romani for past failures to do so should be made. An additional allocation should be made from this fund to partially compensate Romani for their exclusion in earlier programs and payments in which others claimants herein participated.

**9. The Allocation Of \$800,000,000 To Compensate For Deposited Assets Claims Totaling \$80,000,000 Plus Interest, Inflation And Fees Is Not Equitable.**

Of the \$1,250,000,000 available for Holocaust victims from the Swiss Bank fund, \$800,000,000 has been set aside arbitrarily for the Depositor Class as a priority to be paid upon the entry of judgment without waiting for an appeal.

The Romani object to the amount of \$800,000,000 because it

is excessive. It includes \$720,000,000 for "interest, inflation and fees". The award of interest, inflations and fees is improper. If interest, inflation and fees were awarded to bank depositors, the appreciation in value of gold and other looted assets plus inflation would have to be awarded for property claims. The most equitable measure of loss would be value as of 1945.

The claims of specific individual depositors and the amounts are largely unproven and unprovable. The proposed allocation for bank accounts values property over life and human need, wealth over human suffering, bank deposits over other property and favors the rich over the poor. After 55 years, an unrecovered bank account, which to heirs was usually unknown, has no psychological reality as an owned property. It is a windfall. It does not have even the emotional identification with one's earlier life, or memory of a beloved parent, or relative, that an heirloom has. A bank depositor who survived the Holocaust with minimum injury other than loss of bank account is made whole while a family that lost all its possessions and most of its members may receive no compensation. The injury resulting from wrongfully converting bank accounts is less than the injury from robbing a person of gold jewelry and extracting gold teeth and fillings because of the physical, sometimes death dealing, assault involved and the greater psychological trauma of such robberies.

The \$800,000,000 for deposited assets is almost certainly

more than 20 times the actual amounts as of 1945 that can now be proven to have been deposited by specific individual Holocaust victims in specific amounts. If individual claimants are able to prove by clear and convincing evidence actual deposits equaling half the amounts claimed, the total claims would be \$40,000,000. Claims of depositors and amounts that cannot be proven should not be paid as a preference over proven looted assets, or similarly unproven claims for looted assets.

According to the Special Master, Jews filed 70,879 claims to these assets. Romani filed 1809. All other claims for Deposited Assets total 9162. Romani claims equal only 2.2% of all deposited assets claims. It is doubtful that Romani would receive even this small percentage of the total allocation for deposited assets because they will have greater difficulty proving individual deposits and specific amounts compared to claims by others. Yet Romani deaths in the Holocaust are between 14% and 20% of the total deaths of Jews and Romani.

This vastly inflated allocation impacts disastrously on all other claims categories, particularly looted assets, which include nearly all the millions of people who died in the Holocaust. That nearly 2/3's of the entire settlement might be allocated to that portion of 80,000 claimants who can prove bank deposits and amounts is an abandonment of any claim to truth, or justice.

In all the conferences, meetings and discussions Roma leaders had with the Court, plaintiffs counsel; the Special



Master, and others working to achieve an equitable allocation, it was never speculated, suggested or stated that payments for depositor claims might possibly be as much as 20% of payments for looted assets. Romani were led to believe that the great majority of the funds would be allocated for looted assets claims. When Romani learned the Special Master proposed reserving \$800,000,000 for depositor claims they were and remain stunned. The limitation on looted assets to a total allocation of \$100,000,000 with all but \$10,000,000 to be reserved for Jewish claims filled Romani with disbelief. The Romani oppose this allocation.

**10. Looted Assets Greatly Exceeded Bank Deposits Of Holocaust Victims And Should Be Allocated At Least One Billion Dollars As Compensation.**

In contrast to the Depositor Class claims, the Special Master would arbitrarily limit the Looted Assets Claims to \$100,000,000. Yet nearly every murder victim of the Holocaust was stripped of assets. The most reliable objective estimate of the number of looted assets claimants is the death toll. It is also the most objective measure of the suffering of Holocaust victims and the people of whom they were a part, as a whole, by groups and individually. Where specific individual claims cannot be established by clear and compelling evidence, funds should be allocated among the groups of which the victims were a part in proportion to the number of their people who died in the Holocaust.

The value of Nazi gold that went through Swiss banks, including gold seized from occupied territories and from Holocaust victims, was at least several billion dollars according to the Bergier Committee at wartime values. See Special Master's Report, Annex G-25. Adjusted to reflect the appreciation in the value of gold and inflation by the year 2000, the value would be tens of billions of dollars.

If 8,000,000 victims of the Holocaust had an average of only \$100 in gold and other valuables taken from them, the total would be \$800,000,000. Romani in Germany and Nazi occupied countries traditionally invested their wealth in gold bracelets, necklaces, coins and ornaments. Their gold possessions would have exceeded \$100 per Romi by a significant multiple. Gold was the material wealth of the Romani people. At least one billion dollars of the total settlement should be allocated to compensate for assets looted from Holocaust victims.

**11. Looted Assets Compensation Should Be Allocated On The Basis Of A Group Percentage Of Total Holocaust Murder Victims With Romani Deaths Between One Million And A Million And A Half.**

The Special Master has arbitrarily determined that 90% of the \$100,000,000 should be given to Jewish class members and 10% to all others "...based on historic precedent and current demographics." Special Master's Report. p. 25. The historic precedent included the Mauerback auction of looted artworks from unknown Nazi victims in Austria. Proceeds from the auction were distributed to eligible groups. Jewish groups received 88% based

on the estimated number of Jewish victim deaths as a percentage of deaths suffered by all eligible groups. The Swiss Humanitarian Fund adopted this same formula. The Swiss Fund also relied on a study by Prof. Klaus Urner which initially concluded 86.5% of the murdered Holocaust victims were Jewish, but was later modified when it was realized it under represented political prisoners. See, Special Master's Reports Annex K-7. For the reasons stated above, Romani victims were vastly under represented in earlier estimates of Holocaust victims.

The percentage of all murdered Jewish and Romani Holocaust victims that are Romani is between 14% and 20% if 6 million Jews and between 1 and 1 1/2 million Romani were killed. The percentage of all claims for looted assets in this case that is Romani is just over 4%. Yet, as is true with Jews murdered in the Holocaust, virtually every Romani victim was looted of his assets. If all non Jewish claims for looted assets are recognized and equal allocations of funds for each claimant made, the total Romani recovery from the \$100,000,000 total for looted assets in this case would be just over \$4,000,000. By any count of Romani victims, this would provide only a few dollars for each death and fall woefully short of their just share.

**12. Allocations For Slave Labor And Refugee Claims Should Be Reduced To Less Than \$250,000,000 And Distributed To Groups In Proportion to Their Holocaust Deaths**

The Special Master leaves up to \$350,000,000 to cover claims for Slave Labor and Refugees, unless other claims, such as insurance are allowed against it.

There are 206,202 claims for slave labor, of these 8934, or 4.6%, are Romani. If all claims were approved for the full \$1000 maximum proposed by the Special Master, the total slave labor claims would equal \$206 million dollars. Romani believe for the reasons set forth above that they are substantially underrepresented as a group in slave labor claims. Payments for slave labor have been made from other funds. Romani were unrepresented, or underrepresented in those programs.

There are 736 Romani refugee claims, 532 in the first category for which payments of \$250 to \$500 are recommended and 90 in the second for which payments of 1250 to 2500 are proposed. Total refugee claims equal 18,441, of which 4% are Romani. If all Romani claims were allowed in the full amount, their total recovery for refugee claims would be \$491,000.

The Romani object to the allocation of up to \$350,000,000 for slave labor and refugees because it is excessive and disproportionate to the Looted Assets allocation and because Romani are underrepresented in the claims made. Most of the \$350,000,000 should be reallocated. Romani should represent at least 14% of the Slave Labor and Refugee totals if a more accurate figure cannot be established.

It is equitable to use the same percentage figures for eligible groups in order to establish the total claims potential for Nazi slave labor and refugee claims that is used for Holocaust deaths as a rough estimate. It is reasonable to estimate that the proportion of the Jewish population and the

Romani population that became refugees, or were seized, not killed, and physically capable of slave labor would be equivalent to the proportions killed, at least as between Jews and Romani.

For reasons set forth below the Romani ask that the total amount allocated to Romani for slave labor and refugee claims be transferred to the Worldwide Romani Future Fund for use and distribution in accordance with its Charter.

**13. Romani Choose To Have Funds Allocated to Them Used To Fulfill The Opportunity They Offer For A Better Future For All Romani And Not Lost In Small One Time Payments**

The Romani do not want the funds allocated for Romani victims of the Holocaust to be dissipated in small individual payments. They believe to do so would be disrespectful to those who perished in the Holocaust and those who survived. The number of surviving victims and heirs of those who perished or were persecuted in the Holocaust and victims who have died since who can be identified are between 2% and 3% of all those who died. They are probably only 10% to 20% of the surviving claimants depending on the class in part, if all could be found. Romani were liquidated in the Holocaust because they were Romani, as a group. Romani continue to be persecuted and discriminated against because they are Romani. Romani needs worldwide are vast. Holocaust funds should be distributed and used among and within groups in accordance with democratic principles.

Romani believe funds paid for Romani suffering during the Holocaust should be used to prevent genocide, persecution and discrimination against Romani and others; to help Romani organize

locally, regionally, nationally and internationally; to improve and develop Romani health, education, and welfare; to promote Romani social, economic and political power; to provide aid to needy Romani and Romani victims of persecution and discrimination; and to research, promote and preserve Romani culture, arts and history.

Romani want actual survivors and heirs to receive specifically identified property that was theirs or their forebears and they want all Romani to receive their proportionate share among all victims of others funds to be paid directly to Romani Holocaust victims if they request, or need it. They strongly believe such funds should be distributed through Romani organizations.

**14. Most Funds Allocated For Romani Holocaust Victims Will Be Devoted To Preventing Genocide And Persecution, Organizing Romani Globally And Regionally, Improving Romani Life And Preserving Romani Culture Through Romani Organizations.**

Romani want to use the opportunity the Swiss Banks settlement offers to create organizations to protect Romani and promote their interests to provide a better future for Romani and their children. They plan to create a Worldwide Romani Future Organization. It will be governed by an international committee chosen by participating national, regional and local organizations drawn wherever possible from existing Romani organizations and an organization for the Romani diaspora too scattered to organize on a geographic basis. Nations with significant Romani populations, multinational regions with

comparable populations capable of meaningful participation as an organization and representatives of the world wide diaspora will function through existing, or new organizations working in a federal style system with the Worldwide organization exercising powers delegated by the Romani for their global future. Funds received from the Swiss Bank settlement will be allocated in agreed portions, probably 30-40% to the Worldwide organization and the balance divided among the national, regional and diaspora organizations based on population and special needs or purposes. Funds paid and to be paid through the Worldwide organization directly to individual claimants from the Swiss Bank funds will be paid, or reserved before sums available for participating organizations are determined.

Romani believe only such efforts can make this settlement meaningful for them. It can provide a major opportunity, perhaps the first and best in their more than a millennium as nationless strangers in hostile lands, to know themselves and to shape their own future.

15. **Unchallenged Non Romani Claims Up to 80% Of The Total Swiss Bank Fund Can Be Distributed Immediately With 20% Set Aside For Determination Of The Equitable Romani Share Of The Funds And Creation And Designation Of Romani Organization To Receive, Administer And Distribute Them.**

The Romani do not want non Romani claimants to suffer delay in receiving their payments in order to assure that Romani are treated equitably. This can be accomplished by setting aside from the total settlement fund an amount sufficient to assure the Romani their fair part of all funds available after the Court has

determined that amount. The Romani propose that 20% of the total funds available under the Swiss Bank Settlement be set aside to cover all Romani claims. The 20% allocation to assure full Romani recovery is reasonable. Romani can create and ratify their Worldwide Romani Future Organization and other organizations, agree on allocation of funds among the organizations and develop information to substantiate their claims up to 20% of the funds available. If it is determined that as many as one and a half million Romani died in the Holocaust, Romani deaths are 20% of Jewish and Romani deaths. The Romani would seek some recovery in addition to their proportionate share to partially compensate them for the acknowledged exclusion and discrimination in other Holocaust settlements and aid programs. Many non Romani claimants in this case have participated in other such settlements and aid programs. Romani do not seek full payment for prior discrimination against them from the Swiss Bank funds, but believe an adjustment up to 20% of the total funds is equitable.

To the extent that it is later determined that the Romani should receive a lesser amount, the difference between 20% and that lesser amount would then be returned for distribution to other claimants in the same proportion as their claims have been determined by the Court. Such a procedure will permit distribution of all, or nearly all, the moneys awarded without delay because of Romani claims.



### Conclusion

For these reasons the Romani victims of the Holocaust respectfully request the Court to modify the Special Master's Proposed Plan of Allocation and Distribution of Settlement Proceeds to conform to the comments and objections of Romani victims of the Holocaust and make such other modifications as are required to assure an equitable allocation and distribution of the settlement proceeds for all Holocaust victims.

November 1, 2000



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Romani Organizations:  
(continue from cover)

Roma National Congress  
Simon von Utrechstrabe 85  
W-2000 Hamburg 36, Germany

Roma Community Center  
Obstoskoz 4 Kalocza, Hungary  
The Hucclecote Center  
Churchdown Land,  
Gloucester GL3 3QN  
Romniterpress  
Sluzbeni Put 86-A  
11000 Beograd, Serbia  
Roma Gemer  
Sagarikov 6,  
Roznava 04-801, Slovakia

Romani Leaders and Spokespersons  
(continue from cover)

Jozef Cervenak, Slovakia  
Rudko Kawczynski, Germany  
Katy Stojka, Hungary  
Michael McDonagh, Ireland  
Sergio Franzese, Italy  
Sani Rifati, Kosovo  
Adam Andras, Poland  
Willie Reid, Scotland  
Emilian Nicolae, Romania  
Dr. Valdemar Kalinin, Russia  
Dragoljub Ackovic, Serbia  
George Demeter, Russia  
Nicolas Jimenez, Spain  
Lars Demitri, Swedan  
Irina Vaskiv, Ukraine  
Charles Smith, Great Britain

# Exhibit C

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August 2, 2002

Honorable Edward R. Korman  
United States District Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11202

Re: Holocaust Victim Assets Litigation  
Romani Cy Pres Proposal

Dear Judge Korman,

This letter is written to inform you, Special Master Gribetz and lead settlement counsel Burt Neuborne of progress made toward establishing a Romani education fund under the leadership of Ian Hancock to administer the organization and program proposed in July 2001 by the Romani appellants in the above then pending appeal, Second Circuit Docket No. 00-9217(L). The purpose of the program is to advance higher education among Romani worldwide, increase knowledge of Romani history and culture and enhance communication and coordination among Romani peoples. The proposal has the support of lead settlement counsel.

A new non-profit corporation, the United Romani Education Fund, Inc. (UREF), has been organized in Texas for exclusively educational and charitable purposes. UREF's headquarters are located in the Romani Archives and Documentation Center, an official office on the Campus of The University of Texas at

Austin. It will absorb and assume responsibility for the activities of the Documentation Center which provides the new organization with the most extensive Romani archives in the U.S., a wealth of experience with Romani worldwide and an internationally recognized base for operations in a major State university.

An outstanding Board of Directors has been selected comprised of fourteen internationally known Romani leaders located on four continents and in ten countries and four non Romani scholars, activists and public figures headed by former U.S. Senator Paul Simon. Their names and brief identifications are set forth in the attached letter from Ian Hancock. Roy Mersky, William Stamps Farish Professor of Law and Director of Research, School of Law, The University of Texas at Austin, joined the Board of Directors in early July.

Communication and coordination among the Board members and their various organizations and constituencies is being strengthened, systematized and directed toward the creation and administration of a scholarship program for Romani intended to fairly reach promising young Rom and empower them for personal development and service in areas of knowledge and activity most needed by the Romani people. The Board is simultaneously involved in planning and implementing priorities for research to serve Romani needs and methods of operation for UREF's research

centers and supervision of scholars and for other activities. It is also seeking ways to supplement scholarship support and raise additional funds to strengthen its programs. A special effort is planned to identify as many Romani victims of the Holocaust as possible and to assist survivors pursue claims for benefits to which they are entitled.

Regional offices and university based research centers are planned for up to twelve locations eight of which have been assured of housing. Six of the research centers which are assured office space are located in eastern Europe. Searches are being conducted on an experimental basis for a first class of twenty scholarships from at least six different countries with one, or more attending each university with a UREF research center.

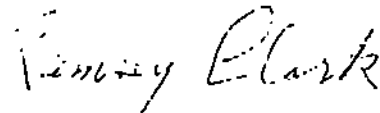
A careful analysis is underway of methods for identifying the most promising of a range of Romani candidates -- students in high school needing pre college assistance, students approaching high school graduation and needing scholarship assistance for college, candidates who have graduated from high school in recent years and are college qualified but lack funds for college and candidates who are in college but require assistance to complete their present courses, or enter graduate programs. Special efforts are planned to allocate scholarships based on Romani population with emphasis on Romani populations in countries

occupied by the Nazi's and, areas with the lowest current levels of participation in higher education.

UREF has obtained as its principal accountant Barry H. Margolis of Margolis, Phipps and Wright, P.C. in Houston, Texas. I will serve as legal counsel and have the assistance of Michael Rubenstein of Locke, Liddell and Sapp in Houston, Texas for corporate and financial matters.

We are anxious to award the first class of scholarships for the school year beginning in the fall of 2003. Assurance of the availability of funds by April 1, 2003 will make this possible.

Sincerely,



Ramsey Clark

Encl.

cc: Judah Gribetz  
Special Master

Prof. Burt Neuborne  
Lead Settlement Counsel



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• DIRECTOR: THE HON. IAN F. HANCOCK, PH.D., DIP.O.A.S. (LOND.) •

Ramsey Clark, Esq.  
Attorney at Law  
Law Offices  
36 East 12<sup>th</sup> Street  
New York NY 10003

14<sup>th</sup> May 2002

Dear Mr. Clark:

Re: The United Romani Education Fund, Inc. Board Selection

Having now spoken at length with each of the individuals listed here, I am now in a position to provide you with the final roster of seventeen names, all of whom are willing to serve on the board of the United Romani Education Fund, Inc. I name them here in alphabetical order, with brief notes on each:

**Mr. Adam Andrasz** ([ckrr@box43.gnet.pl](mailto:ckrr@box43.gnet.pl)), a prominent Roma leader who has spoken at all of the main World Romani Congresses, and who has visited us here in the US three times as the guest of our Department of State;

**Mr. Jorge Bernal** ([jberna@sagyp.mecon.gov.ar](mailto:jberna@sagyp.mecon.gov.ar)) a civil servant with the Argentine government, a widely published author and founding member of the Pan-American Romani organization SKOKRA;

**Ms. Agnes Daroczi** ([romaveritas@mailbox.hu](mailto:romaveritas@mailbox.hu)), educator and author, founder of a Romani school in Budapest and long-time consultant for the Open Society Institute; she has premises in Budapest for the Hungarian UREF branch office.

**Dr. Nadia Demeter** ([demetera@mtu-net.ru](mailto:demetera@mtu-net.ru)), author and university lecturer, and member of the prominent Moscow Demeter family. Her university has offered us permanent premises for a UREF branch office.

**Rev. Lars Demetri** ([lars.demetri@swipnet.se](mailto:lars.demetri@swipnet.se)), nationally-recognized evangelical pastor to the Romani people in Sweden, and co-founder of the Nordic Roma Council. His college has committed itself to providing premises for a UREF branch office.

**Mr. Orhan Galjuš** ([galjus@osi.hu](mailto:galjus@osi.hu)), formerly editor of the magazine *Putrin*, and manager of the Romani-language radio program of the same name; now working with the Budapest office of George Soros' Open Society Institute.

**Prof. Nicolae Gheorghe** ([nicolae@odih.osce.waw.pl](mailto:nicolae@odih.osce.waw.pl)), a professor of sociology (Bucharest),

now heading the Roma office of the Organization for Security and Cooperation in Europe in Warsaw. He has spoken at Harvard, Texas, Princeton and elsewhere in this country, and tells me he can obtain office space in Warsaw for UREF;

**Mr. Ondrej Giňa** (rkj.ros@worldonline.cz), a nationally recognized Roma spokesman in the Czech Republic.

**Prof. Ian Hancock** (xulaj@mail.utexas.edu);

**Prof. Milena Hübschmannová** (hubschmannova@volny.cz), widely published professor of Romani Studies at Charles University in Prague; her university has offered us premises for the Czech bureau of UREF.

**Mr. Oleg Kozlovskiy** (belarus\_roma@yahoo.com), Mr. Kozlovskiy is generally acknowledged as the main representative of the Romani population in Belarus. He has obtained the participation of the State University in providing us with premises on its campus for the Belorussian branch office of UREF Inc.

**Dr. Hristo Kyuchukov** (hristo@einet.bg), a widely-published specialist in children's literature and author of pedagogical materials for Romani children; he has taught as an invited faculty member at Berkeley and the University of San Francisco. He teaches in Sofia, and has secured commitment from the dean of the university for office space for our regional Bulgarian bureau.

**Dr. Kenneth Lee** (K.Lee@newcastle.edu.au), a professor of Sociology at Newcastle University in Australia.

**Mr. Ronald Lee** (leerom@interlog.com), Director of the Roma Advocacy Centre in Toronto. He has published several works on Roma and will begin lecturing regularly at the University of Toronto this fall.

**Mr. John Nickels** (jwildwood@hotmail.com), a nationally-recognized spokesman for the Romani American population, Mr. Nickels has spoken at a number of our congresses in Europe, and was instrumental in initiating and personally funding successful Romani business ventures in Romania.

**Dr. Gheorge Sărau** (minorities@men.edu.ro) has authored over twenty books on Romani language and literature, and teaches a regular college-level course on our language in Bucharest.

**Senator Paul Simon** is Director of the Public Policy Institute at Southern Illinois University in Carbondale, and together we have organized a seminar on Roma issues with internationally-invited speakers, which will take place this coming October.

In addition to these board members, we have Michael Rubenstein of Locke, Liddell & Sapp in Houston working with us; he has incorporated the Foundation and arranged for Barry H. Margolis of Margolis, Phipps & Wright, P.C. (also of Houston) to act as our accountants. I would, of course be honored if you would agree to continue as our permanent legal counsel.

Let me know if you need any more information regarding any of the people named here;

With all best wishes,



Ian Hancock

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January 2004

The following is a roster of the Board of Directors of the United Romani Education Fund, with biographical data, indicating where applicable, commitments of premises for UREF's regional Research and Study Centers:

**Adam Andrasz ([ckrr@box43.gnet.pl](mailto:ckrr@box43.gnet.pl))**

A prominent Romani leader who has spoken at all of the main World Romani Congresses, and who has visited us here in the US three times as the guest of our State Department, and who has served as consultant to the Canadian Department of Immigration and Naturalization in connection with Romani asylum seekers in that country. He is Chairman of the Centre of Roma Culture in Poland, the oldest Romani Association of Gypsies in that country.

**Jorge Bernal ([jberna@sagyp.mecon.gov.ar](mailto:jberna@sagyp.mecon.gov.ar))**

A civil servant with the Argentine government, a widely published author and founding member of the pan-American Romani organization SKOKRA. He also heads "Identidad Cultural" which hosts a weekly bilingual (Romani/Spanish) radio program. He has attended the major Romani conferences in Europe since the early 1970s.

**Agnes Daroczi ([romaveritas@mailbox.hu](mailto:romaveritas@mailbox.hu))**

Educator and author, founder of a Romani school in Budapest and long-time consultant for the Open Society Institute, and an Executive Board Member of the European Roma Forum. She has committed premises in Budapest for the Hungarian UREF branch office.

**Nadia Demeter ([demetera@mtu-net.ru](mailto:demetera@mtu-net.ru))**

Dr. Demeter is an author and university lecturer, and member of the leading Romani family. The Russian Academy of Sciences Institute of Ethnography, where she teaches, has promised premises for the Russian office of UREF. Her most recent book is *Romani History: A New Approach* (ERRC: Budapest, 2003).

**Lars Demetri (lars.demetri@swipnet.se)**

Reverend Demetri is a nationally-recognized pastor to the Romani community in Sweden, and co-founder of the Nordic Roma Council. He will supervise the UREF office based in the IRIS School in Malmö (a state-supported Romani college with ca. 400 students, and a computer lab with some 35 terminals).

**Rodney Ellis (rellis@senate.state.tx.us)**

The Hon. Rodney Ellis has served 13 years as a Texas State Senator from Houston. Chairman of the Government Organization Committee and a member of the State Affairs and Criminal Justice Committees, he has passed over three hundred bills which have become law. Senator Ellis has earned praise as a legislative leader on economic development, education, civil rights, tax cuts, criminal justice and workforce development issues. An attorney, he is the co-founder of Apex Securities, Inc., an investment banking firm.

**Orhan Galjuš (galjus@osi.hu)**

Formerly editor of the Romani and English bilingual journal *Patrin*, and manager of the Romani-language radio program of the same name, Mr. Galjuš was for a number of years in charge of the media program in the Budapest office of the Open Society Institute.

**Nicolae Gheorghe (nicolae@odihr.osce.waw.pl)**

Dr. Gheorghe is a professor of sociology at Budapest University, and heads the Roma office of the Organization for Security and Cooperation in Europe, in Warsaw. He has spoken at Harvard, Texas, Princeton universities and elsewhere in this country, as well as before a number of Congressional hearings on Romani issues. He has committed to providing office space in Warsaw for the URTEF bureau there.

**Ondrej Giña (rkj.ros@worldonline.cz)**

A nationally-recognized Romani spokesman in the Czech Republic. He is former deputy to the Czech National Council, and until 1997 a member of the government of the Czech Republic's Council for Nationalities and the coordinator of the Working Group for Concerns of the Roma; he is currently working on a project for the training of Romani activists in cooperation with the OSI's Roma Regional Participation Program in Budapest.

**Ian Hancock (xulaj@mail.utexas.edu)**

Chairman of the UREF Board of Directors, he is Professor of Romani Studies at The University of Texas at Austin, where he has been Director of The Romani Archives and Documentation Center since 1976. Between 1990-2000 he represented Romanies at the UN (ECO-SOC/DPI Cat II) and in UNICEF, and is currently North and South American representative for the Roma National Congress and US member of the Vienna-based Roma Parliament. In 1997 he was awarded the Gamaliel Chair in Peace and Justice for his work for Roma, and in 1998 received the Rafto Foundation's international prize for human rights in Norway. In the same year then President William Clinton appointed him to represent Romanies on the U.S. Holocaust Memorial Council. He has over 300 publications, his most recent book is *We Are the Romani People* (Hatfield: The University of Hertfordshire Press, 2002).

**Milena Hübschmannová (hubschmannova@volny.cz)**

Dr. Hübschmannová is a widely-published Professor of Romani Studies at Charles University in Prague. She serves as consultant for numerous Romani projects for the Czech government and authored the standard dictionary of Czech Romani. Her university has offered us premises for UREF on its campus.

**Oleg Kozlovskiy (belarus\_roma@yahoo.com)**

Mr. Kozlovskiy is generally acknowledged as the main representative of the Romani population in Belarus, where he heads the Congress of the Roma communities of the CIS and the Baltic countries. He is currently engaged in raising funds for a monument to the memory of the Romani victims of the Nazi genocide. He has obtained the participation of the State University in providing us with premises on its campus for the Belorussian branch office of UREF.

**Hristo Kyuchukov (hristo@einet.bg)**

Dr. Kyuchukov is a widely published specialist in children's literature and author of pedagogical materials for Romani children. He has taught as an invited faculty member at UC-Berkeley and the University of San Francisco. He teaches in Sofia and has secured the commitment from the dean of his university for office space for our regional Bulgarian bureau. He is Secretary General of the International Romani Union.

**Kenneth Lee (ken.lee@newcastle.ac.uk)**

Dr. Lee is a sociologist and specialist in Romani Studies at Newcastle University in Australia. He is Australian representative for the Roma National Congress, and is completing a book on Romani identity.

**Ronald Lee (leerom@interlog.com)**

Active in Romani affairs since the 1960s, Ronald Lee is Director of the Roma Advocacy Centre and Chairman of the Board of Directors of the Roma Community Centre in Toronto, Canada. He is currently sessional instructor of the spring seminar "The Romani Diaspora in Canada" at the University of Toronto. His autobiography *Goddam Gypsy* has been translated into seven languages, and he is currently completing a new book on the history of Roma in Canada.

**Roy Mersky (rmersky@mail.law.utexas.edu)**

He holds the Harry M. Reasoner Regents Chair in Law, is the Elton M. Hyder, Jr. and Martha Rowan Hyder Centennial Faculty Fellow, is the Director of Legal Research, and Law Librarian for The University of Texas School of Law. Yale Law School called Roy Mersky "the emperor of world-wide law librarianship," in recognition of the many library directors Mersky has trained and the exacting standards he has set. Over his thirty-seven-year tenure, he has built the Law School's library into one of the world's greatest law libraries. His expertise will be invaluable in maintaining UREF's archival network.

**John Nickels (jwildwood@hotmail.com)**

Head of a prominent Romani American family, John Nickels has been a long-time supporter and

benefactor of the Romani effort. In 1991 he initiated a Romani project in Romania that today flourishes and employs several dozen people. He is involved in Habitat for Humanity, employs and trains young Romanies in his business, and contributes to many worthy causes, both Romani and non-Romani.

**George Sărau (minorities@men.edu.ro)**

Dr. Sărau has authored over twenty books on Romani language and literature, and teaches a regular college-level course on our language in Bucharest. His expertise as an educator specializing in teaching Romani youth will be essential to the UREF programs.

**\*Paul Simon**

The late Senator Simon was a committed UREF board member until his untimely death in December 2002. He founded The Public Policy Institute at The University of Southern Illinois. His support is evident in the fact that he organized an international seminar on the U.S. involvement in addressing the contemporary condition of Romanies, which was held in October, 2002. He will be sorely missed.

In addition to these board members, Michael Rubenstein, Esq., of Locke, Liddell & Sapp in Houston is working with UREF; he has incorporated the Foundation and arranged for Barry Margolis of Margolis, Phipps & Wright, P.C. (also of Houston) to act as UREF's accountants.

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