

## Podcast "The German Wiedergutmachung"

### Episode 3: Fight for recognition

A quick note before we start: In this episode, we talk a lot about the history of discrimination against Sinti and Roma people. Because we use many historical sources and statements, the G-Word will be used frequently. You will also hear it directly in a bitterly satirical song by the Sinto-and-Roma "Duo Z".

[Music: Duo Z - Lustig wär das Zigeunerleben (in German):]

"Gypsy life would be fun, faria, faria, ho. If the state would give him his rights, faria, faria, ho. It would be nice in a state that preserves the rights of all people, faria, faria, faria, faria, faria, faria, faria, faria."

This song is a satire on the popular folk song released by Rudko Krawczynski and Tornado Rosenberg in 1981. The civil rights activists "Duo Z" repeatedly took the lead in protests and hunger strikes to demand the rights of Sinti and Roma from the German state. Here, they sing about a state that doesn't grant protection to their minority ethnic group. In the next song, for example, they sing about how Sinti and Roma people have been driven to agreeing on court settlements in order to escape poverty.

[Music: "Duo Z" - You shouldn't be a gypsy (in German):]

"They say we made amends, my brother. I would have exchanged money for your bones. Yes, I accepted the few marks, my brother. Because it's hard to be poor down here."

In this episode of "The German Wiedergutmachung", we want to share the perspective of Sinti and Roma people. They stand for the so-called "forgotten victims" of the Nazi regime. They also include, for example, homosexuals, forced labourers, people who were forcibly sterilised and victims of euthanasia, as well as those who were labelled "asocials" by the Nazis, "professional criminals" or "deserters of the Deutsche Wehrmacht". It was a long, hard road until these persecuted groups were recognised by the Federal Republic of Germany, and was only possible due to many social and political changes. This is the reason why those affected also speak of themselves as 'denied victims'. We want to tell you about this today using the example of the Sinti and Roma.

To this end, we are once again opening files from the Federal Archives, which you can discover in the new Online Collection "Wiedergutmachung for National Socialist injustice".

We look at a conversation from 1982 between Federal Chancellor Helmut Schmidt and Romani Rose, Chairman of the Central Council of Sinti and Roma, contemporary witness and victim.

[Romani Rose:]

"Of course, we were all much tensed up, inwardly, very excited and agitated, because National Socialism had created a rift between our minority and our self-image as Germans."

We also talk to the President of the Federal Court of Justice (BGH), Bettina Limperg, about a scandalous judgement by the court that once again puts the Sinti and Roma in the same category as criminals.

[Bettina Limperg:]

"The role of the judiciary has been and would have been to implement the compensation laws as generously as possible for the groups affected. That did not happen."

And we talk to Markus Metz, research associate at the Bavarian Association of German Sinti and Roma. He talks about the rocky road to recognising injustice and the important role played by these historical files and also about how accessible they are.

[Markus Metz:]

"Yes, Sinti and Roma were initially left to their own devices. The only support came from lawyers,

whose fees had to be paid from the compensation payments."

I'm Nora Hespers, journalist, and this is "The German Wiedergutmachung" - A podcast of the Online Collection "Wiedergutmachung for National Socialist injustice". Episode 3: "Fight for recognition"

[Music, Tonal transition]

[Files are opened]

[Anette Mertens:]

"We now have a file here that dates back to 1982 and comes from the Department of Internal Affairs in the Federal Chancellery. To be precise, from the department that was responsible for minorities in the Federal Republic of Germany, among other things. It looks much more colourful than you might imagine. It's not just black and white, but we can see lots of coloured marks, felt-tip pens and the like. And these colours have a very special meaning within the administration. Only the head of the authority is authorised to sign and write with a green pen. In this case, that is Federal Chancellor Helmut Schmidt himself. And what I have brought you here are documents relating to a conversation between the Chairman of the Central Council of German Sinti and Roma, Romani Rose, and the then-Federal Chancellor."

This is Annette Mertens. She is an archivist at the Federal Archives and is responsible for federal administration files. In front of her are two thick cardboard folders with a cover that looks a bit like artificial snakeskin. They all bear the signature B 136, the designation for files from the Federal Chancellery, i.e. that come from the very top.

It is a seven-page briefing, a so-called memo, written on a typewriter, which is intended to prepare Chancellor Helmut Schmidt for a meeting with the newly founded Central Council of Sinti and Roma.<sup>1</sup>

[Anette Mertens:]

"First, it outlines the general conditions: Who are the participants? So who is Schmidt expecting, who will be visiting him? It wasn't Romani Rose alone, but even more representatives of the Central Council. The author of the memo then briefly summarises the background once again. He writes that a request for dialogue has been made since 1978, so he explains the procedures, how this dialogue came about. Why did it take so long for these representatives to be authorised? Then he lists the talks that have already taken place, for example, and simply provides the most important information pieces, the most important requests that can be expected to be presented, in order to prepare the Chancellor for the talks in the best possible way."

There are also notes in the files following the meeting in March 1982.

[Anette Mertens:]

"These are mainly declarations of intent, important issues for the Sinti and Roma. The aim was that they did not want to be treated so much as a minority, that they wanted to be given greater consideration in the Wiedergutmachung process than was previously the case, so they felt doubly disadvantaged, so to speak, firstly by their persecution in the Third Reich and then also by the second discrimination that arose as a result of Wiedergutmachung because they did not initially belong to the group of victims and were only later included in Wiedergutmachung."

What initially reads like a normal working meeting between the Federal Chancellor and a group of interest groups made history. For it was the first time that a Federal Chancellor recognised the National Socialist crimes against the Sinti and Roma as genocide. The murder of European Sinti and Roma is the sad culmination of a history of persecution and discrimination during the entire Nazi era, which was based on ethnic and social racism.

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<sup>1</sup> Submission by the head of the Group 32 in the Federal Chancellery, Melzer, for the meeting between Federal Chancellor Helmut Schmidt and representatives of the Central Council of German Sinti and Roma in the Federal Chancellery in Bonn on March 17, 1982, March 10, 1982 (BArch, B 136/28311).

These crimes were not recognised until almost four decades later! How can it be that the persecution and murder of several hundred thousand people played no role for the German government for so long? We have to go back to the beginning of the post-war period.

[Music, Tonal transition]

After the end of the Second World War and the National Socialist reign of terror, the Länder, under pressure from the occupying powers, worked on the first restitution laws - as you will remember, we discussed this in episode 1. Among the survivors were several thousand Sinti and Roma from Germany and Austria. Many of them were forcibly sterilized, were prisoners in concentration camps and had to perform forced labour.

They return to their homes severely traumatised. But at home, they are not welcome. Neither by local society nor by the state, says Markus Metz, research associate at the Central Council of Sinti and Roma in Bavaria.

[Markus Metz:]

"Many speak of a second persecution. You have to be careful not to relativise the Nazi persecution, but the state's deliberate discrimination against minorities and the systematic exclusion from many areas of society was deplorable and made it extremely difficult for many to start life after the persecution of the Third Reich. Many were unable to complete their school education because they were excluded from school by the National Socialists even before their families were deported to the concentration camps. This caused them enormous initial difficulties and was not compensated for in any way after the war."

A minority that was also largely impoverished before the war comes up against a majority society that is generally hostile once the war is over.

The everyday lives of Sinti and Roma are characterised by exclusion and stigmatisation and, in some cases, outright violence. There are repeated assaults, including cases of fatal police violence and serious damage to property, which deprive Sinti and Roma of their livelihoods.

[Markus Metz:]

"Society was characterised by the fact that it was completely indifferent to the fate of the Sinti and Roma, that there was no empathy for the concerns of the minority and that there was no public pressure on state decision-makers."

In addition, there is also very clear state repression. Many regulations date back to the imperial era from 1871 to 1918 and the Weimar Republic of 1918-33 and have simply not been touched since. In 1953, a completely new Bavarian regulation was added that had little to do with the rule of law, even from the perspective of the 1950s: the so-called Traveler regulations of 1953.<sup>2</sup>

[Markus Metz:]

"Then this decree was quickly issued and the Bavarian State Office of Criminal Investigation basically registered all families of Sinti and Roma, whether or not they were suspected of anything, systematically transferred this information to police files, continuing the files of the Reich Security Main Office, i.e. the persecution authorities of the Third Reich, if you like, and simply stuck another file cover on top, and then continued to systematically register the entire minority, and in this respect exposed them to general suspicion."

The files and card indexes from the Nazi era on these groups of people were simply continued. At first, it sounds like administrative continuity. But there is a highly political process behind this, which is palpable from the documents. Systematic registration was the prerequisite for systematic persecution by the Nazis. It was based on a deadly, pseudo-scientific racism. Simply continuing to keep the files after the war means a perpetuation of the social, political and legal perception of these people as a group under observation. And that is the prerequisite for unjust treatment. This practice

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<sup>2</sup> Landfahrerordnung, December 22, 1953 (BayGVBl. 1953, pp. 197-198).

existed in a whole series of Länder.

The project is supported by people in the police and security authorities. These are often the people who were previously responsible for the deportation of Sinti and Roma to Auschwitz, the complex of concentration and extermination camps in occupied Poland. This regulation was only abolished in 1970.

[Music]

When it comes to compensation, this entire practice plays a key role in the post-war period. This is because clichés and prejudices are used time and again to deny Sinti and Roma Wiedergutmachung payments.

Only those who were persecuted on racial or political grounds, for example, receive compensation. Somehow, the Sinti and Roma are not considered to have been victimized because of racism, because of the ongoing criminalisation of this minority. People are encouraged to believe that Sinti and Roma are thieves, do not follow the rules and therefore it was right that they were arrested in the past.

Another issue among these groups is also a lack of access to information or education. For example, many of those formerly affected by national socialist crimes are overwhelmed by the application process and do not have the financial means to apply. And in contrast to the Jewish Claims Conference for Jewish people, there are no organisations that could assist them.

Where their claims cannot be dismissed out of hand, Sinti and Roma are pressurised into agreeing a settlement. Markus Metz comments:

[Markus Metz:]

"If you agreed to this, you could relatively quickly receive a so-called presumed pension amounting to the respective statutory minimum pension, which was relatively low, if the conditions were met. Lawyers very often advised their clients to do this. In each case, it was ruled out that any aggravation of suffering procedure could take place later. In other words, if a certain number of reports from the best doctors were presented afterwards, stating that they had suffered severe damage in the concentration camp with all kinds of secondary illnesses, this was irrelevant for the proceedings. The victims agreed to a settlement, which is the essence of a settlement that binds both parties, and then unfortunately had no opportunity to claim compensation later in a so-called aggravation proceedings to obtain an increase in their pension.

Markus Metz says that over a third of all claimants accepted these settlements.

[Music: Duo Z - You shouldn't be a gypsy (in German):]

"They say we made amends, my brother. I would have exchanged money for your bones. Yes, I accepted the few marks, my brother. Because it's hard to be poor down here."

However, some of those affected want to enforce their claim in court. In 1956, A case comes before the Federal Court of Justice. And the court issues a judgement that has fatal consequences:

[Musical transition]

[Bettina Limperg:]

"These are basically two judgements.<sup>3</sup> One has been published, the other was announced on the same day. These two judgements deal with the claims of a man and a woman who belonged to the Sinti and Roma ethnic group and who were deported in 1940 on the basis of a decree by Himmler, in a way that was clearly carried out for racist reasons, namely antiziganistic reasons, in terms of the type of

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<sup>3</sup> The judgements by the Federal Court of Justice of January 7, 1956, have been published in: Die Präsidentin des Bundesgerichtshofs / Zentralrat Deutscher Sinti und Roma (Hg.): Doppeltes Unrecht – eine späte Entschuldigung. Gemeinsames Symposium des Bundesgerichtshofs und des Zentralrats Deutscher Sinti und Roma zu den Urteilen vom 7. Januar 1956. Vorträge gehalten am 17. Februar 2016 im Foyer der Bibliothek des Bundesgerichtshofs in Karlsruhe, Eggenstein 2016, pp. 46–67.

deportation and the destination, as well as the duration and circumstances of the deportation."

This is Bettina Limperg. She is President of the Federal Court of Justice. This court in Karlsruhe is the highest court in Germany when it comes to civil and criminal proceedings. It decides on appeals from the regional and higher regional courts. In this quote, she refers to Heinrich Himmler, a leading Nazi and the main architect of the Holocaust, and also to antiziganistic sentiments, which means anti-Roma.

In this case from 1956, the Federal Court of Justice is to take a closer look at two judgements by the lower courts. Two affected persons had been successful in the first two instances against the rejection notices from the compensation offices.

The courts said: You were persecuted and deported as Sinti and Roma on racial grounds in 1940. However, the compensation authorities and the responsible Land appealed or lodged an appeal against the judgements. And so, the case climbs to the highest level up to the Federal Court of Justice.

They argue that Sinti and Roma were only racially persecuted with the so-called Auschwitz Decree of 1942/43.<sup>4</sup> In this decree, Himmler called for their systematic deportation to Auschwitz. Himmler also explicitly ordered the "extermination through labour" when dealing with the Sinti and Roma.<sup>5</sup> But according to the plaintiffs, they were not persecuted because of racial reasons beforehand, meaning before 1942.

This is central to compensation: Only those who are persecuted within the meaning of the Federal Compensation Act can also receive corresponding benefits. And in this respect, you are only a persecuted person if - as the Federal Compensation Act states - you were persecuted for "reasons of race, faith or ideology".

The case eventually ends up at the Federal Court of Justice in 1956. And the decision goes quite differently, says Bettina Limperg.

[Bettina Limperg:]

"In this judgement, it was established that it was a case of National Socialist violence, but it was denied, and with very detailed and intolerable justification, that it was a case of racist persecution. Instead, the Federal Court of Justice attempted to demonstrate that it had ultimately been for legitimate purposes under police law."

In other words, the highest court in democratic Germany said in 1956 that before 1943, Sinti and Roma had not been persecuted racially, but on the basis of police measures.

Let me read you a quote, showing the reasoning behind the judgement. But, another brief warning: the views and language used at the time can have a retraumatizing effect on the people affected. The judgement actually says this word for word:

*"As the Gypsies have largely resisted settling down and thus adapting to the sedentary population, they are considered asocial. As experience shows, they tend to commit crime, especially theft and fraud, and often lack the moral instincts of respect for other people's property because, like primitive people, they have an unrestrained instinct for 'occupation' (see Groß-Seelig, Handbuch der Kriminalistik 8th/9th edition page 99 note 4). They were therefore generally perceived by the population as a plague on the land."*<sup>6</sup>

[Bettina Limperg:]

"When I first spoke to Romani Rose about these things on the fringes of another symposium, I must confess, I

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<sup>4</sup> The decree by the Reichsführer SS and head of the German police, Heinrich Himmler, (so called "Auschwitz-Erlass") of December 16, 1942, remains undocumented. It was executed by the Express Letter of the Reich Security Main Office. January 1943, in: Stiftung niedersächsische Gedenkstätten (Hg.): Die Verfolgung der Sinti und Roma im Nationalsozialismus – Materialien aus Niedersachsen. Erlasse: 1943. Auschwitzerlass Schnellbrief. Einführung und Bearbeitungsmöglichkeiten, [www.geschichte-bewusst-sein.de](http://www.geschichte-bewusst-sein.de).

<sup>5</sup> Cf. so-called Himmler-Thierack-Agreement, September 18, 1942, published in: Der Prozess gegen die Hauptkriegsverbrecher vor dem Internationalen Militärgerichtshof Nürnberg. 14. November 1945 – 1. Oktober 1956. Band XXV, fotomechanischer Nachdruck, München 1989, S. 200–203.

<sup>6</sup> BGH, January 7, 1956 – IV ZR 273/55, published in: Doppeltes Unrecht (s. fn. 3), pp. 58–67.

hadn't even dealt with the subject yet. (...) And he then quoted something from the judgement that I didn't believe. After this conversation, when I got back to the office that evening, I immediately went to my bookcase and picked out this judgement because I thought I would read it now and then I could understand it and finally I can say, It's not quite so bad. And then I read it, and read it again, and read it again. And it was much worse than he had told me. And that gave rise to the idea that we not only had to apologise for this, but that we had to express our deep shame about this jurisdiction of our institution."

How could a judgement be formulated using such words? It's not that easy to explain. It has been proven that many judgeships were occupied for a long time by people with a Nazi past. But that is not the case in this particular instance:

[Bettina Limperg:]

"At the same time, it must be said that the rapporteur, i.e. the judge in charge, the person who prepared these judgements, these special judgements, and prepared them for his colleagues, had himself been a judge who had been removed from the judiciary in 1933 for racist reasons and had been persecuted by the National Socialists. After the end of this unjust system he was reappointed as a judge. And the fact that such a person, who had been persecuted, was now involved in such a judgement is almost incomprehensible to me."

Even former victims of persecution do not break with the stigmatisation of Sinti and Roma and do not recognise they have been persecuted or the extent of this.

Perhaps this shows how deeply rooted rejection and racism are in society – and how exposed Sinti and Roma were to this at the time.

In practical terms, the judgement means that these people cannot receive compensation for persecution that took place before Himmler's so-called Auschwitz Decree of 1942. This is because, according to the Federal Compensation Act, they are not considered to have been racially persecuted by the Nazi system during this period. However, there is resistance within the judiciary. A large number of regional and higher regional courts oppose the judgement. One judge in particular plays a special role here:

[Bettina Limperg:]

"There was one judge in particular at the Frankfurt Higher Regional Court, a senate chairman called Calvelli-Adorno, who had also been persecuted, but just like the rapporteur at the Federal Court of Justice, who was jointly responsible for the judgement. And he didn't let up in his efforts to further analyze the matter legally and historically. And then in 1961 he published a brilliant paper, as the author of what was ultimately a scientific treatise, not as a judge.<sup>7</sup> And it was probably this essay together with a few other voices. There was a lawyer, Schüler, who also published such a paper in parallel and it was obviously these two brilliant minds and also the case law, especially from Hamburg and Frankfurt, which did not give up, that persuaded the Federal Court to change its case law this year, but without admitting its second guilt."

So, seven years later, in 1963, this case law was abandoned because of another decision by the Federal Court.<sup>8</sup> Sinti and Roma are therefore entitled to compensation for persecution before 1943.

[Bettina Limperg:]

"Even when it abandoned the case law, the Federal Supreme Court did not apologise for these lapses. It simply changed the case law and acted as if it had only been a minor factual error, saying that it had not only been racially motivated since 1942 with the Auschwitz Decree and then later with the deportations since 43, but even before that. So, he pretended that there was only a small area between 41 and 42, an unfortunate mistake."

In the meantime, many people who are now entitled to benefits have died or lost the last remnants of trust in the state system.

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<sup>7</sup> Calvelli-Adorno, Franz: Die rassische Verfolgung der Zigeuner vor dem 1. März 1943, in: Rechtsprechung zum Wiedergutmachungsrecht 12 (1961) 12, pp. 529–537.

<sup>8</sup> BGH, December 18, 1963 – IV ZR 108/63, in: Rechtsprechung zum Wiedergutmachungsrecht 15 (1964) 5, pp. 209–211.



Many of those who were formerly persecuted withdraw from any appeals process. They feel excluded from the Federal Republic's Wiedergutmachung policy. The case law of the Federal Court of Justice had a fatal effect here, even though the amendment to the Final Federal Compensation Act introduced new applications from Sinti and Roma for the period before 1943 and courts repeatedly enforce favourable compensation decisions.

BGH President Bettina Limperg is the first person from this institution to apologise for the failure of justice at a joint symposium with the Central Council of Sinti and Roma in 2016.

In the late 1970s and early 1980s, it was above all the generation of children of the persecuted who brought the whole issue back to the table, in the context of an increasing social reappraisal of Nazi terror.

[Romani Rose:]

"I saw my father's suffering. My parents didn't tell us anything about what had been done to them. And if any relatives came who were also affected by these terrible crimes and then you got lost in conversation. For us as children, that was initially once an exciting story. However, afterwards we realised that it was humiliating, that it was degrading, that it was a crime and we as their children couldn't get over it."

This is Romani Rose, an activist and chairman of the Central Council of Sinti and Roma in Germany for over 40 years. Discrimination was also a constant presence in his family:

[Romani Rose:]

"I'll give you an interesting example: My uncle applied for compensation in the mid-1950s. He was summoned to Heidelberg University Hospital for an expert opinion on the damage to his health caused by persecution. The doctor sat opposite him, leafing through the files. Once he had spent a long time on a file, he said to my uncle: Mr Rose, I have to get something else quickly. But I'll be back. I'll ask you to sit here for a moment. Then he took the file, turned it round and put it in front of my uncle, [and it said] that [he and his family had been] wandering through the territory of the Reich and living off thefts and burglaries."

Rose's uncle has no criminal record. But the racist opinion is, as a matter of course, part of the file containing his application for compensation. The systematic registration by the authorities and the general suspicion of the Nazis is added to the proceedings in the Federal Republic of Germany as if it were a relevant, objective fact.

This highlights how important it is to view all these applications for compensation in the overall context of the files, to make them accessible and to shed light on the social and political background. In the Online Collection "Wiedergutmachung for National Socialist injustice" these documents are made searchable and they are contextualised.

This also makes it much easier to understand the changes in the German Wiedergutmachung policy. Because we see that something is happening and evolving over the years when it comes to dealing with the so-called "forgotten victims". Activists and committed representatives are speaking out on behalf of the Sinti and Roma, and in close cooperation with the Society for Threatened Peoples.

People like Romani Rose or the singer-songwriters from Duo Z. They publish a memorandum to the Federal Chancellery and cause a stir with actions in which the files again play a central role.

One of these was the Dachau hunger strike in 1980, in which a group of 12 former concentration camp prisoners, activists and social workers went on hunger strike at the Dachau camp memorial, demanding the release of files on Sinti and Roma during and after the National Socialist era. They were also calling for the minority groups to be rehabilitated, i.e. for criminalising laws and sentences to be withdrawn, and for a public distancing from the Landfahrerzentrale, the Bavarian body which kept the files on the Sinti and Roma people.

The civil rights movement of German Sinti and Roma had set itself the goal of handing over the files

on Sinti and Roma that had been created during the Nazi era to the Federal Archives in Koblenz.<sup>9</sup>

There they were to be made accessible for the reappraisal of the genocide. In Tübingen, so-called "racial researchers" had continued to use the hidden files for their pseudo-scientific research for decades. On 2 September 1981, 18 Sinti therefore occupied the cellar of the Tübingen University Archives and demanded that the documents be handed over.

As a result, the files are actually transferred to the Federal Archives and can be viewed there. However, the approximately 20,000 so-called NS-reports of the Racial Hygiene Research Centre, which formed the basis for the Nazi genocide, were not among them. These files have not been found to this day.

Markus Metz, research assistant at the Central Council of Sinti and Roma in Bavaria:

[Markus Metz:]

"There was then also support from journalists, and in some cases also from a few politicians. However, this then led to the formation of public opinion. The concerns of the minority were also discussed in the mainstream media for the first time and, in this respect, a change gradually became apparent."

All of a sudden, society took an interest in the fate of the persecuted group. The protest triggered a broad wave of public solidarity and marked the beginning of a turning point in the public perception of the minority.

This publicity enabled the newly founded Central Council of Sinti and Roma and its chairman Romani Rose to hold the aforementioned meeting with the Federal Chancellor. On 17 March 1982, Romani Rose meets Helmut Schmidt at the Federal Chancellery in Bonn for official talks.

[Romani Rose:]

"Of course, we were all very tense, inwardly, very excited and agitated, because National Socialism had created a rift between our minority and our self-image as Germans. And in this conversation with Helmut Schmidt, who was also very statesmanlike and very clear in his manner. The expectations we had were essentially already prepared. There was then another conversation about the situation of the minority today and, of course, once again the clear claim that the Holocaust also meant the extermination of half a million Sinti and Roma in Nazi-occupied Europe."

The demands are essential for the Central Council and Romani Rose, and include recognition as a national minority and of the Nazi crimes as genocide, the improvement of living conditions and Wiedergutmachung regulations, and the promotion of their culture. The Federal Chancellor seems to have an open ear for their concerns. It is important for the activists not to go on a confrontational course; for Romani Rose himself, recognition as a German Sinti is important.

[Romani Rose:]

"In this conversation, we also presented Helmut Schmidt with a violin - it was an older violin - a symbol for which our minority is very often recognised in the German or European public. And that was a symbol from us, from our side. You know, our parents had decided to stay in this country after the Holocaust and so they also believed in the future. Our constitution, which the Federal Republic of Germany adopted as a constitutional state, was a good constitution. It took up the experiences of history. I would like to mention one important article from the constitution: The dignity of Human beings is inviolable."

Schmidt listens, and recognises, in conversation and later publicly, the genocide of the Sinti and Roma. He explains:

"Sinti and Roma were wronged by the Nazi dictatorship. They were persecuted on racial grounds.

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<sup>9</sup> Cf. Henke, Josef: Quellenschicksale und Bewertungsfragen. Archivische Probleme bei der Überlieferungsbildung zur Verfolgung der Sinti und Roma im Dritten Reich, in: Vierteljahrshefte für Zeitgeschichte 41 (1993) 1, pp. 61–77.



Many of them were murdered. These crimes fulfil the criteria of genocide."<sup>10</sup>

It is a success for the civil rights movement. In addition to the late recognition, the meeting also had a direct practical impact on compensation proceedings. In the course of the next few years, the Central Council handed over files from more than 525 compensation cases to the respective Länder authorities in order to enforce pensions under the Federal Compensation Act after all.

[Romani Rose:]

"They were decided anew, decided in their favour. People received pensions, recognition for their terrible fate of persecution. Those in Auschwitz, Majdanek, Treblinka, Buchenwald, Ravensbrück and so on. After that a positive development also began in the state compensation offices that endeavoured to process cases that had not yet been documented by us. Also, they had the willingness to negotiate and make a new decision. (...) Of course you couldn't make up for the death of parents, grandparents and children with compensation and many people didn't want to be paid for the death of their loved ones. That included my parents, who decided against it. But you know, the question of compensation was not the fundamental question for us. The fundamental issue was to create trust in the rule of law."

After their meeting, Romani Rose and Helmut Schmidt remained in contact for the rest of their lives.

[Romani Rose:]

"What made me particularly happy and what I'm very, very proud of is that I smoked four menthol cigarettes with Helmut Schmidt, and I was proud to tell my sons about it."

[Musical transition]

Sinti and Roma, as well as homosexuals, forced labourers and relatives of euthanasia victims, were also subjected to discrimination and sometimes persecution in the Federal Republic of Germany. The treatment of the so-called forgotten victims is probably one of the chapters of West German history that underlines particularly strongly that racist clichés and stereotypes were deeply rooted in society - before, during and after the Nazi dictatorship - and that this also had a corresponding impact on the opportunities of those affected to find recognition in the Wiedergutmachung process.

Regulations for recognising and compensating these groups of victims were only created in the 1980s and 1990s.

And state institutions have played their part in perpetuating stigmatisation for decades.

For Bettina Limperg, President of the Federal Court of Justice, the scandalous judgement of 1956 played a major role:

[Bettina Limperg:]

"And that's what's surprising. But it hasn't really been discussed in public either. It has not been discussed in the scientific community, and the legislator has not reacted to this judgement either. The legislator could have said Stop, stop! We are making it clear through a legislative act that this was a racist persecution, a racial persecution, a persecution on racial grounds. The Legislators have also failed to do so."

Ultimately, a change in thinking only began with the civil rights movements and the founding of organisations such as the Central Council of Sinti and Roma. Romani Rose:

[Romani Rose:]

"I didn't see myself as a civil rights activist, but I saw myself as someone with emotion. I saw this discrepancy in the historical reappraisal. It was not based on a convincing will to change anything,

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<sup>10</sup> Press release by the Press and Information Office of the Federal Government on the meeting between Federal Chancellor Helmut Schmidt and the Central Council of German Sinti and Roma on March 17, 1982, March 17, 1982 (BArch, B 136/28310).

but merely on having to bow to this situation.

And today? Has everything finally been settled as far as these questions are concerned?

Yes and no. In any case, the state's view has changed. Markus Metz, from the Bavarian Council of Sinti and Roma, says:

[Markus Metz:]

"In this respect, you also have to look back and see that there has certainly been an enormous development here since I started working here. At the beginning, the Free State of Bavaria labelled us as a marginalised group. And today you simply realise that there is a pronounced appreciation of the minority, and not just on the occasion of memorial days."

Romani Rose takes a similar view. He also believes that the current situation on the part of the state is exemplary, not just in Germany, but throughout Europe. But:

[Romani Rose:]

"Of course, there is still antiziganism in Germany. We presented a report last year from the Reporting Centre against Antiziganism and in that report a year ago there were 621 cases. We will present the new report again this year, and there will be over 1,000 cases. However, this is primarily due to the fact that we have a new nationalism and a new form of neo-Nazism, which is again manifested in violence against people of different origins, but also against politics."

That was "The German Wiedergutmachung". Up to this point in the first three episodes, we have taken a closer look at how the state and society dealt with people who were persecuted by National Socialism and the political and social background influencing the concept of Wiedergutmachung.

The files of the Federal Archives and the millions of individual case files allow us to come into direct contact with this history. This means that each and every one of you can read them for yourselves and understand the context. And thus come to terms with the overall situation as well as the individual fates of those who experienced persecution, and the outcome of the Wiedergutmachung claims.

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If you enjoyed this podcast, please recommend it to others, or rate it. In the show notes you will also find a lot more material on these subjects.

The German Wiedergutmachung is a production by Escucha on behalf of the Federal Archives. I am Nora Hespers. Editors: Lukas Fleischmann, Jörn Petrick, Ralph Würschinger and Mirjam Sprau. Script and production: Escucha. Cover Hauer + Dörfler.