

Independent Commission of Experts  
Switzerland – Second World War

# Switzerland and Refugees in the Nazi Era

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Switzerland – Second World War

# Switzerland and Refugees in the Nazi Era

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# 1 Introduction

## 1.1 The Swiss Federal Council's Mandate

This preliminary report is an expression of Switzerland's commitment to confront its history during the Nazi era. On December 13, 1996, the Swiss parliament passed a decree to establish an Independent Commission of Experts. This Commission received a mandate from the Federal Council on December 19, 1996, to examine the period prior to, during, and immediately after the Second World War.<sup>1</sup> At the center of the mandate is the investigation of money and assets, which found their way to Switzerland in connection with Nazi politics. The Independent Commission of Experts Switzerland – Second World War (ICE) presented a preliminary report in May 1998, on one of the first important aspects of the investigation, namely gold transactions during the Second World War.<sup>2</sup> Switzerland's refugee policy will be the main focus of this report.

Refugee policy between 1933 and 1950 has for some time occupied a central position in Swiss historical research.<sup>3</sup> The discussion about «heirless property», which stood at the center of the current debate, revealed however that the financial and property law aspects of Swiss refugee policies had received negligible attention. Moreover, the circumstances surrounding the expulsion of refugees and the living conditions of the refugees who were granted asylum required clarification. This report provides an overview of current knowledge about Swiss refugee policies in chapters 1 – 3. Chapter 4 focuses on the flight, expulsion, and acceptance of refugees, as well as the living conditions of those admitted into Switzerland. Chapter 5 examines financial and property law aspects and Chapter 6 concerns the humanitarian policies of the Swiss government.

The report focuses on refugees persecuted by Nazi Germany.<sup>4</sup> Thus, subjects such as the internment of soldiers or the protection of Swiss citizens living abroad from Nazi persecution will be dealt with only peripherally. The international context of Swiss refugee policies will of course be taken into consideration. However, the complex nature of the material did not permit a systematic comparison of Swiss refugee policies with the policies of other countries, since this would have gone beyond the scope of this report.

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<sup>1</sup> «The Federal Council Decree regarding the Historical and Legal Investigation of the Fate of Assets and Properties which Found their way to Switzerland as a Result of the Nazi Regime», AS 1996, pp. 3487–3489. The December 19, 1996 Federal Council Decree, «Historical and Legal Investigation of the Fate of the Assets and Properties which found their way to Switzerland as a Result of the Nazi Regime: Constitution of the Independent Commission of Experts», requires with respect to refugee policies, under Art. 2.1.2, especially data about «the importance of refugee policies in connection with the economic and financial relations of Switzerland with the Axis powers and the Allies», in Sarasin/Wacker, Raubgold, 1998, p. 164.

<sup>2</sup> Independent Commission of Experts Switzerland – Second World War (ed.): Switzerland and Gold Transactions in the Second World War. Interim Report, Bern 1998.

<sup>3</sup> See Chapter 1.3.

<sup>4</sup> See Chapter 1.3 and 1.4.

As an integral part of this report, the ICE will publish four studies which deal with specific aspects of refugee policy. A report commissioned from Professor Walter Kälin of the University of Bern provides information about the legal principles relevant to refugee policy. Under the direction of Professor Kurt Imhof of the University of Zurich, Swiss press coverage of refugee policies from 1938 to 1947 was investigated. Two further studies, conducted by the ICE itself, examine the issues of the transportation of people through Switzerland and attempts to buy the freedom of persecuted Jews from the Nazi sphere of influence. A summary of the most important results of these studies will be presented at the end of this report.<sup>5</sup>

The Independent Commission of Experts Switzerland – Second World War hopes to contribute clarity about the role of Switzerland during the Nazi era by releasing this report on refugee policy and the accompanying studies. It sees these results as part of a constructive debate. Central to this debate is not only Swiss history, but also Switzerland's historical and legal responsibility towards those individuals persecuted by National Socialism and fascism.

## 1.2 The Epoch and its Turning Points

This century began with the First World War in August 1914. Many of the ideological currents exacerbated in the «Great War» had their roots in European society in previous decades: militant nationalism; xenophobia; the awareness of a deep social divide; and the strong anti-socialist hatred of the bourgeoisie. Moreover, a new brand of antisemitism, which identified the Jews with capitalism, socialism, liberalism, and generally speaking, the evils of modernity, had spread throughout diverse sectors of European society. Within some groups, this antisemitism became intertwined with racial theories that had their own distinct origins.

The impact of the First World War and the Bolshevik Revolution of 1917 on the European imagination was stronger than that of any other event since the French Revolution. Mass deaths, shattering political upheavals, and visions of catastrophes to come fueled the pervasive apocalyptic mood that settled over Europe. Beyond nationalist exacerbation in several countries, the hopes, fears, and hatreds of millions crystallized along the main political divide that would run through the history of the following decades: fear of revolution on one side, the demand for revolution on the other. Those who feared revolution frequently identified its leaders with the Jews.

Despite a period of apparent stabilization between 1924 and 1930, the Twenties remained a period of upheavals, as anti-revolutionary, anti-liberal, and ultra-nationalist «fascist» regimes strengthened their power in Italy and, in a milder form, in Hungary. In Europe and the United States, militant anti-Bolshevism flourished, and American isolationism was not without influence on European politics. The world economic crisis of 1929–1930 sealed any hope for a

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<sup>5</sup> See annex. The ICE will take up the topic of Switzerland's policy towards Gypsies (Roma and Sinti) persecuted by the Nazi regime at a later point in time.

more open international climate. All previous signs of danger reached a new level of intensity when Adolf Hitler became Chancellor in January 1933 in the wake of the economic crisis. A new phase of the «age of extremes» had begun.

The six prewar years which followed Hitler's accession to power were increasingly dominated by German initiatives on an international level. Moreover, the strengthening of Germany was also helped by a set of independent circumstances. During Roosevelt's first two terms in office, American isolationism reached its peak (the neutrality laws of 1935). Despite several complicated treaties (filled with disclaimers) between the Soviet Union, France, and Czechoslovakia, Stalinist Russia was kept at arms length by the western democracies. Mussolini aligned himself with Hitler after 1935, despite political differences concerning Austria. The first signs of Western readiness to appease Hitler became noticeable following the collapse of the Stresa front in June 1935. Put succinctly: international circumstances were highly favorable to Hitler's initiatives.

The major turning point between 1933 and 1939 occurred in 1936, with the German remilitarization of the Rhineland and the absence of any response to this blatant breach of the treaties of Versailles and Locarno. But 1936 was also a year of growing ideological polarization throughout the European continent between the liberal left, on one side, and the conservative to extreme right wing forces, on the other. In France, this polarization already induced by previous crises, came to a head in the spring 1936 elections that brought the socialist (and Jewish) Léon Blum to power as the head of a «Popular Front» government. In Spain, the election victory of the Popular Front triggered a military rebellion and the beginning of a civil war that mobilized left and right throughout the world. In Poland, Pilsudski's death ushered in the ultra-conservative «colonels» regime. Throughout Europe fascism was on the rise and, at the same time, the politics of «appeasement» was reaching its peak. The consequences were soon apparent: the «incorporation» («*Anschluss*») of Austria in March 1938, the annexation of the Sudetenland in October of the same year after the Munich agreement, and the first signs of German pressure on Poland for the return of the Free City of Danzig to the German *Reich*.

During these same years, Nazi antisemitism became increasingly vicious until, shortly after the «incorporation» of Austria, it led to a forced emigration that developed into mass flight once the Nazis unleashed unprecedented violence against the Jews under their control on November 9 and 10, 1938. None of this was hidden, none of it was secret: Hitler's victims after 1933 (political opponents, «asocials», the handicapped, Gypsies, and particularly the Jews) were persecuted openly for all to see. Throughout the European continent, antisemitism, often linked to anti-Bolshevism and anti-liberalism, but also to older Christian roots of hatred as well as to fears of economic competition (partly from immigrant Jews), increased rapidly.

In March 1939, Germany invaded Czechoslovakia. The *Wehrmacht* occupied Bohemia and Moravia, territories with non-German populations, and Slovakia became a satellite state of

Nazi Germany. It was at this point that attitudes started to change in London, and somewhat hesitantly in Paris. As German pressure against Poland intensified, British determination increased as well, especially among the population. Even the German-Soviet non-aggression pact of August 23, 1939 – which at one and the same time gave Germany a free hand, yet threatened a limited conflict in Poland – did not alter the course of the impending confrontation. On September 1, 1939, Germany attacked Poland and on September 3, France and Great Britain declared war on Germany.

As during the prewar years, 1936 had been a clear turning point, three years after the outbreak of war, the turn of the tide, the unstoppable defeat of Germany had already begun. In late fall of 1942, the Allies landed in North Africa, the British defeated Rommel at El Alamein, and the beginning of the end of the Sixth Army, surrounded at Stalingrad, heralded the collapse of Germany's main military thrust. Thereafter, the defeat of Hitler's *Reich* was only a matter of time. In 1943, some Europeans may have still been uncertain about the outcome of the war. But in 1944, it was clear to most individuals, as well as to most social groups and countries, that it would be advantageous to join sides with the Allies, even if they had previously shown loyalties elsewhere.

From September 1939 to the end of 1942, however, the strategic situation was fundamentally different. After the German destruction of Poland by the end of September 1939, and the victories in the west in the spring of 1940, Hitler seemed very close to his goal, despite continuing British resistance. The German attack on the Soviet Union in June 1941 was openly or secretly welcome to many who still considered Bolshevism as the main threat to western civilization and to their own interests. And many also believed, as did Hitler, that a German victory was on its way. Even the Soviet counterattack in December 1941 and the American entry into the war in the same month were not yet a clear sign of possible German defeat, mainly since soon afterwards, during the spring and summer of 1942, Germany was still marching from victory to victory.

It is during this first victorious phase of the war that Germany launched its mass criminal enterprises and brought them to the extraordinary level that was maintained, in one way or the other, to the very end. The handicapped were the first victims: by the time the «euthanasia operation» was officially discontinued in August 1941, 70,000 people had been murdered. Thereafter, 50,000 handicapped persons were murdered in extermination camps. By February 1942, more than two million Soviet prisoners of war perished in German captivity. In addition, by the end of 1941, more than a half million Jews had been murdered on Russian territory or in Soviet controlled areas of pre-June 1941. In the following years, several hundred thousand Poles, Russians, and Serbs, as well as innumerable civilians of various occupied countries in the southeast and west, were killed. In the fall of 1941, the deportation of Jews and Gypsies to the East began: most deportees were incarcerated in ghettos or camps; some were murdered immediately on arrival. It was at this time that the decision was made to kill the entire Jewish

population of Europe. By the end of the war, approximately six million Jews and over a hundred thousand Gypsies had been killed.

Information about the Nazi mass murder reached the West in the summer of 1941. It became widespread knowledge among the Allies, the Neutrals, and the European populations in general in the course of 1942. Very little was done to help the victims, until it was too late for all of them. Decades passed until these facts were openly acknowledged. With the passage of time, the Nazi era seems to have become increasingly more present in the western consciousness. Nazi Germany has become the central metaphor for evil in our time.

### *Switzerland*

Switzerland was part of Europe and thus affected by similar developments as its neighbors, Germany, France, Italy, Austria, and Liechtenstein. With its 1848 constitution, Switzerland belonged to those European countries with relatively advanced democracies, despite the relatively late granting of equal rights to Jews in 1866 and 1874. The willingness to serve as a sanctuary for political refugees from other countries during the nineteenth century built Switzerland's reputation as a safe haven for refugees. Moreover, Switzerland, a small neutral nation, avoided the power struggles between other European nations and had thus been protected from war since the early nineteenth century.

The First World War dislocated domestic politics, but left political and societal structures intact. French Switzerland sympathized with France, and German Switzerland with Germany. Miserable social conditions in 1918 motivated organized labor to mount a general strike. Although the strike leadership tried to expand political participation (e.g. voting procedures, and women's political rights – finally acquired in 1971) and demanded improvements in working class social conditions, the bourgeoisie, concerned about events in Russia and Germany, saw the strike as a revolutionary attempt to overthrow the government. Thus, the farmers, Catholics, and white-collar class joined forces to form a middle class anti-Bolshevik coalition which opposed social democracy and, above all, communism. The foreign policy consequences were that Switzerland joined the League of Nations in 1920, but only established diplomatic relations with the Soviet Union in 1946. Switzerland saw the League of Nations as a bulwark against communism rather than as a collective security system and as a result, during the Ethiopian crisis and the Spanish Civil War, Switzerland often aligned itself with authoritarian powers.

After Hitler came to power, several fascist parties emerged in Switzerland, but they never acquired importance in national elections. It was politically more significant that the regimes in Germany and Italy impressed certain segments of the bourgeoisie, who in turn attempted to transform Switzerland into an authoritarian state. The failure of the 1935 popular initiative to this effect and a settlement between employers and unions in the watch and metal industry in 1937 led the way to an agreement between unions and social democrats on the one hand, and

the liberal middle-class on the other, enabling democratic forces to keep the upper hand and to include the social democrats in the government coalition formed in 1943. This political stabilization was successful in guaranteeing the country's wartime needs and in avoiding unrest, unlike in 1918, through social and economic measures.

This societal integration culminated in the summer of 1939 in the Swiss national exhibition and in the motto «Spiritual National Defense» («*Geistige Landesverteidigung*»). Spiritual national defense meant resistance and above all the rejection of everything foreign when viewed within the framework of Switzerland's return to so-called integral neutrality in 1938. The resulting contraction of the intellectual and cultural climate was accompanied by the loss of democratic openness, encouraged by the Federal Council's wartime concentration of authority and press censorship. Switzerland was politically able to resist the demands of some groups in the political and economic elite to accommodate German wishes after the French defeat in the summer of 1940, but it could not avoid significant integration in the Nazi economic system. Switzerland was completely surrounded by Axis powers after the occupation of the south of France in November 1942, thereby emphasizing its political isolation. Yet even after German defeat became obvious, the Swiss only hesitantly opened up politically and culturally to the Allies, resulting in strained relations by the end of the war between Switzerland, the United States, and the Soviet Union.

Swiss cultural and political narrow-mindedness was not only a result of the Nazi threat. It preceded the Nazi period and also included the anxiety of being «overrun by foreigners». This was reflected in Switzerland's immigration policies after the First World War, which reduced the number of foreigners in Switzerland by half, from 10.4 to 5.2 percent between 1920 and 1941. These policies affected all foreigners, but the expression «unassimilable» was used by the authorities, especially for East European Jews. Although these policies met with some resistance in the 1920s, they prevailed as a result of the economic crisis of the 1930s when protectionist practices against foreign competition came to the fore.

As the first victims of Nazi persecution began to seek asylum in Switzerland in 1933, they found themselves in a country whose political and economic institutions were unreceptive to all foreigners, especially Jews. Furthermore, these institutions regarded the political left as a source of danger and attempted to exclude any economic competition by foreigners. Thus Switzerland regarded itself, considering its small size and population (1930: 4.1 million inhabitants), as a transit country which, at the most, could offer refugees a brief stay to organize their journey to another country. This policy failed when, in 1938, Nazi persecution radicalized, resulting in expulsion, and causing an acceleratingly massive wave of refugees of yet unknown dimensions. Despite the 1938 prohibition of Jews crossing the border, many German and Austrian refugees still regarded Switzerland as a station on their journey to France or overseas until 1941. However, beginning in 1942 when the Nazi mass murder policy was in full operation, deportations from France had begun, and Vichy France had been occupied,

Switzerland was the last hope for those able to reach its borders. In this context, Switzerland closed its borders, leaving thousands of refugees to their fate. At the end of 1942, refugee policies hesitantly began to change, although it was not until July 1944, when it was too late for most, that the border was finally opened even to Jewish refugees. Even then, the authorities still insisted that refugees had to leave the country as quickly as possible.

### 1.3 Political and Scholarly Debate in Switzerland

The border closing in the summer of 1942 provoked public protest;<sup>6</sup> ever since, Switzerland's refugee policies have been frequently debated. This discussion concerns politics and morality, since the decision to accept or reject refugees after 1941 was a matter of life or death.<sup>7</sup> There are two reasons that this discussion is conducted today by large segments of the population and not limited to a small circle of scholars. First, all of Swiss society was involved to varying degrees in the decision about the fate of the refugees: this included federal and cantonal government officials, eligible voters for those officials, the political parties, and finally the implementing agencies such as the police, customs, and army, whose personnel of everyday citizens was charged with turning away refugees at the border and yet could have chosen to look away when confronted by illegal immigrants.<sup>8</sup> Secondly, it was widely known after the summer of 1942 at the latest, that refugees who had been turned away would almost certainly be deported and killed.<sup>9</sup> Nevertheless, thousands were sent to their deaths. This elicits two questions: the first is the cause of these policies, and the second, the responsibility for these restrictive refugee policies.

Everyone involved has participated in the discussion: government officials; refugees who survived in Switzerland; and refugees who had been turned away at the border. Their recent court suits have resulted in an increasing number of legal questions.<sup>10</sup> The media have presented refugee accounts in books and films. Former relief workers and those who had been employed at refugee camps, the relief agencies, political parties, religious associations, and, since 1980, academic historians have all joined in the discussion. Thus, there are numerous publications on this subject<sup>11</sup> and the historiography of refugee policies has itself become the subject of historical research.<sup>12</sup> The following section presents a summary of the stages of the discussion; it is followed by a section about the principal research issues.

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<sup>6</sup> See Chapter 3.2 and Imhof, *Kommunikation*, 1999, Chapter 4.3.

<sup>7</sup> Koller, *Entscheidungen*, 1996.

<sup>8</sup> See Chapter 4.2.3.

<sup>9</sup> See Chapter 3.2.

<sup>10</sup> The ICE therefore commissioned an expert report on legal aspects of Swiss refugee policies. See Kälin, *Gutachten*, 1999. See also Wildmann, *Verfolgung*, 1999.

<sup>11</sup> For a survey of the literature and research, see Kreis, *Flüchtlingspolitik*, 1997.

<sup>12</sup> For a survey of research on refugee policies, which includes political, media, historiographical, and generation-specific aspects of the subject, see Stadelmann, *Umgang*, 1998, pp. 257–302. For the general development of historiography about Switzerland and the Second World War, see Bourgeois, *Business*, 1998, pp. 21–34.

### *Stages of the discussion*

After the Second World War, the government tried to present its policies in a positive light and attempted to divert attention from its problematical refugee policies.<sup>13</sup> It was against this background that Leopold Lindtberg's film «The Last Chance» (1944/1945) encountered great difficulties, not because the film criticized Switzerland, but because refugee policies were an uncomfortable subject for government officials.<sup>14</sup> When Oskar Schürch,<sup>15</sup> director of the refugee section of the Federal Department of Justice and Police (EJPD), presented a report in 1951 which revealed some problems concerning the management of refugee property, the government refused to publish it.

«Its publication would have resulted in a discussion which would not have helped the actual matter at hand, but would again have caused unrest in a matter that is generally regarded as settled today.»<sup>16</sup>

Nevertheless, the impetus to examine refugee policies came from outside, which is typical for the entire examination of Swiss history during the Nazi period.<sup>17</sup> In 1953, the publication of the «Documents on German Foreign Policy» (*Akten zur deutschen auswärtigen Politik*) revealed that in 1938 Switzerland had participated in stamping the passports of German Jews with a «J».<sup>18</sup> In 1954, the Swiss Federal Council commissioned the legal expert Carl Ludwig to prepare a report on Swiss refugee policies after 1933. The report, published in 1957, which caused the former director of the EJPD, Federal Councillor Eduard von Steiger,<sup>19</sup> to deliver a detailed justification,<sup>20</sup> is still regarded today as indispensable for understanding Swiss refugee policies. The report comprehensively examined the prevailing legal parameters and named Federal Councillor von Steiger and Heinrich Rothmund,<sup>21</sup> head of the Police Division in the EJPD, as primarily responsible. The explanations given by former Basel cantonal Councillor Ludwig for the restrictive refugee policies were the «inundation by foreigners» («*Überfremdung*») and the «strained job market».<sup>22</sup>

The journalist Alfred A. Häslar placed the refugees and their fate at the core of the discussion generated by his book «*Das Boot ist voll*», published in 1967 and translated in many languages.<sup>23</sup> Häslar presented to a broad audience the horrifying consequences of expelling and turning back refugees. The subsequent analysis of Swiss policies during the Nazi period received substantial attention from journalists, writers, and filmmakers during the 1970s. The

<sup>13</sup> Van Dongen, Suisse, 1998; Zala, Malaise, 1997.

<sup>14</sup> Dumont, Geschichte, 1987, pp. 383–391.

<sup>15</sup> See short biography in annex.

<sup>16</sup> Excerpt from the minutes of the Federal Council meeting on December 28, 1951, in FA E 4260 (C) 1974/34, vol. 131.

<sup>17</sup> Bourgeois, Business, 1998, pp. 22–24. For general research debate on Switzerland and the Second World War, see Kreis, Debatten, 1997.

<sup>18</sup> See Chapter 3.1.

<sup>19</sup> See short biography in annex.

<sup>20</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 377–401.

<sup>21</sup> See short biography in annex.

<sup>22</sup> Ludwig, Flüchtlingspolitik, 1957, p. 56, 64.

<sup>23</sup> Häslar, Boot, 1967; Häslar, The Lifeboat is Full, 1969.

film «*Das Boot ist voll*» (1980) by Markus Imhoof is representative. The political authorities found the task of coming to terms with history onerous, especially at the behest of a younger generation, as is illustrated by the long overdue rehabilitation proceedings in 1995 for the St. Gallen police captain Paul Grüninger.<sup>24</sup> In the same year, Swiss President Kaspar Villiger stated in a speech on the occasion of the 50th anniversary of the end of the Second World War that the Swiss had brought blame upon themselves for their policies towards persecuted Jews.<sup>25</sup>

The gradual shift in dealing with Swiss refugee policies was influenced by international trends in the historical investigation of Nazi mass murder. Further to the results of international historical research, the 1979 American mini-series «Holocaust» and films such as Claude Lanzmann's «Shoah» (1985) and Marcel Ophüls' «Hotel Terminus» (1988), also received considerable attention in Switzerland.<sup>26</sup> Further to the continued exploration of the subject by writers and filmmakers, Swiss universities in the early 1980s demonstrated broad interest in refugee policies, resulting in a large number of well-researched studies.<sup>27</sup> The topics investigated included the Federal Police for Foreigners,<sup>28</sup> the division of responsibilities among federal departments implementing refugee policies,<sup>29</sup> Swiss policies towards Jews,<sup>30</sup> the behavior of the International Committee of the Red Cross in the presence of Nazi persecution,<sup>31</sup> the internment of refugees in camps,<sup>32</sup> exiled German socialists, as well as Italian and Austrian refugees in Switzerland,<sup>33</sup> the attitude of the Protestant Church,<sup>34</sup> the refugee policies of individual cantons,<sup>35</sup> Swiss refugee relief agencies,<sup>36</sup> children's relief agencies,<sup>37</sup> and Swiss knowledge about Nazi mass murder policies from 1941 to 1943.<sup>38</sup> In addition, there are a large number of regional and biographical studies as well as many autobiographical accounts.<sup>39</sup>

The *Schweizerisches Bundesarchiv* (Swiss Federal Archives) has systematically opened files relevant to refugee policies in recent years, including the personal files of all refugees granted

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<sup>24</sup> See Chapters 4.2.3 and short biography in annex.

<sup>25</sup> For the reception of this first official government admission, see Stadelmann, Umgang, 1998, pp. 289–292.

<sup>26</sup> Stadelmann, Umgang, 1998, pp. 276–278.

<sup>27</sup> For a status report on research in 1980, see Mysyrowicz/Favez, Refuge, 1981.

<sup>28</sup> Gast, Kontrolle, 1997; Mächler, Kampf, 1998.

<sup>29</sup> Koller, Entscheidungen, 1996.

<sup>30</sup> Picard, Schweiz, 1994.

<sup>31</sup> Favez, Mission, 1988.

<sup>32</sup> Lasserre, Frontières, 1995; Stadelmann/Krause, «Concentrationslager», 1999.

<sup>33</sup> Wichers, Kampf, 1994; Broggin, Terra d'asilo, 1993; Broggin, Frontiera, 1998; Hoerschelmann, Exiland, 1997.

<sup>34</sup> Kocher, Menschlichkeit, 1996.

<sup>35</sup> Battel, Flüchtlinge, 1992; Flückiger, Réfugiés, 1998; Hauser, Réfugiés, 1999; Keller, Grüninger, 1993; Ruffieux, Réfugiés, 1982; Wacker, Bern, 1992. In the cantons of Geneva and Vaud, major research projects are currently underway, whose results will not have been published before the present report comes out.

<sup>36</sup> Arnold, Transitprinzip, 1997.

<sup>37</sup> Schmidlin, Schweiz, 1999.

<sup>38</sup> Haas, Reich, 1997.

<sup>39</sup> See Bibliography.

asylum. Some files, however, no longer exist, in particular those containing information about the expulsion of refugees.<sup>40</sup> An important stimulus for opening refugee files, as well as researching the names of those refugees turned away at the border, came from the Yad Vashem Research Institute and Memorial in Jerusalem.<sup>41</sup> Even though the sources in the Federal Archives generally reflect the views of the government, records of the Swiss Central Office for Refugee Relief (SZF) and the Swiss Jewish Association for Refugee Relief (VSJF), deposited in the Archives for Contemporary History of the Federal Institute of Technology (ETH) Zurich present a somewhat differentiated picture.<sup>42</sup> Other primary sources include the archives of other relief organizations, oral history, written statements, and personal papers.

### *Research issues*

Within the parameters set by Ludwig and Häslar, most research has focused on the Federal Department of Justice and Police. This was already criticized in 1970 by the historian Edgar Bonjour in his basic study about the history of Swiss neutrality. He criticized an entire generation for its failure to exercise its democratic rights to stop the authorities from such restrictive refugee policies.<sup>43</sup> Both explanations – the failure of the EJPD and the failure of an entire society – are incomplete. The Federal Political Department (EPD) and the army had considerable influence on the policies of the EJPD, and there was a close connection between the policies of the Police for Foreigners and economic interests.<sup>44</sup> There is still no systematic analysis of individuals acting in a governmental or in a private capacity, that contrasts the relationship of various institutions on a national level with the strongly pronounced federalism of Switzerland as seen in the considerable power of communal and cantonal organizations, and with the multiple roles of the decision-makers stemming from the Swiss militia system whereby neither soldiers nor politicians function as such in a professional capacity. This report cannot provide such an analysis, although special attention has been given to cooperation between various power structures and to the specific conditions of the Swiss political system.

<sup>40</sup> Schweizerisches Bundesarchiv: Flüchtlingsakten 1930–1950: Thematische Übersicht zu den Beständen im Schweizerischen Bundesarchiv, Bern 1999, especially pp. 24–39. This inventory contains detailed information about the records of Swiss federal authorities as well as listing the archives of relief organizations in Switzerland. Among the most important records lost or partially lost are the register of refugees expelled by the Federal Police Division, the records of the territorial commands (except for Territorial divisions 1 and 4, the State Archives of the cantons Geneva and Tessin), and the records of the Federal Central Office for Refugee Homes and Camps.

<sup>41</sup> Koller, *Entscheidungen*, 1996, pp. 19–20.

<sup>42</sup> Urner, Klaus et. al.: *Das Archiv für Zeitgeschichte und seine Bestände*, ETH Zürich, Zurich 1999.

<sup>43</sup> Bonjour, *Neutralität*, vol. VI, 1970, p. 41. «The entire generation had failed and are accomplices. In a system of direct democracy, as in Switzerland, the people would not have been forced passively to endure the intolerable government policy for ten years, had they pulled together.... The egoist and latent antisemite in every citizen allowed him to close his eyes to the inhumanity of certain aspects of official refugee policies.» (orig. German).

<sup>44</sup> See Chapter 2.2. The influence of the EPD on refugee policies became especially clear with the publication of *Documents Diplomatiques Suisses* (hereafter DDS), vols. 10–16, 1930–1947. The refugee policies of the army have not yet been thoroughly investigated. Clues may be found in Bonjour, *Neutralität*, vol. VI, 1970, pp. 22, 26; Gautschi, General, 1994, p. 59; see also Chapters 4.3.3. and 4.4.2. For the relationship between economic interests and the Police for Foreigners, see Chapter 5 and Gast, *Kontrolle*, 1997.

Reliable information about popular attitudes is unfortunately unavailable because of the absence of accurate representative polling techniques in the past. The study commissioned by the ICE about Swiss newspapers from 1938 to 1947 does, however, provide methodologically verifiable evidence about public political communications.<sup>45</sup>

Swiss research about refugee policies is characterized by an insular perspective. Publications that place Switzerland in the context of international political system are infrequent; these include Weingarten's book about the 1938 Evian refugee conference<sup>46</sup> and Picard's monograph revealing Switzerland as a hub for the activities of relief organizations as well as the flow of information and of capital.<sup>47</sup> The international involvement of Switzerland, in stark contrast to the then dominant view of Switzerland as encircled, is now attracting considerable attention in international scholarship.<sup>48</sup> The ICE has paid special attention to this in a case study about the ransom of Jews from the German-occupied Netherlands.<sup>49</sup>

«*Inundation by foreigners*» («*Überfremdung*») is no longer regarded today as the most important reason for restrictive refugee policies. It is rather the anxiety and the idea about being «overrun by foreigners» that have become topics of historical research. It has meanwhile become well-known that the belief of being «*overrun by foreigners*» («*Überfremdungssangst*»), at a time when the words «Jews» and «antisemitism» were associated with Nazi Germany, became a symbol for the taboo subject of antisemitism in Switzerland that is still underresearched.<sup>50</sup> The term «*Überfremdung*» («inundation by foreigners») was used for various economic, political, and ideological interests and cannot be directly equated with antisemitism without further consideration. It was perhaps the vagueness of this term that enabled the discourse about «inundation by foreigners» to attain such a general influence on society.

## 1.4 Figures and Categories

When the EJPD explained that Switzerland had given shelter to approximately 300,000 refugees in 1947, the well-known refugee pastor Paul Vogt<sup>51</sup> refuted this claim:

«It is not completely accurate when it is said today that only a small fraction of the refugees had to be turned away; altogether 300,000 were given safe haven. What deeply concerned us then and caused us

<sup>45</sup> See Imhof, Kommunikation, 1999.

<sup>46</sup> Weingarten, Hilfeleistung, 1981.

<sup>47</sup> Picard, Schweiz, 1994.

<sup>48</sup> Special attention has been given to the rescue or ransom operation involving Jews from Hungary, and to Switzerland's function as a protective power for belligerent nations arranging exchanges and as headquarters of the International Committee of the Red Cross. See, for example, Bauer, Onkel, 1977; Bauer, Freikauf, 1996; Ben-Tov, Rotes Kreuz, 1990.

<sup>49</sup> See ICE, Lösegelderpressungen, 1999.

<sup>50</sup> For antisemitism in Switzerland, see Mattioli, Antisemitismus, 1998; Kamis-Müller, Antisemitismus, 1990; EKR, Anti-semitism, 1998. For «*Überfremdung*» and antisemitism, see Arlettaz/Arlettaz, Ausländergesetzgebung, 1998; Mächler, Kampf, 1998.

<sup>51</sup> See short biographies in the annexe.

pangs of conscience was that for a long time the Jews didn't count as political refugees and were thus turned away.»<sup>52</sup>.

Carl Ludwig had used the EJPD statistics for his report. According to these calculations, Switzerland had accepted 103,869 military personnel; 55,018 civilian refugees; 9,909 emigrants; and 251 political refugees during the Second World War. In addition, temporary asylum was given to 66,549 civilian refugees fleeing across the border for short periods because of the war and to 59,785 children, who entered Switzerland either for several months of vacation or to escape fighting.<sup>53</sup> The historians Ladislav Mysyrowicz and Jean-Claude Favez criticized adding up these figures: «This evaluation provides us with a limit, but since it mixes up several categories of refugees that entered at different times and for stays of variable duration, it is also likely to be deceptive.»<sup>54</sup>

Reliable statistics first require a definition of the term «refugee» which differentiates between several categories of refugees chronologically, taking into account the radicalization of Nazi policies and the changes in international political conditions after 1933. Secondly, the limitations of statistics must be considered. There are hardly any reliable figures available for the years 1933 to 1939. Further, statistics reflect the views of the authorities, who placed all refugees into certain categories, even when it was often unclear which category was appropriate. Moreover, only those refugees granted asylum were registered individually, enabling us today to compile various figures; however, very little is known about the refugees denied asylum. There is proof that about 24,500 refugees were turned away at the border between January 1940 and May 1945. The actual figure is probably somewhat higher, but a more exact calculation is not possible because of a lack of sources.<sup>55</sup> Finally, the power of numbers is quite different from the description of a refugee's fate. Figures cannot be compared when it is a matter of individual survival.

### *Legal categories of refugees*

The Swiss officials divided the refugees into various legal categories on the basis of international treaties and national laws. The distinction between military and civilian refugees was fundamental. The treatment of military personnel had been established by the Hague Convention of October 18, 1907 with respect to the rights and duties of neutral powers and persons in case of war on land.<sup>56</sup> In article 11, a neutral power was permitted to let troops

<sup>52</sup> Minutes of the Sachverständigenkommission für Flüchtlingsfragen, November 12, 1947, FA E 4800.1 (-) 1967/111, Akz. 1.011 file 483.

<sup>53</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 318. Ludwig counted 55 018 civilian refugees since (as opposed to the calculations published by the ICE; see Table I, p. 23) he included persons granted asylum after May 8, 1945. The children given temporary asylum can hardly be counted as refugees, since Jewish refugee children were excluded from the relief operation. See Koller, *Entscheidungen*, 1996, p. 86 and Chapter 6.2.2.

<sup>54</sup> Mysyrowicz/Favez, *Refuge*, 1981, p. 110. (Orig. French)

<sup>55</sup> For a summary of refugee statistics and their limitations, see Koller, *Entscheidungen*, 1996, pp. 85–97. For rejections and expulsions, see Chapter 4.3; for the refusal of entry visas, see Chapter 4.1.

<sup>56</sup> SR 0.515.21.

belonging to a belligerent enter its territory, but was not required to do so. Troops granted entry could be interned «in camps and even confined in fortresses or in places set apart for this purpose». The legal term «internment» was not synonymous with internment in camps, but was interpreted to mean that Switzerland must try to prevent soldiers who had been granted asylum from leaving and returning to military operations. In practice, this was usually best handled by detaining troops in camps, although it was also possible to quarter troops at officially approved locations.<sup>57</sup>

The admission of large numbers of foreign troops to Switzerland began in June 1940, when 42,600 soldiers crossed the border from France,<sup>58</sup> continued in the fall of 1943 when 21,300 military refugees fled Italy, and went on during the last months of the war.<sup>59</sup> There were also hospitalized soldiers, deserters, conscientious objectors, and escaped prisoners of war among the approximately 104,000 military refugees. Deserters were generally granted asylum and interned.<sup>60</sup> Individuals considered to be conscientious objectors were civilians who wanted to escape military conscription in their country of origin. If they had lived in Switzerland before the outbreak of war or entered shortly after war began, they usually received a «tolerance permit» or residence permit. During the second half of the war, large numbers of conscientious objectors from Italy who fled to Switzerland were interned.<sup>61</sup>

Escaped prisoners of war could be granted asylum under article 13 of the Hague convention, although this was not mandatory.<sup>62</sup> The EJPD kept its options open in this regard. French soldiers escaping German imprisonment who had sought asylum in Switzerland were allowed to continue to the unoccupied zone of Vichy France until 1942. Otherwise, the EJPD exercised extreme restraint demanding close examination of each individual case; it followed a policy that «all unwanted elements (Jews, political extremists, espionage suspects) should be kept out».<sup>63</sup> When it became impossible to travel to other neighboring countries, escaped prisoners of war were interned and, starting in fall 1943, they were placed under military supervision like interned troops.<sup>64</sup> In practice, however, differentiating between military and civilian refugees presented difficulties, especially for forced laborers who had fled from Germany, and often included prisoners of war and civilians. Categorization by the authorities was extremely problematical in this instance and often had disastrous consequences, especially for Polish and Soviet forced laborers.<sup>65</sup>

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<sup>57</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 27–28; Kälin, Gutachten, 1999, Part 1, B I, 2c; Part 2, B II, 2a.

<sup>58</sup> The return of French internees to France and the delivery of war material to Germany resulted in controversy in January 1941. See Imhof, Kommunikation, 1999; see also Chapter 4.2.

<sup>59</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 184–185, 260–272; Stadelmann, Umgang, 1998, pp. 138–139, 143–149.

<sup>60</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 190–191; Kälin, Gutachten, 1999, Part 1, B I, 2c.

<sup>61</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 190–191; Kälin, Gutachten, 1999, Part 1, B I, 2c; Part 2, B II, 2a.

<sup>62</sup> Ludwig, Flüchtlingspolitik, 1957, p. 28; Kälin, Gutachten, 1999, Part 1, B I, 2c; Part 2, B II, 2a.

<sup>63</sup> Undated guidelines of the Police Division of the EJPD quoted in Ludwig, Flüchtlingspolitik, 1957, p. 192.

<sup>64</sup> Stadelmann, Umgang, 1998, pp. 125–127; Ludwig, Flüchtlingspolitik, 1957, pp. 191–196, pp. 271–272.

<sup>65</sup> See Chapter 4.3; Ludwig, Flüchtlingspolitik, 1957, p. 191; Stadelmann, Umgang, 1998, p. 125, pp. 131–132; Koller, Entscheidungen, 1996, p. 97.

For civilian refugees, protection under international law was first expanded after the Second World War with the passage of the Universal Declaration of Human Rights (1948), the Convention on the Prevention and Punishment of the Crime of Genocide (adopted 1948, implemented as of 1951), the European Human Rights Convention (1950) and the United Nations Convention relating to the Status of Refugees and Stateless Persons (1951). Prior to these initiatives, there were very few binding rules in international law.<sup>66</sup> Swiss policies were based on national law, that is, the Federal Law on the Residence and Settlement of Foreigners of March 26, 1931 (hereafter, ANAG), since there was no specific asylum law.<sup>67</sup> The law designated three types of residence permits for foreigners. The first was permanent residence status (Article 6), which permitted foreigners a stay of unlimited duration, based on bilateral residence agreements; this granted foreigners extensive rights provided that they possessed valid identity papers from their country of origin. The second type of residence permit allowed a temporary stay, limited from one to two years (Article 5) and was usually issued for longer working or educational visits; this also required the possession of valid identity papers. The third type was a temporary residence permit, the so-called tolerance permit (Article 7), which was limited to three to six months and required the payment of collateral;<sup>68</sup> this was the only possible legal form of residence for foreigners without valid papers. Politically persecuted refugees could be granted asylum by the Federal Council, using Article 21. The granting of asylum was generally understood as the right of the state to resist extradition attempts by the persecuting state, although it did not offer refugees any legally reviewable right to asylum.<sup>69</sup>

It was decisive that the Swiss adhered to a narrow definition of refugee after the Nazis came to power.<sup>70</sup> A political refugee was defined as someone personally at risk because of his political activities. Swiss federal officials used great restraint in recognizing political refugees, whereby communists were considered particularly undesirable. The persecution of Jews was explicitly not defined as political persecution in 1933. This narrow definition of the term «political refugee» led to the recognition of only 644 political refugees between 1933 and 1945. All other refugees were placed under ANAG during the 1930s. This meant that, at best, they received a temporary residence permit or a tolerance permit to allow them enough time to organize their further journey.<sup>71</sup> The fact that these permits were issued by the cantons allowed the cantons great leeway in determining refugee policies until 1942. After departures from Switzerland were made increasingly difficult by the start of the war, the Federal Council decree of October 17, 1939 altered police regulation of foreigners, creating the legal status of

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<sup>66</sup> Kälin, Gutachten, 1999, Part 1, B III; Part 2, B II, 1.

<sup>67</sup> BBl 1931, I, pp. 425–434; SR 142.20.

<sup>68</sup> For the terminology and function of «Kaution» or collateral, see Chapter 5.5.1.

<sup>69</sup> Kälin, Gutachten, 1999, Part 1, A I, 2a.

<sup>70</sup> Kälin, Gutachten, 1999, Part 1, A I; Part 2, B IV.

<sup>71</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 22–23; Wichers, Kampf, 1994, pp. 46–51; Koller, Entscheidungen, 1996, pp. 23–24.

emigrant.<sup>72</sup> The 9,909 emigrants mentioned by Carl Ludwig were actually refugees, who for the most part had obtained a temporary legal residence permit prior to the war, but were unable to leave Switzerland after the beginning of hostilities, and thus fell under the supervision of the cantons. As a result of increasing illegal immigration during the summer of 1942 and the cantons' unwillingness to issue tolerance permits, the EJPD decided to intern all refugees who were located inside the country and who, for practical and humanitarian reasons, could not be deported. Interned refugees were directly under federal jurisdiction. They were housed in institutions, camps, hostels, or in designated private homes, which they were not allowed to leave without permission.<sup>73</sup>

The authorities spoke about three kinds of refugees: political refugees, emigrants, and after 1942 about (interned) refugees.<sup>74</sup> The term «refugee» is generally used in this report, in contrast to the nomenclature used at that time. The word «emigrant» generally downplays the reasons for the refugee's flight, suggesting a voluntary departure or continuing journey from a country. We use the term emigrant only when legal aspects compel us to distinguish refugees who were counted as emigrants under the Federal Council's decree of October 17, 1939.

**Table 1: Civilian refugees granted asylum during the Second World War\***

	1939	1940	1941	1942	1943	1944	1945
Jan.		4	3	38	468	858	356
Feb.		3	3	32	814	577	1452
March			2	49	777	1032	422
April		7	3	55	557	1206	6032
May		4	4	77	477	1180	1793
June		12	2	95	511	640	
July		3	3	243	530	682	
August			9	475	699	908	
September	26	4	15	2895	4519	1520	
October	5	3	17	1845	1814	6678	
November	6	5	39	1031	1537	777	
December	8	2	20	1601	1817	1848	
<b>Total</b>	<b>45</b>	<b>47</b>	<b>120</b>	<b>8436</b>	<b>14 520</b>	<b>17 906</b>	<b>10 055</b>

**Civilian refugees granted asylum from September 1, 1939 to May 8, 1945: 51,129**

Sources: Koller, *Entscheidungen*, 1996, p. 87

\* The table includes all civilians who had been interned as refugees by the EJPD. Emigrants, border zone refugees, and conscientious objectors (civilians counted as military refugees) are not included.

The monthly admission figures indicate considerable swings and depended on the one hand, on Nazi policies of persecution, and on the other hand, on Swiss officials' practices of accepting or rejecting refugees. In connection with deportations from France, the figures rose rapidly from July to September 1942, and then in response to restrictive Swiss policies, decreased markedly, especially after January 1943. After the German occupation of Italy in September

<sup>72</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 170–171.

<sup>73</sup> Kälin, *Gutachten*, 1999, Part 2, B III, 1.

<sup>74</sup> Stadelmann, *Umgang*, 1998, p. 121.

1943, more than 4,500 refugees were granted asylum and again in the fall of 1944 several thousand additional refugees crossed the southern border into Switzerland. Of the 51,100 refugees accepted during the war, 14,000 came from Italy; 10,400 from France; 8,000 from Poland; 3,250 from the Soviet Union; and 2,600 from Germany (see Table 2 for a chart of all countries). Only 2,200 individuals were categorized as stateless, although the actual number of stateless individuals was considerably higher. The official statistics recorded the refugees' previous nationalities in order facilitate their return after the war.<sup>75</sup> The reaction of the Swiss to denaturalization is a subject which has heretofore received scant attention. Denaturalization had far-reaching consequences for refugees, since national laws and international agreements, such as residence agreements, were based on the principle of citizenship. Stateless refugees lost protection by a state as well as the possibilities for legal travel and the possibilities of flight.<sup>76</sup>

**Table 2: Nationality and religion of civilian refugees**

Nation	Total	Jews*	Nation	Total	Jews*
Belgium	815	334	Austria	870	799
Germany	2592	1404	Poland	8025	4715
France	10 384	2868	Romania	690	609
Greece	644	142	Soviet-Union	3251	275
United Kingdom	185	51	Spain	418	
Italy	13 986	3605	Stateless**	2186	1932
Yugoslavia	1835	1025	Czechoslovakia	1240	842
Luxembourg	91	60	Unknown/Other	538	225
Netherlands	2075	1373	Hungary	1304	1045

Source: Koller, Entscheidungen, 1996, p. 90.

\* Includes 1,809 persons not of Jewish faith, but who were persecuted because of their Jewish ancestry.

\*\* The number of stateless refugees is too low because the authorities registered people under the country of their previous nationality until they received proof of the contrary.

During the war, 25,203 men, 15,142 women, and 10,488 children were accepted as refugees. Among them were 19,495 Jews and 1,809 individuals who were persecuted because of their Jewish ancestry.<sup>77</sup>

### *The Limits of legal categories*

Legal categories provided the foundation for the state's behavior, and knowledge of them is essential for understanding refugee policies of that time. It is equally important to understand that laws allow considerable freedom of interpretation and, under wartime conditions, could easily be changed by government authority.<sup>78</sup> Whether foreign troops would be granted asylum, whether persecuted Jews were regarded as refugees, or whether escaped forced laborers were to be treated as military or civilian personnel, were all political decisions. These decisions were an expression of a social and symbolic order, which becomes instantly clear

<sup>75</sup> Koller, Entscheidungen, 1996, p. 90.

<sup>76</sup> See also Chapters 4.3, 5.2, 5.5.1 and 5.5.4. See also Kälin, Gutachten, 1999, Part 1, A III, 1.

<sup>77</sup> Koller, Entscheidungen, 1996, p. 90.

<sup>78</sup> For information on wartime government authority, see Kälin, Gutachten, 1999, Part 2, A.

when Swiss refugee policies are examined under the categories of class, gender, and «race». Thus, it was decided in 1933 by the EJPD to grant political refuge to «high government officials, leaders of leftist political parties, and well-known authors», while the majority of the victims of political persecution would not be recognized as refugees.<sup>79</sup> Men enjoyed special protection as soldiers, deserters, escaped prisoners of war, and conscientious objectors. Women were seen as particularly in need of protection on the one hand, and yet were subject to certain disadvantages due to legal discrimination, on the other.

Jews, Eastern Europeans, and Sinti and Roma («Gypsies») were victims of German state policies of annihilation based on Nazi racist and antisemitic categories. And Swiss refugee policies too were particularly restrictive with respect to these groups victimized by National Socialism. From a historical perspective, this is the central problem of Swiss refugee policies during the *Third Reich*. Thus, the following report pays special attention to the refugees who were victims of Nazi policies of persecution and annihilation.

## 1.5 Introduction to the Subject: The Story of the Family H.

The story of the Jewish family H. from Germany, which had maintained close connections to Switzerland since 1924, survived Nazi persecution, and stayed in Switzerland after the Second World War, enables us to form a picture of the long-term relationship between policies concerning aliens and refugee policies. Reconstructing their story illustrates the interaction between economic and police interests and reveals the authorities' leeway in making decisions on the federal, cantonal, and municipal levels. Markus H., the paterfamilias, carefully preserved all the documents, and his daughter added documents from various archives to the family papers. She made these records available to the ICE.<sup>80</sup> The family's story can thus be told using official and private documents, as well as oral history information from eye-witnesses.<sup>81</sup>

### «Economic infiltration by foreigners»

Markus H. was born in 1892 in the south German city of Müllheim (Baden). In 1909 he began travelling to Switzerland on business, although he still maintained his legal residence in Germany. Markus H. and Selma M. married in 1924. Markus's wife was also from Müllheim, but she had grown up with her uncle in Switzerland. This uncle ran a small business in the

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<sup>79</sup> Koller, *Entscheidungen*, 1996, pp. 22–23.

<sup>80</sup> The family's history is focused on the father, since most of the correspondence was either addressed to him or written by him. The sources contain only very sparse information about his wife and daughter.

<sup>81</sup> We are mostly citing H.'s private family papers [hereafter H. Nachlass], which also include many copies from the following archives: FA E 4320 (B) 1990/266, vol. 202 and FA E 4264 (-) 1985/196, vol. 357; AfZ, Zurich: VSJF-Archives, Personal file H. The file no. 4753/B of the Canton Thurgau Police for Foreigners was probably destroyed by the police after 1985. The state archives of the Canton Basel-Stadt (StABS), record group PD-REG 3, file AK 64756, contains extensive documents for the period after 1946. We would like to thank Reto Wissmann for information about records in the Kreuzlingen city archives and the archives of the Kreuzlingen Jewish Community. We conducted an interview with Markus and Selma H.'s daughter, M. H., on October 30, 1997, which was supplemented by subsequent conversations. We received other references from Robert Wieler, Jerusalem.

Swiss border town of Kreuzlingen (Thurgau). After his marriage, Markus H. began working for the business and unsuccessfully applied in 1924 for a permanent residence permit in Switzerland.<sup>82</sup> As a result, the couple moved to the German city Konstanz (Baden), which had close ties to Kreuzlingen. Markus H. went to his uncle's business every day, one of the hundreds of so-called border commuters who lived in Germany and worked in Switzerland.<sup>83</sup> The main business activity was trade and the repair of machine tools.

Markus H. again applied for a permanent residence permit in 1928. Again it was denied, and he then appealed the decision. The Federal Police for Foreigners denied his appeal and banned him from entering Switzerland. This decision was probably based mostly on the conclusions of the Thurgau Chamber of Commerce, which had criticized the uncle's firm in 1926.<sup>84</sup> Despite the federal ban on his entry into Switzerland, Markus H. received permission from the Kreuzlingen cantonal passport office to cross the border, enabling him to cross the German-Swiss frontier daily from Konstanz to Kreuzlingen to go to work. In the opinion of the Swiss police authorities, he was thereafter continuously in violation of the ban. However, everything was fine in the opinion of the Thurgau police.<sup>85</sup> This inconsistency is typical of Swiss policies for foreigners during the first half of the twentieth century. Cantonal and federal policies competed with each other, leaving considerable leeway in the enforcement of federal laws, because it was the cantonal authorities who were expected to enforce Swiss federal laws.

In 1931, Markus H. attempted to clarify the situation with the federal authorities. He had the support of city council of Kreuzlingen. The federal authorities, however, reconfirmed the travel ban because of «continuing violation of police instructions».<sup>86</sup> Markus H. yielded to the decision and ran the business, which had been transferred to him in 1932, from Konstanz.<sup>87</sup> Since the business suffered from his absence, he requested from the federal officials in May 1933 that the ban be lifted – meanwhile the Nazis had come to power in Germany<sup>88</sup> – and that he be allowed to take up work in Kreuzlingen again.<sup>89</sup> He added that he had paid 10,000 Francs in taxes the previous year and, that despite the economic crisis, he would hire two workers if he were permitted to work in Kreuzlingen. His petition was accompanied by a submission from his attorney, including several personal character references and a

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<sup>82</sup> Petition from Attorney Fischer to the Federal Police for Foreigners, no date [1933]; H. to Kreuzlingen city council, September 2, 1934, in: H. Nachlass.

<sup>83</sup> Burchardt/Schott/Trapp, Konstanz, 1990; Moser, Zaun, 1992.

<sup>84</sup> The reasons for the entry ban and the opinion of the Chamber of Commerce can no longer be located. The latter is, however, mentioned in Attorney Fischer's petition to the Federal Police for Foreigners. On April 12, 1938, Rothmund thanked the Chamber of Commerce for always taking into consideration «the important question of infiltration by foreigners... The Thurgau Chamber of Commerce has often made our job easier with this.» (orig. German). See FA E 4800.1 (-) 1967/111, Akz. 1.17, file 498 [1938].

<sup>85</sup> Petition from Attorney Fischer to the Federal Police for Foreigners [1933]; EJPD decision of March 5, 1935, in H. Nachlass.

<sup>86</sup> Petition from Attorney Fischer to the Federal Police for Foreigners [1933], in H. Nachlass.

<sup>87</sup> Amtsblatt des Kantons Thurgau, 1932, no. 26.

<sup>88</sup> For an overview of events in 1933, see chronology of events in annex.

<sup>89</sup> H. & Co. to the EJPD, May 5, 1933, in H. Nachlass.

recommendation from eight Swiss companies.<sup>90</sup> Finally, the Federal Police for Foreigners lifted the ban, but forbid H. from travelling within Switzerland. He was allowed to work in his Kreuzlingen office, but was not allowed to visit his clients in their locations.<sup>91</sup>

In September 1934, H. applied for a permanent residence permit from the city of Kreuzlingen, presenting in detail the economic advantages such a permit could offer his business and thus, also for communal taxes.<sup>92</sup> The city supported his request and the canton then issued him a limited residence permit, which would have allowed H. to live in Kreuzlingen from then on.<sup>93</sup> This decision, which went against the canton's wish to reduce its number of foreigners,<sup>94</sup> can probably be attributed to the integration of H. and his wife, who grew up in Kreuzlingen, and the economic advantages for the town, as well as to the recommendation of the liberal Thurgau cantonal Councillor Albert Leutenegger.<sup>95</sup> This contradicted the federal authorities previous position, and as a result, the Federal Police for Foreigners immediately annulled the residence permit.<sup>96</sup> Markus H. appealed once again, and this time the case was presented to the Head of the EJPD, Federal Councillor Johannes Baumann.<sup>97</sup> Max Ruth,<sup>98</sup> a deputy director in the Police Division, pointed to contradictions in the previous decisions and explained that denying him travel rights was legally untenable as prejudicial to the company. Heinrich Rothmund, head of the Police Division, wrote the following memorandum for the files:

«Markus H. has caused us a lot of trouble in the past. He has wanted to take up residence in Switzerland for a long time, despite a clear decision issued by the Federal Police for Foreigners. Studer and Ruth are inclined to favor issuing the permit; the Federal Police for Foreigners, together with Biga (Federal office of Industry, Trade, and Labor) recommend rejection. Councillor Leutenegger supports the man. The fact that H. is still putting pressure on us today can probably be attributed to the current situation in Germany, where he has difficulties as a Jew. If we approve his travelling activities, the result will be that his permanent residence will actually be in Switzerland. I don't like it at all. A Jew selling used machinery and visiting clients in the country is distasteful. It is exactly these Jews, these <dealers,> that create hostility among the people. I understand that the competition opposes it. I am against it.»<sup>99</sup>

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<sup>90</sup> Petition from Attorney Fischer to the Swiss Police for Foreigners (1933), in H. Nachlass.

<sup>91</sup> EJPD to M.H., June 15, 1935, in H. Nachlass.

<sup>92</sup> M.H. to Kreuzlingen city council, September 22, 1934, in H. Nachlass.

<sup>93</sup> EJPD to M.H., March 5, 1935, in H. Nachlass.

<sup>94</sup> In 1932, the cantonal Police for Foreigners conducted a «cleansing operation» which, by their own records, resulted in the expulsion of 430 individuals. The number of commuter border passes for the border post in Kreuzlingen was reduced between the years 1931 and 1934 from 1,457 to 987. The number of entry visas distributed by the canton sank from 2,483 in 1931 to 857 in 1934; the number of permanent residence visas for foreigners from 241 in 1930 to 131 in 1934. In «Rechenschaftsbericht (report of activities) des Regierungsrates des Kantons Thurgau an den Grossen Rat», for the years 1930–1935, section III, Polizeiwesen, D. Fremdenpolizei.

<sup>95</sup> In an interview on October 30, 1997, M.H. emphasized the importance of the family's integration. Reto Wiessman pointed us in the right direction about communal economic considerations for the local tax base for foreign residents based on his extensive research in the Kreuzlingen city archives. About the position of A. Leutenegger, see Rothmund's statement below.

<sup>96</sup> Refusal to issue the entrance visa and residence permit, October 24, 1934, in H. Nachlass.

<sup>97</sup> See short biography in annex.

<sup>98</sup> See short biography in annex.

<sup>99</sup> Note to the files, Federal Police for Foreigners, February 18, 1935 (M. Ruth), February 20, 1935 (H. Rothmund), in H. Nachlass (orig. German).

Rothmund's note to the files shows that the Police for Foreigners was aware of the consequences of the persecution of Jews in Germany, even though Markus H. neither spoke of emigration nor of flight. Furthermore, it is obvious that the Police for Foreigners worked closely with other economic and political bodies and that their decisions were influenced by antisemitic stereotypes.<sup>100</sup> Finally, we are confronted with argumentation typical of the Federal Police for Foreigners: in order to prevent the rise of antisemitism in Switzerland, it is our duty to keep the Jews out.<sup>101</sup>

The Swiss Federal Council issued a decision in March 1935: Markus H. was allowed to visit private businesses, manufacturers, and government institutions on his business trips; he was, however, forbidden from visiting farmers.<sup>102</sup> Until 1938 he was able to work without great difficulty and even to expand his business somewhat.

### *Expulsion from Germany*

On November 10, 1938, Markus H. went to work, early in the morning, from German Konstanz to Swiss Kreuzlingen. There he learned about the pogroms taking place that day throughout Germany, and as a result, he stayed the night in his business in Switzerland. His wife was in Müllheim (Baden) at that time, visiting her parents and witnessed the demolition of their apartment and her father's arrest. She fled via Basel to Kreuzlingen, where she remained with her husband and daughter. Following the rules, Markus H. registered them with the police, and three weeks after their flight from Germany, requested a residence permit for his family from the Federal Police for Foreigners.<sup>103</sup>

The Swiss Federal Council was extensively informed about the November pogrom by its diplomatic missions in Germany.<sup>104</sup> The Thurgau cantonal police reported to Bern about events in neighboring Gailingen (Baden):

«An SS man stood every 100 to 150 meters along the border with orders to stop and arrest any Jews who might try to escape. In the course of the morning, all Jews (men, women, and children) were ordered to gather ... at the synagogue. Then they were forced to watch as their house of worship was destroyed with the help of fuel and explosives.»<sup>105</sup>

The cantonal police reported that the Jewish men had been arrested and taken to concentration camps. It was clear to them that the pogrom had been organized and implemented by government and Nazi party organizations.

<sup>100</sup> In contrast to the high German word «Händlern», the Swiss German «Händeler» carries a definite connotation of arguing, haggling, and favoritism.

<sup>101</sup> For the self-image of the Swiss Police for Foreigners, see Mächler, Kampf, 1998.

<sup>102</sup> Decision EJPD (Federal Councillor Baumann), March 5, 1935, in H. Nachlass.

<sup>103</sup> M.H. to the Swiss Police for Foreigners, December 2, 1938, in H. Nachlass.

<sup>104</sup> See DDS, vol. 12, no. 443–445, pp. 1013–1022.

<sup>105</sup> Thurgau police headquarters to the Swiss federal prosecutor, November 14, 1938, in FA E 2001 (D) 3, vol. 163. See also DDS, vol. 12, no. 451, p. 1038.

Markus H. described his desperate situation to the Federal Police for Foreigners. He could no longer stay in Germany and would have to give up his business if he were unable to obtain a residence permit in Switzerland. In order to improve his chances, he also informed them that he meanwhile had four Swiss employees, that he had 45,000 Francs of business property, and paid income tax on his annual income of 10,000 Francs, and that the company purchased 70 percent of its goods in Switzerland.<sup>106</sup> At the same time, cantonal police commander Ernst Haudenschild prepared the following report:

«H. clearly knows that emigration is out of the question because of a decision by the Federal Police Division. Now he has used the recent operations against the Jews in Germany as an excuse to stay here. He is unable to provide proof that something would happen to him. We are in agreement with the district office that H. is trying to fool us .... If we are forced to say yes to H., then there are at least another dozen who are in exactly the same situation.»<sup>107</sup>

The Thurgau police insisted, in contrast to their report about the pogrom, that Markus H. would not be endangered because he was a Jew. They feared that granting the family a residence permit would compromise their consistent rejectionist policy, and set a deadline of three days for H's departure.<sup>108</sup> In December 1938, the family returned to Konstanz and began preparing their emigration. In February 1939, their daughter reached Lucerne as part of the «300 Children Initiative» by the Swiss Relief Organization for Refugee Children.<sup>109</sup> In May 1939, the entire family emigrated to live with relatives in Dijon, France.<sup>110</sup>

### *The father in Switzerland*

In August 1939, Markus H. went to Switzerland for three weeks to liquidate his company. When the war began, he immediately tried to return to France but, as a German, was turned back by French authorities and returned to Kreuzlingen.<sup>111</sup> When the Germans began to invade France in May 1940, he registered with the Swiss military authorities as a volunteer. He was assigned to be a driver in the event of the evacuation of civilian inhabitants and the army requisitioned his company car.<sup>112</sup> H's willingness to take part in Swiss national defense did not prevent Thurgau police commander Haudenschild from pushing for his expulsion. In July 1940, after the defeat of France, he proposed that Markus H. be expelled by the Federal Police for Foreigners.

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<sup>106</sup> M.H. to Swiss Police for Foreigners, December 2, 1938, in H. Nachlass.

<sup>107</sup> Thurgau cantonal Police for Foreigners to the cantonal Department of the Interior, December 1, 1938, in H. Nachlass (orig. German).

<sup>108</sup> Thurgau cantonal Police for Foreigners to M.H., December 2, 1938, in H. Nachlass.

<sup>109</sup> See Chapters 2.3 and 6 for more on the children's relief agency.

<sup>110</sup> Vita of M.H., Easter 1943, in H. Nachlass.

<sup>111</sup> Report by Kreuzlingen cantonal police to the canton police headquarters, July 17, 1940, in H. Nachlass.

<sup>112</sup> «Befehl an die Fahrer und Fahrerinnen, die dienstfrei sind und deshalb für die Evakuierung zur Verfügung stehen» (Order to drivers not in military service, who may be available for evacuation purposes), (1940); M.H. to the Federal Police for Foreigners, June 30, 1945, in H. Nachlass.

«H. is simply trying to put us under duress. In our judgment, if H. cannot depart immediately for France, he should be expelled to Germany or placed in an internment camp at the expense of the federal government. It was, after all, a federal decision to let this Jew back in the country after we had finally gotten rid of him after incredible effort. We could simply expel H. to Germany.»<sup>113</sup>

Markus H. was not expelled, but under pressure from the EJPD received a cantonal tolerance permit to enable him to liquidate his business and prepare his subsequent journey.<sup>114</sup> He applied for a visa to the United States and corresponded unsuccessfully with the consulates of Argentina, Venezuela, Haiti, Monaco, Portugal, El Salvador, Paraguay, Nicaragua, and Peru.<sup>115</sup> In November 1940, he was placed in a work camp where he stayed until March 1944, voluntarily working several months longer than required.<sup>116</sup>

The Swiss federal prosecutor placed Markus H.'s mailbox in Kreuzlingen under surveillance from April to November 1941.<sup>117</sup> The officers of the Thurgau cantonal police reported about every letter to the federal prosecutor, yet were unable to find anything suspicious. They only found a few business letters and mainly private letters. The police summarized: «letter to a friend (insignificant contents)» or also «stupid chatter».<sup>118</sup> Police commander Haudenschild wrote to Bern:

«As our investigation shows, H. is trying to make the most out of his warehouse stock, consisting of old tools and screws, etc., but cannot find a buyer for this stuff. In addition, he corresponds actively with other Jewish families from Europe and abroad.»<sup>119</sup>

### *Mother and daughter in France*

Markus H.'s greatest concern, which Haudenschild must have known from searching his mail, was the fate of his wife and daughter in France. In June 1940, they fled from Dijon to Toulouse in the unoccupied zone of France. From there, they were already forced to relocate in November 1940 to Aspet, near the Spanish border, which they were not allowed to leave. In April 1942, they were transferred elsewhere.<sup>120</sup> After early 1942, Markus H. worked intensively to rescue his family members. He inquired about various entry possibilities at the Federation of Jewish Communities in Switzerland (SIG) and the Swiss Jewish Association for Refugee Relief (VSJF) and asked Gertrud Kurz,<sup>121</sup> known as the «refugees mother», for

<sup>113</sup> Thurgau Police for Foreigners to the Federal Police for Foreigners, July 18, 1940, in H. Nachlass (orig. German).

<sup>114</sup> Thurgau Police for Foreigners to the city council of Kreuzlingen, July 31, 1941, in H. Nachlass.

<sup>115</sup> M. Sandberg to the Federal Police for Foreigners, July 21, 1940, in H. Nachlass.

<sup>116</sup> M.H. to the Thurgau Police for Foreigners, January 19, 1943; M.H. to the city council of Kreuzlingen, June 30, 1945, in H. Nachlass.

<sup>117</sup> Swiss Federal Prosecutor's Office to the legal department of the management of the PTT, April 22, 1941; Thurgau Police for Foreigners to Kreuzlingen city council, July 31, 1941, in H. Nachlass.

<sup>118</sup> Chronological outline of the letters, no. 29, in H. Nachlass.

<sup>119</sup> Thurgau Police for Foreigners to Federal Police for Foreigners, September 8, 1941, in H. Nachlass (orig. German).

<sup>120</sup> «Consulat de France à Zurich, Demande de visa de passeport», September 15, 1941, in FA E 4264 (-) 1985/196, vol. 357; M.H. to G. Kurz, August 17, 1942, in H. Nachlass.

<sup>121</sup> See short biography in annex.

help.<sup>122</sup> In March 1942, he applied for an entry visa for his family members from the Federal Police for Foreigners. He explained that he had not received any financial help from relief organizations and that this would not be necessary in the future.<sup>123</sup> The application was forwarded to the Thurgau cantonal police, who in turn asked the city of Kreuzlingen whether they were prepared to accept the family. The community president, with whom Markus H., according to his own statements, had a «very good relationship», told him directly that the town could not accept the family.<sup>124</sup> The canton also declined, and in April 1942, the Federal Police for Foreigners explained «their entry into the country is not desired at the current time. The authorities of the canton of Thurgau refuse to accept foreigners onto their territory».<sup>125</sup>

Markus H. wrote this desperate letter to Gertrud Kurz on August 11, 1942:

«As I am sure you are informed, the decision by the French government to transfer refugees to Germany has considerably worsened the situation of my loved ones .... I think about it often and it is of great concern to me if there isn't a possibility to somehow arrange their entry into this country. I thought the only possibility might be if you, honored Frau Doctor, could find it possible to contact the Police for Foreigners in Bern and find out anything about how this situation might yet still be resolved, before my loved ones are affected by the cruel fate of deportation.»<sup>126</sup>

There were several reasons why the Federal Police for Foreigners authorized Selma H. and her daughter's admission to Switzerland on September 4, 1942. The most important reason was that Markus H. was already in Switzerland and could arrange help. The personal involvement of Gertrud Kurz, who called the Thurgau police commander, certainly played an important role. Moreover, Markus H., who had already paid collateral of 5,000 Francs, was able to provide a financial guarantee for his family members. He would not have been able to raise the money demanded by the Thurgau police had it not been for friends willing to help, even though at his behest the former had reduced by half the requested fee of 10,000 Francs, a sum equal to his earlier annual income.<sup>127</sup> Moreover, public protest caused by the border closing of August 13, 1942, resulted in a temporary relaxation of rules, and might have influenced the issuance of the entry permit.<sup>128</sup>

His daughter provided us with an verbal account of her flight from France to Switzerland. She had been quartered in a building reserved for Jewish refugees together with her mother, her German grandfather, and an aunt with French citizenship. When the deportation round-ups started, her mother pretended to be crazy and was able to find temporary safety in a

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<sup>122</sup> SIG, S. Mayer to M.H., January 20, 1942; VSJF to M.H., January 21, 1942; M.H. to G. Kurz, March 21, 1942, in H. Nachlass.

<sup>123</sup> M.H. to the Federal Police for Foreigners, March 3, 1942, in H. Nachlass.

<sup>124</sup> M.H. to G. Kurz, March 21, 1942, in H. Nachlass. That the cantonal Police for Foreigners required the town to support the family, presumably played a role in the decision. See also Stadtarchiv Kreuzlingen, 16/3, Thurgau Police for foreigners to Kreuzlingen city council, July 31, 1941.

<sup>125</sup> Refusal of entry and residence permit, April 21, 1942, in H. Nachlass (orig. German).

<sup>126</sup> M.H. from Davesco labor camp to G. Kurz, August 11, 1942 (orig. German).

<sup>127</sup> Thurgau Police for Foreigners to Federal Police for Foreigners, September 7, 1942; Thurgau Police for Foreigners to M.H., December 24, 1942, January 14 and 22, 1943, in H. Nachlass. Interview with M.H., October 30, 1997.

<sup>128</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 208–212. See also Chapter 3.2.

sanatorium. The daughter had not been discovered when the house was searched and she later hid in a corn field, watching as her compatriots were loaded onto busses and deported. Refugee helpers took her from the cornfield that night and hid her in a monastery the next day. She was later reunited with her mother and, after several days fleeing with others, they managed to arrive close to the Swiss border, meanwhile hiding from the French authorities, and crossed into Switzerland after an exhausting night march in early October 1942. After several days in a transit camp, both were housed in various homes, and they were later taken in by relatives in Kreuzlingen.<sup>129</sup>

### *As refugees in Switzerland*

Although the family had owned a business in Kreuzlingen until 1939, they now lived in the same town, but in bitter poverty. The furniture they had left behind in Germany had been auctioned off, their savings were exhausted, and the family was forced to rely on help provided by the VSJF and American relatives. They were all forbidden to work. If they wanted to leave the town, they needed permission and had to pay a fee for this. The daughter wanted to continue her studies after having finished her compulsory education, but was denied permission. They were told they should leave Switzerland as soon as possible.<sup>130</sup>

In June 1945, Markus H., then 53 years old, applied for a residence and work permit in Switzerland. He explained that he had close ties to the region, that he could not return to Germany, and that several companies were willing to hire him. And he did not forget to offer thanks:

«My wife and child ... were about to be deported to Poland. Only by a stroke of luck were they spared certain death. They were able to obtain an entry visa to Switzerland because of the great concessions made by the Swiss authorities responsible, for which I again give thanks.»<sup>131</sup>

The city, the first jurisdiction, turned down his request and forwarded it to the canton.<sup>132</sup> In September 1945, the Federal Police for Foreigners set his departure deadline for October 31, 1945.<sup>133</sup>

Subsequently, the deadline was extended by several months since emigration to France had been delayed. In May 1946 the liberal Thurgau cantonal Councillor Paul Altwegg wrote to Markus H.:

<sup>129</sup> Interview with M.H., October 30, 1997; verbal information from M.H., March 17, 1999. M.H. to G. Kurz, August 17, 1942, in H. Nachlass.

<sup>130</sup> Interview with M.H., October 30, 1997. Federal Police for Foreigners to M.H., October 1 and December 4, 1945; M.H. to the Kreuzlingen school board, April 11, 1946, in H. Nachlass.

<sup>131</sup> M.H. to Kreuzlingen city council, to be forwarded to the cantonal and Federal Police for Foreigners, June 30, 1945, in H. Nachlass.

<sup>132</sup> Kreuzlingen city council to the Thurgau Police for Foreigners, July 17, 1945, Stadtarchiv Kreuzlingen, 16/3.

<sup>133</sup> Federal Police for Foreigners to M.H., September 4, 1945, in H. Nachlass.

«As you know, a deadline had been set for your voluntary departure to Germany on December 5, 1938. According to a police report, you left Switzerland, together with your wife, at the checkpoint Emmishofen in Kreuzlingen on that day at 10 p.m. for Germany. For reasons unknown to us, you later fled back to Switzerland, and were subsequently interned for several years.»<sup>134</sup>

The cantonal Councillor still «did not know», despite general knowledge about the crimes committed by Nazi Germany and despite the countless documents prepared for him by his subordinate, police commander Haudenschild, why the family had fled to Switzerland. He ordered Markus H., together with wife and daughter, to leave the canton of Thurgau, threatening arrest and expulsion to Germany, and the cantonal authorities prohibited him from setting foot in Thurgau until 1950. The Federal Police for Foreigners protested against the expulsion and was able, together with the VSJF, to achieve the family's admission in the relatively liberal canton of Basel-Stadt, where Markus H. was again able to find work. In 1950, the family finally received their permanent residence permit.<sup>135</sup>

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<sup>134</sup> Thurgau residents control department to M.H., May 20, 1946, in H. Nachlass.

<sup>135</sup> Emigration office of the Federal Police for Foreigners to the Thurgau Police for Foreigners, June 13 and 21, 1946; Memorandum to the files by W. M[eyer], Emigration office of the Federal Police for Foreigners, July 5, 1946; VSJF to the Basel-Stadt Police for Foreigners, July 4, 1946; excerpt from the minutes of the Thurgau government council, April 3, 1950, in H. Nachlass. For more information about refugee policies of Basel-Stadt, see Wacker, Bern, 1992; for more on Thurgau, see Wichers, Kampf, 1994, pp. 55–58.



## 2 Foundations of Swiss Refugee Policy

### 2.1 The League of Nations System, Refugees, and Switzerland

After the First World War, the newly formed League of Nations, the embodiment of hopes for a lasting peace, was quickly confronted with the refugee problem. In the 1920s and 1930s, the League attempted to set up a certain number of agreements and conventions on behalf of refugees, which it managed more or less directly, and to deliver aid through different organizations which had been set up for this purpose. Switzerland, not just a member of the League but also the country which had managed to attract its headquarters into Geneva, was confronted with these first tentative attempts at the multilateralization of refugee aid. In this section we will briefly review how the interaction between international programs and national interests functioned in Switzerland in the interwar period.

The League of Nations and its system were primarily concerned with problems posed by two groups of refugees: Russians who had fled their country because of the 1917 Revolution (the largest group, to which the League added for administrative purposes the Armenian refugees and several categories of refugees from the Middle East), and Germans, a majority of whom were Jews fleeing racial persecution after the Nazi rise to power in 1933.

In both cases, the success of the undertaking to relieve refugee suffering was modest. The international law put into place to help refugees during the two decades of the League remained very limited in scope. It was especially concerned with awarding refugees a legal status that would somewhat alleviate the precariousness of their condition, a result of the disappearance of any protection from their country of origin. This law was unable to impose any obligations on nations for accepting refugees, the length of their stay, or their naturalization.<sup>1</sup>

If we consider official Swiss attitudes toward the international community's two principal axes of action for refugees during this period, it appears that Switzerland was more willing to mobilize itself, both in rhetoric and humanitarian action, on behalf of Russian refugees and those refugees administratively classified as equivalent, than on behalf of German refugees, although it eventually accepted many more Germans due to geographical realities than it did Russian or equivalent refugees. The latter category certainly benefitted from the anticommunism that pervaded the federal authorities, who represented only bourgeois parties at that time. This was actually not limited to Switzerland, although in Switzerland's case it was certainly more marked. However, after 1933, those needing asylum were much less victims of a red dictatorship than victims of a Nazi regime which, because of its radical hostility toward communism, held a dark fascination for some western conservative elites who to a certain

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<sup>1</sup> For a detailed description of this law, see Kälin, Gutachten, 1999, especially part I, A III.

extent shared the Nazi's antisemitism. In the thirties, the relationship between the origin of these refugees and the international political circumstances was therefore much less favorable for refugees from Germany than it had been for Russian and equivalently classified refugees.<sup>2</sup>

### *Russian refugees and their equivalents: the «Nansen Refugees»<sup>3</sup>*

In 1921 a High Commission of the League of Nations was created for Russian refugees, because of an initiative by the International Committee of the Red Cross (ICRC), which recognized that private aid would never be sufficient to address the Russian refugee problem. The Commission was headed by the Norwegian Fridtjof Nansen, who continued in this capacity until his death in 1930 when the institution was dissolved.<sup>4</sup> At that point, the General Secretary of the League of Nations assumed the legal and political protection of refugees, while an autonomous Nansen Office (which remained under the authority of the League) was created to provide refugees with material aid. It is interesting to note that the first two presidents of the Office's board of directors were Swiss: first Max Huber, president of the ICRC, and then Professor Georges Werner, vice-president of the ICRC, who followed as president from February 1933 until his death in 1935. If one also considers that the representatives of the High Commission «were for the most part also representatives of the ICRC», and that the ICRC made its infrastructure available to them,<sup>5</sup> it is impossible to deny the major role played by Swiss personalities in this charitable aid for Russian and administratively equivalent refugees. The Federal Council would have even been quite content for a third Swiss to succeed Werner,<sup>6</sup> but instead, the Norwegian Michael Hansson assumed control.

The Nansen Office's mandate was only short-term. When in 1937 the Office's continued activity came into question, Hansson solicited the support of Federal Councillor Motta<sup>7</sup>. In Geneva, Motta successfully defended the Office's *raison d'être* against the Soviets, who desired its liquidation. He received Hansson's warm thanks.<sup>8</sup>

Although Swiss sympathy inclined in favor of international action on behalf of Russian, Armenian, and similar refugees, we must also consider Switzerland's self-imposed limits.

<sup>2</sup> For the case of Italo-Swiss relations and Italian antifascist refugees, see Cerutti, Tessin, 1988, chapter VIII: «Du vol Bassanesi à l'éloignement de Pacciardi par le Conseil Fédéral».

<sup>3</sup> See especially Hoerschelmann and Gast's article, *Importance*, 1993, pp. 191–205; Lasserre, *Politique*, 1993, pp. 207–224 and Lasserre, *Frontières*, 1995, pp. 48–61.

<sup>4</sup> See Durand, *Histoire*, 1978, pp. 169ff.

<sup>5</sup> Durand, *Histoire*, 1978, p. 172.

<sup>6</sup> Motta welcomed the candidacy of Paul Logozi, a law professor at the University of Geneva, and then supported Paul Lachenal, a lawyer and National Councillor from Geneva. See Motta to A. Picot, February 8, 1935 and Motta to Avenol March 18, 1935, FA E 2001 (C) 5, vol. 187.

<sup>7</sup> See short biography in appendix.

<sup>8</sup> Hansson to Motta, October 7, 1937, FA E 2001 (D) 4 vol. 42. See also the condolence letter of January 30, 1940, from Gustave Kullmann to Motta's widow, in DDS, vol. 12, no. 376, p. 860, note 5.

Nansen's accomplishments were not very binding. They essentially boiled down to the introduction of the well-known «Nansen passport», i.e., a certificate of identity allowing Russian refugees to travel (and therefore assisting their search for a stable place of settlement), and that of the «Nansen stamp» which was issued along with the document and whose profits went to a «revolving fund» for relief work and support of emigration.<sup>9</sup> These benefits, anchored in a series of international agreements, were successively extended to Armenian, Assyrian, Assyro-Chaldean, and Turkish refugees. Switzerland adhered to all of these agreements.

Basically, however, Switzerland remained extremely cautious. It refused to issue Nansen certificates to stateless Russians, whom it considered «Bolsheviks».<sup>10</sup> The country had no plans to facilitate the naturalization process for Russian and equivalent refugees. That would entail «gravely compromising the ethnic balance of the (Swiss) people as a whole» according to the response on this point to a League of Nations questionnaire.<sup>11</sup>

The most ambitious attempt to improve conditions of Russian and equivalent refugees was the February 26–28, 1933 conference, which resulted in the Convention concerning the international status of refugees of October 28, 1933.<sup>12</sup> Switzerland participated but stayed in the background. Only five countries were original signatories, all with reservations: Belgium, Bulgaria, Egypt, France, and Norway.<sup>13</sup> Having been invited by the High Commissioner in the spring of 1936 to approve the convention, Switzerland reiterated that «Russian and equivalently classified refugees in Switzerland enjoy all the rights provided by the convention», but refused to transform voluntary treatment into a legal obligation.<sup>14</sup> Some of the obstacles to approval involved Switzerland's federal structure and the broad jurisdiction of the cantons with respect to certain areas governed by the convention.

### *Refugees from Germany*<sup>15</sup>

During the fourteenth Assembly of the League of Nations in October 1933, nine months after Hitler's assumption of power, the Netherlands proposed to organize international assistance for refugees (Jewish and other) from Germany. Still a member of the League, Germany planned to oppose this plan to internationalize the consequences of Nazi policy against Jews as

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<sup>9</sup> For a clear and concise presentation of these provisions, see the Federal Political Department report entitled «Notice sur les certificats et les timbres Nansen» (Note on the Nansen certificates and stamps), undated, but from 1932, FA E 2001 (C) 5, vol. 187.

<sup>10</sup> «The [Nansen] certificate is not issued to persons known to be Bolsheviks» (orig. German), Activity Report of the Federal Council to the Federal Assembly, 1922, p. 350.

<sup>11</sup> Answers to a questionnaire regarding Russian, Armenian, Assyrian, Assyro-Chaldean, and Turkish refugees, appended to letter from Dinichert to the High Commissioner (orig. French), April 24, 1929, FA E 2001 (C) 5, vol. 61.

<sup>12</sup> Text and internal documents of the Swiss Confederation in FA E 2001 (C) 5, vol. 187.

<sup>13</sup> In late 1936, the convention was ratified by Bulgaria, Czechoslovakia, Denmark, France, Italy, Norway, and the United Kingdom; see Michael Hansson, «Le problème des réfugiés du point de vue international», FA E 2001 (C) 5, vol. 187.

<sup>14</sup> Federal Political Department to Hansson, June 30, 1936, FA E 2001 (C) 5, vol. 187. (Orig. French).

<sup>15</sup> See especially Ben Elissar, *Diplomatie*, 1969, chapter 3; Lasserre, *Frontières*, 1995, pp. 48ff.

interference in its domestic affairs. Upon Motta's intervention,<sup>16</sup> Germany agreed to abstain once a compromise had been reached with the establishment of an autonomous organization that would not act in the League's name (which made it more palatable for the Germans): the High Commission for Refugees (Jewish and other) from Germany. The High Commissioner was the American James McDonald.

The League Council invited Switzerland to participate in the work of the board of directors charged with helping with the High Commissioner. Rothmund represented the Federal Council. In agreement with Federal Councillors Häberlin and Motta, Rothmund however refused the presidency of the board «and even thought twice about agreeing to sit on the permanent committee» of the High Commission.<sup>17</sup> As A. Lasserre wrote, «the Jewish community would have been mistaken to count on any energetic cooperation from Switzerland».<sup>18</sup> With McDonald's resignation in December 1935 and the new structure, which placed the High Commission under the auspices of the League of Nations, the question of Swiss representation was moot.<sup>19</sup>

The remedies envisioned by the new High Commissioner, Sir Neill Malcolm, an Englishman, to improve the lot of refugees from Germany, were inspired by those put into place for Russian, Armenian, and similar refugees, especially concerning the legal status of the refugees. An international conference was convened on this subject in Geneva in July 1936, where the «Provisional Agreement on the legal status of German refugees» was reached on July 4, 1936. Rothmund represented Switzerland. He spoke on several points seeking restrictions, most notably requesting that the issuance of identity certificates be limited only to those refugees who had entered the host country legally, a requirement that seemed overly severe to other delegates since it was often impossible for refugees to do this. Rothmund actually managed to influence the conference toward decisions that were more unfavorable to refugees than provided for in the planned agreement. During the conference, the Belgian delegate, Louis de Brouckère, reproached him for his «police mentality».<sup>20</sup>

The original signatories of the Agreement were Belgium, Czechoslovakia, Denmark, France, the Netherlands, and Norway. Rothmund signed it as well, but noted it was subject to confirmation.

«This Agreement provided for the issuance of certificates of identity and safe passage to refugees, assuring them some protection by forbidding, most particularly, the pure and simple deportation of

<sup>16</sup> «Bericht des Bundesrates an die Bundesversammlung über die vierzehnte Völkerbundsversammlung», (Report of the Federal Council to the Federal Assembly on the Fourteenth Assembly of the League of Nations), in BBl, 1934, I, February 12, 1934, p. 271. (Orig. German).

<sup>17</sup> Lasserre, *Frontières*, 1995, p. 50.

<sup>18</sup> Lasserre, *Frontières*, 1995, p. 50. (Orig. French).

<sup>19</sup> Resignation letter by Mr. James G. McDonald, High Commissioner for Refugees (Jewish and Other) coming from Germany, December 27, 1935, FA E 2001 (C) 5 vol. 188, which includes this warning: «When domestic policy threatens the demoralization and exile of hundreds of thousands of human beings, the considerations of diplomatic correctness must yield to those of common humanity.» (orig. French).

<sup>20</sup> Citrinbaum, *Participation*, 1977, p. 19, which is based on Grossmann's *Emigration*, 1969, pp. 242–244.

refugees without a certain grace period; essentially, it granted personal and legal status to refugees assuring them, among other things, of a certain degree of protection in the courts of the countries of refuge.»<sup>21</sup>

Before signing the Agreement, Switzerland asked for some time to contemplate it, and to observe how the Agreement was implemented, how many new supporters it gained, and also who those supporters were. It finally moved to confirm its signature, and entered into the Agreement on August 18, 1937.<sup>22</sup> The basis of Swiss hesitation was always the fear of having to deal with the long-term presence of refugees from Germany. This emerges quite clearly once again in a letter from Rothmund to Motta, written right before the seventeenth Assembly of the League of Nations. Rothmund asks Motta to explain Switzerland's particularly difficult position among Germany's neighbors if, during the Assembly's work, «there were to be a disposition to grant these refugees, in the countries I have just mentioned (Germany's neighbors), the right of prolonged sojourns or of employment ...». Rothmund concluded his letter with these lines:

«Given Switzerland's special situation regarding the problem of refugees from Germany, I believe that our country should abstain from any initiatives concerning the High Commissioner's work on behalf of refugees from Germany.»<sup>23</sup>

Adhesion to the 1936 Agreement was in fact Switzerland's last formal international commitment concerning refugees. When invited to the Geneva Intergovernmental Conference (February 7–10, 1938) for the adoption, this time, of a convention concerning refugees from Germany, Switzerland felt that it could not turn down the invitation. The Federal Council thus sent Rothmund to Geneva, but it was «understood that he will observe, on this occasion, an attitude analogous to that adopted by the Swiss at the 1933 Conference when the Convention on the international status of refugees (Nansen refugees) had been outlined»,<sup>24</sup> which is to say an attitude of extreme restraint.

The text of the February 10, 1938 Convention, signed with certain reservations by Belgium, Denmark, France, the Netherlands, Norway, Spain, and the United Kingdom,

«preserved, with slight modifications, the principal conditions of the provisional Agreement; important paragraphs were added regarding the right to work under conditions similar to those established by the 1933 Convention for refugees under the jurisdiction of the Nansen Office. Furthermore, the new Convention gave emigrants the advantage of social laws based on the most favored nation principle.»<sup>25</sup>

Finally, an article provided for the establishment of vocational and technical schools for the refugees.

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<sup>21</sup> Summary based on *Mémoire pour la Conférence d'Evian* written by the League of Nations High Commissioner's Liaison Committee for Refugees from Germany (orig. French), undated, FA E 4800.1 (-) -/3, vol. 3.

<sup>22</sup> Excerpt from the minutes of the Federal Council sessions of August 18, 1937. DDS, vol. 12, no. 114.

<sup>23</sup> Rothmund to Motta (orig. French), September 29, 1936, FA E 2001 (C) 5, vol. 188.

<sup>24</sup> Excerpt from the minutes of the Federal Council session of January 25, 1938, FA E 2001 (D) 4, vol. 41 (orig. French).

<sup>25</sup> Summary based on *Mémoire pour la Conférence d'Evian* written by the League of Nations High Commissioner's Liaison Committee for Refugees from Germany (orig. French), undated, FA E 4800.1 (-) -/3, vol. 3.

The same reasons which had discouraged Switzerland from signing the 1933 Convention (Nansen refugees) led it to refuse to sign the 1938 Convention (refugees from Germany), while still claiming to want to «abide as far as possible by its provisions». In his report on the Geneva Conference, Rothmund concluded that

«because of our geographical location, the foreign overpopulation, and the many foreigners living on our land, as well as because of the state of our job market, Switzerland can only be a country of transit for new refugees. This attitude is especially valid today because of the large number of new refugees that will probably be coming from Austria. We feel we can continue this line of thought, especially because we joined in the agreements prior to the Nansen convention, those elaborated by the League of Nations concerning the Nansen certificate and the legal status of Russian and equivalently classified refugees, and because we signed the 1936 Provisional Agreement concerning refugees from Germany and are implementing it faithfully.»<sup>26</sup>

A few days after the incorporation of Austria, President Roosevelt took a step that can be seen as paradoxical because while it thwarted the efforts of those Americans who were in favor of easing immigration laws in favor of Austrian Jews<sup>27</sup>; it also seemed to fit the spirit of his so-called «quarantine» speech recognizing «the reign of terror and international illegality».<sup>28</sup> He took the initiative of proposing an international conference to establish a permanent agency that would be responsible for facilitating the emigration of refugees from Austria and Germany.<sup>29</sup> This initiative inspired high hopes in Jewish circles. The conference, which was held in Evian from July 6 to July 15, 1938, did not, unfortunately, lead to anything much, as most of the thirty-two governments represented were more interested in getting rid of their refugees than in coming to an agreement about their respective capacity for accepting more. Still, it did lead to the creation of an Intergovernmental Committee for Refugees «which will embark on negotiations to substitute an ordered immigration for the current exodus».<sup>30</sup> This «London Committee» as it became known because its headquarters were located there, was specifically charged with obtaining Germany's cooperation to allow emigrants to take some belongings with them.

Switzerland was hardly enthusiastic about President Roosevelt's invitation to participate in this conference and was even less eager about following up the American suggestion, flattering for Switzerland's humanitarian image, that it host the conference in a Swiss city. On this last point,

<sup>26</sup> Rothmund to Baumann, March 21, 1938, FA E 2001 (D) 4/, vol. 41 (orig. French).

<sup>27</sup> Ben Elissar, *Diplomatie*, 1969, pp. 241–142.

<sup>28</sup> Roosevelt's speech, delivered in Chicago on October 5, 1937, marked an important point in the United States' slow progress toward abandoning isolationism. «The new character of the «quarantine speech» is that in terms that are admittedly vague and obscure, he proposes to do something» (orig. French), writes Jean-Baptiste Duroselle, Wilson, 1960, p. 268.

<sup>29</sup> On the Evian Conference and the Intergovernmental Committee for Refugees, see particularly Ben Elissar, *Diplomatie*, 1969, pp. 240ff. See also Weingarten, *Hilfeleistung*, 1981. On Switzerland and Evian, see Citrinbaum, *Participation*, 1977. Rothmund's files, in particular, include a series of boxes on this conference and its consequences (FA E 4800.1 (-) -/3, vol. 2–3) as do the files of the Police for Foreigners, FA E 4300 (B) 1, vol. 12–13. The report by the Swiss delegates H. Rothmund and H. Werner can also be found in FA E 2001 (D) 3, vol. 267. An excerpt is published in DDS, vol. 12, no. 346.

<sup>30</sup> «Actes du Comité intergouvernemental des réfugiés politiques», Evian, July 6–15, 1938 (Paris, 1938), p. 15, quoted in Citrinbaum, *Participation*, 1977, p. 38.

Frölicher, writing to Rothmund on behalf of the Political Department, expressed the fear that hosting the conference might favor a decision that the future Committee be set up in Switzerland, but said that Switzerland could not refuse to participate.<sup>31</sup> The Federal Department of Justice and Police was also of the opinion that Switzerland could not host the conference but that participation was necessary. It thought the conference would be worthwhile since the United States, which it considered as a country of immigration, could be prompted to be more generous with respect to refugee relief measures.<sup>32</sup> Rothmund, as the Swiss delegate at Evian, in addition to his usual words about Switzerland's special situation, stressed the role that these «immigration countries» could play, thereby allowing the European countries to play the minor role of transit countries. He also emphasized the necessity of collaboration between the League of Nations and the Committee for Refugees.<sup>33</sup> Nevertheless, Switzerland did not at first participate in the Committee's work for fear that dissension would develop with Germany and that it might have to take in new refugees.<sup>34</sup> The Committee's failure in negotiating with Germany and Rothmund's awareness of the role he could play in finding a way for Jewish refugees who were already in Switzerland to emigrate, now his top priority, were to change his views on the subject. In July 1939 he decided to participate in the Committee's work, but despite the help of Saly Mayer<sup>35</sup>, President of the Swiss Federation of Jewish Communities who had accompanied him to London, he was unable to find a way of decreasing the number of Jewish refugees in Switzerland. An important shift had taken place in Swiss policy. The top priority was no longer the fate of Jews remaining in Germany, whose immigration had been prevented by the «J»-stamp agreement, but rather to reduce the number already in Switzerland. Tirza Citrinbaum stated that «The question that actually determined Switzerland's relations, first with the Evian Conference, then with the Intergovernmental Committee, can be put this way: are these agencies capable of doing something for Switzerland?»<sup>36</sup> meaning, would they be able to rid Switzerland of the refugees already in the country, to rid it of «all» refugees, as Rothmund put it at one point.<sup>37</sup>

Switzerland's participation in the London Committee did, however, give Rothmund the opportunity of developing as early as February 1939, a relationship with the Swiss Gustave G. Kullmann, deputy director of the Committee, and thus to have a contact in London during the war.

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<sup>31</sup> See DDS, vol. 12, no. 247.

<sup>32</sup> See DDS, vol. 12, no. 262.

<sup>33</sup> See DDS, vol. 12, no. 346.

<sup>34</sup> See DDS, vol. 12, nos. 346 and 353.

<sup>35</sup> See short biography in appendix.

<sup>36</sup> Citrinbaum, *Participation*, 1977, p. 69 (orig. French).

<sup>37</sup> Citrinbaum, *Participation*, 1977, p. 59.

### *Conclusion*

If we consider the two decades covered by the League of Nations system and its actions toward refugees, we find the same general trends as on the political level. A real, although insufficient, ability to act was transformed into an ever-growing inability to overcome problems which, it must be admitted, were absolutely massive after 1938. Switzerland did not escape this trend; it was in fact always a little ahead of developments.

In the twenties and even into the thirties, Switzerland seemed to have no scruples about the campaign to help the «Nansen refugees». It took in approximately 2,500 of them over this period, assuming international, albeit not very extensive, commitments on their behalf, and with this engagement defied the Soviet Union. The Swiss elite also placed great value on chairing the Nansen Office board of directors. Rothmund even used Switzerland's positive policy as a pretext for relativizing the country's inertia toward «Jewish and other» refugees from Germany. This conservative humanitarian trend, a legacy of the ICRC's work directly after the war, centered on victims of communism and continued in Switzerland during the interwar period.

On the other hand, we can see in the statements and initiatives regarding refugees from Germany that despite Switzerland's 1937 adherence to the 1936 Agreement, the Swiss authorities were much more restrained although their commitments were similar to those made with respect to the «Nansen refugees». In international circles, they did not completely abandon the humanitarian system of reference which they liked to invoke, but more and more it became an empty code without practical consequences. Switzerland certainly wished to be a member of the club formed by the liberal States, participating in international conferences on refugees, but it always emphasized its «special situation».

It is interesting to note, although it would be difficult to demonstrate that this trend developed from a single cause, that the emphasis on Switzerland's «special situation» is seen in its May 1938 speech to the League of Nations, in which it asked to be excused from any economic sanctions placed upon pact-breaking states so that it could guarantee its «integral neutrality» to Italy and Germany, and thus preserve its security, commercial, and financial interests.<sup>38</sup>

Of course there is a good deal of hypocrisy in the speeches by other nations, especially the United States which was completely uninterested in liberalizing its immigration laws. Only a meticulous, comparative study would allow us to establish with precision each nation's merits and deficiencies. As far as international agreements and certain initiatives on behalf of refugees from Germany were concerned, countries like Belgium, Denmark, the Netherlands, and

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<sup>38</sup> On Switzerland's refusal to participate in sanctions against fascist Italy after the attack on Ethiopia, see Cerutti, *Elaboration*, 1987, pp. 76–90.

Norway proved to be less timid than Switzerland, even though the Swiss «refugee hosting rate» was comparable to that of Belgium, for example.<sup>39</sup>

Therefore, it must be recognized that the well-known «foreigner question» that had so concerned the Swiss elite since the beginning of the century<sup>40</sup> – Jewish refugees appeared to them radically alien with respect to the «ethnic balance» so dear to Rothmund – ended up putting Switzerland, more than other similar small European countries, in a contradictory position vis-à-vis the efforts of the League of Nations and its system to help «Jewish and other» refugees from Germany. Nevertheless, Switzerland did not refuse all collaboration with the League system; it might, after all, be able to help Switzerland with its problem regarding the departure of refugees accepted «in transit». In order to understand the attitude of the Swiss authorities, one should take into consideration certain national aspects influencing their decisions.

## 2.2 National Aspects of Policies towards Refugees

While its participation in the Confederation in the League of Nations and other international commitments influenced Swiss policies towards refugees, these policies were also determined by national factors. We shall examine in particular the following five aspects: the tradition of asylum and humanitarian policies, the battle against «foreign overpopulation and domination» («*Überfremdung*»), economic factors, the argument for national security (and therefore the role of the Army), and finally changes in the legislative framework and in the role of the different players emerging under the impact of the war.

### 2.2.1 The tradition of asylum and humanitarian policies

Over the centuries, the geographical situation of Switzerland and the development of its present-day territory allowed for the admission of refugees who, from the sixteenth century on, breathed a new dynamism into the financial, commercial and industrial spheres or who, in the case of the Huguenots, could benefit from solidarity with their co-religionists. Nevertheless, often faced with reactions of rejection and economic difficulties, most of these refugees could only pass through the current territory of the Confederation; only the immigrants of an elite and privileged class could settle there.<sup>41</sup> The founding of the national State in 1848 made it possible to practice an asylum policy based on solidarity with the partisans of freedom, of democracy, and the revolutionary attempts of 1848; nonetheless this policy was marked by

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<sup>39</sup> In summer 1939, the director of the Council for German Jewry (London) put the number of Jewish refugees at 12,000 for Belgium, 10,000 for Switzerland, and 5,000 for the Scandinavian countries; Ludwig, *Flüchtlingspolitik*, 1957, p. 157. For November 1938, a dispatch from the Swiss Minister in The Hague reported approximately 20,000 Jewish refugees accepted over six years; Ludwig, *Flüchtlingspolitik*, 1957, p. 153. For comparisons on statistical data currently available see Friedländer, *Nazi Germany*, 1998, pp. 62 and 349; Charguéraud, *Démocraties*, 1998, pp. 187–216.

<sup>40</sup> For this question, see Gérald and Silvia Arlettaz's work, especially Arlettaz, *Effets*, 1988, pp. 161–179 and Arlettaz, *Suisse*, 1991, pp. 131–159. See also Clavien, *Helvétistes*, 1993; Gast, *Kontrolle*, 1997; and Mächler, *Kampf*, 1998.

<sup>41</sup> See Bergier, *Wirtschaftsgeschichte*, 1983, pp. 58–62.

restrictions.<sup>42</sup> Ever since the nineteenth century, a leitmotiv of official discourse declared that asylum policies were founded on the notion of sovereignty of the State which enabled it to make a decision on granting asylum, but that there did not exist an individual right for each petitioner to benefit from the right to seek refuge in Switzerland.

At the end of the nineteenth century and especially during the First World War, this possibility of finding refuge in Switzerland (even limited to a short duration and for a small number of people) was called into question because of the context of growing social and political tensions throughout the world.<sup>43</sup> During the 1890s, the creation and development of the «Federal Prosecutor's Office» strengthened the political surveillance of foreigners. The creation of a system of collaboration among international police allowed for a tighter surveillance of the activity of refugees in Switzerland. At the beginning of the twentieth century, the emergence of these social and political tensions encouraged the creation of organizations like the «New Helvetian Society» which devoted itself to defining Swiss culture.<sup>44</sup> The optimism based on the belief in progress was submerged by mind-sets of distrust and hostility that determined the atmosphere of the years following the end of the First World War.

The impact of the Russian revolution contributed to dramatize asylum policies and to question the real consequences of humanitarian notions. Anti-communism accentuated the distrust towards refugees suspected of subversive activities and encouraged a sense of solidarity with the victims of the Bolsheviks; the federal authorities granted subsidies to Russian refugees who had been left stranded in Switzerland in 1917, often in resort towns, and who were left bereft of funds. After Hitler assumed power, certain people such as National Councillor Jacques Schmid suggested widening the circle of beneficiaries by including the victims of Nazism. In December 1933, Federal Councillor Heinrich Häberlin, who directed the Department of Justice and Police from 1920 to 1934, justified granting aid to the Russian refugees, but declared that the economic crisis made it impossible to finance an increase in generosity.

«I freely admit that the way we have to treat foreigners does not reflect the hospitality that existed before the war, for example in the 1880s and 1890s. This has not occurred because of ill will, but simply because of the inability, because of the urgency, that has been brought into our country not least from abroad. International restrictions and limitations have finally brought us to the point where we can no longer financially allow ourselves to augment our aid.»<sup>45</sup>

Thus the Confederation, confining aid to victims of the Russian revolution, spent about 6 million francs from 1918 to 1945 in order to come to the assistance of this specific category of refugees.<sup>46</sup>

<sup>42</sup> See Leuenberger, *Flüchtlinge*, 1996. See Vuilleumier, *Immigrés*, 1987 and Kreis, *Asylpolitik*, 1995, pp. 264–279. The question as to the reality of this «tradition of asylum» and Swiss policies in the nineteenth century remains open. See Busset, *Accueil*, 1994. A research project would be to analyze the manner in which this tradition was utilized, even mythified, equally by the authorities as well as those who assailed the policies practiced during the Second World War.

<sup>43</sup> See Clavier, *Helvétistes*, 1993; Arlettaz, *Immigration*, 1992, pp. 137–147; Arlettaz, *Questions*, 1996, pp. 257–268.

<sup>44</sup> See Arlettaz, *Ausländergesetzgebung*, 1998, pp. 327–356.

<sup>45</sup> Discussion of the federal budget in the National Council, FA E 1301(-) -/1, vol. 303, pp. 492–93 (orig. German).

<sup>46</sup> See Schürch, *Flüchtlingwesen*, 1951, p. 229, FA E 4260 (C) 1974/34, vol. 131.

Despite the restrictive practices of the 1930s, the tradition of the right to asylum came up again on innumerable occasions, notably during the National Exposition of 1939.<sup>47</sup> Conjured up in an almost ritualistic fashion, it remained a moral reference point that permeated the behavior of the Swiss, thereby complicating the task of the authorities:

«The asylum tradition of our country is so firmly anchored that not only the Swiss citizen, but every office that must deal with an individual refugee case, is inclined to accept the person despite reservations and can only decide on ejection if particular reasons are present.»<sup>48</sup>

The humanitarian tradition thus functions on several registers, simultaneously as a component element of modern Switzerland, as a way to legitimize current decisions in the name of past generosity, and as a factor motivating the criticism of authorities accused of not remaining faithful to it.<sup>49</sup> It cannot be reduced to official statements, but retains an impact in the mind-sets and collective behavior of the Swiss population that is not negligible. While the memory of 1848 persists, it was especially the effects of 1917 that determined reactions towards refugees.

## 2.2.2 The battle against «foreign overpopulation and domination» («*Überfremdung*»)\*

The First World War, and in particular the year 1917, mark a break in the sense that, with a government operating under emergency powers, the Federal Council made the decision to centralize policies towards refugees.<sup>50</sup> Henceforth the important thing was to guard against any dangers threatening the Confederation.<sup>51</sup> The collapse of empires in Russia, Germany, and Austro-Hungary provoked a socio-economic trauma; political decisions were motivated by the fear of being invaded by discharged soldiers, by deserters, by people looking for jobs. The battle against «*Überfremdung*» occupied a central place in speeches and decisions. Analyses of these policies have shown how closely tied they were to a form of antisemitism,<sup>52</sup> as well as to

<sup>47</sup> Lasserre, *Frontières*, 1995, p. 82.

<sup>48</sup> Report of November 23, 1941 from Rothmund to von Steiger concerning a letter of National Councillor Ludwig Rittmeyer (orig. German). The latter, a Radical member of parliament, posed the question on December 12, 1941: «Is the Federal Council prepared to come back to the tradition, in conformity with the feelings of the Swiss people, that states that escaped prisoners of war not be extradited, and, consequently, to stop planning to send escaped Poles back to Germany.» (orig. French), FA E 4001 (C) 1, vol. 123. This question stimulated voluminous correspondence, notably with the Swiss Legation in Berlin. Minister Frölicher declared in June 1941: «The fears expressed in Switzerland about Polish prisoners of war who were turned away at the Swiss border or handed over to German authorities, are thus not justified. And of course it is untrue that these rejected Poles have been shot or could be shot.» (Letter from the Swiss Legation in Berlin to the Police Division, June 4, 1941. FA E 4001(C) 1, vol. 123 (orig. French).

The case of Polish prisoners who had escaped from Germany was discussed during a session on August 5, 1941 that brought together representatives of the Army, of the EPD, and heads of police from border cantons. The representative from Schaffhausen «called attention to the fact that turning people back, which often creates painful public scenes, provokes great indignation amongst the people»; but Rothmund succeeded in having secret instructions adopted that restricted admissions and he specified that «all Jews, no matter what category they fit into, must be sent back.» AF E 2001(D) 3, vol. 311.

<sup>49</sup> See Kreis, *Mission*, 1998, pp. 121–139.

\* The term «*Überfremdung*», with its connotations, is difficult to translate into English.

<sup>50</sup> See Mächler, *Kampf*, 1998, pp. 357–421; Gast, *Kontrolle*, 1997, pp. 33–56.

<sup>51</sup> See Arlettaz, *Initiatives*, 1998, pp. 104–108; Arlettaz, *Défi*, 1996, pp. 319–346.

<sup>52</sup> On antisemitism in Switzerland, see CFR, *Antisemitism*, 1998; Mattioli, *Antisemitismus*, 1998.

hostility towards Gypsies.<sup>53</sup> Not only did this translate, at the administrative level, into a strengthening of federal prerogatives to the detriment of the cantons, but it also permeated fundamental aspects of Swiss society. The will to guarantee political stability and to ward off threats favored the rise of political movements such as the «Swiss Patriotic Federation»<sup>54</sup> or «Order and Tradition»<sup>55</sup> which would multiply the number of hostile actions towards refugees. Asylum policy became a part of policies towards foreigners, the major lines of which were set in place by the Federal Law of 1931 on the temporary and permanent residence status of foreigners that conferred official approval to the battle against «foreign overpopulation and domination».

Now during this period, the number of resident foreigners did not stop diminishing: after having reached 14.7 percent of the total population in 1910, the proportion of foreigners went from 10.4 percent in 1920, to 8.7 percent in 1930 and to 5.2 percent in 1941. These statistics, drawn up every ten years during the federal census, only partially reflect this persistent tendency in Swiss society. Exacerbated by crises and by the fear of Bolshevism,<sup>56</sup> hostility towards foreigners often animated the same actors over several decades, while contributing to the elaboration of a discourse that became a frame of reference and a factor of consensus to the extent that the principal professional organizations rallied about this policy. Far from being restricted to the person of Rothmund who headed the Federal Police for Foreigners from 1919 on, this policy was inspired by a wide social and political spectrum.<sup>57</sup> In the course of the 1920s, the ruling circles worked out a set of legal and cultural decisions in order to stabilize this policy whose goal was to reduce the presence of foreigners in Switzerland to a strict minimum. Among the protagonists in these debates one can find such personalities as Carl Ludwig, who published a study on this subject in 1934,<sup>58</sup> as well as such organizations as the Swiss Writers Society.<sup>59</sup>

The battle against «*Überfremdung*» and «*Verjudung*» («*Jewification*») of which Rothmund became the herald did not, of course, abolish the humanitarian tradition. Swiss authorities did not seek to imitate Nazi discourse and practices. Rothmund is happy to emphasize that he is

<sup>53</sup> See notably extract of the Federal Council 1919 annual activity report, published in Weill-Lévy, *Essay*, 1999, pp. 48–49.

<sup>54</sup> See Häsler, *Boot*, 1967, p. 211, pp. 225ff.; Picard, *Schweiz*, 1994, p. 556; Kamis-Müller, *Antisemitismus*, 1990, p. 197–199. On the interventions of the Swiss Patriotic Federation in fall 1942, see FA E 4001 (C) 1, vol. 253.

<sup>55</sup> On this movement organized in 1934 under the name of «Vaudois League», see Butikofer, *Refus*, 1996.

<sup>56</sup> See Kunz, *Weltrevolution*, 1981, pp. 39–51.

<sup>57</sup> See Arlettaz, *Chambres*, 1991, pp. 9–155.

<sup>58</sup> See the brochure entitled: «Massnahmen gegen die Überfremdung; ein Beitrag zur Niederlassungs- und Einbürgerungsfrage» (Measures against Foreign Overpopulation and Domination: A Contribution to questions of domicile and naturalization), a lecture given by Basel government Councillor Carl Ludwig at the annual meeting of the union of cities in Biel in 1934. He arrives at the following conclusion which he summarizes in the form of a thesis: «Under current circumstances, defense against excessive foreign influence is primarily the task of the Police for Foreigners.... Efforts to make naturalization more difficult are to be praised and welcomed in the interests of a moral defense of our land as well as in the financial situation of the federal government, the cantons and the municipalities.» (orig. German) See Ludwig, *Flüchtlingspolitik*, 1957, p. 56.

<sup>59</sup> On the attitude of the Swiss Writers Society, see Häsler, *Boot*, 1967, pp. 275ff. See also Schütt, *Germanistik*, 1996.

defending Swiss Jews, assimilated to Swiss customs, but he is viscerally distrustful of other categories, in particular Jews coming from eastern Europe. In response to criticism, Rothmund presented a summary of his policies to a member of parliament and added:

«As you will see, we are not such horrible monsters after all! But that we do not let anyone walk all over us, and especially not Eastern Jews, who, as is well known, try and try again to do just that, because they think a straight line is crooked, here our position is probably in complete agreement with our Swiss people.»<sup>60</sup>

This split in attitude towards Jews translated into an intransigence towards requests from refugees while, at the same time, attempting to involve certain refugee aid organizations in legitimizing the measures adopted.<sup>61</sup>

His turbulent career at an end, Rothmund went into retirement in 1954. If he was able to maintain his policies over such a long period of time, it was also because they were in harmony with Swiss economic structures which had gone through several crises, of which the longest was that of 1929.

### 2.2.3 Economic factors

In the history of Switzerland, the phenomenon of migrations has always been exceptionally extensive, contributing to its economic ascent.<sup>62</sup> From the founding of the Federal State up to the First World War, the Confederation practiced a decentralized and liberal policy towards foreigners, based on the conclusion of bilateral residency treaties with a large number of countries. While the human and economic presence of Switzerland throughout the world favored its prosperity, these treaties made it possible for citizens of the Confederation to be assured of acceptable legal conditions in their countries of immigration. The First World War marked a break that involved the gradual abandonment of the liberal model of international reciprocity that had favored the freedom to establish permanent residency status. The era began of monitoring foreigners, of centralizing legal instruments, and of close cooperation among the professional organizations.<sup>63</sup> After 1933, Switzerland refused to sign international conventions that could open up the labor market to certain categories of refugees.<sup>64</sup> With some

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<sup>60</sup> Letter of January 15, 1938 from Rothmund to States Councillor Ernst Löpfe-Benz (orig. German). On the attitude of this member of parliament towards the Jews, see Roschewski, Rothmund, 1997, pp. 46–48. On the attitude towards Jews Eastern Europe see Kury, Ostjudenmigration, 1998.

<sup>61</sup> See in particular the letter of October 11, 1939 from Rothmund to Robert Briner (President of the *Schweizerische Zentralstelle für Flüchtlingshilfe*, SZF/Swiss Central Office for Refugee Relief), consulted in the context of editing the decree adopted October 17, 1939 by the Federal Council; FA E 4800.1 (-) 1967/111, Akz. 1.17, file 498 [1939].

<sup>62</sup> Bergier, Wirtschaftsgeschichte, 1983, p. 49.

<sup>63</sup> See Gast, Kontrolle, 1997.

<sup>64</sup> In its position paper on the possible signing by Switzerland of the convention regarding the international status of refugees of October 28, 1933, the Federal Employment Office (BIGA) wrote on March 15, 1934: «As far as we are concerned, such reservations stem from the necessity of protecting the Swiss labor market from an influx of foreign workers. Article 7 arouses particular concern, since its unlimited application would give preference, to a large extent, to the stateless holders of Nansen passports, as opposed to the other foreigners with valid identity papers, who in general are of greater interest to Switzerland in a number of ways than those refugees whose habits and customs already make assimilation more difficult. Easing restrictions through the planned changes in this Article would also, with great certainty, lead to increased emigration of such refugees to Switzerland and as a consequence, place a correspondingly

exceptions, Switzerland greeted with caution any diplomatic efforts in favor of refugees and reiterated its intention to serve only as a land of passage for them.<sup>65</sup>

The international crisis struck Switzerland with particular sharpness in 1933.<sup>66</sup> The collapse of exports severely affected an economy that was very much oriented towards the world market, provoking massive unemployment that is only partially expressed in official statistics.<sup>67</sup> Further, economic difficulties as well as protectionist and nationalistic policies forced numerous Swiss to return to their country.<sup>68</sup> All this furnished additional arguments to those who wanted to prevent the arrival of refugees into Switzerland.

«Under no circumstances can we allow emigrants to enter the Swiss job market in any way. Our unemployed, among whom can be found numerous Swiss who have returned from living abroad, would resist this and they would be right in doing so. The result would be an antisemitism that is unworthy of our country.»<sup>69</sup>

Moreover, the international crisis brought about an evolution in the relations between economic circles and the public administration. The negotiation, conclusion and functioning of numerous bank clearing agreements encouraged the authorities in the direction of strengthening their prerogatives. From the end of 1933 on, the Federal Council passed more and more decrees<sup>70</sup> governing foreign economic relations, while the administration of payments regulated by international agreements motivated the creation of the Swiss Clearing Office in 1934. While governmental and para-governmental institutions were endowed with increased areas of competency, the role of professional associations and interest groups also gained in importance. The decrease in available means and the difficulties with transfers brought out rivalries between economic sectors and branches. Tensions between industrialists and financial creditors, between the *Vorort* and the Swiss Bankers Association, often rose to a high pitch in the scramble to secure the greatest possible portion of transferable funds. Protection of individual or collective interests required applying pressure on political authorities. Policies

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greater burden on the labor market at a time when our citizens are already suffering so greatly under continuing unemployment.» FA E 4800.1 (-) -/3, vol. 1 (orig. German).

<sup>65</sup> See the letter from Rothmund to Professor L. Quidde of April 23, 1938, FA E 4800.1(-) 1967/111, Akz. 1.17, file 498 (1938).

<sup>66</sup> See Bergier, *Wirtschaftsgeschichte*, 1983, p. 271.

<sup>67</sup> See Perrenoud, *Charité*, 1995, pp. 105–109. See also *Traverse*, 1997/1.

<sup>68</sup> See *Historical Statistics of Switzerland*, 1996, pp. 374ff. On this subject, see the report by Rothmund entitled «Ausländer in der Schweiz und Schweizer im Ausland» (Foreigners in Switzerland and Swiss Citizens Abroad) given at the «Swiss Abroad Day» on September 10 and 11, 1938. AF E 4800.1(-) 1967/111, Akz. 1.16, file 354. The documents preserved in this file are a good illustration of the connection between policies towards foreigners, the administration of the labor market in Switzerland, and reactions towards refugees from March 1933 to September 1938.

<sup>69</sup> Letter of November 18, 1938 from Rothmund to Erwin Schachtler de Wegelin & Co., St. Gallen, FA E 4800.1(-) 1967/111, Akz. 1.17, file 498 [1938]. Among the recurrent arguments of federal authorities, one finds the idea that it is the Jews themselves who are provoking antisemitism by immigrating into a country, as well as the affirmation that antisemitism is unworthy of the Swiss Confederation. See Friedländer, *Nazi Germany*, 1997, pp. 263f.

<sup>70</sup> A glance at this strengthening of the competencies of the executive can be found in the semester reports «betreffend die gemäss Bundesbeschluss vom 14. Oktober 1933 erlassenen wirtschaftlichen Massnahmen gegenüber dem Ausland» (regarding economic measures approved for abroad in accordance with the Federal Council decree of October 14, 1933), published twice annually in the *Official Gazette of the Swiss Confederation* (BBl).

towards refugees did not escape this general evolution that conferred a considerable role onto the «lobbies».

The case of Fritz Thyssen reveals what could be brought about if pressure were applied by influential personalities. If this German industrialist was able to remain in Switzerland in 1939 and 1940, it was thanks to the interventions of his lawyer, Ludwig Friedrich Meyer, an influential member of parliament, and to the efforts made by major bankers. The *Crédit Suisse* did in fact have close ties with Thyssen since the founding of a holding company in Davos in 1929. Its general directors, Peter Vieli and Heinrich Blass, succeeded in their intervention with the federal authorities, in particular the Head of the Political Department, Motta.<sup>71</sup> Irritated, the Head of the Federal Police for Foreigners, Paul Baechtold, declared that these bankers were more concerned with their commitments to their client than with those to the higher interests of the country.<sup>72</sup>

For Jewish victims of the Nazis, the possibilities of appealing to the networks of co-religionist solidarity were hampered due to the marginal position held by Jewish bankers in the Swiss financial market. These latter could practically be counted on the fingers of one hand, the best known being the general director of the SBS, Armand Dreyfus, and the two «Jewish banks», *Bär* in Zurich and Dreyfus in Basel.<sup>73</sup>

Economic considerations could also motivate a favorable attitude towards the admission of certain refugees and therefore lead to criticism of rejection decisions. Thus, Henry Vallotton, a Radical National Councillor and a lawyer active in business circles, criticized the federal memorandum of July 8, 1938. He denounced the intention to expel refugees living in public facilities, castigating the authorities for not taking into account the dignity of these refugees for whom returning to Austria or Germany was an impossibility. Now here was a case of a clientele that was indispensable to hotels hard hit by the crisis. These people had been coming to Switzerland with their families for years, had deposited significant sums of money, or had placed considerable orders in the machine industry.

«Should these unfortunate people be treated like dogs to be thrown out of the house without any regard for their situation? .... In my view it would be unworthy of our traditions of hospitality and humanitarianism. It seems to me that it would be superfluous for Switzerland to attend humanitarian conferences if it in practice adopts such a cruel attitude.... These are the thoughts I would like to

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<sup>71</sup> On January 17, 1940 Motta wrote «Thyssen should stay!» on a letter from Ernst Schürch, Editor-in-Chief of the Bern newspaper *Der Bund*, FA E 2001 (D) 2, vol. 112.

<sup>72</sup> See the memo of July 4, 1940 by Paul Baechtold, FA E 2001(D) 2, vol. 112. This file can be compared to that of Rudolf Hilferding which is found in the same box. In a letter of July 29, 1940, Federal Councillor Baumann justifies the refusal to grant asylum to the former socialist minister. In February 1941, the wife of Rudolf Breitscheid wrote the Swiss Consul in Marseilles that her husband and Hilferding had been handed over to the Germans. See below, Chapter 4, notes 20–23.

On *Crédit Suisse* dealings with Thyssen, see Zentrales Firmenarchiv *Crédit Suisse* Group, ZFA 02.102.20.302 (meeting of January 24, 1936) and 02.105.201.302 (meeting of October 30, 1950).

<sup>73</sup> This national characteristic distinguishes Switzerland from other countries where Jewish bankers represent at least a tenth of the membership in their profession. See Friedländer, *Nazi Germany*, 1997, pp. 77–80; Charguéraud, *Démocraties*, 1998, pp. 71–74; Ulrich, *Aufstieg*, 1998, pp. 309–319. See also ICE, *Lösegederpressungen*, 1999, Chapter 5.2.3.

present to you, Mr. President, in all frankness, examining the problem from a double angle: the moral and humanitarian aspect first of all, and then the financial and economic aspect.... I am not unaware of the need to avoid having too many eastern Jews settling in Switzerland and that it is out of the question that these foreigners work in Switzerland.... In conclusion, I am afraid that under the pretext of not allowing the Jewish problem to come up in Switzerland we may be putting an end to the matter, and in the cruellest possible manner, by expelling without any distinction these unfortunate people who are victims of an anti-democratic regime, and that we are thereby continuing barbaric measures with which our Parliament would certainly not wish to be associated.»<sup>74</sup>

Parliament<sup>75</sup> was in fact barely opposed to the decisions of the Executive that would provoke interventions both by defenders of the right to asylum, and by partisans whose attitude was even more intransigent and restrictive. The indifference of most members of parliament, as well as the emergency powers status of the government, left a large maneuvering space open for highly placed government officials and for magistrates. Likewise in business circles, reactions towards refugees were split between sorrow and fear. Among industrialists the fear of competition took precedence over other considerations, but exceptions were advocated in particular cases; it was not rare for the authorities to be confronted with individual requests that were supported by the highest ranking Swiss economic leaders. Regions hit hard by a very severe economic crisis were trying to diversify their economic structures and hence seized the opportunity to attract to Switzerland industrialists who were fleeing the Nazis. Faced with denials from federal authorities, the Neuchâtel Bureau for attracting new industries highlighted the contribution of refugees to the economic rise of Switzerland, citing the example of the Huguenots, and repeating the arguments published by the St. Gallen Bureau for industrial diversification that underscored the role of Italian refugees in the rise of the textile industry.<sup>76</sup> These selective interventions did not modify the dominant policy; «economic foreign domination» (*wirtschaftliche «Überfremdung»*) had to be fought against, meaning that the Swiss economy had to be preserved from foreign influence, while guaranteeing for the economy extensive exchanges with the world market.<sup>77</sup>

Since Jews were considered effective commercial salesmen, the antisemitic measures that hindered their activities for Swiss companies in Axis countries created a problem of foreign

<sup>74</sup> Letter of July 9, 1938 from Vallotton to the President of the Confederation and Head of the Federal Department of Justice and Police (EJPD), J. Baumann; FA E 4800.1(-) 1967/111, Akz. 1.17, file 498 [1938]. President of the Radical group, Vallotton would be elected President of the National Council in December 1938 and would become Minister of Switzerland to Brazil in 1943. It should be noted that he did not speak at the debate of the National Council in September 1942.

<sup>75</sup> For a list of speeches by parliament members that were included in files available at the Federal Archives, See FA, Flüchtlingsakten, 1999, pp. 81–88.

<sup>76</sup> In the annual report for the year 1938, adopted on February 22, 1939, the Bureau writes: «The political and religious persecutions which are the order of the day in several countries have brought us a rush of requests from industrialists forced to abandon their companies and to leave their country. We see here a unique opportunity for Switzerland to create industries.... History repeats itself and we should be concerned enough about the general interest of the country to profit wisely from this industrial emigration»; FA E 7170 (A) 1, vol. 109. See also ICE, Switzerland and the German Ransom Demands in Occupied Holland, 1999, Chapter 5.2.3.

<sup>77</sup> On this subject, see Vorort's files for the years 1916 to 1920, which were taken into consideration during the debates of 1944, AfZ, Vorort Archives, vol. 55.2 and 55.3. See Arlettaz, Guerre, 1990, pp. 319–337.

outlets for these companies;<sup>78</sup> at the same time, however, the prospect of seeing rivals come into Switzerland, motivated a restrictive attitude. Thus a representative of the hotel workers union declared:

«When refugees, and in particular Jewish refugees, are hired as hotel staff, there is surely a danger that they will try to advance from bellboy to receptionist and from receptionist to director.»<sup>79</sup>

The Trade Division also expressed its distrust:

«Generally speaking, the Trade Division is basically against allowing foreigners to represent Swiss companies.»<sup>80</sup>

The outbreak of hostilities, then Hitler's victories, led the economic circles to adapt to new international conditions. Their attitude towards migratory movements also evolved in this context. During the summer of 1940, leaders of Swiss economic and political circles discussed the constraints and opportunities created by the new international situation. In this context, E. Schulthess, the former Head of the Federal Department of Public Economy who had meanwhile become President of the Federal Banking Commission, formulated a program approved by his successor in the government and by the Head of the Federal Department of Finance and Customs. Drawing up a synthesis of accommodations to the new conditions, Schulthess mentioned the question of immigration among the problems to discuss with the Germans:

«Questions regarding contracts for the establishment of businesses and those regarding the emigration of foreigners will be a delicate subject.... At any rate, it must be taken into consideration that Switzerland is also interested in the freedom to establish businesses in the areas of the German economic sphere, and that the fact that France and England allow free establishment of businesses is a primary reason for the prosperity of the Swiss economy. However, on the other hand, the dangers that immigration would bring to Switzerland must be acknowledged.»<sup>81</sup>

During the following months, the perception of dangers led Swiss authorities to restrict the possibilities of immigration to Switzerland and even to have doubts about the protection of Swiss citizens abroad. Thus in December 1941, discussions on the diplomatic protection of Swiss citizens who had become victims of antisemitic measures reveal the reactions of influential Swiss personalities towards this historical evolution. In an expert legal opinion on the status of Jews in France, Professor Arthur Homberger declared that the law signed by Pétain had set up discriminations that were incompatible with the Franco-Swiss residency treaty of 1882. But the Swiss Minister in Vichy, Walter Stucki, answered his friend and former

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<sup>78</sup> See the action taken by the Swiss Union of Silk Merchants of September 28, 1940 when it ran into the dilatory attitude of the Trade Division which, in the name of concessions it had obtained, did not wish to jeopardize the German-Swiss agreements by opposing racial discrimination. DDS, vol. 13, no 389.

See also the case of watch industry, cited by Perrenoud, *Aperçu*, 1998, pp. 115f.

<sup>79</sup> Minutes of the meeting of April 6, 1944 concerning employment of refugees in the hotel industry, FA E 4800.1 (-) 1967/111, Akz. 1.010, file 240 (orig. German). This declaration is mentioned by Lasserre, *Frontières*, 1995, p. 249.

On the Union Helvetia, see Gast, *Kontrolle*, 1997, p. 76.

<sup>80</sup> Minutes of the meeting of September 26, 1944 with representatives of the Police Division, the Trade Division, and of the BIGA, FA E 4800.1 (-) 1967/111, Akz. 1.010, file 240 (orig. German).

<sup>81</sup> See DDS, vol. 13, no 406, Annex, p. 993 (orig. German).

colleague stating that his expert opinion, while certainly interesting, inspired fundamental doubts in him:

«Your completely logical, legally correct, and also convincing presentation reminds me of those wonderful times when I was able to sit at my desk and as a quiet legal expert take a position on life's many questions. Today, unfortunately, things are completely different: the law has lost a great deal of its power and power dominates law .... Thus, I cannot, unfortunately, invoke incompatibility with the treaty on residency – Switzerland has really violated it too often – and even if I were to do so, it would only provoke immediate cancellation, since the wind that is blowing against the Jews in France is much, much stronger than the hesitation to cancel even such a battered agreement with Switzerland.»<sup>82</sup>

Beneath the words of this Swiss diplomat and former delegate to the Federal Council for Foreign Trade, one finds a tone that matches his diagnosis of the brutal evolution of economic and financial relations since 1933. Stucki, a man with a strong personality who played a primordial role in Swiss foreign policies, expressed his awareness of the break in normalcy provoked by Hitler, and advocated a Swiss-type accommodation to this situation. In this context, the Confederation sought to preserve its interests by responding to German demands, while seeking to obtain concessions in order to preserve Swiss independence and stability. Swiss authorities were always eager to get the refugees to leave, and they seized every occasion to lower the number of refugees living in Switzerland. Negotiators succeeded in inserting into the German-Swiss accords the right to have trains carrying emigrants through France in the direction of the Iberian peninsula.<sup>83</sup>

During the war, the economic arguments against refugees were founded as much on the difficulties of providing food and industrial supplies as on the traumatic experiences undergone since 1914. In order to avoid the obstacles encountered during the first world conflict, a war economy was organized as of 1938. A system of food rationing and an increase in agricultural production made it possible to decently feed the population living in Switzerland.<sup>84</sup> Nevertheless, the fear that admitting refugees would multiply the number of mouths to feed at intolerable rates constantly motivated restrictions on the right to asylum.

Already contested during the war, this policy was criticized by historians: Edgar Bonjour wrote that these pitiless measures

«can be explained by an international situation that was at times very worrisome and by the precariousness of the food supply. But these are not considerations that make one go so far as to excuse this official policy of holding back on people in search of asylum who had death at their heels, this lack of understanding for the humanitarian tasks of Switzerland.»<sup>85</sup>

Other writers have shown that the Swiss boat was not full and could have saved more lives.<sup>86</sup>

<sup>82</sup> W. Stucki to A. Homberger, December 20 1941, FA E 2200.42 (-) -/23, vol. 1 (orig. German).

<sup>83</sup> On these «Emigrantenzüge» or «Israelitenzüge», see the letter from the Trade Division to the Swiss Legation in Vichy; October 17, 1941, FA E 2200.42 (-) -/21, vol. 2.

<sup>84</sup> See Maurer, *Anbauschlacht*, 1985.

<sup>85</sup> Bonjour, *Histoire*, vol. VI, 1970, p. 35 (orig. French). Let us note that in fall 1942 even Federal Councillor Pilet-Golaz affirmed that the fear of food problems was not a decisive argument.

<sup>86</sup> See Kreis, *Flüchtlingspolitik*, 1997, p. 570.

The Swiss in fact lived the years of the world conflict in dread of a military invasion or an economic collapse. The prospect of the postwar period was laden with anxiety. People dreaded that, as in 1918, a flourishing prosperity would be followed by a serious and deep crisis. The former director of the general strike, Robert Grimm, intervened in September 1943 to express the concerns of Swiss workers towards the influx of Italian refugees that could destabilize the labor market and set off unemployment.<sup>87</sup> More than a decade would go by before the specter of an economic crisis would cease haunting the minds of the people of that era.<sup>88</sup> It was certainly true that starting in the summer of 1945 the shortage of manpower encouraged employers to recruit foreigners, but prosperity was simply thought to be a favorable conjuncture and workers were hired on as temporary a basis as possible. In 1948, changes in the Federal Law of 1931 on the temporary and permanent residence status of foreigners were inspired by the firm intention to bring about a decrease in the foreign population in Switzerland and to maintain the established order.<sup>89</sup>

While maintaining the structural bases of previous policies, federal authorities sought to forge an image of the Confederation as a land of asylum. In order to propagate this positive view, the cinema was used; the case of the film, «The Last Chance», was characteristic of this renewal of the discourse idealizing the Swiss humanitarian tradition.<sup>90</sup>

A retrospective view that conceals the most dramatic aspects can also be found in the reports published by the Federal Council. In 1947, one can read that the Confederation represented a safe-haven during the world conflict:

«In the midst of a Europe in turmoil, Switzerland became a land where every individual sought asylum for his person and for his property.»<sup>91</sup>

While it emphasizes that the Swiss financial market underwent a decisive phase in its development during the Nazi period, this retrospective view passes over in silence the different selective criteria depending on whether persons or property were involved. The influx of European capital took place with practically no obstacles, whereas the border was often hermetically sealed against persons in search of asylum.<sup>92</sup>

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<sup>87</sup> See Häsler, *Boot*, 1967, pp. 275–276, p. 335.

<sup>88</sup> See Perrenoud, *Politique*, 1989, especially pp. 117–130.

<sup>89</sup> See «Bundesgesetz über Abänderung und Ergänzung des Bundesgesetzes über Aufenthalt und Niederlassung der Ausländer» (Federal Law modifying and supplementing the law on temporary residence and permanent settlement of foreigners) of October 8, 1948, BBl 1948, III, p. 391. For an analysis, see Ebel/Fiala, *Consensus*, 1983, pp. 75–77.

<sup>90</sup> See Dumont, *Histoire*, 1987, p. 88. For an analysis of the «documentary film» produced in 1947 by the EJPD, see Dreyfus, *Insel*, 1996, pp. 347–374.

<sup>91</sup> «XXXIV. Bericht des Bundesrates an die Bundesversammlung betreffend die gemäss Bundesbeschluss vom 14. Oktober 1933 erlassenen wirtschaftlichen Massnahmen gegenüber dem Ausland» (34th report of the Federal Council to the Federal Assembly on measures taken in application of the Federal Council decree of October 14, 1933 concerning measures of economic defense against foreign countries) BBl 1947, I, p. 803 (orig. German). See Hug/Perrenoud, *Avoirs*, 1997, p. 18.

<sup>92</sup> See Tanner, *Bundeshausalt*, 1986, p. 260. See also Kreis, *Flüchtlingspolitik*, 1997, p. 554 and p. 567.

### 2.2.4 The argument for national security and the role of the army

The role of national defense was primordial among the factors that determined Swiss policies towards refugees. The Swiss system of a militia army implied that the connections between military, political, and economic factors would intersect at several levels before and after 1939. Mobilization strengthened the social and political influence of the Army whose control via its Press and Radio Division restricted the news about Nazi policies.<sup>93</sup> Not only were Jewish officers, who were often confined to subordinate positions, but a mere handful, but a discreet antisemitism often permeated the highest spheres of the Army.<sup>94</sup>

As soon as he was elected to the supreme command of the Army, General Guisan was concerned about the presence of foreigners in Switzerland and the influx at the borders.<sup>95</sup> To call the attention of the government to the risks of espionage, sabotage, and infiltration, he sent the Federal Council a long report recommending a series of preventive and defensive measures, primarily against the Germans, and at the same time against another threat described in these terms:

*«Another category of internal enemies are, to a certain extent, the emigrants.... It can be seen in Dutch and English reports that a great many Jewish emigrants who were granted asylum are developing into a not-insignificant source of danger. This category of foreigners, based on the experiences made in Scandinavia, England, and Holland, cannot be ignored. Sympathy and understanding are no longer appropriate for today's situation in Switzerland; only severity meets our needs.»<sup>96</sup>*

Shortly before the French debacle took place, Guisan opposed admitting populations in flight and justified this refusal on June 16, 1940 on the grounds of the multiple political and military dangers involved. During the days of June 18 and 19, 1940, the Army Command, the EPD's highest authorities in foreign policies, and the Police Division wrote up memoranda and instructions for cantons, customs posts, and military units to pitilessly oppose the entry into Switzerland by clandestine «French, Spanish, and Polish (remainders of the popular front)» refugees.<sup>97</sup> Created on June 18, 1940, the Federal Commissariat of Internment and Hospitalization was charged with managing problems posed by the internees in accordance with the needs of national defense. On several occasions the Army Command specified that admission of refugees should be reduced to a minimum and that the surveillance of internee

<sup>93</sup> See FA E 5795 (-) --, vol. 527. See also Imhof, Kommunikation, 1999, Kreis' Annex.

<sup>94</sup> Certain officers did not dissimulate their attitude. Thus the influential Captain Hans Hausmann in March 1940 vehemently expressed his opposition to a proposed film on the General to General Headquarters. Wechsler, a highly placed personality in Swiss cinema and the candidate named to produce the film, was accused of giving himself over to communist, foreign, and immoral propaganda. «To a large extent it is the fault of the Jew Lazarus Wechsler that in the years after 1918 something happened in Switzerland that is still in everyone's memory.... That this man is now using the army to do his business, I have something against that. The army is too important to me that I should watch without protesting while a Galician Jew manipulates it in order to satisfy his racial desires for wealth.... I have no doubt that you agree with me and that you will do everything possible to protect the army from this Jew». (orig. German) Letter of March 7, 1940, FA E 27 (-) vol. 4433.

See also Kreis, Flüchtlingspolitik, 1997, pp. 554 and 567.

<sup>95</sup> On his attitude in January 1939 on the risks of war and Jewish activism throughout Europe, See DDS, vol. 13, no. 13, p. 26.

<sup>96</sup> DDS, vol. 13, no. 294, Annex, p. 695. Italicized passages are in the original text (orig. German).

<sup>97</sup> According to the expression used by P. Bonna in his memo of June 18, published in DDS, vol. 13, no. 311, Annex II.

camps not become a task for military units. At several decisive moments of the war, Guisan repeatedly came out against accepting more refugees. This was the case particularly in the fall of 1942,<sup>98</sup> in September 1943 (refugees from northern Italy),<sup>99</sup> in June 1944,<sup>100</sup> and even at the beginning of 1945.<sup>101</sup>

We know now that Switzerland never ran the risk of an invasion by troops of the *Third Reich* because of the refugees. In the summer of 1942, Rothmund and Pilet-Golaz affirmed that the argument over the German threat was not a determining factor in Swiss decisions to close the border.<sup>102</sup>

Nevertheless, the Army did play a crucial role during the war in the fate of refugees at the border and on national soil. While it opposed internment, the management of which would have required too many troops, the Army was keenly interested in any information the refugees might hold. Deserters in particular would be interrogated by the military concerned about obtaining any information on troop movements and combat techniques.

Finally, economic factors were not overlooked; calculating that the work done by internees in 1942 had brought in revenues that covered a third of the expenses involved, the Federal Commissioner of Internment and Hospitalization emphasized that the costs were partially recoverable, that the internees were contributing to the fulfillment of the Wahlen Plan, were aiding agriculture, and working for the Army. Moreover,

«it has not been necessary to take any special and costly measures to fight against idleness; and our commerce has benefitted to a large extent from the salaries paid out.»<sup>103</sup>

In the course of the months, the competencies of the Army increased both at the border as well as in the interior of the country.<sup>104</sup> As of the beginning of 1944, weekly sessions brought together representatives from the Police Division, the EPD, and the Army to coordinate decisions.<sup>105</sup> It is therefore important to recall, in the last section of this sub-chapter, the distribution and evolution of competencies at the agencies in charge of applying policies towards refugees.

### **2.2.5 The authority to make decisions and the agencies that implemented them**

Refugee policy was subordinated to policy on foreigners, since the Federal Council placed all refugees under the general policies on foreigners contained in the ANAG law of March 26,

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<sup>98</sup> See Bonjour, *Histoire*, vol. VI, 1970, p. 22.

<sup>99</sup> See Ludwig, *Flüchtlingspolitik*, 1957, pp. 267–268.

<sup>100</sup> See Ludwig, *Flüchtlingspolitik*, 1957, pp. 291–292.

<sup>101</sup> See Favez, Prochain, 1988, pp. 391–402.

<sup>102</sup> See below Chapter 3.2.

<sup>103</sup> Report of January 15, 1943 addressed to Ruggero Dollfus (orig. French), FA E 2001(D) 3, vol. 313.

<sup>104</sup> On the conflicts of competencies on this subject, see FA E 2001 (D) 3, vol. 313.

<sup>105</sup> See DDS, vol. 15, nos. 30 and 284.

1931, with the exception of the few recognized political refugees, who were the responsibility of the Swiss Federal Prosecutor.<sup>106</sup> Thus, from a legal point of view, refugees were not considered people in need of special protection but were treated as foreigners, for the most part unwanted.<sup>107</sup>

By doing so, the federal government gave the cantons important rights in refugee policy. Decisions on entry, residence, and settlement of foreigners were originally a prerogative of the cantons. Cantonal jurisdiction had been clearly reduced since the end of the First World War, and ANAG, which made the Police Division of the EJPD the highest authority in nearly all cases, bound the cantons to a national refugee policy. Still, the cantons could issue residence and «tolerance» permits to non-employed persons and the Federal Police for Foreigners<sup>108</sup> – a purely administrative body without its own police force – was dependent on the police departments of the cantons to carry out its decrees, and thus dependent on cooperation with the cantons. Until 1938, therefore, three institutions with decision-making powers existed parallel to each other: the Federal Prosecutor's Office for political refugees, the cantons for the so-called emigrants and the Police Division of the EJPD, which functioned as a coordinating authority and which could object to the issuance of permits by the cantons.

The fact that the areas of responsibility were controversial became clear in the summer of 1938. Many cantons issued tolerance and residence permits liberally, while others had their police send refugees back over the border or to a neighboring canton. The border guard force, which was subordinate to the Central Customs Administration and thus to the EFZD, was also instructed to send documentation of detentions and expulsions of Jewish refugees from Austria to the Federal Prosecutor's Office, a clear sign that one part of the administration viewed Jewish refugees as the victims of political persecution. Within the Federal Prosecutor's Office this view was still held in 1942, as the office considered placing the responsibility for Jewish refugees under its own jurisdiction. That this did not happen was due to the fact that responsibility for refugees was centralized with the Police Division of the EJPD from 1938 to 1942.<sup>109</sup>

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<sup>106</sup> The development of official jurisdictions, which were integral for refugee policy and instructions, has been described by Ludwig, *Flüchtlingspolitik*, 1957; Koller, *Entscheidungen*, 1996 explores actual practice, especially carrying out orders at the border after 1942. See also the introduction in Chapter 1.4.

<sup>107</sup> Kälin, *Gutachten*, 1999, part II, B.IV

<sup>108</sup> For the history of the Federal Police for Foreigners, see Gast, *Kontrolle*, 1997 and Mächler, *Kampf*, 1998. The Central Office of the Police for Foreigners, founded in 1917, originally had a great deal of autonomy and was expanded greatly under the direction of H. Rothmund beginning in 1919. After Rothmund was promoted to head the Police Division of the EJPD in 1929, the Federal Police for Foreigners was merged into the Police Division in December 1933. It remained under Rothmund's control although its official director was Paul Baechtold (1890–1968). The Police Division was a main division of the EJPD, as were the divisions of justice, the federal prosecutor, the insurance office, and the office of intellectual property.

<sup>109</sup> Koller, *Entscheidungen*, 1996, pp. 26–29.

*1938 to 1942: Visa requirement and centralization of authority with the EJPD*

An important step along the way to centralizing responsibility at a federal level was the introduction of a mandatory visa for German «non-Aryans» on October 4, 1938, for «emigrants» on January 20, 1939, and for holders of Czechoslovakian passports on March 15, 1939. After the war began, the Federal Council introduced a general visa requirement and the control of the issuance of visa at embassies and consulates was intensified so that after the summer of 1940 the decision on whether an entry permit should be issued generally lay with the Police Division of the EJPD.<sup>110</sup> This centralization was made easier because of the emergency plenary power of the Federal Council. In this regard, the Federal Council decree of October 17, 1939 was especially important, based on the granting of emergency powers that, together with ANAG, provided the legal foundation for policies affecting civilian refugees throughout the war. The Federal Council decree demanded that the cantons expel all refugees who had entered the country illegally (Article 9) and created the federal structure for interning those refugees who could not be expelled (Article 14).<sup>111</sup> With these decrees, the federal government clearly gained jurisdiction over the cantons. With regard to the policies followed during the war, it was also significant that many decrees, especially instructions regarding acceptance and expulsion of refugees at the border, were kept secret. In a number of cases, procedures that had long been followed in practice were given the necessary legal basis only retroactively.<sup>112</sup> Also, in many cases the EJPD was the last appeals instance according to law. Since the refugees had very little protection under international law and Swiss basic legal rights were very limited, this meant that they had little or no legal recourse against decisions by authorities.<sup>113</sup>

Despite the concentration of power in the hands of the Police Division of the EJPD, it should be noted that the EJPD by no means set itself above other departments in an authoritarian manner. Rather, its policies were shaped by economic and foreign policy considerations and often took place after consultation with other departments. The parliamentary commission that granted plenary powers (*Vollmachtenkommission*) was consulted prior to formulating important decrees, such as the Federal Council decree on housing for refugees of March 12, 1943,<sup>114</sup> in order to avoid a retroactive repudiation of the Federal Council. At the regular conferences of police directors, federal officials sought the agreement of the cantons on national issues, for example, before the borders were closed in August 1938 or after they were closed in August 1942.<sup>115</sup> Cantonal and national officials did not oppose the EJPD's policy of

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<sup>110</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 75–80, pp. 154f., pp. 172f.

<sup>111</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 170f. Schweizerisches Bundesarchiv, *Flüchtlingsakten*, 1999, p. 22. On the legal basis for expulsion of refugees during the Second World War, see Kälin, *Gutachten*, 1999, Part I, section B.1.2.

<sup>112</sup> This was true specifically for Federal Council decrees of August 13, 1942 and March 12, 1943. See Koller, *Entscheidungen*, 1996, pp. 38–46; see also Chapter 5.2.2.

<sup>113</sup> See Kälin, *Gutachten*, Part II, BI and BII, about protection by international law and constitutional rights.

<sup>114</sup> Minutes of the *Vollmachtenkommission* des Nationalrates, February 1, 1943, FA E 1050.1 (-) 1995/489, vol. 4.

<sup>115</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 88.

rejection on principle. On the contrary, except for a few measures, most cantons and most parliamentarians supported the policies of the federal authorities.<sup>116</sup> After the general mobilization in September 1939, the army also exerted a considerable amount of influence on asylum policy in that asylum policy was subjected to the premises of military security. Top military officers saw the presence of refugees as a security risk and pushed for restrictive asylum policies. This was all the more significant as the army assumed responsibility for implementing important tasks throughout the war.

### *Border procedures after August 1942*

When more than 40,000 members of the military and 7,500 civilians crossed the border after the defeat of France in the summer of 1940, it became clear that the civilian authorities were not able to carry out restrictive policies when faced with large movements of refugees. Thus, the army was brought in to strengthen the civilian border forces, that is, the border guard corps and cantonal police. In the following months, a procedure was developed that provided significant leeway for independent action because of the absence of written regulations. It did not become binding until the directive of August 13, 1942 was issued.

The authority to decide whether refugees were to be accepted or rejected lay with the Police Division of the EJPD, which delegated the actual implementation of its directives from the cantons to federal organs such as the border guard corps and the army territorial command force. Within the framework of their jurisdictional powers, they could decide whether to accept or reject refugees; if they were in doubt about a particular case, they were to consult the Police Division.<sup>117</sup> The soldiers, who were to provide support for the border guard corps but did not make decisions themselves, were charged, together with the border guards, with preventing people from crossing the border illegally. If they did not send the refugees back or did not discover them until after they had crossed the border, they had to turn them over to the territorial command force responsible for that area. There the refugees were interrogated by a military police officer, who, if he decided to reject them, had them expelled by either the military police or the cantonal police; if the decision was made that they could stay, he sent them to a camp run by the military. Transferring these tasks to the army led to a militarization of refugee policy, which became especially clear in some of the camps that were run by the army.<sup>118</sup>

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<sup>116</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 203–232, pp. 258f. For the cantons' attitude, see Schürch, *Flüchtlingswesen*, 1951, pp. 61–66. For the parliamentary debate about refugees in the fall of 1942, see Graf, *Flüchtlingsdebatte*, 1979. For a survey of the sources in Swiss Federal Archives about parliamentary interventions and debates, see Schweizerisches Bundesarchiv, *Flüchtlingsakten*, 1999, pp. 81–88.

<sup>117</sup> Koller, *Entscheidungen*, 1996, pp. 38–46.

<sup>118</sup> See chapter 4.4.2.

### *Regulating the refugees' stay in Switzerland*

Until the war began, the cantons were responsible for organizing the refugees' stay. Housing and aid for refugees was left to relief organizations and private individuals. With the introduction of a labor service requirement and the opening of the first work camp for emigrants in April 1940, the EJPD began to play a larger role in shaping the lives of refugees in Switzerland. It delegated the organization of housing for large groups to its subordinate organization, the Central Directorate of Homes and Camps (ZLA), which provided work and later occupational training for refugees within the conditions of the war economy. Together with BIGA (Federal Employment Office) and cantonal labor departments, it also arranged individual work assignments for refugees with private employers.<sup>119</sup>

Refugees who did not live in a home or a camp were still supervised by the cantonal Police for Foreigners. The distribution of private rooms to refugees also required the consent of the canton responsible for those refugees.<sup>120</sup> The cantonal labor departments were to be consulted in the exceptional cases where refugees received work permits, and cantons and municipalities could prevent or delay the construction of mass housing in their areas. After 1947, the cantons also had a vote in deciding whether to grant permanent asylum to a refugee.<sup>121</sup> Thus the cantons, whose significance for operations at the border had been severely limited when the war began, played an important role in the interior of the country by putting refugee policies into practice. Within the limits of their power, the cantons, and even the municipalities, created their own policies in that certain of them categorically refused to accept refugees or even issued special decrees,<sup>122</sup> while others showed more understanding for the plight of the refugees.

## **2.3 Relief Organizations<sup>123</sup>**

From 1933 to 1945 the reception and care of refugees was to a large extent the responsibility of private aid organizations that operated essentially thanks to volunteers. They assumed this task with the first arrival of refugees. The Swiss population supported them financially through gifts that often amounted to very small sums, but which were paid out regularly over many years. These numerous organizations were differentiated according to their goals, their relationships in Switzerland and abroad, as well as by the numbers and political, social or religious inclinations of their members. While it is not possible here to give an exhaustive

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<sup>119</sup> Lasserre, Vie, 1998; Lasserre, Frontieres, 1995, especially pp. 222–267; Schorta, Arbeitslager, 1990, ZL, Schlussbericht, 1950.

<sup>120</sup> Kocher, Menschlichkeit, 1996, pp. 291ff.

<sup>121</sup> Arnold, Transitprinzip, 1997, pp. 97–102.

<sup>122</sup> Schürch, Flüchtlingswesen, 1951, pp. 63f.; Kocher, Menschlichkeit, 1994, p. 293. Special regulations prohibited refugees in Lucerne from sitting on public benches on lake shore promenades; in other localities, refugees were prohibited from entering certain places of entertainment and their freedom of movement was restricted to a municipality. Protocol of the 2nd session of the *Sachverständigenkommission* (Expert Commission). October 4, 1944, FA E 4001 (C) 1, vol. 260.

<sup>123</sup> Questions concerning the financing of refugee policies by aid societies are treated in Chapter 5.3.

account of the multiplicity of their activities, it will be useful to have a look at this rather heterogeneous group.

### *The reception of refugees by aid organizations*

Private relief agencies played a determining role from 1933 on for refugees arriving in Switzerland. Except for the special case of Russian refugees fleeing the Bolshevik regime, where Swiss authorities provided support,<sup>124</sup> the welcome and assistance provided to refugees traditionally depended upon charities and philanthropy practiced by the middle class. Among the leadership of these aid societies could in fact be found members of cantonal government executives, the professorial corps, and industrial circles.<sup>125</sup> Left-wing parties and unions likewise founded mutual aid societies, which, in their early stages, supported the unemployed and elderly workers without resources, thus making up for the absence of a public social security system.

Aid organizations were generally contacted by the refugees upon arriving in Switzerland. They offered these people, for the most part without resources, material support and helped them in their efforts to find another country to receive them. The Confederation, as we have seen, forbade the refugees from exercising any remunerative activity. Moreover, the great majority of them, failing to gain the status of political refugees, were expected to leave Switzerland within a time span of varying length. Thus, the main activity of the aid societies extended in two directions: material and financial support for the refugees, on the one hand, and the search for a definitive asylum country on the other.

The first persecutions perpetrated by the Nazis in Germany were aimed, at first, at the members and sympathizers of left-wing parties, then at the Jews. In Switzerland, the left and the Jewish community set up the first structures for aiding refugees. In March 1933, the Swiss Socialist Party and the Swiss Union of Workers founded the *Schweizerische Flüchtlingshilfe* (Swiss Refugee Relief) in Bern to come to the assistance of German social democrats and union members.<sup>126</sup> Aid committees connected to it were created in Basel, Zurich, Kreuzlingen, and Arbon.<sup>127</sup> Aid societies that had grown out of the social democratic movement and unions did not agree with the philanthropic concept of charity. They requested a contribution from the state, in vain, as witnessed by a letter addressed to the Head of the EJPD dated June 24, 1934:

«We have already spent approx. 130,000 francs up until June of this year. We have 50 to 70 persons that we constantly support, at the least for several months.... We have reached the limits of our financial abilities in refugee relief. We therefore repeat our request that the Federal Council provide

<sup>124</sup> See Chapter 2.1 and 2.2.1.

<sup>125</sup> For Robert Briner, Rodolfo Olgiati, Silvain S. Guggenheim, see short biography in appendix.

<sup>126</sup> Eisinger/Schaad, *Rolle*, 1998, p. 41; see also Wichers, *Kampf*, 1994, p. 106.

<sup>127</sup> The offices in Arbon and Kreuzlingen were quickly closed since the canton of Thurgau did not tolerate political refugees; see Wichers, *Kampf*, 1994, p. 106.

the means necessary for the material support of German and Austrian<sup>128</sup> emigrants, just as it has done and is still doing for Russian emigrants.»<sup>129</sup>

But the authorities refused to extend to German refugees the aid they had granted the Russians<sup>130</sup>.

In June 1940, following the resignation of its director, Oskar Schneeberger,<sup>131</sup> the *Schweizerische Flüchtlingshilfe* was taken over by the Swiss Workers' Relief Society (SAH).<sup>132</sup> The SAH had been founded in 1932 as an aid organization for the children of unemployed workers in Switzerland – the *Proletarische Kinderhilfe*. Subsequently this activity was extended to Austria and France. In 1933, the association became the *Arbeiterkinderhilfe der Schweiz*. It organized, among other things, stays in Switzerland for the children of foreign workers who had emigrated to France. From 1936 on, the association expanded its activities to include refugees and adult education under the name of SAH with Regina Kägi-Fuchsmann at its head.<sup>133</sup> During the war, the SAH likewise took charge of Russian internees.

Communists were received by the Red Aid (*Rote Hilfe*), but on condition of being recognized by the Swiss or German Communist Party; the leadership of the latter had been living in exile since 1933. The refugees were subjected to a strict party discipline and were obliged to observe the rules of clandestine identity in order to continue the fight against National Socialism and fascism, to protect themselves against informers, and also to closely monitor any deviation from the political line imposed by Moscow.<sup>134</sup> Like other mutual aid societies, the Red Aid had to take complete charge of the refugees in accordance with measures imposed by the Confederation. It had to house them, feed them, clothe them, and provide them with a modest allowance.

Communists were in general not recognized as political refugees. «Most often it (the Federal Prosecutor's Office) sets a deadline for them to leave Switzerland or decides to tolerate them for a short period ...».<sup>135</sup> This policy resulted in the illegal presence of a certain number of communists. When, in 1936, the aid societies regrouped into one central organization,<sup>136</sup> the Red Aid was not admitted as a member<sup>137</sup> because, among other reasons, of its illegal practice of admitting refugees. Because of the support it had offered to Spanish Republicans, it had to

<sup>128</sup> On September 11, 1933, Austria adopted a semi-authoritarian regime based on the corporatist state. In February 1934, the socialists and labor unions who rose up against the regime were savagely repressed.

<sup>129</sup> Letter from the *Schweizerische Flüchtlingszentrale Bern* to the Head of the EJPD, Johannes Baumann, June 14, 1934, FA E 4001 (B) 1970/187, vol. 2. The name most often used was *Schweizerische Flüchtlingshilfe Bern*. The problem of Russian refugees is treated in Chapters 2.1 and 2.2.

<sup>130</sup> See Chapter 5.3.

<sup>131</sup> Oskar Schneeberger, 1868–1945, member of the Swiss Socialist Party, chief of police for the city of Bern 1917–1933, president of the Swiss Workers' Union 1912–1934, head of *Flüchtlingshilfe* 1933–1940.

<sup>132</sup> Wichers, Kampf, 1994, p. 107.

<sup>133</sup> See short biography in appendix.

<sup>134</sup> Studer, Parti, 1994, pp. 439–448.

<sup>135</sup> Ludwig, Flüchtlingspolitik, 1957, p. 72.

<sup>136</sup> See Chapter 5.3.

<sup>137</sup> Wichers, Kampf, 1994, pp. 132–133.

pay a price in November 1936: the prohibition of all political activity and the threat of dissolution.<sup>138</sup> Despite this, it helped numerous refugees to rejoin the international Brigades.<sup>139</sup> Finally, on November 22, 1940, the Swiss Communist Party and the organizations affiliated with it, including the Red Aid, were banned.<sup>140</sup>

The Swiss Federation of Jewish Communities set up a Committee for German Jewish Refugees in 1933.<sup>141</sup> After 1934, it was the Swiss Jewish Association for Aid to the Poor<sup>142</sup> – which had existed as a social service since 1925 – that took over the entire administration of aid for refugees. It was divided into local sections that reached 21 units by the end of the war. In 1945 it had charge of 3,058 emigrants<sup>143</sup> and 20,209 refugees. During the period 1933 to 1945 the Jews of Switzerland contributed 9,320,000 francs to the support of emigrants and refugees, a crushing burden for a community of some 19,000 members.<sup>144</sup>

Almost all the aid societies took on the work of the re-emigration of the refugees. Among them was the Aid for Emigres, a Geneva association specializing in the question of emigration. It was founded in the 1920s as the Swiss section of the International Migration Service, with the goal of helping Swiss candidates for emigration. Having at its disposal a vast network of legal counselors, it was fully competent to come to the aid of refugees. After 1940, however, its activities were seriously hampered by new developments in the international situation. The report for fiscal year 1941/42, for example, recounts the odyssey of fourteen emigrants in possession of valid visas for Mexico, but for whom France had refused right of passage to reach Spain. At the cost of enormous efforts and thanks to the services of the Minister of Mexico at Vichy, the association succeeded in smuggling eleven persons through France and Algeria to Morocco, where they boarded a ship in Casablanca.<sup>145</sup> In 1942 the events of the war stopped all re-emigration from Switzerland. The association then placed its infrastructure at the disposal of the Swiss Committee for Aid to Children of Emigres, of which it then became the Geneva branch.<sup>146</sup> After the war, it took on the task of finding parents or relatives of children who had entered Switzerland clandestinely.<sup>147</sup>

<sup>138</sup> Decree of the Federal Council instituting measures against communist intrigues in Switzerland, November 3, 1936, AS 1936, pp. 819–820.

<sup>139</sup> Studer, Parti, 1994, pp. 479–499.

<sup>140</sup> See also FA 4320 (B) 1992/149, vols. 1–2; *Rote Hilfe Schweiz*, 1923–1933, confiscated documents.

<sup>141</sup> Picard, Schweiz, 1994, p. 235ff.

<sup>142</sup> It changed names in 1943 and became the *Verband schweizerischer jüdischer Fürsorgen/Flüchtlingshilfen* (Association of Swiss Jewish Relief/Refugee Relief).

<sup>143</sup> According to the Federal Council decree of October 17, 1939, persons are considered emigrants if they are in possession of a tolerance permit [*Toleranzbewilligung*] or are in the process of obtaining one, and those who will have been residing in Switzerland for ten years as of September 1, 1929; see Ludwig, Flüchtlingspolitik, 1957, pp. 170–171.

<sup>144</sup> See Chapter 5.3. See also Picard, Schweiz, 1994, p. 19.

<sup>145</sup> «Tätigkeitsbericht 1. Juli 1941 – 30. Juni 1942, Fürsorgedienst für Ausgewanderte» Bibliothèque publique et universitaire, Geneva, En 2642.

<sup>146</sup> «Rapport annuel 1942/43, Aide aux émigrés», Bibliothèque publique et universitaire, Geneva, En 2641.

<sup>147</sup> «Rapport annuel 1944/45, Aide aux émigrés», Bibliothèque publique et universitaire, Geneva, En 2641.

Many aid societies were devoted exclusively to children,<sup>148</sup> such as the Swiss Committee for Aid to Children of Emigres (*Schweizerisches Hilfswerk für Emigrantenkinder/SHEK*), headed by Nettie Sutro-Katzenstein.<sup>149</sup> It was founded in 1933 with the goal of supporting the children of emigres in France.<sup>150</sup> In collaboration with the Committee for Aid to Workers' Children, it brought children to Switzerland for stays of several months. A first convoy of children set out from France in 1934. Little by little the SHEK became the exclusive organization responsible for temporary stays of two or three months. It welcomed about 5,000 children<sup>151</sup> to Switzerland up until 1939.

In 1938, after the November pogrom, Georgine Gerhard,<sup>152</sup> head of the Basel branch of the SHEK, succeeded in getting out of Rothmund the authorization to bring into Switzerland – for an unlimited stay – 300 Jewish children who were in great danger in Germany. This action became known under the name of «300-Kinder-Aktion». In 1939, with the beginning of hostilities, convoys of children coming from France were interrupted, then started up again by the Cartel of Aid to Children and the Red Cross Relief for Children.<sup>153</sup> The SHEK for its part, was increasingly busy receiving refugee children into Switzerland. In December 1942, it was commissioned by the Police Division of the EJPD to find families for refugee children interned in Swiss camps.<sup>154</sup>

Two aid societies connected to the Protestant Church were formed in 1936, one in Zurich, the other in Bern. The main goal of the Bern organization was to welcome Christians who were being persecuted because of their Jewish origins.<sup>155</sup> The Swiss Protestant Relief for the Confessing Church in Germany,<sup>156</sup> headed by Paul Vogt,<sup>157</sup> took care of refugees belonging to the German Confessing Church, as well as Protestants of Jewish origin. In 1938 these associations merged into a central administration, the Swiss Churches Relief Committee for Protestant Refugees.<sup>158</sup> At the beginning of 1942, the committee was taking care of 300 refugees and had to come up with the sum of 30,000 francs monthly, of which the greatest part was collected by means of the «Flüchtlingsbatzen». These «pennies for the refugees» came from collections from Protestant church members. Despite a constant growth in donations, a report of the Ecumenical Council of Churches was obliged to note:

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<sup>148</sup> See Chapter 6.2.2.

<sup>149</sup> See short biography in appendix.

<sup>150</sup> Schmidlin, Schweiz, 1999, Chapter 1.2.

<sup>151</sup> These were children of emigres in France, half of whom had come from Germany, half from Russia.

<sup>152</sup> Georgine Gerhard headed the Basel branch, particularly active in the SHEK, from 1934 until its dissolution in 1948.

<sup>153</sup> See Chapter 6.2.2.

<sup>154</sup> See Chapter 6.2.2.

<sup>155</sup> Kocher, Menschlichkeit, 1996, pp. 78–82.

<sup>156</sup> Kocher, Menschlichkeit, 1996, pp. 111–120.

<sup>157</sup> See short biography in appendix.

<sup>158</sup> The Protestant church was in part opposed to the take-over by the Nazi state. This struggle reached a climax with the arrest in 1937 of Pastor Martin Niemöller, who became the symbol of resistance by the church to the Nazi regime. Kocher, Menschlichkeit, 1996, pp. 83–93.

«It is not popular to collect and give, year after year, for a group of foreigners stuck in Switzerland, who are individually uninteresting for the public.»<sup>159</sup>

After 1939, the Swiss Church Relief Committee for Protestant Refugees collaborated closely with the Office of the Secretary for Refugees of the Ecumenical Council of Churches, headed by Adolf Freudenberg.<sup>160</sup>

The Crusaders for Peace (*Kreuzritter*) of Gertrud Kurz<sup>161</sup> took care of refugees who did not fit into any of the recognized political or religious categories, and who as a consequence found themselves deprived of aid from the other aid organizations.

At the request of Swiss bishops, local branches of Caritas, as well as of priests from various parishes, a commission was created to come to the aid of Catholic refugees.<sup>162</sup> The *Flüchtlingshilfsstelle* of Caritas was founded in 1936. During the year 1943, for example, it took care of 194 persons,

«who for many years have held rights of residence in Switzerland, but do not have permission to work and who cannot be used for labor in the camps for refugees. Frequently, there are entire families that we must support.»<sup>163</sup>

Their principal effort, however, was devoted to the thousands of refugees in the reception, internment, or work camps to whom they gave a modest allowance, spiritual support, and provided clothing and blankets. From 1936 to 1946, it helped about 18,000 persons and spent more than 4 million francs on behalf of refugees.<sup>164</sup>

Among the first exclusionary measures taken by the Nazi regime were the dismissals and bans carried out on certain members of the professions. Aid committees were created for certain socio-professional groups, such as for example the Committee for the Placement of Refugee Intellectuals, founded in 1933 by William Rappard and some associates.<sup>165</sup> Its goal was to find

<sup>159</sup> «Kirchliche Flüchtlingsarbeit in der Kriegszeit. Bericht des Oekumenischen Ausschusses für Flüchtlingshilfe. Januar 1942» (Church Relief Work in War Time: Report of the Ecumenical Committee for Refugee Relief, January 1942), (orig. German) Archives du Conseil oecuménique des Eglises, Cicarus B2.

<sup>160</sup> «Zusammenarbeit zwischen dem Flüchtlingsbüro des Vorläufigen Weltrates der Kirchen und dem Schweizerischen kirchlichen Hilfskomitee für evangelische Flüchtlinge» (Cooperation between the Refugee Bureau of the provisional World Council of Churches and Swiss Church Relief Committee for Protestant Refugees) January 16, 1939, Archives du Conseil oecuménique des Eglises, Cicarus B2. Adolf Freudenberg, a German pastor, was a member of the German Confessing Church. Married to a woman of Jewish origin, he was sent by the Confessing Church to London to serve as secretary for refugees for the Ecumenical Council of Churches. On vacation in Switzerland during the summer of 1939, Freudenberg found it impossible to return to London. His secretariat was then transferred to Geneva.

<sup>161</sup> See short biography in appendix.

<sup>162</sup> «Dix ans d'expérience de l'Office Central Suisse d'Aide aux Réfugiés» (Ten years of experience of the Central Swiss Office of Aid to Refugees), Bibliothèque public et universitaire, Geneva, Gf410.

<sup>163</sup> «Tätigkeitsbericht Schweizerischer Caritasverband» (Report of activities: Swiss Caritas Association), 1943, p. 14; Schweizerische Landesbibliothek (National Library) V Schweiz 629.

<sup>164</sup> «Tätigkeitsbericht Schweizerischer Caritasverband», 1945–1946, pp. 10–11; Schweizerische Landesbibliothek (Swiss National Library), V Schweiz 629.

<sup>165</sup> William Rappard (1883–1958), professor of public finance at the University of Geneva, director of the Mandates Section of the League of Nations from 1920 to 1924 and a member of the Mandates Commission from 1925 to 1939. Co-founder of the University Institute of Graduate International Studies in Geneva in 1930, along with Paul Mantoux, he was likewise a member of the International Committee of the Red Cross (ICRC) from 1917 to 1921, first secretary of the League of Societies of the Red Cross from 1919 to 1920. An exhaustive biography was published in 1995, by Monnier/Victor, Rappard, 1995.

jobs and housing, as well as to collect funds to allow the refugees to leave Switzerland to go to a new country that would receive them.<sup>166</sup>

Innumerable committees were formed in Swiss cities and communes to respond to specific objectives. The Geneva International Community Fund for Refugees, founded in 1935 by the pastor of the American parish, organized collections and gave 5,000 francs to the Information Service for Refugees.<sup>167</sup>

The work of relief organizations was not confined only to Switzerland. In 1941, for example, Regina Kägi-Fuchsmann founded «Swiss Package» (*Colis suisse*) and set up a food supply warehouse intended for those interned in French camps.<sup>168</sup> Other associations such as the Swiss Red Cross Relief for Children, Caritas, the Swiss Jewish Association for Refugee Relief (VSJF), as well as the Swiss Medical Relief Center<sup>169</sup> utilized this warehouse, thereby demonstrating that their collaboration transcended institutional, political and religious boundaries.

### 1936 – Joining forces

In 1936, the relief organizations decided to join forces. Combining their strength was a way to allow them to intervene in a united way, not only when dealing with international organizations, but also when dealing with the Swiss authorities who, in any case, were in favor of this unification. On June 17, 1936 the Swiss Central Office for Refugee Relief (*l'Office central suisse d'aide aux réfugiés*, or OSAR; in German, *Schweizerische Zentralstelle für Flüchtlingshilfe*, or SZF) was born.<sup>170</sup> By the end of 1936 it was collaborating with the Liaison Committee of the League of Nations, established to foster cooperative efforts between private relief agencies and the High Commissioner for refugees coming from Germany. The Liaison

<sup>166</sup> Fanny Schulthess-Hirsch was the mainspring of the Committee for which she served as secretary. During the war, despite interventions by Rappard and by Gertrud Kurz, she lost her Swiss citizenship acquired through marriage because it was thought that it had been a marriage of convenience. A few months later, in September 1943, Rothmund had her thrown into jail for a week, because she had asked the Peruvian Consul in Geneva to provide passports for Polish Jews in Germany. Thanks to the efforts of Fanny Schulthess-Hirsch, more than 500 refugees were still able to leave Switzerland from 1940 to 1942. In 1943, she married Adolf Silberschein, head of the RELICO (see below).

<sup>167</sup> Created in 1935 in Geneva, it represented the following organizations: Aid for Emigres, Central Charities Bureau, International Center for Church Mutual Aid Societies, ICRC, International Committee for Placement of Refugee Intellectuals, World Jewish Congress, the Jewish Community, International University Mutual Aid Society, International Migration Service, Saint-Boniface Charities (Caritas), International Union of Aid to Children. See «Report annuel du Service de renseignements pour les réfugiés, 1937–1938» (Annual Report of the Information Service for Refugees 1937–1938), Bibliothèque public et universitaire, Geneva, Br 1561.

<sup>168</sup> «15 Jahre Schweizerisches Arbeiterhilfswerk» (Fifteen Years of Swiss Relief for Workers), 1948, p. 44. Kägi-Fuchsmann, Herz, 1968, pp. 207–211.

<sup>169</sup> «15 Jahre Schweizerisches Arbeiterhilfswerk», 1948, p. 44. The Swiss Medical Relief Center was created in 1937 in Zurich with the goal of coordinating medical relief for the Spanish Republic. In 1939, it took care of Spanish prisoners in French camps as well as Swiss fighters in Spain. It collaborated closely with the SAH and the Unitarian Service Committee in Marseille.

<sup>170</sup> Lasserre, Frontières, 1995, pp. 96ff. and Arnold, Transitprinzip, 1997, pp. 17–21. The founding members were: *Internationale Hilfsvereinigung, Schaffhausen*; Central Charities Office, Geneva; Information for Refugee Service, Geneva; Swiss Relief Work for German Scholars, Zurich; Swiss Association for the League of Nations, Lausanne; Swiss branch of the Women's League for Peace and Freedom, Zurich; *Schweizerische Flüchtlingshilfe, Bern*; Swiss Committee for Aid to Children of Emigres; Basel Office of Assistance for Refugees; Association of Swiss Jewish Relief (VSIA, later VSJF), Swiss Caritas Association, Lucerne.

Committee wanted an international status for refugees to be created. This demand was rejected in early 1938.<sup>171</sup> The countries participating in the Evian Conference in July 1938 were also unable to come to an agreement favorable to refugees coming from Germany.<sup>172</sup> In the absence of an international solution, the Swiss authorities were the only party that the SZF could turn to for dialogue.

In November 1936, at the end of hard negotiations with Rothmund, the relief organizations signed an arrangement certifying their loyal collaboration with the police. They promised to report every new arrival and to inform the refugees that they would have neither the right to a job nor to a prolonged stay in Switzerland. In exchange, the Confederation would pay the SZF an annual contribution of 20,000 francs towards the re-emigration of the refugees.<sup>173</sup> This collaboration proved to be very problematic in the context of the extermination of the Jews of Europe. The arrangement that seemed possible in 1936 was no longer so in 1938, when many Jews crossed the border illegally and overwhelmed the capacity of Jewish organizations to receive them. After 1942, the reception process was transformed into a rescue mission for the Jewish relief agencies, which placed them totally at odds with the authorities who persisted in maintaining the compromise negotiated in 1936.

The relations between the EJPD and the SZF went through three critical moments: in 1938, following the closure of the borders because of the strong increase in the number of refugees after the incorporation of Austria;<sup>174</sup> in 1942, when the Jews in the occupied countries of western Europe were deported to extermination camps and Switzerland decided to close its borders;<sup>175</sup> and finally in 1943.

From 1937 to the end of 1938, the number of people assisted under the auspices of the Swiss Jewish Association for Refugee Relief<sup>176</sup> multiplied ten-fold. Its goal was to welcome all Jews coming from Austria where antisemitism had exploded.<sup>177</sup> Up to the beginning of August 1938, the members of the SZF were still claiming their solidarity with the Swiss Jewish Association for Refugee Relief, when at the same time their new president, the head of the police department in Zurich, Robert Briner,<sup>178</sup> was asking at a conference of cantonal police chiefs, on August 17, 1938, that the borders be closed: «Can't we close our borders better? The removal of refugees is more difficult than fending them off.»<sup>179</sup> In this case, the two hats that

<sup>171</sup> Arnold, *Transitprinzip*, 1997, pp. 23–24. Lasserre, *Frontières*, 1995, p. 99.

<sup>172</sup> See Chapter 2.1.

<sup>173</sup> Arnold, *Transitprinzip*, 1997, p. 28. Lasserre, *Frontières*, 1995, p. 98.

<sup>174</sup> See Chapter 3.1.

<sup>175</sup> See Chapter 3.2.

<sup>176</sup> «Tätigkeitsbericht Schweizerischer Caritasverband», 1943, p. 14, Schweizerische Landesbibliothek (Swiss National Library), V Schweiz 629.

<sup>177</sup> See Chapter 5.3.

<sup>178</sup> See short biography in appendix.

<sup>179</sup> «Konferenz mit den Polizeidirektoren der Kantone zur Besprechung der Frage der Flüchtlinge aus Deutsch-Oesterreich» (Conference of canton police directors to discuss the question of refugees from incorporated Austria [in the original «from German-Austria»]), August 17, 1938, FA E 4260 (C) 1969/1946, vol. 6 (orig. German).

Briner was wearing proved detrimental to humanitarian action. The case of Briner is not unique. Oskar Schneeberger, founder of the *Schweizerische Flüchtlingshilfe*, had been chief of police of the city of Bern for fifteen years, and Ernst Delaquis, president of the executive committee of the Aid to the Emigrants after 1936, had exercised the function of head of the Police Division of the EJPD from 1919 to 1929. Rothmund himself had been the delegate in Switzerland to the Intergovernmental Committee for Refugees from 1945 to 1947. Two reasons may explain this state of affairs: these were lawyers whose functions had familiarized them with the rights of foreigners, with the exception of Schneeberger;<sup>180</sup> their status as high ranking police administrators served as a guarantee to the authorities that the *raison d'état* would be taken into account. In 1938, notably, Briner's opinion coincided with that of the EJPD since, on August 19, 1938 – that is, two days after the conference of police chiefs – the Federal Council charged the EJPD with taking adequate measures to prevent the entry of refugees coming from Austria.<sup>181</sup>

In August 1942, the relief organizations were in possession of alarming information on the massive arrests of Jews in the occupied countries and their deportation under horrible conditions. When the EJPD decided to tighten measures at the border, the members of the SZF, with the Swiss Union of Jewish Aid Committees at their head, demanded a meeting with Rothmund. It took place on August 24. After a «partially stormy session», the organizations affiliated with the Central Office and the EJPD came to an agreement on a compromise that was published in the press. In it, it was stipulated that refugees who had entered before August 13, had the right to a «detailed review» of their personal case; only those applicants considered as «undesirable for serious reasons»<sup>182</sup> would be turned back. Leaders of the relief agencies were aware that more humane measures at the border would have as a corollary an increase in the number of refugees that the agencies would have to take care of. In the intention of lightening their expenses while keeping the border ajar, Pastor Paul Vogt<sup>183</sup> launched the «free places»<sup>184</sup> campaign which will be discussed below.

But a month later, the official position hardened. Before the cantonal chiefs of police, Briner first pleaded for a collaboration between the two «camps»:

«In solving the refugee problem, both sides must give proof of full mutual understanding, since this difficult task can only be solved together. In order to facilitate such cooperation, the speaker has taken over the leadership of the Zentralstelle.»<sup>185</sup>

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<sup>180</sup> Schneeberger was a mechanic but had experience as a union man and politician. See Gruner, *Assemblée*, 1966, p. 225.

<sup>181</sup> DDS, vol. 12, no. 363.

<sup>182</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 209.

<sup>183</sup> See short biographies in appendix.

<sup>184</sup> See the Sybille F. case in Chapter 5.5.2, and Chapter 4.4.3.

<sup>185</sup> Conference of police directors, Session of September 11, 1942 (orig. German) FA E 4260 (C) 1969/1946, vol. 7.

But then, in accordance with the 1938 plan, he recommended that the borders be hermetically sealed by advancing the argument that it was harder to expel refugees than it was to hold them back at the border.

When the authorities backed down before the protests of the public and the relief organizations, they were hoping that the number of refugees seeking admission into Switzerland would subside. The opposite occurred during the last months of 1942. As a result, measures taken at the borders hardened again. The instructions of December 29 repeated once again that refugees who had fled for racial reasons did not have the right to political asylum.<sup>186</sup> To prevent the relief organizations and the refugees from making contact right at border crossings, the new arrivals were no longer authorized to contact the aid organizations by telephone.<sup>187</sup> The EJPD avoided informing the aid organizations of these new instructions. In March 1943, the Swiss Jewish Association for Refugee Relief protested once again against the refusal of the EJPD to recognize racial discrimination as equal to political persecution. They asked Briner to intervene accordingly with the head of the EJPD. Briner subscribed to their thesis, but threatened to resign if the SZF were to demand of the authorities that the rejections at the border be ended. The relief organizations took a vote and went along with Briner's position by twenty-two votes against two.<sup>188</sup>

Private aid organizations played only a minor role in the admission policies prescribed by the EJPD. Nevertheless their representatives were sometimes able to make the authorities bend in individual cases by personally intervening in favor of refugees.<sup>189</sup>

### *The «free places» campaign*

In August 1942, Paul Vogt proposed that private citizens welcome into their homes those refugees for whom life in the camps was not, or no longer, bearable,<sup>190</sup> meaning children under 16 years of age, mothers with small children, persons over 60 years of age, the handicapped, and the ill. Vogt's plan likewise had as a goal to provide the possibility to the Swiss people, who had protested against the closing of the borders in August 1942, to express their solidarity by placing a room at the disposal of a refugee at no charge.<sup>191</sup> Contrary to Vogt's idea, who wanted a «free place» to be a gift, apartments financed by relief agencies and parishes were included in the «free places». Private individuals could contribute to the project by paying a monthly sum of 120 francs. For the numerous Jewish refugees, institutional homes – «*Freiplatzheime*» – were likewise opened that were subsidized by certain Protestant parishes and by some of the parish members.<sup>192</sup> The mechanism for these private placements proved to

<sup>186</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 229–247.

<sup>187</sup> Arnold, Transitprinzip, 1997, p. 50.

<sup>188</sup> Picard, Schweiz, 1994, p. 421.

<sup>189</sup> Arnold, Transitprinzip, 1997, p. 54.

<sup>190</sup> See Chapter 4.4.2.

<sup>191</sup> Imhof, Kommunikation, 1999, Chapter 4.3.

<sup>192</sup> Kocher, Menschlichkeit, 1996, pp. 296–297.

be complicated. When an organization proposed a refugee, it had to contact the Swiss Office for Aid to the Refugees, which centralized requests. The latter organization requested the approval of the Police Division of the EJPD and of the Police for Foreigners in the canton concerned, as well as that of the territorial command of the army. All these steps caused a waiting delay of several weeks if not months. Several cantons, including Aargau and Thurgau, refused to grant the necessary authorization to refugees who had found lodging in private homes.<sup>193</sup> The refugees who had obtained a place in a private home were subjected to surveillance and inspections by the cantonal Police for Foreigners and to very strict regulations regarding the way they lived. According to the statistics of the Swiss Office of Aid to Refugees, 732 private places were found for 1,320 refugees up to March 1944. This figure includes refugees who were the responsibility of several aid organizations. Nonetheless, practices varied from one aid organization to another, so that only some of the places were actually free. The refugees proposed by the Swiss Workers Aid Society, for example – 76 persons for 48 homes – received a monthly allowance from the SAH; in the case of family placements, the SAH paid board and lodging. The 79 places made available by Caritas were free, hence the responsibility of the host families themselves inasmuch as the Catholic organization was not in a position to support them. The Protestant Free Place Action, created following Paul Vogt's appeal, not only found 76 places that were free or financed through its auspices, but even put 323 of them at the disposal of the Swiss Jewish Association for Refugee Relief; it therefore contributed more than half of the free places to this project. The Swiss Jewish Association for Refugee Relief found 206 places, of which 115 were with Christian families.<sup>194</sup> The legal basis for this project was provided quite a bit after it began. It was only on March 12, 1943 that a Federal Council decree authorized the placement of a certain category of refugees in private homes.<sup>195</sup>

### *International relief organizations*

Many international organizations expanded their activities into Switzerland.<sup>196</sup> The World Jewish Congress held its first assembly in August 1936 in Geneva, which was chosen as a «center of international activities».<sup>197</sup> The director of its Geneva office, Gerhart Riegner,<sup>198</sup>

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<sup>193</sup> Lasserre, *Frontières*, 1995, p. 245. On the negative attitude of the cantons, see also Ludwig, *Flüchtlingspolitik*, 1957, pp. 213–214.

<sup>194</sup> Schweizerische Zentralestelle für Flüchtlingshilfe, «Überblick über die Freiplatz- und Privat-Internierungen vom März 1942 – August 1943. September 1944», Gertrud Kurz Archive, Habstetten, file 21.1.

<sup>195</sup> «Refugees unable to work (children, women with small children, old people, the infirm and the sick) are, with the help of private aid, placed in private houses if possible, or if not, in institutional homes or camps. If they are honorable people, they can, with the consent of the cantonal authority, be authorized to live at their own expense in a hotel, a boarding house, or in an apartment.» Federal Council decree of March 12, 1943 concerning the housing of refugees, AS, 1943, pp. 205–207.

<sup>196</sup> The American organization, American Jewish Joint Distribution Committee, represented in Switzerland by Saly Mayer (see biographical notes), is treated in Chapter 5.4.

<sup>197</sup> Riegner, *Années*, 1998, pp. 44–50.

<sup>198</sup> See short biography in appendix. In Geneva, Riegner worked in close collaboration with Paul Guggenheim, a Swiss who was a legal counselor at the WJC.

sent the telegram named after him to the United States and Great Britain, in August 1942, informing them that the Nazis were planning to exterminate «with one stroke»<sup>199</sup> the Jews under their control.<sup>200</sup> The aim of the WJC was to exert influence on the political level «at any price and using all means» to come to the aid of persecuted Jews, doing so regardless of whether or not their activities were consistent with Allied policy<sup>201</sup>, as well as to inform the free world of the persecutions and the extermination of the Jews. It was associated with the Relief Committee for Jewish War Victims (RELICO) directed by Adolf Silberschein, former deputy in the Polish parliament.<sup>202</sup> The RELICO organized the shipment of foodstuffs, clothing, and medicines to Jewish populations in occupied Poland and to internment camps in the south of France.

The small size of Geneva and the proximity of international organizations made informal meetings between organizations easier.<sup>203</sup> Thus Riegner had regular contacts with the ICRC after 1939.<sup>204</sup> He was likewise in contact with the head of the Ecumenical Council of Churches and the head of its office for refugees. In March 1943, all three<sup>205</sup> sent a report in the name of the Ecumenical Council of Churches and the World Jewish Congress to the High Commissioner for Refugees at the League of Nations with copies to the British and American governments. The three organizations warned that «the deliberate extermination campaign of the Jews [is] now at its height»<sup>206</sup> and asked the United States and Great Britain to give guarantees to the neutral countries regarding the re-emigration of refugees after the war.

### *1942: The transfer of international organizations to Geneva*

After the invasion of the Free French Zone by German troops on November 11, 1942, several international aid organizations were forced to leave France and withdrew to Geneva. All these organizations belonged to the Coordination Committee for Aid in the Camps, called the Committee of Nimes.<sup>207</sup> This committee had been created in November 1940 to come to the

<sup>199</sup> Riegner, *Années*, 1998, p. 65.

<sup>200</sup> See Laqueur, *Secret*, 1981.

<sup>201</sup> American Jewish Archives, Cincinnati, World Jewish Congress Collection: Series H, Box H 319, File The Activities of RELICO in Geneva by Dr. (R. F.) Bienenstock, January 15, 1942.

<sup>202</sup> To save Polish Jews from extermination, Adolf Silberschein had South American consuls issue passports in prisoners' names. Copies of these passports were then sent to the German authorities of the General Government, with the result that the prisoners were interned in concentration camps instead of being deported to extermination camps. When the tribunal in Geneva got wind of this action, they had Adolf Silberschein put into jail. See DDS, vol. 15, no. 20, and Appendices I and II. Adolf Silberschein appears with other first names in different works. We have limited ourselves to the first name used in the Swiss Federal Archives.

<sup>203</sup> At the University Institute of Graduate International Studies, for example, among those teaching are William Rappard, mentioned above, Paul Guggenheim, professor of law, and C. I. Burckhardt of the ICRC, professor of history.

<sup>204</sup> Interview with Gerhart M. Riegner by Saul Friedländer on October 30, 1997.

<sup>205</sup> Willem A. Visser't Hooft, secretary general of the Ecumenical Council of Churches and Adolf Freudenberg, head of the refugee office.

<sup>206</sup> Visser't Hooft, *Temps*, 1975, pp. 215–216.

<sup>207</sup> Grynberg, *Camps*, 1991, p. 195.

aid of internees in French camps;<sup>208</sup> Maurice Dubois<sup>209</sup> headed the office as a representative of the Swiss Red Cross Relief for Children.<sup>210</sup>

In Geneva could be found the YMCA (World Alliance of the Young Men's Christian Association) whose activities extended to helping prisoners of war and internees; the Unitarian Service Committee which was putting together a program for refugees that would allow them to participate in the reconstruction of their countries;<sup>211</sup> the American Friends Service Committee which was trying to have funds transferred from the United States to help needy refugees;<sup>212</sup> the ORT (Organization, Reconstruction, Work), and the OSE (Children's Relief Committee). These latter two Jewish organizations had been created in St. Petersburg, the ORT in 1880 and the OSE in 1913. In Switzerland, the ORT organized numerous study programs for the refugees with an eye to the future postwar era. The OSE, which had established clandestine channels from France to Switzerland, administered homes for children in French-speaking Switzerland and took charge of the child survivors of Buchenwald concentration camp.

Swiss authorities in aid organizations had established contacts with representatives of international organizations well before the war. Rodolfo Olgiate,<sup>213</sup> in particular, had worked closely with the representatives of the American Friends Service Committee during the war in Spain. After he resigned from the Swiss Red Cross Relief for Children,<sup>214</sup> he participated in Geneva, together with Regina Kägi-Fuchsmann, in a study group on postwar problems that met in Geneva under the presidency of Adolf Freudenberg.<sup>215</sup> A number of representatives of other organizations could be found there: Noel H. Field of the Unitarian Service Committee, Roswell McClelland<sup>216</sup> of the American Friends Service Committee, and Berta Hohermuth of the Aid for Emigrants.<sup>217</sup> According to Regina Kägi-Fuchsmann,<sup>218</sup> this study group led to the

<sup>208</sup> Bohny-Reiter, Journal, 1993.

<sup>209</sup> Maurice Dubois, in Toulouse, was first the head of the Swiss Cartel of Aid to Children, and after its merger with the Red Cross, head of the Swiss Red Cross Relief for Children. He was likewise a member of the International Civil Service, which caused him some problems with the administrators of the Swiss Red Cross Relief for Children. See Schmidlin, Schweiz, Zurich 1999, Chapter 5.1.1.

<sup>210</sup> See Chapter 6.2.2

<sup>211</sup> Unitarian Universalist Service Committee Archives, Andover-Harvard Theological Library of the Harvard Divinity School, Cambridge, Massachusetts: bMS 16007, Box 24, File Exec. Director – Admin. Files – Switzerland – Refugees 1943–1945 #1/3: Report on the Work of the Unitarian Service Committee in Switzerland, May 1945, 14, 18–20.

<sup>212</sup> American Friends Service Committee Archives, Philadelphia, Pennsylvania: Box Foreign Service 1946 Country – Spain (A) to Country – Switzerland (P), File Country Switzerland (General) 1946: Report of the Activities of the Geneva Office of the American Friends Service Committee, June 17, 1946. See also Chapters 5.4 and 5.5.

<sup>213</sup> See Biographical Notes in appendix and Chapter 6.2.2.

<sup>214</sup> As secretary general of the Swiss Red Cross Relief for Children, it was not possible for him to establish contacts with representatives of international aid organizations. This task was reserved for the delegate of the Federal Council to the international aid organizations, Edouard de Haller. See Chapter 6.2.

<sup>215</sup> «Report on the Work of the Unitarian Service Committee in Switzerland», in Andover-Harvard Theological Library of Harvard Divinity School, Cambridge, MA., Unitarian Service Committee Archives, bMS 16007 Box 24, pp. 18–21.

<sup>216</sup> On April 26, 1944 Roswell McClelland was named special representative of the War Refugee Board in Switzerland. See DDS, vo. 15, nos. 124, 135, 242, 361.

<sup>217</sup> Letter of Regina Kägi-Fuchsmann to Rodolfo Olgiate, November 1, 1943, in: Sozialarchiv Zurich, Archive of the Schweizerisches Arbeiterhilfswerk, Ar. 20.950.6.

<sup>218</sup> Kägi-Fuchsmann, Herz, 1968, pp. 229–230.

Montreux Conference which would take place at the beginning of 1945, and where, for the first time, representatives of the refugees, of aid organizations, as well as civil and military authorities would meet to prepare for the re-emigration of the refugees.<sup>219</sup> Until then the refugees had never been accepted as interlocutors in the elaboration of policies that concerned them. After Montreux, relief organizations became indispensable partners for the authorities and for the refugees, since these international relief organizations were essential to secure the good order of the refugees' return home or their transit to another country of emigration.

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<sup>219</sup> Arnold, *Transitprinzip*, 1997, p. 81. See also «Flüchtlinge wohin?», 1945.

### 3 Controls and Closing the Border

The introduction of a visa requirement limited to German «non-Aryans» in October 1938 and the closing of the border for refugees entering «solely on racial grounds» in August 1942 were controversial even at the time. At the latest since the 1957 Ludwig Report, these two measures have been considered decisive turning points, key events that must be examined if the whole of Swiss refugee policy is to be made transparent and understandable. The «J»-stamp and the image of the «heavily laden lifeboat» became symbols for these events, which continue to arouse controversy even today. The following chapter describes the events of 1938 and 1942 in light of recent research.

#### 3.1 The «J»-stamp and Switzerland in 1938

##### *Identification marks before 1938*

The process that came to an end in September 1938 can be seen as part of two trends, one in Switzerland, the other in Germany, which led to the signing of the bilateral agreement.

In Switzerland, the desire to save the Swiss Confederation from a «*Verjudung*» was abundantly clear as early as the First World War.<sup>1</sup> Restrictions in naturalization procedures were an important factor in this political affirmation. Handwritten instructions can be found, at least from 1916 on, on applicants' files indicating the wish to restrict Jews' ability to gain Swiss citizenship. A Star of David-shaped stamp was used in 1919 in the federal government.<sup>2</sup>

More recent studies have led to the discovery of documents proving that a «J»-stamp was used by Swiss civil servants in the years 1936–1940. Two types of stamps have been found that were used by the federal government and by that of the Vaud canton. They were used administratively to label foreign Jews, or at least some of them, especially students and persons without paid employment. This practice shows that the Police for Foreigners had established a system for registering Jewish persons.<sup>3</sup> The current state of sources and research gives us clues into these administrative practices without making it possible to speak of any systematic continuity. We know that in the interwar period, antisemitism intensified in its modern form through the implementation of a double operation that classified people into categories and identified them by governmental procedures.<sup>4</sup> More specifically, Switzerland placed itself in the

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<sup>1</sup> See Kamis-Müller, *Antisemitismus*, 1990 and Gast, *Kontrolle*, 1997; Mächler, *Kampf*, 1998; Kury, *Ostjudenmigration*, 1998.

<sup>2</sup> See Perrenoud, *Problèmes*, 1990, pp. 82–83. On naturalisations see Kreis/Kury, *Einbürgerungsnormen*, 1996.

<sup>3</sup> On this topic, see Droz, *Antisémitisme*, 1999, pp. 353–367, pp. 373–374. A contributor to the research group studying the Vaudois refugee policy («*recherches sur la politique vaudoise du refuge*», directed by André Lasserre), Laurent Droz conducted investigations leading to conclusions that are not the same as Guido Koller's, a staff member at the Federal Archives. See Koller, Guido: «*Rassismus in den Amtsstuben*», *NZZ* May 17, 1999 and Koller, J-Stempel, 1999, pp. 371–373.

<sup>4</sup> Noirel, *Tyrannie*, 1991, p. 318.

international trend of the first half of the twentieth century. It is in this context that we can understand the dynamics of the 1938 negotiations.

In Nazi Germany, another drastic operation hit the Jewish population by means of their identification papers. These antisemitic measures were already having an effect in Switzerland in late 1937. A German manufacturer encountered difficulties when he renewed the passports of his children who were at boarding school in the St. Gallen canton. As soon as this information reached Switzerland, the authorities wrote that this affair was taking on «great importance for us».<sup>5</sup> Indeed, the EPD, the Federal Police for Foreigners, and the Central Customs Administration were sorry to see how these discriminatory measures cut down on the clientele in hotels and in boarding and private schools. But they were even more fearful of giving Jews any incentive to remain in Switzerland, which would have thwarted efforts directed toward limiting their presence in the Confederation. The German pressures directed at forcing Jews to emigrate worried the Swiss authorities. To their mind, by granting visas that were only valid for departure, the German authorities were contradicting international agreements: like other countries, the *Reich* should be guaranteeing – and not excluding – the repatriation of its nationals; in addition, the German-Swiss settlement treaty explicitly mentioned this obligation. As the weeks passed, the information making its way to Swiss diplomats showed how the Nazis were expropriating Jews and pushing them to emigrate by making their lives impossible in the *Reich*. The Swiss authorities were concerned about these additional hindrances to the transfer of currency which were pushing refugees who were more and more stripped of financial means into exile.

During 1938,<sup>6</sup> the Swiss authorities were quickly and regularly informed of new discriminatory measures. In January 1938, a Swiss who had long resided in Leipzig, noticed when renewing his commercial traveler identity card, that under the column intended for citizenship, next to the mention of his Swiss citizenship,

«a red stamp (<Jew>) had been added. An inquiry from the consulate to the Federal Employment Office (BIGA) provided the information that as of this year, this stamp was being used for all <non-Aryans>, regardless of whether native or foreign, and that exceptions could not be made for Swiss citizens.»<sup>7</sup>

In its response to the Swiss Legation in Berlin, the Political Department's Foreign Affairs Division stated:

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<sup>5</sup> Letter of February 9, 1938 from the Federal Police for Foreigners (Baechtold) to the Swiss Legation in Berlin, FA E 2001 (D) 1, vol. 76.

See Walk, *Sonderrecht*, 1996, p. 206: «Runderlass zur Ausstellung von Pässen an Juden im Inland und Einbeziehung langfristiger Reisepässe» (Circular regulation on issuing passports to Jews inside the country and surrender of long-term passports), unpublished decree of the *Reich* Ministry of Interior, November 16, 1937, Pol. S V 6 2252/37/453–12. See also PA/AA R 48972.

<sup>6</sup> See Pehle, *Judenpogrom*, 1994. Tenenbaum, Year, 1958; Esh, *Discrimination*, 1958.

<sup>7</sup> Letter of January 24, 1938 from the Swiss Legation in Berlin to the EPD's Foreign Affairs Division, FA E 2001 (D) 1, vol. 76.

«In so far as we regret the economic repercussions of this discrimination against our citizens working in the affected occupations, we completely share your opinion that intervention on behalf of obtaining a waiver from this regulation for Swiss Jewish citizens surely has no chance whatsoever of success, and therefore is not advisable.»<sup>8</sup>

Starting in the first weeks of 1938, we find in Swiss documents the routine use of the terms «Aryan» (*Arier*) and «non-Aryan» (*Nichtarier*).<sup>9</sup> Faced with the implementation of the Nazi program, the Swiss authorities were attempting to adjust their reactions according to criteria of expediency.

### *The German-Swiss negotiations of 1938*

Swiss reactions during 1938 have already been the subject of several publications<sup>10</sup> and newspaper articles. The problems raised by the German-Swiss accord of September 29, 1938 had a special acuteness. The essential documents on this subject were published in 1953 with the German Foreign Office archives found by the Allies, then again in 1957 in the «Ludwig report», and finally in 1994 in volume 12 (1937–1938) of the DDS.<sup>11</sup>

On the eve of the «incorporation» of Austria, refugees in Switzerland numbered approximately 5,000 people,<sup>12</sup> a number that had stabilized since 1933. With the Nazis' political takeover in Austria and the arrival of German troops there on March 12, 1938 – and with what these things clearly implied for the Austrian Jewish population – a crisis situation was created in Europe and all over the world concerning refuge. Indeed, the international community proved to be incapable of coming to the aid of those caught in the trap of Nazi expansionism. As far as Switzerland was concerned, there were three clear sequences in the development of its attitude toward the influx of refugees from Austria.

The first was marked by the introduction of a visa for Austrian passports, a decision made by the Federal Council on March 28, 1938.<sup>13</sup> According to Rothmund's later estimate, between three and four thousand Austrian refugees had legally entered Switzerland by April 1, 1938.<sup>14</sup>

<sup>8</sup> Letter of January 28, 1938 from the EPD's Foreign Affairs Division (written by Alfred de Claparède and signed by Hans Frölicher), FA E 2001 (D) 1, vol. 76.

<sup>9</sup> Only in December 1941 did a Swiss diplomat abroad express any critical distance toward this attitude, when the Minister of Switzerland in Bucharest wondered at the fact that the federal administrative services «have, for some time already» been using terms that lead one to think «that we accept racist theories as established truth.»(orig French) See DDS, vol. 14, no. 142, p. 427.

<sup>10</sup> See especially: Ludwig, *Flüchtlingspolitik*, 1957, pp. 70–150, and Bourgeois, *Porte*, 1988. The articles published in 1998 in the Swiss press have not contributed any new elements to our knowledge about the negotiations that ended in the September 1938 accord.

<sup>11</sup> One of the editors of this volume, Daniel Bourgeois, wrote an article in 1988 (republished in 1998) which reconstructs with precision the process leading to the signature of the protocol in Berlin and to its ratification in Bern. His article has been the main reference for this chapter.

<sup>12</sup> See Citrinbaum, *Participation*, 1977, p. 4. This figure is an estimate based on the reply of Federal Councillor Baumann to questions posed by National Councillors Trümpy and Müller during the parliamentary session of December 7, 1938. FA E 4260 (C) 1969/138, vol. 3; and Ludwig, *Flüchtlingspolitik*, 1957, p. 164.

<sup>13</sup> Minutes of the Federal Council session, March 28, 1938, FA E 1004.1 1, vol. 371, reprinted in DDS, vol. 12, no. 249. See also for the German-Swiss discussions in March 1938, the exchange of telegrams between Bern (Köcher) and Berlin (Gaus), PA/AA R 48971, vol. 2.

<sup>14</sup> Letter from Rothmund to Baumann, August 10, 1938, FA E 4300 (B) 1969/78, vol. 1.

The second sequence was initiated by a complete change in the Nazis' policy in their new regime in Austria. At first it was very restrictive in its exit permissions for Austrian Jews. On June 2, 1938, the General Consul of Switzerland in Vienna noted that, since the middle of May, «The German authorities are working systematically to remove Jews from here as soon as they have complied with their financial obligations to the country.»<sup>15</sup> The Germans even infiltrated Jews across the Swiss border.<sup>16</sup> On top of this policy were added new persecutions, while in Czechoslovakia, Poland, and Hungary, the authorities restricted the admission of refugees.<sup>17</sup> In Italy, as in Sweden, Belgium, and France,<sup>18</sup> the number of obstacles was growing. In July 1938, the Evian Conference's failure demonstrates these countries' intense reluctance to do anything for the victims of the Nazis, whose discriminatory measures were multiplying.<sup>19</sup> This development aggravated the situation in Switzerland. Moreover, at the end of an inspection tour in Basel and Bern in August 1938, Lord Duncannon, from the High Commission for Refugees from Germany, claimed that Switzerland had done everything possible for the refugees and that the other members of the League of Nations should give the Swiss Confederation some relief by accepting to take some in as well.<sup>20</sup>

The number of illegal entries into Switzerland quickly climbed from this point on.<sup>21</sup> On August 19, 1938, the Federal Council passed a decree containing severe orders: the reinforcement of border controls, the closing of the border to all Austrian passport holders who did not have a Swiss entry visa, and the turning back of all who had tried to enter illicitly.<sup>22</sup> A circular on September 7, 1938 clarified these instructions: refugees without visas were to be turned back, especially those «who are Jewish or probably Jewish» and their passports were to be marked «turned back».<sup>23</sup>

The third sequence can be characterized by the search for a durable solution to drastically reduce and strictly control the influx of Jewish refugees from the *Reich*. To some extent, this

<sup>15</sup> Letter from Von Burg to the EPD, June 2, 1938, FA E 2001 (D) 2, vol. 114.

<sup>16</sup> «Flüchtlinge aus Österreich, Notizen nach Akten», Jezler, August 4, 1938, FA E 4800.1 (-) -/3, vol. 2. Seligers memoirs (Seliger, Basel, 1987) confirm the German police's role in the infiltration of refugees in Switzerland.

<sup>17</sup> See Friedländer, *Nazi Germany*, 1997, pp. 244f. For the reports of accredited German diplomats in the different countries mentioned, see PA/AA R 48972, vol. 3: Gestapo-Befehl IIB J Nr. 137/38, March 23, 1938; report from Below, German Embassy Stockholm, to Foreign Office, Berlin, April 28, 1938, Telegram no. 143 from Plessen, German Embassy Rome, to Foreign Office, Berlin, May 3, 1938, Report from Ernst Eisenlohr, German Embassy Prague, the Foreign Office Berlin, April 29, 1938, Telegram from Oswald, Freiherr von Richthofen, German Ambassador, German Embassy, Brussels, to Foreign Office Berlin, May 14, 1938.

<sup>18</sup> See Maga, *Door*, 1982, p. 435.

<sup>19</sup> See Luebke-Milton, *Victim*, 1994, pp. 30–31. See «Bekanntmachung über den Kennkartenzwang vom 23. Juli 1938,» (Proclamation on compulsory identity cards, July 23, 1938), *Reichsgesetzblatt* 1938, I: 922; Wildt, *Judenpolitik*, 1995, p. 100.

<sup>20</sup> NARA II, RG 59, Box 7, General Records of the Department of State, Records relating to the Intergovernmental Committee on Refugees, Country Files, 1938–1941, declassified NND 917325, Lot File No. 52 D 408, containing excerpts from Lord Duncannon's report in report no. 513 from Gerald Keith, Chargé d'Affaires, US Embassy Bern, to the Secretary of State, Washington, DC, August 26, 1938. On this meeting, see press release by EJPD, August 24, 1938, FA E 4320 (B) 1991/234, vol. 17.

<sup>21</sup> Rothmund to Peter, August 19, 1938, FA E 4300 (B) 1969/78, vol. 1; DDS, vol. 12, no. 364.

<sup>22</sup> Excerpt from the meetings of the Federal Council session of August 19, 1938, FA E 2001 (D) 2, vol. 114.

<sup>23</sup> Lasserre, *Frontières*, 1995, p. 57.

sequence is parallel to the first two, since the steps taken by Switzerland with the German authorities which led to the «J» go back to April 1938.

Upon the introduction of a visa for Austrian passport holders, the Swiss authorities were faced with a persistent question: what were they to do when the *Reich* replaced Austrian passports with German ones – for which a visa had not been required since 1926? The ability to identify Jewish immigrants and to deny them Swiss entry visas would be lost. For this reason, they began to look for another way of identifying Jewish immigrants without having to resort to a procedure as potentially cumbersome for bilateral relations as the general introduction of a visa.<sup>24</sup>

Already on 13 April, Federal Councillor Baumann wrote to his colleague Motta to lay the groundwork with the Germans. Switzerland, of course, had no reason to prevent the entry into Switzerland of German citizens who had «normal relations» with the *Reich*; but there had to be a drastic control of emigrants. Baumann made a couple of suggestions on how to filter them out once German passports were introduced in Austria: a Swiss visa should be accorded only to those with German passports residing in Austria, while the Austrian passport should either be able to be retained by emigrants or the latter should be issued a German passport of limited-term validity. In short, he expressed his desire that «the German government extend its hand for a solution that allows us to control the entry of emigrants by means of a visa» and he requested that everything be done so that the Swiss Legation in Berlin might sound out the Germans on the subject.<sup>25</sup>

To Rothmund's mind a general solution was necessary, one that would include both the ex-Austrian Jewish emigrant and the German one. He wanted to be able to decide who would be authorized to come into Switzerland. The visa allowed the Swiss authorities to apply several criteria (political, religious, economic, etc.). Rothmund wrote in a handwritten note on May 9, 1938: «I hope that we can find a solution that allows German Jews as well to be registered through a visa requirement.»<sup>26</sup>

However, it became clear through the Swiss Legation's sounding out of German opinion in Berlin, that the Swiss proposal to submit certain types of passports to a visa was considered highly objectionable. This convinced Minister Dinichert to toss out the following idea to the Political Department – in a more explicit manner than in any previous correspondence exchanged with Bern:

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<sup>24</sup> On German opposition to the Swiss plan to reintroduce the visa, see Werner Best's letter to the Auswärtiges Amt, May 2, 1938, PA/AA R 48972, vol. 3.

<sup>25</sup> See Baumann to Motta, April 13, 1938, FA E 2001 (D) 2, vol. 114 and Ludwig, Flüchtlingspolitik, 1957, p. 94. See Aide-mémoire from the Swiss Legation in Berlin, April 22, 1938 transmitted by Kappeler to Rödinger, PA/AA R 48971.

<sup>26</sup> Handwritten note from Rothmund (orig. German), May 9, 1938, FA E 4300 (B) 3, vol. 2 (emphasis in the original)..

«Of course, the simplest solution would be one that limits the visa requirement to <non-Aryan> German citizens. That would go against our principles, but could be justified by the argument that it is also in the interest of the Swiss Jews to prevent a further influx of foreign Jews.»<sup>27</sup>

Dinichert did not express an opinion, however, on the procedure that would allow one to know whether a German passport holder were Jewish or not, once the Germans had refused a solution requiring different passport categories. In a report of August 13, 1938 by Minister Hans Frölicher, who succeeded Dinichert in Berlin in June, there is a discussion of placing a distinguishing mark on passports belonging to «non-Aryan» German nationals. As Frölicher wrote, however, the German Foreign Affairs Minister seemed uninterested in introducing such a mark because he did not want to give other countries a way of preventing the emigration of German Jews.<sup>28</sup> This last explanation might lead one to believe that the mark had been proposed by the Swiss, but it is difficult to affirm this with any certainty. It is however quite clear that during summer 1938, it was the Swiss who were looking for a way to counteract the consequences of the Nazi policy of expelling Jews.

On August 22, 1938, at the request of Bern, the Swiss Legation in Berlin suggested the outline of an agreement to the German Foreign Office in the following exchange of notes:

«In order to avoid that Switzerland be obliged to introduce the absolutely essential complete control of the entry of German emigrants by using visas in German passports, we agree to the following:

For <Aryan> persons whose return to Germany is prohibited, as well as for <non-Aryans>, German passports will be only be issued after the responsible German passport office has entered the following note on the first page of the passport: <To cross the Swiss border, a visa issued by the Swiss consulate is necessary>»<sup>29</sup>

The Swiss proposal aroused German misgivings, as they wanted to avoid the negative effects of the reintroduction of a visa requirement which Switzerland was thinking to make obligatory:

«If we cannot succeed in stopping the influx of Jews into Switzerland, Switzerland will feel compelled to reintroduce the visa requirement for all German citizens. Although we could perhaps accept this, there is nevertheless the great danger that other countries, where there is presently no visa requirement, will also proceed to reintroduce visa requirements for Germany. This development would be extraordinarily serious for German relations abroad, especially for economic reasons.»<sup>30</sup>

The Germans rejected this Swiss proposal and offered to issue a circular to their departments, informing them about Swiss concerns.

Because of reports of Jewish Austrians carrying German passports and in the face of German inertia, the Federal Council decided upon a general reintroduction of visas for German

<sup>27</sup> Letter from Dinichert to the EPD, May 16, 1938 (orig. German), FA E 4300 (B) 1969/78, vol. 1; DDS, vol. 12, no. 298.

<sup>28</sup> Letter from Frölicher to Bonna, August 13, 1938; FA E 2001 (D) 2, vol. 114.

It should be noted that on the same day, the Federal Council discussed «the invasion of German Jews» (orig. French) to use the terms found in the handwritten notes taken by the Federal Chancellor during the August 13 session, FA E 1002 (-) 1, vol. 7, Notebook 35.

<sup>29</sup> AfZ: NARA RG 242, T 120, microfilm 3080 E. This microfilm includes copies of documents by German diplomats concerning their discussions with Rothmund, Kappeler, and Peter Anton Feldscher, who continually reiterate Switzerland's concern about the growing number of refugees.

<sup>30</sup> Letter from Werner Best to the National police headquarters (*Staatspolizeileitstelle*), Vienna, August 23, 1938, (orig. German) AfZ: NARA RG 242, T 120, microfilm 3080 E.

passports. Several members of the government were concerned about the possible disadvantages of restricting free movement at the border. Swiss President Baumann as well as Motta and Etter expressed «doubts about the necessity of the visa and fear[ed] unwanted repercussions on tourism»,<sup>31</sup> but they accepted the Pilet-Golaz amendment to the EJPD plan, requiring that the date of the introduction of visas be fixed by the Federal Council itself. While the head of the Federal Military Department Minger approved the proposal, the head of the Department of Public Economy Obrecht did not share the previous speakers' reticence about a decision which was justified by the influx of German applicants and which would not present Swiss citizens with any major difficulties in traveling to Germany. In fact, handwritten notes taken during the government sessions show that the Federal Council devoted much more time to discussing the state of federal finances and international tensions than to debating negotiations with Germany about its refugees. It was therefore decided that they would rescind the January 9, 1926 bilateral accord, that had abolished visas between the two countries, but only as a precautionary measure, reserving the possibility of countermanding the treaty's abrogation, in the event that the Germans propose another solution that the Swiss might find satisfactory. Berlin expressed its regret but said it was again prepared to seek a solution that would circumvent the definitive introduction of a generalized visa requirement.<sup>32</sup>

On September 1, 1938, Rothmund asked the Political Department's Foreign Affairs Division to recruit new personnel for the consular and diplomatic service who would be able to take on the extra work for issuing visas to Germans. «I think that we must require that they present proof that they are <Aryan>. This can, of course, result in rather extensive correspondence».<sup>33</sup> Rothmund's demands required both an expansion of the federal administration as well as regulations that would enable Swiss civil servants to identify clearly, at a glance, if the person who wanted to come into Switzerland were Jewish or not according to German law.

The proposal for a distinctive marking became specific in the conversation of September 2, between Rothmund and the German envoy in Switzerland. Köcher, in effect, asked Rothmund, whether Switzerland would give up the demand for compulsory visas, if Jewish holders of German passports would be explicitly identified. Rothmund acknowledged that although the solution was technically possible, he doubted that the Federal Council would accept such a measure. Köcher indicated that he would be willing to present this proposal to Berlin.<sup>34</sup>

In letters on September 7 and 9, Kappeler communicated the German Minister of Foreign Affairs' reply to the Swiss proposals:

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<sup>31</sup> Handwritten notes taken by the Federal Chancellor during the August 30, 1938 session, FA E 1002 (-) -/1, vol. 7, Notebook 35. See also DDS, vol. 12, no 369, p. 842.

<sup>32</sup> Proposal from the Department of Justice and Police to the Federal Council, August 25, 1938, FA E 2001 (D) 2, vol. 114, DDS, vol. 12, no. 369 and 372. See also Ludwig, Flüchtlingspolitik, 1957, p. 95

<sup>33</sup> Letter of September 1, 1938 from Rothmund to the Foreign Affairs Division, FA E 4800.1 (-) 1967/111, Akz. 1.17, file 498 [1938].

<sup>34</sup> Memo by Rothmund on his conversation with the German envoy, September 2, 1938, BAR E 4300 (B) 1969/78, vol. 1. See also Akten zur deutschen auswärtigen Politik (Files on German foreign policy) 1918–1945, series D, vol. 5, p. 755; DDS, vol. 12, no. 372.

«In order to fulfill Swiss wishes as far as possible, the Germans were basically prepared to mark German passports issued to Jews in the Old *Reich*, in Austria, and also on passports issued to Jews abroad.»<sup>35</sup>

The German Foreign Office proposed to identify Jews by underlining their first names in red ink, instead of the normal black ink used in other German passports. Nevertheless, both parties agreed that it would be too easy to cover over the red with a black line. The alternative suggested was a «J» of approximately two centimeters on the first page of the passport, or else another mark of Switzerland's choosing. Kappeler considered the «J» the better solution. The *Reich* obviously could not give up on all reciprocity. Since Kappeler had made the point that for practical and constitutional reasons Switzerland could not mark the passports of Swiss Jews in this way, the Germans agreed to be satisfied with a visa for them. Kappeler deemed that the Germans had made substantial concessions and that a partial discrimination against Swiss Jews was acceptable – especially since there were so few who went to the *Reich* – when compared with the substantial advantages brought about by the renunciation of the visa for all other Swiss citizens, and the generally free circulation of people (as far as possible) between the two countries. He strongly recommended to Bern that this solution be accepted.<sup>36</sup>

This solution appeared to correspond to Rothmund's desire to be able to identify German and Austrian Jews wishing to enter Switzerland. However, he proved to be reticent. In a letter to Baumann, he enumerated a series of reasons that seemed to him to argue against such an arrangement. A reason of principle first of all: it would involve discrimination against Swiss Jews.<sup>37</sup> Another reason had to do with the control of emigrants: sealing off the border would not be as easy as with the general visa requirement. Finally, considerations of political expediency: the reaction of Swiss domestic opinion, the reaction of Western democracies which would not understand the measure, the risk of becoming embroiled in Germany's antisemitism, the danger of losing the trust of Swiss Jews who, instead of pleading Switzerland's case to others of their faith, might make complaints abroad. «Thus we risk having the entire civilized world against us,» wrote Rothmund. Therefore, he asked Baumann to uphold the decision to introduce the generalized visa.<sup>38</sup>

In fact, reactions from other governments, in Europe and elsewhere, strengthened the Swiss authorities' concerns and reassured them about their restrictive decisions. While Italy adopted antisemitic legislation in September 1938, the French authorities were multiplying restrictions

<sup>35</sup> Letter from Kappeler to Bonna, September 7, 1938, (orig. German) published in DDS, vol. 12, no. 374, p. 854. This letter was mentioned in the NZZ of May 5, 1988, without the decisive clause («Um der Schweiz soweit als möglich entgegenzukommen») or «in order to fulfill Switzerland's wishes as far as possible», as evidence that the Federal Council yielded to the proposal of the German Foreign Office. This may be true for the form which the marking took (the «J» stamp); the fact however is that Germany gave in to Switzerland's insistence on marking the passports of German and (former) Austrian «emigrants».

<sup>36</sup> Letter from Kappeler to Bonna, September 9, 1938, FA E 2001 (D) 2, vol. 114 and E 4300 (B) 1969/78, vol. 1.

<sup>37</sup> Rothmund constantly asserted a hostile attitude toward foreign discrimination that would affect his Jewish compatriots. This position sometimes led him to oppose Swiss diplomats who were more conciliatory toward the Nazis. See especially DDS, vol. 11, no. 171.

<sup>38</sup> Rothmund to Baumann, September 15, 1938, (orig. German) FA E 4300 (B) 1969/78, vol. 1; DDS, vol. 12, no. 388.

and strengthening regulations as early as April 1938, which were then upheld by statutory order on November 12, 1938.<sup>39</sup> Because of its geographical position and international status, the Swiss Confederation was on the front line.

In September 1938 – despite the fact that with the Germans' abandonment of their demand for reciprocity in visas for Swiss Jews, Rothmund was induced to reexamine the German proposal – pressures from the Swiss Legation in Berlin and the EPD finally led him to Berlin to negotiate a settlement. In the midst of the Sudeten crisis and a few days before the Munich Conference, Frölicher's dispatches were placing great emphasis on the political disadvantages of the generalized visa:

«In today's tense situation, our country must avoid anything that could be interpreted as a one-sided and non-objective position toward the *Third Reich*. There is a danger, however, that the introduction of the visa will be seen as both unfriendly and non-neutral if, as already mentioned, the visa is introduced only for Germany and not for other neighboring states, which, like Italy, also have a problem with Jews.»<sup>40</sup>

It was without enthusiasm that Rothmund negotiated the German-Swiss Protocol of September 29, 1938 in Berlin. In it, the Germans promised to respect two procedures: all passports belonging to nationals of «Jewish race» (according to the Nuremberg law) would, as quickly as possible, be equipped with a marking indicating that the holder of the passport was Jewish (in fact, it was only a question of a «mark ... denoting the bearer as a Jew» but the parties concerned had agreed to the «J»). Furthermore, the German agencies in charge of border surveillance would be obligated to prevent the entry into Switzerland of German Jews whose passport did not show an authorization to enter Swiss territory granted by the Swiss authorities. Only those Jews whose passports met both the «J»-stamp and authorization criteria requirements would be allowed to cross the Swiss border.

Rothmund was unable to completely avoid discrimination against Swiss Jews since the Protocol provided for reciprocity on the second procedure which the German government agreed to respect. The German authorities would now have the right to oblige Jews of Swiss citizenship to produce a document analogous to the Swiss authorization, that is, an «assurance of permission for a stay in the *Reich*»; however, a specification was added to the effect «if in the German view, the necessity should arise», and the measure was to apply only «after consultation with the Swiss government». This precision would still enable Switzerland to have the leeway to reexamine the situation if Germany wished to make use of this right.<sup>41</sup>

When he forwarded the Protocol to the Federal Council, Rothmund was careful to remind them that he had expressed several times «his doubts about a measure directed only against the

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<sup>39</sup> See Grynberg, *Camps*, 1999, pp. 32–39. Information is included as well about Switzerland, Italy, Great Britain, the United States, and the League of Nations.

<sup>40</sup> Frölicher to Bonna, September 17, 1938, (orig. German) FA E 4300 (B) 1969/78, vol. 1 and September 21, 1938, FA E 2001 (D) 2, vol. 114.

<sup>41</sup> See *Akten zur deutschen auswärtigen Politik 1918–1945*, D series, vol. 5, no. 643; DDS, vol. 12, no. 414, appendix. See also the report from Krause (of the German Ministry of the Interior) to Rödiger (of the German State Department), October 3, 1938, PA/AA R 48972. See also FA 1001.1 JPD Anträge 1.10.–31.12.1938.

Jews.»<sup>42</sup> The Federal Council nevertheless surmounted this obstacle and adopted the Protocol by unpublished decree on October 4, 1938,<sup>43</sup> thereby allowing German racial legislation to penetrate Swiss administrative law. The Police Division, always far-sighted, made sure that this «J» could not be erased by having a passport with the stamp sent over from Germany at Rothmund's request, so that they could submit it to resistance tests: it was proved that the stamp always remained visible.<sup>44</sup>

If the documents do not allow us to be absolutely certain about who – Germans or Swiss – proposed a distinctive «J»-stamp marking for Jews in German passports, they do clearly show that the initiative and energy that ended up leading to the discriminatory marking came from the Swiss side. It was Switzerland that was looking for a way of identifying and controlling a specific population: German and Austrian Jews, whose persecution marked them out for emigration and whom Nazi policies pushed to leave the *Reich*. Rothmund's handwritten note of May 9, 1938, in particular, is clear on this point. It also clearly emerges from the sources that diplomats, notably Kappeler who demonstrated a particular degree of complacency in Berlin, played a decisive role in these negotiations. If Rothmund was clearly for the general visa – unlike both the Federal Council and the Swiss Legation in Berlin – it was as much from a desire for more effective control than because he wished to avoid a measure specifically directed against Jews. But it is true that he demonstrated misgivings right to the end, causing Motta to write in a memo to Bonna on October 4, 1938:

«The Federal Council has unanimously approved the accord with Germany. It has also (again unanimously) adopted the communiqué. Mr. Rothmund can thus lay to rest the small misgivings he still has.»<sup>45</sup>

The terms used by Kappeler, in a letter to Rothmund on October 28, 1938, also seem to show how much the September 29 accord appeared to him to be a Swiss initiative. He wrote this regarding a similar accord that Sweden had just signed with the *Reich*, but which did not have any explicit reference to German Jews:

«Our agreements regarding the conditions of the admission of German Jews have already set a precedent. Swedish and German representatives signed a document on October 15 that is based to a large extent on our agreement.... As you will see, there are three primary differences between this text and ours. First, the Swedes carefully avoid speaking specifically of German Jews. The formulation

<sup>42</sup> DDS, vol. 12, no. 414, p. 938 (orig. German).

<sup>43</sup> Minutes of the Federal Council session, October 4, 1938, § 1670, FA E 1004.1 (-) -/1, vol. 378; reproduced in DDS, vol. 12, no. 416.

<sup>44</sup> Federal Publications and Supplies Office to the Federal Police for Foreigners, November 11, 1938, FA E 4300 (B) 3, vol. 2. About Swiss decisions made in this regard between March and November 1938, see Friedländer, *Nazi Germany*, 1997, pp. 264f.

<sup>45</sup> Rothmund to Feldmann, May 24, 1954; FA E 2001 (E) 1970/217, vol. 206 and various pieces from the same box regarding the fate of this memo from Motta in the Ludwig report. In fact, at Rothmund's suggestion and at the Political Department's request, Ludwig agreed not to copy this memo verbatim in his report out of consideration for Motta's memory.

«persons» who leave their native country, never to return, has the great disadvantage that the definition of the relevant group remains vague».<sup>46</sup>

This accord was a

«moral and political capitulation subjecting the Swiss Confederation to German laws and subjugating it to the criteria of new legislation, since the Nuremberg laws defined the Jew».

It is too easy to denounce only Rothmund,

«It is more equitable to speak of a general climate in which the different participants in the negotiations were steeped, Dinichert, Frölicher, Kappeler, Bonna, and certainly others. They all had the same concern: to divert Jews from Switzerland, which was becoming a *«cul-de-sac»* (dead end).»<sup>47</sup>

### *Consequences of the September 1938 negotiations*

Following Germany's annexation of Austria, 5,500 to 6,500 people found refuge in Switzerland,<sup>48</sup> causing the number of refugees on the Confederation's territory to climb to an estimated total of between 10,000 and 12,000 people. Compared with the tragedy that was unfolding, these figures are quite modest. Secretary of State Ernst von Weizsäcker, from the *Reich* Foreign Affairs Ministry, was in Paris a few days after the terrible November pogrom «*Kristallnacht*». He was in the French capital for the funeral of Embassy Secretary vom Rath – whose assassination had served as a pretext to launch the pogrom – and was invited to lunch at the home of Walter Stucki, the envoy of Switzerland in Paris. Stucki reported to Motta these upsetting remarks made by the Secretary of State:

«In his opinion, the Nazi party has built up such momentum in its battle against Jewry that it cannot reverse itself; it cannot even stop. The approximately 500,000 Jews still remaining in Germany are supposed to be expelled somehow, for they cannot remain in Germany. If, as has been the case up to now, no country is willing to accept them, they face extermination in the long or short term.»<sup>49</sup>

Nevertheless, at the end of 1938 the Swiss government reiterated its fundamental opposition to the immigration of Jews fleeing Nazism both in addresses to the National Council and in administrative correspondence.

In December 1938, the Swiss General Consulate in Vienna reported that some Jews had received German passports without a «J»-stamp, confirming Rothmund's earlier skepticism

<sup>46</sup> Letter from Kappeler to Rothmund, October 28, 1938, (orig. German) FA E 2001 (D) 2, vol. 114, reproduced in DDS, vol. 12, no. 437. On Sweden's attitude, see also Ludwig, *Flüchtlingspolitik*, 1957, p. 123, and Levine, *Indifference*, 1996, chapter 5. See also Commission, *Sweden*, 1999, p. 44.

<sup>47</sup> Lasserre, *Frontières*, 1995, pp. 62 and 64. For the difficulties concerning the implementation of this accord, see circular of EJPD, October 29, 1938, FA E 4320 (B) 1991/234, vol. 17. The Federal Council has modified its decision in order to take into account the interest of the tourist industry, and has thus dispensed German Jews living in western Europe and in the Nordic countries from having their passports stamped. See question of Guido Müller of November 9, 1938 and the reply of Baumann to the National Council, FA E 1301 (-) I / vol. 331. See also below 4.1.1.

<sup>48</sup> This figure can be obtained by adding the 3,000–4,000 entries during the period between the «*Anschluss*» and the introduction of the visa on Austrian passports to the 2,300 illegal entries of July–August 1938 (Rothmund spoke of 1,500 entries on August 19) mentioned in Baumann's response to Trümpy and Müller on December 7, 1938. This last figure was adjusted at that time to 2 500 to take into account the few autumn entries (Baumann's response, December 7, 1938, FA E 4260 (C) 1968/138, vol. 3).

<sup>49</sup> Report from Stucki to Motta of November 15, 1938, (orig. German) FA E 2300, vol. 345 (Paris), reproduced in DDS, vol. 12, no. 449.

regarding German promises to identify Jews. He therefore wrote to the Swiss Legation in Berlin, asking them to intervene so that the Germans would honor their agreement.

«After having been forced to structure our control of the entry of German <non-Aryans> by a marking in their passports, and having been assured that this marking would be carried out without fail, we must insist that this be implemented as well.»<sup>50</sup>

At the same time, the Swiss Legation in Rome proposed to Bern that measures be taken to avoid the «danger» of Jews entering Switzerland from Italy: the Italian Ministry could be asked to place a stamp on the passports of those considered Jewish by Italian law. However, this proposal might not turn out to be feasible. It would therefore be preferable to reinstate the visa obligation.

«In addition, such an arrangement will seem to you to be in keeping with the spirit of our Constitution and with our laws, since it would avoid the often painful and humiliating discrimination which prompts the press to comment that Switzerland has gone down the path of racism, is refusing entry to Jewish emigrants, and is discriminating on the basis of the theories currently being applied in Germany and Italy.»<sup>51</sup>

The desire to prevent Jewish immigration by any means possible motivated Swiss decision-makers. The Chief of the Police Division cannot be held solely responsible for a long-term policy that was unanimously approved by the Federal Council. In January 1939, Rothmund wrote in a report on the parliamentary discussion on the «J» stamp and on the policy toward refugees<sup>52</sup>:

«We haven't spent twenty years fighting excessive foreign influence and especially <Jewification> (<Verjudung>) in Switzerland with everything the Police for Foreigners has at its disposal, just to have emigrants forced upon us today.»<sup>53</sup>

In June 1941, in an attempt to explain his policy, Rothmund wrote to Professor William Rappard:

«We can today state despite everything, that we have neglected nothing in honoring our well-cultivated traditions; on the contrary, we must ask ourselves whether we were not too weak with regard to the admission of Jewish refugees during the difficult year of 1938. One thing is clear at any rate: we cannot take in new refugees.»<sup>54</sup>

In July 1941, the Chief of the Police Division, while justifying the measures adopted in 1938, expressed his recognition of and thanks to the civil servants who had conscientiously applied them at the border without worrying about the unpopularity and criticism to which they were exposing themselves. He also made up a list of six groups of people who had gotten in the way

<sup>50</sup> Letter from Rothmund to the Swiss Legation in Berlin on December 13, 1938 (orig. German); FA E 4800 1 (-) 1967/111, Akz. 1.17, file 498 [1938]. On November 24, 1938, intervention by Swiss Legation in Berlin, see PA/AA R 48972, vol. 10. On Rothmund's intervention at the German Legation in Bern, in which he complained about illegal immigration, see telegram from Köcher, Bern, to Foreign Office, Berlin, March 21, 1938, PA/AA R 48972, vol. 11.

<sup>51</sup> Concerning the exposé of the Swiss Legation in Rome on December 9, 1938, see DDS, vol. 12, no. 473 (orig. French).

<sup>52</sup> On this subject, see Ludwig, *Flüchtlingspolitik*, 1957, pp. 137–142, and Picard, *Schweiz*, 1994, pp. 159–162.

<sup>53</sup> Letter of January 27, 1939 from Rothmund to the Swiss Envoy in The Hague, Arthur de Pury, (orig. German) DDS, vol. 13, no. 9, p. 22.

<sup>54</sup> Rothmund to Rappard, June 25, 1941 (orig. German); FA E 4800.1 (-) 1967/111, Akz. 1.015, file 206. DDS, vol. 14, no 67, p. 211.

of the policy's application. They were senior officials who, in St. Gallen and elsewhere, had expressed reservations, corrupt police officers who had allowed refugees to enter, smugglers motivated by the profit to be gained from the illegal passage of refugees, militant socialists acting on political and humanitarian grounds, and two other groups:

«Jews, who from erroneous racial solidarity and lack of patriotic sentiment have participated in <smuggling refugees> (*Emigrantenschlepperei*), motivated somewhat by the drive to play a role, for the most part, however, probably without the desire to profit.... The deliberate illegal refugees are a separate group.»<sup>55</sup>

From this enumeration we can see that the decisions made by the federal government in 1938 were confronted by several types of opposition, making the authorities' work difficult without ever actually challenging the policy of fighting against the «*Überfremdung*» and the «*Verjudung*» of Switzerland.

### 3.2 The Year 1942: Closing the Border and Protests

We know that 1942 was a particularly dramatic year and that it was a turning point both in Switzerland and abroad.<sup>56</sup> We will be addressing five themes here: information on the extermination of Jews, decisions made by the authorities, reactions to official measures, relations with the Allies, and finally the shifts perceptible at the end of 1942.

#### *Information on the extermination of Jews*

Even though the Nazis attempted to surround their crimes with the strictest secrecy, information circulated quite rapidly and made it to Switzerland through several channels.<sup>57</sup>

1. It was first of all through the diplomatic network that at the end of 1941 the Swiss authorities were informed of the deportation of Jews – in tragic conditions – in Germany and in the occupied regions. It was very clear that the Nazi policy had entered a new phase, different from that of 1938. However, the Swiss diplomats posted in Berlin remained for the most part mute and passive before the massive scale of the persecutions. Nevertheless, the Swiss representatives, especially in Cologne, Rome and Bucarest,<sup>58</sup> wrote damning reports on the deportations and provided quite precise indications on the systematic killings by late 1941.<sup>59</sup> The Swiss representatives abroad received all sorts of information, often during conversations and sometimes in their mailboxes. At times the intelligence came from the publications of resistance movements, which were slipped to them by anonymous hands. Aid organizations or individuals incensed by the antisemitic measures also communicated

<sup>55</sup> Rothmund to the Untersuchungsrichteramt des Bezirks St. Gallen [Pretrial investigating magistrate's office, St. Gallen district], July 9, 1941, FA E 4260 (C) 1974/34, vol. 135.

<sup>56</sup> See above, in chapter I, points 1.2 to 1.4.

<sup>57</sup> See Haas, *Reich*, 1994. This reference book contains indispensable information and analyses on the subject which is only touched on here.

<sup>58</sup> See DDS, vol. 14, methodical table of documents «7.2. Attitude de la Suisse face aux persécutions antisémites» (Switzerland's attitude toward antisemitic persecutions).

<sup>59</sup> See Bourgeois, Suisse, 1998; Cerutti, Suisse, 1998.

information or protests. However, this information was not always relayed to Bern. For this reason the high-ranking officials of the Central office in Bern were sometimes better informed by reading Swiss newspapers than when they read the reports of their colleagues posted abroad. In fact, even though the Swiss Confederation had a highly developed diplomatic and consular network at its disposal – especially because of operations protecting foreign interests – this did not necessarily imply that there was an awareness of the scope of the Nazi crimes or of their historical significance.

2. Eager for information on what was going on beyond the borders, Swiss servicemen questioned refugees. During interrogations of German deserters interned in Switzerland, the Swiss Intelligence Service obtained detailed stories and even sketches in February 1942.<sup>60</sup> In May 1942, the Swiss Consul in Cologne von Weiss addressed to the Department Head of Swiss Information, Colonel Roger Masson, photographs showing «the departure of German railroad cars with Jewish cadavers after they had been asphyxiated.»<sup>61</sup> These documents were in addition to innumerable reports that were arriving in Bern.
3. A third channel that allowed information to make it to Switzerland was formed by the presence of Swiss outside the borders and of foreigners on Swiss soil: many economic, cultural and political ties linked Switzerland to the world. Thus information circulated as much because of businessmen as thanks to people engaged in humanitarian operations. We know that in July 1942, Eduard Schulte, a manufacturer living in Breslau and active in Zurich, communicated to Jewish personalities the first information on systematic extermination.<sup>62</sup> The director of the Geneva bureau of the World Jewish Congress, Gerhart M. Riegner, thus received information on the extermination plans and forwarded them to the Anglo-Saxons on or after August 8, 1942. According to other authors, it was a German delegate for economic negotiations who first forwarded analogous information.<sup>63</sup> These divergences are of little importance in this report, for they irregardlessly furnish us first and foremost with confirmation of the importance of economic circles in the gathering and circulation of different types of information.
4. Political and religious organizations (Jewish or Christian<sup>64</sup>) which brought together Swiss and foreign members also constituted a channel that allowed for the circulation of information. Jewish and Christian groups helping refugees received oral and written reports that revealed the extent of the massacres. Moreover, groups that were not structured to help Nazi victims were also incorporated into the circulation of information. Indeed,

<sup>60</sup> See Favez, Jean-Claude and Mysyrowicz, Ladislav «*La Suisse et la solution finale*» (Switzerland and the Final Solution), *Journal de Genève*, April 21, 1979, as well as DDS, vol. 14, no 295, appendix 1, p. 982.

<sup>61</sup> Letter of Consul von Weiss to Masson (orig. French), May 14, 1942, FA E 27 (-) 9564. According to the letter of October 10, 1994 of the Holocaust Memorial Museum to the Swiss Federal Archives, these were victims of the Jassy pogrom in 1941, who were locked up and heaped into railway cars and died of suffocation. These are not, then, cadavers coming from gas chambers.

<sup>62</sup> See Riegner, *Années*, 1998, especially pp. 55–130, pp. 187–208. See also Stauffer, *Jahre*, 1998, pp. 226–244.

<sup>63</sup> See Haas, *Reich*, 1994, pp. 183–185.

<sup>64</sup> On the Protestant organizations, see Kocher, *Menschlichkeit*, 1996.

accounts also came from contributors to the «health missions on the Eastern front,» which were under the patronage of private germanophile circles and by the Swiss Red Cross.<sup>65</sup> From October 1941 to March 1943, Swiss citizens were thus witness to such horrifying scenes that, despite their promise to communicate nothing of their observations, they broke away from the organizers of these «health missions» and, starting in early 1942, spread information about the Warsaw ghetto and the massacres in the East. Angered by these revelations, German diplomats put pressure on the Swiss authorities to silence these bothersome witnesses.<sup>66</sup>

5. Finally, newspapers and radio played their role in the circulation of news. It is worthy of mention that in his radio column of February 1942, Professor Jean Rodolph de Salis stressed that Hitler, true to his tendency of brandishing the worst threats on anniversaries of his rise to power, proclaimed that «the «Aryans» will not be exterminated by this war, but the Jews will be wiped out.»<sup>67</sup>

Another example: the socialist daily *La Sentinelle* wrote on August 12, 1942: «The systematic extermination of a race is being pursued.»<sup>68</sup> An article relating the massive arrests and deportation of Jews in Paris was entitled «A Modern Saint Bartholemew». This story of the Vel'd'Hiv' Raid attracted the censors' wrath.<sup>69</sup> Many more articles from other newspapers could be cited over the course of 1942.<sup>70</sup>

In short, many different informational circuits converged on Switzerland, which became a nodal point where the paths of businessmen, fugitives and members of international organizations crossed. In this way, Switzerland became a crossroads for information from many different sources.<sup>71</sup> The federal authorities (especially diplomats, military personnel and police officers) had information at their disposal about the systematic massacres as early as 1941, and in 1942 about the extermination program of Jews in Europe. Of course, one must keep chronology and credibility in mind, but knowing is not sufficient for wanting to act. In other words, analyzing the role of the decision-makers not only brings up the problem of information, but also the question of how this information was selected and interpreted. Their perception screens filtered the data which was received and kept back those elements which could have given an impetus to take action.<sup>72</sup>

<sup>65</sup> See Longchamp, *Umfeld*, 1983.

<sup>66</sup> See DDS, vol. 15, no. 74. See also FA E 5330 (-) 1975/95, no. 6748.

<sup>67</sup> Von Salis, *Chronik*, 1981, p. 223. See Stadelmann, *Umgang*, 1998, p. 81.

<sup>68</sup> Quoted by Lasserre, *Raison d'Etat*, 1996, p. 354. See also Kocher, *Menschlichkeit*, 1996, pp. 209 and 566.

<sup>69</sup> See Perrenoud, *Sentinelle*, 1987, p. 157.

On the censorship and control of newspapers, see Kreis, *Zensur*, 1973. For an analysis of the main newspapers, the reader is referred to the appendix of this report, Imhof, *Kommunikation*, 1999.

<sup>70</sup> See Ludwig, *Flüchtlingspolitik*, 1957, pp. 237ff. and Haas, *Reich*, 1997, pp. 229–249.

<sup>71</sup> Picard uses the metaphor of «the island of those who know» (orig. German) in order to point out the difference between «knowing» and «wanting to know.» See Picard, *Schweiz*, 1994, pp. 406 ff.

<sup>72</sup> See Courtois, *Extermination*, 1987.

The first filtering method consisted in sifting through the body of information. The documents that now appear premonitory cannot be isolated from the innumerable reports – some more credible than others – received by the authorities, whose job it was to sort through the information and retain only the most plausible, avoiding both unverifiable rumors and manipulative propaganda.

A second filtering method was a result of experience from World War I: it was generally agreed that the Germans had been unjustly denounced by «*Greuelpropaganda*». For this reason, some believed that the revelations about the extermination of Jews were another manifestation of this horror-story propaganda. In addition, it was thought that the heirs of the vast cultural prestige of their German homeland could not be behind such horrific crimes.

A third filtering method was a result of disbelief when faced with massacres on such a massive scale, without precedent in human history.

Finally, a fourth method filtered through the information based on what seemed vital and essential for Switzerland in the midst of war-torn Europe. From this perspective, Jews were seen only as a small minority, whose fate – although they were admittedly victims of barbaric acts of violence – was no different from that of many others in the course of history, or else was the same as that of the other victims of Hitler's dictatorship. The main thing for the governing circle was to assure the country's survival, guarding it against unemployment, Bolchevism, crises and threats. The antisemitic persecutions were pictured all the more indistinctly because the Jewish presence in influential spheres was limited to a handful of people, none of whom held a government post or worked in the upper echelons of government. These social and political factors can help us understand how certain pieces of information were able to go unnoticed or did not attract any attention. Thus in November 1942, a Swiss businessman reported intelligence to the EPD which he had gleaned from manufacturers who were active in Germany's electrical energy sector. Among other things, he mentioned «that the next measure being taken into consideration is the gassing of all male Jews between the ages of 16 and 60.»<sup>73</sup> But Swiss diplomats were concerned above all with the intelligence of Swiss far-right movements that were linked to Germany. Their main worries caused federal officials to disregard an important element of information on fate awaiting the victims of deportation.

How complex this crucial period was in summer 1942 becomes clear in the discussion on August 20 between Rothmund and the leaders of the Swiss Federation of Jewish Communities (SIG). Saly Braunschweig stressed the problems raised by the information available and the necessary decisions:

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<sup>73</sup> See F. Schnyder's memo of November 17, 1942 for Pilet-Golaz, FA E 2001 (D) 3, vol. 39. The passage in question was not even underlined in the notes summarizing the conversation.

«There is no lack of rumors so dreadful that one can scarcely believe them, although in recent years one has experienced such lack of mercy that even the most terrible things can no longer be described as impossible. If only the smallest part of these rumors is true, then those who have been deported to the East are facing a terrible fate.»<sup>74</sup>

Whereas in 1938, it was necessary to flee the *Reich* after having been expropriated, from this point on it was a matter of escaping certain death even if the circumstances still remained obscure.

In August 1942, facts about the systematic extermination were not yet widely known; but for those involved in the politics of asylum there was little doubt about the horrible fate awaiting the victims of deportation. It was in this context that the federal authorities made decisions that were fraught with consequences.

### *Decisions of the authorities in summer 1942*

In fact, despite the intelligence that had reached Bern, the authorities stood by their basic options. As we have seen, the military had precise information as early as the beginning of 1942 about the massive scale of the massacres being perpetrated in Europe. However, they still persisted in advocating a reinforcement of border measures. Thus did the Intelligence and Security Service of the Army Command write, on July 16, 1942 to the Police Division of the EJPD in these terms:

«We observe that, for some time now, the number of civilian refugees, Jewish, Dutch and Belgian, as well as Polish citizens living in those countries, has been climbing in a worrisome manner. All are leaving their countries for the same reasons: to avoid the work camps to which the occupying authorities have condemned them. Through a study of interrogation reports, it has become clear that organizations operating lawfully have been working – in return for considerable sums of money – to bring people onto Swiss territory. It seems urgently [necessary] to us that measures be taken to prevent these group arrivals, which have been the case recently. To our view, it would be necessary to turn back several elements; the organizations in question would certainly be informed and this would slow down their operation.»<sup>75</sup>

It was hoped, then, that this would act as a deterrent by discouraging potential asylum applicants from heading for Switzerland.

Other considerations loomed large for the Police Division, especially in Robert Jezler's famous report of July 30, 1942, which touches on the horrible fate awaiting those deported although it does not mention the systematic extermination:

«Recently, however, we have not been able to bring ourselves to decide to carry out such expulsions. The concurring and reliable reports on the way in which deportations are carried out and on conditions in the Jews' districts in the East are so horrible that one must understand the refugees' desperate attempt to escape this fate and cannot take responsibility for expelling them.»<sup>76</sup>

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<sup>74</sup> Minutes of the Central Board of the Federation of Jewish Communities in Switzerland (SIG), August 20, 1942, AfZ – SIG (orig. German).

<sup>75</sup> Letter of July 16, 1942 from Galay to Jezler, FA E 4260 (C) 1974/34, vol. 135.

<sup>76</sup> See DDS, vol. 14, no 222, p. 722 (orig. German).

Less than a week later, on August 4, Rothmund drafted a new order: the Federal Council's decree of October 17, 1939 required the expulsion of refugees who had illegally entered Switzerland, but these measures were rarely applied by the cantons. In fact, for humanitarian reasons and for reasons of foreign or domestic policy, those who had entered the country illegally were most often interned in Switzerland. The increase in arrivals organized by greedy «smugglers» necessitated, according to Rothmund, a draconian enforcement of the 1939 decision.

«In the future, therefore, increased rejection of foreign civilian refugees will have to take place, even if they could have serious consequences for the foreigners in question (danger of life and limb).»<sup>77</sup>

Rothmund wrote up instructions which the Chief of the EJPD ratified from his vacation home. In fact, the Federal Council did not meet from July 29 to August 14, 1942. It was through a «presidential decision» on August 4, 1942 that this tightening of restrictions was decided upon; it was afterwards approved by the entirety of the Federal Council.<sup>78</sup>

On August 13, the Police Division sent circulars to the civilian and military authorities clarifying the measures to be taken against a growing influx of refugees (an average of 21 people per day over the two previous weeks). The influx of fugitives, «in particular of Jews of many different nationalities» was growing in proportions that were reminiscent of the flight of Jews in 1938. It was said that the food situation of the country, domestic and foreign security, as well as the impossibility of housing the refugees, keeping a watch on them and finding them a new country of residence made the turning back of these fugitives necessary. «Those who only took flight because of their race, Jews, for example, should not be considered political refugees».<sup>79</sup> They were therefore to be turned back but be given one chance: the first time, they would not be placed into the hands of military or police officers monitoring the other side of the border. But any repeat offenders would be handed over, with all the risks that such entailed. This would act as a deterrent. On the other hand, deserters, escaped prisoners of war and other servicemen would be accepted, as would anyone meeting the criteria for a «political refugee» according to the federal government's definition of the term.

To justify the governmental decision, emphasis was placed on the professional smuggling rings which were bringing refugees to the border. On the other hand, humanitarian arguments and the reservations mentioned by Jezler were not to get in the way of the foreign refugees' rejection, even when they risked losing their lives.<sup>80</sup>

These very tough measures aroused a certain amount of criticism which Rothmund attempted to contain. To this effect, he participated on August 24, 1942 in a meeting of the Swiss Central Office for Refugee Relief (SZF) presided over by Zurich government councillor Briner. At the

<sup>77</sup> DDS, vol. 14, no 222, p. 720. See also FA E 4001 (C) 1, vol. 259 (orig. German).

<sup>78</sup> Consulting the handwritten reports by the Confederation's Chancellor does not afford any information on possible discussions in the governmental college on this subject which, most often, was dealt with under «miscellaneous.»

<sup>79</sup> Police Division circular of August 13, 1942, FA E 4001 (C) 1, vol. 259 and E 4300 (B) 3, vol. 20.

<sup>80</sup> See DDS, vol. 14, no 222, p. 720. See also E 4260 (C) 1974/34, vol. 67 and E 4260 (C) 1974/34, vol. 68, no 13.

close of this «particularly stormy session,»<sup>81</sup> a communiqué was published explaining the procedure for the possible authorization to stay in Switzerland after consulting the cantonal authorities.

«The Central Office has thankfully determined that Swiss authorities are seeking a solution appropriate to the current situation and in accordance with Swiss wishes.»<sup>82</sup>

On August 29, 1942, the Conference of Cantonal Police Directors announced that it approved the decisions that took into account Switzerland's current and future possibilities, and which were based on cooperation between the federal and cantonal authorities on the one hand, and relief agencies on the other.<sup>83</sup>

An analysis of the conditions leading to this decision clearly shows that the information available to the Swiss policy-makers was already extensive.<sup>84</sup> We should point out as well that this decision was made not only by the civil servants of the Police Division but also by the EPD and the Army. The role of the diplomats and military personnel must not be underestimated. Rothmund mentioned in particular that a conversation with Minister Feldscher – Head of the Foreign Interests Division of the Swiss Legation in Berlin and in Switzerland for a brief time in August 1942 – allowed him to obtain information which confirmed the necessity of a more restrictive policy towards asylum requests.<sup>85</sup>

Rothmund proved to be attentive to the international repercussion of Swiss decisions. Through the intermediary of the Swiss Minister in London, he kept Kullmann, Vice-Director of the Intergovernmental Committee, informed of federal decisions. In a letter to his friend Minister Walter Thurnheer, he wrote:

«Of course, we are very much concerned that England not misunderstand us. That's why I want to tell you especially that we are not acting in response to pressure from outside. I simply must have order so as to be in a position to reject our northern neighbor firmly if he should try to interfere in the Jewish issue or otherwise interfere in my area of responsibility.»<sup>86</sup>

Rothmund himself was in Berlin from October 12 to November 6, 1942. Written in January 1943, his long report attests both to a certain critical lucidity concerning the rivalries which were pulling apart the Hitlerian State and to a flagrant naïveté during visits, especially in his visit to the Oranienburg concentration camp. When speaking with people, he explained the

<sup>81</sup> Ludwig, *Flüchtlingspolitik*, (orig. German), 1957, p. 209. Lasserre writes that Rothmund was «assailed with reproaches and criticism» (orig. French), Lasserre, *Frontières*, 1995, p. 168.

<sup>82</sup> Communiqué of August 24, 1942, forwarded the next day by Rothmund to von Steiger, FA E 4001 (C) 1, vol. 259.

<sup>83</sup> Communiqué of August 29, 1942, FA E 4001 (C) 1, vol. 259. In order to put forth an image of consensus and to implicate the aid organizations in the enforcement of the decisions, the press release of the Conference of the Cantonal Police Directors made no allusion whatsoever to the protests that broke out in the ranks of the relief agencies. A conference of the cantonal Police directors took place on September 25 and 26, 1942 in Lausanne. Rothmund spoke about the policy regarding the «Jewish problem.» See the text of his talk published by Weill-Grünberg, *Police*, 1997, pp. 25–27.

<sup>84</sup> See Roschewski, *Rothmund*, 1997, p. 40.

<sup>85</sup> See the letter of August 13, 1942 from Rothmund to von Steiger, FA E 4800.1 (-) 1967/111, Akz. 1.015, file 336.

<sup>86</sup> Letter from Rothmund to Thurnheer, August 23, 1942 (orig. German), FA E 4800.1 (-) 1967/111, Akz. 1.17, file 498 [1942].

federal policy toward Jews.<sup>87</sup> In this way, he negotiated the mode of Swiss collaboration with international police organizations.

### *Reactions to official measures*

Far from being unanimously approved of in Switzerland, the August 1942 decisions aroused a good deal of criticism: true to the line of conduct he had followed since 1933, Rothmund attempted to convince the leaders of the SIG of how well-founded his policy was. He asserted that he too wished to protect his Jewish countrymen, who would be threatened by a rise in antisemitism if the influx were too great, or who would be in mortal danger if Germany picked a quarrel with the Swiss Confederation. Certain leaders of Jewish organizations hotly protested this line of argument. The debates of summer 1942 led to a questioning of the relations between the Swiss Federation of Jewish Communities and the political authorities. Policies of discretion and assimilation, the methods traditionally advocated, were proving to be inadequate. This desire to assert demands more clearly motivated a growing number of people and organizations to intervene. For example, after discussing it with the leaders of Christian organizations, the Basel-based banker Paul Dreyfus went before Federal Councillor Eduard von Steiger to plead the refugees' case. With Gertrud Kurz, who framed her argument with her status as a Christian actively involved in refugee aid, Dreyfus spoke on behalf of the refugees, pointing out that he had been trying for years to discreetly collect the enormous sums necessary to aid the refugees.

«First I told him ... of the dreadful conditions in the occupied areas, specifically Holland, and of the difficulty of leaving and this whole illegal emigration all the way to the Swiss border, as well as of the nervous tension these poor people suffer, who are running the risk of being arrested every minute of every day and week, and especially the men, who risk being shot .... I also emphasized very strongly ... that in my opinion it is a Swiss, not a Jewish, issue and that in these difficult times we must be concerned with more than preserving Swiss traditions; rather, we must also think of the future, when operations like Children's Relief will give Switzerland's image a new luster.»<sup>88</sup>

<sup>87</sup> See DDS, vol. 14, no. 260, annexe, pp. 859–869. Rothmund wrote in particular, p. 862: «I tried to make the gentlemen understand that both the Swiss people and the Swiss authorities have always clearly understood the danger of excessive Jewish influence and have always protected themselves against it in such a way that the disadvantages of the Jewish population were balanced by the advantages. This was not the case in Germany. The danger can only be overcome if the people protect themselves from the very beginning from any form of Jewish clannishness and make its existence impossible. Then the Jew becomes a useful part of the community and in time is able to adapt. I must add that I have seen excellent people among the Jews who fled to us from Germany. The Jewish race has been tested throughout history; it is tough and resilient in the face of persecution. It has withstood all attempts to up to now to eradicate it and has emerged stronger than before. These reflections lead me to conclude that ... the German method being used today is wrong and dangerous for all of us, because in the final analysis, it burdens us with the Jews. .... My sole concern was that the police officials in charge of the Jewish issue know that we have been and are capable of warding off Jews when necessary; however, we neither need, nor will we allow, any interference or help from a foreign country whose methods we reject as false.» (orig. German).

<sup>88</sup> «Aide-mémoire über eine Intervention beim Bundesrat von Steiger betreffs Handhabung verschärfter Bestimmungen gegenüber den schwarz über die Grenze kommenden Emigranten, durch Frau Dr. Kurz und Paul Dreyfus am 23. August 1942 auf Mont-Pèlerin» (Memorandum of Mrs. Kurz and Paul Dreyfus' plea to Federal Councillor von Steiger regarding the application of more stringent regulations towards refugees illegally crossing the border, August 23, 1942, Mont-Pèlerin), Archives Guth-Dreyfus, Basel. See also the AfZ, SIG Archives and Lasserre, *Frontières*, 1996, p. 167. On Children's Relief (Kinderhilfe), see chapter 6.2.2. of this report. On P. Dreyfus see also ICE Lösegelderpresungen 1999, chap. 5.2.1.2 and 5.2.3.

The style of both pleas remained highly deferential, while avoiding a polemical or unrealistic tone. Von Steiger, however, argued that Rothmund's measures were justified and refused to accept any insinuation of antisemitism.

Other notable figures spoke to von Steiger on behalf of the refugees as well. The president of the Swiss Federation of Protestant Churches, Alphons Koechlin,<sup>89</sup> proved to be very active. Also to be highlighted are interventions of women's organizations as well as refugee aid organizations in Switzerland and abroad. A National Councillor and mayor of Porrentruy, Paul Billieux, wrote to «express the deep emotion and indignation in our population caused by the draconian police measures.» Without forgetting the many difficulties on the international and national levels, he energetically protested these decisions which, he said, should be modified, or else «barbarity will go even farther, throwing everything to the winds that allows us to consider ourselves civilized.»<sup>90</sup>

Over the next few days, these steps would lead to an easing of the measures: the closing of the border would be less strict.<sup>91</sup>

Still, these criticisms worried the Swiss diplomats. The head of the EPD explicitly confirmed that no foreign steps had been taken to close the border; but he considered «this agitation» on behalf of refugees and Jews to be dangerous.

«The threats of war over the past century because of refugees should remind us that we should show ourselves to be worthy, firm and cautious, but without either illusions or sentimentality.»<sup>92</sup>

To those who brought up the traditions of the right to sanctuary, the authorities responded that realism justified the refusal to grant asylum. As the EPD explained it, the federal authorities' task

«proved to be all the more delicate as Swiss public opinion, whatever the political or social stripe, decided, often passionately, in favor of a broad and generous granting of the right of sanctuary.»<sup>93</sup>

The increasing shortage of supplies, the risk of imbalance in the job market, the domestic dangers caused by «a mass immigration of often undesirable elements,» the refusal by other countries to grant visas, such were the arguments used to justify official policy. In less diplomatic terms, a military police officer of the Territorial District of Geneva wrote to Rothmund on September 16, 1942:

«It is very difficult to make these refugees see reason. When they are at the border they beg us to let them stay in our country and once they are settled, and sometimes even before their case has been dealt with by the proper authorities, they take on a different tone, I would even say an arrogant one, even coming in to complain .... Many Jews newly arrived in Switzerland wish to start up businesses

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<sup>89</sup> See the Federation's letter of August 22, 1942, FA E 4001 (C) 1, vol. 253. On the reactions and activities of the Protestant community in 1942, see Kocher, *Menschlichkeit*, 1996, pp. 181–252. On the Catholic community, see the case of Father Charles Journet in Fribourg. See *Le Temps* of August 10, 1998 and December 10, 1998. On women's organizations, see Picard, *Schweiz*, 1989, p. 146 and Picard, *Schweiz*, 1994, pp. 512–513.

<sup>90</sup> Document published and annotated by Hauser, *Actes*, 1998, pp. 301–303.

<sup>91</sup> See Lasserre, *Frontières*, 1995, pp. 161 s. On the newspapers' attitude, see Imhof, *Kommunikation*, 1999.

<sup>92</sup> See Cerutti, *Suisse*, 1998, pp. 31 ff.

<sup>93</sup> See circular of the EPD of November 17, 1942, DDS, vol. 14, no. 267, pp. 892–893.

immediately and also want to engage in trade. These people's correspondence clearly shows that they tell their friends and acquaintances to come join them in this paradise that is Switzerland, and the mere fact of accepting one in Switzerland gives ten others the chance to follow him here and get so settled in that we will have a lot of trouble getting rid of them. The length of their stay in Switzerland is really quite problematic and is certainly very long-term, I think even several years. These refugees have little discipline and often need to be dealt with very firmly if they are to respect the promises they made when they entered Switzerland.»<sup>94</sup>

The restrictions to the asylum policy were justified by concerns that were also based on future prospects. In anticipation of the difficulties that would arise if the influx of fugitives at the borders increased even more, as well as of the material, political and cultural difficulties linked to the long-term presence of tens of thousands of refugees in Switzerland, many influential military and parliamentary authorities pleaded for the most restrictive policy possible.

Furthermore, in September 1942, and even though precise information had reached Switzerland about the summer 1942 massive police roundups of foreign Jews in France, the federal authorities began putting mechanisms into place to hermetically seal the Franco-Swiss border.<sup>95</sup> The role of civil servants and federal magistrates did not confine itself to the domestic arena. In September, the Swiss Legation also applied to the Vichy government for a reinforcement of border surveillance on the French side and asked that a communiqué be broadcast over the radio, in the press and on posters in train stations, warning that anyone without a visa would be turned back.<sup>96</sup> The French government responded favorably to the Swiss requests.<sup>97</sup> Nevertheless, the Swiss Legation in Vichy intervened to protest against the antisemitic measures and the forcible taking of Jewish children from Swiss Red Cross children's homes.<sup>98</sup> This obtained a partial result, for a while: it was promised that children under 16 would no longer be bothered.

In Switzerland, the debate was becoming so heated that, for the first time since 1933, a long session of the National Council was dedicated to debating the asylum policy.

On September 22, 1942, the Chambers' radical splinter group met in Rothmund's presence to establish his position for the National Council's session. Not surprisingly, the Federal Council's position was approved.

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<sup>94</sup> Letter from Daniel Odier to Rothmund (who forwarded it to von Steiger), of September 16, 1942, FA E 4001 (C) 1, vol. 259 and E 4800.1 (-) 1967/111, Akz. 1.17, file 498 [1942]. See also Schürch's note of September 10, 1942 on his conversation with Odier; E 4800.1(-) 1967/111, Akz. 1.010, files 195 and 403. The Geneva officer also appears in chapter 4. See also the analogous reports cited by Flückinger, *Réfugiés*, 1998, pp. 104–108.

<sup>95</sup> In its telephone instructions of September 26, 1942, the Police Division asserted: «Those who have only taken flight because of their race are not political refugees, in accordance with the practice adopted up until now ... French Jews must be turned back without exception, since they are not in danger in their country.»(orig. German) FA E 4800.1 (-) 1967/111, Akz. 1.010, file 195 and E 2001 (D) 3, vol. 274.

<sup>96</sup> Telegram of September 30, 1942, FA E 2001 (D) 3, vol. 274. On this intervention, see also Vuilleumier, *Immigrés*, 1987, p. 76.

<sup>97</sup> Telegram of September 29, 1942, FA E 2001 (D) 3, vol. 274.

<sup>98</sup> On Stucki's conversation of September 14, 1942 with Laval who exclaimed: «Have you also come to lecture me about my measures against the Jews?» (orig. German) FA E 2200.42 (-) -/23, vol. 1. See also DDS, vol. 14, no. 234; and *Bonjour, Juden*, 1983.

«Mr. Billieux, who is familiar with the refugee misery in Porrentruy, agrees but suggests that the Swiss Red Cross should be asked to inquire of the USA and others regarding taking in refugees. Mr. Federal Councillor Wetter cautions against straying into the territory of foreign policy in the resolution.»<sup>99</sup>

It would appear that the head of the Federal Department of Finance and Customs (EFZD) did not wish to start an international discussion of this subject. Asylum, or rather the manner in which the State granted or refused this right, was to remain the Swiss Confederation's internal affair and was not to be dragged into international negotiations, which might open up the possibility of outside pressures and demands of compensatory measures for concessions made. The application made by the head of the EFZD required that the proposal that had been offered by the National Councillor from the Jura be withdrawn. However, his colleague Ludwig Rittmeyer announced that he would stand up before the National Council to express his criticism of the governmental policy.

In his speech of September 22, 1942, von Steiger skillfully maintained a position that fell into the golden mean: it attempted to reconcile reason and heart, severity and generosity, current constraints and political wishes. In particular, he touched on the difficulty of providing food. «Those who fail to recognize this also fail to recognize the difficulty of our economic negotiations and the seriousness of our situation.»<sup>100</sup>

The three government parties granted him unfailing support. However, among the National Councillors who criticized the governmental measures, a wide spectrum was represented: from Saint Gall's radical Ludwig Rittmeyer to Basel's liberal Albert Oeri<sup>101</sup> to the socialist Paul Graber from Neuchâtel.<sup>102</sup> Graber took a particularly critical stance: he denounced antisemitic attitudes in the federal departments, and also asserted that the turning back of refugees was causing such heartrending scenes that even officers of the border police were deeply disturbed by the draconian orders. Disputing von Steiger's famous declaration, Oeri declared:

«Our lifeboat is not yet overflowing; it is not even full and as long as it is not, we will continue to fill it. Any other action would be sinful.»<sup>103</sup>

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<sup>99</sup> Letter from Rothmund to von Steiger of September 22, 1942, FA E 4001 (C) 1, vol. 259. For Rothmund's speech before the radicals, see FA E 4800.1 (-) 1967/111, Akz. 1.015, file 336. He drew up a retrospective table of the federal policy toward refugees since 1933. In his conclusion, he cited statistics. 9,600 refugees were currently staying in Switzerland, including 2,500 who had arrived since the beginning of the war. According to a Police Division communiqué of October 4, 1942, 2,207 fugitives had arrived in Switzerland since September 22. The authorities saw in this proof of the legitimacy and urgency of the measures that had been adopted several weeks earlier. FA E 4800.1 (-) 1967/111, Akz. 1.015, vol. 336.

<sup>100</sup> Text and draft of the speech, FA E 4001 (C) 1, vol. 259 (orig. German).

<sup>101</sup> By obtaining an audience with Federal Councillor Ed. von Steiger, Oeri played an important role in G. Kurz and P. Dreyfus's bid.

<sup>102</sup> On P. Graber's pleas, see Perrenoud, *Sentinelles*, 1987, pp. 156–158 and Mächler, *Abgrund*, 1996, pp. 150, 170–204.

<sup>103</sup> FA E 1050.1 (-) -/I, vol. 3 and E 4800.1 (-) 1967/111, Akz. 1.015, file 336 (orig. German). Please note that the proceedings of this session were not published in 1942 in the Official Bulletin of the Federal Chambers. It was published in 1979 by the Swiss Socialist Party. For an analysis of this debate, see Lasserre, *Raison d'Etat*, 1996, pp. 349–380.

It is interesting to note that these representatives were often from cantons located on the border and thus confronted with this human tragedy. We should also point out that these individuals did not confine their statements to the platform of the parliament, but published articles and approached leaders at the highest level in an attempt to influence them. However, they remained a minority in the Chambers: many highly influential parliamentarians, such as the conservative Catholic Henrich Walther from Lucerne, advocated an uncompromising attitude and a «sacred selfishness.» Although a vote did not end the discussion, the Federal Council's policy<sup>104</sup> was approved by the majority of the members of Parliament, as well as by a whole influential sphere of political and social circles which encompassed such diverse members as René Payot's *Journal de Genève*,<sup>105</sup> and the *Schweizerischer Vaterländischer Verband* (Swiss Patriotic Federation).<sup>106</sup>

### *Relations with the Allies*

Faithful to the desire to define Switzerland as a transit country, the authorities renewed their interventions with the Allies, in Bern and in Washington, in the hopes of obtaining visas for emigrants. The statistics<sup>107</sup> on the destination countries for refugees who had left Switzerland on official convoys since 1940 show that 170 people emigrated in this way at the end of 1940, 1,201 in 1941, and 148 since the beginning of 1942. The United States' share was 32 in 1940, 566 in 1941 and 30 in 1942.

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<sup>104</sup> Among the leaders who supported the federal policy, we should note the reaction of the director of a large chemical company. After giving his speech, von Steiger received a letter from his friend Jacques Brodbeck-Sandreuter, President and Delegate of CIBA's board of directors. The manufacturer from Basel told him that he had accepted to appear on a list of people in favor of a national collection for refugees, but that he had done it with strong reservations and that he would be inclined to be more restrictive than the Federal Council. «We know well enough that such a far-reaching policy of asylum rights can have two sides. Political and social conditions in our small country are by no means particularly pleasant and will quickly worsen in time. Even if we take in thousands of Jew, we should not think they feel any particular gratitude or love for the protection they have received; rather they will soon be settling down to set up their little business. I know of several cases where emigrants have displayed incomprehensible behavior, in fact, I would go so far as to call it insolent. .... The gentlemen sitting in our Swiss (governing) councils might be interested in hearing of the difficulties we have negotiating with America. Through the State Department with the Americans in Washington, our envoy, Minister Bruggmann, began negotiations with the US Treasury Department's famous Mr. Morgentau (sic), who enriched himself with confiscated enemy property directly after the last war. The gentlemen there do what they want and there again, the ones in decisive positions are all Jews .... Therefore, we will not receive much in the way of thanks if we remain so generous with regard to helping emigrants in Switzerland. National Councillor Oeri himself was so naïve as to tell me that he still hoped much could be achieved through Washington. I immediately explained to him that I doubt this because of Washington's position toward us and also, that people in other circles in the USA are also fed up with the «non-Aryan» population.»(orig. German) FA E 4001 (C) 1, vol. 259.

<sup>105</sup> See Caillat, Regard, 1997.

<sup>106</sup> See Federal Councillor von Steiger's meeting with a delegation from the Swiss Patriotic Federation, following the discussion of October 17, FA E 4800.1 (-) 1967/111, Akz. 1.18, file 272. See FA E 4001 (C) 1, vol. 153 «Schweiz. Vaterländischer Verband.» See also E 5795 (-) -/169 and J II. 11 (-) - /1,1.U.b.03.

<sup>107</sup> FA E 4001 (C) 1, vol. 259.

Hoping to make it possible for refugees to be sent overseas, the Swiss Minister contacted the State Department in Washington.<sup>108</sup> Bringing up the number of Jewish fugitives, which went beyond the Swiss economy's ability to assimilate them, and brandishing the threat of a German repatriation order, Carl Bruggmann hoped to obtain an increase in the visa quota. The American representative answered that the United States had already been very generous and had accepted 200,000 immigrants since the beginning of the war to Bruggmann's great surprise.

«I told the Minister that each case was examined on its own merits, and that since Pearl Harbor we had necessarily become very careful in our examination of each individual case; that there was no objection to taking persons because they were in Switzerland but that the examination of each case would determine whether that particular individual should be admitted.»<sup>109</sup>

In an attempt to head off potential criticism, Rothmund had research done on the British government's attitude toward refugees and on the obstacles leading to the death of refugees who attempted to settle in Palestine.<sup>110</sup>

The Police Division's directives reflected the concerns of the federal authorities and the ruling classes. In this respect, Carl Jacob Burckhardt's<sup>111</sup> attitude was characteristic of the Swiss elite: on the one hand, his many contacts in every camp both afforded him information on the Nazi extermination plans – he was therefore able to assure Riegner in November 1942 of the truth of Schulte's claims – and allowed him to play a significant role in forwarding the Allies information on the Nazi plans.<sup>112</sup> On the other hand, Burckhardt was against the ICRC's making any public declarations that might get in the way of its traditional operations. His primary concern continued to be maintaining and consolidating his specific role in international relations with all the warring parties. In order to play this role during the war and the post-war years, his actions always safeguarded relations with the Axis powers as well as with the Allies. The line of conduct for people like Burckhardt appeared to consist in being aware of the fact that the Nazis were acting in the most criminal manner possible, but at the same time acting as if the normal rules of international relations were being respected. It was likewise considered

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<sup>108</sup> See the instructions sent to him on September 2, 1942: the measures are in keeping with and are consistent with those of October 1939, and take into account humanitarian traditions, but we must protect ourselves against an influx of refugees which threatens the economic balance in Switzerland. If the USA could help Switzerland by granting more visas (556 in 1941 and 30 in 1942), it would be possible to accept more refugees. FA E 2001(D) 3, vol. 273. See in the same file the letter from the Geneva bureau of the World Jewish Congress, signed by Gerhard Riegner and Paul Guggenheim.

<sup>109</sup> Memo from B. Long of the State Department, October 7, 1942, NARA II, RG 59, Microfilm 1284, Roll 32, Frame 975, Decimal no. 840.48 Refugees/3205.

The same day, the USA Legation Secretary in Bern held a discussion with de Haller. The latter attempted to gain American concession with regard to emigration of stateless children, but obtained only evasive replies and came away with «the impression that Mr. Bigelow was trying to convince me that the present issues of our concern would rapidly lose their significance in view of the changes which would come about with the war's imminent change of course» (Orig. French). Note of de Haller for Pilet-Golaz, October 7, 1942, AF E 2001 (D) 1968/74, vol. 15.

<sup>110</sup> See Guillaume Zwerner's memo for Rothmund of September 7, 1942, FA E 4001 (C) 1, vol. 259.

<sup>111</sup> See Stauffer, Jahre, 1998. On the «non-appel» see chapter 6.2.1.

<sup>112</sup> See Riegner, *Années*, 1998.

important to uphold Switzerland's tradition as a land of refuge even while advocating and carrying out rejection and expulsion at the border.

*From fall 1942 to summer 1944: successive modifications*

Despite the highly controversial measures of August 1942, summer 1942 can be seen as a turning point in the attitude of the Swiss authorities. The plentiful information, the lively debate in Switzerland itself, and the pressures brought to bear by international organizations and the allied governments all encouraged the Swiss leaders to be more attentive and to take a more active stance toward the persecutions. Following a speech by Pastor Marc Boegner, the spokesman for the French protestants, lists of «*non refouables*» (not to be rejected) were made up by the Swiss authorities.<sup>113</sup> Still, these steps and their consequences remained very limited.

The federal civil-servants noted that the cantonal authorities did not wish to expand the possibilities for accepting fugitives. Because the cantons' reactions were very restrained – requiring that many conditions be met before they would accept new refugees – and since they did not contest the bases of federal policy, the authorities were more firmly convinced than ever that their convictions and their analysis of the situation were appropriate.<sup>114</sup>

Because Rothmund was sick after his stay in Berlin in late 1942, he was replaced ad interim by Jezler, who, with the Federal Council's approval, sent complementary instructions to the agencies charged with border surveillance: these directives of December 29, 1942 reiterated the rejection orders and underlined the necessity of preventing deportees from making contact (either directly or indirectly) with relatives, lawyers, aid organizations or foreign diplomats, while providing for «cases in which deportation would be too harsh a measure».<sup>115</sup>

Even in September 1943, while noting the difference between «*Vernichtungslager*» (extermination camps) and «*Internierungslager*» (internment camps),<sup>116</sup> Rothmund did not fundamentally modify his position: over the following days, he minimized the risks run by the Jews flocking to the border after the German invasion of Northern Italy.<sup>117</sup> On May 13, 1944,

<sup>113</sup> See the circulars of October 27 and 30, 1942 as well as the lists that were sent out through August 1944, FA E 4260 (C) 1974/34, vol. 108. See also DDS, vol. 14, no 255. See Boegner, *Carnets*, 1992, pp. 206–209.

<sup>114</sup> See also chapter 2.3 above on the «free places» campaign.

<sup>115</sup> See Schürch's memo of December 28, 1942 for Jezler and von Steiger: Colonel Monod, Territorial Inspector I «urgently asks that new measures be instituted to put a radical stop to the enormous influx of refugees.» (orig. German) FA E 4800.1 (-) 1967/111, Akz. 1.015, file 336. The justifications for cases for which the measures would be «too harsh» were age, sickness or family. See FA E 4800.1 (-) 1967/111, Akz. 1.015, file 195 and E 2001 (E) 1, vol. 99. See also Ludwig, *Flüchtlingspolitik*, 1957, pp. 228–232.

<sup>116</sup> See DDS, vol. 15, no. 20, Appendix 1, pp. 53–54; Rothmund's note on a conversation of September 6, 1943 with a Polish diplomat regarding Adolf Silberschein's work to save the lives of Jews threatened with extermination (orig. German). See also ICE, *Switzerland and the German Ransom Demands in Occupied Holland*, 1999, Chapter 6.3.1.

<sup>117</sup> See Rothmund's note of September 22, 1943: «Mr. Burnier asks if he should reject all Jews after all. He says he spoke to Mr. Consul General Brenni and heard from him that upper Italy is stuffed full of Jews .... I explain the situation to Mr. Federal Councillor von Steiger and add that I also do not believe that the Jews are being persecuted now. .... Mr. Federal Councillor notes that the Chambers will concern themselves with the refugee issue in the next few days. Since we are not faced with the arrival of hundreds, we can wait until the Chambers meet and discuss the matter.» (orig.

Rothmund declared to members of the American Legation in Bern that he was «convinced that the news of Jewish extermination by the Gestapo was consistent with reality».<sup>118</sup> In July 1944, with his convictions confirmed after a visit to the Schaffhouse border, the Chief of the Police Division published new directives which replaced those of December 1942 and which admitted that Jews were in mortal danger.<sup>119</sup>

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French) Rothmund thus recommended to Burnier that he not instigate any incidents with Jews. FA E 4001 (C) 1, vol. 281.

<sup>118</sup> DDS, vol. 15, no. 135, p. 375 (orig. German).

<sup>119</sup> See Ludwig, *Flüchtlingspolitik*, 1957, pp. 293–296. See also DDS, vol. 15, no 197, pp. 536–537, August 21, 1944. During the weekly coordination session which, since 1944, had brought together leaders from the Army and the federal government in charge of refugee policy, Rothmund reminded his colleagues that the July 1944 directives stated that collaborators did not deserve to benefit from the right to sanctuary. «Dr. Rothmund is less categorical regarding the <forced collaborators>, the industrialists who produced goods for Germany in order to keep their plants running and prevent their workers from being transferred to Germany. ... In general, it is planned to deal more strictly with accepting (refugees). Jews, for example, now have better possibilities near our western border of avoiding being caught by the Germans and should no longer simply be let in. As far as members of the Gestapo and SS go, Dr. Rothmund favors rejection since these people belong to organizations that drove all the refugees into our country and otherwise actively worked against our interests.» FA E 2001 (D) 3, vol. 313.



## 4 Flight, Expulsion, Acceptance

### 4.1 On the Run

On September 22, 1942, three Jewish refugees – two men and a woman – negotiated the Col de Balme pass from Savoy in France, which led into Valais. As evening fell, they crossed the Swiss border illegally. At nightfall, they were discovered by a border guard. The two men had to return to France the next day. The woman, Elisabeth St., stateless, was allowed to remain because she had a Swiss entry visa. One of the men, Julius K., also stateless, attempted another illegal entry three days later near Martigny. This time he was lucky and was allowed to stay. The sources contain no information about the fate of the third refugee.<sup>1</sup>

When Elisabeth St. and Julius K. fled to Switzerland in the fall of 1942, they had already lived in exile for several years. Driven from their native countries in the second half of the 1930s, they wandered through half of Europe, constantly fleeing new persecution of Jews and foreign immigrants. Elisabeth St. had settled in Paris in the summer of 1938, only a few months after the incorporation of her native Austria into Nazi Germany. She again had to flee Paris two years later ahead of the approaching «*Wehrmacht*». For a time she was able to live in unoccupied France in relative safety. A doctor of jurisprudence, she found work as household help and was able to prepare to emigrate abroad. But American entry into the war at the end of 1941 dashed her hopes of emigration. Julius K., a Communist and a Jew, fled Poland in 1936. After the canton of Zurich denied him a residence permit, he also moved to France.<sup>2</sup> In the late summer of 1942, Jewish refugees in southern France were in grave danger. Thousands were being arrested in large roundups, among them Elisabeth St., and incarcerated in internment camps where they awaited deportation to extermination camps. Their only hope of rescue lay in an entry visa for a country of asylum. Thanks to the intervention of the lawyer and Social Democratic National Councillor Johannes Huber, Elisabeth St. was able to receive such a visa for Switzerland.<sup>3</sup> She was able to leave the internment camp in France and was guaranteed that she would not be rejected at the Swiss border. Other seekers of asylum, however, who risked illegal entry without a visa, were dependent on the decision of Swiss border officials and had to expect rejection, as happened with Elisabeth St.'s companions.

The chances of receiving asylum in Switzerland were unpredictable. Much depended on whether the refugees had influential contacts and could arrange for visas that allowed them to enter legally. For most refugees however, crossing the border illegally in 1942 was their last chance. As the following section shows, the opportunities for persecuted individuals to

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<sup>1</sup> Protocol by the border guard, September 23, 1942, in: FA E 4264 (-) 1985/196, vol. 255; see also FA E 4264 (-) 1985/196, vol. 301.

<sup>2</sup> Statement by Elisabeth St. to the Swiss Military Police, September 23, 1942, in FA E 4264 (-) 1985/196, vol. 255; Joannes Huber to Walter Stucki, September 15, 1942, in FA E 2200.42 (-) -/24, vol. 28.

<sup>3</sup> Johannes Huber to Walter Stucki, September 15, 1942, in FA E 2200.42 (-) -/24, vol. 28.

emigrate from the *Third Reich* had already narrowed in the 1930s. The Western European countries capitulated in 1940 and with American entry into the war in late 1941, the possibility of emigrating overseas disappeared as well. As a result of these developments, and also because legal transit through Spain and Portugal was restricted almost exclusively to holders of visas for states outside Europe, refugees in 1942 concentrated their hopes on Switzerland, one of the last places of refuge within easy geographic reach.<sup>4</sup> Gaining entry quickly became more difficult after visas were again made obligatory for certain refugee groups in 1938, and for everyone after the war began. The second section illustrates the effects of this restrictive practice of the Swiss Federal Police for Foreigners in the distribution of entry visas for refugees.

#### 4.1.1 Dwindling options

For more than two decades, Switzerland shared borders with nations that systematically stripped human beings of their rights, robbed, expelled, and murdered them for political and racial motives. Nevertheless, Switzerland was not initially the preferred goal of those seeking refuge. Until Austria's «incorporation», refugees from Italy and Nazi Germany made emigration plans for other states, not least because of the restrictive policies toward foreigners practiced by Switzerland since the end of the First World War.<sup>5</sup> «The Swiss prohibition against hiring foreigners is very strict», the Jewish sociologist Mark Wischnitzer wrote in his 1935 handbook for emigrants and also pointed to the authorities' campaign against «being overrun by foreign influences», which had an especially negative impact upon Jewish emigrants.<sup>6</sup>

Around 235,000 Jews had left Germany before the war began, as well as more than 10,000 artists and intellectuals and another 30,000 who had to flee because of their political activities.<sup>7</sup> A total of 7,631 Jewish refugees passed through the Basel train station just between the months of March and May 1933.<sup>8</sup> For them, Switzerland was primarily a transit country, since the Swiss Federal Council had decreed the transit principle for Jews in March 1933 and

<sup>4</sup> In contrast to Switzerland, only a few refugees were refused entry at the Spanish border which thus enabled Spain to serve as a transit country to over 40'000 persons leaving Nazi Europe between 1940 and 1944. Belot, *Frontières*, 1998, pp. 674–681. See also Von zur Mühlen, *Fluchtweg*, 1992.

For a comparison on the Spanish and Swiss border situations see Kaspi, *Juifs*, 1991, pp. 352–363.

<sup>5</sup> Gast, *Kontrolle*, 1997; Mächler, *Kampf*, 1998; Walter, *Exilliteratur* 3, 1988, p. 372, characterized Switzerland in international comparison as the country with the harshest regulations and most severe practices. In the early 1930s, France was considered a country with a liberal interpretation of asylum policy. Other important asylum countries included Holland for Jewish refugees to Palestine, until England used its mandate powers to prohibit immigration in 1939. Great Britain did not accept a significant number of refugees until after the November pogrom of 1938. By the time war began, 40,000 people had found refuge in England. Immigration regulations in the United States remained restrictive during the entire period. Wetzel, *Auswanderung*, 1988, pp. 446–484; also see Walter, *Asylpraxis*, 1972, pp. 52–158.

<sup>6</sup> Wischnitzer, *Juden*, 1935, p. 177 (orig. German); also Picard, *Schweiz*, 1994, p. 281f.

<sup>7</sup> Data on Jewish emigration in Margalio, *Emigration*, 1986, p. 303; Strauss, *Immigrants*, 1987, pp. 144–151. Wetzel, *Auswanderung*, 1988, pp. 417f; about political emigration, see Röder, *Emigration*, 1998, pp. 21–23; about the emigration of artists and intellectuals; see Stephan, *Emigration*, 1998, p. 31.

<sup>8</sup> Wetzel, *Auswanderung*, 1988, p. 479.

guaranteed only recognized political refugees residence of greater length.<sup>9</sup> Nor did the Italian refugees who had crossed the border in the early 1930s at Graubünden, Ticino, and Valais generally intend to remain in Switzerland; most of them were on their way to France.<sup>10</sup>

In the early 1930s, those who were persecuted in Germany still had time to prepare their emigration, choose countries of exile where conditions were favorable and where they could use contacts that facilitated their emigration.<sup>11</sup> However, protectionist regulations concerning foreign currency and *Reich* flight taxes for those departing from the *Reich* dealt severe blows to their assets as early as 1933, and securing their material existence in exile soon became precarious as Jews lost their economic support in the course of the 1930s as a result of lost jobs, reduced pensions, and property confiscations.<sup>12</sup> After Austria was incorporated in the spring of 1938, Adolf Eichmann's «Central Office for Jewish Emigration» in Vienna began to organize the systematic plunder of the Jewish population.<sup>13</sup> As the Jews became progressively impoverished, the willingness of potential countries of exile to take in now mostly penniless refugees also diminished. This unwillingness culminated in the summer of 1938 at the Evian Conference, where the participating nations, including Switzerland, nearly unanimously spoke out against accepting German Jews.<sup>14</sup> For Austrian refugees, lack of alternatives brought Switzerland onto center stage as both a country of asylum and a transit country beginning in the spring of 1938.<sup>15</sup> But the Swiss Federal Council reacted to the mass exodus from Austria, as did the governments of other countries of asylum, with increasingly restrictive measures, culminating in the closing of the borders on August 19, 1938, and the introduction of a visa requirement for German Jews in October of the same year.<sup>16</sup> With these actions, the Swiss government set into motion a sequence of events that resulted in the drastic loss of chances for the expelled and persecuted to flee. As more refugees pinned their hopes on Switzerland as a place of asylum, the conditions for granting asylum became increasingly more restrictive.

After war broke out, the visa requirement introduced everywhere limited mobility across national borders.<sup>17</sup> In many places, at the same time, restrictions upon freedom of movement within the country were imposed on the Jewish population as well as on refugees. In the German sphere of power, the emigration prohibition for Jews in October 1941 ended legal

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<sup>9</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 52–56; Wichers, Kampf, 1994, pp. 46–53.

<sup>10</sup> Reports of Swiss border guards, in FA E 6351 (F) 1, vol. 52; FA E 4320 (B) 1990/270, vol. 3.

<sup>11</sup> Wichers, Kampf, 1994; Knauer/Frischknecht, Spur, 1983; Mittenzwei, Exil, 1978; Teubner, Exiland, 1975.

<sup>12</sup> Friedländer, Nazi Germany, 1997, pp. 62f., pp. 248–261; see Chapter 5.1.

<sup>13</sup> Friedländer, Nazi Germany, 1997, pp. 241–245; Adam, Judenpolitik, 1972, pp. 200–203; Hoerschelmann, Exiland, 1997, p. 83, pp. 98–113.

<sup>14</sup> Weingarten, Hilfeleistung, 1981; Friedländer, Nazi Germany, 1997, pp. 248–252. On the hostile position by European countries of asylum, see also Walter Exilliteratur 2, 1984, pp. 81–202. See Chapter 2.1.

<sup>15</sup> Rothmund to the head of the EJPD, Federal Councillor Baumann, August 10, 1938, in DDS 12, no. 357, pp. 818f.

<sup>16</sup> Ludwig, Flüchtlingspolitik, 1957, p. 86f; see Chapter 3.1.

<sup>17</sup> Many border crossings were blocked with barbed wire barriers. Seiler/Wacker, Flüchtlinge, 1996, pp. 41–42; Moser, Zaun, 1992.

emigration.<sup>18</sup> Those who had previously found asylum in France, Belgium, and Holland were surprised by the invasion of German troops that began in May 1940. Their quick advance set in motion a panicked mass flight heading south.<sup>19</sup> After the defeat of France, many refugees in the unoccupied part of the country were also in mortal danger. Prominent opponents of National Socialism were in danger of being turned over to the Nazis because of the cease-fire agreement. While some were able to escape overseas via Marseilles to Spain and Portugal, others were trapped.<sup>20</sup> In February 1941, the French police turned over two Social Democrats and former Reichstag deputies, Rudolf Breitscheid and Rudolf Hilferding, to the Gestapo.<sup>21</sup> Both prominent politicians had tried in vain to obtain an entry visa for Switzerland in the summer of 1940. The Swiss Federal Council rejected their application for asylum out of consideration for its relations to Germany and informed the Swiss Legation in Vichy

«that it unfortunately will not be possible for us to admit into Switzerland German emigrants living in France who fear deportation to Germany. Admitting persons threatened with extradition to Germany would create a political burden that would be completely untenable today.»<sup>22</sup>

Although Hilferding, who as a Jew was in particular danger, had a transit visa for emigration to the United States, the two politicians were unable to avoid arrest. Rudolf Hilferding died in a Paris prison, one day after being turned over to the Germans. Rudolf Breitscheid was arrested in Germany and died in the Buchenwald concentration camp in 1944.<sup>23</sup>

Conditions quickly grew worse for Jewish refugees in southern France after the Vichy government's antisemitic legislation provided the foundation in 1940 for discriminatory special laws. While the German occupation forces systematically arrested Jews in Belgium, Holland, and occupied France in the summer of 1942, imprisoned them in internment camps, and deported them to killing centers in Poland, the Vichy government declared itself ready to collaborate with the Central Office for *Reich* Security (*Reichssicherheitshauptamt*).<sup>24</sup> The French police organized roundups of foreign Jews in both occupied and unoccupied France beginning in July 1942 and sent those they had arrested to a certain death. Since early summer 1942, thousands of Jews from Western European countries had been seeking asylum in

<sup>18</sup> In Germany, Jews had to wear the yellow star on their clothing beginning in mid-September 1941. They were banned from using public transportation. After mid-October 1941, Jews were deported from Germany to the East. Kwiet, *Pogrom*, 1988, pp. 614–631. On the loss of rights and persecution from the perspective of a German Jew, see Klemperer's diaries, *Zeugnis*, 1995. In France, German and Austrian refugees were interned in camps after the war began. See Grynberg, *Camps*, 1999; Walter, *Exilliteratur*, 1988, p. 3, 1988, pp. 153–201.

<sup>19</sup> In the summer of 1940, between six and seven million people were in flight in Western Europe. Walter, *Exilliteratur*, 1988 3, 1988, pp. 143–177, particularly p. 153.

<sup>20</sup> Delacor, *Auslieferung*, 1999; Walter, *Exilliteratur*, 1988, pp. 179ff.

<sup>21</sup> Rudolf Breitscheid was a member of the USPD 1917–1922, and a Reichstag deputy after 1920. In exile, he supported a united front with the KPD. Rudolf Hilferding, a member of the USPD beginning in 1917, entered the Reichstag in 1924; in 1923 and 1928–29 he was *Reich* Minister of Finance. Röder/Strauss, *Biographisches Handbuch der deutschsprachigen Emigration nach 1933*, vol. 1: pp. 92, 295f. See Euchner, *Hilferding*, 1988; Lehnert, *Breitscheid*, 1988.

<sup>22</sup> Baumann to Stucki, July 29, 1940, in FA E 2200.42 (-) -/24, vol. 15 (orig. German); see also Rothmund to William Rappard, June 25, 1941, in DDS 14, no. 67, pp. 209–215.

<sup>23</sup> Tony Breitscheid to Stucki, February 21, 1941, in FA J.I.131/66. Hilferding committed suicide in prison in Paris. Delacor, *Auslieferung*, 1999, pp. 239–241.

<sup>24</sup> Poznanski, *Juifs*, 1994, pp. 427–458; Klarsfeld, *Vichy*, 1989; Marus/Paxton, *Vichy*, 1981.

Switzerland.<sup>25</sup> At this point, many had been on the run for years. The former German Jew Leonhard H. was arrested during the November pogroms in Germany and was not released until relatives had obtained a visa to Cuba for him. H. traveled to Brussels to organize his trip to Cuba. While his wife waited for him in New York, wartime developments prevented him from emigrating and left him trapped in Brussels. Arrested in 1940, he was deported to France and spent the following years in internment camps. In early August 1942, he escaped from a camp in southern France and fled to Switzerland. He did not see his wife again until after the war had ended.<sup>26</sup>

While plans to emigrate failed because of the war, opportunities for escape shrank until only Switzerland was left for many persecutees. At the same time, conditions of flight worsened. New borders, stricter border controls, the discriminatory markings on Jewish identity papers, and limitations on mobility increased the risk of arrest.<sup>27</sup> When in early 1943, German customs officials in the Feldkirch border station discovered Jewish refugees who had hidden in Slovakia in a load of coal bound for Switzerland, they also uncovered a well-organized escape route.<sup>28</sup> Pierre Piton, a Frenchman who helped refugees escape, always cautioned the refugees entrusted to him that they must be extraordinarily cautious in order not to awaken the suspicion of the police or of informers. He instructed them to pretend to sleep during the train journey to avoid conversation with other travelers. They should evade eye contact with people passing by in train stations and waiting rooms. His reminders ended with the warning: «Beware that the trip involves risks and that there is no guarantee for you.»<sup>29</sup>

#### 4.1.2 The visa requirement and its consequences

Switzerland had abolished visa requirements for citizens of most European nations in the period between the two World Wars.<sup>30</sup> In principle, refugees from Italy and Germany could cross the border unhindered in the early 1930s if they possessed valid identity papers. In reality, however, with the beginning of the economic crisis the authorities increased their efforts to prevent impoverished, job-seeking foreigners from entering the country.<sup>31</sup> Refugees from countries for which Switzerland had not abolished the visa requirement also suffered increased difficulties. As early as 1933, for example, foreigners who had applied for an entry

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<sup>25</sup> Data in Koller, *Entscheidungen*, 1996, pp. 87–94. The survey of expulsions in Lasserre, *Frontières*, 1995, p. 174, is based on earlier, lower calculations.

<sup>26</sup> Interrogation protocol of the military police, September 4, 1942, FA E 4264 (-) 1985/196, vol. 220.

<sup>27</sup> Without false papers, Jews and individuals whose names were on wanted lists could not even think of escape. Rosowsky, *Papiers*, 1992; Lazar, *Résistance*, 1987, pp. 185–190.

<sup>28</sup> «Einschmuggelung von Juden in die Schweiz» (The Smuggling of Jews into Switzerland), in PA/AA R 99442. This is how Slovak Jews fled to Switzerland successfully in December 1942. FA E 4264 (-) 1985/196, vol. 736.

<sup>29</sup> Piton brought Jewish and Christian refugees to Switzerland on behalf of refugee assistance groups working with the *Conseil Oecuménique* (Ecumenical Council) in Geneva. Piton, *Filières*, 1992, pp. 265f.

<sup>30</sup> See *Gast Kontrolle*, 1997, pp. 311–345.

<sup>31</sup> An EJPD circular from January 27, 1931, ordered the expulsion of all foreigners without funds to protect the local labor market. Border guards were ordered to prevent entry by people without papers or funds, or to expel them to a neighboring state. FA E 6351 (F) 1, vol. 521.

permit at the Swiss Legation in Berlin, such as Polish Jews living in Germany, had been required to deposit a certain amount as collateral.<sup>32</sup> Sometimes even a visa was not a guarantee of being able to cross the Swiss border; during the second half of the 1930s, border officials often refused entry to Polish and stateless Jews, as well as to Sinti and Roma, even when the person in question had valid papers stamped with visas.<sup>33</sup>

The year 1938 marked the end of unrestricted travel for an increasing number of individuals. When the Swiss Federal Council introduced visa requirements for holders of Austrian passports in the spring of 1938, they were really aiming at Jewish refugees<sup>34</sup>. Swiss consulates and legations received clear instructions that visa applications «from refugees who wish to reside in Switzerland or travel to Switzerland for the purpose of resettling there» are to be rejected «on principle». The Swiss General Consulate in Vienna demanded proof of «Aryan» ancestry.<sup>35</sup> The result was that ever more people attempted to enter illegally during the summer of 1938. Rothmund estimated that approximately 1,000 refugees without valid visas had crossed the border up until early August 1938.<sup>36</sup> An additional 2,800 people were able to enter legally after receiving entry visas from Swiss consular offices in Italy.<sup>37</sup> In defiance of instructions from the federal authorities, two consular employees in Milan, Pio Perucci and Candido Porta, and the consulates in Venice and Trieste distributed entry visas to Austrian refugees.<sup>38</sup> The Swiss consul in Venice, Ferdinand Imhof, defended this failure to obey instructions. The «problem of the poor harried emigrants» made a completely different impression on him, «on the scene», than the Police for Foreigners in Bern imagined from a distance. He had felt obliged «for humanitarian reasons» to let people «who will no longer find shelter anywhere, find refuge in our homeland for at least a short time».<sup>39</sup>

Ernest Prodoliet, a Swiss consular employee in Bregenz, also helped several thousand refugees enter Switzerland, ignoring the federal authorities' regulations. Prodoliet's supervisor

<sup>32</sup> The Swiss Minister in Berlin, P. Dinichert, to the head of the EJPD, H. Häberlin, March 24, 1933. DDS, vol. 10, no. 253, pp. 614f. The collateral was used as a guarantee that the applicant would again leave Switzerland after the residence permit had expired.

<sup>33</sup> The head of the Swiss Federal Police for Foreigners to the Swiss Legation in Warsaw, October 29, 1936; reports of the police inspectorate of the canton of Basel-Stadt, October 23, 1936, November 24, 1937, November 26, 1937, in FA E 4300 (B) 1971/4, vol. 8. Correspondence about the Tan «Gypsy family», in FA E 2001 (D) 1, vol. 95.

<sup>34</sup> Federal Council Decree (BRB), March 28, 1938, EJPD circular instructions of March 29, 1938, in FA E 4300 (B) 3, vol. 12; see also Friedländer, *Nazi Germany*, 1997, pp. 263–268, chapter 3.1.

<sup>35</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 75–80, p. 83, note 1 and Keller, Grüniger, 1993, p. 29 (based on the *Israelitische Wochenblatt* no. 27, 1938).

<sup>36</sup> Rothmund to Federal Councillor Baumann, August 10, 1938, in DDS, vol. 12, no. 357, pp. 818f.; reports in FA E 4320 (B) 1991/243, vol. 17.

<sup>37</sup> «Grenzübertritt österreichischer Flüchtlinge» (Border crossing by Austrian refugees), second report by Robert Jezler, August 16, 1938; fourth report, August 23, 1938, in FA E 4300 (B) 1, vol. 12. See also Lasserre, *Frontières*, 1995, p. 54.

<sup>38</sup> Rothmund to Bonna, head of the Foreign Affairs Division in the EPD, November 23, 1938, in DDS 12, no. 454, pp. 1045–1047. The Milan consulate had issued visas to 1,600 persons during the summer of 1938, while the Venice consulate issued 500, and the Trieste consulate 450. The consular employees in Milan had to expect punishment for their independent behavior: Peruchi avoided punishment by resigning, Porta was denied promotion. See DDS, vol. 12, no. 454, p. 1047.

<sup>39</sup> Swiss Consul in Venice, F. Imhof, to Bonna, head of the Foreign Affairs Division of the EPD, November 30, 1938, in DDS, vol. 12, no. 460, pp. 1057–1059.

considered that he had acted from a distaste for antisemitism.<sup>40</sup> These incidents ignoring or violating regulations particularly benefited Jews who had been denied visas by the Swiss General Consulate in Vienna. The Austrian Karl Schiffer, who had been persecuted as a Communist, described his visit to the Swiss consulate in Bregenz as his last hope after illegally crossing the Swiss border and being turned away. At the consulate, he was led to a room crowded with refugees. As he described his experiences in Austria to the consular employee, the man listened intently.

«Once again, I was filled with the wonderful sensation of hope. I could see that the Swiss official believed me .... He took my passport and stamped it with an entry visa reading <valid for two months for transit to France>. The consul said, <You don't have a French visa, of course. I'm not actually allowed to give you a transit visa. But let's just try it.>»<sup>41</sup>

Prodolliet acknowledged overstepping his authority in the disciplinary proceedings against him.

«My principle was always to help. I helped various people. I went to great personal lengths and effort to uncover a reason to let people enter legally.»

During the hearing, the Federal Political Department investigator felt obliged to instruct Prodolliet about the duties of foreign consulates. «Our agency is not there to assist Jews.»<sup>42</sup>

On the basis of the agreement with Germany that instituted the marking of the passports of German Jews with a «J»-stamp, Switzerland introduced a visa requirement for Jewish Germans on October 4, 1938.<sup>43</sup> Beginning in January 1939, all «emigrants» needed an entry permit for Switzerland. According to the relevant law, «emigrants» were defined as those «who have left their homes abroad or must do so under the pressure of political and economic events and either cannot return or do not wish to do so».<sup>44</sup> Moreover, those who had no identity papers or were unable to show a guarantee of return to his or her former country of exile, had no chance of entering Switzerland legally. Refugees without visas had to count on being turned back at the border, even when their papers were valid and even though there were no restrictions on travel between Switzerland and their native country. In other words, anyone who wanted to flee to Switzerland had to apply for a visa and be recognized as a refugee, even though that by doing so, he or she forfeited nearly all chances of receiving the visa. Moreover, the new regulations on visa requirements for «emigrants» were based on unclear criteria and caused a

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<sup>40</sup> Carl Bitz, Swiss Consul in Bregenz, to Carl Stucki, head of consular services at EPD, November 29, 1938. FA E 2500 (-) 1990/6, vol. 141. Ernst Prodolliet, (1905–1984) was an employee at the consulate in Bregenz from 1938 to 1939. During the winter, he had tried to cross the border illegally with a refugee and was caught in the German border guard's line of fire. Interrogation of Ernst Prodolliet by Jezler, December 7, 1938, December 15, 1938, in FA E 2500 (-) 1990/6, vol. 141. In 1982, Prodolliet was honored by Yad Vashem as a rescuer of Jewish refugees. Keller, Grüninger, 1993, pp. 77–82.

<sup>41</sup> Schiffer, Brücke, 1988, p. 136; see also Keller, Grüninger, 1993, p. 28. Schiffer mistakenly thought that the official was the consul, although according to his report it must have been Prodolliet. The EJPD circular order stipulated that issuing a visa hinged on whether the applicant had a French entry visa. Ludwig, Flüchtlingspolitik, 1957, p. 79.

<sup>42</sup> «Protokoll der Einvernahme von Herr Prodolliet», February 20, 1939, in FA E 2500 (-) 1990/6, vol. 141.

<sup>43</sup> See Kälin, Gutachten, 1999, Part 2, B. III, 4; see also Chapter 3.1.

<sup>44</sup> Circular letter from the head of the EJPD to all Swiss legations and consulates, January 20, 1939, in FA E 4300 (B) 3, vol. 12.

confused legal situation, since decisions were left as far as possible to the judgement of officials in the foreign consulates or at the border.

Files at the Swiss Legation in Paris exemplify the effects of entry restrictions for foreigners falling under the mandatory visa requirement.<sup>45</sup> At first, immediately after the «J»-stamp had been introduced, German Jews usually received an entry permit as long as they were not visiting Switzerland to seek work and if their return to France was guaranteed. Jewish refugees who could prove that they already held visas and tickets for other exile countries were granted short-term entry permits.<sup>46</sup> Of course, the Swiss Legation demanded that applicants have the «J» stamped into their passports at the German foreign mission. A German Jew, long resident in Paris, was informed:

«In any case, in order to comply with current requirements, the first page of the passport must bear the distinctive mark recently introduced by the German authorities, that acknowledges that your travel papers have been regularized by the German embassy passport office.»<sup>47</sup>

By making the «J»-stamp prerequisite for receiving a visa, the Swiss authorities helped the Germans implement antisemitic measures. The Zurich journalist Carl Seelig protested against this practice.

«Do you treat a Jew differently than a German? Is a Jew subject to grace or disgrace by being treated in such an offensive manner, like a prisoner, by «democratic Switzerland»?»<sup>48</sup>

The «J»-stamp had the greatest repercussions on German Jews' economic existence. They were dependent on the approval of the Swiss Police for Foreigners, which had been attempting to protect the Swiss labor market from foreign competition since the economic crisis, when they wanted to make longer business trips to Switzerland.<sup>49</sup> For example, protectionism led the Police for Foreigners to deny an entry permit to the German Jew Adolph M. who wanted to visit Swiss clients on behalf of a French fur manufacturer, even though he had presented a

<sup>45</sup> Lots of the files of the Swiss Federal Police for Foreigners have been destroyed. The general practice can only be reconstructed fragmentarily using the few remaining files from Swiss legations and consulates. The relevant files are missing from the foreign missions in Germany. The only still existing files are for the Swiss Legation in Paris and in Vichy.

<sup>46</sup> Personal files, in FA E 2200.41 (-) -/11, vols. 103–105 and E 2200.41 (-) -/12, vols. 103–107. About the «J»-stamp, see Chapter 3.1.

<sup>47</sup> The Swiss Legation to Richard L, October 17, 1938, in FA E 2200.41 (-) -/11, vol. 104 (orig. French). Many petitions contained the note that the petitioners had been warned to have the «J»-stamp entered into their passports. Together with the visa, they received a written warning that they would be expelled to Germany if they did not leave Switzerland after their residence permit expired.

<sup>48</sup> Carl Seelig to the Swiss Legation in Paris, November 4, 1938, in FA E 2200.41 (-) 11, vol. 103 (orig. German); on Seelig, see Mittenzwei, *Exil*, 1978, pp. 115ff. At the end of October 1938, the EJPD authorized foreign missions to issue visas to specific groups of Jews, namely, those who did not reside in Germany, Italy, Poland, Czechoslovakia, Hungary, and the Balkan countries: (1) even if they had no «J» stamped in their passports, they should not be required to obtain it; and (2) a limited residence permit for three months could be issued to them. Circular letter of the EJPD, October 29, 1938, in FA E 4320 (B) 1991/243, vol. 17.

<sup>49</sup> Jewish businessmen were subject to considerably stricter conditions than other applicants, under the EJPD circular of October 28, 1938. For the policies of the Swiss Federal Police for Foreigners see Mächler, *Kampf*, 1998, pp. 370f.

recommendation from his employer.<sup>50</sup> In other cases, recommendations by Swiss business partners helped obtain a visa, especially when the firms contacted the officials directly.<sup>51</sup>

Jewish business people were not the only ones affected by these occasionally arbitrary measures; their business partners suffered indirectly as well. Decisions by the Police for Foreigners were unpredictable and their application of the laws created an atmosphere of uncertainty in economic life. Consequently, employers lost interest in employing Jewish workers or attempted to prevent them from being hired. Schotterbeck Automobil AG in Basel rejected an application by the Jew Heinrich G. from Austria, who had worked in the Citroën plant in Vienna before «incorporation» and for whom the Paris headquarters wished to secure a position in the Basel branch. The Basel office was, however, not interested. The manager in charge told the Swiss Federal Police for Foreigners that the director of sales in Paris had pressured the Basel office to help the refugee with a job and with obtaining the necessary papers.

«The firm C. Schlotterbeck ..., which is being forced by the Citroën factory sales office to act as a sponsor for the above-mentioned application ..., strongly urges that the application be rejected. The company has no position for G. As a «non-Aryan», the company does not wish to include him among its employees in the current situation.»<sup>52</sup>

Based on this statement, the Swiss Federal Police for Foreigners denied Heinrich G. residence and work permits.

Such decisions destroyed Jewish refugees' carefully planned strategies for securing their material existence or prevented them from finding work at all. Swiss companies had considerable influence on the decisions of government agencies, as can be seen both from the applications that were approved as well as those that were rejected. In some cases, the visa requirement provided a useful method for an enterprise to rid itself of unwelcome competition. In October 1938, a Zurich businessman denounced a Jewish refugee from Austria. The refugee, he claimed, had cultivated business contacts during his stay in Switzerland, even though he was forbidden to engage in any kind of work. Now, he said, the refugee was attempting to obtain an entry visa with letters of recommendation from Swiss businessmen. His presence in Switzerland is «completely unwelcome» since there is already enough competition among domestic companies.<sup>53</sup>

A general visa requirement was introduced after the war began.<sup>54</sup> For refugees, entry regulations had already deteriorated even before hostilities began. The Swiss Legation in Paris

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<sup>50</sup> FA E 2200.41 (-) -/11, vol. 105.

<sup>51</sup> Letter of recommendation from the firm Bosshard & Bühler Co. AG, Wetzikon, October 17, 1938, helped a Jewish textile specialist receive an entry visa, in FA E 2200.41 (-) -/11, vol. 104.

<sup>52</sup> Confidential note by the Swiss Federal Police for Foreigners, February 23, 1939, in FA E 2200.41 (-) -/12, vol. 104 (orig. German).

<sup>53</sup> H. Bolliger to the Swiss Legation in Paris, October 19, 1938, in FA E 2200.41 (-) -/11, vol. 104.

<sup>54</sup> Federal Council decree (BRB), September 5, 1939, Ludwig, Flüchtlingspolitik, 1957, pp. 169f. During the war the discretion of foreign diplomatic missions to issue visas was limited; in most cases, the Swiss Federal Police for

did not even react to some 1,200 visa applications made by refugees from Germany and former Austria, Italy, Spain, and Poland since the end of 1938, because the applicants no longer had valid identity papers or because their departure for a third country was not guaranteed. Many of the letters accompanying their requests illustrate the desperate situation in which refugees found themselves after France had also made its asylum policies stricter.<sup>55</sup> A German residing in Paris, for example, described how at the end of 1938 he was supposed to leave the country on extremely short notice without finding a new country of residence.

«On the one hand, since I wasn't able to regularize my situation, ... I was arrested on January 13 ... for violating an expulsion order. I am absolutely unable to obtain a passport. As a Jew and a notorious antifascist, I cannot obtain one from the German consulate. On the other hand, the French authorities refuse to recognize me as a German refugee.»<sup>56</sup>

When the first deportations from France began in early summer 1942, the Swiss Legation received increasingly desperate letters from Jews requesting an entry visa. The response from the Legation offered little hope: they learned that Switzerland did not grant Jews residence permits.<sup>57</sup> Restrictive immigration policies as well as protracted procedures meant that approval came too late for many. The Jewish film-script-writer Moritz R., for example, was deported to Auschwitz on February 11, 1943, because his petition for an entry visa, made on his behalf by his daughter in Switzerland in the summer of 1942, was ignored for months.<sup>58</sup> Such delays often had fatal consequences for those already incarcerated in the summer of 1942, and who languished in camps awaiting an uncertain fate.<sup>59</sup>

Initially, French citizens, even if Jewish, had few difficulties receiving an entry visa.<sup>60</sup> But as early as August 1940, two months before the Vichy government published the «Jewish Statutes (*Statut des Juifs*)», the Federal Police for Foreigners warned the Swiss consulate in Toulouse to use the greatest caution in issuing entry visas to French Jews because it was feared that applicants would not return to France.<sup>61</sup> Consequently, French Jews received entry permits only if they guaranteed that they would leave Switzerland within the period of visa validity

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Foreigners was alone responsible. Circulars by the EJPD, September 5, 1939 and May 10, 1940, in FA E 4300 (B) 3, vol. 8.

<sup>55</sup> FA E 2200.41 (-) -/12, vol. 103 contains correspondence with applicants as well as a list of more than 1,000 applications from late 1939 to May 1940 to which the Legation did not respond.

<sup>56</sup> Ernst R. to the Swiss Legation in Paris, January 25, 1939, in FA E 2200.41 (-) -/12, vol. 9 (orig. French).

<sup>57</sup> Correspondence in FA E 2200.42 (-) -/24, vol. 19–24; separate inquiries in vol. 29.

<sup>58</sup> FA E 2200.42 (-) -/24, vol. 23; E 4264 (-) 1985/196, vol. 1134. Klarsfeld, *Mémorial*, undated, Convoi no. 47.

<sup>59</sup> Bethold Q., a stateless Jew in the Noé camp, applied for a visa in April 1942. The files show no response from Swiss authorities. Q. was deported to Auschwitz on August 14, 1942. See FA E 2200.42 (-) -/24, vol. 19; Klarsfeld, *Mémorial*, undated, Convoi no. 19. There is also no decision found in the case of Hans F., on whose behalf Prof. R. de Vallière, of the ETH, had contacted the Legation in the fall of 1942. He was deported from Rivesaltes to Majdanek on March 4, 1943, in FA E 2200.42 (-) -/24, vol. 29. Klarsfeld, *Mémorial*, undated, Convoi no. 50.

<sup>60</sup> FA E 2200.42 (-) -/24, vol. 9–29. For the period from summer 1940 to mid-1944, 2,243 files containing visa applications by French citizens and foreigners remain among the files of the Swiss Legation in Vichy. In a large number of cases, the decision of the Police for Foreigners is not known; 113 petitions had been rejected; 68 of them were from French citizens, one-third of whom stated that they were Jewish. The number of Jews among the applicants was probably higher. The number of petitions for asylum cannot be determined because of fragmentary sources. Further, the number of petitions for asylum to other consulates in occupied and unoccupied France is not known.

<sup>61</sup> Swiss Federal Police for Foreigners to the Swiss consulate in Toulouse, August 12, 1940, in FA E 2200.42 (-) -/24, vol. 9.

approved and would not apply for an extension.<sup>62</sup> Moreover, they were required to deposit between 2,000 and 10,000 Swiss francs as security. Already in 1941, the Swiss Federal Police for Foreigners rejected many requests by French Jews for entry permits. They justified their decision because the evolution of antisemitic measures in France was uncertain. The same arguments were used to deny entry to a native Swiss woman who had married a Frenchman.<sup>63</sup> The Swiss Federal Police for Foreigners intended to keep the number of refugees who might receive visas as small as possible and limited to «especially valuable persons», as well as to those who had close relationships to Switzerland and could guarantee financial security.<sup>64</sup> Furthermore, entry depended on the cantons' decisions.<sup>65</sup> After 1942, no more visas were issued for French Jews.<sup>66</sup> When officials had doubts about an applicant's «race», he or she was required to provide proof of «Aryan descent». A Frenchman had to sign the following statement in the fall of 1942: «I, the undersigned, ... declare on my honor that I am not of the Jewish race, and I also declare that my wife and child ... are of the «Aryan» race and the Catholic religion».<sup>67</sup> In violation of the regulations, several Swiss consulates, such as those in Toulouse, Lyon, and Annemasse, issued some individual entry permits to Jewish refugees after Vichy France was occupied by the German army in November 1942.<sup>68</sup>

## 4.2 Border Situations: Help on Both Sides of the Border

Dwindling opportunities to flee, mandatory visa requirements, and border closings made persecuted individuals dependent on the help of others. Successful flight often involved many helpers. A strong network of connections enabled artists and writers to become established in Swiss exile in the 1930s. They found support from the publishers Emil and Emmi Oprecht, the Social Democratic National Councillor Hans Oprecht, the attorney Vladimir Rosenbaum and his wife Aline Valangin, and others.<sup>69</sup> The SPS and the unions also reacted swiftly to the arrival of political refugees.<sup>70</sup> This initial aid in exile was usually legal. However, in a discussion with representatives of the SPS in March 1933, the director of the EJPD, Federal Councillor Häbelin, stated that «the fact that a refugees' committee has been formed in Switzerland

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<sup>62</sup> Entry permit of February 24, 1941, in FA E 2200.42 (-) -/24, vol. 11.

<sup>63</sup> The Swiss Federal Police for Foreigners to the Swiss legation in Vichy, May 23, 1941, in FA E 2200.42 (-) -/24, vol. 9. The Swiss Federal Police for Foreigners to the Swiss legation in Vichy, June 16, 1941, in FA E 2200.42 (-) -/16, vol. 13.

<sup>64</sup> «Bericht über die Einreisepraxis des Emigrantenbureaus der eidg. Fremdenpolizei» (Report on the Entry Procedures of the Immigration Office of the Federal Police for Foreigners), October 12, 1942, in FA E 4800.1 (-) 1967/111, Akz. 1.010, File 195.

<sup>65</sup> «Bericht über die Einreisepraxis des Emigrantenbureaus der eidg. Fremdenpolizei», October 12, 1942, in FA E 4800.1 (-) 1967/111, Akz. 1.010, File 195. The cantons' willingness to accept refugees varied substantially. Basel, Bern, and Ticino were accommodating, whereas Zurich and Vaud very reluctant.

<sup>66</sup> FA E 2200.42 (-) -/24, vol. 24, includes many rejections of petitions from the late winter and spring of 1942.

<sup>67</sup> «Déclaration», September 4, 1942, in FA E 2200.42 (-) -/24, vol. 23. In later petitions, «Aryan descent» (orig. German) was subsequently required for visas. Stucki to the Swiss Federal Police for Foreigners, October 20, 1941, in FA E 2200.42 (-) -/24, vol. 13.

<sup>68</sup> Report of the Commissioner for Refugees, November 25, 1942, in FA E 9500.193 (-) 1969/150, vol. 5.

<sup>69</sup> Mittenzwei, *Exil*, 1978; Stahlberger, *Verleger*, 1970; Kamber, *Geschichte*, 1990.

<sup>70</sup> See Wichers, *Kampf*, 1994, pp. 105–140.

signifies in and of itself a certain invitation to use our country as a place of refuge». In this view, material and political solidarity with persecuted individuals from Nazi Germany was close to what the authorities called «refugee trafficking» («*Emigrantenschlepperei*»).<sup>71</sup>

In the next sections, the term refugee expediter or escape helper («*Fluchthelfer*») is used for forbidden acts in aiding refugees.<sup>72</sup> The legal position about prosecution and punishment for aiding an escape remained unclear for a long time. The Federal Law on the Residence and Settlement of Foreigners of March 26, 1931 (hereafter, ANAG) makes only the misuse of identity papers punishable by law.<sup>73</sup> Based on this clause, both refugees and those who aided them were prosecuted during the 1930s.<sup>74</sup> After the war began, the threatened imposition of sanctions for illegal border crossings increased. The Swiss Federal Council decree of October 17, 1939, threatened refugees living in Switzerland with eviction for aiding an illegal entry.<sup>75</sup> In December 1940, the Swiss Federal Council ordered a partial closing of the borders and made crossing the border outside of official customs checkpoints a prosecutable offense. However, this decree did not contain sentencing guidelines for aiding an escape. Nevertheless, it placed illegal border crossings under the jurisdiction of military law, which could also sentence civilians to terms of imprisonment or to fines.<sup>76</sup> Until the fall of 1942, territorial courts prosecuted three categories of defendants: persons living near the border who crossed it illegally for a variety of reasons; Swiss citizens who attempted to travel abroad without permission, and interned Polish soldiers and officers, who had attempted to return to France. Because of the absence of clear penalty regulations, aiding in an escape was seldom prosecuted by military law for a long time.<sup>77</sup>

Only in the summer of 1942 did the authorities begin to focus on organized escape routes. Border guards reported to the EJPD that well-functioning escape routes were being used by Western European Jews.<sup>78</sup> «It has been determined», the Swiss Federal Council wrote in early August 1942

<sup>71</sup> Minutes of meeting between Federal Councillor Häberlin and representatives of the SPS, March 29, 1933, in DDS, vol. 10, no. 255, p. 619.

<sup>72</sup> Excluded are rescue attempts made from Switzerland that not only assisted the persecuted to enter Switzerland, but also helped Jews abroad to obtain Latin American passports. See Kamber, Verrat, 1999; Eck, Rescue, 1957.

<sup>73</sup> ANAG, Article 23.

<sup>74</sup> A criminal court in canton Basel-Stadt imposed fines on September 23, 1938, on an escape helper who had claimed at the border that a Jewish woman was his wife, and also on the woman who had entered illegally. A selection of such judgements can be found in FA E 4260 (C) 1974/34, vol. 172–173.

<sup>75</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 170f.

<sup>76</sup> Federal Council Decree (BRB) of December 13, 1940, on the partial closing of the border; Ludwig, Flüchtlingspolitik, 1957, p. 187. «Der illegale Grenzübertritt», report by the Federal Military Department (EMD) on the practice of territorial courts after December 13, 1940, in FA E 5330 (-) 1976/20, vol. 59.

<sup>77</sup> Report of the EMD for Chief of General Staff, July 3, 1942, in FA E 5330 (-) 1976/20, vol. 59. On the legal situation, see also Rothmund to the office of the pretrial investigating judge of the St. Gallen district, July 9, 1941, in FA E 4260 (C) 1974/34, vol. 135. Collection of judgements of the territorial courts, in FA E 5335 -/3, vol. 1–10. The French internees returned to France in early 1941, although Germany refused to allow the Polish internees to return to France. Bonjour, Neutralität, vol. VI, 1970, pp. 75–89.

<sup>78</sup> «Rapport au Chef de district de la police cantonale à Saignelégier», July 12, 1942, in FA E 4260 (C) 1974/34, vol. 67.

«that the influx of foreign civilian refugees is more and more organized, carried out by professional «ferrymen» (*Passeurs*) and has assumed such dimensions and character that ... an increasing number of foreigners must be ejected».<sup>79</sup>

In the Federal Council's description, the true reasons for mass flight faded into the background, and the growing number of illegal border crossings appeared to be the result of the activities of escape helpers.<sup>80</sup> Thus, Federal Councillor von Steiger placed the border closing on August 13, 1942 in the context of measures against the «dirty business» of «smuggling emigrants».<sup>81</sup> In September 1942 there was a noticeable increase in trials for «assisting escape», especially in Territorial Court 1, responsible for western Switzerland.<sup>82</sup> The change in procedure anticipated the punitive measures that were being drawn up in the summer of 1942. A Swiss Federal Council decree of September 25, 1942 made aiding an escape a separate offence and threatened prison sentences for «those who aid in, or help prepare, unlawful entry or departure, whether within the borders of Switzerland or abroad».<sup>83</sup> Military courts took full advantage of this possibility in the following years, often bringing individuals to prosecution who could not be proven to have committed punishable offenses.<sup>84</sup>

The networks for saving the persecuted spanned the borders. This was already evident in the early 1930s in connection with forged passports, and in the eyes of Swiss authorities, it made aiding escapees comparable to political crime.<sup>85</sup> In Nazi Germany and in the occupied countries, solidarity with the persecuted became an act of resistance, to be punished with the most drastic penalties. It also required that the helpers be ready to take high risks.<sup>86</sup> These circumstances forced helpers to work in secret. Thus, little of their work has been documented – only at the moments, for example, when they were caught in the act or when they were denounced. Memoirs of the refugees and the helpers also provide clues.<sup>87</sup> To be sure, much remains unknown. As a consequence, and given the dissimilarity of the sources, systematic

<sup>79</sup> Presidential decision of August 4, 1942, in DDS, vol. 14, no. 222, p. 720 (orig. German).

<sup>80</sup> Federal Councillor von Steiger to the National Council on September 22, 1942, Ludwig, *Flüchtlingspolitik*, 1957, pp. 216–217. Koller, *Entscheidungen*, 1996, pp. 33f is the first to emphasize this line of argument by the Federal Council.

<sup>81</sup> Federal Councillor von Steiger at a press conference on August 28, 1942, cited in Ludwig, *Flüchtlingspolitik*, 1957, p. 220.

<sup>82</sup> Attempting to quantify the cases of escape help prosecuted under military law has methodological limits. On the one hand, there is no index to the judgements and records of the territorial courts. On the other hand, many criminal investigations never led to a verdict, because the facts could not be proven, the legal basis was lacking, or the violation was too minor to warrant a court judgement.

<sup>83</sup> Federal Council Decree (BRB) of September 25, 1942, transcript of Federal Council, September 25, 1942, 1563. The decree also stipulated that objects «used to carry out the deed ... as well as money and valuables that were used or were intended for use as payment» (orig. German) were also to be confiscated. A clause concerning the lifting of penal consequences for illegal border crossing was newly added. Correspondence about the preparation of the decree in FA E 27 (-) 13180/1.

<sup>84</sup> See Chapters 4.2.1. and 4.2.2.

<sup>85</sup> Documents about false passport workshops in Berlin and Vienna, in FA E 4260 (C) 1974/34, vol. 179. See also Wichers, *Kampf*, 1994, pp. 124–126.

<sup>86</sup> Benz/Wetzel, *Möglichkeiten*, 1996.

<sup>87</sup> At the «Colloque du Chambon-sur-Lignon», former members of the France resistance spoke about saving persecuted people. Thanks to the solidarity of the local population, many Jews were able to hide in the Vivarais-Lignon area. Bolle, Plateau, 1992. The work of Croquet, Chemins, 1996, is also based on eyewitness statements. On saving Jewish children, see Im Hof-Piguet, *Fluchtweg*, 1987.

study of escape aid is scarcely possible, to say nothing of carrying out quantitative research. Individual cases serve to document a broad spectrum of possible actions and at the level of motivation, it is not easy to draw distinctions between a willingness to help, solidarity, political resistance, and material interests.

Directly at the border itself, refugees could engage the services of «ferryman». Some helpers, often young men who also smuggled goods, worked closely with organizations that tried to save the persecuted. Networks of escape aid, some of which grew out of relief organizations and youth groups, organized flight routes during the war that led endangered people to the Swiss border and into the interior of the country. Many residents of border areas were also ready to help spontaneously by feeding and sheltering refugees. Nor should Swiss officials and members of the military be forgotten; some helped refugees cross the border in violation of the regulations. These diverse aspects of escape aid are the subject of the following subsections. This analysis does not claim to provide a summary of all existing types of escape aid, but using case studies, illustrates the context and possibilities of action.

#### **4.2.1 «Smuggling people»: the border ferrymen («*passeurs*»)**

Relatives, work relationships, and property ownership link people together across borders. Beginning in the 1930s, these relationships provided a significant function for escape aid. Political groups and religious communities utilized traditional cross-border contacts to save their endangered sympathizers and coreligionists in Nazi Germany.<sup>88</sup> Swiss citizens living near Basel frequently brought persecuted individuals across the border with false border passes.<sup>89</sup>

Smugglers played an important role in helping people cross the border.<sup>90</sup> Smuggling flourished along many parts of the border even before the war. It became even more attractive under war-time economic conditions, with rationing and scarce consumer goods. Smuggling routes were also used to carry illegal publications, to transport gold and valuables to safety, and to exchange mail away from the eyes of the censor across the border. In 1938, young men using smuggler networks in the Rhine valley brought Austrian refugees into Switzerland. Jakob Spirig, not quite twenty years of age, saved between 100 and 150 Jews by leading them across the Rhine near Diepoldsau.<sup>91</sup> Many helpers from the St.Gallen area acted on the instructions of individuals or political groups, such as the orthodox Jewish escape helper Recha Sternbuch from St. Gallen or Werner Stocker, secretary of the SPS. The Communist Relief Organization

<sup>88</sup> Croquet, Chemins, 1996; Seiler/Wacker, *Flüchtlinge*, 1996. On the work of the KPD and SPD along the borders, see Wichers, Kampf, 1994; Studer, Parti, 1994. The memoirs of former refugees, see Müller, Welt, 1987, pp. 102f, 126, 140; Seliger, Basel, 1986, p. 134. Michel, Mädchen, 1999 describes the rescue of a young Jehovah's Witness.

<sup>89</sup> Report of the border guard corps of customs area I, June 16, 1939, in FA E 6531 (F) 1, vol. 522; Decision of the canton Basel-Stadt criminal court, October 4, 1938, in FA E 4260 (C) 1974/34, vol. 172. See Seiler/Wacker, *Flüchtlinge*, 1996 and Wichers, Kampf, 1994, p. 122.

<sup>90</sup> Refugees from Italy during the 1930s often crossed the Alps with the help of smugglers. Report of the Central Customs Administration (Oberzolldirektion) in FA E 2001 (D) 2, vol. 112.

<sup>91</sup> Keller, Grüniger, 1993, pp. 61–65.

(*Rote Hilfe*) made use of similar organizations during the war to bring people out of the *Third Reich* into Switzerland.<sup>92</sup>

The story of an escape attempt that failed illustrates how the «ferryman» services worked along the border in the Rhine valley. Heinz Hammerschlag, a Jewish refugee who had been living in Switzerland since 1938, tried in 1942 to save his mother, Paula Hammerschlag, who lived in Berlin. Through other refugees, he contacted Willi Hutter from Diepoldsau, who had already been active in aiding border escapes since 1938 and had good connections to people on the other side of the border.<sup>93</sup> After the «ferryman» made sure that correspondence between mother and son about organizing her escape safely bypassed the censors, the project was ready to begin in May 1942. The two young helpers, Hermann Kühnis and Jakob Spirig, set off one night to pick up Paula Hammerschlag in Hohenems. To their surprise, she was not alone. Four elderly ladies waited with her for the deliverers from Switzerland. Two of them were handicapped and walked with great difficulty, using canes. The helpers hid the two disabled women near the border and promised to come back for them. Then they left with the other three. They had nearly reached the safe haven of Switzerland, when floodlights were suddenly trained on them from all sides. Shots rang out. The refugees and the two young men ran for their lives. Only one of the women was able reach safety, while the others – and the two women who had remained in Hohenems – were caught by German border guards.<sup>94</sup> They were arrested and brought to the prison in Feldkirch. Paula Hammerschlag committed suicide there and the other women were deported to a camp and then to the Theresienstadt ghetto. The helpers were arrested in Switzerland. For them, the fiasco ended with a trial before a military court. Six of the men belonging to the escape aid group were sentenced to several weeks in prison in November 1942.<sup>95</sup>

Young smugglers worked as «ferryman» along other stretches of the border as well, in the Jura mountains, in the region of Lake Geneva, and along the border to Italy.<sup>96</sup> Many were specialized in the prohibited transport of human beings, which had proven lucrative. Two French smugglers, who were part of a ring and brought both people and goods over the border, charged a set price of 3,000 French francs per person in the summer of 1942.<sup>97</sup> Transporting a group of several refugees often brought in more income than a worker earned

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<sup>92</sup> Keller, Grüniger, 1993, p. 14; Hoerschelmann, *Exiland*, 1997, pp. 101–105; Wichers, *Kampf*, 1994, p. 122.

<sup>93</sup> Deposition by Heinz Hammerschlag, Transcript of interrogation by Territorial Court 3B, May 20, 1942, in FA E 5330 (-) 1975/95, 42/2346.

<sup>94</sup> Transcript of interrogation by Territorial Court 3B, May 8, 1942, May 19, 1942; Report of the Federal Prosecutor, May 22, 1942, in FA E 5330 (-) 1975/95, 42/2346.

<sup>95</sup> Judgement by territorial court 3B, November 26, 1942, in FA E 5330 (-) 1975/95, 42/2346. One of Paula Hammerschlag's companions on the flight to Switzerland was the philologist of classical languages and art historian Gertrud Kantorowicz. She was deported to Theresienstadt together with her eighty-year old aunt. Both women died in the ghetto. Rammstedt, Kantorowicz, 1996.

<sup>96</sup> The judgements and records of military court proceedings provide insight into the work of helpers, see FA E 5335 -/3, vol. 1–10. On escape help on the northern Italian border, see Brogini, *Terra-d'asilo*, 1993, pp. 98f.

<sup>97</sup> The government official of the Franches-Montagnes district to the Police Division of the EJPD, October 23, 1942; report of the Saignelégier police checkpoint to the commander of the Bern cantonal police, July 6, 1942, in FA E 4264 (-) 1985/196, vol. 163; see also FA E 5330 (-) 1975/95, 42/3494.

in a month.<sup>98</sup> Set prices indicate that a kind of professionalization of smuggling services was beginning to take hold in some border regions. On the one hand, the high prices reflected both strong demand and the willingness of the refugees to pay, in their desperation, almost any price asked. On the other hand, the prices can also be explained by the special dangers to which the smugglers were exposed. If they were arrested in Switzerland, they risked spending at least several weeks or months in prison and paying a high fine. Nightly confrontations with customs officials could end fatally on both sides of the border. The German occupation forces shot many of the smugglers they caught in France on the spot.<sup>99</sup> Helpers suspected of contacts to the resistance could expect torture and imprisonment in a concentration camp. Several Swiss citizens living in France were incarcerated in concentration camps as accessories to escapes.<sup>100</sup> Swiss border guards, as well, took advantage of their right to shoot at fleeing or resisting persons who crossed the border. Léon Moille, a young fisherman from Haute-Savoie, died in September 1942 from the bullets of a border guard. He had been rowing at night across Lake Geneva with several refugees. As he docked on the Swiss side, a border guard sprang from the bushes. The smuggler attempted to flee. At that moment, the border guard fired the fatal shots.<sup>101</sup>

Facilitators (*passeurs*) worked under difficult conditions. Accompanying groups with small children was an especially delicate matter, since the entire undertaking could easily go wrong if the children cried. Four young Frenchmen had brought children across the border several times before they were arrested in Switzerland in 1943. During the investigation, they described how difficult it was to get through the barriers set up at the border. Three adults were needed to lift the children over the barbed-wire barriers on the French side. «The barbed-wire fence was about two meters wide ... (and) about 60 centimeters high. We passed children from hand to hand through the barbed wire». On the Swiss side, the wires could be pushed down and pulled up for the children to slip through the gap.<sup>102</sup>

For better or worse, the refugees were dependent on complete strangers. The urgency of the situation gave them no protection, either from robbery or blackmail, or from the risks that smugglers would abandon or even denounce them once they had been paid. Some smugglers profited from the extreme situation and exploited it shamelessly. For example, a Swiss couple

<sup>98</sup> Four young Frenchmen said that they had each earned FF 1,600. for their services as *passeurs*. This sum equaled a month's wages for these skilled tradesmen working as helpers. See FA E 5330 (-) 1975/95, 43/4152.

<sup>99</sup> Croquet, Chemins, 1996.

<sup>100</sup> The Swiss, Pierre Vaucher, died in Nordhausen concentration camp in April 1945. Before his arrest by the Germans, he had been sentenced in Switzerland for aiding an escape. Judgement of the Territorial Court 1, October 29, 1942, in FA E 5335 -/3, vol. 2; FA E 5330 (-) 1975/95, 42/4683. Report of Vaucher's internment in a concentration camp, in FA E 2001-08 (-) 1978/107, vol. 135. A Swiss man living in Alsace who, for political reasons, led more than 70 young Alsatians threatened with being drafted into the German army to Switzerland, was sentenced for his activity as an escape helper to one year imprisonment in Schirmeck concentration camp, in FA E 5330 (-) 1975/95, 43/4074. On Schirmeck concentration camp, see Benz/Graml/Weiss, *Enzyklopädie des Nationalsozialismus*, 1997, pp. 713f.

<sup>101</sup> The tragic incident had no consequences for the border guard, since judicial authorities attested that he had acted in self-defense according to regulations. Decision of the army inspector, October 13, 1942, in FA E 5330 (-) 1975/95, 42/4317; additional records in FA E 5330 (-) 1975/95, 42/4422.

<sup>102</sup> Interrogation transcript of Territorial Court 1, October 13, 1943, in FA E 5330 (-) 1975/95, 43/4152 (orig. French).

living in France – witnesses described them as «gangsters» – made a habit of relieving refugees of all of their money and valuables, and even their food.<sup>103</sup> Others abandoned the refugees halfway along the route. A Dutch woman reported:

«After we had hiked long into the night, the <helper> said <All right, you're on Swiss soil now – just keep going in this direction.> We were all extremely suspicious, but we didn't know how to keep him there.»

The refugees, who were still far from the border, were caught by a French patrol and arrested. They were lucky, however: the border guards let them go and even showed them the way over the border.<sup>104</sup>

In many cases of escape assistance by «helpers», it is difficult to distinguish clearly between smuggling, earning money for illegal transport of humans, and helping as an act of political resistance. Many a young man helped refugees on behalf of relief organizations or underground political groups that tried to bring persecuted individuals to safety. Helpers were a link in the chain of «*filières*», or organized escape routes to Switzerland.

#### 4.2.2 «*Filières*»: organized escape routes to Switzerland

In the spring of 1943, several groups of Jewish children crossed the French border into Switzerland.

«Based on reports from the competent military authorities, an unusual number of refugee children between the ages of five and sixteen have been sighted in the past three days in the Geneva area. The children come in groups of up to 32 per day. Since they are unaccompanied by adults, it obvious that they are being brought directly to the Swiss border by an organization.»<sup>105</sup>

The suspicions that the escape route was organized and was supported by the French Red Cross lead federal authorities to investigate. They were unable to obtain an explanation from Walter Stucki, who had inquired at the Vichy Foreign Ministry. The Swiss envoy could only tell the federal authorities that

«upon my instructions, the Foreign Ministry investigated the matter but has found no explanation at all. Neither the Foreign Ministry nor I can explain what is to be understood under <institution recognized just as OSE>».<sup>106</sup>

The French authorities' investigation led to an organization that had shifted some of its activities underground. The Jewish relief organization *Oeuvre de secours aux enfants* (Children's Relief Committee or OSE) cared above all for children who had lost their parents to deportation, and was able to hide thousands of children in christian homes. But many children, from Eastern Europe or from orthodox families, were not easy to hide: their language

<sup>103</sup> Judgement of Territorial Court 1, June 18, 1943, in FA E 5330 (-) 1975/95, 42/4194.

<sup>104</sup> Van Dovski, *Tagebuch*, 1946, p. 115; Manès Sperber describes how his helper left him standing in the mountains at night. Sperber, *Scherben*, 1977, p. 294.

<sup>105</sup> «Flüchtlingskinder aus Frankreich» (Refugee children from France), report by Robert Jezler, April 21, 1943, in FA E 2001 (D) 1968/74, vol. 16.

<sup>106</sup> Stucki to Foreign Affairs Division of the EPD, May 28, 1943, in FA E 2001 (D) 1968/74, vol. 16 (orig. German).

or habits would have led to quick discovery in a christian setting. In order to save these children, OSE set up a network of escape helpers and regularly brought young people into Switzerland.<sup>107</sup> Men and women similarly led the refugees out of southern France, which was now also occupied, along a route leading from Limoge-Lyon to Annemasse, Annecy, or Aix-les Bains and from there directly to the border. In France, the organization could count on the support of individual communal officials, members of the clergy, and residents of the border area.<sup>108</sup> Nevertheless, they worked under very dangerous conditions. Two members of the escape network, Mila Racine and Roland Epstein, were arrested by the Germans in the fall of 1943. This shock paralyzed the organization for a long time. In the early summer of 1944, Marianne Cohn, who had replaced Mila Racine, was also discovered by the occupying forces and was brutally murdered.<sup>109</sup> Still, various estimates suggest that OSE was able to bring between 1,500 and 2,000 children and young people into Switzerland.<sup>110</sup> In addition to this organized escape assistance, individuals also tried to save children. Several Swiss women who worked on behalf of the Swiss Red Cross in France helped young people flee into Switzerland in violation of the relief organization's regulations.<sup>111</sup>

Another organization that supported escape routes out of France was CIMADE (*Comité inter-mouvements auprès des évacués*, Joint Committee on Behalf of Evacuees), a Protestant organization with primarily female members. CIMADE also provided names for the lists of «*non-Refoulables*» – literally, those who cannot be expelled – and intended to protect certain individuals from not being ejected at the Swiss border.<sup>112</sup> Two young CIMADE employees were caught by Swiss border guards in the early summer of 1944. They identified themselves immediately as member of the escape aid organization and willingly provided Swiss officials with information, probably assuming that the government already knew of CIMADE's work. For a fixed monthly salary of FF 1,800, they said, they traveled throughout France, organizing the practical aspects of escapes. They also worked as helpers, as Claude Schropff reported: «In

<sup>107</sup> For the work of OSE, see Zeitoun, O.S.E., 1990, pp. 35–60, pp. 154–166; Zeitoun, *Accueil*, 1992; Picard, *Schweiz*, 1994, pp. 277f. About organized escape aid and Jewish resistance in France, see Lazare, *Résistance*, 1987, especially pp. 161–190, pp. 214–216; and Posnanski, *Juifs*, 1994, pp. 409–426. The children's entry took place illegally, because in the fall of 1942 when the children's aid section of the Red Cross demanded that Switzerland take in Jewish children, it met with refusal from officials in the EJPD and the EPD. See DDS, vol. 14, nos. 237, 255, pp. 775–777. pp. 841f., see also Chapter 6.2.2.

<sup>108</sup> The physical education teacher Georges Loinger was responsible for planning the escape route. The organizers of the children's transports were members of various groups in the Jewish resistance. Zeitoun, O.S.E., 1990, pp. 169f; Picard, *Schweiz*, 1994, pp. 435–438; Lazare, *Résistance*, 1987, p. 214, p. 219; Haymann, *Camp*, 1984, pp. 97–100. In the French border town Ville-la-Grand, the priests Louis Favre and Père Pernoud, together with Brother Rayond, sheltered some 2,000 refugees beginning in 1941 and helped them across the border. Louis Favre was murdered by the Germans in February 1944. In the border town of Annemasse, individuals accompanying groups of children could rely on the protection of Mayor Jean Deffaugt. Croquet, *Chemins*, 1996, pp. 81–89, Haymann, *Camp*, 1984, pp. 208f.

<sup>109</sup> Epstein was transported to the Buchenwald concentration camp; Racine, to Ravensbrück where she died in 1945. Zeitoun, O.S.E., 1990, p. 174; Croquet, *Chemins*, 1996, pp. 75–79; Haymann, *Camp*, 1984, pp. 201–206.

<sup>110</sup> Lazare, *Résistance*, 1987, p. 224; Zeitoun, O.S.E., 1990, p. 172.

<sup>111</sup> Imhof-Piguet, *Fluchtweg*, 1987; Picard, *Schweiz*, 1994, p. 255.

<sup>112</sup> The lists of «Non-Refoulables» were drawn up by the Police Division based on information from relief organizations and distributed regularly to border guards since the fall of 1942. Its purpose was to protect selected refugees from expulsion. See chapter 3.2. as well as Kocher, *Menschlichkeit*, 1996, pp. 235–240; Koller, *Entscheidungen*, 1996, pp. 68–71. On CIMADE: Les Clandestins, 1968; Lazare, *Livre*, 1993, pp. 170–175.

all, I have brought across about twenty persons, three or four through Haute-Savoie and the rest through the Gex area.»<sup>113</sup> The other prisoner, Pierre Amiel, admitted that he had helped fifty persons cross the border illegally in the previous half year.<sup>114</sup> The sentence handed down by the military court against the two CIMADE employees is not available.<sup>115</sup> The judge had suggested simply imposing a disciplinary sentence, because, in his opinion, CIMADE worked under the protection of the Swiss federal agencies.

«However, because the act of which Amiel and Schropff are accused was committed in the course of an operation about which the Swiss government, in this case the Bern Police Division, seems to be well-informed, the examining judge suggested a disciplinary settlement of the case.»<sup>116</sup>

Acting on this assumption, the military authorities sent the records to the EJPD for comment. The Police Division's Oskar Schürch declared: «We knew nothing about this organization»<sup>117</sup> although several sources lead us to believe that the EJPD had knowledge of the existence and the activities of CIMADE.»<sup>118</sup> Even if this cannot be fully confirmed, the military courts had at least received the impression that «emigrant smuggling» was taking place with Rothmund's protection. CIMADE, at any rate, had known how to exploit these somewhat murky circumstances for its own purposes, and to set up smoothly functioning escape routes that brought numerous people to Switzerland and safety.

Other organized escape routes led from Holland and Belgium through Nancy, Paris, Belfort to Montbéliard or Pontarlier, and from there across the border.<sup>119</sup> An anonymous informant in July 1942 gave the police very precise information about this escape route:

«The refugees take the train to Pontarlier, where they meet with a so-called *helper*. They are Frenchmen who bring people across the Swiss border for money. The names of the *passeurs* are known in Belgium .... In the night, the *helper* gathers the people into small groups of five or ten and travels to the Swiss border with them. The operation is pretty risky, since there are a lot of German soldiers in Pontarlier and patrols are sent out day and night; they must be avoided at all costs. The hike from Pontarlier to the border takes between four and six hours, depending on whether the coast is clear or not.»<sup>120</sup>

<sup>113</sup> Statement by Schropff, Claude, June 6, 1944, in FA E 5330 (-) 1975/95, 44/2628 (orig. French).

<sup>114</sup> Interrogation transcript of Territorial Court 1, June 17, 1944, in FA E 5330 (-) 1975/95, 44/2628.

<sup>115</sup> At their own request, Amiel and Schropff were expelled to France on August 4, 1944. Police officer Gautier to pretrial investigating judge Captain Auberson, August 8, 1944, in FA E 5330 (-) 1975/95, 44/2628.

<sup>116</sup> Report of judge Captain Auberson, June 19, 1944, in FA E 4260 (C) 1974/34, vol. 135 (orig. French).

<sup>117</sup> Handwritten statement by Schürch, July 17, 1944, in FA E 4260 (C) 1974/34, vol. 135 (orig. German).

<sup>118</sup> A discussion had taken place between Federal Councillor von Steiger and Marc Boegner in the fall of 1942 on the subject of the list of individuals designated «Non-Refoules» (trans.: non-returnables), and the employees of the Ecumenical Council, contacts of the CIMADE organization in Geneva, had been in contact with federal officials for a long time. Statement by the Geneva priest and employee of the relief organization, Henri-Louis Henriod, July 17, 1944, in FA E 5330 (-) 1975/95, 44/2628; see also DDS, vol. 14, no. 255, pp. 842f. Marc Boegner, president of the Federation of Protestant Churches in France, spoke out in France on behalf of Jews and was himself a member of CIMADE. The Ecumenical Council was in contact with a number of different escape aid groups. Bolle, Plateau, 1992, pp. 262–270; Jahresbericht des Oekumenischen Ausschusses für Flüchtlingshilfe 1942, in FA E 4800.1 (-) 1967/111, Akz. 1.013.7, File 121.

<sup>119</sup> Picard, Schweiz, 1994, pp. 438–440; Picard, Schweiz, 1996, pp. 255ff; Steinberg, Traque, 1986, pp. 1986, pp. 179–199; Spira, Afflux, 1997; Spira, Flux, 1998 on the border situation in Jura.

<sup>120</sup> Report to the division head, July 18, 1942, in FA E 4260 (C) 1974/34, vol. 67 (orig. German).

This route was used primarily by Belgian Jews. The refugees received information and false passports in Brussels. Once they crossed the border, they were on Swiss territory, but not yet safe. Many refugees had already been expelled in the Bern, Neuchâtel, and Vaud areas of the Jura region as early as the summer of 1942. The trek became even more dangerous after the police issued new regulations at the end of 1942 extending the border area twelve kilometers into the interior, and declaring that all refugees found within this zone, including the «Porrentruy area» with its complicated border, were to be expelled.<sup>121</sup>

Cooperation between local Swiss Jews and trustworthy residents in the border area, enabled refugees to move out of the border zone as quickly as possible and into the interior of the country where they no longer needed to fear direct expulsion. The military police discovered such a network of escape helpers in November 1942, in their words «a band that does not help our work», that channeled refugees to the interior of the country.<sup>122</sup> After extensive investigations, the military legal system drew the conclusion that:

«some Jewish families established in Switzerland, notably the Spira, Rerat, Schoppig, Picard families, and others residing in the Jura area, are sheltering Jewish refugees after they cross the border and guiding them into the interior of the country in order to register them with the authorities where they are safe from expulsion.»<sup>123</sup>

Immediately after crossing the border, the refugees found a friendly reception at the homes of Irene Rerat or Marcel Riat, who made sure that they had safe passage to Porrentruy. There, Armand Spira, whose address the refugees often had already received in Brussels, took care of the new arrivals.<sup>124</sup> Since police checks of public transportation were to be expected, he had them taken by taxi to Delémont or Biel, where confidants took care of their registration. There were a number of indications that organized escape routes existed between Belgium and the Jura region, but the military could not prove that the defendants had actually committed prosecutable offenses. The trial was dismissed with the following statement: «Aid given refugees after their illicit entry in order for them to penetrate the interior of the country is not punishable.»<sup>125</sup>

Some Swiss citizens were not deterred by police investigation of aid to refugees. They continued their work and also cooperated with members of the Zionist youth movement. Thanks to these connections, numerous young Belgians were able to escape to Switzerland, although many did not succeed until after they had been sent back into occupied France several

<sup>121</sup> Directive of the Police Division, December 29, 1942, Ludwig, *Flüchtlingspolitik*, 1957, pp. 229f; see also chapter 3.2. On the procedures in the Jura region, see Koller, *Entscheidungen*, 1996, pp. 47f.

<sup>122</sup> Report by Captain Béguin, December 4, 1942 (orig. French); Report by Major Hatt, «Beherbergung und Weitertransport von Flüchtlingen in's Landesinnere», November 30, 1942, in FA E 5330 (-) 1975/95, 42/5991.

<sup>123</sup> Report of the pretrial investigating judge, Captain Auberson, February 20, 1943, in FA E 5330 (-) 1975/95, 42/5991 (orig. French). The Rerat family, here designated as being «Jewish», was in reality non-Jewish. The report of the investigating judge supports the stereotype that religious solidarity was the sole motivation for providing escape aid.

<sup>124</sup> Military police telephone wire-tap protocol, November 23, 1942, in FA E 5330 (-) 1975/95, 42/5991.

<sup>125</sup> Report of the pretrial investigating judge, Captain Auberson, February 20, 1943, in FA E 5330 (-) 1975/95, 42/5991. Emphasis in original (orig. French).

times.<sup>126</sup> The most important contact was Nathan Schwalb, the representative of Hechaluz Hazair in Geneva, who from Swiss exile provided money, false papers, and flight plans to Jewish young people hidden in Germany and the occupied territories.<sup>127</sup> Two employees of the Zionist Youth Home «Institut Monnier» in Versoix – the refugees Mendel Willner and Siegbert Daniel – were arrested by the military police in the fall of 1943, together with a third refugee and two young Swiss Jews.<sup>128</sup> The charges brought against them led to the same result as the trial of escape helpers in Jura already mentioned. Here, too, the refugees were able to rely on the solidarity of border-area residents. Marthe Boillat, a tavern owner in Cortedoux, and Antoinette Theubet, a farmer from Réclère, took in newly arrived refugees and hid them from military police patrols.<sup>129</sup> From their host's home, the refugees contacted the employees of the Zionist Youth Home in Versoix. The Zionist Home ensured that the youngsters arrived safely in Zurich, where they were met by Nathan Swalb or members of the Jewish Refugee Aid and were registered with the police.<sup>130</sup>

The military police put a great deal of effort and energy into tracing the escape helpers hide-out, not least because they suspected refugees of organizing the «smuggling» from within Switzerland. Military police disguised as refugees contacted Marthe Boillat and were able to learn from her more about the contacts who brought the young people further into Switzerland after they had crossed the border.<sup>131</sup> Moreover, officials also confiscated letters from Mendel Willner that revealed that Willner had never broken off contact with the Belgian underground after fleeing to Switzerland and was in contact with a woman who helped young people organize escapes. The confiscated letters contained coded messages, such as the following:

«Dear Betty, so far I've gotten all your packages and all are ... in order .... Keep up the good work and get Andrée here as quickly as possible or else ... it might be too late. The best thing would be for Andrée to be fifteen and a half so that she could come directly to me. I think you understand what I mean. I have received 28 packages and all have arrived.»<sup>132</sup>

Willner admitted the true meaning of the texts during the trial. He had advised Betty to maintain the escape route; moreover, she should insert later birth dates in the refugees' false passports. With the expression «I have received 28 packages», he meant that all the refugees

<sup>126</sup> FA E 4264 (-) 1985/196, vol. 1444, vol. 1453, vol. 1454, vol. 1521, vol. 1528. Statement by Heidi W., ICE oral history. A number of refugees contacted Armand Spira.

<sup>127</sup> Picard, *Schweiz*, 1994, pp. 254–257; Steinberg, *Traque*, 1986, p. 181, pp. 196f; for Nathan Schwalb, see also: Beck Gad, 1997, pp. 139–214; Wagman-Eshkoli, *Contacts*, 1998, pp. 401–403.

<sup>128</sup> «Rapport ... concernant l'affaire Willner & consorts» (Report ... concerning the Willner & Consorts Affair), March 24, 1944, in FA E 5330 (-) 1975/95, 43/5315. Willner arrived in Switzerland from Belgium in August 1942, Daniel had fled to Belgium from Germany in 1939 and was accepted in the fall of 1942 after twice being turned away at the Swiss border. FA E 4264 (-) 1985/196, vol. 396. In an interview with the ICE on June 19, 1998, Siegbert Daniel explained that he had picked up refugees in Belgium many times after his flight to Switzerland.

<sup>129</sup> See *Le Quotidien Jurrassien*, July 11, 1997, p. 21: «Chicago sur Creugenat ou les errements du major Hatt.»

<sup>130</sup> Interrogation transcript, January 22, 1944, in FA E 5330 (-) 1975/95, 43/5315. One of her guides was the business student Pierre Wollmann. In the interrogation, he admitted that he had picked up approximately ten refugees in Porrentruy and brought them to Zurich.

<sup>131</sup> Report of military police officer Jenni, November 18, 1943, in FA E 5330 (-) 1975/95, 43/5315.

<sup>132</sup> Translation of confiscated letters of November 16, 1943, December 8, 1943, in FA E 5330 (-) 1975/95, 43/5315 (orig. French).

sent to Switzerland had arrived. He also admitted that he had advised his contacts in Brussels and Antwerp «to make sure the young Zionists came to Switzerland, because it was better for them to risk their lives coming to Switzerland rather than be deported or shot by the Germans».<sup>133</sup>

Although the authorities were unable to prove that the other refugees had violated the law, Willner remained under suspicion of having organized «smuggling of emigrants». The military court decided against a trial, however, and imposed only a disciplinary punishment. The objectionable actions were limited, for the most part, to the transporting of refugees to the interior of the country; as the military police discovered in the course of the investigation, relief organizations also moved refugees to the interior after learning that young people were often expelled from the Jura region.<sup>134</sup>

As the year 1943 wore on, knowledge about the particulars of current regulations spread.<sup>135</sup> Escape helpers and refugees exploited new information to minimize the risks of expulsion. There was one loophole in the regulation that classified some individuals as «hardship cases» – children under the age of 16 or 18, families with small children, and pregnant women.<sup>136</sup> In February and March 1944, several groups of Jews fled Belgium for Switzerland. They were permitted entry because, as families with children and young couples expecting a child, they were considered «hardship cases». The refugees were assigned to different reception camps. There, however, the postal censors noticed certain irregularities: some of the refugees received mail under different names. This awakened suspicion and the military police began an investigation. They uncovered an escape network reaching into Belgium and discovered that a group with the name «White Brigade» («*Brigade Blanche*») was active there. It hid persecuted people, provided them with false papers, and helped them flee to Switzerland. The final investigation report stated that «the Brigade organization is perfect and the refugees' journey is carried out according to a well-developed plan».<sup>137</sup> The authorities soon realized that refugees had used their false papers not only in Belgium and France, but to enter Switzerland as well. In order to fulfill the requirements for admittance, the refugees had created fictive families. Those who had no children simply took in a child whose parents had been deported, or borrowed a boy or a girl from another refugee family. Parents falsified their children's birth dates, single

<sup>133</sup> Interrogation transcript, December 5, 1943, in FA E 5330 (-) 1975/95, 43/5315 (orig. French). According to the directives of December 29, 1942, young people under the age of 16 traveling alone were not to be rejected. The age limit was increased by two years for girls on July 26, 1943. Ludwig, *Flüchtlingspolitik*, 1957, p. 231, p. 259.

<sup>134</sup> Major Duruz, attorney at Territorial Court 1 to the Chief attorney (Auditor) of the Army, July 23, 1945. Military jurists sent questionnaires to several relief organizations in 1944 and learned that the relief organizations knew about the expulsion of youngsters, in FA E 5530 (-) 1975/95, 43/5315.

<sup>135</sup> A Jewish woman who fled to Switzerland in September 1943 remarked during her interrogation: «I'm getting information about those entering Switzerland from people who have been turned back. Most individuals older than 65 and children under 16 are not being turned away». Her information corresponded to the regulations of December 29, 1942 that were in effect at the time. Transcript of interrogation by military police, September 18, 1943, in FA E 4264 (-) 1985/196, vol. 1052 (orig. French); Ludwig, *Flüchtlingspolitik*, 1957, pp. 228–231.

<sup>136</sup> Police Division directive December 29, 1942; in Ludwig, *Flüchtlingspolitik*, 1957, p. 231.

<sup>137</sup> «Concerne: Réfugiés avec fausse identité» (Concerning: Refugees with false Identity Papers), April 14, 1944, in FA E 5330 (-) 1975/95, 44/3427.

men and pregnant women presented themselves as couples. In the case of 46 persons, the authorities proved that the refugees had been admitted to Switzerland on the basis of spurious information beginning as early as fall of 1943. One of the investigating officials noted that it was almost impossible to learn the truth from the refugees. He had questioned one family. The parents spoke a mixture of German and Polish, while the child understood only French.

«The mother was interrogated by me and swore on the head of her child that the man who accompanied them was in fact her husband and the child in question was her son. When the false identity was uncovered, the woman told me: «We will do anything to save our lives; we will swear anything at all, even on our children's heads.»<sup>138</sup>

Further investigation brought to light the activities of Edmond Weinberger, who had fled to Switzerland in the spring of 1944. He arranged false documents for the refugees in Belgium and set up the contacts to the border crossers. He was also alleged to have assembled fictive families. With his help, more than a dozen people reached safety. Weinberger was sentenced to 150 days imprisonment in the fall of 1944.<sup>139</sup> The refugees who had given false statements to the authorities only narrowly escaped expulsion. Instead, they were sent to prison camps, although the military police had promised them that they would not be imprisoned if they corrected the information they had given about their familial circumstances. Edmond Weinberger's brother Joseph protested against the punishment. «I had been convinced that the Swiss authorities were humane enough that they would understand the necessity of committing an act that harmed no one in a life-and-death situation.»<sup>140</sup>

Information about these instances of organized escape assistance for Belgian Jews mentioned above still exists because the military undertook long and complicated investigations of the persons involved. In the first two cases, there was no actual «smuggling»: the helpers had simply ensured that the refugees reported to the police in towns where they would not be immediately deposited back across the border. The circumstances of the fictive families arriving in Switzerland in the spring of 1944 demonstrates the difficult conditions of flight. Jews who had been able to survive underground for such a long time knew from experience that deceiving the authorities was essential for survival.<sup>141</sup> In order to save their lives, the practice on the Swiss border left no other choice than to deceive Swiss officials.

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<sup>138</sup> «Concerner: Réfugiés avec fausse identité», April 14, 1944, Report of July 21, 1944; in FA E 5330 (-) 1975/95, 44/3427.

<sup>139</sup> Records in FA E 5330 (-) 1975/95, 44/3427; Sentence of Territorial Court 1, October 30, 1944, in FA E 5335/5, vol. 2; additional documents in FA E 4264 (-) 1985/196, vol. 349.

<sup>140</sup> Joseph Weinberger to camp commander of Bremgarten refugee camp, September 4, 1944, in FA E 4264 (-) 1985/196, vol. 349. The Geneva police officer Daniel Odier would have expelled the refugees if Rothmund had not intervened at the last moment. Rothmund to Department for Territorial Services of the Army Command, July 21, 1944, in FA E 5330 (-) 1975/95, 44/3427. Refugees who had been convicted did not encounter understanding for their critical position until near the end of the war, when several members of the Experts Commission for Refugee Questions stated that the punishment had been inappropriate. Minutes of the second session, October 5, 1944, in FA E 4001 (C) 1, vol. 260.

<sup>141</sup> Statement of Joseph Weinberger's alleged wife, April 24, 1944, in FA E 5330 (-) 1975/95, 44/3427.

### 4.2.3 Escape help by Swiss officials

On a «brilliantly sunny day in the Jura» in early August 1942, three high-ranking officials of the EJPD, the director of the customs service, and an official of the Bern cantonal police department, accompanied by a delegation of border guards, traveled along the border to occupied France. Their purpose was personally to inspect the locations where increasing numbers of refugees had been crossing illegally in the past days and weeks. Heinrich Rothmund described to Federal Councillor von Steiger what the high-ranking officials had seen and heard:

«Early Saturday we drove along the border as far as Les Verrières and visited the most important checkpoints. We had just left Grandfontaine, when we received a report that five people had arrived there. Upon returning, we found the wife of a Belgian man already living in Switzerland, with her child and her mother, as well as a young Belgian with a woman who was allegedly his wife. Obviously, they were Jews .... Meanwhile a call had come from Boncourt that three families with children, a total of fifteen persons, had arrived. We drove there and found Polish and Belgian Jews, all from Brussels .... In both cases, they were less than pleasant company. I thought about instructing the guards to expel them, since it seemed to me that fifteen people who were able to enter together, should also be able to find their way back without being caught by the German police. However, I didn't want to make a hasty decision, and frankly, I did not have the heart to expel them since there were two cute children, and I did believe that their lives would have been in danger if I had done so.»<sup>142</sup>

On the same day he wrote these words, Rothmund decided to close the borders to asylum-seekers, a decision that had fateful consequences for thousands of refugees. There is an obvious discrepancy between Rothmund's behavior on the spot and his basic decision not to accept any more illegal refugees. Although he saw human beings marked by their flight as «unpleasant company», the presence of «cute children» moved him to accept the Jewish refugees, although in his opinion they had no right to asylum.<sup>143</sup> Torn between the reassuring assumption that the group could return to Belgium without being discovered by border guards and police, and the fear that expulsion would plunge the refugees into disaster, Rothmund made a humane decision, because he could not take responsibility for having sent children into an uncertain future. But as soon as Rothmund sat at his desk in Bern again, the faces of the people paled, displaced by «fears of excessive foreignization» and the fear of «excessive Jewish influence» in Switzerland.<sup>144</sup> Refugees became numbers, the dozens arriving now and the hundreds who might arrive tomorrow.

The point here is not to describe Rothmund's personality but to make clear that life-and-death decisions were made by individuals at the border. There, at the periphery, the routine looked different than it did in Bern where the regulations had been drafted. The confrontation between people seeking protection and officials charged with carrying out political decisions – border guards, soldiers, police officers – determined the border situation. None of these officials had the same freedom to make decisions as did Rothmund, who could express his feelings freely.

<sup>142</sup> Rothmund to Federal Councillor von Steiger, August 13, 1942, in E 4800.1 (-) 1967/111, Akz. 1.015, File 336 (orig. German).

<sup>143</sup> Police Division regulations, August 13, 1942, in Ludwig, Flüchtlingspolitik, 1957, p. 205.

<sup>144</sup> «Überfremdung» and «Verjudung» using Rothmunds terms in his letter to Arthur de Pury, envoy in The Hague, January 27, 1939, in DDS vol. 13, no. 12, p. 22. See also, Mächler, Kampf, 1998, p. 391, and Chapter 3.1.

Still, there were alternatives and options that they could choose either in a particular situation or in principle. Their decisions, whether motivated by ethical considerations and empathy, sense of duty and daily routine, fear of punishment or xenophobia, were often matters of life or death for refugees. Without passing judgement, specific case studies are presented here to illustrate the range of possible options for the application of asylum policy and refugees. The following statements focus on escape aid by Swiss officials.

Balancing on the edge of legality, some consular employees had exhausted, if not exceeded, their authority already in 1938 by enabling persecuted persons to enter Switzerland.<sup>145</sup> Members of cantonal governments made flight easier by refusing to follow federal regulations to the letter. The canton of Basel-Stadt was known for its generous refugee policy in 1938; the Social Democratic Police Division head, Fritz Brechbühl, repeatedly failed to follow the expulsion orders issued by the Federal Police for Foreigners. Furthermore, Basel officials helped refugees without residence permits to illegally enter France at unguarded border points.<sup>146</sup> Although Italian transit refugees risked being sent back to Italy from Ticino and Valais, they were able to cross into France through Graubünden. The Graubünden cantonal police noted in 1937:

«Our experience has been that these people generally leave Switzerland quickly .... When such elements are destitute, we have also allowed them to work briefly in the canton so that they can earn money to continue.»<sup>147</sup>

A Social Democrat and cantonal government member in Schaffhausen, Ernst Bühler, allowed some refugees to enter after the borders had closed in August 1938, although the cantonal government soon began following the restrictive course laid down by the federal government.<sup>148</sup> Nevertheless, the examples cited above were exceptions among the cantons in border areas. The majority of cantonal governments in 1938 followed the Federal Council's restrictive policies.

The aid provided by cantonal officials often consisted of flexible interpretations of regulations and an insistence on cantonal sovereignty vis-a-vis the federal intention to centralize refugee policies. Only a few officials were openly obstructive. It was rare that otherwise dutiful officials not only interpreted laws broadly, but also openly violated their civil service regulations to save lives, but it did happen. When it was discovered that officials had exceeded their authority, the consequences were generally severe. Two police officials from St. Gallen, Christian Dutler and Karl Zweifel, belonged to the escape aid network organized by Werner Stocker that brought Polish and Jewish refugees to Switzerland from former Austria after the

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<sup>145</sup> See Chapter 4.1.2.

<sup>146</sup> Wacker, Bern, 1992, pp. 111–115, pp. 126f.

<sup>147</sup> The Graubünden cantonal *Landjägerkommando* to the Federal Prosecutor, July 5, 1937 (orig. German); on the operations in Ticino and Valais, Ticino cantonal Police Division to the Federal Prosecutor, December 13, 1937; Report of the Valais cantonal police, August 21, 1937, in FA E 4320 (B) 1990/270, vol. 3.

<sup>148</sup> Keller, Grüniger, 1993, pp. 120f. The role of Social Democrat Walter Bringolf is controversial. Bringolf, *Leben*, 1965, pp. 291–303; Wolf, Bringolf, 1995, pp. 185–202.

spring of 1938. They were suspended from duty at the end of 1938.<sup>149</sup> They had the St. Gallen police commander, Paul Grüninger, to thank for the fact that they were able to do this for so long without being caught.

In open opposition to the federal regulations and with the consent of his superior, Valentin Keel, Grüninger had tolerated escape aid since the «incorporation» of Austria, and had himself furthered the illegal entry of refugees. At a meeting of police commanders on August 17, 1938, he was virtually the only high-ranking official to demand that Switzerland adopt a generous asylum policy. According to the minutes, he said: «Expelling refugees is impossible because of humane considerations. We must allow many to enter.»<sup>150</sup> Historian Stefan Keller estimates that Grüninger saved hundreds of Jews, perhaps even several thousand.<sup>151</sup> Working together with the Jewish Refugee Aid in St. Gallen, whose director, Sidney Dreifuss, arranged shelter for those seeking asylum, Grüninger legalized the entry of refugees who had arrived after the border was closed by predating their arrival on official documents. Even in the fall and winter of 1938, refugees thereby arrived in Switzerland and were not sent back. Furthermore, Grüninger tried to obtain entry visas for relatives of refugees already living in Switzerland, and finally, he sent entry visas to concentration camp inmates in Dachau, which helped the inmates be released.

These actions stood in direct contrast to the measures decreed by the federal government. Under pressure from Rothmund, the St. Gallen government began an investigation in early 1939. Many persons involved in refugee aid quickly distanced themselves from Paul Grüninger, including his superior, Valentin Keel.<sup>152</sup> Unconfirmed rumors that Grüninger had accepted bribes cast a cloud of suspicion upon the police commander.<sup>153</sup> In the spring of 1939, Grüninger lost his position and in late 1940 he was convicted of violating his oath of office and falsifying documents by the municipal court in St. Gallen. He paid a lifelong price for his unlawful humanitarianism.<sup>154</sup>

The standardization of acceptance and expulsion procedures in the summer of 1942 narrowed the possibilities for cantonal governments to interpret restrictive regulations more generously than had been intended. Additionally, new decrees demanded that border guards and soldiers follow the new expulsion orders to the letter. Still, even within a legal context, there was some

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<sup>149</sup> Keller, Grüninger, 1993, pp. 24–27, pp. 86–90. Zweifel was arrested by the German border police in December 1938 in Bregenz as he tried to pick up two Jewish women. Documents in PA/AA, R 49421. The trial against Dutler, Zweifel, and Stocker was stopped in 1941. In contrast to Grüninger, the two dismissed police officers were never rehabilitated. Keller, Grüninger, 1993, especially pp. 201–203.

<sup>150</sup> Cited in Keller, Grüninger, 1993, pp. 48f.

<sup>151</sup> Keller, Grüninger, 1993; Hoerschelmann, Exiland, 1997, pp. 114–128. Haymann, Camp, 1984, pp. 51ff.

<sup>152</sup> Because of Keel's participation in Grüninger's refugee assistance, the Schweizerischer Vaterländische Verband (Swiss Fatherland Association) began a smear campaign against the senior civil servant. Keller, Grüninger, 1993, p. 152.

<sup>153</sup> Keller, Grüninger, 1993, pp. 172ff examined the various charges raised against Grüninger and found no evidence that Grüninger had profited personally from his activities. See also Keller article in WoZ no. 22, May 28, 1998.

<sup>154</sup> Keller, Grüninger, 1993, pp. 215–231. In September 1971, Grüninger received the «Medal of the Righteous» from Yad Vashem for saving Jews. The St. Gallen government recognized the humane achievements of their former police commander in 1970, although he was not formally rehabilitated until 1995.

room for interpretation of the regulations. It was often a small but courageous gesture that allowed asylum seekers to reach Swiss soil. A border guard stationed in the Jura region, Willy Zehnder, saved the lives of refugees by pointing them to a place where they would be safe from German patrols and also told them where they could re-enter Switzerland without being noticed. He was reprimanded by his superiors for this.<sup>155</sup> The kind of obstruction committed by Willy Zehnder was, however, unusual.<sup>156</sup> This assessment is supported by the statements of the former customs officer Ulrich Götz. He received a disciplinary warning because he had prevented a recruit from expelling a Jewish mother and her child.<sup>157</sup> We know that border guards and soldiers in the Geneva area often refused to prevent refugees from coming in over the border or to expel them immediately. Instead, they brought the asylum seekers to the next police station and delegated the responsibility of making a decision to their superiors. It is likely that many people were accepted because the authorities did not want to expel refugees who had already spent several days in Switzerland. Moreover, some border officials categorized almost all refugees as «emergency cases» in order to prevent expulsion.<sup>158</sup> Others warned of approaching German border police.<sup>159</sup> Occasionally, Swiss soldiers even helped refugees climb over barbed-wire barriers.<sup>160</sup> These fragmentary surviving accounts show that some officials found the ways and means to help refugees enter within the limits of the regulations, and also at times, by violating their job regulations. Between disobedience and strict adherence to duty, there existed a broad spectrum of possibilities. In the final analysis, it was up to the official himself to decide how he interpreted the regulations and how he acted upon them.

### 4.3 Asylum Denied

In September 1942, Hermann H., an Austrian Jew who had been living as a refugee in Switzerland since 1938, received mail from his brother Oskar. Like many foreign Jews who found refuge in France in the 1930s, Oskar had fled the roundups in Vichy in the late summer of 1942. He was also one of the many who tried in vain to find asylum in Switzerland after the borders were closed on August 13, 1942. His hopes of rescue were dashed. «Dear Hermann», Oskar wrote his brother,

«unfortunately, I've been caught. I put too much faith in Switzerland and I will have to pay the price for it. I crossed the border on the night of August 31 to September 1 and was arrested by a gendarme

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<sup>155</sup> Hoerschelmann, *Exiland*, 1997, pp. 92f is based on a press clipping that cites Willy Zehnder as a witness. The search for relevant sources in FA was unsuccessful; a military file labeled «Willy Zehnder, border guard» (orig. German) is missing.

<sup>156</sup> Koller, *Entscheidungen*, 1996, pp. 60–62, notes that border guards were subject to strict supervision. Obviously, some guards did refuse orders in the late summer of 1942, as the Social Democrat Paul Graber testified before the National Council on September 22, 1942. See Stadelmann, *Umgang*, 1998, p. 101.

<sup>157</sup> Seiler/Wacker, *Flüchtlinge*, 1996, pp. 73–76.

<sup>158</sup> Reports of the commissioner for refugees, November 26, 1942, December 17, 1942, January 5, 1943, in FA E 9500.193 (-) 1969/150, vol. 5.

<sup>159</sup> Haymann, *Camp*, 1984, pp. 101f.

<sup>160</sup> Chiquet, *Krieg*, 1992, pp. 167f.

near Geneva. I was assured that I was safe and could remain in Switzerland. All the authorities confirmed this, so that I felt completely safe at the soccer stadium in Geneva where they had brought me. The next day a car drove up (they told me and several other internees that we were going to see a doctor) and took us directly to the French border, where they turned us over to the gendarmes there. This goes on every day. That's the true state of things in your Switzerland.»<sup>161</sup>

The French police sent Oskar H. to Rivesaltes immediately. He described his situation as bleak:

«I am now in a camp with several hundred people – men, women and children – and can do nothing but wait for the transport. There is no chance of gaining freedom ... escape is impossible. I'm going to do everything I can, but I don't have much hope. Nobody knows where we'll go from here – to Poland, the occupied zone, or Germany. About 2,000 people have already been shipped out. Terrible scenes take place every day.»<sup>162</sup>

On September 16, 1942, a week after writing the letter, Oskar H. was deported via Drancy to Auschwitz. There, three hundred members of the transport were «selected» for forced labor and the rest were murdered immediately in the gas chambers. Thirty-three people survived the transport.<sup>163</sup> It is probable that Oskar H. was among them because after the war Hermann H. applied for travel documents in Switzerland, in order he wrote, to emigrate to the United States with an unnamed brother «who had been in a concentration camp for three years».<sup>164</sup>

This account is typical for many expelled refugees, although there are no official reports that document the fate of these refugees after Switzerland turned them away.<sup>165</sup> For Swiss officials, a «case» existed only up to the border; what happened after that was outside their field of vision.<sup>166</sup> Testimony like Oskar H.'s letter and other, often hastily scribbled reports by refugees, exists only by chance, or has survived because of special circumstances. Such material was collected by relief organizations, lawyers, or relatives to protest restrictive asylum practices or to intervene on behalf of refugees; it was also sometimes published by the press to disconcert its readers.<sup>167</sup>

Lawsuits filed by Elie Carmel,<sup>168</sup> by Charles and Sabine Sonabend,<sup>169</sup> and by Joseph Spring<sup>170</sup> have made many aware that each of the thousands of anonymous victims of Swiss refusal of

<sup>161</sup> Oskar H. to Hermann H., September 9, 1942, in FA E 4264 (-) 1988/2, vol. 514 (orig. German). The «soccer stadium» was the reception camp for refugees in Stade de Varembe in Geneva.

<sup>162</sup> Oskar H. to Hermann H., September 9, 1942, in FA E 4264 (-) 1988/2, vol. 514 (orig. German). On Rivesaltes: See Bohny-Reiter, *Journal*, 1993.

<sup>163</sup> Klarsfeld, *Mémorial*, undated, Convoi no. 33.

<sup>164</sup> Application form for travel documents, in FA E 4264 (-) 1988/2, vol 737.

<sup>165</sup> A few documents have been found in files pertaining to other matters. H.'s letter, for example, was found in a file compiled by the Federal Police for Foreigners on a foreign woman who aided refugees.

<sup>166</sup> Before the borders were closed on August 13, 1942, Rothmund had inquired of German border officials in Jura about the treatment of expelled Jewish refugees. The German responses were contradictory: one spoke of shooting refugees, whereas others claimed that the Jews were returned to their places of origin and put to work there. Rothmund to Federal Councillor von Steiger, August 13, 1942, in FA E 4800.1 (-) 1967/111, Akz. 1.015, File 336; Report by commander of the border guards Major Debrunner, August 13, 1942, in FA E 4260 (C) 1974/34, vol. 114.

<sup>167</sup> The *Winterthurer Landbote* printed a letter from an expelled refugee, February 19, 1943. See also Häslar, *Boot*, 1967.

<sup>168</sup> Elie Carmel, a German Jew by birth, was sent back to Germany by the Basel police in October 1939 and was arrested there. He survived incarceration in Sachsenhausen concentration camp. See Stefan Keller, in *WoZ* no. 11, March 14, 1997; *WoZ* no. 35, August 29, 1997; *WoZ* no. 41, October 10, 1997.

<sup>169</sup> The Jewish Sonabend family was turned back into occupied France from the Jura region on August 17, 1942 and was caught by a German patrol. The parents were deported to Auschwitz and murdered there; the children, Charles and

asylum exemplifies an anguished story. On behalf of countless others, they have raised awareness of the human tragedy that is concealed behind the bare expulsion statistics. The exact number of refugees denied asylum at the Swiss border after 1933 can never be reconstructed, however. Important sources were destroyed in the postwar period. Many expulsions before the fall of 1942 were not even registered.<sup>171</sup> The most verifiable exact figure is that a total of 24,398 refugees can be proven to have been expelled during the war years.<sup>172</sup> Between the spring of 1938 and November 1944, the Police for Foreigners also rejected 14,500 of a total of 24,100 entry applications by refugees.<sup>173</sup> The following subchapters focus on the practice of expulsion at the border.<sup>174</sup> The discussion of the various refugee categories makes it clear that different groups of persecutees had very unequal chances of obtaining asylum. Switzerland's way of dealing with stateless persons in the 1930s was paradigmatic for its later treatment of refugees. As previous chapters have shown, Swiss officials were always well informed about Nazi policies of persecution and extermination.<sup>175</sup> The expulsion of refugees after 1938 occurred with full understanding of the dangers that threatened the persecuted in German-controlled areas. However, the practice of expulsion was carried out in some border areas with greater stringency than required by federal regulations. The officials on the spot had certain options and could sometimes prevent the expulsion of refugees; they were also able to implement especially restrictive policies if they so chose.

### *The legal perspective*

Switzerland was bound by the Provisional Agreement on the legal status of refugees from Germany of July 4, 1936. Through this instrument, the government committed itself to turning refugees coming from Germany back to the *Reich* only after having given them prior notification, and furthermore, only in cases where the individuals had refused to take the steps necessary to proceed to another country or to take advantage of arrangements made for them to that end.<sup>176</sup>

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Sabine, survived their persecution. Mächler, *Abgrund*, 1996, pp. 140–173. An article by Irene Lobell appeared in the *Weltwoche* 28, July 11, 1996.

<sup>170</sup> Joseph Spring and his two cousins were turned over to the Germans by Swiss border guards at the La Cure border checkpoint on November 18, 1943. The three Jewish teenagers were deported to Auschwitz; Joseph Spring was the only one to survive. See the article by Stefan Keller in *WoZ* no. 11, March 12, 1998, as well as his interviews with Joseph Spring in *WoZ* no. 15, April 9, 1998; *WoZ* no. 26, June 25, 1998; *WoZ* nos. 52–53, December 24, 1998.

<sup>171</sup> Police files on expulsions no longer exist, nor do source materials relevant to refugee policy of many territorial commands and of the police section of the Security and Special Services Division of the military. On sources: Schweizerisches Bundesarchiv: Flüchtlingsakten 1930–1950. Thematische Übersicht zu den Beständen im Schweizerischen Bundesarchiv, Bern 1999 and Koller, *Entscheidungen*, 1996, pp. 76–85.

<sup>172</sup> Koller, *Entscheidungen*, 1996, pp. 91ff, especially p. 97. The Federal Archives are creating a database that is supposed to contain all available information on refugees known to have been expelled.

<sup>173</sup> Koller, *Entscheidungen*, 1996, p. 97.

<sup>174</sup> For the problem of the denial of asylum, see Kälin, *Gutachten*, 1999, Part 1, B.

<sup>175</sup> See Chapter. 3.2.

<sup>176</sup> See Chapter 2.1.

On August 19, 1937, the Federal Department of Justice and Police commented about cantonal intentions regarding the Agreement. It stipulated:

«Expulsions to Germany should be considered only in very specific, exceptional cases and not without first consulting our Police Division, even though the Agreement already does stipulate such be done under certain conditions.»<sup>177</sup>

### 4.3.1 Categories and their application in practice

During the entire period under consideration, the authorities considered the granting of asylum an indisputable element of state sovereignty.<sup>178</sup> The risk of being turned away at the border was very different for different groups of refugees. The decisive factor in determining whether to grant asylum was not a person's degree of hardship, nor was it the knowledge of that person's danger, but rather the refugee's classification in an administrative category or, under certain circumstances, an implied category.<sup>179</sup> These categories were not written in stone: they were flexible.<sup>180</sup> The creation of refugee categories was part of the discourse of «being overrun with foreigners» during the interwar period. The decrees of the early 1930s defined Jewish applicants for asylum as a separate category and established their status as refugees in transit.<sup>181</sup> Only a few months before the war began, Rothmund explained the protectionist attitude toward refugees resulting from the task of the Swiss Police for Foreigners to fight against «inundation by foreigners and especially against excessive Jewish presence and influence in Switzerland (<Verjudung>».<sup>182</sup> The decree that closed the border on August 13, 1942, declared:

«... Political refugees, that is, foreigners who declare themselves as such when first questioned and can also provide proof, are not to be expelled. Those who seek refuge on racial grounds, as for example, Jews, are not considered political refugees».<sup>183</sup>

This antisemitic regulation was not rescinded until July 1944, when new directives ensured acceptance to all who sought refuge and who «are truly in danger of losing life and limb».<sup>184</sup>

<sup>177</sup> Cited in Ludwig, Flüchtlingspolitik, 1957, p. 70; for all of these questions, see Kälin, Gutachten, 1999, Part 1, B II, 3.

<sup>178</sup> Schürch, Flüchtlingswesen, 1951, p. 74; Ludwig, Flüchtlingspolitik, 1957, p. 216 (Speech by Federal Councillor von Steiger to the National Council, September 22, 1942). Even the privileged position of military refugees as recipients of asylum was not an obligation in international agreements. Although binding norms existed in international law for military seeking asylum, the decision whether to accept or reject lay entirely with the government. Kälin, Gutachten, 1999, Part 1, B I, 2c. and Part 2, B II, 1–2; Bonjour, Neutralität, vol. VI, 1970, pp.45–50.

<sup>179</sup> For the concept refugee and refugee categories, see: Kälin, Gutachten, 1999, Part 1, A.

<sup>180</sup> Werenfels, Praxis, 1985 and Stadelmann, Umgang, 1998, pp. 117–132 interpret the system of categories laid out in the Schürch report as a depiction of actual practice and attest that it was relatively rigid; see Schürch, Flüchtlingswesen, 1951.

<sup>181</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 52f, p. 70 and pp. 170ff. In contrast to the EJPD, some members of the federal administration held the opinion that Jewish asylum-seekers also had a claim to political asylum. Koller, Entscheidungen, 1996, p. 29; Mächler, Kampf, 1998, pp. 391–395.

<sup>182</sup> Rothmund to Arthur de Pury, Envoy in The Hague, January 27, 1939; DDS, vol. 13, no. 12, p. 22. See also Mächler, Kampf, 1998; Gast, Kontrolle, 1997; Picard, Schweiz, 1994, pp. 59–79. Even in the 1940s the administration distinguished between refugees who were Jewish and those who were «Aryan». Files on refugees contain preprinted index cards with the category «race», for example in: FA E 4264 (-) 1985/196. vol. 220. Koller, J-Stempel, 1999. See also Chap. 3.1.

<sup>183</sup> Ludwig, Flüchtlingspolitik, 1957, p. 205; Koller, Entscheidungen, 1996, pp. 29f.

<sup>184</sup> Ludwig, Flüchtlingspolitik, 1957, p. 293; Jews are described as endangered only in the commentary to these orders. Rothmund to the Central Customs Administration, July 15, 1944, in FA E 4260 (C) 1974/34, vol. 114.

Under the regulations in vigor from August 1942 on, only refugees who could prove that they were persecuted because of their political activities were not to be expelled directly at the border. Their requests were examined by the federal prosecutor's office, whereby communists had little chance of being granted political refugee status.<sup>185</sup> Nevertheless, the denial of asylum was rarely implemented exactly as laid down in the regulations. In practice, criteria based on verbal orders or on beliefs that were considered self-evident were often decisive. This can be illustrated by the difficulties of differentiating between military and civilian refugees, of applying criteria such as nationality, and of determining «undesirable» foreigners whose status was governed by regulations that did not exist on paper.

Even the distinction between military and civilian refugees, which appears obvious at first glance, created classification problems. The status of prisoners of war was especially unclear. Since escaped Polish prisoners of war were unable to leave Switzerland for France after France was occupied, the Federal Police Division decided in the fall of 1940 that they would thereafter be expelled to Germany.<sup>186</sup>

Made uneasy by rumors that evicted Poles were being shot in Germany, Rothmund felt obliged to make inquiries at the Swiss Legation in Berlin. He wrote Frölicher in the spring of 1941: «The decision whether or not to continue the practice of expulsion or perhaps to abandon it will depend primarily on your report.»<sup>187</sup> The envoy mollified Rothmund's doubts, stating that according to the German Foreign Ministry, prisoners of war in Germany were being treated according to international law.<sup>188</sup> Statements by Polish prisoners of war, interrogated after crossing the Swiss border, often describing draconian punishment for the tiniest infraction of the rules, should have awakened doubts about the correctness of Frölicher's answer.<sup>189</sup> Nevertheless, the Police Division continued the practice of deporting prisoners of war.

Distinguishing between military and civilian refugees again became crucial during the mass flight out of Italy in September 1943.<sup>190</sup>

The first experiences with Italian refugees revealed that the difference was not self-evident:

«Demobilized Italians presented themselves at the border wearing a uniform or part of one in order to be interned as soldiers. Other Italians, who were still mobilized, removed their uniforms and weapons, completely or in part, in order to travel to the border less conspicuously, and then presented themselves as civilians at the border.»

<sup>185</sup> Ludwig, Flüchtlingspolitik, 1957, p. 54; Wichers, Kampf, 1994, pp. 46–53.

<sup>186</sup> Circular notice from the Police Division of the EJPD, July 11, 1940, in FA 4320 (B) 1990/270, vol. 4. «Bericht der Polizeiabteilung über Rückweisung entwichener Kriegsgefangener», (Report of the Police Division about the Expulsion of Escaped Prisoners of War), October 18, 1940, in FA E 4260 (C) 1974/34, vol. 135. On the position of prisoners of war in international law: see Kälin, Gutachten, 1999, Part 1, B I, 2aa and 2c; Part 2, B II, 2c.

<sup>187</sup> Rothmund to Frölicher, May 2, 1941, in FA E 4260 (C) 1974/34, vol. 135.

<sup>188</sup> Frölicher to Rothmund, June 4, 1941; Kappeler to Rothmund, August 12, 1941, in FA E 4260 (C) 1974/34, vol. 135.

<sup>189</sup> Interrogation of Kasimir J. and Henryk N., October 27, 1941, in FA E 4264 (-) 1985/196, vol. 104. «Bericht der Polizeiabteilung zum Flüchtlingsproblem» (Report of the Police Division on the Refugee Problem) by Robert Jezler, July 30, 1942, in FA E 27 (-) 14446.

<sup>190</sup> Brogгинi, Terra d'asilo, 1993, pp. 65ff.

This raised the question «who, specifically, is to be considered as a soldier, or addressed as troops or an analogous armed unit». The military leadership pushed for «a restrictive interpretation of the terms soldier or troop unit».<sup>191</sup> Forced to draw up binding guidelines, the police fell back on «rules of thumb»: military refugees were «foreign soldiers in the complete uniform of a foreign power»; all others, including those in partial uniform, were to be treated as civilian refugees.<sup>192</sup>

Refugees' nationalities formed a special group of categories that was never laid down formally. Foreign policy considerations were the deciding factor whether someone was accepted or rejected, as was the likelihood that refugees could later return home. Therefore, before the war, lack of papers or statelessness was a reason to deny entry.<sup>193</sup> Similarly, officials legitimized the expulsion of escaped Polish prisoners of war and forced laborers by saying that the Polish state no longer existed and therefore could not guarantee the future repatriation of its citizens.<sup>194</sup> Because of the absence of diplomatic relations with the Soviet Union, the Police Division also ordered the expulsion of Russian refugees.<sup>195</sup> Foreign policy considerations also led officials to refrain from expelling British refugees at the border. «We have refrained from expelling English refugees across the board out of consideration for our relationship to England.»<sup>196</sup> Similar motives often saved Dutch refugees from expulsion from Switzerland. Moreover, the guarantee of the Legation of the Dutch government-in-exile that it would assume financial liability for its citizens increased their chances of obtaining asylum.<sup>197</sup>

In practice, it was not only the various schemata that decided whether or not a particular refugee received asylum, but also social perceptions that overlaid the explicit regulations and were taken for granted to such an extent that they did not need to be expressed and are therefore rarely found in source materials. Nevertheless, they determined the practice of asylum policy as well as the fate of refugees. One such category was «Gypsies». A high-ranking customs official who remarked in 1936 that «beggars, vagabonds, Gypsies, etc.» are

<sup>191</sup> General Chief of Staff Huber to the EMD, «Urgent», September 19, 1943, in FA E 27 (-) 14446 (orig. French).

<sup>192</sup> Schürch, *Flüchtlingswesen*, 1951, p. 75. When Nazi Germany collapsed and Nazis, Gestapo officials, and SS men tried to escape to Switzerland, the question arose whether uniformed SS men were to be treated under the «rule of thumb» or whether they should be turned back according to the directive of July 12, 1944, which was primarily aimed at keeping out potential war criminals. The Swiss Federal Council decided on a compromise: Waffen SS units could enter Switzerland as military refugees, while other SS men were to be rejected. Schürch, *Flüchtlingswesen*, 1951, p. 34.

<sup>193</sup> «Protokoll über die Besprechung der Frage betreffend die Mitwirkung des Zolldienstes bei der Durchführung der Fremdenpolizei-kontrolle» (Transcript of a Meeting re: the Issue of Cooperation of Customs Officials in Police Checks for Foreigners), December 17, 1936, in FA E 4300 (B) 3, vol. 12.

<sup>194</sup> Robert Jezler, «Bericht der Polizeiabteilung zum Flüchtlingsproblem», July 30, 1942, in FA E 27 (-) 14446; «Bericht der Polizeiabteilung über Rückweisung entwichener Kriegsgefangener» (Report of the Police Division on the Expulsion of Escaped Prisoners of War), October 18, 1940, in FA E 4260 (C) 1974/34, vol. 135.

<sup>195</sup> Robert Jezler, «Bericht der Polizeiabteilung zum Flüchtlingsproblem», July 30, 1942, FA E 27 (-) 14446. See Gehrig-Straube, *Zeiten*, 1997, esp. pp. 205–277, pp. 330–471; Pavillon, *Ombre*, 1999, pp. 182–191.

<sup>196</sup> Robert Jezler, «Bericht der Polizeiabteilung zum Flüchtlingsproblem», July 30, 1942, FA E 27 (-) 14446. The privileged status of British subjects may have been connected to Swiss trade difficulties Switzerland faced after 1941 due to Great Britain's tighter blockade regulations. See Inglin, *Krieg*, 1991, pp. 87ff.

<sup>197</sup> Robert Robert Jezler, «Bericht der Polizeiabteilung zum Flüchtlingsproblem», July 30, 1942, FA E 27 (-) 14446; «Notiz zur holländischen Kritik an der schweizerischen Flüchtlingspolitik» (Memorandum for the files about Dutch Criticism of Swiss Refugee Policy), October 1, 1952, FA E 4260 (C) 1974/34, vol. 109.

«to be expelled immediately at the border», only confirmed routine police practice.<sup>198</sup> A year earlier, the Police for Foreigners had complained to consulates that provided Roma and Sinti with transit visas for Switzerland that «the sight of the dirty passports and the photos of Gypsies pasted inside should» have been sufficient reason to deny permission to enter the country.<sup>199</sup> One can conclude on the basis of such comments that «Gypsies» were considered a category of refugees to be rejected, although no directive explicitly named them as such.

When considering the application of asylum policy at the border, the question obviously arises how to recognize whether the individual seeking protection belonged to a category to be accepted or to be rejected. This problem can be illustrated by a directive issued on September 7, 1938, in which the border police were instructed to refuse entry to German «emigrants», although travel between Switzerland and Germany was still unrestricted. «The border guard will often find it difficult to determine whether the holder of a German passport is an emigrant or not», the document concedes. In order for customs officials to distinguish «emigrants» from other Germans crossing the border, they should observe whether the persons in question «are with certainty or great probability Jews», as «nearly all of those who are emigrants are Jews».<sup>200</sup> This instruction is hardly likely to have helped border guards recognize «emigrants» among the masses of people entering the country. How were border officials to distinguish Jewish Germans from Catholic or Protestant ones? Since the memorandum did not cite any criteria for determining who is a Jew and thus an «emigrant», the directive implicitly appealed to stereotypes assumed about Jews.

In asylum policy, categories had a functional role in application. Consequently, modifications to meet domestic and foreign policy needs and considerations, were characteristic of the category system as was the permanent need for interpretation in practice. Refugees' chances of receiving asylum were also influenced by diverging patterns that broke through the binding character of existing classifications. One of these was the determination of «hardship cases», which after the fall of 1942 secured the right of entry for certain civilian refugees: elderly or ailing individuals, families with small children, and children traveling alone.

#### 4.3.2 The development of the practice of expulsion in the 1930s

Beginning in the 1930s, the EJPD pushed for restrictive border controls.<sup>201</sup> Italian refugees, who in growing numbers after 1930 began using Switzerland as a transit country to reach

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<sup>198</sup> «Protokoll über die Besprechung der Frage betreffend die Mitwirkung des Zolldienstes bei der Durchführung der Fremdenpolizeikontrolle» (Transcript of a Meeting Concerning Cooperation of Customs Officials in Foreign Police Checks), December 17, 1936, FA E 6351 (F) 1, vol. 522.

<sup>199</sup> Police Division of the EJPD to the Foreign Affairs Division of the EPD, March 7, 1935, FA E 2001 (D) 1, vol.95.

<sup>200</sup> «Streng vertrauliches Kreisschreiben der Polizeiabteilung des EJPD» (Highly Confidential Circular of the Police Division of the EJPD), September 7, 1938, FA E 4300 (B) 1971/4, vol. 8. The «J»-stamp was introduced less than a month after this report.

<sup>201</sup> In 1929, border controls were abolished. See Gast, *Kontrolle*, 1997, p. 275. The increasingly restrictive practice after 1931 was based on labor market policy. At the height of the economic crisis in 1932, 16,000 persons were expelled because they were penniless. An EJPD circular of January 27, 1931 also instructed border officials to stamp the

France, were also affected. After such transit refugees had been turned back a number of times, some members of the federal administration called for a more liberal practice, especially since many Italians could expect persecution if they were sent back to Italy. It was said that just the fact of leaving Italy secretly could lead to drastic sanctions, somehow giving these refugees «the right to asylum».<sup>202</sup> This position was adopted by only some of the cantons. Ticino routinely sent Italian refugees back across the border: «We *always* order expulsion for those who enter secretly».<sup>203</sup> The cantonal police in Valais turned Italians directly over to the carabinieri, whereas Graubünden still allowed Italians who had entered illegally to travel to France in the late 1930s.<sup>204</sup> The de facto recognition of the Non-Refoulement (non-expulsion) principle by the federal government did not guarantee Italian refugees a claim to residence in Switzerland; rather, its significance lay in the fact that those who had entered illegally were allowed to use Switzerland for transit. The authorities viewed refugees from Germany with much greater suspicion because they expected an increased influx of «dubious emigrants», especially Communists.<sup>205</sup> In the 1930s it was common to expel Communists who had entered illegally; in some cantons, they were sometimes handed over directly to the Germans.<sup>206</sup>

Behavior toward stateless persons and those without documents exemplifies later developments. Those no longer recognized as citizens of their land of origin lacked all diplomatic protection and were «thus in actuality without rights».<sup>207</sup> No country wanted the stateless because they feared having to support them. During the 1930s, neighboring states began, unofficially, to send the stateless and those without documents illegally across each other's borders.<sup>208</sup> Swiss officials gave the interests of the state as a reason for this practice: As long as

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passports of the expellees with the remark «Residence denied because of lack of funds.» (orig. German) Statistical data in FA E 6351 (F) 1, vol. 521.

<sup>202</sup> EPD to the Central Customs Administration, July 9, 1931; Central Customs Administration to the Police Division of the EJP, July 2, 1931, FA E 6351 (F) 1, vol. 521 (orig. French).

<sup>203</sup> Ticino cantonal police to the Federal Prosecutor, December 13, 1937 (emphasis in original), FA E 4230 (B) 1990/270, vol. 3 (orig. Italian). The report «Grenzübertritt durch gewöhnliche Flüchtlinge ab 1. Januar 1936» (Border Crossing by Common Refugees after January 1, 1936) mentions several Italians expelled by the Ticino police. FA E 2001 (D) 4, vol. 92.

<sup>204</sup> Letter from the Central Customs Administration, July 20, 1937; Report of the Valais cantonal police, August 21, 1937, FA E 4320 (B) 1990/270, vol. 3; Reports on the treatment of Italians who had entered the country illegally, FA E 2001 (D) 4, vol. 92. The Graubünden cantonal *Landjägerkommando* to the Federal Prosecutor, July 5, 1937, FA E 4320 (B) 1990/270, vol. 3.

<sup>205</sup> The Federal Prosecutor to the Central Customs Administration, January 9, 1935, FA E 6351 (F) 1, vol. 521.

<sup>206</sup> Wichers, Kampf, 1994, pp. 58–63, mentions that Communists were handed over to the German police by the Schaffhausen cantonal police in 1935.

<sup>207</sup> Kälin, Gutachten, 1999, Part 1, A III, 2a. See also Arendt, *Elemente*, 1996, pp. 559ff, pp. 577–601. Those without papers and without citizenship were not necessarily refugees; however, the number of persecuted human beings who had been denied identity papers by their native countries for political reasons increased dramatically in the 1930s. Kälin, Gutachten, 1999, Part 1, A III, 2 and 3, addresses the problem of stateless persons in the context of efforts by the League of Nations to create international standards for the treatment of refugees. The corresponding agreements took place as a reaction to the policies of individual states and thus were valid only for specific refugee groups. Moreover, the agreements were always ratified only by some of the League of Nation member states.

<sup>208</sup> Report of the director of Customs Zone VI, April 4, 1936, FA E 6351 (F) 1, vol. 522.

«no international agreement clarifies what is to happen to persons who enter a foreign country secretly and without proper papers, it is in our best interest, as hard as it may be in individual cases, if this person is sent back immediately to the country he or she entered from.»<sup>209</sup>

As a result of this practice, stateless persons slipped quickly into illegality. It was impossible for them to hold a regular job since they could not obtain a work permit anywhere. In order to get rid of them, police officers forced stateless persons to exit the country illegally, leaving them no other choice but to break the law. Prison terms because of illegal border crossings and notations of expulsion in travel documents made stateless persons appear suspicious. The criminalization resulting from this practice can be exemplified by the case of Johann K., a victim of the creation of new states after the First World War. K. was born in Budapest in 1902, an illegitimate child, and grew up in Vienna. In the early 1920s the Austrian police expatriated him to Hungary assuming that he held the citizenship of the country where he had been born. But Hungary refused to recognize him as a citizen and sent him to his mother's native town, meanwhile located in Yugoslavia. There, too, he was refused citizenship and expelled. K. was unable to obtain a residence permit anywhere. Thereafter, he had to work off the books everywhere, «and when I had no work I was forced to steal», as he himself admitted. His record of theft, «vagrancy», and illegal border crossings led repeatedly to prison terms so that after the mid-1920s, he spent more time in prison than out of it. The rest of the time he wandered across half of Europe. «I was pushed from one country to another. The only time I had any peace was when I was locked up», he remarked. In 1938, K. fought with the International Brigade in the Spanish Civil War. After the Republic fell, he was incarcerated in a French internment camp. In 1941, he fled to Switzerland, where he claimed to be a German deserter because he thought it might give him a better chance of obtaining asylum. But the authorities discovered his real identity and he again faced expulsion. By this time, however, K. was a politically persecuted refugee since he could assume that in Germany he would be sent to a concentration camp. He pleaded with Swiss authorities not to expel him, but to send him to an internment camp; in this situation, he would even have preferred imprisonment. Nevertheless, he was expelled into former Austria in October 1941. In December 1941, he again fled to Switzerland. This time the authorities realized the impossibility of getting rid of him and imprisoned him as an «undesirable» foreigner in the Witzwil prison.<sup>210</sup>

A growing number of people who had lost their citizenship for a variety of reasons or were considered «undesirable» had similar experiences during the 1930s – including Roma and Sinti and refugees who were not recognized anywhere. Frequently they were sent back and forth across the same border from one country to another, two or three times within 24 hours.<sup>211</sup> As

<sup>209</sup> Frölicher to the Central Customs Administration, March 10, 1936, FA E 6351 (F) 1, vol. 522.

<sup>210</sup> Transcript of court interrogation in Glarus, October 4, 1941. Further information from K.'s biographical account, January 7, 1942. Internment order by the Police Division, December 31, 1941, FA E 4264 (-) 1985/196, vol. 98. The authorities did not recognize K. as a refugee; in 1943, they denied him a transfer to the Gordola refugee camp.

<sup>211</sup> Additional reports in FA E 4320 (B) 1990/270, vol. 3; Knauer/Frischknecht, *Spur*, 1983, p. 109; Wichers, *Kampf*, 1994, p. 59.

a result of this practice, Swiss border guards who until then had viewed customs inspections, not passport control, as their «primary task», became more and more involved in actual police work which consisted of «recognizing suspicious persons at first glance».<sup>212</sup> The language in these contemporaneous sources refers to stateless persons and to those without papers as «undesirable elements» in the perception of the authorities; they were perceived as identical to the actual objects of police work, «suspicious» persons. They were consequently described in reports about expulsion as illegals with «the look of criminals»,<sup>213</sup> as «riffraff», «illegal», and «typical beggars», who tried to push their way through as «deserters or political refugees, with whining and lying» and were only pretending to be stateless.<sup>214</sup> In daily practice, the categories began to blur. The authorities saw little difference between refugees who had to flee their homes hastily and crossed the Swiss border without money and papers, and stateless or pleading border entrants: both were identified as «undesirable elements» or «dubious emigrants».

### 4.3.3 Despite dangers to life and limb: the expulsion of refugees after 1938

After 1938, the policy of rejection of Jews expelled from the *Third Reich* became a policy of denying asylum with full knowledge of the consequences for the refugees. Recent research has shown that the policy directives of Swiss federal agencies were interpreted differently. Along some stretches of the border, many refugees were expelled seriatim, whereas simultaneously in other areas officials were much more liberal.<sup>215</sup> The disparate nature of the sources permits us only to add data about certain points. An excursus about Geneva, however, illustrates how strongly asylum practice depended on the attitude and actions of individual officials.

In the summer of 1938, conditions for refugees on the border with former Austria were the same as for stateless persons. German border guards and SS men sent Jews secretly across the Swiss border after robbing them of all but a few *Reichsmark*. Cantonal police departments demanded «vigorous rejection» of the expellees.<sup>216</sup> With increasing frequency refugees reported that the Germans had threatened to send them to a concentration camp if they

<sup>212</sup> The border guard commander of Customs Zone I complained on February 18, 1933 about the assignment of police duties to customs officials, FA E 6351 (F) 1, vol. 521; «Protokoll über die Besprechung der Frage betreffend die Mitwirkung des Zolldienstes bei der Durchführung der Fremdenpolizeikontrolle» (Transcript of a Meeting Concerning the Issue of Cooperation of Customs Officials in Controls by Police for Foreigners), December 17, 1936, FA E 6351 (F) 1, vol. 522.

<sup>213</sup> Transcript of the Solothurn canton police on the arrest of a stateless person, February 28, 1936, FA E 4320 (B) 1990/270, vol. 3.

<sup>214</sup> The Federal Prosecutor to the police command of the cantons of St. Gallen, Graubünden, Thurgau, August 5, 1936, FA E 4320 (B) 1990/270, vol. 3.

<sup>215</sup> Koller, *Entscheidungen*, 1996, on general practice on the western border; Wacker, Bern, 1992, on asylum policy in the canton of Basel-Stadt; Broggin, *Terra d'asilo*, 1993 and Broggin, *Frontiera*, 1998 on dealing with Italian refugees. On Jura, see Spira, *Flux*, 1998. Franco Battel's soon-to-be-completed dissertation on asylum policy in the canton of Schaffhausen and Claude Hauser's work on Jura and the ongoing research in Geneva show promise of presenting new research results.

<sup>216</sup> Report of the country police force (*Landjäger-Corps*) to the police administration of the canton of Schaffhausen, August 13, 1938; Zurich police command to the Federal Prosecutor's Office, August 3, 1938, FA E 4320 (B) 1991/243, vol. 17.

returned to *Reich* territory. Nevertheless, they still found no refuge in Switzerland. In order to fend off the «refugee invasion», as border guards described the mass flight, the practice of sending refugees back became much harsher in the summer of 1938.<sup>217</sup> Border guards relentlessly sent back illegal refugees almost everywhere, often turning them over directly to the German police, in full knowledge of the danger that threatened them.<sup>218</sup> At the same time, a process of brutalization occurred. Border guards hit refugees with their rifle butts to prevent them from crossing the border.<sup>219</sup> One border guard expressed reservations as to whether this method would bring the desired results; he said that «strict implementation of Federal Police for Foreigners measures is often not easy, even without sentimentality», as the refugees tried to enter by all possible means

«and often under conditions of mortal danger .... We have sent back refugees at various locations, who had been trying to enter Switzerland for the fifth time. The refugees from Vienna ... say they have only three options: leaving Germany, concentration camps, or suicide.»<sup>220</sup>

Even after the war had begun, Switzerland refused entry to the victims of Nazi persecution and rejected formal petitions for asylum, as in the cases mentioned earlier of the German politicians Breitscheid and Hilferding.<sup>221</sup> Already in June 1940, when French troops together with thousands of civilians, including refugees from Germany who had lived in France, sought refuge in Switzerland, widespread expulsions had occurred. About 300 people were instantly turned back at the border. Among them were about 100 members of the International Brigades who had fled to France after the defeat of the Spanish Republic. Another 150 refugees were returned across the border to unoccupied France shortly after they had entered Switzerland, and at the end of August the Police Division turned over another approximately 350 endangered persons to Vichy authorities.<sup>222</sup> Thus, the rejection or expulsion of 900 refugees can be documented during the summer of 1940; in reality, the true number is probably much higher since some expulsions were not registered.<sup>223</sup> The refugees whose entry had been

<sup>217</sup> Statement of the head of a customs checkpoint, cited in: «Grenzübertritt österreichischer Flüchtlinge» (Border Crossing of Austrian Refugees), report by Jezler, August 16, 1938, FA E 4300 (B), 1, vol. 12. See also Kälin, Gutachten, 1999, Part 1, B I, 2b.

<sup>218</sup> Border guard commander Häfliger to Schaffhausen District Customs administration in Schaffhausen, August 17, 1938, FA E 6351 (F) 1, vol. 522; Schaffhausen Regional Customs Administration to Central Customs Administration, also: «Grenzübertritt österreichischer Flüchtlinge», reports by Jezler, August 11 – September 1, 1938, FA E 4300 (B) 1, vol. 12. The canton of St. Gallen, where police captain Paul Grüninger prevented hundreds of expulsions, is an exception. Keller, Grüninger, 1993. See Chapter 4.2.4.

<sup>219</sup> Report of a border guard officer from Chur to the border watch commander, August 22, 1938, FA E 6351 (F) 1, vol. 522.

<sup>220</sup> Report of a border guard officer from Chur to the border watch commander, August 22, 1938, FA E 6351 (F) 1, vol. 522.

<sup>221</sup> Bulletin of the Police Division, June 25, 1940, FA E 27 (-) 14445, reprinted in DDS, vol. 13, no 311, Annexe IV. See Chapter 2.2.3 and 4.1.1.

<sup>222</sup> Report by Frédéric Rapp, border watch commander of Customs Region V, July 11, 1940, FA E 6351 (F) 1, vol. 522; List of expelled refugees by the Justice and Police Administration of the canton of Fribourg, August 23, 1940, FA E 4300 (B) 1971/4, vol. 8. Most civilian refugees from France were placed in Fribourg, Bulletin of the Police Division, June 25, 1940, FA E 27 (-) 14445, reprinted in DDS, vol. 13, no. 311, Annexe IV. On July 17, 1940, the Police Division issued expulsion orders for those who did not leave voluntarily. FA E 6351 (F) 1, vol. 522.

<sup>223</sup> Stadelmann, Umgang, 1998, p. 109, cites the number of 1 500 person who fought in the Spanish Civil War, as well as smaller groups of expelled refugees.

rejected by Switzerland were thought to «pose an extreme danger to the state» because they might «foster communism». Furthermore, it was feared that they would have to remain in Switzerland «because they would be threatened with death in all countries that surround us, probably in France as well».<sup>224</sup>

After France's defeat, asylum seekers who had been refused transit to unoccupied France had little chance of being accepted by Switzerland. During the first years of the war, this applied primarily to Jewish refugees from Germany. This can be illustrated by the expulsions registered by the Thurgau cantonal police: in the fall of 1941, five Jewish refugees and four persons whose motives for flight are unknown, had been sent back across the border.<sup>225</sup> Ruth and Lothar H., a married couple, were among the Jews turned back in Thurgau. They had left Berlin in the fall of 1941 and rowed across Lake Constance to Switzerland in a rubber boat. The military police officer in charge, the liberal National Councillor Ludwig Rittmeyer, refused to expel the couple because, as he explained in his decision, «the current practice stinks to high heaven and is a disgrace for us»<sup>226</sup>. Against his will, Ruth and Lothar H. were sent back to Germany a few days after they had entered the country. The expulsion had been ordered by Rittmeyer's superiors, the officers of the police section of the army command, with the consent of the Police Division of the EJPD. This incident was a jurisdictional conflict, in which the federal agencies claimed responsibility to make final decisions about acceptance or rejection of refugees. They created a model with their decision and implemented this in general practice, based on legal orders closing the border on August 13, 1942 and resulting in the centralization of authority at the Police Division and the command to border guards and officers of the military police to deny entry to all civilian refugees.<sup>227</sup>

### *The border closing of 1942*

As Switzerland became the last possible place of refuge for more and more persecuted individuals in the summer of 1942, Rothmund, with the consent of the Swiss Federal Council, closed the borders on August 13, 1942.<sup>228</sup> Brutal expulsions took place in subsequent days. On August 17, 1942, the Sonabend family was evicted to occupied France after spending several days in Switzerland.<sup>229</sup> Almost simultaneously, a couple named Céline and Simon Zagiél, who

<sup>224</sup> Rothmund to Colonel Paul Logoz, general staff division, June 19, 1940, FA E 27 (-) 14445; see DDS, vol. 13, no. 311, p. 730.

<sup>225</sup> Lists of refugees 1941, 1942, 1943, 1944, StATG 4'517'2, File 8. Five refugees were expelled to Germany from Thurgau in 1942, three of them were turned over directly to the Germans; in 1943, eleven persons were either expelled covertly or turned over to the Germans; in 1944, six refugees were expelled.

<sup>226</sup> Rittmeyer to the Intelligence and Security Service Department, police section of the army commando, October 30, 1941, FA E 4264 (C) 1985/196, vol. 104 (orig. German). Further documents in FA E 4260 (C) 1974/34, vol. 135. Rittmeyer was one of the few mainstream parliamentarians to strongly criticize the asylum policy of the Federal Council in the National Council debate of fall, 1942. Graf, Flüchtlingsdebatte, 1979, pp. 57-69. See chapter 3.2.

<sup>227</sup> Koller, Entscheidungen, 1996, pp. 29-46.

<sup>228</sup> See Chapter. 3.2 and Kälin, Gutachten, 1999, Part 1, B I, 2b.

<sup>229</sup> Mächler, Abgrund, 1996, pp. 137-173.

had hidden in the Jewish cemetery in Bern, also had to return to France.<sup>230</sup> The expulsion of refugees who had already spent several days in Switzerland and believed themselves to be safe aroused great public indignation.<sup>231</sup> Surprised by the vehemence of these protests, Federal Councillor von Steiger ordered officials «to refrain from expulsion in exceptional cases».<sup>232</sup> Subsequently, refugees who succeeded in entering the country were not to be immediately expelled. A short time later, von Steiger informally told the Geneva authorities that until the protests died down, they were not to expel Jewish refugees and no one was to be turned over directly to the Germans.<sup>233</sup> For Geneva, the regulations of August 13, 1942, were suspended for the most part. The number of refugees rejected decreased.<sup>234</sup> At other sections of the border – at the Valais border with unoccupied France and along the border to occupied France – treatment of refugees eased only very slightly or not at all. The border guard commander in charge of this customs zone, Frédéric Rapp, continued to have most refugees expelled and adhered to the same hard line he had followed since 1940. He also had refugees turned over directly to foreign border officials.<sup>235</sup>

In the following months, new directives were issued by the federal authorities that modified the August 13, 1942, regulations.<sup>236</sup> At the same time, especially the military urged stricter procedures.<sup>237</sup> The Police Division's contradictory directives had created a confused legal situation that left decisions in individual cases up to the «discretion of the individual border

<sup>230</sup> Häsler, Boot, 1967, pp. 13f. reprints the article by Hermann Böschenstein from the *National-Zeitung* of August 24, 1942 about the couple's expulsion. Céline and Simon Zagiel, whose identity has only been discovered through recent research, were deported to Auschwitz. Céline Zagiel was murdered immediately; Simon Zaigel survived forced labor in the concentration camp. Spira, *L'hospitalité*, 1996.

<sup>231</sup> Häsler, Boot, 1967, esp. pp. 154–159; Kocher, *Menschlichkeit*, 1996, pp. 209–227, Imhof, *Kommunikation*, 1999.

<sup>232</sup> Quotation in Kocher, *Menschlichkeit*, 1996, p. 215. Previously, Gertrud Kurz und Paul Dreyfus-de Gunzburg had visited von Steiger and tried - in vain - to convince him that the border should be reopened. With telephone instructions on August 23, 1942, the regulations of August 13, 1942 were eased slightly for the western border. FA E 4001 (C) 1, vol. 259. On August 24, 1942, Rothmund assured relief organizations that he would order a more liberal practice to be instituted. Kocher, *Menschlichkeit*, 1996, p. 215. See chapter 3.2.

<sup>233</sup> «Confidential note» (orig. French) by Arthur Guillermet, September 1, 1942, about an informal discussion with Federal Councillor von Steiger on August 31, 1942. Guillermet to Rothmund, September 2, 1942; Daniel Odier to the army command September 3, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>234</sup> From August 13, 1942 to the end of August 1942, 314 out of the 527 refugees who had entered Switzerland were expelled. In the first week of September, 40 out of 259 were expelled. The great majority of the expelled refugees were Jews from Belgium, Holland and France. A majority of them initially had attempted to cross the border in Jura, but the number entering through the Geneva Lake region increased over the course of the month to more than 95% of all attempted border crossings. «Bericht zuhanden von Herrn Bundesrat von Steiger über die in der letzten Zeit schwarz eingereisten Ausländer» (Report to Federal Councillor von Steiger on the number of foreigners who have recently entered the country illegally), by Schürch, September 7, 1942, FA E 4001 (C) 1, vol. 259. Customs report of September 1942, FA E 6351 (F) 1. vol. 522.

<sup>235</sup> Captain Mumenthaler to the security division of the army command, September 23, 1942, FA E 5330 (-) 1975/94, 43/2254. On the restrictive practice in Customs Region V, which consisted of most of the western Swiss border, except for Geneva, see Koller, *Entscheidungen*, 1996, pp. 48–54.

<sup>236</sup> See also Kälin, *Gutachten*, 1999, Part 1, B I, 2b.

<sup>237</sup> «Telephonische Weisung über die Behandlung von Flüchtlingen aus dem unbesetzten Frankreich» (Telephone directive on the treatment of refugees from unoccupied France), September 26, 1942 contains regulations regarding the «hardship cases» that were to be approved. Ludwig, *Flüchtlingspolitik*, 1957, pp. 222f. On October 11, 1942, the police section of the army command ordered the expulsion of French Jews, in early November the same instance pressed for a generally stricter application of the August and September directives. Witness statement by Arthur Guillermet, December 23, 1942, FA E 5330 (-) 1975/94, 43/2254.

guard or another control authority».<sup>238</sup> Unpredictability and luck were the order of the day. Thus, the Feingolds, a couple whose life was in danger in France both because of their Jewish origins and because of Max Feingold's earlier political activities, were turned away at the border in the fall of 1942. The border guards ignored Mrs. Feingold's statement that she was pregnant, which according to prevailing regulations should have guaranteed them entry, and instead showered them with antisemitic insults.<sup>239</sup> Tragedies often occurred at those sections of the border where the treatment of refugees was particularly harsh. A physician complained to federal authorities that border officials at a checkpoint in Valais sent completely exhausted people immediately back across the border, even when the people could scarcely walk.<sup>240</sup> Refugees did everything they could to avoid being expelled. Near Monniaz, a Jewish couple committed suicide in front of border guards, after they had been discovered crossing the border.<sup>241</sup>

### *Excursus: treatment of refugees in Geneva in the fall of 1942*

The changed situation, in which border officials and military police officers made decisions about life and death for those seeking asylum, gave enormous power to individual men. Although some suffered from this burden of responsibility or, as with the police officer Ludwig Rittmeyer mentioned above tried to use their authority to grant refugees entry into Switzerland, in other instances the situation led officials to abuse their power at the cost of people whose very lives depended upon them. Moreover, the new regulations strengthened the role of the army in the implementation of asylum policy. It placed men in important positions who were not capable of fulfilling them. This can be illustrated by the situation in Geneva, the most important border crossing point for refugees in the late summer and fall of 1942.<sup>242</sup>

On August 22, 1942, three stateless Jews – Eduard Gros and Hubert and Paul Kan – crossed the border to Switzerland near Geneva. Shortly after their illegal entry they were arrested by the military police, brought by car to the German customs post at La Plaine, and sent by foot to the border into occupied France. But when the refugees saw the German border police, they jumped into the Rhone and swam back to the Swiss side of the river. There they desperately begged for asylum. In vain. One tried to slit his wrists. Swiss border guards stopped his suicide attempt before he could complete it and dragged the three men, who clung to each other, away

<sup>238</sup> Captain Mumenthaler, army command, to the Police Division of the EJPD, September 5, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>239</sup> Mächler, *Abgrund*, 1996, pp.173–194. An investigation of the border guards involved in the incident was begun because Max Feingold registered a complaint from France with National Councillor Paul Graber. See also the files in FA E 6351 (F) 1, vol. 522.

<sup>240</sup> Dr. Pierre Mariethoz to Rothmund, September 28, 1942, FA E 6351 (F) 1, vol. 522. Escaped Polish prisoners of war reported that they were mistreated by Swiss border guards before being handed over to the Germans. *Archiwum Wojskowego Instytutu Historycznego*, Warsaw, Kor. A. Ladosia, V/3/3, III, p. 23.

<sup>241</sup> *La Suisse*, October 19, 1942. References to suicide attempts by expelled refugees can also be found in a letter from VSIA to Robert Briner, January 19, 1943, FA E 9500.193 (-) 1969/150, vol. 5.

<sup>242</sup> The following analysis is largely based on files of a penal procedure against Geneva military police officer Fernand Demierre that has not been previously used. During this trial, statements were given by refugees, eyewitnesses, Geneva officials, border guards and high-ranking federal officials.

from the river bank in order to turn them over to the waiting German officials. However, the expulsion could not be carried out. Since the border guards wished to avoid drawing attention to a public incident, Daniel Odier, the police officer for the Geneva territorial district and the German border officials agreed to have the refugees officially handed over on occupied French soil. There the three Jews were arrested by the German border police and brought to the prison in Gex, as other refugees reported later. Eduard Gros, and Hubert and Paul Kan were deported to Drancy and from there to Auschwitz on September 18, 1942.<sup>243</sup>

Shortly after this incident, Daniel Odier and Arthur Guillermet, General Secretary of the Geneva Justice and Police Department met with a German officer in La Plaine. A second meeting took place a little later with the head of the Gestapo in Dijon, at which Odier alone represented the Geneva authorities.<sup>244</sup> The Germans demanded that the Swiss contact German border officials before carrying out expulsions and not send refugees secretly into occupied France. While Guillermet later remembered that he and Odier did not agree to the Germans' demands, Odier reported that they had agreed that border officials would inform each other of imminent expulsions. Only shortly thereafter however, Rothmund forbade the expulsion of refugees onto territory occupied by the Germans.<sup>245</sup> Nevertheless, refugees continued to be put across the border into occupied France in such a way that they were bound to fall into the hands of the Germans, as witnesses reported. «I can personally confirm two cases in which people who had been turned back were barely across the border when they were collected by the Germans», a border zone resident explained and said it could not have been accidental. «My personal opinion is that in certain cases the Germans had been informed in one way or another.»<sup>246</sup> In early September 1942, the Geneva military police turned a stateless Jew over to the Germans together with the record of his interrogation in which the refugee had provided information about his contacts with the Dutch resistance.<sup>247</sup> These incidents show that the military police carried out their own refugee policies. Delivering endangered persons to the Germans went far beyond what federal regulations mandated. Despite the order to halt expulsions in Geneva, officials continued to send back refugees who had already been in Switzerland for some time. Officials in Bern had been informed about the actions of the

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<sup>243</sup> Daniel Odier, «Rapport sur le refoulement de trois juifs-allemands au poste de douane de La Plaine» (Report on the expulsion of three German Jews at the customs checkpoint at La Plaine) August 23, 1942, FA E 5330 (-) 1975/94, 43/2254. The spelling of the names are written as in the original. Klarsfeld, *Mémorial*, undated, Convoi no. 34.

<sup>244</sup> Witness statement by Daniel Odier, November 6, 1943, FA E 5330 (-) 1975/94, 43/2254. In Jura as well, Swiss border officials maintained contact with the Germans. Police officer Major Hatt often engaged German border guards and SS men in conversation, at times «over a glass of wine» (orig. German); Major Debrunner, border guard commander in Basel, also had direct contact to German officials. Rothmund to Federal Councillor von Steiger, August 13, 1942, FA E 4800.1 (-) 1967/111, Akz. 1.015, File 336.

<sup>245</sup> Witness statement by Daniel Odier, November 6, 1942 and Arthur Guillermet, December 23, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>246</sup> Witness statement of December 19, 1942, FA E 5330 (-) 1975/94, 43/2254 (orig. French).

<sup>247</sup> Kurt D. to the Dutch military attaché, October 1, 1942; Judgement of the First Division Court, June 7, 1946. The Geneva military police often turned refugees over to the Germans directly. Statement by Louis Ferrin, June 19, 1943, FA E 5330 (-) 1975/94, 43/2254.

Geneva military police, in part through letters of protest from relief organizations.<sup>248</sup> But it seems that this practice was condoned. Apart from handing over refugees to the Germans, much was obviously standard routine.<sup>249</sup> Refugees who entered illegally from France were regularly delivered to Vichy officials. This practice goes back to a prewar agreement between the canton of Geneva and the French department of Haute-Savoie. The 1939 agreement was a response to the practice of shoving stateless persons and those without papers illegally from one country to another. Geneva and the French department had agreed that they would officially hand over illegal foreign emigrants to the border police in the adjacent state.<sup>250</sup> When the number of illegal refugees increased in the summer of 1942, Geneva authorities employed the 1939 agreement. In the fall of 1942, they were still revealing the refugees' true identity to the French, as stipulated in the agreement. Two Dutch Jews realized with horror after their expulsion that the French did not believe their claims to be Protestants, as their forged passports stated, because the Swiss had informed French officials that they were actually Jewish.<sup>251</sup> By all indications, some Swiss officials interpreted the agreement as a justification for treating refugees expelled to occupied France in the just same way. The following three cases are typical of almost two dozen similar cases known individually by name, as well as that of an unknown number of refugees, who became victims of especially brutal treatment in Geneva.

On August 12, 1942, the nineteen year-old Jew Leo H. entered Switzerland near St. Julien. He brought with him 40 pieces of gold and a watch. The military police took his valuables and expelled him to unoccupied France on August 13, 1942. Several weeks later he was again able to enter Switzerland, unnoticed. Following regulations, he registered with the police. On September 15, 1942, he traveled to Geneva to request the return of his personal property after officials assured him that he would not be expelled again. But instead of receiving his

<sup>248</sup> M. Furrer, Central Office for Refugee Aid to the Police Division, September 22, 1942, FA E 4264 (-) 1988/2, vol. 514. Daniel Odier justified this practice in 1945: «I had imagined that Bern thought the number of people expelled was too low ... I dedicated my attention to this very important question» (orig. French), «Rapport d'activité du bureau de police de l'Ar.Ter. GE» (Report of Police Division activity in Ar.Ter. GE), November 29, 1939 – July 31, 1945, FA E 27 (-) 14880.

<sup>249</sup> Arthur Guillermet, «Compléments à ma déposition» (Supplement to my deposition), January 16, 1943, FA E 5330 (-) 1975/94, 43/2254.

<sup>250</sup> The agreement is available in the form of correspondence in April and July 1939 between the Geneva cantonal Justice and Police Department and the prefecture of Haute-Savoie. FA E 5330 (-) 1975/94, 43/2254. After Haute-Savoie was occupied by Italian troops, the agreement was confirmed by representatives of the occupation forces and Geneva police officials. A similar agreement of March 1941 also existed between the canton of Valais and Haute-Savoie. See Koller, *Entscheidungen*, 1996, pp. 52–54. On this basis, refugees were turned over directly to the French police in St-Gingolph; on June 5, 1942, this was done with two French Gaullists, one of them Jewish. Report by Lieutenant Galay, police section of the army command, June 4, 1942, FA E 4264 (-) 1985/196, vol. 144. In Valais, also in the fall of 1942, large groups of refugees were turned over to the French police at the border checkpoints in Vallorcine or St. Gingolph. Daniel Odier to the police section of the army command, October 21, 1942, FA E 4260 (C) 1974/34, vol. 114.

<sup>251</sup> Witness statement by Hans-Peter St. and Elias P., November 21, 1942. Corporal Demierre testified during interrogation on June 26, 1943, that this procedure was common in the summer and fall of 1942. See also: Jezler to Capt. Mumenthaler, army command, October 24, 1942, «Note III» by Arthur Guillermet, January 6, 1943, FA E 5330 (-) 1975/94, 43/2254. On revealing the true identity of refugees by Swiss officials in the Jura region: Koller, *Entscheidungen*, 1996, pp. 45f, Stefan Keller in *WoZ* 15, April 9, 1998; *WoZ* 26, June 25, 1998; *WoZ* 52–53, December 24, 1998.

valuables, he was arrested immediately. Police officer Daniel Odier threatened to hand him over to the Germans, while the other military police, among them Corporal Fernand Demierre, beat Leo H., threw him to the ground, and kicked him in the stomach. The officials handcuffed him at gunpoint and dragged him to a police car. From the train station they drove toward the border. «In Annemasse, I received another kick and was set out at the border. They kept everything I had in my pockets: wallet, fountain pen, watch, knife, soap, razor, comb, as well as my suitcase with its contents, my hat, coat, tie, suspenders, even my glasses and, of course, all my money ... so that I couldn't even buy anything, with winter coming.»<sup>252</sup> On September 17, 1942, Leo H. once again found himself in unoccupied France. There he was imprisoned in the camp in Châteauneuf-les-Bains, from where he contacted the Dutch consulate to complain about the abuse he had suffered in Geneva. On October 2, 1942, he was at the Swiss border once again. But this last attempt to flee also failed; H. was turned away.<sup>253</sup>

The brothers Max and Frédéric Z., Jews and Dutch citizens, had been interned in the Cossonay refugee camp since April 1942. On August 21, 1942, the two brothers and three other refugees were expelled to occupied France by police officer Daniel Odier, Corporal Fernand Demierre, and other military police. Their expulsion was particularly brutal. The shouts of the police and the screams of the refugees shocked border residents, who had often witnessed expulsions.<sup>254</sup> Max and Frédéric Z. later complained in a letter to the Dutch Legation in Bern. They had been arrested in Geneva on August 17, 1942, without cause. Four days later they were brought to the border. There the military police threw them out of Switzerland with kicks and blows. Several refugees had been injured. «The gentlemen from the police had created such a spectacle that the German border guards noticed the whole thing .... We lay there at the Swiss border, under the eyes of the German customs officials, robbed, beaten and emaciated, without clothing, food, money or papers.»<sup>255</sup> Under a hail of gunfire from the Germans, the brothers crawled to the next Swiss border post. There, too, they were turned away. Their trail disappears in France.

«I certainly understand that Switzerland is not able to take in all the refugees and that it is forced to turn some back, but it is not acceptable that it profits from our misery.»<sup>256</sup> With these words the stateless Jew Frédéric G. protested on September 10, 1942, against the treatment he had received in Geneva. After the Geneva military police had taken all his money, he was

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<sup>252</sup> Transcription of a letter from Leo H. of September 28, 1942 (no mailing address, probably to the Dutch Legation) (orig. German), FA E 5330 (-) 1975/94, 43/2254.

<sup>253</sup> Transcript of an expulsion by the border guard, October 2, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>254</sup> Transcripts of interrogations of witnesses, FA E 5330 (-) 1975/94, 43/2254. A protest statement appeared in «La vie protestante», September 25, 1942. Other documents in FA E 4264 (-) 1985/196, vol. 133.

<sup>255</sup> Frédéric Z. to the Dutch Legation in Bern, undated, FA E 5330 (-) 1975/95, Transcript of an expulsion, August 22, 1942, FA E 4264 (-) 1985/196, vol. 133.

<sup>256</sup> Frédéric G. to the Swiss Legation in Vichy, September 10, 1942, FA E 5330 (-) 1975/94, 43/2254.

turned over to French border guards who deported him to Rivesaltes. From there he was deported to Auschwitz on September 16, 1942.<sup>257</sup>

Systematically robbed, beaten, and abused, these refugees were sent back across the border in such a way that their expulsion was identical to being delivered to the enemy. In most cases, the expulsion was arbitrary and against the law.<sup>258</sup> Many victims of these brutalities were arrested by the German or the French police and deported to German killing centers. As early as September 1942, the Dutch military attaché complained to Heinrich Rothmund about the Geneva military police. He summarized the complaints he had heard of refugees being abused during interrogations and robbed before being expelled. Rothmund's reaction: «When I made the remark that those very methods were being used elsewhere, he said, yes – Gestapo methods.» The military attaché's remark was not contradicted.<sup>259</sup> One name in particular appears in all the reports: Fernand Demierre, corporal in the military police in the Geneva territorial command. His treatment of refugees is described as particularly harsh. For his superiors, obviously, his behavior was nothing new. Demierre, whose civilian career as a bank employee had failed, began working for the military police in 1940. There were already complaints about his interrogation methods as early as May 1941. At first he only received a warning. It was not until April 1942, after further complaints about him became known, that he was dismissed. The very next day, the police section of the Army command rehired him in full knowledge of his proclivity toward violence, and even gave him greater authority. His primary responsibility was now to interrogate refugees and to be in charge of foreigners living under military supervision in Geneva.<sup>260</sup> Reporting directly to officials in Bern, Demierre completely escaped the control of police officer Daniel Odier. When questioning refugees, he continued to practice what the Dutch military attaché had described as «Gestapo methods». He issued directives, although he was not empowered to do so, and expelled refugees who had already been granted asylum. Demierre had little interest in law and politics. In a telephone conversation he announced: «I don't give a damn about what they are saying in the federal chambers: they're not going to keep me from doing my job .... I'll still turn back whomever I feel like turning back.»<sup>261</sup>

<sup>257</sup> Klarsfeld, *Mémorial*, undated, Convoi no. 33.

<sup>258</sup> All of the expulsions mentioned above took place without the required consultation with the Police Division, although Geneva authorities had orders since the beginning of September 1942 not to expel Jews or other refugees who had already been living in Switzerland for some time. The expulsion of refugees interned in civilian work camps lay within the jurisdiction of the Police Division. The judgement of the First Division Court of June 7, 1946 recognized that the Geneva military police had expelled the aforementioned refugees «without authorization» and «against orders» (orig. French). FA E 5330 (-) 1975/94, 43/2254. One refugee said he thought he was expelled because he knew too much about how expulsions took place in Geneva. Witness statement by Hans-Peter St., November 2, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>259</sup> Notes by Rothmund, September 7, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>260</sup> Deposition by First Lieutenant Edmond Burrnier, police section of the army command, December 3, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>261</sup> Transcript of telephone surveillance by the Federal Prosecutor, September 24, 1942, FA E 4320 (B) 1990/266, vol. 225 (orig. French). Further information is from the investigation files. FA E 5330 (-) 1975/94, 43/2254.

On October 22, 1942, the military justice authorities began a criminal investigation and Demierre was arrested the following day. The judgement handed down almost four years later found him guilty of several serious charges and sentenced the former military police officer to a three-year prison sentence.<sup>262</sup> Demierre's crimes illustrate the abuse of power and contempt for people who were defenseless against him. However, from a historical perspective, this affair has a larger significance since it illustrates basic problems in the practice of asylum policy. Long before Demierre was arrested, his superiors had been informed about various illegal acts as well as about the the abuse of refugees. It had long been known that Demierre liked to use torture to extract confessions.<sup>263</sup> His superiors valued him because his interrogation methods had been successful, as Lieutenant Pierre Galay of the police section of the Army command announced: Demierre «showed a special talent for uncovering the truth».<sup>264</sup> Another officer praised Demierre's willingness to accept unpleasant tasks like expelling refugees, which he completed «with heart and soul».<sup>265</sup>

A crucial reason for the intolerable conditions in Geneva can be found in the militarization of civilian society as a result of active duty.<sup>266</sup> Military careers had opened opportunities to men that had been closed to them in civilian life, elevating them to positions they would never have achieved in civilian life. The implementation of refugee policy was entrusted largely to men who were not able to handle the task. The former, unemployed stock-room clerk Daniel Odier as a Geneva police officer suddenly decided whether refugees were to live or die, negotiated with high-ranking Gestapo officials, and shaped his own, particularly restrictive, refugee policy in Geneva. Odier «had neither the personality, nor the organizational skills, nor the necessary expertise and experience to carry out this overwhelming task».<sup>267</sup> What Odier lacked in qualifications he tried to make up for with harshness. He pushed for a stricter expulsion practice for Jewish refugees.<sup>268</sup> Completely inexperienced in legal matters, he often issued

<sup>262</sup> Demierre was found guilty of most of the charges brought against him, such as exceeding his authority in deciding on his own to expel refugees, illegal financial gain, and repeated instances of mistreatment and assault, among others. His accomplice Louis Ferrin was also convicted. The whereabouts of the defendants were unknown when the judgement was handed down. Judgement of June 7, 1946 by the First Division Court, FA E 5330 (-) 1975/94, 43/2254. The sentence was considered very lenient by contemporaries. See *Berner Tagwacht*, June 19, 1946.

<sup>263</sup> Witness statements by Oscar Hochstrasser, November 19, 1942, by Federal Police Inspector Charles Knecht, November 17, 1942 and by Kurt von Wattenwyl, November 13, 1942. Jezler to the police section of the army command, October 24, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>264</sup> Witness statement by Lieutenant Pierre Galay, November 13, 1942, FA E 5330 (-) 1975/94, 43/2254 (orig. French).

<sup>265</sup> Witness statement by First Lieutenant Edmond Burnier, December 3, 1942, FA E 5330 (-) 1975/94, 43/2254 (orig. French).

<sup>266</sup> See Jost, *Politik*, 1998, pp. 128–145.

<sup>267</sup> Report of the pretrial investigating judge, May 27, 1943, FA E 5330 (-) 1975/94, 43/2254 (orig. French). Daniel Odier was a salesman, later a stock clerk in the automobile industry. In 1940, lack of business caused him to lose his job. His vita in the interrogation on June 19, 1943, FA E 5330 (-) 1975/94, 43/2254. He had worked as a police officer in the territorial command from July 1, 1942 until the end of July 1945, with one break in service between November 8, 1942 and December 16, 1942. «Rapport d'activité du bureau de police de l'Ar.Ter. GE» (Report of activity by the military police of Ar. Ter. GE) of November 29, 1939 – July 31, 1945, FA E 27 (-), 14880, p. 15. Odier's decisions to expel refugees frequently exceeded the directives in effect at the time. Rothmund to the division for territorial services of the army command, July 21, 1944, FA E 5330 (-) 1975/94, 44/3427.

<sup>268</sup> «Considérations générales sur la situation à Genève» (General considerations on the situation in Geneva), October 3, 1942, by Daniel Odier, FA E 5330 (-) 1975/94, 43/2254.

arbitrary orders; he thus decided on the amount of fines for illegal entry as he saw fit. He had imposed on one man, the only person with money among a group of newly arrived refugees, the responsibility for paying the fines of the other destitute refugees. In violation of Police Division instructions, he had expelled refugees already residing in Switzerland, even across the border into occupied France.<sup>269</sup> In addition, Odier often witnessed Demierre abusing refugees and supervised a number of unlawful expulsions. However, these violations – exceeding his authority and dereliction of duty – had no repercussions for Odier.<sup>270</sup>

Demierre's trial revealed the arbitrary nature of asylum policy in Geneva. The trial records provide proof of criminal behavior by individual officials. They also provide insight into the everyday normality of expulsion policy which was harsher, both in Geneva as well as in other border areas, than required by federal regulations.<sup>271</sup> The trial of Demierre is paradigmatic, revealing that EJPD officials and the officers in the army command had been informed about the stricter refugee policy being applied at the border and about other brutalities that contravened regulations. Their indifference to this practice leaves the impression that a harsh policy did not contradict their goals. Thus, responsibility for the situation in Geneva lies not only with the officials who carried it out, but also with the federal agencies in Bern.

### *The practice of expulsion in the last years of the war*

New directives from the Police Division in December 1942 ended the confusion of earlier months.<sup>272</sup> They led to an increased stringency in practical application with the result that by fall of 1943, several thousand refugees had been turned away. This transpired without giving rise to public protests as had been the case in 1942 when the border was closed.<sup>273</sup> The overall number of attempts to enter, however, had decreased significantly in comparison to the summer and fall of 1942. This was not only a result of Nazi persecutions in the areas they controlled,

<sup>269</sup> Interrogation of Daniel Odier, January 14, 1943 and January 16, 1943, FA E 5330 (-) 1975/94, 43/2254.

<sup>270</sup> A criminal investigation of Odier was carried out parallel to that of Demierre; the investigation of Odier was closed on April 8, 1946. FA E 5330 (-) 1975/94, 43/2254. Nevertheless, Odier remained in his position and was promoted to captain. «Rapport d'activité du bureau de police de l'Ar.Ter. GE», November 29, 1939 – July 31, 1945, FA E 27 (-) 14880, p. 15.

<sup>271</sup> In Valais, the border watch commander in charge, Frédéric Rapp, had expelled many refugees on his own responsibility and in violation of the directives for this section of the border that had been amended in September 1942. Captain Mumenthaler to the army command, September 23, 1942, FA E 5330 (-) 1975/95, 43/2251. A number of officers pressed for a more restrictive application of the directives. Ludwig, Flüchtlingspolitik, 1957, p. 251; Major General Combe to the General Chief of Staff of the Army, October 23, 1942; First Lieutenant Burnier to the Police Division, November 21, 1942, FA E 27 (-) 13222. In the fall of 1943, military authorities in Ticino expelled refugees on the basis of the directives of December 29, 1942, although since that date the Police Division had eased the relevant regulations. The police officer responsible for the Jura region turned away young people under sixteen several times in the fall of 1943, See below «The Practice of Expulsion in the Last Years of the War».

<sup>272</sup> The directives of December 29, 1942 strengthened the principle of expelling civilian refugees and, in contrast to earlier regulations, contained restrictive conditions for the «hardship» category. Moreover, the directives extended the border to include a zone of 12 kilometers into the country. Refugees discovered within this zone were to be expelled immediately. Ludwig, Flüchtlingspolitik, 1957, pp. 229–232. See also Kälin, Gutachten, 1999, Part 1, B I, 2b.

<sup>273</sup> From September 1 to December 31, 1942, 7,372 refugees were admitted; the statistics on rejection (incomplete) indicate at least 1,628 rejections for the same time period. In the period covering January 1 through August 31, 1943, 4,833 refugees were accepted while 3,331 were (according to official documentation) rejected. See Koller, Entscheidungen, 1996, p. 87, p. 94.

but it also reflected the fact that many people no longer tried to enter Switzerland because of restrictive asylum policies.

During the mass exodus from Italy in September of 1943, a large number of endangered individuals were again refused entry. The army leadership, above all, pushed for a more restrictive policy.<sup>274</sup> In contrast to the more lenient requirements for asylum by the Police Division, Captain Burnier initially followed the directives of December 1942. He ordered roundups of refugees who had hidden in private homes in Malcantone.<sup>275</sup> About 4,354 refugees were turned back just during the first days of the mass exodus.<sup>276</sup> Several thousand young Italian men who had tried to avoid being drafted by the German occupation authorities were retroactively expelled.<sup>277</sup> At first there were many Jews among the expelled refugees. On September 22, 1943, Rothmund ordered Jewish refugees to be accepted in greater numbers, since «they are undoubtedly in exceptional danger».<sup>278</sup> Thus, the fall of 1943 saw a shift to a gradual liberalization of asylum policy.<sup>279</sup> Neither the border guards nor the army were prepared for the arrival of thousands of refugees within an extremely short period. Thus, they let many enter who would otherwise have been turned back under different circumstances.<sup>280</sup> For the first time, the orders of the Police Division for the southern border were appropriate to the level of danger for specific refugee categories. Furthermore, the Ticino government demanded a more liberal practice, and spontaneous gatherings by local residents to show solidarity with refugees often prevented rejection. In Brissago, female tobacco workers supported women and children the Swiss border guards wanted to expel; in Agno, the local pastor resisted the expulsion of refugees to Italy.<sup>281</sup> The territorial commander in charge, Colonel Bolzani, concluded in the spring of 1944 as follows: «We must admit that the agencies

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<sup>274</sup> Guisan to Federal Councillor Kobelt, Head of the EMD, September 11, 1943; Colonel Hartmann, division of territorial services of the army command, to Deputy Chief of Staff Front, September 17, 1943 FA E 27 (-) 14447; see also DDS vol. 15, no. 22. On mass flight out of Italy: Broggini, *Terra d'asilo*, 1993, pp. 65–121.

<sup>275</sup> Report by Colonel Agostini, September 24, 1943; note in file concerning border and refugee matters in Ticino, September 26, 1943, FA E 27 (-) 14447. Transcripts of telephone conversations between Rothmund and Captain Burnier, September 22, 1943, September 24, 1943, FA E 4001 (C) 1, vol. 281. The directives of 14 and September 15, 1943 and September 17, 1943 recognized mortal danger as a reason for granting asylum; moreover, women and children were to be increasingly accepted. Ludwig, *Flüchtlingspolitik*, 1957, pp. 260–263. On September 19, 1943 the Police Division ordered that the army was not to expel refugees without consulting civilian authorities, FA E 27 (-) 14447.

<sup>276</sup> «Zahl der Flüchtlinge aus Italien», September 24, 1943; transcript of a telephone conversation between Rothmund and Captain Burnier, September 22, 1943, FA E 4001 (C) 1, vol. 281. See Broggini, *Terra d'asilo*, 1993, pp. 126ff.

<sup>277</sup> A report by Colonel Bolzani, March 16/18, 1944 cites the figure of 2,693 refugees expelled in the course of the 1943/44 winter half-year, FA E 6351 (F) 3, vol. 22.

<sup>278</sup> «Notiz über telephonische Besprechung zwischen Herrn Oberst Hartmann und Herrn Dr. Rothmund» (Notice on a telephone consultation between Colonel Hartmann and Dr. Rothmund), September 21, 1943, FA E 4800.1 (-) 1967/111, Akz. 1.010, File 195. In November, the Police Division instructed border officials to halt the expulsion of Jewish refugees. See Broggini, *Terra d'asilo*, 1993, pp. 126ff.

<sup>279</sup> Kälin, *Gutachten*, 1999, Part 1, B I. 2b.

<sup>280</sup> Report by Colonel Bolzani, March 16/18, 1944, FA E 6351 (F) 3, vol. 22. Correspondence regarding organizational problems, FA E 27 (-) 14447.

<sup>281</sup> The liberal position of the Ticino government benefited the Italian population of the border region to a far greater extent than it did Jewish refugees. Transcript of a meeting between Federal Councillor von Steiger with Ticino cantonal government members, September 26, 1943, FA E 4001 (C) 1, vol. 281. On rallies of support: Teubner, *Exiland*, 1975, pp. 172f; Broggini, *Terra d'asilo* 1993, p. 86; «Notiz über telephonische Unterredung mit Herrn Major Läderach» (Note on a telephone conversation with Major Läderach), October 4, 1943, FA E 4800.1 (-) 1967/111, Akz. 1.010, File 155.

at the outermost borders have been overburdened by the influx of refugees, otherwise four-fifths of these people would have to have been turned back».<sup>282</sup>

Asylum practice at other border sections still remained uncompromisingly harsh. In the Jura region, police officer Major Heinrich Hatt turned back or retroactively expelled youngsters from Belgium in November 1943. Some refugees had been arrested in occupied France, brought back to Belgium, and deported from there. Others succeeded after several expulsions in reaching Zurich, where they could register with the police without having to fear being sent back yet another time. A fifteen-year old Jewish girl contacted the Spira family in Porrentruy after being expelled for the third time; she was injured and completely exhausted. The Spiras called on the attorney Veit Wyler for help. He made sure that the girl was taken in and cared for in Zurich. Another group of youngsters just barely escaped expulsion. The car that was to take them to the border was involved in an accident and several injured refugees had to be hospitalized. Meanwhile, the federal authorities suspended the expulsion order.<sup>283</sup>

In addition to Jewish refugees, Polish and Russian prisoners of war and forced laborers were primary targets of expulsion in the period up to 1944.<sup>284</sup> Frequent expulsions of Poles and Russians are documented for the years 1942–1944 in the cantons of Schaffhausen and Thurgau. Some refugees were able to slip out of Switzerland illegally, whereas others were turned over to the Germans «certified by receipt». After expulsions, border guards often heard «the screams of refugees being abused, far beyond the border».<sup>285</sup> Escaped prisoners of war and forced laborers faced the death penalty or incarceration in a concentration camp in Germany. Moreover, German police officers were under orders to shoot at escaping forced laborers.<sup>286</sup>

It was only on July 12, 1944, that the restrictive orders of 1942 were rescinded and replaced by regulations that all in mortal danger were to be accepted. Commentaries to the new

<sup>282</sup> Report by Colonel Bolzani, March 16/18, 1944, FA E 6351 (F) 3, vol. 22.

<sup>283</sup> FA E 4264 (-) 1985/196, vol. 728, letter from Veit Wyler to Henry Spira, December 28, 1995. «Jüdische Flüchtlinge in Pruntrut» (Jewish Refugees in Porrentruy), November 26, 1943, FA E 4264 (-) 1985/196, vol. 1036. Henry Spira generously allowed the ICE access to his material.

<sup>284</sup> For standard practice until summer 1942: «Report of the Police Division on the refugee problem» (orig. German), by Robert Jezler, July 30, 1942, FA E 27 (-) 14446. According to the Federal Council Decree (BRB) of December 14, 1942, French citizens who were fleeing to Switzerland in an attempt to evade forced labor in Germany were also to be expelled. FA E 4260 (C) 1974/34, vol. 114.

<sup>285</sup> Documentation exists on the expulsion of eight Polish forced laborers in 1942: three were turned over to the Germans; Report of the Thayngen police station, May 7, 1942. In the first half of 1943, ten Polish and two Russian forced laborers were expelled. Reports of the Schaffhausen cantonal police, FA E 4320 (B) 1990/270, vol. 5. In the first half of 1944, the border officials in Customs Region II refused entry to a total of 53 refugees, mostly Polish and Russian. Report of the administration of Customs Region II, April 22, 1944, FA E 6351 (F), vol. 14. In the canton of Thurgau, there were several incidents in 1941 and 1942 of Polish prisoners of war being expelled. Lists of refugees, 1941–1945, StATG 4'517'2, File 9.

<sup>286</sup> «Betr. Wiederergriffung von flüchtigen Kriegsgefangenen; Waffengebrauch» (Re: Recapture of escaped prisoners of war; use of weapons), letter by the Higher SS and Police Officials (*Höherer SS- und Polizeiführer*) of Württemberg and Baden, March 31, 1942, Generallandesarchiv Karlsruhe, 357/30.614. The Polish forced laborer A. was expelled from Switzerland and remanded to the Mauthausen concentration camp because of attempted escape. He died there five months after his arrival. AAN *Reich* Ministry of Justice sygn. 1237 Mf. 2477. Reports on the brutal treatment of Russian prisoners of war in Germany, FA E 4260 (-) 1985/196, vol. 1510.

regulations stated that «As a general rule, Jews are to be considered as endangered».<sup>287</sup> Toward the end of the war, entry was refused only to those who had exercised complicity in the mass murder of millions of people: the Nazis and Fascists leaving the *Third Reich* and Italy, and collaborators from Western European countries.<sup>288</sup>

#### 4.3.4 Expulsion and removal of «undesirable» foreigners

«They put me out on a narrow path in the middle of the forest and took the last ten Swiss francs I had in my pocket. Then the policeman handed me an envelope and indicated the direction in which Belfort was supposedly located. I stood alone in the rain-soaked forest, clutching my gift from the most democratic of all democracies: permanent expulsion from Switzerland.»<sup>289</sup>

The expulsion of the German Lore Wolf from Switzerland to France took place in the late fall of 1937. Lore Wolf, who Swiss authorities considered a «militant communist agent», had been in Zurich since the spring of 1937 without registering with the police. The federal prosecutor's office accused her of organizing the distribution of communist literature to Germany.<sup>290</sup> This political activity together with her illegal stay in Switzerland were the reasons for expulsion. Despite the prohibition on political activities, many refugees from Germany and Italy tried to organize the anti-fascist struggle from Switzerland. Smuggling literature and courier services were a significant part of their political work. Since their chances of being granted political asylum were slim, communists generally lived illegally in Switzerland, using false names and fake passports and receiving support from local party members.<sup>291</sup> In the eyes of state security officials, their work had the character of a conspiracy against the bourgeois order. The federal prosecutor made considerable efforts to trace the political work of refugees. In a roundup in Zurich in 1936, the police arrested more than a dozen refugees, most of whom had been living illegally in Switzerland. Most of them were deported to France.<sup>292</sup> The activities of the opponents of National Socialism also provoked complaints from Germany. Protests from the German Legation «about the smuggling operation of anti-Nazi literature from Switzerland» led to an investigation of a person who had been granted political asylum in 1938, and resulted in the rescission of asylum.<sup>293</sup>

<sup>287</sup> Rothmund to the Swiss Central Customs Administration, July 15, 1944, FA E 4260 (C) 1974/34, vol. 114 (orig. German). The status of escaped forced laborers was unclear. In some individual cases, they were returned to Germany in the late summer of 1944. This practice incited indignation among border area residents. On this matter see correspondence between customs officials and the Police Division from the late summer of 1944, FA E 6351 (F) 3, vol. 14 and DDS, vol. 15, no. 197. See also Koller, *Entscheidungen*, 1996, p. 57. The cantonal police in Thurgau turned two refugees over to German border police at the end of August 1944, StATG 4'517'2, File 8.

<sup>288</sup> Lasserre, *Frontières*, 1995, pp. 195–200.

<sup>289</sup> Wolf, *Leben*, 1973, p. 69 (orig. German).

<sup>290</sup> Application for expulsion by the Swiss Federal Prosecutor, November 5, 1937, FA E 4320 (B) 1991/87, vol. 4.

<sup>291</sup> Wichers, *Kampf*, 1994; Studer, *Parti*, 1994; Knauer/Frischknecht, *Spur*, 1983; Teubner, *Exilland*, 1975.

<sup>292</sup> Application for expulsion by the Swiss Federal Prosecutor of October 3, 1936 and other documents, FA E 4320 (B) 1991/87, vol. 4.

<sup>293</sup> Application for expulsion by the Swiss Federal Prosecutor, July 10, 1938, FA E 4320 (B) 1991/87, vol. 4.

Threats to internal and external security led the Swiss Federal Council in the 1930s and 1940s to primarily expel leftists in exile.<sup>294</sup> With some exceptions, officials waived the actual execution of expulsion orders after the defeat of France and placed politically suspicious refugees in prisons, especially Bellechasse (Fribourg) and Witzwil (Bern).<sup>295</sup> In one case, four men only barely escaped being sent back. The Federal Council issued expulsion orders for Wilhelm Frank, Walter Fisch, Kurt Seliger, and Rudolf Singer in February 1942 because these refugees were suspected of distributing communist propaganda in the Thalheim work camp and collecting membership contributions for the KPD.<sup>296</sup> Although they were acquitted in a trial, this did not reverse the expulsion order. At the last minute, intervention by left-wing parliamentarians saved the refugees from being quite literally handed over to the Nazis.<sup>297</sup>

«Those who say <stranger>, speak of danger to our country.» This phrase by Vodoz, government councillor of the canton Vaud, referred not only to the political activities of foreigners but also expressed the fact that the presence of foreigners in itself represented a security risk for the government.<sup>298</sup> Correspondingly, foreigners were under close surveillance on the basis of the 1934 ANAG law. In practice, welfare dependence or «moral criticism», such as an immoral lifestyle, homosexuality, and «discontent» were enough to cause the revocation of a residence permit.<sup>299</sup> Even former Swiss female citizens could be expelled.<sup>300</sup> Women lost Swiss citizenship when they married foreigners. They then fell under ANAG regulations and the authorities could withdraw their permanent residence permits for the same reasons as for foreigners. Furthermore, Swiss women who married foreign men lost the protection of Swiss diplomatic offices. Because of the loss of Swiss citizenship, Jewish women threatened with deportation in areas under German occupation became refugees and risked being sent back if they tried to enter Switzerland illegally.<sup>301</sup>

<sup>294</sup> Article 70 of the Federal Constitution gives the Federal Council the authority to «expel from Swiss territory foreigners who threaten Switzerland's internal and external security» (orig. German). On the basis of this article, 109 people were expelled or imprisoned between 1934 and 1944 for left-wing political activity. The Federal Council issued expulsion orders for 55 foreigners for right-wing activities or for spying on behalf of Italy or Germany. German National Socialists were not expelled in larger numbers until after the war ended. FA E 4320 (B) 1991/87, vol. 4. A number of trials are described in memoirs of former refugees: Müller, Welt, 1987, pp. 166–186, Seliger, Basel, 1986, pp. 80–134. See also Teubner, Exilland, 1975, pp. 93f, pp. 147–149.

<sup>295</sup> Knauer/Frischknecht, Spur, 1983, p. 209, describes the expulsion of the Communist Alfred Klahr whom the Swiss turned over to Vichy officials and whom the Gestapo deported to Auschwitz in 1942. On internment: Lasserre, Frontières, 1995, pp. 128–133. Conditions in Witzwil gave rise to protests on several occasions. FA E 4001 (C) 1, vol. 258; Mayer, Deutscher, 1982, pp. 267–272.

<sup>296</sup> Application for expulsion by the Swiss Federal Prosecutor, February 25, 1942, FA E 4320 (B) 1991/87, vol. 4.

<sup>297</sup> Seliger, Basel, 1986, pp. 127ff, p. 133. Seliger refers to the memoirs of Bringolf, who mentions intercession on behalf of four expelled Communists. It is not completely clear from Bringolf's text whether they are the refugees cited. Bringolf, Leben, 1965, pp. 298f.

<sup>298</sup> Minutes of the conference of police directors, February 8, 1943, FA E 4001 (C) 1, vol. 259.

<sup>299</sup> Article 10 of ANAG allows expulsions of those who «abuse hospitality by severe or repeated violation of regulations» (orig. German). Kammermann, Ausweisung, 1948, pp. 40–42, pp. 79f, pp. 160–164.

<sup>300</sup> In the summer of 1942, a native-born Swiss woman had to follow her husband to Germany because the authorities wanted to prevent her and her children from becoming a public burden. Notes by Keller, June 9, 1942, FA E 4264 (-) 185/196, vol. 97.

<sup>301</sup> Picard, Schweiz, 1994, pp. 208–217. Female, former Swiss citizens were treated like other foreigners with regard to petitions for entry. Not until 1942 did they receive privileged treatment at the border as «hardship cases» (orig. German). Ludwig, Flüchtlingspolitik, 1957, p. 231.

A decision by the Swiss Federal Council on October 17, 1939, introduced additional grounds for expulsion. In the commentary to these regulations, which applied specifically to refugees, the EJPD wrote: «We seek increased expulsion of foreigners whose overall character is extremely unpleasant and antisocial, but who are often clever enough not to offer any specific reason for expulsion and whom we have often not been able to remove up to now.»<sup>302</sup> Before the war began, refugees were expelled with relative frequency, generally as punishment for political activity or because they worked illegally.<sup>303</sup> In 1938, the German writer Walther Victor was forced to leave Switzerland because he had engaged in publishing despite the ban on working.<sup>304</sup> After the war began, the authorities usually sent those who worked without permission or violated some other police regulation for foreigners to prison or to a work camp.<sup>305</sup>

In the 1940s, there were several instances in which military authorities had refugees expelled who were still under the jurisdiction of the army in reception camps. The reasons for expulsion were often trivial violations. A fourteen-year old Jewish boy and his mother had to return to unoccupied France in October 1942 because he had stolen from another refugee.<sup>306</sup> In October 1943, the military police put a fifteen-year old Jewish girl and three youths across the border near Geneva. The girl had had sexual contact with other refugees and had been molested by drunken Swiss soldiers. The military police concluded that the girl and the youths were not worthy of asylum «because of scandalous conduct in the refugee camp and for having committed immoral offenses».<sup>307</sup> The girl was later killed in Auschwitz. In November 1943, Nikolaus B., a Slovak, was also expelled although the Gestapo was looking for him in France because he had refused military service. He had taken letters written by fellow camp inmates to the post office, circumventing censorship.<sup>308</sup>

Refugees were under great pressure to conform. In principle, the authorities considered the decision to expel a refugee one of discretion and considered political utility paramount. «Expulsion can be necessary as an *act of governmental self-protection*; it may also be appropriate when the foreigner is *unworthy of the protection of asylum* for personal reasons»,

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<sup>302</sup> EJPD orders regarding the decree of the Federal Council (BRB) of October 17, 1939, November 7, 1939, FA E 4800.1 (-) 1967/111, Akz. 1.09, File 285. Article 15 of the BRB of October 17, 1939 lists as reasons for expulsion: illegal residence in Switzerland, political activity, illegal work, insufficient efforts to find another country of asylum, making false statements, violating camp regulations and escape aid. Ludwig, Flüchtlingspolitik, 1957, pp. 170f; Aeschbach, Entwicklung, 1994, p. 236. See also: Kälin, Gutachten, 1999, Part 1, B I, 2b.

<sup>303</sup> Internal expert report by Scheim, September 14, 1943, FA E 4800.1 (-) 1967/111, Akz. 1.09, File 285.

<sup>304</sup> Mittenzwei, Exil, 1978, pp. 86–88, Häsler, Boot, 1967, pp. 275–289.

<sup>305</sup> Walter, Exilliteratur, 1988, pp. 381f; Knauer/Frischknecht, Spur, 1983, p. 167.

<sup>306</sup> Guillermet to Wildbolz, November 12, 1942; Correspondence between Nettie Sutro and Gertrud Kurz, FA E 9500.193 (-) 1969/150, vol. 6.

<sup>307</sup> Letter to the attention of police officer of Geneva, October 11, 1943. Stefan Keller provided the ICE with copies of the sources from Archives d'Etat de Genève: Justice and Police Ef2. Since the murdered girl's relatives wish her to remain anonymous, the file number is not specified.

<sup>308</sup> Intercession by Ludwig Rittmeyer stopped military authorities from taking action. Letter by Lieutenant Burnier, police section of the army command, December 11, 1943. Nikolaus B. was able to hide in France. FA E 4264 (-) 1985/196, vol. 1057.

declared Robert Jezler in 1944.<sup>309</sup> While the expulsion of refugees put them in grave danger during the 1930s, it often had deadly consequences after the war began as a result of the radicalization of the Nazi policies of persecution and extermination. As a rule, expulsions ordered by the military authorities were executed quickly; relief organizations and lawyers thus had no opportunity to intervene on behalf of the refugees affected.

#### 4.4 Life in Exile

Herta and Felix P., a Jewish couple from Berlin, sat in a Swiss border guard station near St. Margrethen in the late evening of December 3, 1942, and provided information about the circumstances of their flight. They had left Berlin at the last moment when they were faced with the same horrible fate that had befallen most of their Jewish relatives and acquaintances. Felix P. told the border guards that these friends and acquaintances had been deported to a camp called Auschwitz and murdered there. «I don't know how it was done; I only know that they were all dead within 48 hours after arriving in <Auschwitz>.»<sup>310</sup>

The two refugees spent their first night in Switzerland in the prison at St. Margrethen. The next day they were sent to the reception camp at Jakobsbad. The former spa was considered a luxurious camp.<sup>311</sup> Felix and Herta P. were safe here for the time being, but it was also the beginning of an anxious wait for the decision of the authorities until they were certain that they had been saved. The once prosperous couple also became acquainted with another side of the country they had previously known as a vacation spot. In the reception camp, one lived under military supervision, cut off from the rest of the world. What little money they had been able to bring to Switzerland had to be placed in a custodial account, to be used later to cover the costs of food and shelter in the camp.<sup>312</sup> By the spring of 1943, they had used up their savings. From that point on, they were penniless and dependent on donations by third parties.

In early 1943 they were informed of the internment decision by the Police Division of the EJPD. They received permission to remain in Switzerland indefinitely and were placed under the civilian supervision of the Central Directorate of Homes and Camps (ZLA). They temporarily escaped being sent to a centralized mass shelter because Felix P. fell ill and had to be hospitalized. He died of a heart attack at the end of September 1943. Shortly thereafter, Herta P. had to enter the Tivoli home for refugees in Lucerne. She spent the next months there

<sup>309</sup> «Ausschaffung von Flüchtlingen» (Expulsion of Refugees), expert report by Jezler, April 26, 1944, FA E 4800 (1) 1967/111, Akz. 1.09, File 285, (emphasis in original).

<sup>310</sup> Interrogation protocol of the military police, December 5, 1942. Other data comes from the refugee file in the Police Division, FA E 4264 (-) 1985/197, vol. 75 (orig. French).

<sup>311</sup> «Rapport über die Inspektion der Flüchtlings-Auffanglager» (Report on the Inspection of Refugee Reception Camps) by Lieutenant Hauswirth, December 11, 1942, FA E 4001 (C) 1, vol. 258.

<sup>312</sup> For the first 136 days that they spent in Switzerland, the amount of SFr. 369.80 was withdrawn for food from Herta and Felix P.'s account. Accounting ledger of the officer in charge of food at Jakobsbad, February 28, 1942, FA E 4264 (-) 1985/197, vol. 75. The army command set the daily cost of shelter in the reception camps at SFr. 2.60 in the fall of 1942 and later raised it to SFr. 3 or 3.50 per person. Schürch, Flüchtlingswesen, 1951, p. 156.

together with more than three hundred women of various nationalities.<sup>313</sup> Required to mend clothing and do household chores, Herta P. found herself psychologically unable to cope with the crowded conditions. In February 1944, she was able to leave the home and move to Basel, where Pastor Paul Vogt had found her a room in a private home.<sup>314</sup> Because of the ban on employment, Herta P. remained dependent on relief subsidies. What little money she received from relatives in the United States was administered by the EJPD and she had to ask the authorities for permission even to purchase urgently needed clothing and shoes.<sup>315</sup>

Toward the end of the war more opportunities for refugees to leave Switzerland became available. In the summer of 1945, the Police Division demanded to know Herta P.'s further plans and suggested strongly that she, a stateless German, should return to Germany.<sup>316</sup> The authorities reminded her repeatedly that «Switzerland can only be considered a transit country» and that she should therefore leave it as soon as possible.<sup>317</sup> Since she was older than fifty, it was difficult for Herta P. to meet this demand. She was absolutely certain, however, that she did not want to return to the country where she had been persecuted.<sup>318</sup> In order to improve her chances in a third country, the authorities granted her permission to begin an apprenticeship as a milliner in the fall of 1946. At a wage of 25 francs per month, the one-time affluent director's wife began vocational retraining, usually available only for younger people.<sup>319</sup> Although she had begun gainful employment, she remained subject to the same restrictions that had applied to refugees during the war and that were only marginally liberalized in the fall of 1945.<sup>320</sup> In late 1948, when she wished to marry a fellow stateless Jew, Herbert M., she needed permission from the authorities. After their marriage, the couple applied unsuccessfully to have their status as internees changed to a normal residence permit.<sup>321</sup> Herbert M., a businessman, needed a work permit in order to earn their livelihood. There was no shortage of employment offers, but the authorities feared that the couple would not leave Switzerland if they were granted permanent residence permits and continued to reject

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<sup>313</sup> «Admission register» (*Eintrittsmeldung*) of the Carlton-Tivoli home for internees, November 13, 1943, FA E 4264 (-) 1985/197, vol. 75; «Mitteilung über die Eröffnung des Interniertenheims Tivoli in Luzern», (information about the opening of the Tivoli internee home in Luzern), July 17, 1943, FA E 4001 (C) 1, vol. 259.

<sup>314</sup> Attorney Margrit Willfratt-Düby to the Police Division, January 26, 1944, FA E 4264 (-) 1985/197, vol. 75. For data on the distribution of available room and board slots in private homes, see Kocher, *Menschlichkeit*, 1996, pp. 291–300.

<sup>315</sup> See Chapter 5.5.2.

<sup>316</sup> Letter from the Police Division, August 29, 1945, FA E 4264 (-) 1985/197, vol. 75. Nazi Germany, with its Eleventh Decree to the *Reich* Citizenship Law (*Reichsbürgergesetz*) of November 25, 1941, provided for automatic loss of citizenship and confiscation of property if a German Jew took up residence outside the borders of the German *Reich*. Rethmeier, *Rassegesetze*, 1995, pp. 435–438.

<sup>317</sup> «Mitteilung an die ausserhalb eines Lagers oder Heimes untergebrachten Flüchtlinge» (Notice to those Refugees being housed outside of Camps and Homes), February 19, 1948, FA E 4264 (-) 1985/197, vol. 75.

<sup>318</sup> Questionnaire of the Police Division of the EJPD, August 29, 1945, FA E 4264 (-) 1985/197, vol. 75.

<sup>319</sup> The Police Division of the EJPD to the ZLA, October 29, 1946. The ZLA to the Zurich labor office for women, June 7, 1947, FA E 4264 (-) 1985/197, vol. 75.

<sup>320</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 338 f.

<sup>321</sup> «Gesuch um Entlassung aus der Internierung und Erteilung normaler fremdenpolizeilicher Aufenthaltsbewilligung» (Request to be Released from Internment and Granted a normal Residence Permit by the Police for Foreigners), December 30, 1948, FA E 4264 (-) 1985/197, vol. 75.

their applications.<sup>322</sup> It was not until Herta and Herbert M.-P. received citizenship in the Federal Republic of Germany in 1953 that their status as refugees, with all its restrictions on personal freedom, was discontinued, and they were able to apply for the regular residence permit they had been unable to receive as stateless refugees.<sup>323</sup>

After fleeing to Switzerland, Herta P. moved through the various stages that characterized life in Swiss exile. After crossing the border she had been sent to a military reception camp. Later, life and work in a home for internees marked her daily existence. She was able to escape the crowded shelter when she received a room in a private home. She was forbidden to work until long after the war, and she and her husband were pressured to leave Switzerland. These stages in the lives of refugees in Switzerland are the focus of the following subchapters.<sup>324</sup>

#### 4.4.1 The camp system

Residence in camps and mass shelters gave refugees little opportunity to meet personal needs or develop individual capabilities.<sup>325</sup> The 1950 ZLA report noted: «They were not allowed to find the peace they so needed within their own four walls in order to gather fresh strength; they were forced to live for years in camps and institutions with strangers, people with whom they had no connection.»<sup>326</sup> The directors of the system of camps and homes in the early 1940s were less conscious of the difficulty of living in mass accommodations than these lines suggest. When Otto Zaugg founded the ZLA on behalf of the EJPD in 1940, and began to set up camps and organized labor for refugees, other matters had priority. The goal was to care for the refugees inexpensively. At the same time, Switzerland had to redress a shortage of workers that arose from drafting Swiss men into the army.<sup>327</sup> Finally, the camps were intended to keep

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<sup>322</sup> The Police for Foreigners of the canton of Zurich to the Police Division, September 29, 1948; BIGA to the Zurich municipal labor office, March 23, 1950; Zurich municipal labor department to the Police Division, March 24, 1950; FA E 4264 (-) 1985/197, vol. 75.

<sup>323</sup> The Police for Foreigners of the canton of Zurich to the Police Division, December 10, 1953; FA E 4264 (-) 1985/197, vol. 75. Based on the German-Swiss Welfare Agreement of 1952, the couple began to receive a pension beginning in the mid-1950s. The relief organization of the Protestant Church of Switzerland to the Police Division, May 26, 1955, FA E 4264 (-) 1985/197, vol. 75.

<sup>324</sup> On legal issues, see Kälin, Gutachten, 1999, Part 2, B I – B II; III, 5.

<sup>325</sup> On the internment of refugees and on the camps, see: Kälin, Gutachten, 1999, Part 2, B III, 5. The camp system was subject to criticism right from its construction during the war. The accusations raised in the most recent publication, the study published by the Simon Wiesenthal Center in 1998, led to protests by former refugees and Swiss citizens. See Schom, *Guests*, 1998. In reaction to the study, National Councillor François Loeb published an appeal to former refugees to write about their experiences in camps and homes. He made the answers available to the ICE. Most of the former refugees who responded drew a differentiated picture and rejected sweeping judgements of the camp system. Letters from Swiss citizens noted that the local population was also subject to many wartime restrictions, including mandatory labor and widespread shortages. The former refugee Ken Newmann has also collected eyewitness narratives and made them available to the ICE.

<sup>326</sup> ZL, Schlussbericht, 1950, p. 126.

<sup>327</sup> The construction of work camps for refugees began on the basis of the Federal Council Decree of March 12, 1940. Ludwig, *Flüchtlingspolitik*, 1957, 178–181. Originally, the ZLA had wanted to operate the camp system in as «cost-neutral» a manner as possible. The choice of occupations, however, left few economic options, since the refugees had to be given unprofitable work in order not to compete with Swiss employees. Thus, the camps were never able to finance themselves. See ZL, Schlussbericht, 1950, pp. 54–61.

refugees who had been forbidden regular employment occupied, and also to keep them under close supervision and away from cities.<sup>328</sup>

The civilian managed operations included work camps for male refugees and homes set up in the spring of 1942 under ZLA supervision for women and the elderly. The ZLA developed into a large enterprise during the war. At the end of 1944, its head, Otto Zaugg, ruled over nearly 12,000 refugees, and employed up to 900 persons at any one time in the general administration, the management of camps and homes, and the training and medical care of refugees. The ZLA operated 96 camps and homes in 1944. Between 100 and 200 hundred people generally lived in these mass shelters; in some homes, over 500 people of diverse origins lived together. There were homes and camps with refugees from the same home town; there were some for Orthodox Jews, for young people, and there were also «disciplinary camps».<sup>329</sup>

The reception camps set by the army on behalf of the EJPD after 1942 must be distinguished from civilian mass shelters. These reception camps were run by the military and were planned for short stays. The system of military camps became more complex as a result of the mass flight from Italy in the fall of 1943. The first stop after crossing the border was the assembly camp (*Sammellager*), in which refugees were investigated in order to decide in which category they belonged; under certain circumstances they were expelled. From the assembly camp they moved to a quarantine camp (*Quarantänenlager*) for three weeks and then to the reception camp (*Auffanglager*).<sup>330</sup>

#### 4.4.2 Refugees in the military acceptance process

After the summer of 1940, refugees came into contact almost exclusively with the army after crossing the border.<sup>331</sup> In many place, they spent their first days in Switzerland in prison. Many who had believed themselves in safety were shocked by prison, especially since they did not know whether they would be returned to the border or not.<sup>332</sup> They also had to endure questioning by the military police. Interrogations were followed by photographs for «personal data sheets». «They photographed me in profile and full face, fingerprinted me, noted

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<sup>328</sup> Lasserre, Vie, 1998; Lasserre, Frontières, 1995, p. 133–138; Ludwig, Flüchtlingspolitik, 1957, p. 178.

<sup>329</sup> Data from ZL, Schlussbericht, 1950, p. 102. A list of the Police Division dated February 8, 1943, classifies the camps by «Aryans of various nations», «Jews of various nations», «women and children» (orig. German), etc. FA E 4001 (C) 1, vol. 258.

<sup>330</sup> Lasserre, Frontières, 1995, pp. 224–233; Schürch, Flüchtlingswesen, 1951, pp. 90–93. The reports of commissioner for refugees Ulrich Wildbolz, who acted as coordinator between military and civilian authorities, document the construction of reception camps and the way the military camps functioned. Daily reports of the Commissioner for Refugees, 1942–1945, in FA E 9500.193 (-) 1969/150, vol. 5. The former refugee Max Brusto throws another light on the camp system. His memoirs were published in revised form in 1967. See Brusto, Rettungsboot, 1967.

<sup>331</sup> The procedure for admitting refugees was developed in practice after 1940 and later codified in official regulations. Lasserre, Frontières, 1995, pp. 224–230; Koller, Entscheidungen, 1996, pp. 39–43.

<sup>332</sup> Edith Dietz, who had fled to Switzerland in 1942, believed that Swiss officials considered her a German spy, and spent tense moments in the Schaffhausen prison. Dietz, Freiheit, 1993, pp. 11–15. Research by Henry Spira, who analyzed the supervisory files of the prisons in western Swiss cantons, reveals that many refugees were expelled from the country after a few days in prison.

distinctive markings as well as my answers to myriad questions», remembered Manès Sperber, who felt «that I was being registered as a delinquent».<sup>333</sup>

After being received by the military police, refugees entered the reception camp supervised by the military. Daily life there included inspections and roll-calls; as a personal report put it, «refugee women and children were promoted to recruits and had to stand at attention».<sup>334</sup> The Police Division had more than organizational reasons for giving the army the responsibility for caring for newly arrived refugees in reception camps. Indeed, their intention was to make it very clear to the refugees that «they will be subject to strict discipline during their stay in our country».<sup>335</sup> This didactic motivation was not infrequently infused with antisemitism. In a report summarizing the attitude of a number of officers, it was noted:

«Only with strict military discipline is it possible to maintain a certain degree of order among Jewish refugees .... The Jew has great respect for uniforms and keeps his distance from those wearing them. With civilians he would immediately want to do ‚business‘ .... Nor should one forget the sexual problems that play a large role especially with Jews.»<sup>336</sup>

In mid-November 1942, more than 4,500 refugees lived in camps run by the military. Many stayed there several months, in some cases more than half a year.<sup>337</sup> In early 1943, 26 reception camps were still in operation. Many of them were located in old factory plants that were difficult to heat, had insufficient sanitary facilities, and only provided space for a mass shelter.<sup>338</sup> Since the army had set up the reception centers in great haste, many deficiencies soon became apparent. Conditions in Büren were particularly criticized. The camp in Büren was a barracks camp originally built for Polish military internees; it was turned into a reception camp in the late fall of 1942 and at times housed between 600 and 700 refugees. The accommodations were completely inadequate and the mass operation was strained to its organizational limits. Moreover, the camp commander and some of the staff were considered notorious antisemites.<sup>339</sup> Food was one of the major problems. «I can say without exaggeration that we received almost fat-free meals.» Fresh fruit was never seen and most people in the

<sup>333</sup> Sperber, *Scherben*, 1977, p. 296. See also Schürch, *Flüchtlingswesen*, 1951, p. 91.

<sup>334</sup> Brusto, *Rettungsboot*, 1967, p. 22.

<sup>335</sup> «Auffanglager für ausländische Flüchtlinge.» (Reception Camps for Foreign Refugees) Rothmund to the territorial service department of the army command, September 29, 1942, FA E 5330 (-) 1975/94, 43/2254.

<sup>336</sup> «Rapport über die Inspektion der Flüchtlings-Auffanglager» by First Lieutenant Hartmann, medical division, December 11, 1942, FA E 4001 (C) 1, vol. 258. See also Lasserre, *Frontières*, 1995, p. 227.

<sup>337</sup> Schürch, *Flüchtlingswesen*, 1951, p. 92; List of reception camps as of November 18, 1942, FA E 4001 (C) 1, vol. 258. In November 1944 nearly 12,000 refugees were housed in reception and quarantine camps. Lasserre, *Frontières*, 1995, p. 228.

<sup>338</sup> In many camps, refugees slept on straw. «Uebersicht über die Einrichtung, Aufnahmefähigkeit und Zweckbestimmung der Flüchtlingsauffanglager» (A Glance at the Accommodations, Suitability and Appropriateness of the Refugee Reception Camps), undated. Some empty hotels were also available as reception camps. FA E 9500.193 (-) 1969/150, vol. 7. Federal Councillor von Steiger to the editor of *Der Schweizerische Beobachter*, January 20, 1943, FA E 4001 (C) 1, vol. 258. See also Brusto, *Rettungsboot*, 1967, pp. 7–72 on living conditions in the reception camps.

<sup>339</sup> Report of the Commissioner for Refugees, November 6, 1942, FA E 9500. 193 (-) 1969/150, vol. 5. «Rapport über die Inspektion der Flüchtlings-Auffanglager» by First Lieutenant Hartmann, December 11, 1942, FA 4001 (C) 1, vol. 258. The press criticized conditions in Büren in early 1943. See also Stadelmann/Krause, «Concentrationslager», 1999.

camp suffered from hunger, as a refugee wrote at the end of 1942.<sup>340</sup> A rumor circulated outside the camp that the refugees in Büren would steal into the fields during the night and dig potatoes to quell their hunger. Many letters from refugees contained requests for food; indeed, many begged Swiss acquaintances to send potatoes.<sup>341</sup> An investigation in early 1943 discovered that «smaller rations than civilian rations» were being distributed in reception camps.<sup>342</sup> The military authorities ignored the fact that many refugees had long been suffering from malnutrition and simply considered them ravenous. Refugee commissioner Wildbolz noted: «The refugees generally have very large appetites .... Despite taking large portions, they never have enough, which is partly because of malnutrition abroad but far more because of the enormous insatiability of these people.»<sup>343</sup>

Many refugees suffered from the fact that they were completely cut off from the outside world in the reception camp. This isolation was worse than imprisonment, Brusto said, because prisoners can receive visitors, while the refugees were not even allowed that.<sup>344</sup> In many camps – as for example, the Geneva reception camps Stade de Varembe, Champel, and Charmilles – the refugees lived behind barbed-wire fences. To ensure that the refugees did not come into contact with the Swiss population, in some places group walks took place daily and even doctor's visits were allowed only if accompanied by a soldier.<sup>345</sup> All mail went through the censor, refugees were prohibited from writing in Hebrew, and sending mail abroad was forbidden.<sup>346</sup> In the name of discipline, the refugees had to follow rules that made little sense. In Jakobsbad the commander prohibited women from using makeup or smoking outdoors.<sup>347</sup> Asked by a refugee if he could meet with his fiancée who lived in a different camp in order to plan their impending marriage, an officer remarked tersely: «I think we have other things to do.»<sup>348</sup>

<sup>340</sup> Report on the Büren a./A. camp, author unknown, December 31, 1942, FA E 9500.193 (-) 1969/150, vol. 5. Similar complaints about the poor food are found in a letter from a woman in Büren to Federal Councillor von Steiger, FA E 4001 (C) 1, vol. 258.

<sup>341</sup> *Der Schweizerische Beobachter* to Federal Councillor von Steiger, January 29, 1943. Exerpts from letters by refugees are appended to this letter. FA E 4800.1 (-) 1967/111, Akz. 1.010, File 155. Brusto, *Rettingsboot*, 1967, pp. 20f.

<sup>342</sup> Minutes of a meeting about the Büren reception camp, January 20, 1943, FA E 4001 (C) 1, vol. 258.

<sup>343</sup> Report of the Commissioner for Refugees, January 4, 1943, FA E 9500.193 (-) 1969/150, vol. 5; «Betr. Kurt Kohlbach, Lager Büren a./A.» (Re: Kurt Kolbach, Büren Camp), January 5, 1943, FA E 9500.193 (-) 1969/150, vol. 6. Similar report by Captain Béguin, December 22, 1943, FA E 4001 (C) 1, vol. 258. As commander of the Wauwilermoos prison camp beginning in 1948, André Béguin inspired fear on the part of the refugees. After the war was over, a court martial condemned him to three and half years in prison for various crimes committed during his period as camp commander. See Grivat, Internés, 1995, pp. 69ff.; Kamber, Schüsse, 1993, pp. 196–213.

<sup>344</sup> Brusto, *Rettingsboot*, 1967, p. 19.

<sup>345</sup> Schürch, *Flüchtlingswesen*, 1951, p. 127; Brusto, *Rettingsboot*, 1967, p. 28, p. 48.

<sup>346</sup> «Richtlinien (der Polizeibehörde) über die Behandlung der Flüchtlinge nach der Festnahme und in den Auffanglagern» (Guidelines (of the Police Division) concerning the Treatment of Refugees after being taken into custody and in the Reception Camps), October 13, 1942, FA E 4001 (C) 1, vol. 258. After 1944 mail was less strictly controlled. Schürch, *Flüchtlingswesen*, 1951, pp. 141f.

<sup>347</sup> Report of the Commissioner for Refugees, March 4, 1943, FA E 9500.193 (-) 1969/150, vol. 5. Brusto, *Rettingsboot*, 1967, p. 39, also reports about such prohibitions.

<sup>348</sup> Report by Captain Béguin, December 22, 1942, FA E 4001 (C) 1, vol. 258 (orig. French).

Many deficiencies in the reception camps resulted from the fact that the army had difficulty finding suitable staff and that the officers and soldiers working in the camps often lacked the necessary training and personal qualities to work with refugees. This can be seen in numerous complaints about the incompetence and lack of understanding demonstrated by camp commanders in their dealings with refugees. Some Swiss officers issued orders with drawn pistols.<sup>349</sup> In two Geneva camps, the commanders harassed and insulted Jewish refugees: Captain Quillet freely admitted to superiors that he could not stand Jews, while Captain Rehfus inspected the Charmilles camp with a whip, threatening refugees at every opportunity with expulsion and molesting women.<sup>350</sup> These conditions were generally known since representatives of the Jewish Community in Geneva had repeatedly drawn attention to them. However, their appeals had little success: despite the serious accusations against them, Captains Rehfus and Quillet enjoyed the support of Police Officer Daniel Odier and remained in their positions. Among officers the view prevailed that «people who entered the country illegally were, without exception, common criminals and swindlers» and therefore, they can only be controlled by harsh methods if order is to be preserved.<sup>351</sup> Refugees could expect severe punishments for even minor violations of camp rules. «Threatening expulsion was a favorite melody» of camp staff and the threat was carried out.<sup>352</sup> These views also provided excuses for disqualifying refugees who criticized conditions, as whiners and complainers. The writer Walter Fabian clearly learned this when he criticized the conditions in the Adliswil reception camp and denounced the unceasing «violation of our human dignity and most primitive of human rights» by the camp leadership. The commander had the habit of silencing dissatisfied refugees with the comment «we didn't tell you to come here and you can go back to where you came from», Fabian reported.<sup>353</sup> He was warned that it «could have disastrous consequences for him» if he continued to speak to outsiders about the deplorable state of affairs in the camp.<sup>354</sup>

Nevertheless, during an inspection trip to a reception camp, refugee commissioner Wildbolz noted: «During our walk through the camp, one sees ... only happy faces everywhere.» In this case, the commander, who showed empathy with the refugees, was responsible for the good atmosphere; in his opinion, the people in his camp were «mostly very nice, respectable people .... They are extremely grateful for every kind word they receive. So much more can be

<sup>349</sup> «Pro Memoria», Report of the refugee section in Lugano of the Swiss Relief Organization for Workers (*Arbeiterhilfswerk*), February 21, 1944, FA E 9500.193 (-) 1969/150, vol. 5.

<sup>350</sup> Report of the Commissioner for Refugees, December 4, 1943. Earlier complaints about Captain Quillet are documented in the reports of March 23, 1943, April 7, 1943, June 1, 1943, and June 12, 1943. FA E 9500.193 (-) 1969/150, vol. 5. Wildbolz also confirmed the antisemitic attitudes of other camp commanders. Consequently, relief organizations made numerous protests about this. On the Geneva camps, see Ludwig, *Flüchtlingspolitik*, 1957, pp. 251f; Haymann, *Camp*, 1984, pp. 115–122; Häslar, *Boot*, 1967, pp. 255f.

<sup>351</sup> Report of the Commissioner for Refugees, December 4, 1943, FA E 9500.193 (-) 1969/150, vol. 5.

<sup>352</sup> Brusto, *Rettungsboot*, 1967, p. 70. See Chapter 4.3.4.

<sup>353</sup> Walter Fabian to Elisabeth Rotten, undated, FA E 9500.193 (-) 1969/150, vol. 7.

<sup>354</sup> Report of the Commissioner for Refugees, December 21, 1942, FA E 9500.193 (-) 1969/150, vol. 5.

achieved with kindness than with violence.»<sup>355</sup> Some camp directors earned the gratitude of the refugees because they supported reuniting families.<sup>356</sup> But in the higher ranks, those commanders who showed empathy for the refugees were considered unmanly and «soft»,<sup>357</sup> and they could expect retaliation if they interpreted the regulations too loosely.<sup>358</sup>

«The reception camps were equally hated by the refugees and the authorities», wrote the historian André Lasserre.<sup>359</sup> Entrusting the care of newly arrived refugees to the army was a poor decision on the part of those bearing political responsibility. Even military circles arrived at this conclusion toward the end of the war.<sup>360</sup> Inexperienced in dealing with people of different backgrounds, many officers clung to patterns of behavior familiar to them from their experiences in the military leadership. Where understanding would have been appropriate, they reacted with prejudice; where forbearance was needed, they responded with punishment and threats. For many commanders, the refugees were the source of all problems in the camps: «The refugees behave like children and prevent camp staff from carrying out their primary tasks with countless trivialities», can still be read in a report written in 1945.<sup>361</sup> The inappropriate insistence on order and discipline was one reason why not only refugees compared the Swiss reception camps with French internment camps.<sup>362</sup> One camp had such a bad reputation that the EPD worried about Switzerland's international image during the second half of the war: with the exception of the food, the treatment of refugees was worse than in the internment camp Gurs in southern France, according to an internal EPD memorandum. «I admit that this was particularly painful to hear, and one might think that the way in which the Swiss show hospitality is not likely to increase its moral stature.»<sup>363</sup>

#### 4.4.3 Civilian accommodations for men, women, and children

After a stay that often stretched into months in military camps, most refugees saw their move to civilian accommodations as liberation. Vacations and excursions to the nearest town allowed them occasionally to forget the monotony of day-to-day life in the camp. Under civilian care they were no longer treated «as pariahs or escaped convicts», wrote Manès Sperber.<sup>364</sup> For

<sup>355</sup> Report from Wildbolz to Schürch, November 19, 1943, FA E 9500.193 (-) 1969/150, vol. 5.

<sup>356</sup> Personal correspondence of the former camp commander Theodor Rüegg, in the possession of his family (made available to the ICE by Mrs. Rüegg-Staudinger).

<sup>357</sup> The term «soft» was applied for instance to a commander in a reception camp who labeled the refugees as «decent people» who should not be treated like «prisoners». Report of the Commissioner for Refugees, December 15, 1943, FA E 9500.193 (-) 1969/150, vol. 5.

<sup>358</sup> A camp director, Captain Lindt, was dismissed because he allowed refugees to take walks and to make contact with the Swiss population. Report of the Commissioner for Refugees, March 17, 1943, FA E 9500. 193 (-) 1969/150, vol. 5.

<sup>359</sup> Lasserre, *Frontières*, 1995, 230.

<sup>360</sup> Minutes of the Working Committee II (*Arbeitsausschuss II*) of the Experts Commission (*Sachverständigenkommission*), April 27, 1944, military pastor Captain Müller. FA E 4001 (C) 1, vol. 260.

<sup>361</sup> Colonel R. Frey, Report about military service (*Aktivdienst*) of territorial command 5, 1945, FA E 27 (-) 14878.

<sup>362</sup> Brusto, *Rettungsboot*, 1967, p. 25; Report about the Büren camp, author unknown, December 31, 1942, FA 9500.193 (-) 1969/150, vol. 5. See similar statements by refugees in Hoerschelmann, *Exilland*, 1997, 148.

<sup>363</sup> «Note (d'Henri Walter) pour Monsieur le Ministre Bonna concernant l'entretien des réfugiés» (Note for Minister Bonna concerning Refugee care and conditions), November 5, 1943, FA E 2001 (D) 1968/74, vol. 13.

<sup>364</sup> Sperber, *Scherben*, 1977, p. 298. See also Brusto, *Rettungsboot*, 1967, p. 81.

many, however, new privations dimmed their joy over newly gained freedoms. Families were torn apart, children sent to foster parents, women sent to homes, and men to work camps. The example of a refugee family from France shows that parents and children often lived at great distances from each other. All four children, between five and fifteen years old, were sent by SHEK to Swiss foster parents; the two older children lived in Zurich, their younger siblings were placed with different families in western Switzerland. Nor were the parents allowed to live together: the father was sent to a work camp and the mother to a home for internees. The family did not live together again until they returned to France in 1945, after a three-year separation.<sup>365</sup>

Representatives of relief organizations and the press protested against the separation of families. «Tearing children away from their mothers seems to me an act of inhumanity in the name of humanity», wrote the *Israelitische Wochenblatt* and called for family-friendly accommodations.<sup>366</sup> Still, the principle of splitting parents and children persisted until the end of 1943. At the beginning of 1944, more than 800 men and women lived far away from their spouses and more than 200 mothers waited to bring their children to stay with them.<sup>367</sup>

Desperate parents turned to the relief organizations. One woman wrote to pastor Paul Vogt:

«Today, Wednesday, we will be allowed (sic) to see our children from 2 to 5, but the thought of the impending separation depresses us, we take walks, we hold our child in our arms like tormented souls, we press them to our breast because they will be torn from us in a moment .... My husband is in the Andelfingen camp, my son in Winterschwil (Aargau), my little daughter and I are in Langenbruck, she on the first floor, I on the third. In the night I awaken and think: Is my little one sleeping?». <sup>368</sup>

The SHEK, of course, which was in charge of finding accommodations for children beginning in 1942, shared the authorities' view that a normal family atmosphere would be more likely to help children find a normal everyday life than living with their mothers in camps.<sup>369</sup> Of the more than 2,000 children and youngsters cared for by SHEK, 1,300 lived in private Swiss households. Two years later, the number was nearly 2,500. In most cases, the foster parents bore the cost of food and shelter.<sup>370</sup> More than 90 percent of the refugee children were Jewish. Only a few of them could be sent to Jewish families in the small Swiss Jewish community. Most of the children lived in a Christian milieu, and thus many parents feared, with reason, that

<sup>365</sup> FA E 4264 (-) 1985/196, vol. 633.

<sup>366</sup> *Israelitisches Wochenblatt*, November 27, 1942; Intervention of relief organizations on behalf of individual families, FA E 9500.193 (-) 1969/150, vol. 7. Kägi-Fuchsmann, Herz, 1968, p. 185, is also critical about the splitting of families.

<sup>367</sup> Report of the Police Division, April 15, 1944, FA E 9500.193 (-) 1969/150, vol. 5; «Aufstellung der Unterbringung der Internierten in den Betrieben der Zentralleitung» (Index of Internee Accommodation in the Facilities of the Central Directorate), February 21, 1944, Memorandum from Schürch to Federal Councillor von Steiger, February 21, 1944, FA E 4001 (C) 1, vol. 260. See Lasserre, *Frontières*, 1995, pp. 136f, 236f, 240.

<sup>368</sup> Letter from a woman to Pastor Paul Vogt, November 16, 1943, cited in Kocher, *Zeit*, 1986, pp. 57f.

<sup>369</sup> The division of families was explained by the authorities as an organizational necessity. Moreover, from a pedagogical point of view, according to officials, it was not a good idea to leave children in large shelters. Mothers were no longer capable of caring for their children because of the strains of flight and the effects on their nerves. Report of the Commissioner for Refugees, December 14, 1942, FA E 9500.193 (-) 1969/150, vol. 5. Opening remarks by Federal Councillor von Steiger, second meeting of the Expert Commission, October 5, 1944, FA E 4001 (C) 1, vol. 260.

<sup>370</sup> Lasserre, *Frontières*, 1995, p. 324; Picard, *Schweiz*, 1994, p. 445. Adult refugees were also offered placement in private households, see below.

their children could become estranged from family traditions and their religion. Moreover, there were often difficulties during the rare and short family vacations because children quickly learned the new language and were in danger of losing their native language.<sup>371</sup> One alternative to placing children with foster families were the homes run by relief organizations, which usually housed children of the same religion.<sup>372</sup>

Youngsters older than sixteen were, like adults, obliged to work. But many of them had serious gaps in their education. Many spoke several languages fluently, but were lacking in basic skills because they had left school when they had fled their country or had spent long periods in camps where there were no educational opportunities.<sup>373</sup> A special work camp for young refugees opened in Davesco in early 1941. The youngsters were able to spend part of their time in school and the camp director promoted their personal development with great insight.<sup>374</sup>

Beginning in 1942, adult refugees generally lived in collective housing as soon as they left the reception camps. The homes for women and older people and the work camps for men were mass operations.<sup>375</sup> The daily routine was regulated down to the minute.<sup>376</sup> Refugees who did land-improvement and forestry work lived in camps in isolated areas, far from the next city. In the long run, especially in winter when the refugees had to spend free time in crowded recreation rooms, cabin fever set in.<sup>377</sup> Only after a while did the authorities recognize the value of offering opportunities for further training and recreation. In some camps the refugees initiated a lively cultural scene, such as in Gordola which was a special camp for communists, with a relatively homogenous population and a camp director who was open to the wishes of the residents. In the Bienenberg home, the director supported theater performances by the interned women.<sup>378</sup> In many places, recreational events were primarily an attempt «to gain perspective on a daily routine that was as monotonous as it was often humiliating and barbaric, and to create an alternative».<sup>379</sup>

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<sup>371</sup> On the conflict over baptism, see Picard, Schweiz, 1994, pp. 444–447; Zeder, Zuhause. 1998, pp. 63–65; Minutes of the Subcommittee for Issues Regarding Children of the Expert Commission, July 29, 1944, FA E 4001 (C) 1, vol. 260. Dietz, Freiheit, 1993, p. 43.

<sup>372</sup> After 1942, a group of Jewish children were housed in Wartheim in Appenzell. The Youth Aliyah ran their own homes in Bex and in Versoix, where they prepared children for emigration to Palestine. Picard, Schweiz, 1994, pp. 440–449; Lasserre, Frontières, 1995, pp. 319–330; Zeder, Zuhause, 1998.

<sup>373</sup> Hohermuth, Bericht, 1945, p. 52; see Picard, Schweiz, 1994, pp. 451–455.

<sup>374</sup> Minutes of Working Committee III of the Expert Commission, April 20–22, 1944, FA E 4001 (C) 1, vol. 260.

<sup>375</sup> On daily life in the camps and homes, see letter from refugees in Kocher, Heimatlos, 1986; Brusto, Rettungsboot, 1967; Dietz, Freiheit, 1993; Weber, Strom, 1994.

<sup>376</sup> The «Daily Order for Büren Work Camp, BL, after May 17, 1944» (orig. German), made the following mandatory schedule for workdays: 0600: Wake-up, 0630: Breakfast, 0655: Roll-Call, 0700: Begin work, 1130: Mid-day meal, 1255: Roll-Call, 1300: Begin work, 1730: Return from work, 1800: Evening meal, 2130: Tidy rooms, 2200: Lights out; FA E 4320 (B) 1991/243, vol. 30.

<sup>377</sup> Brusto, Rettungsboot, 1967, pp. 81f; see also Hoerschelmann, Exilland, 1997, pp. 132ff.

<sup>378</sup> On Gordola, see Seliger, Basel, 1986, pp. 140ff; on Bienenberg see Weber, Strom, 1994; Dietz, Freiheit, 1993, pp. 40f.

<sup>379</sup> Walter, Exilliteratur, 1988, p. 393; ZL, Schlussbericht, 1950, pp. 90–96.

Many of the collective-housing units were always noisy, which made the development of a common spirit more difficult.<sup>380</sup> Refugees rarely spent more than one year in the same place, and during this time many of their fellow residents were transferred. The Frenchman Guy W. came to know seven different camps and homes during his just under two years of exile in Switzerland. After living in several reception camps, the ZLA did not honor his wish to be placed in a work camp near Zurich, where his ailing sister lived. Instead, Guy W. was assigned to a work camp in Siders (Valais) in the fall of 1943, from where he was sent to a home in Lugano. After changing camps several times, he entered the Mezzovico (Ticino) work camp in the spring of 1944. In the fall of 1944, he was sent together with comrades to the disciplinary camp Granges-Lens for several weeks. This collective punishment was imposed by the ZLA for an incident that has aroused a good deal of attention. Several refugees in Mezzovico had stopped working and whistled as a transport of wounded German soldiers passed them on an adjacent train line.<sup>381</sup> Since W. had not participated in the demonstration, he was soon able to leave the disciplinary camp and return to Mezzovico where he remained until he was repatriated to France in November 1944.<sup>382</sup>

The person in charge of the camp or home was decisive for the atmosphere there. There were civilian camp directors who insisted pedantically on adherence to the camp rules and not infrequently supplemented them with their own petty regulations.<sup>383</sup> Other directors tried hard to show the refugees respect as mature individuals. They looked away when someone stayed away a little longer or even failed to return at night.<sup>384</sup> Such directors earned the goodwill of the refugees, but also generated distrust by the authorities and the military. Typical are the complaints by the military police about the home for internees in Vicosoprano. In early 1944, most of the residents were elderly Jewish refugees. The director gave them a voice in running the home and there was a good atmosphere. A ZLA inspector wrote: «The people are quiet and carry out their daily duties without any particular fuss or bother. A certain degree of self-administration among the internees is quite desirable.»<sup>385</sup> But the military was not pleased. Military police complained about the conditions in what they described as a «Jew camp (*Judenlager*)» and accused the refugees of carrying out black market operations, excessive alcohol and chocolate consumption, and of indulging in wild nightlife with dances. They also

<sup>380</sup> Minutes of the Working Committee IV of the Expert Commission, October 2, 1944, FA E 4001 (C) 1, vol. 260; Brusto, *Rettungsboot*, 1967, p. 79; Knauer/Frischknecht, *Spur*, 1983, p. 178.

<sup>381</sup> Minutes of the Working Committee IV of the Expert Commission, September 14, 1944, FA E 4001 (C) 1, vol. 260. See also Broggin, *Frontiera*, 1998, pp. 231ff.

<sup>382</sup> FA E 4264 (-) 1985/196, vol. 633.

<sup>383</sup> On January 27, 1944, the *Basler Arbeiterzeitung* protested against the director of the Brissago refugee home who prohibited the women from speaking while working. See Seliger, *Basel*, 1986, pp. 153ff; Dietz, *Freiheit*, 1993, pp. 57ff.

<sup>384</sup> Seliger, *Basel*, 1986, pp. 143ff. Charlotte Weber, the director of the home, was transferred by the ZLA because of lax management. Weber, *Strom*, 1994, pp. 75 ff.

<sup>385</sup> Hans Bachmann, «Bericht über das Interniertenheim Vicosoprano» (Report on the Vicosoprano Internee Home), ZLA, February 8, 1944, FA E 4001 (C) 1, vol. 258.

believed that the refugees «had the camp head in the palm of their hand» and «did what they wanted» in the home.<sup>386</sup>

There were often similar tensions between camp administrations and military authorities. Many officers expected civilian refugee accommodations to be run like the military reception camps. After all, the army leadership saw every foreigner as a security risk. The mobility of the refugees was a constant irritant.<sup>387</sup> At the same time, such conflicts brought out antisemitic and anti-foreigner prejudices rampant in the army up to its highest ranks; these were fostered in public by politicians such as National Councillor Eugen Bircher. In the last years of the war, a frighteningly high number of death threats, physical assaults on refugees, and conflicts resulting in violence, were reported.<sup>388</sup> Further, trivial incidents also indicated growing intolerance by the Swiss population.<sup>389</sup>

In everyday life, the Swiss demonstrated solidarity with the refugees. Accommodations in private households brought many refugees release from the abrasive daily life in camps and homes and enabled many of them to participate in intellectual and cultural life. The contact between hosts and refugees often proved mutually enriching.<sup>390</sup> Nevertheless, life together was not always harmonious. Some hosts viewed renting rooms to refugees as a new source of supplemental income and others saw it as their task to keep a close eye on their guests and to willingly provide the authorities with information on the refugees' private affairs.<sup>391</sup> Beginning in the fall of 1943, as the search for new mass accommodations became more difficult, the authorities welcomed private lodging for refugees. In the spring of 1944, about 9,250 of the total of 25,000 civilian refugees lived in camps and homes. Five thousand three hundred and twenty-nine (5,329) lived with relatives and in small guesthouses, while just under 1,000 lived in private households, and 2,500 children were placed with foster families.<sup>392</sup> A growing

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<sup>386</sup> «Betr. Spezialauftrag i.S. Judenlager im Bergell» (Concerning Special Mission in the case of the camp for Jews in Bergell), Report of the military police, January 24, 1944; «Betr. Internierenlager Vicosoprano», January 8, 1944. The ZLA rejected the accusations. Hans Bachmann, «Bericht über das Interniertenheim Vicosoprano», ZLA, February 8, 1944, FA E 4001 (C) 1, vol. 258.

<sup>387</sup> At the instigation of the army, the refugees' freedom of movement was again restricted in the summer of 1944 because of war developments. See Schürch, *Flüchtlingswesen*, 1951, p. 129.

<sup>388</sup> Report of a session of the Working Committee of the SZF, March 1, 1943, FA E 9500.193 (-) 1969/150, vol. 5. In Bürten, BL, a farmer set his dogs on refugees and threatened to shoot at camp residents. FA E 4320 (B) 1991/243, vol. 30. Refugees were severely injured during fights and physical assaults in the Murimooos and Sierre camps. These incidents were discussed in the National Council on September 21, 1944; excerpts from the minutes and other files in FA E 4001 (C) 1, vol. 258.

<sup>389</sup> Women with an urban lifestyle aroused indignation in many places. See Dietz, *Freiheit*, 1993, p. 42. An officer scoffed that «red lipsticks obviously crossed the border in perfect condition». (orig. German) Lieutenant Colonel Hauswirth, «Rapport über die Inspektion der Flüchtlings-Auffanglager» (Report on the Inspection of Refugee Camps), December 11, 1942, FA E 4001 (C) 1, vol. 258.

<sup>390</sup> Sperber, *Scherben*, 1977, pp. 302ff.

<sup>391</sup> In contrast to the camp system, research about private housing of refugees has been absent because of decentralized sources. For the private placements, see Kocher, *Menschlichkeit*, 1996, pp. 291–300. Many households were not willing to take in Jewish refugees. Paul Vogt's relief organization found private accommodations for almost 1,700 refugees during a four-year period. On the denunciation of a female refugee by her host, FA E 4264 (-) 1985/196; see also Chapter 5.5.2 (Sybille F.).

<sup>392</sup> At this time, just under 3,000 refugees waited in reception camps for transfer to civilian accommodations; 1,600 men and women worked in agriculture and in households and lived in private accommodations, while 580 refugees were able to study at universities. Lasserre, *Frontières*, 1995, pp. 236–55, especially at p. 237.

number of refugees was given the chance to leave the camps. At the same time, long periods in military and civilian camps dominated daily life in exile. Deficiencies in the camp system led toward the end of the war to a critical analysis of refugee accommodations: «In the past four years, we were able to provide refugees with a roof over their heads, clothing, and food ... but what we were not able to do was to make them feel happy with us here in Switzerland», a 1945 report stated soberly.<sup>393</sup> Innumerable rules and regulations gave the refugees the impression that they had no rights. Gertrud Kurz was not surprised that many complained of being moulded as an «object».<sup>394</sup> The authorities also admitted that many control measures had been excessive.<sup>395</sup> At times the «police spirit» took on grotesque dimensions – such as when refugees were forbidden to visit certain establishments or to sit on certain public benches.<sup>396</sup> Above all, such regulations were responsible for the bitterness voiced in the following letter by an unknown refugee:

«The refugee simply does not understand and probably will never understand that hosts, who are in the happy position of being able to save the lives of unfortunate people, assume they have the right to treat them as third-class citizens .... The refugee has been robbed of his rights and placed under guardianship. After what I have said, you will understand that most refugees long for the hour when they can leave Switzerland as quickly as possible.»<sup>397</sup>

#### 4.4.4 Ban on work, obligation to work: work by refugees

The Swiss Federal Council banned work for refugees in 1933 as part of its decrees on asylum policy. The authorities were primarily concerned with protecting the Swiss labor market. The not-undesired side effect of preventing refugees from becoming integrated into the Swiss social fabric in order to encourage them to move out of Switzerland, increased in importance. Toward the end of the 1930s, it became the primary reason for these regulations. But after general mobilization, the ban on work lost its economic rationale since many businesses now suffered from a sudden shortage of workers.<sup>398</sup> Nevertheless, labor departments opposed allowing refugees to work and were often supported in this by professional associations.<sup>399</sup> Refugees who tried to earn their living by working off the books took great risks.<sup>400</sup> The

<sup>393</sup> Minutes of the Working Committee II of the Commission of Experts, March 22, 1945, Dr. med. Zangger, FA E 4001 (C) 1, vol. 260.

<sup>394</sup> Minutes of Working Committee I of the Commission of Experts, January 13, 1944, FA E 4001 (C) 1, vol. 260.

<sup>395</sup> Internal memorandum by Walther, November 13, 1944, FA E 2001 (D) 1968/74, vol. 13.

<sup>396</sup> Minutes of Working Committee I of the Commission of Experts, November 13, 1944, FA E 4001 (C) 1, vol. 260. For many Jews, such prohibitions awakened unpleasant memories of the first antisemitic regulations in Nazi Germany. Brusto, *Rettungsboot*, 1967, pp. 87f.

<sup>397</sup> Letter from an unknown refugee read by National Councillor Jacques Schmid at the second session of the Commission of Experts for Questions regarding Refugees, October 5, 1944, FA E 4001 (C) 1, vol. 260.

<sup>398</sup> Jost, *Politik*, 1998, pp. 52f.; Schürch, *Flüchtlingswesen*, 1951, pp. 134–140.

<sup>399</sup> The director of BIGA to Federal Councillor von Steiger, July 16, 1943, FA E 4001 (C) 1, vol. 259. Typical of the position taken by many associations is that of the Swiss Association of Authors, which after 1933 repeatedly advocated a publication ban for writers living in exile. Mittenzwei, *Exil*, 1978, pp. 112–114. Häslar, *Boot*, 1967, pp. 275–286.

<sup>400</sup> Before the war, they were in danger of losing their residence permit. The BRB of October 17, 1939, tightened the regulations and provided for expulsion. Instead, the authorities generally transferred the refugees to work camps. Minutes of Working Committee I of the Commission of Experts, March 27, 1946, FA E 4001 (C) 1, vol. 260. See also Chapter 2.2.3.

restrictions applied to writers and artists as well, who had to obtain the permission of the Police for Foreigners to publish or to make public appearances. Despite these difficult conditions, German actors and actresses exerted a lasting influence, especially on Zurich cultural life.<sup>401</sup>

After the spring of 1940, all emigrants housed in camps were required to work. By occupying the refugees, the Federal Council thought not only of their usefulness to the wartime economy and national defense, but was also convinced that the experience of manual labor would increase their chances for emigration.<sup>402</sup> The work assigned male refugees generally aided military construction projects and agriculture. The women sent to homes did household work as well as sewing, mending, and knitting for male refugees in the camps and to some extent for the army.<sup>403</sup> Wages in the work camps were at first one franc per day; this was increased to 1.80 francs per day in 1942 for refugees who had already lived in camps for a longer period. Half of the amount was transferred to a blocked account. In the homes, earnings of 20 centimes (0.20 francs) were considerably lower than in the camps. In the summer of 1944, the ZLA introduced a pay-for-performance system in order to reverse the lack of motivation to work among the refugees.<sup>404</sup>

A refugee who had emigrated from Switzerland to the United States at the end of 1940 was questioned by a journalist upon arrival in New York about living conditions in the camps. He reported that he and his fellow inmates had done construction work, «including the pounding of rocks for Swiss road construction. We were not prisoners, but it was work we had not been used to ... in addition, we got good food and a lodging.»<sup>405</sup> His statements reflect the mixed feelings of refugees to mandatory work. Many were happy to be occupied and to escape the humiliating existence of a petitioner.<sup>406</sup> However, road construction, land improvement, and agricultural work demanded a great deal of physical strength. Many refugees did not have the strength needed for this work, since the majority of the refugees came from academia and the liberal professions, business, and specialized trades. The structure (spectrum) of workers in the camps reflected this: doctors, jurists, journalist, businessmen, hairdressers, tailors, opticians, and musicians worked side-by-side with pickaxes and shovels.<sup>407</sup> The ZLA's principle of treating all refugees equally meant that, by assigning specialized tradesmen or musicians to

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<sup>401</sup> Mittenzwei, *Exil*, 1978; Wichers, *Schweiz*, 1998.

<sup>402</sup> Federal Council Decree (BRB) of March 12, 1940, FA E 4260 (C) 1974/34, vol. 177. See Lasserre, *Frontières*, 1995, pp. 133–136; Maurer, *Anbauschlacht*, 1985. Swiss citizens, both men and women, were required to perform labor service beginning in May 1940. Tens of thousands of them did such work during the war; in 1944, 50,000 women did compulsory labor service in agriculture. Jost, *Politik*, 1998, p. 52, p. 57. See Kälin, *Gutachten*, 1999, Part 2, B III, 5, on the legal view about the camps and mandatory work for refugees.

<sup>403</sup> ZL, *Schlussbericht*, 1950, pp. 54–66; Lasserre, *Frontières*, 1995, pp. 239–244.

<sup>404</sup> Lasserre, *Frontières*, 1995, p. 241. A soldier received daily pay of 2 francs; a captain, 11 francs. Daily wages in agriculture were between 6.50 and 7.50 francs. Jost, *Politik*, 1998, p. 57.

<sup>405</sup> *New York Sun*, November 25, 1940, FA E 2001 (D) 2, vol. 112.

<sup>406</sup> Knauer/Frischknecht, *Spur*, 1983, p. 174.

<sup>407</sup> Brusto, *Rettungsboot*, 1967, p. 73; Seliger, *Basel*, 1987, pp. 60f.; on the occupational structure, see Picard, *Schweiz*, 1994, p. 336.

hard physical labor, it accepted that refugees could be injured in ways that might prevent them from later returning to their former careers.<sup>408</sup> The death of the singer Joseph Schmidt, who had tried vainly to obtain a release from the camp out of fear that illness could hurt his voice, shocked the public in 1942. Still, the protest brought no changes in the mandatory assignment of work.<sup>409</sup>

In the course of the war years, the work of refugees in agriculture gained in significance. For the refugees, helping with the harvest provided a welcome change from daily life in the camps. Many farmers also appreciated the work of the additional, temporary labor. Sometimes humiliating incidents took place when, for example, farmers picked out the strongest men as if they were bidding at a slave auction.<sup>410</sup> Beginning in 1943, both men and women were sent individually to work for farmers, even if this was initially against their wishes. In the fall of 1943, 1,100 male refugees worked for farmers; a year later, the number was 1,780, and by August 1945, 5,000. At the end of 1944, 630 female refugees worked in Swiss households.<sup>411</sup> Cultural and religious differences and communication problems often caused conflicts between employers and employees; many refugees felt isolated in a world that was strange to them and wished to return to the camp. The orthodox Jew Frédéric B. was sent to a farmer in the canton of Basel. The employer was dissatisfied because the refugee observed the Sabbath and thus could not work on Saturdays. Frédéric B. applied for a transfer to a camp for orthodox Jews. The cantonal labor department showed no consideration for his wishes.

«We cannot apply for a transfer for you only for religious reasons .... Thousands of your faith are in a much worse situation than you are. Our farmers are in need of workers; therefore, we may require that the refugees make themselves available as workers, as a small way of showing gratitude for having received shelter here.»<sup>412</sup>

The authorities put considerable pressure on female refugees in order to satisfy the demand for household employees. The Police Division accused women of preferring «out of laziness or false pride the comfortable life in a home for internees» to that of a servant.<sup>413</sup> In general,

<sup>408</sup> Knauer/Frischknecht, Spur, 1983, pp. 167f. For a critical assessment of camp work, see Walter, Exilliteratur, 1988, pp. 386–396. The fear of a singer that he would lose his voice did not suffice for release from a camp. Minutes of Committee I of the Commissions of Experts, June 5, 1944, FA E 4001 (C) 1, vol. 260.

<sup>409</sup> For the death of Joseph Schmidt, see the December 15, 1942 EJPD report, FA E 4800.1 (-) 1967/111, Akz. 1.16, File 73 and Häsler, Boot, 1967, p. 273; for transferring artists to work camps, see also Hörschelmann, Exiland, 1997, pp. 140f. See also Imhof, Kommunikation, 1999.

<sup>410</sup> Ludwig, Flüchtlingspolitik, 1957, p. 285; Brusto, Rettungsboot, 1967, pp. 92f. Refugees also worked in the Frauenfeld branch of the Lenzburg canning factory. In 1943, a strike was staged by refugees who had to work 14-hour days during the harvest season. Walter, Exilliteratur, 1988, pp. 394–396.

<sup>411</sup> EJPD directives about accommodations for refugees, March 20, 1943, FA E 4260 (C) 1974/34, vol. 85; Schürch, Flüchtlingswesen, 1951, p. 136–138; statistical overview in FA 4800.1 (-) 1967/111, Akz. 1.010, File 219. At this point, the authorities made little use of the power given them by the BRB orders of February 11, 1941, to order agricultural work. The ZLA demanded the usual wages by region for work done for private employers. In the camps, the refugees received a portion of their wages in cash; the rest was transferred to a blocked account, partly credited to the ZLA. Report of the Police Division, April 15, 1944, FA E 9500.193 (-) 1969/150, vol. 5. Schürch, Flüchtlingswesen, 1951, pp. 138f, ZL, Schlussbericht, 1950, pp. 64f.

<sup>412</sup> Labor department Basel-Land to Frédéric B., September 25, 1944, FA E 4264 (-) 1985/196, vol. 736.

<sup>413</sup> Report of the Police Division, April 15, 1944, FA E 9500.193 (-) 1969/150, vol. 5. Minutes of Working Committee III of the Commission of Experts, April 12, 1945, FA E 4001 (C) 1, vol. 260.

however, problems making themselves understood and excessive expectations were what ruined refugees' lives. A Russian woman, Olympiade S., a forced laborer from Singen who had fled to Switzerland, was sent to farmers as household help. She was received with suspicion and felt that she was treated «like an outcast or a criminal».<sup>414</sup> The hard farming work was difficult for her because she still suffered from the results of forced labor in Germany. Her employers showed little empathy for her; instead, they complained that their new employee could neither do laundry, nor mend, nor cook.<sup>415</sup> Although Olympiad S. asked to be transferred to another job because of her health problems, the labor department responsible for her case considered her a malingerer and rejected her request.<sup>416</sup>

Swiss employers often had difficulty showing the understanding refugees needed, in part because the amount of work they themselves faced during the war was enormous. Many expected a high level of performance from refugees, without considering that the refugees were weakened from years of exploitation and undernourishment abroad.<sup>417</sup> For a long time, work outside of agriculture, households, and restaurants was closed to refugees. The fear of a postwar crisis set strict parameters, even when the Swiss economy boomed shortly after the war.<sup>418</sup> The strongest motivation for the restrictive issuance of work permits after the war was the authorities' intention of inducing refugees to leave Switzerland quickly and to make a new future for themselves in another country.<sup>419</sup>

#### 4.5 Looking Across Borders: Refugees and the End of the War

«Today's emigrant could be tomorrow's prime minister. His view of Switzerland cannot be a matter of indifference to us.» Many refugees, however, have not received a good impression of the country in recent years.

«As a result, we must fear that refugees and internees will not spread positive information about Switzerland after the war ends, as might have been expected, but may in fact damage the reputation of our country.»<sup>420</sup>

The military successes of the Allies brought the end of asylum into sight. The refugees found new self-confidence and demanded a voice in shaping their future. New priorities were set in

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<sup>414</sup> Regina Kägi-Fuchsmann to the Police Division, November 25, 1943, FA E 4264 (-) 1985/196, vol. 736.

<sup>415</sup> Report of the Schaffhausen police, April 24, 1944, FA E 4264 (-) 1985/196, vol. 736.

<sup>416</sup> Schaffhausen labor department to the Police Division, March 21, 1944, Report of Schaffhausen police, April 23, 1944, FA E 4264 (-) 1985/196, vol. 736.

<sup>417</sup> Minutes of Working Committee III of the Commission of Experts, April 12, 1945, FA E 4001 (C) 1, vol. 260.

<sup>418</sup> Minutes of Working Committee I of the Commission of Experts, May 27, 1946, FA E 4001 (C) 1, vol. 260. Contrary to the period after WW I the economy started to grow strongly after 1945. See Bergier, *Histoire*, 1984, p. 254; Perrenoud, *Politique*, 1989, pp. 113–141; Bergier, *Wirtschaftsgeschichte*, 1982, pp. 273–276; Jost, *Politik*, 1998, pp. 88ff.

<sup>419</sup> Minutes of Working Committee I of the Commission of Experts, November 12, 1945, FA E 4001 (C) 1, vol. 260.

<sup>420</sup> Postulate of parliamentarian Theodor Gut (radical) about issues of psychological care of internees and refugees, February 14, 1944, FA E 4001 (C) 1, vol. 260.

asylum policy as Switzerland's foreign policy situation changed, and the government also began to see refugees as future shapers of the reconstruction of Europe.<sup>421</sup>

A turning-point had shown first signs at the end of 1943. Beginning in the summer of 1944, the endangerment of persecuted individuals was a reason for granting asylum. The authorities also showed more willingness to meet the needs and wishes of the refugees in the homes and camps. The principle of splitting up families was abolished. In 1943, young academics gained the right to continue their studies, which had been interrupted by flight, at Swiss universities. Private funding made possible the establishment of a separate higher education camp for refugees enrolled at universities and another separate secondary school camp for young Italians.<sup>422</sup> In February 1944, the Commission of Experts for Refugee Questions met. Its members included government officials and representatives of the relief organizations. At the first meeting, the demand was made that refugees also be represented in this body. That went too far for Federal Councillor von Steiger, who said:

«Of course, we are very pleased if women participate. In a commission of experts, however, it is out of the question that we accept refugees as members.»<sup>423</sup>

Underlying the Commission's debates was concern about Switzerland's position in the postwar order. Several commission members demanded that refugees be made better acquainted with local industry so that they could publicize Switzerland as a place to do business.<sup>424</sup>

In light of their impending departure, more attention was paid to retraining refugees and helping them gain new occupational skills. While once any initiative on the part of the refugees had been regarded with suspicion, the authorities now wanted them to have a say in planning recreational activities. At the same time, the exiles were put under greater pressure to leave Switzerland quickly; if they could not return to their country of origin, they were expected to find another place to live. However, the future was anything but rosy for thousands of people. Those who had reached a certain age, or who bore the physical and emotional scars of persecution and flight, had only slim chances of finding an immigration country. Many people simply lacked the strength to begin a new life again for the third, fourth, or fifth time. Relief organizations had long demanded that such persons be granted permanent residence in Switzerland. A decision by the Federal Council on March 7, 1947, enabled the introduction of

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<sup>421</sup> Dietz, *Freiheit*, 1993, p. 89, p. 94, and Teubner, *Exiland*, 1975, p. 217, confirm that refugees received better treatment and asserted more self-confidence.

<sup>422</sup> For the first time, students were permitted to enroll at Swiss universities in the summer semester of 1943. During semester breaks, they were required to work. Relief organizations often paid students' living costs and educational expenses. Lasserre, *Frontières*, 1995, pp. 290f; Brogini, *Terra d'asilo*, 1993, pp. 362–367, pp. 493–527. Special camps had existed since October 1940 for Polish military internees, where the young men were able to complete the Matura; later they also received their own university camp. Broda, *Beziehungen*, 1991, p. 19.

<sup>423</sup> Minutes of the first meeting of the Commission of Experts for Refugee Questions, February 23, 1944, FA E 4001 (C) 1, vol. 260 (orig. German).

<sup>424</sup> Minutes of Working Committee II of the Commission of Experts for Refugee Questions, November 9, 1944, FA E 4001 (C) 1, vol. 260.

permanent asylum, albeit with restrictions, for refugees who could not be expected to move on.<sup>425</sup>

#### 4.5.1 The thorny path to autonomy

«Many of us have ten years of emigration and homelessness behind us, most have been living in barracks for more than four years, and we have been subjected to conditions that cut deeply into our most personal lives. What depresses us the most, however, and an outsider cannot even begin to grasp the enormous dimensions of this, is the complete inability to assume responsibility for our own lives, the impossibility of shaping our own destinies. We are told exactly when to get up and when to go to bed, we are assigned specific work and even our food is set in front of us; it is exactly the same for our women, relatives, and friends in the camps.»<sup>426</sup>

The defining characteristic of life in Swiss exile was the regulation of daily life down to the most minute details. Refugees became extremely disoriented when they were expected to regain independence from one day to the next and plan their futures. «It is very hard work with refugees to convince them that it is in their own interest to earn their daily bread themselves», complained a year after the war had ended Heinrich Rothmund, whose Police Division had forbidden refugees for years on end to hold any kind of job whatsoever.<sup>427</sup> As a result of this prohibition, professionals had been unable to maintain the necessary level of expertise and workers were out of practice. But as the war ended, the refugees were allowed to take their lives back into their own hands, and in fact had to do so. This meant re-orienting themselves, seeking an occupation that allowed them to make a living, gaining new knowledge and skills.

The opportunities for further training and retraining offered refugees were always planned with an eye to the chances for migration. Jewish relief organizations had organized courses before the war began that were intended to make it easier for refugees to be accepted in immigration countries. Beginning in 1942, the relief organizations pushed for permission to allow young people to complete apprenticeships in Switzerland. The international Jewish organization ORT was extremely active in this regard; it ran a large number of schools and shops for refugee apprenticeships and by 1951 had helped 3,000 youngsters receive occupational training. Zionist organizations also worked with youngsters, preparing them to move to Palestine.<sup>428</sup> The re-training and advanced training programs offered by the ZLA were modest for a long time in comparison with private efforts. Not until the fall of 1944 did official agencies increase their activities in occupational training. The ZLA offerings focused primarily on increasing the

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<sup>425</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 340–346. 1 345 refugees received normal residence permits and for the first time were able to receive support from public funding. Relief organizations had estimated the number of applicants for permanent asylum at several thousand. The VSJF submitted 1,500 petitions, of which 900 were approved. Picard, *Schweiz*, 1994, p. 357; Arnold, *Transitprinzip*, 1997, pp. 97–105.

<sup>426</sup> *Über die Grenzen: Von Flüchtlingen – für Flüchtlinge*, November 1, 1944, p. 5.

<sup>427</sup> Minutes of Working Committee I of the Commission of Experts for Refugee Questions, May 27, 1946, FA E 4001 (C) 1, vol. 260.

<sup>428</sup> Picard, *Schweiz*, 1994, pp. 314–317, p. 337, pp. 340–343.

chances of migration for those refugees who could not return to their countries of origin or did not want to do so.<sup>429</sup>

Just under a third of the 1,500 refugees who completed ZLA courses before 1947 were women. They were offered courses limited to traditional female occupations: domestic work, child care, work in textiles, while the majority of men gained skills in technical occupations and skilled trades as well as business. This division of gender roles was also reflected in the ideas of government agencies and the ZLA. Women were supposed to learn things that would be useful «in running a household in the postwar period».<sup>430</sup> Female representatives of relief organizations complained that the intellectual needs of women in the homes were being ignored and that too little attention was being paid to their occupational training.<sup>431</sup>

As conditions for residence in Switzerland had eased during the last years of the war, refugees gradually began to act on their own initiative. For a long time, recreation was the only niche where residents of homes were granted a voice in running their own lives, albeit a limited one. Officials viewed even refugee recreational groups with mistrust, suspecting them to be a front for secret political activities.<sup>432</sup> Not until the fall of 1943 did refugees from different camps and homes meet to plan joint cultural events.<sup>433</sup> The refugees recognized that cultural activity was an opportunity for meaningful occupation, especially since they wanted to liberate recreation from the tedium of social entertainment and instead provide their fellow camp and home residents with knowledge they could use in rebuilding Europe. «The unshakable goal was to awaken the desire for a better future, not trivial escapism», wrote the German socialist Paul Müller who organized cultural activities on behalf of the ZLA after 1944.<sup>434</sup> In the last months before the war ended, some pilot projects allowed refugees a limited amount of self-administration in the homes and camps; for the residents, it was a completely new situation when there was suddenly no more roll-calls and they could set house rules themselves.<sup>435</sup>

In the spring of 1945, a conference took place in Montreux where refugees discussed the problems of the postwar period with representatives of relief organizations and government officials. For the first time, the refugees were not treated only as the recipients of orders, but as responsible adults. In this regard, the Montreux conference was a breakthrough, even though it

<sup>429</sup> ZL, Schlussbericht, 1950, pp. 71–87; Zaugg, Schulung, 1945, pp. 162f; see also Lasserre, Frontières, 1995, pp. 285–289.

<sup>430</sup> Zaugg, Schulung, 1945, p. 161, ZL, Schlussbericht, 1950, p. 73, p. 87 (statistical survey of occupational training).

<sup>431</sup> Minutes of Working Committee I of the Commission of Experts for Refugee Questions, April 27, 1944 (Helena Baumgarten), FA E 4001 (C) 1, vol. 260; Bertha Hohermuth demanded better occupational training for women, Hohermuth, Bericht, 1945, p. 51.

<sup>432</sup> Because of suspicion of political propaganda, the recreation committee at the Gordola camp was abolished in February 1942. Lasserre, Frontières, 1995, pp. 271ff, Teubner, Exiland, 1975, pp. 154–157. Cultural events in camps could take place only with the approval of the camp director. ZL, Schlussbericht, 1950, p. 90.

<sup>433</sup> Hans Meyer, in: Flüchtlinge wohin?, 1945, p. 185.

<sup>434</sup> Müller, Welt, 1987, pp. 239f.

<sup>435</sup> One of these projects was the training facility run by Charlotte Weber in Hilfikon. Report of Hilfikon staff on their experiences with self-administration, in: Flüchtlinge wohin?, 1945, pp. 69–70; see Weber, Strom, 1994, pp. 128ff; Dietz, Freiheit, 1993, pp. 71ff, esp. p. 75.

reconfirmed the principles of Swiss asylum policy, especially the principle of transit. In June 1945, a Joint Commission was formed to which the refugees elected their own delegates. This committee examined postwar problems, among others the problem of statelessness.<sup>436</sup>

With the impending collapse of Germany, many refugees felt a need to assert political influence on shaping a new order in their native countries. Movements like «Free Germany» (*Freies Deutschland*) or the Italian «Committee for National Liberation» which had existed since 1943, debated the social and political future of their countries after liberation from Nazism and Fascism. Despite the prohibition on political activity, a politicization of refugees began in the homes and camps. In early 1945, the KPD and the movement «Free Germany» held their own conferences.<sup>437</sup> For most Jewish refugees, the end of the war brought another problem to the forefront. Forced by the «transit principle» to leave Switzerland, they were faced with the problem of re-migration back to the countries whence they had fled or migrating to a new country. Debates on plans for the future were intense by the end of 1944; they now found an outlet in a number of newspapers that were founded and edited by refugees.<sup>438</sup>

#### 4.5.2 Remigration and transmigration

Since the early 1930s, a person's chances of acceptance by a third country depended on whether Switzerland allowed him or her into Switzerland. For financial reasons, the relief organizations had a strong interest in helping as many refugees as possible travel onward to another country.<sup>439</sup> Together with international migration organizations, they obtained visas and transportation. The VSJF organized continued migration for nearly 3,800 Jewish refugees between 1933 and the beginning of the war. A number of enterprises based in Switzerland made it possible for Jews to emigrate to Palestine.<sup>440</sup> Most of these projects ended abruptly when the war began. Although further migration during the war was illusory in any practical sense, refugees were by no means released from the «transit principle» – even those interned in camps had an obligation to organize their departure from Switzerland. Those who held a document showing that their presence was merely tolerated (a so-called tolerance permit) had to report on the progress of his or her emigration plans each time they applied for an extension.<sup>441</sup>

Beginning in 1943, international and national organizations in Geneva also turned their attention to postwar migration. It was in these circles that the idea of questioning refugees about their future plans for moving on was born. The initiator, Bertha Hohermuth, directed the

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<sup>436</sup> Arnold, *Transitprinzip*, 1997, pp. 83–87; Lasserre, *Frontières*, 1995, pp. 295–298.

<sup>437</sup> Bergmann, *Bewegung*, 1974; Lasserre, *Frontières*, 1995, pp. 278–285; Hoerschelmann, *Exiland*, 1997, pp. 170–210; Teubner, *Exiland*, 1975, pp. 235ff, 241ff; Mayer, *Deutscher*, 1982, pp. 297f; Müller, *Welt*, 1987, pp. 246–253.

<sup>438</sup> Picard, *Schweiz*, 1994, pp. 350–55.

<sup>439</sup> Wichers, *Kampf*, 1994, pp. 120–123; Arnold, *Transitprinzip*, 1997, esp. pp. 36ff. See Chapter 5.3.

<sup>440</sup> Picard, *Schweiz*, 1994, p. 293, pp. 308–314.

<sup>441</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 170f.

project and found financial support from the International Migration Service. The survey showed that only a minority of 25 percent of the 5,000 individuals and families queried wanted to return to their home country.<sup>442</sup> Refugees from Poland and Germany in particular categorically rejected repatriation. The reasons were clear: Eighty percent of those questioned were Jewish and did not want to return to the land of their persecutors. Germans, Austrians, and Poles feared a rebirth of antisemitism in their native countries; additionally, many Eastern European Jews had emigrated westward long before the war and were not driven from their countries of residence until invasion by Germany. Most of the refugees preferred to emigrate to a European country, whereas only nine percent of the respondents said that their preferred goal was Palestine where the political situation was unclear at the time the survey was conducted. The decision about a destination was unclear for many, since they knew nothing of the fate and whereabouts of their relatives. The survey, even if it provided only a snapshot of the current situation, supported the demand that there should be no forced repatriations, since many refugees feared that they might be interned in other camps abroad after the war ended.<sup>443</sup>

Holland, Belgium, and France extended the right to return to foreigners who had lived in these states before the war. This opportunity also benefited Polish Jews, the majority of whom said in the 1944 survey that they wished to return to the countries they had lived in earlier.<sup>444</sup> In the fall of 1944, organized repatriations to western countries began. Simultaneously, refugees still unsure of their further plans were placed under greater pressure. With the deportation of family members and the scattering of relatives around the world, it was often not easy for many to find a new place to live. This can be seen in the plans of a Jewish Belgian woman, whose Polish husband was deported in 1942, while she was able to flee to Switzerland with their children. Since 1942, her siblings had lived in London, Cuba, New York, Spain, and Belgium. As a widow with children, the woman was dependent on help from relatives. Since the children had their father's Polish nationality, officials tried to persuade the family to move to Poland. The woman, who had no connection with Poland, applied for repatriation to Belgium in early 1945, but then waived it because she was planning to emigrate to Palestine. Meanwhile, her brothers in New York had applied for an entry visa for the United States and were willing to contribute to the support of the family. In the spring of 1946, the family emigrated to the United States with a stopover in Brussels.<sup>445</sup>

The further migration of German and Austrian Jews was far more problematic than the return of refugees from Belgium, Holland, and France. Those who had fled in the 1930s primarily

<sup>442</sup> About 5,000 refugees filled out the questionnaire; in this way, together with family members, some 9,000 persons were comprised. See Picard, Schweiz, 1994, pp. 358–364, esp. p. 359.

<sup>443</sup> Hohermuth, Bericht, 1945, p. 45, p. 55. Minutes of Working Committee IV of the Commission of Experts on Refugee Questions, October 2, 1944, FA E 4001 (C) 1, vol. 260; Picard, Schweiz, 1994, p. 348, pp. 358–364; Arnold, Transitprinzip, 1997, pp. 77f.

<sup>444</sup> Ludwig, Flüchtlingspolitik, 1957, pp. 330–334. Among the Jews, the number of persons of foreign nationality was very high before the war in western European countries. In Belgium, it was 90 percent. Enzyklopädie des Holocaust, vol. I, 1995, p. 168; Picard, Schweiz, 1994, p. 289.

<sup>445</sup> FA E 4264 (-) 1988/196, vol. 633.

because of their political activities had a greater inclination to want to return to Germany or Austria, where they wanted to participate in the new construction of a democratic order; on the other hand, for many of those who were driven out by antisemitic persecution, re-migration was out of the question.<sup>446</sup> Richard Baer, who was himself a refugee and had worked on the 1944 survey, determined after many talks with German and Austrian Jews that

«they cannot return, nor do they wish to, because they have the deepest contempt for these countries and their inhabitants, because they see behind every German or Austrian an SS man who was present when a relative was arrested, deported, or gassed, because they have no relatives left and have lost every personal contact, because they think of former friends who had ignored their greetings, of how all the left-wing parties failed, and how art and science sold out to the regime, and because everyone knows the old arch enemy, antisemitism, has always been at home ... in Germany.»<sup>447</sup>

Jewish refugees from Germany were forced to justify to the authorities again and again after 1945 why they did not want German identity papers. Many left no doubt about their decision, like the refugee quoted in the following:

«I refuse to accept a replacement German passport, because I had to flee Germany for racial reasons, my mother ... was deported, I myself was maltreated by the Gestapo .... I was stripped of my citizenship on the basis of the Nuremberg Laws, and I have absolutely no intention of returning to Germany.»<sup>448</sup>

But Swiss authorities did not want to recognize the loss of citizenship according to Eleventh Decree to the *Reich* Citizenship Law, because German race laws violated Swiss principles of jurisprudence. This resulted in considerable disadvantages for Jewish refugees whose lack of papers prevented them from receiving normal residence permits from the cantons during the war. Many feared that they might be subjected to forced repatriation. If they possessed German or Austrian identity papers, they could count on being treated like Nazi perpetrators in the victor countries. Refugees and relief organizations thus called for identity papers to be provided for stateless persons from the former *Third Reich*, in order to free them from the «odium of German or Austrian origin».<sup>449</sup> In 1946, the Joint Commission found a compromise solution by ceasing to identify former German refugees as German citizens in their refugee identity papers.<sup>450</sup>

In the early 1950s, the obligation to move on was abolished for the 10,000 or so refugees from Nazi-era persecution still living in Switzerland. Most had been successively freed from internment and received permanent residence permits for specific cantons, which allowed them

<sup>446</sup> Picard, Schweiz, 1994, pp. 348f; Mayer, Deutscher, 1982, pp. 298f, as a member of the movement «Free Germany» was one of the most active agitators for re-migration. Other politically active Jews also returned to Germany and Austria, many Communists vehemently rejected Zionism and emigration to Palestine. See Teubner, Exilland, 1975, pp. 246f.

<sup>447</sup> Richard Baer in: Flüchtlinge wohin?, 1945, p. 62.

<sup>448</sup> Petition for release from internment, July 20, 1948, FA E 4264 (-) 1986/197, vol. 75. (Emphasis in original)

<sup>449</sup> Richard Baer, in: Flüchtlinge wohin?, 1945, p. 65; Minutes of Working Committee I of the Commission of Experts for Refugee Questions, November 12 and December 17, 1945, FA E 4001 (C) 1, vol. 260.

<sup>450</sup> Arnold, Transitprinzip, 1997, p. 85.

to take jobs.<sup>451</sup> After ten, in some cases fifteen years of refugee existence, they once again became normal citizens with the same rights as other foreigners.

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<sup>451</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 356–360.

## 5 Financial and Property Considerations

The financial and asset aspects of Swiss refugee policy have not received any attention until now. Although in 1951 an internal administrative report devoted a few chapters to the relevant questions,<sup>1</sup> it was not until the mid-1990s that the historian Jacques Picard dealt with the question of assets of «missing» Nazi victims in Switzerland.<sup>2</sup> He emphasized the large financial accomplishments that Swiss Jews and Jewish relief organizations in the United States had provided for the refugees.<sup>3</sup> Furthermore, Jonas Arnold made some important discoveries about the financial contributions of private relief organizations.<sup>4</sup>

This chapter will focus on Nazi expropriation policies toward persecutees to show the financial situation of refugees when they had, of necessity, fled to Switzerland. Moreover, there were limitations on payments internationally, so that the refugees could barely take any assets with them or later transfer them to Switzerland. Consequently, the question emerged as to who would provide support for the mostly impoverished refugees in Switzerland. Until 1942, the relief organizations carried the financial burden almost by themselves; only during the war when they no longer had the means, did the government assume a larger portion. Simultaneously, relief organizations had major problems in transferring relief payments out of the United States. Eventually, Swiss authorities were constrained to impose financial measures for the refugees to reduce spending by public agencies. Finally, the embargo on German assets in 1945 also affected the refugees. The consequences of these measures were felt until the late 1950s, and are one reason for the problem of so-called heirless or dormant assets.

This chapter embarks on new subjects within Swiss historiography since it examines the financial implications of refugee policy from 1933 to 1950. It reveals that refugee policy was embedded in a complex institutional structure. In addition to the Federal Department of Justice and Police (EJPD) and the relief organizations, other agencies also involved included the Federal Department of Finance and Customs (EFZD), the Federal Political Department (EPD), the Federal Department of Economic Affairs (EVD), the Swiss Clearing Office (SVSt), the Swiss National Bank (SNB), and the Swiss Volksbank (SVB). In general, refugee policy must be analyzed in an international context. The financial aspects and assets questions were also one component of economic relationships with Nazi Germany and the Allies, especially the United States. The emphasis of this chapter concerns the analysis of the behavior of governmental agencies and relief organizations.

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<sup>1</sup> Schürch, Flüchtlingswesen, 1951, p. 144.

<sup>2</sup> Picard, Switzerland, 1993.

<sup>3</sup> Picard, Schweiz, 1994, pp. 364–385. For support by the American Jewish Joint Distribution Committee, see Bauer, Jewry, 1982.

<sup>4</sup> Arnold, Transitprinzip, 1997; Arnold, Finanzierung, 1998. Arnold produced this report for the ICE. See also, Koller, Finanzierung, 1997, and Gast, Kontrolle, 1997, which systematically examine the connection between foreign policy and economic policy until 1933. For a general historiography see Chapter 1.3.

## 5.1 Nazi Germany's Expropriation and Spoliation Policies

Starting in 1933, the Nazi regime established a policy of robbing its Jewish population in Germany. A Law for the Restoration of the Professional Civil Service enacted in April 1933, enabled the regime to fire political opponents from the civil service, but also included provisions for removal on racial grounds.<sup>5</sup> In 1933, a boycott was organized against companies and businesses owned by Jews. During 1933, 37,000 of approximately 525,000 German Jews left the country.<sup>6</sup> Until 1938, the government adopted a series of measures intended to accelerate despoilment. Companies considered to be «Jewish», that is, whose owners or shareholders were Jewish, were subjected to innumerable constraints and persecution, such as boycotts and other harassing restrictions,<sup>7</sup> resulting in massive losses in the companies' value. The combination of terror, propaganda, and legislation was so effective that two-thirds of all Jewish owned or operated businesses in Germany (ca. 100,000 in all) had been sold or liquidated «voluntarily» by 1938. After November 1938, «Aryanization» entered its second stage and became a systematic government policy, involving the mandatory transfer of all Jewish enterprises to non-Jewish ownership, implemented branch by branch. Every remaining «Jewish» business was assigned an «Aryan» trustee to oversee its immediate compulsory sale. The affected owners either had to sell their business or cease doing business. The government was able to insist on a 70 percent tax on the difference between the official purchase price and the actual value.<sup>8</sup> The Jewish population was forced to emigrate by every means. In the wake of the November 1938 *Kristallnacht* pogrom (November 9–10, 1938), Hermann Göring imposed an additional fine of 1.127 billion *Reichsmarks* (RM) on the Jewish population of the Reich. Stocks, bonds, and other securities still held by their owners were to be deposited in a frozen account in a bank chosen by the authorities.<sup>9</sup> Any gold, platinum, silver, precious stones, or *objets d'art* had to be handed over to units subordinate to the Ministry of Economics.<sup>10</sup> In addition to this despoilment, measures were put into place that were aimed directly at emigrants. Within the context of the 1930s economic and financial crisis, in July 1931 the government began monitoring currency and introduced a tax to combat flight capital.<sup>11</sup> The tax affected those whose assets exceeded 200,000 RM or who had an annual income of more than 20,000 RM. The Nazi regime retroactively lowered the base for flight taxation to assets owned on January 1, 1931, worth at least 50,000 RM.<sup>12</sup> In order to control the export of currency, centralized agencies were created to regulate transactions and

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<sup>5</sup> «Gesetz zur Wiederherstellung des Berufsbeamtentums» of April 7, 1933 in: Walk, Sonderrecht, 1996.

<sup>6</sup> Friedländer, Nazi Germany, 1997, p. 62.

<sup>7</sup> Genschel, Verdrängung, 1996, p. 89.

<sup>8</sup> Longerich, Politik, 1998, p. 217.

<sup>9</sup> Hilberg, Destruction, 1985, p. 127.

<sup>10</sup> Hilberg, Destruction, 1985, p. 140.

<sup>11</sup> DDS, vol. 10, p. 213, note 1. For the problems between Switzerland and Germany concerning the Reich Flight Tax («Reichsfluchtsteuer»), see FA E 2001 (D) 3, vol. 205.

<sup>12</sup> See Chapter 5.2.1.

payments going abroad (*Devisenstellen*). With the launching of the Four-Year Plan in 1936, the economy was mobilized for armaments production and war and the need for foreign currency increased.

Special emigration taxes were also levied.<sup>13</sup> Refugees already abroad were excluded from making any transfers of their assets, since they had been compelled to forfeit their property when the government had appropriated it.<sup>14</sup> Any possessions that refugees could not take with them remained blocked in special non-transferrable bank accounts in Germany, whose access was severely restricted (*Auswanderer-Sperrmark*). For Jewish emigrants, a transfer of capital was virtually impossible or it resulted in substantial financial losses.<sup>15</sup> If they attempted to recover part of their assets, they had to accept minimum losses of 80 to 90 percent of their funds, and sometimes even more, in blocked accounts. Sometimes, in exceptional cases, they might receive minimal interest on the balances. Until 1938 it remained possible to transfer pensions and annuities abroad.<sup>16</sup>

There was an obvious inconsistency between the German drive to force the Jewish population to emigrate and their decision to despoil Jews to such an extent that no country would admit them. Nevertheless, in order to facilitate emigration, the authorities permitted minimal sums to be transferred.<sup>17</sup> Each emigrant had the right to take personal possessions and household effects with him. Furthermore, he/she could exchange and take 10 RM in cash, a sum equivalent – after the 1936 devaluation – to 17.50 Swiss francs (SFr.). However, after May 1938, the offices for foreign exchange (*Devisenstellen*) could require a tax of up to 100 percent of the purchase price of furniture. The arbitrary operation is revealingly described in an aide-mémoire from the Federal Political Department (EPD) in September 1938:

«These regulations were handled very strictly, often arbitrarily, with respect to the Jews. Thus a case was reported to the Foreign Affairs Division in which a returning Swiss Jew was required to pay a fee totaling RM 20,500 on property worth RM 6,500.»<sup>18</sup>

## 5.2 Switzerland's Clearing Transactions with Nazi Germany and German Occupied Countries<sup>19</sup>

In the wake of the world economic crisis, foreign currency control measures were implemented not only in Germany, but also in many other European countries. In response to the foreign

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<sup>13</sup> Longerich, *Politik*, 1998, p. 217.

<sup>14</sup> See Chapter 5.2.1.

<sup>15</sup> Hilberg, *Destruction*, 1985, p. 139.

<sup>16</sup> See Chapter 5.2.1.

<sup>17</sup> Hilberg, *Destruction*, 1985, pp. 139–143. Hilberg describes twelve ways that potential refugees could take some belongings with them.

<sup>18</sup> Memorandum EPD, «Exposé für Herrn Bundesrat Motta» (Exposé for Federal Councillor Motta), September 14, 1938, in DDS, vol. 12, no. 383, pp. 873–874. This case was included in a letter from an attorney representing the concerned party to the head of the EPD, August 19, 1938, in FA E 2001 (D) 1, vol. 231.

<sup>19</sup> The subject of «Switzerland's payments through clearing transactions» will be dealt with in an in-depth study to be published as part of the ICE final report.

trade problems that ensued, the Swiss government concluded agreements with many trading partners which governed bilateral clearing transactions.<sup>20</sup> In its treaties with the German Reich, the Swiss Federal Council recognized the incorporation of Austria as well as the annexation of Polish regions and Czechoslovakia into the German economic sphere, and therefore conformed to Nazi economic expansion policies.<sup>21</sup> In the summer and fall of 1940, the Federal Council extended binding clearing arrangements to German occupied countries in western and northern Europe.<sup>22</sup> The strict regulations for these government regulated clearing transactions applied to all firms and private individuals in Switzerland. Moreover, they had especially serious consequences for refugees, who depended on the transfer of the assets they had left behind to secure their existence in Switzerland or to be able to travel further. The federal and cantonal Police for Foreigners, who stated that they had great difficulty in finding their way through the confusing regulations of international clearing transactions,<sup>23</sup> worked closely in transfer questions concerning foreigners with the Swiss Clearing Office (SVSt) which controlled the financial transactions, and with the Trade Division of the Federal Department of Economic Affairs (EVD).

### 5.2.1 Asset transfers for emigrants and refugees from Nazi Germany

The possibilities of transferring assets from the German Reich and the annexed regions to Switzerland were determined by German foreign exchange regulations and the German-Swiss Clearing Agreement. This treaty was concluded in 1934 and modified many times until the war ended; it controlled virtually all bilateral payments<sup>24</sup> that could no longer be handled freely and directly by a commercial bank, but had to be sent to two central banks, the Reichsbank and Swiss National Bank (SNB). This clearing procedure established closed payment cycles in both countries: The money which Swiss debtors paid to the SNB was used to pay creditors' claims in Switzerland (export firms, tourism, financial creditors). Because imports from Germany declined in the 1930s, payments to the SNB were reduced so competition developed between creditor groups for scarce clearing funds.<sup>25</sup> The Swiss clearing authorities (SVSt and EVD)

<sup>20</sup> Between 1931 and 1945, Switzerland concluded such foreign currency agreements with Belgium (1940), Bulgaria (1932), Denmark (1940), Germany (1934), France (1940), the Netherlands (1940), Italy (1935), Poland (1936), Romania (1933), Spain (1936), and Hungary (1931). During the war, Switzerland concluded between 50 and 80 percent of its entire foreign trade through the «binding» clearing transactions, Hug/Kloter, *Aufstieg*, 1999, pp. 41–74.

<sup>21</sup> Incorporated Austria was integrated into the German-Swiss clearing arrangement on June 30, 1939, the annexed Polish regions on August 1, 1940, and the protectorate of Bohemia and Moravia on October 1, 1940. Switzerland concluded a clearing agreement with Slovakia on July 15, 1939, and was able to complete individual transactions with the General Government with the approval of the Reich Economics Ministry. See Hug/Kloter, *Aufstieg*, 1999, pp. 68–71, pp. 261–280.

<sup>22</sup> See Chapter 5.2.2.

<sup>23</sup> The Federal Police for Foreigners (*Eigenössische Fremdenpolizei*) explained during the war that the «entire subject of clearing transactions is very complicated and difficult to understand for those not involved» (orig. German). Neither the civil servants of the Police for Foreigners nor foreigners were able to correctly assess every case. Paper delivered by Carl Brunner at the Cantonal Police Directors conference on September 10–11, 1943, FA E 4300 (B) 3, vol. 11; see also Schürch, *Flüchtlingswesen*, 1951, p. 151.

<sup>24</sup> Capital and insurance transactions could still be conducted in open foreign currencies, albeit with restrictions.

<sup>25</sup> Swiss interest creditors were always treated worse than exporters of merchandise.

thus attempted to restrict the group of those receiving payment. New foreign refugees, irrespective of their nationality, were entitled to payment according to the so-called domicile principle and therefore were considered inconvenient. Consequently, measures were issued to hinder foreign citizens from burdening the clearing system.<sup>26</sup>

### *Transfer of Capital*

The transfer of capital (cash, bank account deposits, or securities) was not regulated by the clearing agreement; thus after the German ban on exporting capital, there were no possibilities for arranging the transfer of capital to Switzerland.<sup>27</sup> The transfer of capital in hardship cases granted creditors an exception if they could prove they were in economic straits by allowing a maximum monthly payment of approx. 700 SFr. from the clearing, thereby providing meager relief.<sup>28</sup> Thus, most refugees could not touch the deposits which they had left behind in Germany and which had not yet been confiscated. This had grave consequences for their situation in Switzerland.<sup>29</sup> The Swiss authorities had to find a solution for a specific group: After the Nazi assumption of power more and more Swiss citizens living in Germany began returning to their native country,<sup>30</sup> and they also were unable to bring their capital with them. Since the sums that could be transferred in hardship cases were, according to the Trade Division, insufficient to build a new life in Switzerland<sup>31</sup> and thus created a danger that returning Swiss emigrants would need public welfare assistance, the authorities beginning in the fall of 1935 tried to reach a diplomatic settlement with Germany. The Swiss Consul in Mannheim wrote to Bern that he could not understand why Switzerland had not undertaken any action about the extremely important question of returnees, in contrast to the Netherlands and France.<sup>32</sup> The Trade Division also thought that a basic settlement was needed. The Trade Division looked into the grave predicament in which the about 1,000 Swiss Jews living in Germany<sup>33</sup> found themselves with the passage of the German racial laws in September 1935 that referred to the «Jewish Question».<sup>34</sup> Paul Dinichert, Swiss envoy in Berlin, wrote to Bern

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<sup>26</sup> SVSt (Transfer Division) to the Trade Division (EVD), January 12, 1939, FA E 7160-10 (-) 1968/30, vol. 188; see below Transfer of Dividends, Pensions, and Support Payments.

<sup>27</sup> See Chapter 5.1.

<sup>28</sup> The amount was set at about 400 Reichmarks (RM). The clearing rate was: 1936–1940, 100 RM = 175 SFr.. and 1940–1945, 100 RM = 173.01 SFr..)

<sup>29</sup> The majority were without work in Switzerland. Clearing Commission for Germany, October 23, 1936, pp. 192f., FA E 7160-01 (-) 1968/223, vol. 12. See also Chapter 5.3.

<sup>30</sup> The total number could not be found. For the war years, data can be found in Ritzmann-Blickenstorfer, Statistik, 1996, p. 373. In 1939, 1,381 «ethnic» Swiss returned from Germany.

<sup>31</sup> Clearing Commission for Germany, March 4, 1936, pp. 42f., FA E 7160-01 (-) 1968/223, vol. 12. For example, the returned Jewish emigrant G., who had no assets in Switzerland, had to pay a monthly rent of 744 SFr.. for his destitute brother. FA E 7160-08 (-) 1968/28, vol. 938.

<sup>32</sup> The Netherlands concluded an agreement with the German Reich about allowing returning Jewish emigrants to take their assets with them. Note by Walter Hofer, EPD. November 21, 1935, FA E 2001 (D) 1, vol. 232.

<sup>33</sup> Jean Hotz, Vice-Director of the Trade Division, to the Foreign Affairs Division of the EPD, November 5, 1935, FA E 2001 (D) 1, vol. 232.

<sup>34</sup> The EPD estimated between 500 and 1,000 Swiss Jews in 1938. «Exposé für Herrn Bundesrat Motta» (Exposé for Federal Councillor Motta), September 14, 1938, FA E 2001 (D) 2, vol. 100; see also DDS, vol. 12, no. 383, p. 874. The Swiss Legation in Berlin estimated 378 Swiss Jews in 1935; dual citizens were, however, not included in these figures.

in October 1935: «It can certainly be concluded that these pitiable fellow countrymen will in time have to leave Germany completely if they still want to have a tolerable life.»<sup>35</sup> To be sure, the Nazis did not fully implement all antisemitic laws against Jews of foreign nationality until after the war had begun, because of foreign policy considerations.<sup>36</sup> Nevertheless, they were still exposed to boycott measures, to daily humiliations, and to increasing discriminations.<sup>37</sup> As with German Jews, foreign Jews were to have their economic base removed to compel them to leave Germany.<sup>38</sup> Swiss Jews were also especially hard hit by economic «Aryanization» laws in 1938. They had to report their property inside the Reich,<sup>39</sup> some lost permission to work,<sup>40</sup> and with the approval of the Reich Economic Ministry their property could be subject to mandatory liquidation.<sup>41</sup> The authorities in Bern and the Swiss Legation in Berlin several times dismissed the idea of officially protesting to the Reich government about discrimination against Swiss citizens.<sup>42</sup> In specific cases, however, the Swiss Legation and consulates intervened on behalf of the affected Jews.<sup>43</sup> As a matter of principle, the EPD and the EJPD examined whether a demarche or even an international court of arbitration should rule on the equal treatment clause in the bilateral legal protection and domicile (residence) treaties. However, neither department believed it would succeed.<sup>44</sup> Moreover, cancelling the treaties was rejected

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Hans Frölicher, head of the Foreign Affairs Division in the EPD, to the Police Division of the EJPD, December 18, 1935, FA E 2001 (C) 4, vol. 130.

<sup>35</sup> Paul Dinichert to the Trade Division of the EVD, October 24, 1935, FA E 2001 (D) 1, vol. 232 (orig. German).

<sup>36</sup> Graml, *Behandlung*, 1958, pp. 85f.; Maurer, *Juden*, 1986, p. 190; Picard, *Schweiz*, 1994, p. 166.

<sup>37</sup> Diverse cases in FA E 2001 (D) 3, vol. 163. Swiss citizens had also been imprisoned, deported, and murdered in the *Third Reich*. The subject of protection of victims by the Swiss authorities is not part of the present report (See Chapter 1.1). In this chapter, this subject is limited to the protection of property and assets of Swiss citizens.

<sup>38</sup> Statement by Hermann Göring from November 12, 1938, quoted in: Maurer, *Juden*, 1986, p. 191.

<sup>39</sup> «Verordnung über die Anmeldung des Vermögens von Juden» (Decree regarding the reporting of Jewish property), April 26, 1938, in: Walk, *Sonderrecht*, 1996, p. 223. German Jews also had to report their property and assets located abroad.

<sup>40</sup> «Gesetz zur Änderung der Gewerbeordnung für das deutsche Reich» (Law regarding changes in trade regulations for the German Reich), July 6, 1938, in: Walk, *Sonderrecht*, 1996, p. 232. In the case of L., the Swiss Legation intervened with the German Foreign Office, which, however, refused to handle foreign and native Jews separately, German Foreign Office to Swiss Legation, verbal note, November 25, 1938; FA E 2001 (D) 1, vol. 76.

<sup>41</sup> «Verordnung über den Einsatz deutscher Vermögen» (Decree regarding the mobilization of Jewish property), December 3, 1938, in: Walk, *Sonderrecht*, 1996, p. 262. For foreign Jews, there was no requirement to deposit securities and works of art. Frölicher to the Swiss Central Office for Promoting Trade, December 14, 1940, FA E 2001 (D) 3, vol. 163.

<sup>42</sup> EPD, «Vortrag für Herrn Bundesrat Motta», September 14, 1938, FA E 2001 (D) 2, vol. 100; see also DDS, vol. 12, no. 383, pp. 870–876.

<sup>43</sup> Dinichert already protested sharply in 1933 about the mistreatment of a Swiss Jew, Willy Guggenheim; Dinichert to Motta, March 10, 1933, DDS, vol. 10, no. 245, pp. 596f. The Swiss Consul in Stuttgart intervened in 1938 against the marking of a store belonging to a Swiss Jew; Suter to Stuttgart police headquarters, July 8, 1938, FA E 2001 (D) 3, vol. 163. See also notes 34 and 37 above.

<sup>44</sup> Pierre Bonna, head of Foreign Affairs Division in the EPD, to the Swiss Legation, October 30, 1935, FA E 2001 (D) 1, vol. 232. Federal Councillor Johannes Baumann (EJPD) to Motta, Federal Councillor (EPD), October 8, 1935, FA E 2001 (D) 1, vol. 232. For the Swiss-German domicile treaty of November 13, 1909, and the legal protection treaty of October 31, 1910, see AS 1911, pp. 681 and 692. Also see Kälin, *Gutachten*, 1999, part 2, B II, 3a-d. According to Art. 1 of the legal protection treaty, Swiss citizens living in the Reich must be handled the same as natives with regard to their person and property. The EPD felt that discrimination only took place when it was based solely on Swiss citizenship, «Exposé for Federal Councillor Motta», September 14, 1938, DDS, vol. 12, no. 383, p. 874. There was, however, room for interpretation and maneuverability: Dinichert and the EVD wanted to insist on the basic legal principle of equal treatment, whereas Federal Councillor Motta of the EPD conceded that this purely legal view had strong points but would not make an impression on the Germans. Motta to Dinichert, January 20, 1937, FA E 2001 (D) 2, vol. 289.

on the grounds that it would endanger the entire Swiss colony, whereas the number of Swiss Jews was relatively small.<sup>45</sup> The envoy in Berlin stressed an added point: the Swiss government renounced legal measures «out of regard for good relations with Germany».<sup>46</sup> The Swiss Legation advised Swiss Jews to consider returning to Switzerland because of the precarious legal situation.<sup>47</sup> The EPD and the Legation, however, agreed that no special agreement could be concluded for the bank deposits of Jewish returnees.<sup>48</sup> Thus, the question was how to obtain a general regulation for returning emigrants despite a strict ban by the German government on the export of capital. A transfer via the clearing system was rejected by leading economic organizations during a meeting with the Federal Council in March 1936, because no funds were available to pay the returning emigrants as an additional creditor group in Switzerland.<sup>49</sup> On the other hand, the Trade Division's proposal was accepted, i.e., that the government take control of the returning emigrants' assets in Germany and then repay them in Switzerland at a certain loss. The German government rejected this proposal in the fall of 1936.<sup>50</sup> As the situation for the Jews in Germany increasingly deteriorated, the EPD decided to pursue the matter further.<sup>51</sup> Finally, the German foreign exchange authorities relented and, on August 19, 1937, both countries agreed that the returning Swiss citizens would be allowed to transfer a maximum of 50,00 RM (about 87,000 SFr.) to Switzerland.<sup>52</sup> The Swiss Legation in Berlin assumed control of these funds and used them, among other purposes, for relief payments to needy Swiss citizens living in Germany.<sup>53</sup> The returning emigrants were repaid in Switzerland in Swiss francs; they, however, had to accept a considerable loss since the exchange rate applied was almost 50 percent lower than the official clearing rate.<sup>54</sup> Federal Councillor

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<sup>45</sup> Head of the Foreign Affairs Division of the EPD to the Trade Division of the EVD, September 28, 1938, FA E 2001 (D) 2, vol. 100.

<sup>46</sup> Dinichert to Swiss Federal President Motta (EPD), January 14, 1937, FA E 2001 (D) 2, vol. 289.

<sup>47</sup> Frölicher to Bonna, November 11, 1938, DDS, vol. 12, no. 443, p. 1015.

<sup>48</sup> Paul Dinichert to the Trade Division of the EVD, October 24, 1935, FA E 2001 (D) 1, vol. 232. The EPD and the Legation discussed this issue on the occasion of the Netherlands-German returnee treaty. See note 32 above.

<sup>49</sup> Hotz (Director of the Trade Division) to the Swiss Consulate in Mannheim, March 28, 1936, FA E 2001 (D) 1, vol. 232.

<sup>50</sup> German Foreign Office to the Swiss Legation, copy of verbal note, September 25, 1936, FA E 2001 (D) 1, vol. 232.

<sup>51</sup> Walter Hofer, EPD, «Notiz betreffend die Heimschaffung von Rückwandererguthaben aus Deutschland» (Note referring to the return of deposits belonging to emigrants returning from Germany), November 21, 1936, FA E 2001 (D) 1, vol. 232.

<sup>52</sup> Swiss citizens residing abroad had to have held citizenship (*Bürgerrecht*) prior to July 15, 1931, and emigrated from Switzerland after 1933. The agreement with the German Reich about the return of deposits belonging to returning Swiss emigrants is based on an exchange of diplomatic notes dated August 19, 1937, Carl Clodius (Foreign Office) to the Swiss envoy Paul Dinichert, August 19, 1937 (copy), FA E 7160-08 (-) 1968/28, vol. 9. The Swiss also negotiated agreements about returning emigrants with Italy, France, and the Netherlands, among others.

<sup>53</sup> These public support payments came from the government, cantons, and municipalities. Moreover, the Swiss government paid for its diplomatic and consular expenses with these assets acquired on behalf of returning emigrants, and during the war the ICRC, without knowledge of the Germans, also transferred payments to Germany. Legal and private assets/ property interests abroad section of the EPD to the Swiss Clearing Office (SVSt), June 17, 1943, FA E 7160-08 (-) 1968/28, vol. 9.

<sup>54</sup> The amounts were paid to returning emigrants at the blocked Reichsmark index exchange (Registermark; the blocked Reichsmark index exchange was a specific type of blocked Reichsmark). Before the war the exchange fell to 40–70 SFr. per 100 Reichsmarks; during the war the EPD fixed this blocked Reichsmark exchange rate at 80 SFr. per 100 RM. Had the returning emigrants' assets been disbursed through clearing, they would have received about 175 SFr. per 100 RM deposited.

Giuseppe Motta (EPD) was convinced that returning emigrants with greater assets would be able to accept these losses.<sup>55</sup> With this special exchange rate, the government received a profit, which was justified by increased work for the Legation and as a contribution to government saving measures.<sup>56</sup> Under pressure from the Trade Division and the Department of Finance, which considered the margin too high,<sup>57</sup> the EPD granted returning emigrants in 1940 a slightly better exchange rate because:

«The worse the exchange rate is, the quicker the returning emigrant will expend his German deposits and the greater the danger that he will become a public burden before he is able to build a new life in Switzerland.»<sup>58</sup>

The Legation did not find sufficient use for the capital it had assumed; moreover, transfer possibilities were already «very restricted» in 1938, and were not «sufficient to accommodate the wishes of all returning emigrants».<sup>59</sup> Further, the disbursements in Switzerland occurred only after long waiting periods and in partial amounts.<sup>60</sup> Between 1937 and 1943 returning emigrant asset deposits in the amount of 4 million SFr. were transferred back to Switzerland (as well as an additional 3 million from capital hardship procedures),<sup>61</sup> whereas before the war Swiss Jews alone had 16 million SFr. in the Reich.<sup>62</sup> These very restricted transfer possibilities presented the EPD with the problem of public welfare.<sup>63</sup> Federal Councillor Motta wrote in April 1938 that everything would be done to help the Swiss Jews: «Last but not least, this attempt is also predicated on the concern to avoid as far as possible that returning emigrants should need the support of local authorities.»<sup>64</sup> In May 1938 an initial attempt by the EPD, together with a Jewish relief organization founded by the Federation of Jewish Communities in Switzerland (SIG), to achieve advance financing of disbursements in Switzerland failed. In October, SIG was prepared to assist returning Jewish emigrants who had longer waits for their

<sup>55</sup> Motta, EPD, to the Federal Department of Finance and Customs (EFZD) and SNB, June 13, 1936, FA E 2001 (D) 1, vol. 232.

<sup>56</sup> Dinichert to Foreign Affairs Division, April 23, 1936, FA E 2001 (D) 1, vol. 232. The profit margin resulted from the fact that the government, cantons, and municipalities paid for their relief payments to Germany at parity of 100 RM for 100 SFr. to the Legation's account at the Volksbank in Switzerland, whereas the returning emigrant received 40–80 SFr. in Switzerland for his 100 RM deposited in Germany. The difference between selling and buying rates remained with the government.

<sup>57</sup> Hotz, director of Trade Division, to EPD (Foreign Affairs Division), May 23, 1936, FA E 2001 (D) 1, vol. 232. Federal Councillor Wetter (EFZD) to EPD, March 20, 1940, FA E 2001 (D) 1, vol. 232.

<sup>58</sup> Bonna, EPD, to Federal Councillor Wetter, EFZD, March 13, 1940, FA E 2001 (D) 1, vol. 232 (orig. German). The exchange rate of 80 SFr. = 100 RM was used again.

<sup>59</sup> EPD, «Exposé for Federal Councillor Motta», May 3, 1938, FA E 2001 (D) 2, vol. 100. For example, G. had to liquidate his business, but could only transfer 50 000 RM out of the 200 000 RM net proceeds. EPD to Swiss Legation (Dinichert), January 18, 1938, FA E 2001 (D) 2, vol. 289.

<sup>60</sup> Dinichert to Bonna, February 3, 1938, FA E 2001 (D) 2, vol. 100. Needy returning emigrants could be given priority and as hardship cases they could receive partial payments during the waiting period.

<sup>61</sup> Hans Lacher, EPD, «Zusammenfassung der geltenden Regelungen betreffend den Transfer schweizerischer Rückwanderervermögen aus dem Ausland nach der Schweiz» (Summary of regulations in force re: the transfer of Swiss returnees property from abroad to Switzerland), August 10, 1943, FA E 2001 (E) 2, vol. 600.

<sup>62</sup> 9,152 million RM. Kappeler, Swiss Legation, to Foreign Affairs Division, September 23, 1938, FA E 2001 (D) 2, vol. 293.

<sup>63</sup> Head of Foreign Affairs Division to Trade Division of EVD, February 8, 1938, FA E 2001 (D) 1, vol. 232.

<sup>64</sup> Federal Councillor Motta, EPD, to Federal Councillor Obrecht (EVD), April 4, 1938, FA E 2001 (D) 1, vol. 232 (orig. German).

transfer payments and thus found themselves in economic difficulties, by making available to them welfare assistance, by paying support, and by assisting in locating employment.<sup>65</sup> Thus, returning Jewish emigrants needing welfare assistance were to be supported in the future by SIG.<sup>66</sup> With this action, the federal government had imposed on Swiss Jews to help some of its citizens in need of assistance, a practice which seems questionable based on the principle of equal rights. After August 1939, the financial situation of the returned Swiss Jews worsened because German foreign currency offices no longer allowed them to participate in capital hardship transfers.<sup>67</sup> For those left behind in the Reich, the situation was, however, incomparably more serious: according to the statistics of the Swiss Legation at the end of 1941, only a few Swiss Jews still lived in Nazi Germany.<sup>68</sup> However, they were in great danger because after 1943 the German government no longer distinguished between German and foreign Jews.<sup>69</sup>

### *Transfer of interest, dividends, pensions, and relief payments*

In contrast to frozen capital, the resulting return (interest, dividends, or rents) could be transferred from the *Third Reich* to Switzerland.<sup>70</sup> The German-Swiss Clearing agreement permitted this for all persons residing in Switzerland, regardless of their nationality. The Nazi government, however, continuously reduced the maximum transferable amounts so that during the war, for example, a maximum of 2 percent account interest or 1.25 percent dividends from German shares could be transferred.<sup>71</sup> Royalties, annuities, retirement pensions, and support payments, could also be transferred to Switzerland. Here the Swiss authorities restricted German pensions to payments of 1,000 SFr. per month.<sup>72</sup>

In addition to foreigners already residing in Switzerland who could legally transfer assets, new refugees from Germany arrived after 1933; despite Nazi expropriations policies, they still

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<sup>65</sup> Head, Foreign Affairs Division EPD, to Swiss Legation Berlin, October 20, 1938, FA E 2001 (D) 2, vol. 289; Legal section of Foreign Affairs Division to Saly Mayer (President of SIG), October 19, 1938, FA E 2001 (D) 2, vol. 289; See also Picard, *Schweiz*, 1994, pp. 167f.

<sup>66</sup> SIG gave them between 1,400 and 1,800 SFr., and in November 1939 it arranged for jobs for 23 returning emigrants. «Protokoll der Sitzung des Central-Comités des Schweizer. Israelit. Gemeindebundes» (Minutes of the meeting of the central committee of the Federation of Jewish Communities in Switzerland) November 19, 1939, AfZ: record group SIG, CC-protocols.

<sup>67</sup> SVSt to Swiss Legation, July 22, 1940, FA E 7160-08 (-) 1968/28, vol. 452.

<sup>68</sup> Frölicher to EPD (Kohli), November 6, 1941, FA E 2001 (D) 2, vol. 100; DDS, vol. 13, no 389.

<sup>69</sup> At the beginning of 1943, the EPD was informed that beginning on April 1, anti-Jewish measures would apply fully to foreign Jews in eastern regions, in the General Government, and in the Baltic States; German Legation to EPD (copy), February 22, 1943, FA E 2001 (D) 3, vol. 163; DDS, vol. 14, nos 316 and 341.

<sup>70</sup> The capital, however, had to have been invested in Germany before July 15, 1931 (the date of clearing transaction regulations). This transfer was regulated for creditors in the transfer agreement as part of the clearing treaty. Payments were made in Switzerland via the transfer fund, which was made up by a percentage of payments at the SNB. The possibility of being paid as part of Swiss revenue via clearing also existed with Italy, Poland (until 1939), Bulgaria, Denmark, Finland, Croatia (after 1941), Romania, Slovakia (after 1939), Spain, and Turkey.

<sup>71</sup> The difference with respect to the interest/dividend yields stipulated in the agreement was pocketed by the Nazi state. A compilation of the constantly changing regulations is found in Roesle, *Finanzforderungen*, 1944, pp. 156–160.

<sup>72</sup> Clearing Commission Germany, May 2, 1935, pp. 41–43, FA E 7160-01 (-) 1968/223, vol. 11. The disbursements were made from the commodities and tourism account.

owned property in the Reich. They attempted to recuperate at least their interest earnings or retirement payments into Switzerland. This was contrary to the endeavors of Swiss clearing authorities to restrict payments as much as possible. The Clearing Office and Trade Division requested in 1936 that cantonal authorities and the Police for Foreigners during the approval process increasingly consider whether these individuals received funds through clearing for residency and settlement for refugees from Germany.<sup>73</sup> If they took advantage of clearing, approval by the Police for Foreigners would have to be denied to them. Also, although the Trade Division and the federal Police for Foreigners worked out appropriate guidelines,<sup>74</sup> Germany and Switzerland agreed in the clearing treaty of June 30, 1937, that all non-Swiss nationals, who had changed their residence from Germany to Switzerland after July 1, 1937, would be excluded from the transfer of interest and dividend income.<sup>75</sup> Since no protocols of these negotiations survive, it is no longer possible to determine who initiated this decision. It can, however, be assumed that both sides had an interest in excluding German emigrants. The German government thus secured the proceeds of assets that had been left behind, and Swiss clearing officials could restrict payments from clearing. This is how the Trade Division later determined that as a result of this exclusion «the danger of an intolerable burden on the transfer of interest by new refugee foreigners» no longer existed.<sup>76</sup> Substantial sections of the clearing treaty and the regulation setting the date of residence were not published in Switzerland. The Swiss authorities were well aware that this might challenge the legal validity of the agreement.<sup>77</sup>

Since those refugees who had entered Switzerland before July 1, 1937, were allowed to continue receiving income transfers as well as pension or assistance payments, the Trade Division again took up the previously discussed 1936 guidelines for the cantonal Police for Foreigners, and also attempted to make extensions of already issued residence permits contingent on clearing.<sup>78</sup> The Trade Division argued that if Switzerland received economic advantages from refugees' tax payments, or consumer spending, or even through their professional work, this could outweigh the negative consequences of their burden on the

<sup>73</sup> Clearing Commission Germany, March 4, 1936, pp. 49f., FA E 7160-01 (-) 1968/223, vol. 12. Ernst Werthmüller, Vice-Director of the Trade Division, to the Director of the Police Division of the EJPD (Rothmund), November 18, 1936, FA E 4300 (B) 3, vol. 11. Draft guidelines are located in the appendix. The regulations also applied to transfers from Italy.

<sup>74</sup> EJPD, «Circulaire aux Directions de police des cantons», October 29, 1937, FA E 4300 (B) 3, vol. 11. The Trade Division wanted the guidelines to be approved first by the Clearing Commission. Hotz, Trade Division, to Director of the Federal Police for Foreigners, February 9, 1938, FA E 4300 (B) 3, vol. 11.

<sup>75</sup> Appendix C to the treaty for German-Swiss clearing transactions, June 30, 1937 (Transfer Agreement), p. 77, FA E 7110-01 (-) 1973/120, vol. 5.

<sup>76</sup> Clearing Commission Germany, February 1, 1938, p. 8, FA E 7160-01 (-) 1968/223, vol. 14.

<sup>77</sup> Clearing Commission Germany, December 6, 1938, pp. 272–275, and 296f., FA E 7160-01 (-) 1968/223, vol. 14. The EJPD informed the Clearing Commission that only treaty texts published in the Official Compilation of Federal Laws, (*Amtliche Sammlung, AS*), were binding for Swiss citizens; see also Fleiner, *Bundesstaatsrecht*, 1923, p. 755.

<sup>78</sup> Clearing Commission Germany, February 1, 1938, pp. 7–13, FA E 7160-01 (-) 1968/223, vol. 14. «Richtlinien für die Berücksichtigung der Clearinginteressen bei der Erteilung von Aufenthalts- und Niederlassungsbewilligungen durch die Fremdenpolizei» (Guidelines for the Taking into Account of Clearing Interests in the Granting of Temporary and Permanent Residence Permits by the Police for Foreigners), (no place, no date), FA E 7160-08 (-) 1968/28, vol. 2.

clearing system. Permission would have to be refused, however, if the applicant had no income other than his/her investment earnings, old age pension or retirement pay from Germany. These guidelines were widely approved by the government departments and economic associations represented on the clearing commission.<sup>79</sup> After this, if the authorities determined that a foreigner legally entitled to receive payment was economically valuable to Switzerland, his capital would be limited to maximum amounts per annum. If not, in order to receive a permit from the Police for Foreigners, he/she would have to completely forego the transfer.<sup>80</sup> The German factory owner S. who, according to the Trade Division was driven from Germany «because of his Jewish ancestry», fled to Switzerland already in June 1937. He was allowed a larger transfer of interest from the property he had left behind because, at the same time, he possessed one million francs in Switzerland and was therefore of «great advantage» to Switzerland as a taxpayer.<sup>81</sup> Foreign applicants without such advantages were forced to agree to waive such transfers.<sup>82</sup> The Federal Police for Foreigners did not hesitate long: In the case of the German R. who did not want to relinquish his interest transfers, they wrote to the relevant canton that if R. could not accept this, then perhaps he «would like to stake his tent somewhere else in the world».<sup>83</sup>

In addition to these Swiss measures, German transfer prohibitions followed in the wake of «Aryanization» in the Reich. After mid-1938 German foreign currency authorities no longer granted German Jews living in Switzerland authorization for transfers.<sup>84</sup> They also demanded proof of «Aryan» ancestry even from Swiss citizens and companies, or else money could not be transferred.<sup>85</sup> This German discrimination violated the terms of the clearing treaty,<sup>86</sup> and therefore the Trade Division intervened with the Swiss Legation in Berlin, saying that cases were being recorded daily against «non-Aryans» denied not only transfers of interest, but also of relief payments and pensions in hardship cases.<sup>87</sup> This German practice was carried out not only by low-level civil servants, but was «generally and systematically organized». Jean Hotz, director of the Trade Division fought against the practice of treating «creditors and payment recipients residing in Switzerland who are approved or excluded as ineligible for transfers

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<sup>79</sup> The Clearing Commission acted as the governing board of the SVSt and decided on the interpretation and practical implementation of the clearing agreement. The Commission consisted of representatives from the EVD and EPD, the SNB and the SHIV economic association *Vorort*, the SBVg, and SZH.

<sup>80</sup> The Trade Division was able to reverse previously issued cantonal permissions with the argument that they would create clearing burdens. Hotz, Trade Division, to Director of the Federal Police for Foreigners, February 9, 1938, FA E 4300 (B) 3, vol. 11.

<sup>81</sup> Clearing Commission Germany, February 1, 1938, pp. 17–19, FA E 7160-01 (-) 1968/223, vol. 14. The commission approved an annual interest transfer of 20,000 SFr.. When he fled Nazi Germany, S. paid an emigration escape tax (*Reichsfluchtsteuer*) of 1.1 million RM. In most cases the approved maximum annual amount was 12,000 SFr..

<sup>82</sup> Various examples in FA E 7160-10 (-) 1968/30, vol. 188.

<sup>83</sup> Senti (Federal Police for Foreigners) to cantonal foreigners registration office of Graubünden, November 20, 1937, FA E 4300 (B) 3, vol. 11 (orig. German).

<sup>84</sup> SVSt (Transfer division) to Jöhr (General Director SKA), August 2, 1938, FA E 2001 (D) 1, vol. 249.

<sup>85</sup> Neuenschwander Söhne AG to SVSt, October 29, 1938, FA E 7160-10 (-) 1968/30, vol. 186.

<sup>86</sup> SVSt (Transfer division) to EPD, August 16, 1938, FA E 2001 (D) 1, vol. 249.

<sup>87</sup> Hotz (Trade Division) to Swiss Legation, September 7, 1938, FA E 2001 (D) 1, vol. 249 (orig. German).

differently according to whether they are «Aryans» or «non-Aryans», Protestants or Catholics, or classified into any such other categories».

The treaty also did not differentiate between Swiss nationals and citizens of other countries. Therefore, the Legation in Berlin would have to protest at the Reich Economic Ministry, demanding that practices introduced for appraisal and refusal would have to «cease immediately». It took quite a while for the Legation to respond and the reply was indicative of its attitude to the Nazi regime.<sup>88</sup> The commercial attaché, Max Grässli, explained that he could not agree with Hotz's remarks, especially about German nationals. The regulations against «non-Aryan» citizens were an autonomous measure by Germany, «in which we should not intervene, as it is a domestic German matter». He asked «if it was really worthwhile repeatedly to lodge complaints with local authorities on behalf of German Jews, as long as no direct Swiss interests were at stake». An intervention might endanger Swiss economic interests because it would «unnecessarily only annoy» German authorities. Hotz should reexamine the matter.<sup>89</sup> It is not evident from the sources whether the Legation actually did intervene. In any case, fewer and fewer German Jews living in Switzerland received payments from Germany. After the November 1938 pogrom, this also applied for the first time to recipients of pensions.<sup>90</sup> The foreign currency offices were rigid even in hardship cases: The exclusions affected individuals needing assistance such as the German Jew W. in the Waldau sanatorium near Bern. The 400 Swiss francs transferred to him monthly by his father living in Germany were no longer permitted.<sup>91</sup>

At the beginning of 1939, the SVSt demanded stricter measures in payment transactions because of the increase in refugees.<sup>92</sup> As their proposals were being discussed by the EVD and the Swiss Bankers Association (SBVg),<sup>93</sup> Fritz Probst of the Trade Division remarked that all European states except for Great Britain and the Netherlands had designated July 1, 1933 as the deadline for residency by refugees.<sup>94</sup> He proposed that this date also be introduced for

<sup>88</sup> Hotz complained in the above-mentioned internal note (footnote 87) that he had not received a response to his first letter of August 1, 1938. For the policies of the Swiss Legation, and especially of Ambassador Hans Frölicher, see Widmer, *Gesandtschaft*, 1997. The Legation had «failed morally» on the entire refugee question, p. 254. Regarding Frölicher's views on National Socialism and the Holocaust, pp. 217–219, 226–232, 256f., and 262.

<sup>89</sup> Max Grässli, commercial attaché at Swiss Legation, to Hotz, September 10, 1938, FA E 2001 (D) 1, vol. 249 (orig. German).

<sup>90</sup> Hotz to SVSt, May 25, 1939, FA E 7160-10 (-) 1968/30, vol. 188.

<sup>91</sup> SVSt to Trade Division, December 22, 1938, FA E 7110-01(-) 1967/32, vol. 1759. Until the fall of 1938, the father received transfer authorization without difficulty, afterwards the Waldau clinic had to pay for W.

<sup>92</sup> SVSt (Transfer) to Trade Division (EVD), January 12, 1939, FA E 7160-10 (-) 1968/30, vol. 188.

<sup>93</sup> Luterbacher, «Protokoll zur Besprechung über die von der Schweizerischen Verrechnungsstelle im Hinblick auf die bevorstehenden Verhandlungen gemachten Vorschläge, vom Freitag, den 14. April 1939 nachmittags 15h15 am Sitze der Schweizerischen Kreditanstalt» (Protocol of discussion about proposals by the Swiss Clearing Office for the forthcoming negotiations, Friday, April 14, 1939, 3:15 p.m. at the headquarters of Credit Suisse), May 15, (sic) 1939, FA E 2001 (D) 1, vol. 250.

<sup>94</sup> Actually most European countries in their treaties with the German Reich established an even wider exclusion of interest transfers than did Switzerland. Denmark, France, Norway, and Sweden excluded foreigners from their countries who had arrived on their territory after July 1, 1933. The Netherlands recognized the deadline as June 30, 1935. SVSt, «Übersicht über die von Deutschland mit Ausland-Staaten abgeschlossenen Transferabkommen»

Switzerland, since it would result in «considerable savings that could be made» in the transfer of profits, although he could not estimate these savings. Peter Vieli, representing the SBVg and also General Director of Credit Suisse, agreed and went even further recommending withdrawal from the principle of domicile, and introduction of the nationality principle. Both suggestions were put into practice in the same year: in the German-Swiss clearing treaty of July 5, 1939, the Swiss and German delegations established the new residency deadline for German refugees as July 1, 1935.<sup>95</sup> Thus, all who had fled from Germany to Switzerland between 1935 and 1937 were retroactively excluded from receiving income transfers, including the previously mentioned factory owner S.<sup>96</sup> Furthermore, in the clearing agreement of October 24, 1939, Switzerland restricted eligibility for payment to encompass only German and Swiss citizens (nationality principle).<sup>97</sup> All other foreign nationals residing in Switzerland, including those living there for decades, were thereby cut off from their assets in the Reich, resulting in strong protests.<sup>98</sup> The nationality principle was retained until the war ended and coincided with both German and Swiss interests: whereas Germany was able to exclude citizens of enemy countries from asset transfers,<sup>99</sup> the Swiss – according to the Trade Division – «eliminated a whole group of cases» by moving up the deadline earlier.<sup>100</sup> Moreover, when the Clearing Commission decided on January 5, 1940, that virtually all foreigners without residence permits be barred from all transfer agreements in Switzerland,<sup>101</sup> almost no emigrants and refugees were permitted to receive transfers (since they had only received permission for temporary residence or tolerance permits for transit); this enabled only German citizens who had received residence permits before July 1, 1935 to receive transfers.<sup>102</sup>

The Eleventh Decree to the Reich Citizenship Law of November 25, 1941, provided for automatic loss of citizenship and confiscation of property and assets for all German Jews

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(Summary of transfer agreements concluded between Germany and foreign states), [1939], FA E 7110-01 (-) 1967/32, vol. 1759.

<sup>95</sup> Appendix C from July 5, 1939 to the German-Swiss clearing transaction treaty of June 30, 1937 (transfer agreement), FA E 7110-01 (-) 1973/120, vol. 7. Refugees from incorporated regions had other deadlines: from Austria and the Sudeten areas on March 12, 1938, and from the incorporated «eastern areas» on November 20, 1939. Furthermore, individuals in the legal profession who had transferred their place of business to Switzerland after the new deadlines were prohibited income transfers.

<sup>96</sup> See above, pp. 185f.

<sup>97</sup> Article 4 of the supplemental treaty of October 24, 1939 regarding the German-Swiss clearing treaty of June 30, 1937 in the draft dated July 5, 1939, pp. 13f., FA E 7110-01 1973/120, vol. 7.

<sup>98</sup> Eighth annual report of the SVSt 1940, p. 91, FA E 7160-01 (-) 1968/223, vol. 350. After negotiations with the Reich Economics Ministry, some citizens from neutral countries or from states allied with Germany were allowed to make some transfers.

<sup>99</sup> Vieli (President of German Committee of SBVg) to the EPD, October 14, 1939, FA E 2001 (D) 1, vol. 248.

<sup>100</sup> Clearing Commission Germany, January 5, 1940, p. 26, FA E 7160-01 (-) 1968/223, vol. 16.

<sup>101</sup> Clearing Commission Germany, January 5, 1940, pp. 19–38, FA E 7160-01 (-) 1968/223, vol. 16. The Trade Division, SVSt, SNB, SBVg, SKA, and EIBA had already decided on this restriction on July 12, 1939 and implemented it immediately.

<sup>102</sup> Exceptions were possible in economic hardship cases and, in general, transfers for all foreigners who had lived in Switzerland prior to 1935 were approved. However, more and more foreigners tried to receive residence permits in order to be able to participate in transfers. Board of managers of SVSt to canton Basel-Stadt Police for Foreigners, document entitled «We have written the same letter to all other cantonal Police for Foreigners» (orig. German), November 3, 1941, FA E 4300 (B) 3, vol. 11.

residing outside the borders of the German *Reich*; deportation to the eastern territories occupied by the Wehrmacht also counted as such a transfer of residence abroad.<sup>103</sup> Invoking this deprivation of citizenship, the Federal Police for Foreigners stripped all German Jews residing in Switzerland of their residence permits and, in accordance with ANAG, issued them limited permits of residence for transit («tolerance permits»)<sup>104</sup> They referred the SVSt to this fact, explaining that on the one hand, «a welcome relief to our clearing transactions» could be secured, and that on the other hand, especially retirees could find themselves in financial trouble and become a burden to the public.<sup>105</sup> However, it was essential for the SVSt that the nationality principle be accepted in clearing with Germany so that the German Jews, with the loss of their citizenship, would also lose their permission for transfers.<sup>106</sup> It therefore instructed the Credit Suisse to prohibit securities creditors (owners of stocks and bonds) from transfers, even though they were still allowed to receive clearing transfer payments.<sup>107</sup> Credit Suisse general director, Peter Vieli, responded, however, that a ban could have «serious consequences» for German Jews who would «frequently be faced with unjust hardship».<sup>108</sup> The Trade Division also felt that it would be going too far for Swiss officials to support this German measure against the Jews residing abroad.<sup>109</sup> The EPD and the SNB held the opinion that the 11<sup>th</sup> decree violated the Swiss *ordre public*,<sup>110</sup> and demanded that neither the SVSt nor the Swiss banks implement this German law in any way. This sense of justice was also shared by the Supreme Court of canton Zurich, which decided in September 1942 in two decisions noticed internationally, that a Swiss court could not apply German anti-Jewish laws.<sup>111</sup> The 11<sup>th</sup> decree «rejected» the Swiss view of law, as Switzerland did not recognize different treatment for reasons of race or religion.<sup>112</sup> However, the Federal Police for Foreigners and the SVSt persevered in their objective.<sup>113</sup> When Vieli learned that a bank clearing office had recommended the exclusion of a Jewish customer from clearing transactions, he brought the case before the Clearing Commission in 1943. Here too, the authorities and the representatives of economic circles unambiguously rallied against the arguments of the SVSt which insisted on

<sup>103</sup> Eleventh decree to the Reich Citizenship Law (*Reichsbürgergesetz*), November 25, 1941, RGBI 1941 I, pp. 722–724.

<sup>104</sup> See Chapter 5.3.

<sup>105</sup> Baechtold (Federal Police for Foreigners) to SVSt, March 24, 1942, FA E 4300 (B) 3, vol. 11. Under ANAG, the welfare dependency of foreigners could be considered as grounds for expulsion.

<sup>106</sup> SVSt to Federal Police for Foreigners, March 31, 1942, FA E 4300 (B) 3, vol. 11.

<sup>107</sup> Directors of SVSt to Peter Vieli, General Director Credit Suisse, April 1, 1942, FA E 2001 (D) 2, vol. 100. The Credit Suisse processed the transfer of dividends from German stocks and interest payments from German bonds in Switzerland.

<sup>108</sup> Vieli to SVSt, April 15, 1942, FA E 2001 (D) 2, vol. 100.

<sup>109</sup> Probst (Trade Division) to SVSt, April 13, 1942, Zentrales Firmenarchiv Credit Suisse Group 08.105.201.312.

<sup>110</sup> «Sitzung vom 29. April 1942 der Finanzunterkommission der Schweizerischen Verhandlungsdelegation betreffend den deutsch-schweizerischen Verrechnungsverkehr» (Meeting April 29, 1942 of the Finance commission of the Swiss delegation re: German-Swiss clearing transactions), Zentrales Firmenarchiv Credit Suisse Group 08.105.201.311.

<sup>111</sup> Supreme Court of canton Zurich, 2nd chamber, judgment of September 25, 1942, reported in: *Schweizerische Juristen-Zeitung*, April 19, 1943; see also Picard, Schweiz, 1994, p. 175.

<sup>112</sup> Regarding the question of *ordre public*, see also Kälin, Gutachten, 1999, part 2, B II, 3e. The federal court ruled in 1946 that German denaturalizations were a violation of Swiss legal principles.

<sup>113</sup> Baechtold (Federal Police for Foreigners) to SVSt, July 31, 1942, and SVSt to Federal Police for Foreigners, August 12, 1942, FA E 4300 (B) 3, vol. 11.

the implementation of the 11th decree.<sup>114</sup> Probst of the Trade Division did not want «to be so unscrupulous», and Director Hotz emphasized that Switzerland should not rule as an «agent for Germany» unless an «emergency arose». In contrast to the courts and the economy, the Police for Foreigners treated denaturalized German Jews (as well as the other persons denaturalized by the *Third Reich*) as stateless individuals until the end of the war.<sup>115</sup> It remains unclear why German Jews were apparently still able to receive some payments from Germany after 1943. One explanation might lie in the diverse but precise procedures of regional foreign currency offices.<sup>116</sup> On the other hand, German officials found it difficult to determine the identity of a securities creditor in Switzerland.<sup>117</sup>

### 5.2.2 Asset transfers for emigrants and refugees from occupied countries

Until the beginning of 1940, Switzerland continued open exchange transactions with Denmark, Norway, Belgium, Luxembourg, France, and the Netherlands. However, with the German occupation of these northern and western European countries, trade and payment transactions collapsed and on July 6, 1940, the Swiss Federal Council imposed a payment and assets transfer embargo against individuals residing in the corresponding countries.<sup>118</sup> The ban included all bank accounts, securities, or properties located in or managed from Switzerland to the benefit of these persons, and also included assets belonging to Swiss banks abroad. With the blocking of assets, the Federal Council wanted to prevent a withdrawal of these assets and retain them as «security», so that they could later recover blocked Swiss credits in these countries.<sup>119</sup> They were especially concerned that German occupation authorities would be able to withdraw assets from Switzerland.<sup>120</sup> The ban meant that refugees from the affected countries could no longer freely access their deposits in Switzerland or in Swiss banks. To be sure, the SVSt could if they received an application, partially or totally release the frozen amounts. According to the clearing office, in 1940 this applied mainly to Dutch citizens of «non-Aryan descent who as a result of measures by the German occupation authorities were

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<sup>114</sup> Clearing Commission Germany, March 19, 1943, pp. 53–56, FA E 7160-01 (-) 1968/223, vol. 19.

<sup>115</sup> Brunner (Federal Police for Foreigners) to SVSt, May 3, 1945, FA E 4300 (B) 3, vol. 11. After January 1945, only individually denaturalized Germans were classified as stateless. See Chapter 5.5.4.

<sup>116</sup> SVSt to Swiss Legation Berlin, July 22, 1940, FA E 7160-08 (-) 1968/28, vol. 452.

<sup>117</sup> Testimony by SVSt and Trade Division before the Clearing Commission Germany, March 19, 1943, pp. 53 and 55, FA E 7160-01 (-) 1968/223, vol. 19. Swiss Banks were able to act as collection creditors for the transfer of dividends for shares in their custody. In addition, German affidavits were not necessary for transfers of bond interest, see Roesle, *Finanzforderungen*, 1944, p. 22.

<sup>118</sup> Federal Council Decree regarding the provisional regulation of payment transfers between Switzerland and various countries, July 6, 1940, AS 1940, pp. 1173–1176. In the subsequent war years, the Federal Council extended the ban to the Baltic States (1940), the USSR (1941), Greece (1941), Yugoslavia (1941), Croatia (1941), Italy (1943), Slovakia and Hungary (1944). For Polish deposits in Switzerland which were first blocked in July 1945, see Hug/Perrenoud, *Schweiz*, 1997, p. 93.

<sup>119</sup> Proposal by EVD to Federal Council, July 4, 1940, DDS, vol. 13, no. 336, p. 816.

<sup>120</sup> Statement by Vieli at Clearing Commission for Germany, October 27, 1944, p. 198, FA E 7160-01 (-) 1968/223, vol. 20. Note by Kohli, «Zahlungsverkehr mit Frankreich», June 19, 1940, FA E 2001 (D) 2, vol. 297. This argument was merely secondary and served after the war as justification to the Allies; see Schaufelbühl, *Bankgeheimnis*, 1999, p. 214f.

compelled to emigrate overseas».<sup>121</sup> Because most overseas countries made immigration approvals dependent on proof of sufficient financial means, the SVSt freed Dutch emigrant deposits from the ban. In 1942, the clearing office explained that it had repeatedly felt compelled to provide larger sums to emigrants, so that they could pay for their travel costs as well as be able to start anew in another country.<sup>122</sup> Since emigrants were often compelled to wait months until «continuing their journey», and were therefore dependent upon their assets in Switzerland, the SVSt could release «larger amounts for moral reasons and to save money». However, the SVSt required a prior statement from the refugees that they truly wanted to leave Switzerland. Moreover, the clearing office released refugee account balances from Swiss banks abroad,<sup>123</sup> and Swiss financial institutions themselves were allowed to pay out to account holders monthly sums of up to 3,000 francs from their frozen deposits both in Switzerland and abroad.<sup>124</sup> Finally, at the beginning of 1944 the SVSt, after consultation with the EJPD, granted a partial release of refugee deposits «for the purpose of alleviating the refugees' situation, and to facilitate the lowest possible federal expenditures for refugees».<sup>125</sup>

Payment transactions were able to be reestablished with most occupied countries during the war.<sup>126</sup> However, this included only a few transfers and was substantially controlled by the German Reich.<sup>127</sup> Besides capital, interest as well was not transferable into Switzerland. On the other hand, relief payments, pensions, and retirement payments could be paid through clearing. Between 1940 and 1942, these transfers from the Netherlands reached about 12 million SFr. and from Belgium 3 million SFr.<sup>128</sup> According to the SVSt, these payments were mainly to Dutch and Belgians with tolerance and residence permits, who after 1940 were not supposed to have taken part in any transfer payments with Switzerland.<sup>129</sup> Because clearings with the Netherlands and Belgium produced a deficit for Switzerland and therefore had to be financed with Swiss federal credits,<sup>130</sup> these transfers were now only allowed for hardship cases and thus

<sup>121</sup> SVSt to EPD (Emigration Office), December 16, 1940, FA E 4300 (B) 3, vol. 11.

<sup>122</sup> Clearing Commission Germany, April 10, 1942, p. 11, FA E 7160-01 (-) 1968/223, vol. 18.

<sup>123</sup> Thus, in 1941 the SVSt released securities belonging to French refugees abroad. Ninth annual report by the SVSt 1941, p. 317, FA E 7160-01 (-) 1968/223, vol. 351.

<sup>124</sup> SBVg (La Roche and Caflisch) to member banks, circular No. 651, July 20, 1940, FA E 7110 (-) 1967/32, vol. 1137. From 1943 on, the banks were required to report the released amounts to the SVSt, «Wegleitung an die schweizerischen Banken betreffend die Durchführung des Bundesratsbeschlusses vom 6. Juli 1940 über die vorläufige Regelung des Zahlungsverkehrs zwischen der Schweiz und verschiedenen Ländern» (Instructions to Swiss Banks with respect to the Implementation of the July 6, 1940 Federal Council Decree on the Provisional Settlement of Payments between Switzerland and various other Countries), March 31, 1943, p. 15, FA E 7160-08 (-) 1968/28, vol. 2.

<sup>125</sup> SVSt (Böhi and Schüle, Clearing Italy) to the Police Division of the EJPD, «Betrifft: Zahlungen an Flüchtlinge zu Lasten ihrer in der Schweiz befindlichen Bank- und sonstigen Guthaben» (Regarding: Payments to Refugees debited to their Bank Accounts and other Assets located in Switzerland), February 16, 1944, FA E 7160-08 (-) 1968/28, vol. 5.

<sup>126</sup> As, for example, with the Netherlands, Belgium, Norway, France, Denmark, Greece, Croatia, and Turkey.

<sup>127</sup> On September 20, 1940, the Swiss agreed on an addendum to the clearing treaty with Germany, which above all allowed payments for goods again with Belgium, the Netherlands, and Norway. The clearing was carried out in Berlin so that this «multilateral clearing» meant German control of Swiss foreign trade with these three occupied countries.

<sup>128</sup> SVSt (Dilger and Guth) to (Federal Police for Foreigners), December 29, 1942, FA E 4300 (B) 3, vol. 11.

<sup>129</sup> Only foreigners with permission for domicile were permitted to participate in clearing. See pp. 185f. above.

<sup>130</sup> The Swiss Federal clearing credit to the German Reich during the war («clearing billions») extended to the occupied countries: Belgium, the Netherlands, and Norway.

new applications for entry and residence had to be denied.<sup>131</sup> Therefore, cooperation developed between the Police for Foreigners and clearing authorities after 1943, as already seen in transfer payments with Germany, which was supposed to prevent foreigners from placing a burden on the clearing system. The Federal Police for Foreigners checked, when granting entry and residence permits, whether the applicant already possessed sufficient wealth in Switzerland or whether such means would have to be received through clearing. If the foreigner burdened clearing in this manner and if, according to the Police for Foreigners, Switzerland «did not have *significant* interest» in his/her presence, this sufficed for denial.<sup>132</sup> In cases where this meant «enormous hardship for humane reasons», the authorities could set maximum transferable amounts, or have the foreigners sign transfer waivers.<sup>133</sup> The same regulations were applied here as to German refugees.

Many problems arose for refugees after the end of the war because Switzerland continued regulated payment transactions with most countries until 1958,<sup>134</sup> especially regarding questions of securing deposited and blocked assets, or the transfer of retirement payments and German restitution payments.<sup>135</sup>

### 5.3 Financing Swiss Refugee Policy: From Private Help to the Inclusion of the Public System

In contrast to military refugees whose internment costs had to be assumed under the Hague Convention of 1907 by neutrals who were to be reimbursed after the war, there were no comparable regulations in international law for civilian refugees.<sup>136</sup> It is known that the Legation of the Netherlands assured authorities in Bern that they would support all destitute Dutch citizens in Switzerland.<sup>137</sup> For civilian refugees from other countries, and especially for

<sup>131</sup> SVSt (Dilger and Guth) to (Federal Police for Foreigners), December 29, 1942, FA E 4300 (B) 3, vol. 11.

<sup>132</sup> Head of the Federal Police for Foreigners, Baechtold, internal guidelines, January 21, 1943, FA E 7160-01 (-) 1968/223, vol. 154 (emphasis in the original). The applicants were required to complete questionnaires in which they had to provide information about their financial circumstances. «Questionnaire F», [1943], FA E 4300 (B) 3, vol. 11.

<sup>133</sup> (Federal Police for Foreigners), «Auslaendische Teilnehmer am französisch-schweizerischen Clearingverkehr» (Foreign participants in the French-Swiss clearing transactions), [1944], FA E 4300 (B) 3, vol. 11.

<sup>134</sup> At the end of 1958, the trade partners Germany, France, Italy, the Netherlands, Belgium, Luxembourg, and Great Britain switched to freely convertible currency. With Eastern European countries, Switzerland continued regulated transfer payments until the mid-1970s. Hug/Kloter, *Aufstieg*, 1999, p. 56, pp. 134–138.

<sup>135</sup> SVSt, «Zusammenfassung der bei Zahlungen an Flüchtlinge zu beachtenden Vorschriften betreffend den Clearingverkehr mit und die Zahlungs- und Vermögenssperre gegenüber verschiedenen Ländern» (Compilation of Regulations with Respect to Clearing with various Countries as well as the Payment Embargo and Asset Freeze thereto Relating), May 23, 1945, FA E 7160-08 (-) 1968/28, vol. 5. For German deposits frozen after the war, see also Chapter 5.5.4. For the problems of unblocking French deposits, Schaufelbühl, *Bankgeheimnis*, 1999.

<sup>136</sup> «Haager Abkommen über die Rechte und Pflichten der neutralen Mächte vom 18. October 1907», SR 0.515.21., Art. 12. For further information regarding the Hague Convention respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, see, Kälin, *Gutachten*, 1999, part I, BI, 2c and part 2, BII, 2a. For military refugees, see Stadelmann, *Umgang*, 1998, pp. 122–128; Ludwig, *Flüchtlingspolitik*, 1957, pp. 27–28.

<sup>137</sup> «Notiz über eine Besprechung von Rothmund mit dem Holländischen Gesandten van Rosenthal über die Behandlung der Holländer in der Schweiz» (Memorandum re: discussion between H. Rothmund and the Dutch envoy van Rosenthal about the treatment of Dutch citizens in Switzerland), October 9, 1941; discussion with Baron van Lynden, Attaché of the Netherlands Legation in Bern, November 22, 1941, FA E 4260 (C) 1974/34, vol. 109. Rothmund to the Legation councillor Kohli, Foreign Affairs Division, Legal questions and private asset interests abroad section, August 4, 1943, E 2001 (E) 2, vol. 650. The Belgian envoy offered in the summer of 1942 to rent a guesthouse to provide shelter for

stateless refugees, Switzerland was uncertain whether possible expenditures for these refugees would ever be reimbursed. There was a strict employment ban for all civilian refugee categories.<sup>138</sup> Therefore, the refugees either had to support themselves with assets that they had brought with themselves, or had to depend on support from relatives or relief organizations.

### *Private aid*

Already on June 14, 1934, the Central Refugee Office in Bern requested financial support from the government. The Federal Council left this request unanswered.<sup>139</sup> Other petitions followed, but it was not until 1935 that a delegation of representatives of relief organizations was heard by the Federal Council.<sup>140</sup> Federal Councillor Johannes Baumann rejected their petition, noting that the refugee problem

«involved contradictions between human rights and national interest. We often reach decisions about such matters with a heavy heart, but there are numerous cases where categorical national interests require us to say <no> since we cannot allow refugees, whose sad fate grieves us, to take jobs and earnings from our own citizens.»<sup>141</sup>

The financial position of relief agencies was already precarious in 1936<sup>142</sup> and they were also under great moral pressure: many refugees would fall into material deprivation without their support. Indigence and dependency on public welfare could result in expulsion from Switzerland or from a canton.<sup>143</sup> The newly formed Swiss Central Office for Refugee Relief (SZF) contacted the government and suggested that they reconsider the rigid work prohibitions so that refugees might be able to support themselves.<sup>144</sup> When the EJDP upheld work restrictions, the SZF submitted a request on September 16, 1936 for federal financial

Belgian refugees. «Because the number of Belgians is relatively small, I (Rothmund) have intimated to him (Belgian envoy) the possibility of future expulsion, and explained to him that we had nothing against his providing additional housing.» (orig. German) Rothmund to von Steiger, August 4, 1942, DDS, vol. 14, no. 222, p. 723. It is unclear if an agreement was ever reached about Belgian refugees.

<sup>138</sup> See Chapter 4.4.4.

<sup>139</sup> Rothmund to Federal Councillor Baumann, August 6, 1935, FA E 4001 (B) 1970/187, vol. 2.

<sup>140</sup> The relief organizations repeated the petitions of the Central Refugee Office in Bern and also called for the international involvement of Switzerland in League of Nations refugee policy. They also alluded to the discrimination against Swiss women who had lost their Swiss citizenship because they had married foreigners, and their resulting exclusion from the job market. Refugee organizations [*SHEK, Schweiz. Hilfswerk für deutsche Gelehrte, Schweiz. Flüchtlingshilfe, Arbeiter-Kinderhilfe Schweiz, VSJF, Europ. Zentralstelle für kirchliche Hilfsaktionen, Caritas, Bureau Central de Bienfaisance, Basler Hilfsstelle für Flüchtlinge, Association Suisse pour la Société des Nations, Schweiz. Zweig der Internationalen Frauenliga für Frieden und Freiheit, Aide aux émigrés*] to the Federal Council, July 1935, FA E 4001 (B) 1970/187, vol. 2. In individual instances, women who had been Swiss nationals were interned as foreign refugees as, for example, Marie-Rose C. from Porrentruy, who was released from a camp only because of her brother's collateral. However, she did not receive permission to work. (Reference from Henry Spira).

<sup>141</sup> «Aufzeichnung über die Besprechung der Flüchtlingsfrage» (Minutes of discussion about the refugee question between the Federal Council and representatives of aid organizations), August 28, 1935, FA E 4001 (B) 1970/187, vol. 2 (orig. German).

<sup>142</sup> In December 1936, for example, the Swiss Office for Refugee Relief in Bern announced to its branches and all recipients of support that it was suspending payments or, at least, reducing them to a minimum. Schweizerische Flüchtlingshilfe Bern, December 8, 1936, FA E 4300 (B) 1, vol. 12.

<sup>143</sup> Swiss law on the residence and settlement of foreigners, March 26, 1931, in BBl 1931 I, pp. 425–434, Art. 10.I.c. SZF to Swiss Federal Council, September 16, 1936, FA 4300 (B) 1, vol. 12.

<sup>144</sup> See Chapter 2.3.

support in the amount of 30,000 francs for 1936.<sup>145</sup> In return, Heinrich Rothmund demanded that the relief agencies adopt a far-reaching obligation to provide information: They were to inform officials about the situation and domicile of refugees, and report especially those who were in the country «illegally».<sup>146</sup> In addition, he required that the SZF inform refugees about their obligations and rights. Deliberations stretched over many weeks because several aid organizations objected to the requirement that «illegal» refugees be registered. Finally, on November 4, 1936, relief agencies linked to the SZF agreed to Rothmund's conditions.<sup>147</sup> At Rothmund's request, the Swiss Federal Council approved a general credit of 20,000 francs for 1937 which was, however, to be used exclusively to finance the refugees' «transit» to other countries. For every case, relief agencies were to submit a comprehensive explanation of support to the police. After a successful departure, the SZF was reimbursed with a few hundred francs. In this manner their credit was not completely used up during the first year (1937); only 16,000 francs were paid out.<sup>148</sup>

In their charitable activity, relief agencies supported the refugees in all respects. They saw to it that the refugees were able to maintain their livelihood in Switzerland and helped them organize and finance their emigration to a different country. The government paid nothing towards living costs; it only assumed the specific expenditures that ensured refugees would leave Switzerland.

The SZF requested that relief agencies submit cost analyses at regular intervals. On the basis of these figures, it was able to determine how federal contributions and donations were to be distributed among the relief agencies.<sup>149</sup> These figures encompass the period from 1933 to 1947 and disclose the expenditures of those relief agencies comprised within the SZF, while the achievements of those organizations which were not members of the SZF, e.g., Rote Hilfe (Red Aid), are not known from existing studies.<sup>150</sup> Private expenditures and actions by individuals and families, including the housing of refugees, are not quantifiable. Finally, there are no records which reflect the support given to «illegal» refugees in Switzerland and who were thus dependent on private aid.

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<sup>145</sup> SZF to Swiss Federal Council, September 16, 1936, FA E 4300 (B) 1, vol. 12.

<sup>146</sup> On the debate surrounding the obligation to report, see the protocols of the SZF working committee, October 28, 1936, FA E 4300 (B) 1, vol. 12.

<sup>147</sup> Protocol of the second meeting of the SZF general assembly in Olten, November 4, 1936. AfZ, SFH-Archiv 2.1.1.

<sup>148</sup> The money came from the fund for Russian aid. Arnold, *Finanzierung*, 1998, p. 1.

<sup>149</sup> These figures provide a relatively reliable overview of the expenditures of individual relief agencies organized within the SZF. See note 151.

<sup>150</sup> Arnold, *Finanzierung*, 1998, p. 8.

**Table 3: Support by relief organizations linked to the Swiss Central Office for Refugee Relief (SZF), 1933–1947** (including administrative costs, in Swiss francs)

Hilfswerke	1933–41	1942	1943	1944	1945	1946	1947	Total
Aide Aux Emigrés	52 036	11 483	10 246	22 209				95 974
Auskunftsstelle für Flüchtlinge, Zürich	48 746	21 873	29 012	35 380	52 168	26 316	23 534	237 029
Basler Hilfsstelle	144 220	25 582	37 316	44 888	55 875	31 727	23 684	363 292
Berner Emigrantenhilfe	40 189	16 318	17 400					73 907
Bündner Komitee für Flüchtlingshilfe	8 054	1 614	2 570	1 861		1 695		15 794
Flüchtlingshilfe der Christkatholiken			5 846	13 300	14 473	6 173	2 223	42 015
Flüchtlingshilfe der Kreuzritter (CFD)	40 946	47 327	77 756	127 563	144 942	109 387	95 192	643 113
Schweiz. Arbeiterhilfswerk (SAH)	583 700	56 650	187 882	539 000	341 126	48 129	20 100	1 776 587
Hilfswerk für Emigrantenkinder	687 886	164 948	787 315	1 810 589	2 242 410	1 357 361	1 040 514	8 091 023
Hilfswerk für Deutsche Gelehrte	57 398	3 170	5 845	6 965				73 378
Hilfskomitee für evang. Flüchtlinge	1 168 642	383 943	566 237	1 355 545	1 531 089	1 086 102	608 341	6 699 899
SARCIS		3 872	104 794	261 666	186 000			556 332
VSJF	10 532 849	2 476 234	3 325 805	5 688 312	8 693 900	8 360 287	6 909 085	45 986 472
SZF (Zentralstelle)				240 000				240 000
Caritas	747 661	117 000	539 286	1 303 070	1 051 571	441 920	406 771	4 607 279
Kommission für orthodoxe Flüchtlinge						47 733	92 068	139 801
<b>Total</b>	<b>14 112 327</b>	<b>3 330 014</b>	<b>5 697 310</b>	<b>11 450 348</b>	<b>14 313 554</b>	<b>11 516 830</b>	<b>9 221 512</b>	<b>69 641 895</b>

Source: Arnold, Finanzierung, 1998.<sup>151</sup>

From 1933 to 1947, relief agencies linked to the SZF disbursed a total of 69.6 million francs.<sup>152</sup>

A substantial amount was used to pay for the departure of refugees to other countries as required by government officials. However, with the war, it became increasingly difficult to actualize departures. In 1939, for example, the Swiss Jewish Association for Refugee Relief (VSJF) financed about 1,800 emigrations; one year later, it was barely 400. Although the government as well as the cantons increased their total contributions in 1940 and 1941, fewer and fewer refugees were able to leave.<sup>153</sup>

<sup>151</sup> Tables 3 to 5 are based on a comprehensive evaluation of the archive of the *Schweizerische Zentralstelle für Flüchtlingshilfe* (SZF) carried out by the AfZ for the ICE. See Arnold, Finanzierung, 1998. For this report, various tables in Arnold's report have been combined and the data has been consolidated. The tables are based on SZF submissions of costs, annual reports, letters, and reference files for a period of twenty years and are partly incomplete. The data is based on questionnaires and SZF summaries or was prepared to determine the distribution of SZF contributions. This explains the divergence to Jacques Picard's figures for the VSJF, which were based on American Jewish Joint Distribution Committee (AJJDC) data. For example, in 1949 the VSJF provided the SZF only costs of support, without including assistance for further emigration, whereas Picard cites the VSJF's total disbursements for 1949. See Picard, Schweiz, 1994, p. 370. Table 3's primary source is: AfZ, SFH Archive 3.2.1.2: Silvain S. Gugenheim's reference file on support provided by relief organizations and the distribution of collected funds, 1941–1948.

<sup>152</sup> A table showing the difference between expenditures for support and expenditures for the «further emigration» from 1939 to 1945 can be found in Lassere, Frontières, 1995, p. 105.

<sup>153</sup> The federal government increased the total credit for «departures» to 100,000 SFr., while simultaneously reducing the contribution per person. After the start of the war, mostly only overseas countries came into question. Arnold, Transitprinzip, 1997, pp. 36–38.

The greatest financial burden was borne by the Jewish community in Switzerland, which consisted of about 18,000 people.<sup>154</sup> As the smallest solidarity group, they had to care for the greatest number of refugees. This corresponded to the tradition that the respective relief agencies provided financial support to a group of refugees according to their political, confessional, or social orientation. Thus, Catholic relief agencies cared for Catholics, trade union groups cared for socialists, and Jewish relief agencies for Jews.<sup>155</sup>

**Table 4: Overview of expenditures of the relief organizations linked to the Swiss Central Office for Refugee Relief, 1933–1954** (in Swiss francs)

Year	Total expenditures of all the united relief agencies including administrative costs	Actual expenditures (not including the contributions made by the government and the cantons to the relief organizations)	Expenditures by the VSJF (including governmental contributions)
1933–47	<sup>156</sup> 68 451 950	<sup>156</sup> 68 451 950	45 986 472
1948 <sup>157</sup>	7 098 850	7 098 850	6 028 397
1949	6 308 874	5 106 589	3 854 290
1950	4 692 787	2 976 414	2 481 508
1951	4 107 406	2 498 554	1 670 095
1952	3 685 167	1 757 155	1 086 123
1953	3 284 794	1 600 298	927 415
1954	3 212 113	1 637 443	870 939
<b>Total 1933–54</b>	<b>100 841 941</b>	<b>91 127 253</b>	<b>62 904 861</b>

Source: Arnold, Finanzierung, 1998.<sup>158</sup>

From 1933 until the introduction of permanent asylum in 1947, the VSJF paid a total of 46 million francs for the care of Jewish refugees, which represented 66 percent of total expenditures. The Relief Organization for Refugee Children (*Hilfswerk für Emigrantenkinder*) disbursed 8 million francs (11.6 percent), the Committee for the Aid of Protestant refugees (*Hilfsskomite für evangelische Flüchtlinge*) 6.6 million francs (9.6 percent), the Catholic relief organization Caritas 4.6 million francs (6.6 percent), and the Social Democratic Swiss Workers Aid (*Sozialdemokratisches Schweizerisches Arbeiterhilfswerk*) 1.7 million francs (2.6 percent). The remaining contributions were made by various smaller relief organizations.

The relief agencies bore these costs through member contributions, church subsidies, and collections. In the period from 1933 to 1947, the federal government supported the Jewish aid

<sup>154</sup> Picard, Schweiz, 1994, pp. 364–385.

<sup>155</sup> For example, the Protestant refugee relief agency only began to make funds available to Jewish refugees in the late summer of 1942. Kocher, Menschlichkeit, 1996, p. 124.

<sup>156</sup> The amounts for 1933–1947, based on SZF data, diverge slightly from the figures in Table 3, compiled by Silvain S. Guggenheim for an overview of SZF. The difference can no longer be reproduced today and is presumably based on different and partly incomplete calculations by individual relief agencies for different years.

<sup>157</sup> The statistics include only the expenditures of VSJF, Caritas, Schweizerisches kirchliches Hilfscomité für Evangelische Flüchtlinge, and SAH. With contributions from other relief agencies, the expenditures in 1948 can be rounded off at 7.5 million francs.

<sup>158</sup> AfZ, SFH Archive, 1948: 5.2.6.1.2, SZF to the head of the EJPD [Dec. 23, 1949], 3.1.2.3, SZF to Dr. Robert Willer [Oct. 1, 1949]. 1949: 5.2.6.3.1., internal tabulation by the SZF. 1950: 1.1.1, SZF annual report 1950. 1951–1954: 3.2.1.4.–3.2.1.7. Relief organizations' responses to SZF survey. See also Arnold, Finanzierung, 1998.

organizations with the sum of 3.2 million francs, the greater part of which had to be used for the departure of refugees. The federal government contributed approximately 8.5 percent of the total expenditures made by the VSJF (46 million francs). Over half of the total costs were contributed by the American Jewish Joint Distribution Committee (AJJDC), an international Jewish relief agency.<sup>159</sup>

**Table 5: Expenses and income of the Swiss Jewish Association for Refugee Relief (VSJF), 1933–1950** (in Swiss francs)

	Expenses		Income			
	Total expenditures	Operating costs and Salaries	Contributions by Jews in Switzerland	Contributions by the Joint Distribution Committee	<sup>160</sup> Contributions by Government Offices	Other contributions
1933–37	701 000	75 000 10.7%	701 000 100%			
1938	1 632 000	83 000 5.1%	1 527 000 93.6%			105 000 6.4%
1939	3 688 000	100 000 2.7%	1 519 000 41.2%	2 000 000 54.5%	69 000 1.9%	100 000 2.7%
1940	2 364 000	114 000 4.8%	546 000 23.1%	1 500 000 63.4%	107 000 4.5%	215 000 9.0%
1941	2 144 000	107 000 5.0%	359 000 16.7%	1 500 000 70.0%	172 000 8.0%	110 000 5.3%
1942	2 476 000	122 000 4.9%	495 000 19.3%	1 000 000 38.9%	971 000 <sup>161</sup> 37.9%	100 000 3.9%
1943	3 125 000	166 000 5.3%	892 000 29.4%	1 322 000 43.6%	19 000 0.6%	801 000 26.4%
1944	5 688 000	288 000 5.1%	685 000 12.0%	3 300 000 58.0%	52 000 0.9%	1 651 000 29.1%
1945	8 693 000	433 000 5.0%	406 000 4.7%	5 366 000 61.7%	151 000 1.7%	2 770 000 31.9%
1946	8 360 000	418 000 5.0%	420 000 5.0%	5 417 000 64.8%	509 000 <sup>161</sup> 6.1%	2 014 000 24.1%
1947	6 909 000	334 000 4.8%	404 000 5.8%	3 973 000 57.5%	1 100 000 15.9%	1 432 000 20.8%
1948	6 143 000	641 000 10.4%	425 000 6.9%	4 144 000 67.5%	1 168 000 19.0%	406 000 6.6%
1949	5 093 000	500 000 9.8%	521 000 10.2%	2 476 000 48.6%	1 691 000 33.2%	405 000 8.0%
1950	3 700 000	360 000 9.7%	420 000 11.4%	1 550 000 41.9%	1 600 000 43.2%	130 000 3.5%
<b>Total</b>	<b>60 716 000</b>	<b>3 741 000</b> <b>6.1%</b>	<b>9 320 000</b> <b>15.4%</b>	<b>33 548 000</b> <b>55.2%</b>	<b>7 609 000</b> <b>12.5%</b>	<b>10 239 000</b> <b>16.9%</b>

Source: Arnold, Finanzierung, 1998.<sup>162</sup>

The existential significance of financial support in each individual case is illustrated by the story of Rolf M.<sup>163</sup> In 1937 the Jewish parents of Rolf M., then living in southern Germany, brought

<sup>159</sup> On the difficulties of transferring funds from the United States, see chapter 5.4.; on the achievements of the Joint, see Bauer, Jewry, 1982, pp. 214–234; Picard, Schweiz, 1994, pp. 270–293, p. 370.

<sup>160</sup> The contributions by the federal government from 1939 to 1941 were support for leaving Switzerland.

<sup>161</sup> The contribution includes income from the «solidarity tax».

<sup>162</sup> AfZ, SFH Archive 5.2.6.3.2., Overview of total expenses and income of the VSJF from 1933 through 1950. We have calculated the percentages; these differ slightly from the original sources, and these percentage calculations can no longer be verified today.

their thirteen year old son to safety in Switzerland, while they were preparing to emigrate to the United States. In the spring of 1940, when Rolf M. finished school in the town of Kreuzlingen in Thurgau, the cantonal police authorities demanded a comprehensive financial guarantee to assure that no future expenses for the young man would be borne by the public. Because the young man was threatened with expulsion to Germany, the Kreuzlingen Jewish community signed a broad-reaching payment agreement after conferring with the VSJF in the summer of 1940 and placed 600 francs as collateral with cantonal police authorities.<sup>164</sup>

In October 1940, Rolf M.'s parents were expelled from southern Germany to the Gurs internment camp in Vichy France.<sup>165</sup> From that time until 1942, they wrote their son more than 50 letters and postcards from Gurs. In August 1942, deportations began from Gurs via Drancy to Auschwitz. In the last postcard delivered from his mother, she wrote: «Unfortunately, I must write to you that we will soon be departing. But remain calm, we have a lot of company. Don't take it too hard, okay child, we sincerely hope that soon everything will be different». And his father added: «Be an upright and hardworking man, with warmest regards and kisses».<sup>166</sup> Rolf M.'s parents were probably killed in 1943 in Lublin-Majdanek.<sup>167</sup> Nazi genocidal policy also destroyed Rolf M., although he survived physically: In 1942, under great psychological stress, he entered psychiatric therapy. In the fall of 1945, he began electroshock therapy. From that time until his death in 1984, he was institutionalized under psychiatric care.<sup>168</sup>

After the war the question arose about who should bear the costs of institutionalized care for the young man. This question involved his relatives living abroad, the Kreuzlingen Jewish community, the town of Kreuzlingen, the VSJF, the Swiss Central Office for Refugee Relief, the Swiss Relief Agency for Refugee Children, the Thurgau cantonal Police for Foreigners, and the Federal Department of Justice and Police (EJPD). In March 1946, the cantonal Police for Foreigners raised Rolf M.'s collateral to 2,800 francs. The VSJF and the president of the Kreuzlingen Jewish community paid this sum. Meanwhile, the VSJF had already paid 1,200

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<sup>163</sup> The case history was based on the following sources: Personal file M., AfZ, VSJF-Archive; Protokoll des Regierungsrates des Kantons Thurgau, May 22, 1951, StATG 3'00'389; personal papers of Rolf M.'s brother, W.M.; interview with W.M. on December 11, 1998; interview with R. Wieler, Jerusalem, November 18, 1997, and subsequent correspondence with R. Wieler.

<sup>164</sup> It is not clear from the sources who put up the collateral. From its increase in 1946, it can be concluded that it was put up in 1940 by the Jewish community or its president.

<sup>165</sup> On the expulsion of approximately 6,500 Jews from Baden and the Saarland-Palatinate, see Sauer, *Dokumente*, 1966, vol. 2, pp. 231–266; see also Wiehn, *Oktoberdeportation*, 1990. About the Gurs internment camp and the situation of Jews interned in France, see Laharie, *Camp*, 1985; Grynberg, *Camps*, 1991; Marrus/Paxton, *Vichy*, 1995.

<sup>166</sup> H.M., Rivesaltes, to R.M., October 4, 1942, personal papers of W.M.

<sup>167</sup> According to Sauer, *Opfer*, 1969, the parents had been deported in March 1943 to Lublin-Majdanek and when Sauer's memorial book about Baden and Württemberg Jews was prepared, they had been declared deceased, or «missing». Neither the letters in W.M.'s personal papers nor publications provide a clear explanation of their deportation route, nor could we determine the date and place of their deaths.

<sup>168</sup> Expert psychiatric report about R.M., [September 1942]; Kreuzlingen Jewish Community to VSJF, August 17, 1943; Kreuzlingen Jewish Community to VSJF, January 9 and June 4, 1945; VSJF memorandum, March 20, 1945; AfZ, VSJF-Archive, Personal file M., interview with W.M., December 11, 1998.

francs from their own funds for Rolf M.<sup>169</sup> In the spring of 1947, when permanent asylum for Rolf M. was being considered and the canton was to have assumed a third of the costs, the cantonal Police for Foreigners attempted to hold the Kreuzlingen Jewish community to their promise made in the summer of 1940.<sup>170</sup> The community replied that, at that time, the all-embracing guarantee had been unavoidable to prevent Rolf M.'s expulsion, and that in a similar manner, declarations had been made in 1938 by leading Swiss Jewish representatives to federal authorities, although no federal authority would hold them today to these same declarations.<sup>171</sup> The cantonal Police for Foreigners, however, threatened to deport Rolf M. to Germany; consequently, the VSJF felt compelled to assume the costs that should have been the responsibility of the canton.<sup>172</sup> The head of the Kreuzlingen Jewish community considered going public about the canton's policy toward this orphaned and disabled refugee, as well as about the pressure being applied to the Jewish community. He decided against doing so, however, because he feared that public criticism of official policies could hurt refugees still in the country.<sup>173</sup>

### *The role of relief agencies in the decision to close the borders*

As the number of refugees increased enormously in 1938 with Austria's «incorporation» by Germany, the question of financing refugee relief became the central problem for relief agencies. The federal government increased its credit for «transit»,<sup>174</sup> and it insisted that relief organizations provide the refugees' living costs. In comparison to the previous year, relief agencies such as Caritas and the VSJF saw their expenditures increase tenfold.<sup>175</sup> In 1937, the VSJF's expenditures were 114,283 francs for a total of 841 Jewish refugees; a year later it was 1,632,824 francs for 8,980 refugees. In 1937, Caritas cared for a total of 67 refugees disbursing 25,668 francs; in 1938, these expenditures required an amount of 240,000 francs for 657 refugees.<sup>176</sup> Further, there were also a number of refugees who had entered illegally. Thus, in September 1938, SIG made the observation that up to 4,000 additional refugees had entered illegally and would partly have to be supported by the VSJF.<sup>177</sup> The relief agencies thought it

<sup>169</sup> VSJF to Kreuzlingen Jewish community, March 20, 1946; account withdrawal, March 20, 1946; Comité Davos to VSJF, February 1, 1956; in AfZ, VSJF-Archive, personal file M.

<sup>170</sup> Kreuzlingen Jewish community to VSJF, April 15, 1947; draft letter for R. Wieler re: the Kreuzlingen city council request (cost credit), August 22, 1947; AfZ, VSJF-Archive, personal file M.

<sup>171</sup> Kreuzlingen Jewish community to VSJF, November 24, 1947, AfZ, VSJF-Archive, personal file M.

<sup>172</sup> Kreuzlingen Jewish community to VSJF, January 13, 1948; VSJF to Kreuzlingen Jewish community, January 16, 1948; AfZ, VSJF-Archive, personal file M.

<sup>173</sup> Protocol of the 89th meeting of the board of the Kreuzlingen Jewish community, January 17, 1948, Archiv der Israelitischen Gemeinde Kreuzlingen.

<sup>174</sup> Relief agencies still paid the greatest portion of costs for «departing». For the years 1938 and 1939, the VSJF bore respectively 96 and 91 percent of the costs for moving on. Arnold, *Finanzierung*, 1998, p. 1.

<sup>175</sup> Picard, *Schweiz*, 1994, p. 370; Arnold, *Transitprinzip*, 1997, p. 33.

<sup>176</sup> SZF request to Federal Council (December 22, 1939), 2–4, FA J II.55, SHEK 1970/95/30, quoted in Arnold, *Transitsprinzip*, 1997, p. 33.

<sup>177</sup> Minutes of the central committee meeting of SIG, September 19, 1938, AfZ: SIG Archive, CC-Protokolle.

was unimaginable that they were to continue financing the refugees completely. They hoped for a contribution from the government.

Federal authorities were able, however, to get the Federation of Jewish Communities in Switzerland to assume the total costs for Jewish refugees by threatening to deport those refugees who had entered illegally.<sup>178</sup> At a police directors' conference on August 17, 1938, Rothmund stated that he was in contact with representatives of the Jewish communities and could confirm that they had accepted to support the refugees from Austria and had made funds available.<sup>179</sup> The EJPD saw SIG's financial guarantee as essential for the cantons not to expel refugees who had entered illegally, but rather to justify why they should be allowed «to stay without employment in their area». At the same time, the EJPD made it explicitly clear that all future refugees were to be stopped at the border and turned back to Germany.<sup>180</sup> The protocol of the Swiss Federal Council meeting from August 18, 1938, referred to the following summary of Rothmund's conversation with Saly Mayer, President of SIG, and Silvain Guggenheim:<sup>181</sup> «Mr. Guggenheim, director of the Jewish relief agencies, then explained that they would certainly care for those refugees in Switzerland, but if the influx of the last few days continued, he saw no other option than stopping entry. In other words, the government or the cantons would have to bear the burden if they did not deal with stopping an increase in the number of refugees.»<sup>182</sup>

However, the minutes of SIG's central committee meetings reveal that SIG never spoke in favor of closing the borders, but rather exhausted every possibility of collecting money for the Jewish communities.<sup>183</sup> SIG was convinced that, first, antisemitism in the Swiss population was increasing and, second, that refugee policy would be further tightened if the expenses for Jewish refugees could no longer be covered by the Jewish community. On August 18, 1938, Saly Mayer reported that the Police for Foreigners had imposed upon the Federation of Jewish Communities and the Swiss Jewish Association for Care of the Poor «commitment to care for the refugees in Switzerland and to provide for their departure to the maximum degree possible». Mayer pointed out that there could be far-reaching consequences for refugees in Switzerland if SIG did not come up with the necessary resources:

«If the necessary guarantees for the support of the refugees cannot be made and the organizations already in place cannot be maintained, one can expect that the officials will come up with all sorts of reservations for the appropriate measures and that they will deny any responsibility for the consequences.»<sup>184</sup>

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<sup>178</sup> Picard, Schweiz, 1994, pp. 368–373.

<sup>179</sup> Extraordinary police directors' conference in Bern, August 17, 1938, FA E 4260 (C) 1969/1946, vol. 6.

<sup>180</sup> Report on the decisions of the cantonal police directors' conference in Bern, August 17, 1938, FA E 6351 (F) 1, vol. 522. See chapter 3.1.

<sup>181</sup> In 1954, Rothmund again justified himself, arguing that SIG had endorsed the border closing. Lasserre, Fontières, 1995, p. 57.

<sup>182</sup> DDS, vol. 12, no. 363, pp. 833–835 (orig. German).

<sup>183</sup> AfZ: SIG Archive, CC-Protokolle.

<sup>184</sup> Protocol of SIG central committee meeting, August 18, 1938, AfZ: SIG Archive, CC-Protokolle (orig. German).

In this situation, SIG felt compelled to come up with the most comprehensive financial guarantees possible. By 1938, SIG found itself in a hopeless position as refugees were prohibited from working, their chances of departing for other countries reduced, and their financial means exhausted. When representatives of SIG finally explained to the authorities that the financial means of Jewish relief organizations were almost exhausted, the officials interpreted this as approval by SIG for closing the borders.

In order to continue bearing the costs of the refugees, the delegates once more decided to again collect money among the Swiss Jews. Requests for financial aid from Jewish organizations abroad had already been made.<sup>185</sup> Furthermore, for the first time in a meeting on September 18, 1938, SIG debated the possibility of having foreign Jews living in Switzerland make a contribution to the refugees.<sup>186</sup> All these Jewish efforts to keep the financial burden on the public to a minimum could stop neither the introduction of the «J» stamp nor the visa requirement, making it virtually impossible after 1938 for a Jewish refugee to enter legally.

Public criticism about closing the border in August 1942 and the first reports about extermination camps provided SZF with reason to launch a larger donation campaign to sensitize the public. The relief agencies saw this as a «plebiscite of the heart» and hoped that this would result in a large collection of donations that could provide more pressure on the government to listen to their demands. SIG also saw this project as a chance for publicity to fight against the border closings, since it viewed further discussions with Rothmund and the EJDP as senseless.<sup>187</sup> Nevertheless, despite the considerable success of their collection campaign that netted 1.5 million francs, the federal government made no concessions.<sup>188</sup> The public «storm of outrage», referred to in the Ludwig report, lasted only for a short time.<sup>189</sup>

### *The cantons' financial contributions*

In the 1930s the cantons, as well as the federal government, were of the opinion that financial support for the refugees was a matter for relief agencies. In 1938, a few of the German-speaking cantons on the border provided modest financial support for refugees from Austria. While the canton of Bern contributed absolutely nothing to refugee support until the summer of 1942, the police director in St. Gallen estimated that expenditures in his canton until February 1943 totalled 25,000 francs.<sup>190</sup> In 1938, the canton of Basel-Stadt placed an empty

<sup>185</sup> Protocol of SIG central committee meeting, August 18, 1938, AfZ: SIG Archive, CC-Protokolle.

<sup>186</sup> Protocol of SIG central committee meeting, August 18, 1939, AfZ: SIG Archive, CC-Protokolle. The idea of «Beitrag ausländischer Flüchtlinge an Hilfsorganisationen für Emigranten» (contributions by foreign refugees to relief agencies for emigrants) was realized in the Federal Council Decree of March 18, 1941.

<sup>187</sup> In response to Heinrich Rothmund's explanations about the border closing of August 13, 1942 before the SIG central committee, Silvain Guggenheim replied: «We cannot be accomplices of the persecutors and abet driving refugees to a probable or even an almost certain death.» (orig. German) Guggenheim rejected reporting illegal refugees to the Police Division. Protocol of SIG central committee meeting, August 20, 1942, pp. 6 and 8, AfZ: SIG Archive, CC-Protokolle.

<sup>188</sup> Arnold, *Transitprinzip*, 1997, pp. 55–60.

<sup>189</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 208; Georg Kreis, *Lehrstück: 1942, Tages-Anzeiger* (February 20, 1999).

<sup>190</sup> We know of no systematic compilation of all cantonal disbursements. The data is scattered in disparate sources. For Bern, see «Bericht über die Polizeidirektoren-Konferenz vom 28. August in Lausanne zur Behandlung der

house at the disposal of Jewish Welfare for the approximately 600 Jewish refugees living in the city; however, building maintenance and the salary of the home director had to be paid by the Jewish aid organizations.<sup>191</sup> According to Alfred Goetschel, President of the Jewish community and head of Jewish Welfare in Basel, Jewish aid organizations paid 1 million francs for the refugees through the end of November 1938. Goetschel told cantonal officials that, above all, underwriting support of the refugees' journey to other countries entailed a great burden on the relief agencies. They estimated an average of 1,000 francs per case; sending them to countries farther away could cost up to 5,000 francs.<sup>192</sup>

The canton of Zurich together with federal authorities and relief agencies was also involved in financial support for the journey to another country.<sup>193</sup> By the end of 1938, 4,000 Jewish refugees were registered in Zurich; it must be noted that 1,800 of them had already left the canton by the end of the year. The canton paid about 100,000 francs from 1940 to 1942 to support their departure. From 1946 to 1949, an additional 15,000 francs were appropriated. The prerequisite for these contributions was that the person in question held a temporary residence permit (*Toleranzbewilligung*) for Zurich and that the government contributed at least twice as much to the exit costs. In this instance, upon application by the relief agencies 200 francs were paid out at first, later it became 400 to 500 francs per exit. The refugees did not receive the money personally; after their departure, it was repaid to the relief agencies. The contributions were modest when measured against other expenditures by the relief agencies, although they were nevertheless welcomed by both relief agencies and refugees; for social relief, the canton of Zurich spent more than 5 million francs in 1941.<sup>194</sup> The authorities did not consider these payments charity because they feared that refugees who did not leave «could revert to general social welfare and thus become a greater burden to the canton of Zurich».<sup>195</sup>

Carl Ludwig has already pointed out that the cantons' unwillingness to accept refugees was jointly responsible for the restrictive refugee policy. The reply was sobering when the EJPD asked the cantons on September 4, 1942 – in the wake of the public protests that followed the border closings of August 13, 1942 – if they were prepared to accept additional refugees, provide shelter, and help cover some of the costs.<sup>196</sup> Of the nineteen cantons that replied, only

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Flüchtlingsfrage» (Report on the Police Directors' Conference held on August 28 in Lausanne concerning the Handling of the Refugee Issue), FA E 4260 (C) 1969/1946, vol. 7. For St. Gallen, see protocol of police directors' conference, February 8, 1943, FA E 4001 (C) -/1, vol. 259.

<sup>191</sup> Wacker, Bern, 1992, pp. 116–117.

<sup>192</sup> «Polizeidepartement des Kantons Basel-Stadt an den Regierungsrat: Protokoll der Flüchtlingskonferenz vom 23. November 1938» (Cantonal Police Department of Basel-Stadt to the Cantonal Government: Protocol of the Conference on Refugees held on November 23, 1938), December 2, 1938, StABS SK-REG 10-3-0. The accomplishments of the Basel Jewish community have recently been thoroughly researched by Sibold, *Flüchtlingshilfe*, 1998. See also, *Jüdische Rundschau Inside*, March 18, 1999.

<sup>193</sup> The following details are based on the administrative reports of the cantonal government to the Zurich cantonal government council (Geschäftsbericht des Regierungsrates an den zürcherischen Kantonsrat), 1938, p. 58; 1940: p. 227; 1941: p. 217; 1942: p. 239; 1946: p. 257; 1947: p. 245; 1948: p. 216; 1949: p. 223.

<sup>194</sup> 1941 Annual financial report of canton Zürich (Staatsrechnung des Kantons Zürich 1941), pp. 85 and p. 115.

<sup>195</sup> Geschäftsbericht des Regierungsrates an den Zürcherischen Kantonsrat (1948), p. 216 (orig. German).

<sup>196</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 213–214.

five were explicitly prepared to commit funds provided that a comprehensive solution for all of Switzerland would be found that would include participation by all cantons.<sup>197</sup> On September 11, 1942, under pressure from public opinion, the conference of cantonal police directors agreed to publish their position, which stated that «the solution of the refugee question is a matter for the federal government, which, to be sure, can count on the support of the cantons».<sup>198</sup>

With the Federal Council Decree about Housing Refugees on March 12, 1943, the EJPD proposed a common solution. The draft of the decree projected that the federal authorities and the cantons would divide the costs of sheltering the refugees. When the decree was discussed in advance at the police directors' conference on February 8, 1943, the Solothurn government councillor Stampfli recalling the position taken the previous September, stated that it was now time to settle the amount of the cantons' financial contribution. However, he saw an obstacle:

«What will be the reaction of relief organizations, when it becomes known that federal authorities and cantons have assumed the financial burdens of the refugee problem. It must not have the effect that relief organizations be exempted from financial participation, considering the decisive role they played in the propaganda campaign in the fall of 1942.»<sup>199</sup>

Seematter, a Bern government councillor, declared that his canton rejected any financial participation. The federal authorities should alone make decisions in refugee matters and, therefore, they solely should be financially responsible. To be sure, the monies required cannot simply be taken from the federal treasury: «The Swiss people should bear the consequences of their generosity. Could not ... a so-called refugee tax be imposed?». Moderate voices remained in the minority – Basel-Stadt would assume a quarter of the costs, Schaffhausen a third; the vote for mandatory cantonal contributions was rejected 17 to 7.

It would, however, be simplistic to correlate a canton's vote and its attitude to refugees. The German-speaking cantons demanded that their contributions from 1938 to 1940 be taken into account in calculating the formula for dividing the costs; moreover, some had accepted only a small number of refugees, so that it was easy for them to agree to a financial contribution. In contrast, the cantons in west Switzerland, over whose borders with France refugees had sought sanctuary in 1942 and 1943, voted decisively against financial participation. Since a majority of the cantons rejected financial commitment, federal authorities together with relief agencies continued to bear the entire expense. The issue of financial contributions only became concrete for the cantons with the creation of permanent asylum after the war had ended.<sup>200</sup>

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<sup>197</sup> Replies by the cantons to the circular letter of September 4, 1942; compilation of negative and positive responses; FA E 4001 (C)-/1, vol. 259. The cantons that were basically prepared to participate financially were Zurich, St. Gallen, Basel-Stadt, Zug, and Solothurn.

<sup>198</sup> Protocol of the police directors' conference of September 11, 1942, FA E 4260 (C) 1969/1946. vol. 7. The published press reports, of course, only mentioned that the cantons supported the policies of the federal government; see NZZ, no. 1455, September 13, 1942.

<sup>199</sup> Protocol of police directors' conference on February 8, 1943, FA E 4001 (C) -/1, vol. 259 (orig. German).

<sup>200</sup> The canton of Zurich was especially involved financially in the regulation of permanent asylum. The vote of December 19, 1948, set the legal basis for the cantons' cost participation. Until March 21, 1950, 559 requests for

### *Federal expenditures*

Since the Oskar Schürch report, the federal expenditures are known:<sup>201</sup> the EJPD paid a total of 178,000 francs for refugee «transit» between 1933 and 1939. Seven thousand (7,000) francs went directly to the SZF for support. From 1939 to 1945, the costs for the Police Division and the central administration of homes and camps amounted to 83 million francs.<sup>202</sup>

On May 12, 1940, the Federal Council authorized the creation of work camps for refugees.<sup>203</sup> Since the federal authorities assumed payment for supporting able-bodied refugees assigned to work camps, the relief agencies never received these disbursements. Nevertheless, the relief agencies were required to provide refugees in their care with clothing and some of their work gear before they were sent to work camps, or they would have to pay a so-called «substitute payment». After the refugees were released from the camps, the relief agencies again had to assume all support costs.<sup>204</sup> Refugees not conscripted for work remained the financial responsibility of the relief agencies.<sup>205</sup> The productivity of the refugees in these camps cannot be determined from available sources; however, this should be included in any cost calculation.<sup>206</sup>

The establishment of work camps resulted in two sets of calculations by the Police Division. One contained all Police Division expenditures for every kind of support (food, housing, clothing, medical care, transportation, etc.); added to this were the army's territorial service expenses for the assembly, quarantine, and reception camps.<sup>207</sup> The other account summarized all expenditures of the Central Administration for Homes and Camps. A larger sum was based on the estimated administrative costs of the emigration office, especially the refugee section. Schürch estimated this at 5 million francs. The Police Division did not consider it their primary obligation to help refugees. They saw their task as fighting against «foreign infiltration» (*Überfremdung*) and implemented the systematic control and surveillance of refugees. This expense is reflected in the cost calculations.<sup>208</sup>

Swiss federal authorities vehemently declined to assume any financial responsibility until the war turned, and adhered strictly to restrictionism about employment during the war even when labor shortages affected different economic sectors. The problem of cost cannot be viewed

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permanent asylum from former refugees were accepted in all of Switzerland; 110 of them were in the canton of Zurich. By the end of 1950, 272 applications by former emigrants and refugees had been approved in the canton of Zurich. In 1950 and 1951, permanent asylum cost the canton of Zurich approximately 200,000 francs per annum. FA E 4260 (C) 1974/34, vol. 118. «Staatsrechnung des Kantons Zürich», 1950, p. 80. «Geschäftsbericht des Regierungsrates an den Zürcherischen Kantonsrat, 1950», p. 67.

<sup>201</sup> Schürch, *Flüchtlingswesen*, 1951, pp. 228–234.

<sup>202</sup> Ludwig, *Flüchtlingspolitik*, 1957, pp. 366–367.

<sup>203</sup> Lasserre, *Frontières*, 1995, pp. 133–138.

<sup>204</sup> ZL, *Schlussbericht*, 1950, p. 6.

<sup>205</sup> Arnold, *Finanzierung*, 1998, p. 2.

<sup>206</sup> On the internment camps, see chapter 4.4.1.

<sup>207</sup> Schürch, *Flüchtlingswesen*, 1951, p. 230.

<sup>208</sup> Gast, *Kontrolle*, 1997; Mächler, *Kampf*, 1998; for police registration, see chapter 4.4.2.

only as a financial issue. The question of cost was the central economic argument, related to the labor market and fiscal concerns. However, the authorities used it as an instrument to implement a restrictive refugee policy. Their priority was to impede those «who could not be assimilated», i.e., Jewish refugees, from settling permanently in Switzerland.

#### 5.4 Managing the Dollar: Blocking Relief Funds from the United States

On 14 June 1941, the United States decided to freeze the assets of continental European countries, including the neutrals.<sup>209</sup> This measure had serious consequences for those aid organizations in Switzerland that were dependent on financial support from the United States.<sup>210</sup> In order to maintain economic relations with Switzerland, the United States authorized certain licensed transactions. Thereafter, these transactions would have to go via the Swiss National Bank (SNB) or the Confederation, to insure that they did not benefit embargoed countries. For this reason, it restricted the conversion of frozen dollars into Swiss francs.

For reasons of monetary policy, the SNB decided to take back dollars only from foreign trade at a fixed rate of 4.30 francs. The SNB accepted these «goods dollars» (also known as «commercial dollars» and «export dollars») and also «official dollars»; the latter included transfers on behalf of diplomatic and consular representatives in Switzerland, the ICRC, charitable, cultural or scientific organizations, and payments to support persons living in Switzerland.<sup>211</sup> In 1942, the SNB took 3.36 million dollars to finance legations and consulates,<sup>212</sup> including 1.04 million dollars which went to aid organizations.<sup>213</sup>

In late 1942, the SNB contacted Ernst Wetter, head of the Federal Department of Finance and Customs, to share its concerns with him. According to the SNB, since January 1, 1942, the blocked cash reserves had increased by 175 million francs, of which 50 million had been granted to the diplomatic service, the ICRC, and other charitable institutions. The SNB let it be known that it was not prepared any longer to bear the responsibility for taking dollars which

<sup>209</sup> For an analysis of the mechanisms of regulating the dollar, see ICE, Switzerland, 1998, pp. 141–144; Durrer, *Finanzbeziehungen*, 1984; Perrenoud, *Banques*, 1988.

<sup>210</sup> For the subsidy from the American Jewish Joint Distribution Committee (Joint) to Verband schweizerischer jüdischer Fürsorge, see Appendix I, 8.3., Table 12.

<sup>211</sup> It is not clear from the documents why these sums from such different sources were added into one total. It seems obvious that the transfer of dollars for the American Legation did not pose the same problems as the transfer on behalf of an aid organization. In a table drawn up by the SNB, for example, a distinction is made between sums for legations and consulates, but cultural, scientific, and humanitarian institutions are included on the same list. For example, the Geneva-based Monaco Committee can be found next to the Federation of Jewish Communities in Switzerland in St. Gallen, the Federal Polytechnical Institute and the Vatican. This chapter deals only with the problems affecting relief organizations. See Appendices to SNB letter to Federal Councillor E. Wetter, January 11, 1943, FA E 2001 (E) 2, vol. 647.

<sup>212</sup> For the Allies' need for Swiss francs, see ICE, Switzerland, 1998, pp. 144–146.

<sup>213</sup> Letter from SNB to the Head of Federal Department of Finance and Customs (EFZD), January 11, 1943, see appendix, FA E 2001 (E) 2, vol. 647. Aide-memoire by Reichenau, «Dollarübernahme durch den Bund» (Acceptance of Dollars by the Confederation), February 12, 1945. FA E 2001 (E) 2, vol. 641.

had not come out of commercial transactions. It considered this to be the Confederation's responsibility:

«In light of the tasks the Confederation faces today, we believe, on the other hand, that it cannot refuse to provide legations, consulates, the Red Cross, as well as educational institutions, etc., with the funds they need, especially since ample funds are available in the form of US dollars.»<sup>214</sup>

The SNB thus proposed that the Confederation limits its acceptance to a maximum of \$1 million dollars per month.<sup>215</sup>

A few days later, the SNB justified this request by expressing its fear that the number of refugees might increase, as would the duties of the Red Cross and the Foreign Interests Division.<sup>216</sup> In a letter dated April 30, 1943 to the Swiss Legation in Washington, Rober Kohli, head of the Legal and Private Interests section, agreed with the reasons advanced by the SNB:

«Among other things, it was the flow of refugees that began in July and August of last year that led to an increase in takeover requests and caused the National Bank to issue more restrictive conditions. For some time it has refused to take dollars if their exchange value is intended for persons who entered Switzerland after January 1, 1942.»<sup>217</sup>

During the years 1942–1943, no transfer of dollars was possible on behalf of the American Relief Organization, the American Jewish Joint Distribution Committee, nor on behalf of refugees who had entered Switzerland after January 1, 1942.

The head of the Federal Department of Finance and Customs and later president of the Swiss Charitable Fund (Schweizer Spende), Ernst Wetter, responded favorably to the SNB's request, but was unable to suppress his irritation with the consequences of the freezing of Swiss assets and the SNB's permissiveness:

«If one considers that these dollars, which are no longer accepted as payment anywhere in the world and can only be converted in America to gold that we are temporarily unable to access, must be paid from our capital market, then the greatest caution must be exercised. In this respect, it appears to me that the National Bank has been too generous. We can no longer support all possible and impossible religious communities in this way.»<sup>218</sup>

In his answer to Wetter, Pierre Bonna expressed his belief that supporting large international aid organizations was part of Switzerland's traditional humanitarian mission and contributed to its prestige.<sup>219</sup> He emphasized in this way that by taking back frozen dollars, the Confederation

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<sup>214</sup> «Sperrung schweizerischer Guthaben in den USA» (Freezing Swiss Assets in the United States), SNB Archives, Minutes of the General Management, December 11 and 14, 1942, no. 920, pp. 1158–1159.

<sup>215</sup> Several books about this subject state that the proposal to the Confederation to accept embargoed dollars at its expense came from the American side, but it seems that in this case the proposal came from the SNB. Moreover, we can see that this happened in completely different conditions from those surrounding the negotiations that took place a year later between the EPD and the SNB.

<sup>216</sup> Letter from SNB to Head of EFZD, E. Wetter, January 11, 1943, FA E 2001 (E) 2, vol. 647.

<sup>217</sup> Letter from the EPD to the Trade Division, May 21, 1943, with appendix containing report by Robert Kohli, dated April 30, 1943. FA E 7110-01 (-) 1967/32, vol. 1688.

<sup>218</sup> Letter from the Head of the Foreign Division of the EPD (Bonna) to Head of EPD (Pilet-Golaz), January 18, 1943, FA E 2001 (E) 2, vol. 647. See also ICE, Switzerland, 1998, pp. 108–113; Durrer, Finanzbeziehungen, 1984, pp. 112–116.

<sup>219</sup> Letter from the Head of the Foreign Interest Division of the EPD (Bonna) to the Head of EFZD (Wetter), January 26, 1943, FA E 2001 (D), vol. 647. A passage from a letter from M. Pilet-Golaz to E. Wetter on December 21, 1942, concerning the retaking of financial dollars is interesting in this context: «Furthermore, our Legation in Washington is

would be able to put a policy into practice that took broader political considerations into account than the SNB had been able to do up until then.

The Confederation solved the problem by an unpublished Federal Council decree. Thereafter, it was prepared to take up to 0.75 million non-commercial dollars per month at its own expense. Thus money would be earmarked for diplomatic and consular services as well as for charitable, cultural, and scientific purposes.<sup>220</sup>

### *The Confederation accepts dollars*

Regular transfer requests continued to be managed by the National Bank. For extraordinary requests, a «Small Commission» was formed, which included the Legal and Private Interests Abroad Section of the EPD,<sup>221</sup> Department III of the National Bank,<sup>222</sup> and the Finance administration. A report by Robert Kohli stated that this commission

«above all [reviews] whether a transfer is absolutely necessary and if it really involves Swiss interests exclusively, or also those which in a general sense serve Switzerland's international concerns. Thus all payments are rejected which only use Switzerland simply as a transit country, since transfers in Swiss francs allow foreign currency banks to make claims against the Swiss National Bank gold reserves. Under the current circumstances, the export of gold must be prevented by all means.»

Kohli touched on the two basic principles which determined the SNB's policy during the war<sup>223</sup>: on the one hand, slowing down the growth of frozen assets in the United States by strictly limiting the acceptance of blocked dollars, and on the other, preventing a diminution of gold reserves in Switzerland, since in «the lights of the wartime conditions, gold was looked upon as a reliable vehicle for preserving value».<sup>224</sup> International relief organizations were primarily active abroad to secure help for Jewish populations threatened with deportation and extermination (e.g., the American Jewish Joint Distribution Committee, in particular), as well as prisoners of war in Germany (e.g., the Young Mens Christian Association). The Confederation's acceptance of 750,000 dollars per month reduced the risk of undermining the SNB's monetary policy by transfers to aid organizations. Nevertheless, only a third of the available amount was used, prompting Robert Kohli to state in March 1944, «that of the funds approved by the Federal Council decree of March 23 for the acceptance of dollars for

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also convinced that the United States will assume an outstanding and decisive financial position in the future, specifically immediately after the war ends .... Above all, it should be taken into consideration that under all circumstances, the Confederation will have to underwrite the purchase of German goods in some form. In light of this above all, and considering the general political situation, we think the moment has come for us to provide certain funds for financial transactions in the United States» (orig. German). FA E 2001 (D) 2, vol. 253. See Durrer, *Finanzbeziehungen*, 1984, and ICE, *Switzerland*, 1998. The Confederation's acceptance of blocked dollars is viewed as one of the first successes for the United States.

<sup>220</sup> «Übernahme von USA-Dollars durch den Bund», Minutes of Federal Council, March 23, 1943, FA E 1004.1, vol. 431.

<sup>221</sup> This section was created in 1941 «in order to coordinate neutrality policy and to defend Swiss assets in the world», in Perrenoud, *Banques*, 1988, pp. 58–65.

<sup>222</sup> Department III of the National Bank was directed by Alfred Hirs, who received attention for his antisemitic remarks during the Washington negotiations. ICE, *Switzerland*, 1998, pp. 186–187, Appendix 1.4.

<sup>223</sup> Report by Robert Kohli, Head of EPD Legal and Private Interests Abroad Section, April 30, 1943, enclosed with a letter from EPD to the Trade Division, May 21, 1943, FA E 7110-01 (-) 1967/32, vol. 1688.

<sup>224</sup> ICE, *Switzerland*, 1998, p. 150.

charitable organizations, etc., 20 million<sup>225</sup> was economized (transfer of 250,000 dollars instead of 750,000 dollars monthly on average)». <sup>226</sup> However, these were not disbursements that the Confederation would never get back, but rather, a temporary acceptance, since relief organizations deposited these amounts into the frozen accounts in the United States.

Throughout 1943, the United States put pressure on Switzerland to obtain a greater transfer of francs, simultaneously reproaching Switzerland for its willingness to make credits available to Germany. Despite strong opposition from the SNB, the Confederation yielded to the American request, which also benefitted international relief organizations. The amounts transferred to them increased noticeably. In March 1944, the total amount of dollars taken back by the Confederation had tripled and the equivalent of about 500,000 dollars was paid to the aid organizations. After June 1944, the \$700,000 level was exceeded, and its exchange value of \$400,000 in Swiss francs was allocated to aid organizations.<sup>227</sup>

### *American Jewish Joint Distribution Committee (AJJDC)*

Founded in 1915, the American Jewish Joint Distribution Committee collected funds from American Jews to support Jewish communities around the world. In Switzerland, after 1939, Joint provided most of the funds to support refugees via the Swiss Jewish Association for Refugee Relief (*Verband Schweizerischer Jüdischer Flüchtlingshilfen*, VSJF).<sup>228</sup> In April 1942, the National Bank reported transferring «\$90,000 to a Jewish organization», but recommended that, for larger sums, they should turn to the Federal Reserve Bank, since it could place Swiss francs or other currencies directly at their disposal.<sup>229</sup> Starting in May 1942, the National Bank began refusing to transfer blocked dollars on the AJJDC's behalf.<sup>230</sup> The AJJDC thus had to find other means of obtaining Swiss francs, and was forced to accept a lower exchange rate for its dollars.<sup>231</sup> This situation continued until November 1943, despite numerous attempts in Switzerland and the United States to rectify it.<sup>232</sup>

In the United States, transfer conditions similarly retrenched in April 1942. The Treasury Department no longer authorized the conversion of currency with license no. 50, but only with a special license. In April 1942, the Chase National Bank informed the AJJDC that it had to

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<sup>225</sup> It is not clear whether these are dollars or Swiss francs; an estimate suggests that the reference is to Swiss francs.

<sup>226</sup> Aide-memoire about conversation with the U.S. Treasury Department, re: the availability of francs exchanged for free gold, March 22, 1944, in DDS, vol. 15, no. 102, p. 276.

<sup>227</sup> «Dollarübernahme durch den Bund 1944», FA E 2001 (E) 2, vol. 647.

<sup>228</sup> See Table 5, p. 196.

<sup>229</sup> SNB Archives, Minutes of the Governing Board (orig. German), April 9, 1942, no. 251, p. 305.

<sup>230</sup> Bauer, Jewry, 1982, p. 225.

<sup>231</sup> «The money transfers of the American [Jewish] Joint Distribution Committee to the Swiss Refugee Relief were in blocked funds (dollars), that could not be paid out directly by the Swiss National Bank in francs, but had to be paid at the exchange rate for blocked dollars with a loss of 25 percent.» (orig. German) Letter from the Federation of Jewish Communities in Switzerland to Karl Bruggmann, July 2, 1943. AJJDC Archive, New York, # 974.

<sup>232</sup> Picard, Schweiz, 1994, pp. 364–385; see also AfZ: Saly Mayer papers.

obtain a special license, or else perform the transfer under license no. 50, which was possible only via the SNB.<sup>233</sup>

As these decisions were being made, information about the murder of the Jews was increasing in Switzerland. More and more people attempted to escape the deportations occurring in the Netherlands, Belgium, and France, even as the federal authorities hermetically sealed the borders and the number of refugees expelled increased.<sup>234</sup>

Other organizations were still able to benefit from transfers from the United States. These organizations were those that federal authorities thought might be useful after the war to facilitate refugee transit abroad. As von Steiger wrote about the Unitarian Service Committee and the American Friends Service Committee:

«We believe it is not mistaken to expect them to provide valuable services at a later date by offering passage abroad for refugees temporarily allowed into Switzerland.»<sup>235</sup>

Moreover, to improve relations with American authorities, the Swiss government used the opportunity of explaining the difficulties confronting Switzerland through the relief organizations: an internal EPD memorandum concerning the Young Mens Christian Association (YMCA) states that this organization «doubtless has a certain political significance in the United States, and we have repeatedly used negotiations with it to make Switzerland's difficulties clear in the American capital and thus explain this to a broader circle of people».<sup>236</sup>

### *The turning point 1943–1944*

In mid-November 1943, the honorary AJJDC representative in Switzerland,<sup>237</sup> Saly Mayer, again turned to the EPD for a solution to the transfer problems:

«I have been trying for the past one and a half years to use these US dollars in the best possible way. Foreign currency regulations hamper these efforts and basically make it more and more difficult, if not impossible.»<sup>238</sup>

This time Saly Mayer was successful. The Legal and Private Interests Abroad Section wrote to Rothmund about liberalizing the transfer of frozen dollars on behalf of the AJJDC, since the latter «has a good deal of influence in the United States, and therefore it might be appropriate for political considerations to give a sign of good will».<sup>239</sup> It was proposed that dollars worth 480,000 francs be transferred annually. The chief of the Police Division gave his consent:

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<sup>233</sup> National Archives II, 1997, College Park, RG 56, Accession # 66A816, Box 47, file: FFC History: Unofficial History of the United States Department of Treasury Office of Foreign Funds Control, Chapter V, p. 10.

<sup>234</sup> Picard, Schweiz, 1994, pp. 383–384; see also chapter 3.2.

<sup>235</sup> Letter from the Head EJPD to the Head of EPD, June 29, 1943, (orig. German), FA E 4800.1 (-) 1967/111, Akz. 1.013.1, File no. 119.

<sup>236</sup> Memorandum for Pierre Bonna (EPD), October 28, 1943, FA E 2001 (D) 1968/74, vol. 3.

<sup>237</sup> See short biographies in appendix.

<sup>238</sup> Letter from Saly Mayer to the EPD, November 18, 1943, FA E 2001 (E) 1, vol. 387.

<sup>239</sup> Letter of December 3, 1943, FA E 2001 (E) 1, vol. 387.

«We do recognize that the American Jewish Joint Distribution Committee has provided considerable support to Jewish refugees in Switzerland and that Swiss Jewry is definitely dependent on the support of the American [Jewish] Joint Distribution Committee.»<sup>240</sup>

His reply shows a telling change in attitude, since in August of the same year he had absolutely refused any dollar conversion on behalf of the AJJDC.<sup>241</sup> A memorandum by Robert Kohli indicates the change in the EPD's attitude towards the AJJDC:

«On the basis of this approval, the National Bank has informed us that this organization carries out operations with securities in order to circumvent the «Gentlemen's Agreement». Since we are dealing with considerable sums, these fake transactions were one reason for the weak dollar exchange rate. In order to prevent such operations in the future and since the approved amount was small, a new round of discussions with the American Joint began.»<sup>242</sup>

The gentlemen's agreement of September 1941 was concluded between the Swiss Bankers Association, representing the commercial banks, and the SNB. In order to prevent an increase in the exchange rate of the Swiss franc, accompanied by a weakening of the dollar, the banks promised to «stay within an exchange rate which was not to fall below 4.23 francs».<sup>243</sup> This agreement quickly resulted in a parallel market, where the dollar was sold at a much lower rate. In this way the AJJDC, among others, was able to acquire Swiss francs, especially on the New York market.<sup>244</sup> Later, Switzerland was willing to convert higher sums, as a letter from April 1944 to the Swiss minister in Washington shows, in which the sum of \$300,000 per month is mentioned.<sup>245</sup>

Likewise in the United States, changes liberalizing licensing policy for relief organizations took place. In December 1943, the Treasury Department authorized them to transfer funds to Europe because their work on enemy territory did not benefit the Axis, and assistance for refugees in Europe was critical.<sup>246</sup>

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<sup>240</sup> Letter from H. Rothmund to the Legal and Private Interests Abroad Section of the EPD, December 22, 1943, FA E 4800.1 (-) 1967/111, Akz. 1.013.1, file no. 119.

<sup>241</sup> «Mr. Rothmund ... strictly rejects the dollar conversion to benefit the committee mentioned. It is completely out of the question.» (orig. German), Memorandum from Willi Reichenau of the Legal and Private Interests Abroad Section, «\$-Übernahme z.G. des Joint Distribution Committee (Herr Sally [sic] Mayer, St. Gallen; Jüdische Flüchtlingshilfe)», August 17, 1943, FA E 2001 (E) 1, vol. 387. See also Picard, Schweiz, 1994, p. 384.

<sup>242</sup> Notiz für Herrn Kohli. Dollarübernahme zugunsten des American Joint Distribution Committee, St. Gallen (Saly Mayer), April 1, 1944, FA E 2001 (E) 1, vol. 387.

<sup>243</sup> ICE, Switzerland, 1998, p. 143.

<sup>244</sup> R. Kohli stated in a letter to the Federal Finance Administration of April 27, 1944, that «At this time (January 1944), the first negotiations between the Treasury Department and the Swiss Legation in Washington were taking place about the amount of francs for American diplomatic purposes, resulting in a substantial improvement in relations between Switzerland and the United States. Therefore, accepting dollars in favor of the American Joint Distribution (sic) can no longer be only a gesture, as originally planned, but a clear solution must be found, especially in order to counter massive purchases of francs by this organization on the New York market.» (orig. German), FA E 2001 (E) 1, vol. 387.

<sup>245</sup> Letter of April 24, 1944, FA E 2001 (E) 2, vol. 647. For gold purchases from the Allies, see ICE, Switzerland, 1998, pp. 137f.

<sup>246</sup> National Archives II, 1997, College Park, Accession/Entry # 66A816, Box 47, file: FFC History, p. 109.

## 5.5 Property Measures relating to Emigrants and Refugees

In order to reduce, or even entirely avoid, refugees becoming a burden on public finances, the authorities adopted legal measures that had consequences for the property of refugees and limited the refugees' rights of disposal and control of their own property. These measures included the deposit of collateral or bond to pay for the EJPD's administration of refugee assets and the raising of a special tax paid by refugees, known as the so-called «solidarity tax». Both of these measures were approved during the war and were seen as emergency legal measures based on the «plenary powers» decree (*Vollmachtenbeschluss*) of August 30, 1939.<sup>247</sup> Moreover, at the end of the war, refugees' assets were also affected when the embargo against German assets was put into effect in an attempt to block Nazi flight capital. The following sections will present the legal and political context as well as the consequences of these measures on the refugees.

### 5.5.1 Collateral (*Kautionen*)

In public law, collateral is understood as putting up valuables as security for the subsequent fulfillment of a public and legal obligation. For official authorizations, collateral serves to secure any outstanding costs or damage claims.<sup>248</sup> Collateral was already standard in the nineteenth century, when the cantons had decided their own foreign policy. Whoever wanted to stay or reside in a canton was required either to deposit his native country's identification papers or put up collateral. By doing so, the cantons wanted to protect themselves from the consequences of statelessness or the impoverishment of foreigners in their canton. Impoverished foreigners residing in the respective cantons were either returned to their native countries, or the canton and the community would fall back on the collateral if return was impossible because of invalid documents.<sup>249</sup>

Against this background, the Federal Law on the Residence and Settlement of Foreigners of March 26, 1931 (hereafter, ANAG) established that foreigners without proper papers would only be permitted to receive temporary residence permits (so-called tolerance permits) if they deposited collateral or another form of guarantee.<sup>250</sup> The cantons had jurisdiction for granting tolerance permits. They could substantially decide who would obtain such permits, subject to approval of the EJPD which was necessary especially when refugees sought employment. In this way the cantons had enormous discretion in shaping refugee policy until the war began. Refugees who had received such a tolerance permit from a canton by putting up collateral,

<sup>247</sup> On the legal background in general, see Kälin, Gutachten, 1999, esp. part 2, BIII, 2–3.

<sup>248</sup> Metzger, Wörterbuch, 1996, p. 318.

<sup>249</sup> See, for example, «Gesetz betreffend die Verhältnisse der Aufenthalter und Niedergelassenen» (law regarding the relationship between residents and settlers), June 27, 1866, Amtsblatt des Kantons Thurgau, 1866, no. 55.

<sup>250</sup> BB1 1931 I, p. 426 (ANAG, Art. 5, Art. 7) On ANAG, see also chapter 1.4. Neither the Federal Council's implementation order nor the EJPD instructions define the criteria for setting the amount of collateral for residency. FA E 4300 (B) -/1, vol. 6.

were considered emigrants under the Federal Council decree of October 17, 1939.<sup>251</sup> Since there were very few general, binding legal rules, various practices developed in the cantons for granting tolerance permits, in addition the requirements for guarantees varied, as did the administration of such collaterals. Nevertheless, these diverse practices were basically similar.<sup>252</sup>

A savings account or securities could be put up as so-called real collateral. A promise to pay by a bank or a third person was also accepted. Real collateral as well as a considerably higher sum in a bank guarantee for securing private debts were sometimes also required.<sup>253</sup> The amount of collateral varied considerably, for example, immigrants without means could expect to pay their collateral in monthly installments of ten to twenty francs;<sup>254</sup> at the same time, a family of five entering from France at the end of 1943 would be required to put up 30,000 francs as collateral.<sup>255</sup> The administration of collateral was carried out primarily by cantonal banks. However, this could also be taken over by the cantons' comptroller or the cantonal Police for Foreigners. Fees were assessed for the administration of collateral: In the canton of Bern, they stood at 0.5 percent, whereas in the canton of Vaud, they were set at 1.5 percent of the value of the collateral. With the return of collateral, ten francs were deducted as a processing fee.<sup>256</sup> When one moved to a different canton, the collateral was transferred to the new canton of residency, as long as the first canton gave no guarantee of accepting the person in question again at any time. Following the lifting of collateral because of departure, death, or replacement of a tolerance permit by a residence permit, all appropriate officials were canvassed (e.g. tax administration) to inquire whether there were any outstanding claims. Only after the settlement of these claims was the remainder of the collateral returned.<sup>257</sup>

It was arguable when collateral could be touched. Since most cantons restricted its use to expenses in the public sphere and since emigrants paid for their subsistence themselves or from private aid, collateral was usually left untouched until it was lifted. The canton of Vaud used collateral in disregard of the law, which clearly distinguished between private and public claims, and they used it to pay emigrants' personal debts.<sup>258</sup> In other cases it was possible to circumvent this distinction: The canton of Basel-Stadt, for example, went after the collateral

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<sup>251</sup> See chapter 1.4.

<sup>252</sup> «Notiz für Herrn Dr. Heinz Meyer» (Memorandum to Dr. Heinz Meyer), refugee section, June 18, 1949, FA E 4260 (C) 1974/34, vol. 118.

<sup>253</sup> Internal report from Jezler to Schürch, August 21, 1951, FA E 4260 (C) 1974/34, vol. 118.

<sup>254</sup> In the canton of Schwyz, the minimum was 20 SFr.; in the canton of Vaud, 10 SFr.. See Polizeikommando Schwyz to Federal Police for Foreigners, September 7, 1944, FA E 4300 (B) 1971/4, B.18.4, as well as Lasserre, Mandat, 1998, p. 5.

<sup>255</sup> «Notiz für Herrn Dr. Brunner» (Memorandum to Dr. Brunner), March 6, 1947 (signed Guggi), FA E 4300 (B) 1971/4, B.18.4.

<sup>256</sup> «Bericht an die Polizeiabteilung zum Begehren Aargau auf Erhöhung der Liquidationsgebühr auf Kauttionen» (Report to the Police Division at the request of Aargau concerning increase in liquidation fees for collateral), July 2, 1942, FA E 4300 (B) 1971/4, B.18.4.

<sup>257</sup> «Notiz für Herrn Dr. Heinz Meyer», refugee section, June 18, 1949, FA E 4260 (C), 1974/34, vol. 118.

<sup>258</sup> «Notiz für Herrn Dr. Heinz Meyer», refugee section, June 18, 1949, FA E 4260 (C), 1974/34, vol. 118.

that a man had deposited when the latter refused to pay, or was unable to pay, for two refugee children's stay in a sanatorium. The cantonal Police for Foreigners paid the amount due to the sanatorium and seized the collateral.<sup>259</sup>

After the war, many questions arose: Should collateral put up by former German Jews who no longer wanted to accept German citizenship and were thus stateless, be kept? Could the Confederation, who meanwhile had financially supported destitute refugees, be able to use collateral held by the cantons? Did stateless refugees who had been given permanent asylum have to put up collateral afterwards? For these questions, there were significant differences in legal interpretation and practice in each canton.<sup>260</sup> The EJPD was skeptical about the cantonal practice of granting tolerance permits. In a circular letter from May 3, 1940, it requested that the cantons require neither collateral nor fees from impoverished refugees in need of support.<sup>261</sup> However, this request met with little success. To be sure, some cantons required only very small payments from destitute refugees already in Switzerland. Moreover, posting collateral was a way to make it impossible for those of lesser means to seek legal refuge in Switzerland, whereas refugees who were well to do were welcome as potential taxpayers in communities and cantons. The community of Ingenbohl in the canton Schwyz serves as an example. After conferring with the cantonal Police for Foreigners on July 18, 1940, the community declared that it was ready to accept a Jewish family of three from Germany, provided that they were in possession of valid German emigration papers and had permission to enter the United States. In addition, they had to put up collateral of 15,000 francs with the canton's finance department, produce a guarantee to the Schwyz cantonal bank that they had resources of at least 15,000 francs and, finally, place 750 francs in escrow for tax officials.<sup>262</sup>

It was legally problematical how officials responded to the consequences of the German occupation of Poland and the denaturalization of German Jews living abroad. In the fall of 1939, the canton of Zurich began to review the papers of Polish residents and replaced many of their residency and domicile permits with limited (tolerance) permits. Later, the papers were brought into some order and the policy stopped, resulting in unequal treatment, to which a Zurich lawyer objected in September 1943. He explained that the Poles were fully prepared to maintain their collateral, if their domicile permits would be reissued. They were less concerned about the money that they had to deposit than with the disadvantages connected with tolerance

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<sup>259</sup> «Notiz für Herrn Dr. Brunner», March 6, 1947, (signed Güggi), FA E 4300 (B) 1971/4, B.18.4.

<sup>260</sup> «Bericht zur Frage der Heranziehung kantonaler Kauttionen für Unterhaltskosten ... sowie zur Frage der auf der Schweizerischen Volksbank liegenden Konti im Verhältnis zu öffentlich-rechtlichen Forderungen der Kantone, 24. Mai 1949» (Report on the question of cantons' using collateral for living costs ... as well as the question of accounts in the Swiss Volksbank in relationship to public legal claims made by the cantons), May 24, 1949; «Notiz für Herrn Dr. Heinz Meyer», June 18, 1949; Internal report from Meyer to Schürch, June 22, 1949; FA E 4260 (C) 1974/34, vol. 118. Swiss Police for Foreigners to H. Buck, April 9, 1947, FA E 4300 (B) 1971/4, B.18.4.

<sup>261</sup> Ludwig, Flüchtlingspolitik, 1957, p. 181.

<sup>262</sup> Municipal council of Ingenbohl to Landammann (cantonal president) J. Bösch, July 18, 1940, FA E 4300 (B) 1971/4, B.18.4.

permits, as for example, in securing rations and in the labor market.<sup>263</sup> German Jews residing in Switzerland also experienced discrimination when the EJPD recognized the Eleventh Decree to the Reich Citizenship Law of November 15, 1941 and revoked their domicile permits.<sup>264</sup> The consistency of individual cantons implementing this measure and the amounts they requested as collateral for granting tolerance permits should be the subject of future research.

In addition to the collateral deposited with the cantons for a tolerance permit, there also existed a so-called entry collateral. This sum had to be deposited as security with Swiss diplomatic representations abroad before an entrance visa would be issued, and was designed to encourage the person travelling to Switzerland to return to his land of origin after his visa had expired. Furthermore, similar to collateral posted in cantons, entry collateral was to guarantee all public legal claims during a stop or visit in Switzerland. From 1935 to 1938, the Swiss Legation in Berlin collected a total of 416 such entry security deposits totalling 683,800 *Reichsmarks*. An additional 144 collateral entry security deposits amounting to almost 180,000 *Reichsmarks* were posted with Swiss consulates in Germany.<sup>265</sup> After late 1937, the Legation accepted payment of collateral only after submission of a foreign exchange license, otherwise – because of restrictions on foreign currency exchange – the collateral was of little value to Switzerland.

After 1939, collateral was no longer accepted. In the opinion of Swiss envoy Hans Frölicher, collateral had lost its purpose: For most persons, it didn't matter that they had to leave a few additional marks as collateral after they had already paid a confiscatory property tax of nearly 94 percent on their assets. For that reason, Frölicher suggested:

«In the future, collateral should be raised from the refugee's relatives living in Switzerland. Then not only Swiss officials, but also the person who has paid collateral in Switzerland, would have an interest in the prompt exit of the person for whom the collateral was posted.»<sup>266</sup>

According to Frölicher, all but six of 416 collateral deposits in Berlin had been paid back because the person who had posted the collateral left Switzerland within the prescribed period. In June 1939, the Foreign Affairs Division concluded that collateral deposits left as security abroad for those who did not return to their home country, were therefore mostly lost to the refugees and became the property of the Confederation. If the refugee

«remains in Switzerland in violation of the conditions of his stay, the collateral should be added to our representatives' working funds, whereas if he goes to another country, he will rarely be able to use it on behalf of relatives or friends, or to pay debts in his country of origin, since he would certainly not be able to get it transferred through clearing with Switzerland – except possibly to pay debts in

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<sup>263</sup> E. Rubinstein to the Police Division of EJPD, September 20, 1943, FA E 4300 (B) 1971/4, B.18.4.

<sup>264</sup> See Kälin, Gutachten, 1999, part 2, BII, 3e.

<sup>265</sup> The clearing exchange rate after 1936, that is after the devaluation of the franc, was: 100 RM = 175 SFr.

<sup>266</sup> Swiss Legation in Germany (Frölicher) to the Foreign Affairs Division, July 13, 1939, FA E 2001 (D) -/2, vol. 277.

Switzerland – since he would no longer be located in Switzerland when his collateral could be returned to him.»<sup>267</sup>

As an example of how some cantons attempted to keep refugees far from their territory through inordinately high collateral requirements, Carl Ludwig proposes the canton of Thurgau, which, incidentally, he did not mention by name. In 1941, this canton demanded 467,981.50 francs as collateral for 142 tolerance permits, an average, therefore, of 3,225 francs per permit.<sup>268</sup> André Lasserre has already indicated that the average sum reveals less than the classification of collateral by size. Thus the canton of Vaud granted a total of 653 tolerance permits and 1.95 million francs were deposited as security. However, only 395 permits were issued against collateral, and one-fifth of these deposits were between 10,000 and 50,000 francs.<sup>269</sup> In contrast to the cantons of Vaud and Thurgau, the annual report and account statements for the cantons of Zurich, Basel-Stadt and Geneva, which we consulted, provide no information about the total amount of collateral deposits posted. In order to make reliable statements about the amounts, function, and whereabouts of collateral deposits, comprehensive consecutive investigations are necessary, as André Lasserre is now directing in the canton of Vaud.

During the police directors' conference of February 8, 1943, when a common procedure between Confederation and cantons was sought, Federal Councillor von Steiger opposed the intention of various cantons to consign impoverished refugees to the Confederation while giving temporary cantonal tolerance permits to the financially strong. One of the reasons for the Federal Council decree on the Housing of Refugees on March 13, 1943 was that cantonal procedures for granting temporary tolerance permits took too long from the perspective of federal officials, since the latter wished to shorten the time that refugees stayed in reception camps.<sup>270</sup> Under this Federal Council decree, all refugees who had entered illegally after August 1, 1942 were interned and placed under federal jurisdiction. Thereafter, tolerance permits and collateral deposits granted by the cantons became obsolete. Federal officials adopted new measures placing all refugee assets under EJPD administration to secure outstanding public legal claims.

### 5.5.2 Mandatory deposit of currency and valuables

The Federal Council decree of March 12, 1943 placed all refugee assets under the control of the Confederation. Currency and valuables were to be taken from refugees and placed under trusteeship administration.<sup>271</sup> This decree retroactively created a legal basis for a practice that

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<sup>267</sup> Head of Foreign Affairs Division (signed Feldscher) to the Federal Police for Foreigners, June 8, 1939, FA E 2001 (D) -/2, vol. 277.

<sup>268</sup> Ludwig, *Flüchtlingpolitik*, 1957, p. 214.

<sup>269</sup> Lasserre, *Mandat*, 1998, p. 9.

<sup>270</sup> Minutes of police directors' conference, February 8, 1943, FA E 4001 (C)-/1, vol. 259.

<sup>271</sup> «Bundesratsbeschluss über die Unterbringung von Flüchtlingen» (Federal Council Decree re: the housing of refugees) of March 12, 1943, Art. 8, AS 1943, pp. 205–207: «Currency and valuables, which the refugee possesses in Switzerland

had long been adopted in the reception camps.<sup>272</sup> Thus, refugees could no longer manage their own assets without approval by police authorities.

### *The mandate of the Swiss Volksbank*

The Swiss Volksbank (*Schweizerische Volksbank*, SVB) was commissioned to administer the trusteeship for refugee assets.<sup>273</sup> The SVB administered refugee assets in its Bern headquarters, and notified its branches to accept currency and valuables from refugees, issue a receipt, and then transfer them to the main office in Bern.<sup>274</sup> A special current account was opened for refugees and a custodianship account established for valuables. Foreign currency had to be converted at the current exchange rate into Swiss francs at the latest three working days after the funds had been transferred. They would then be credited to the refugees account. However, the Police Division determined how much the refugees could receive.<sup>275</sup> Pension costs were either debited to the account monthly or reimbursed when the assets were returned; the refugees received what was left over on their departure from Switzerland.<sup>276</sup> Adults were charged 3 to 3.5 francs per day in the reception camps; children were charged 2.20 to 2.70 francs.<sup>277</sup> Only well-to-do refugees in military reception camps received twenty francs per

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or receives in Switzerland from abroad are to be placed under the administration of a trustee appointed by the Federal Department of Justice and Police. The resources of a refugee are, primarily, as security against all public legal claims, to cover his living costs as well as those of his spouse, children, parents, and siblings; they are to be put aside is to cover transit. The Police Division has the right to request that the trustee's office freeze an amount adequate to pay for these public legal claims against the refugee. The trusteeship administration is to convert all foreign currencies into Swiss francs at the current rate of exchange. The Police Division may sell jewelry, precious gems, and other valuables as needed to cover public legal claims and housing. Regulations of war economy measures are reserved.»

<sup>272</sup> «Richtlinien über die Behandlung der Flüchtlinge» (Guidelines on the treatment of refugees), October 13, 1942, FA E 4260 (C) 1974/24, vol. 114; Robert Jezler, Police Division to field post no. 5397, December 4, 1942, FA E 4260 (C) 1974/24, vol. 77; Ter. Insp. 4.A.K., Major Baumgartner, to the EJPD re: refugee monies and jewels, December 5, 1942, FA E 4260 (C) 1974/24, vol. 77; Schürch, Flüchtlingswesen, 1951, p. 143.

<sup>273</sup> «Vereinbarung zwischen der Schweizerischen Volksbank ... und der Polizeiabteilung des Eidg. Justiz und Polizeidepartementes» (Agreement between the Swiss Volksbank ... and the Police Division of the EDJP), May 18, 1943. FA E 4260 (C) 1974/34, vol. 85. The Swiss National Bank informed Robert Jezler that it was not suitable to assume this management. Jezler pointed out to Federal Councillor von Steiger that only a much larger banking institution would be appropriate. He feared that the refugees could demand repayment if the bank designated by the Police Division ever fell into financial difficulties. Jezler to von Steiger, February 1, 1943, FA E 4260 (C) 1974/34, vol. 85. Von Steiger based his choice of the Swiss Volksbank on the fact that this bank had numerous branches throughout the country. Minutes of the governing board of the SVB, September 10, 1943, in Zentrales Firmenarchiv CSG, 41.102.201.302. Another factor in selecting the Volksbank was that none of the large banks had an interest in the mandate and that the Federal Council could require the Volksbank to handle this task because the Confederation had stabilized the bank at the beginning of the 1930s. On the SVB reorganization, see Bodmer, *Intervention*, 1948, pp. 68–81; Ehrensam, *Bankenkrise*, 1985, pp. 97–101. Halbeisen, *Bankenkrise*, 1998, pp. 61–79.

<sup>274</sup> Numerous transfer protocols are found in the Zentrales Firmenarchiv CSG: Record group (Bestand) SVB, Abteilung Flüchtlinge (Refugee Division).

<sup>275</sup> On July 7, 1943, the SVB suggested to the EJPD that the time stipulated for currency exchange be removed. This would avoid having to exchange currency at a bad rate of exchange because of the short time allotted. The EJPD was not ready to lift the time period completely but did, however, agree to extend the period to one week. On August 22, 1943, a revised agreement was concluded. «Vereinbarung zwischen der Schweizerischen Volksbank ... und der Polizeiabteilung des Eidg. Justiz und Polizeidepartementes», May 18, 1943, amended on August 22, 1944. FA E 4260 (C) 1974/34, vol. 85. On the release of frozen assets, see also chapter 5.4.

<sup>276</sup> Police Division to the territorial service of the Army command, July 20, 1944, Zentrales Firmenarchiv CSG, 46.102.201.

<sup>277</sup> Police Division to the territorial service of the Army command, July 20, 1944; EJPD to SVB, August 23, 1944, Zentrales Firmenarchiv CSG, 46.102.201.

month as pocket money.<sup>278</sup> The refugees' current accounts received no interest. As long as there was enough cash available to cover current expenses and public legal obligations, the refugees could transfer their money into a savings account or deposit it with the Swiss National Bank in the form of credits or bonds. The Police Division could order the sale of jewelry, gems, and valuables from the depositories to pay off public legal claims. At the request of all federal and cantonal officials, the bank was required to provide information about the status of a refugee's account. In his commentary on the agreement draft, Federal Councillor Eduard von Steiger stated:

«Refugees assets, whether large or small, do not belong to the Confederation, but to the refugee. One has to respect ownership, and that should be made obvious. There has to be a modicum of integrity in dealing with these financial matters. Since the majority involved are Jews, who are especially sensitive in financial matters, we have to proceed with special correctness.»<sup>279</sup>

Councillor Eduard von Steiger insisted on the duty to exercise scrupulous care in dealing with these assets, using the antisemitic stereotype that Jews were «especially sensitive» in financial matters. The Swiss Volksbank was prompted by other reasons to administer the accounts exactly. The management prepared instructions that stated:

«We must bear in mind that most of those seeking asylum are in a position to judge our business practices. In the future, this judgement will determine whether one or another of them will maintain a relationship with our bank. Therefore, as long as it is in our power, we must remain fair in all cases.»<sup>280</sup>

The amounts of cash that the refugees brought with them into Switzerland were relatively small. The balance in accounts opened before September 1943 averaged 230 francs.<sup>281</sup> The bank hoped, at least, to win customers for the future. However, various problems arose in the correct trusteeship administration of assets. In July 1943, the military leadership of various camps had not yet transferred all valuables to the bank and also, many of the accompanying documents were not complete.<sup>282</sup> The territorial command in Geneva, for example, sent assets to the bank without transfer documents.<sup>283</sup> Moreover, transfer documents that the EJPD had requested from the SVB for examination laid around for weeks at the EJPD.<sup>284</sup> In September

<sup>278</sup> The amount was later raised to 30 francs. «Vereinbarung zwischen der Schweizersischen Volksbank ... und der Polizeiabteilung des Eidg. Justiz und Polizeidepartementes», May 18, 1943, amended August 22, 1944. FA E 4260 (C) 1974/34, vol. 85. The administrators of the camps and homes were to see to it that the refugees used the money at their disposal «reasonably», for example, «for the urgent procurement of clothing, support for family members, etc.» (orig. German) EJPD, Central Administration of the Labor Camps, circular no. 156, February 1, 1944, Zentrales Firmenarchiv CSG, 46.102.201.

<sup>279</sup> Von Steiger to the Police Division, March 24, 1943, FA E 4260 (C) 1974/34, vol. 85.

<sup>280</sup> Service instructions from the management for the administration of refugees' assets, December 20, 1943, Zentrales Firmenarchiv CSG, 46.101.210.

<sup>281</sup> Minutes of a discussion between SVB, SBVg, and the refugee section of the Police Division, September 4, 1943, FA E 4260 (C) 1974/34, vol. 84.

<sup>282</sup> EJPD to the EMD, August 7, 1943; SVB to the EJPD, July 9, 1943. Zentrales Firmenarchiv CSG, 46.102.201. See also Schürch, Flüchtlingswesen, 1951, pp. 147–148.

<sup>283</sup> SVB to the EJPD, July 9, 1943; EJPD to the EMD, August 7, 1943, Zentrales Firmenarchiv CSG, 46.102.201.

<sup>284</sup> SVB to the EJPD, September 17, 1943, Zentrales Firmenarchiv CSG, 46.101.201. One year later – meanwhile the SVB was administering 6,400 accounts – various internal memoranda document the difficulty the bank was having locating the addresses of the refugees, whose data was sent by the Police Division in incomplete form. The SVB, nevertheless,

1943, the SVB found that the place of residence had not been reported on more than half of the refugees' accounts. In order to proceed more quickly with receiving and recording assets and valuables, the SVB sent employees to the camps at the request of the EJPD. The Volksbank figured that many of the refugees had brought valuable jewelry with them, and therefore, the bank instructed its employees to see that this was properly registered. The bank did not trust the competency of military officials in this regard.<sup>285</sup>

The administration of refugee accounts was unexpectedly expensive and far exceeded the Volksbank's expectations; it cost more than usual for managing these accounts.<sup>286</sup> The bank maintained correspondence not only with the account holder, but also with numerous offices and the directors of the camps about disbursement requests and pension charges. Account statements were sent not only to the refugees, but also to the Police Division at regular intervals.

Nevertheless, the Volksbank attempted to keep its costs under control. It proposed that refugees who had in previous years opened accounts with other Swiss banks now have those accounts transferred to the SVB:

«The assignment of serving as trustee for refugee monies, which we had not sought, has produced a lot of running around, effort, and work, and we can only be compensated for this if all deposits are transferred to us, except in certain cases.»<sup>287</sup>

The Police Division had already determined that certain refugee assets had not been deposited with the Volksbank.<sup>288</sup> Some refugees had already deposited the money with other Swiss banks before they fled to Switzerland. Because the Police Division suspected that considerable sums of assets had not been registered, Heinrich Rothmund requested in a letter to the Swiss Bankers Association (SBVg) that all financial institutions adhere to the Federal Council decree (BRB) of March 12, 1943 and instructed them to transfer all refugee assets to the SVB. In addition to that, banks were no longer to disburse money to refugees.<sup>289</sup> The SBVg considered

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decided to turn over the task of researching the refugees' whereabouts to the Police Division. The bank's view was expressed as follows: «The refugees who handed over their money or valuables at the border could see from the protocol that their things were being held by the Swiss Volksbank. It is, therefore, their problem and not ours on how they regain possession of the deposit and receipt certificates. It is not our task to search out these people.» (orig. German). Memorandum about refugees, July 31, 1944, Zentrales Firmenarchiv CSG, 46.102.201; accounting for refugee bookkeeping, June 26, 1944, Zentrales Firmenarchiv CSG, 46.102.201

<sup>285</sup> SVB to the EJPD, July 7, 1944, Zentrales Firmenarchiv CSG, 46.102.201. The SVB was reimbursed by the EJPD for this activity. The EJPD petitioned that the greater portion of these expenses be taken from the individual accounts. Heinrich Rothmund to the territorial service of the Army command, June 21, 1944; Heinrich Rothmund to the SVB, June 5, 1944, FA E 4260 (C) 1974/34, vol. 85.

<sup>286</sup> To process refugee accounts, the SVB paid a total of 158,000 francs in payroll; according to its balance sheet, the SVB calculated a deficit of 50,000 francs for 1943 and 1944. Report to the board of directors, February 27, 1945, Zentrales Firmenarchiv CSG, 46.102.202.

<sup>287</sup> SVB to the SBVg, September 13, 1943, Zentrales Firmenarchiv CSG, 46.102.201.

<sup>288</sup> Meyer, «Bericht über die Verwaltung der Geldmittel und Wertsachen der Flüchtlinge bei der Schweiz. Volksbank» (Report on the administration of refugees' currency and valuables at the Swiss Volksbank), July 22, 1943, FA E 4260 (C) 1974/34, vol. 85. Thereafter, a notice with the stipulations of the Federal Council decree of March 12, 1943 was pasted in the refugees' identity papers. Police Division flyer sent to all cantonal Police for Foreigners, August 13, 1943, FA E 4260 (C) 1974/34, vol. 85.

<sup>289</sup> Police Division to the Swiss Bankers Association, August 10, 1943. The SBVg replied with astonishment that it had not been consulted in conjunction with the Federal Council's decree, since the provisions would cause «many basic

it «unjustifiable interference in their established customer relationships», if banks were required to turn over to the SVB the assets of refugees who had been their customers before they had fled to Switzerland.<sup>290</sup> When the Bankers Association learned that refugees were being threatened with sanctions by officials if they did not transfer their money to the SVB, it sent the banks a circular letter:<sup>291</sup> Until a settlement is reached with the federal authorities, all pending actions should be put on hold and no transfers should be made. After contentious deliberations between the Volksbank, the Bankers Association, and the Police Division, it was finally agreed that «long-standing customers» would have the option of leaving their accounts with their respective banks. Long-term customers were defined as those persons who had connections to a Swiss bank prior to July 1, 1940.<sup>292</sup> These accounts, however, were also placed under the provisions of the Federal Council decree of March 12, 1943, and all banks were required to inform the SVB and EJPD of all assets and receipts, such as money transferred from relatives abroad.<sup>293</sup> The banks paid for the subsequent rise in administrative costs by increasing incidental and depository charges on refugee accounts by fifty percent.<sup>294</sup> Customers who could not prove a long-term relationship to their bank were to be instructed by their respective banks to transfer their assets to the Volksbank.<sup>295</sup> The Volksbank prepared many lists of refugees who, they had learned, had deposited their assets in other banks. They sent these lists to the Police Division with the request that they arrange the transfer of these assets to the SVB.<sup>296</sup>

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problems» (orig. German); it was later clear that this involved bank secrecy. SBVg to the Police Division, August 23, 1943. The Police Division explained that the National Bank had been consulted, but had apparently not informed the SVB. Police Division to SBVg, August 27, 1943. All documents in FA E 4260 (C) 1974/34, vol. 84.

<sup>290</sup> Minutes of discussion between the SVB, SBVg, and the refugee section of the Police Division, September 4, 1943, FA E 4260 (C) 1974/34, vol. 84.

<sup>291</sup> SBVg circular to all banks, no. 1015, September 11, 1943, Zentrales Firmenarchiv CSG, 46.101.202.

<sup>292</sup> The SBVg and the SVB agreed to the cutoff date, which they preferred to the date that war began, September 1, 1939, since only after the invasion of France was there a significant amount of capital dislocation to Switzerland. Minutes of meeting between the SBVg and the SVB, November 5, 1943, Zentrales Firmenarchiv CSG, 46.101.202.

<sup>293</sup> Circular to all banks, no. 1029, November 11, 1943, and no. 1055, February 10, 1944, FA E 4260 (C) 1974/34, vol. 84.

<sup>294</sup> Circular to all banks, no. 1055, February 10, 1944, FA E 4260 (C) 1974/34, vol. 84.

<sup>295</sup> Dr. Wegelin of the SVB pointed out to the SBVg that the Police Division was putting pressure on refugees and, if necessary, could issue a new BRB that would require all banks to report on the refugees (orig. German): «This expansion (a new and prejudiced violation of banking secrecy) should be avoided in the interest of the relationships of all the banks to the refugees.» Minutes of meeting between the SBVg and the SVB, November 5, 1943, Zentrales Firmenarchiv CSG, 46.101.202. The SVB sent these minutes as confidential to the Police Division. Letter accompanying the minutes by Vögeli, SVB, to Schürch, Police Division, November 9, 1943; as well as report from Schürch to Rothmund, November 11, 1943, FA E 4260 1974/34, vol. 84.

<sup>296</sup> SVB to the EJPD, October 27, 1944, FA E 4260 (C) 1974/34, vol. 84. This included the comment (orig. German): «We have mostly taken the names on this list from payment requests, which we passed along to other banks; some came from other sources.» The Police Division continually passed on to the SVB lists of refugee names who had accounts with other banks in order to learn if they had meanwhile opened an account with the SVB. See various documents in file N/40/5/3 «Unterhandlungen zwischen der Polizeidivision und der Schweizerischen Volksbank über die Verwaltung der Flüchtlingsvermögen» (negotiations between the Police Division and the Swiss Volksbank on the administration of refugee assets), FA E 4260 (C) 1974/34, vol. 84. In January 1945, the SVB stated that it would lose numerous deposit fees, because the Police Division did not support it and the other banks were uncooperative. It had discovered that 130 refugees had deposits with other banks. Memorandum to the attention of the board of directors of the SVB, January 24, 1945. General director Hadorn pointed out that further steps could lead to «difficulties» and it would not be worth insisting; it would be better to submit a request for compensation to the Confederation. Memorandum to the files, SVB, February 2, 1945, Zentrales Firmenarchiv CSG, 46.102.201.

Claims on valuable objects were also made by various sides. As early as October 1942, the War, Industry, and Labor offices of the EVD showed an interest in diamonds brought by Jewish refugees and in February 1943 proposed a «ban on the relocating of Jewish refugee valuables». It wanted to do an inventory of industrial diamonds and acquire them at fixed prices.<sup>297</sup> With the Federal Council decree of March 12, 1943, the audit of industrial diamonds stored in depositories became possible and was implemented.<sup>298</sup> The Association of Swiss Goldsmiths also applied to the EJPD, hoping to secure the rights to sell refugee gold jewelry held in the depositories. The EJPD rejected this request because the SVB, acting in the best interests of the EJPD and the refugees, was to consider all offers and take the best bid.<sup>299</sup> The Association of Swiss Goldsmiths was later afraid that the sale of «refugee jewels» would flood the Swiss market. The EJPD assured the Association that valuables would not be sold below market value.<sup>300</sup>

### *Consequences for the refugees*

Civilian refugees and other foreigners interned by the police were those affected by the administration of assets. Military internees, emigrants, and political refugees were not included.<sup>301</sup> However, the Police Division wanted to be informed about the assets that emigrants held in Volksbank accounts. They intended to inform cantonal officials and relief organizations that wanted to provide aid or collect collateral about the refugee's financial circumstances.<sup>302</sup> The Bank, nevertheless, wanted to treat emigrants, not required to follow the regulations of the March 13, 1943 Federal Decree, by observing normal business practices: «This means that they too are without question entitled to bank secrecy.»<sup>303</sup> The Police Division did not reply, since all emigrants were required under the Federal Council decree of October 17, 1939, to submit information about their financial circumstances.<sup>304</sup> In contrast, refugees were required to deposit all of their assets and valuables. Even if we are not aware of an incident in which a refugee was expelled for violating these rules, in the following case a refugee was threatened with imprisonment or expulsion.<sup>305</sup>

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<sup>297</sup> EVD to the police section on information and security in the army staff, February 24, 1943, FA E 4260 (C) 1974/34, vol. 84.

<sup>298</sup> Memorandum to the files SVB, June 16, 1943; EVD to the SVB, June 16, 1943, Zentrales Firmenarchiv CSG, 46.101.202.

<sup>299</sup> EJPD to the Association of Swiss Goldsmiths, May 19, 1943, Zentrales Firmenarchiv CSG, 46.102.201.

<sup>300</sup> EJPD to the Association of Swiss Goldsmiths, July 5, 1943, Zentrales Firmenarchiv CSG, 46.102.202.

<sup>301</sup> The Federal Council Decree of March 12, 1943 specified the obligation of depositing assets only for those refugees who had entered after August 1, 1942. The Police Division could impose the requirement to deposit on other interned foreigners. Police Division to the Swiss Bankers Association, June 3, 1944, FA E 4260 (C) 1974/34, vol. 84. Political refugees were under the jurisdiction of the federal prosecutor's office, which also decided what amounts these refugees could access.

<sup>302</sup> EJPD to SVB, September 5, 1944, Zentrales Firmenarchiv CSG, 46.102.202.

<sup>303</sup> SVB to the Police for Foreigners, September 12, 1944, FA E 4260 (C) 1974/34, vol. 85 (orig. German).

<sup>304</sup> Note in margin by SVB to the Police for Foreigners, September 12, 1944, FA E 4260 (C) 1974/34, vol. 85.

<sup>305</sup> Circular by the Police Division to the cantonal officials of the Police for Foreigners, August 13, 1943, FA E 4260 (C) 1974/34, vol. 85. The Polish refugee Abe L. was denounced for hiding a considerable sum of money in order to participate in foreign exchange transactions. The Police Division demanded that he turn over all his assets or face

On September 27, 1942, Sybille F. and her son fled from France to Switzerland. She spent several months in an internment home and in May 1943 was assigned a free place in Zurich because she was unable to work because of her health.<sup>306</sup> She received regular remittances from her brother-in-law in the United States, and thus made no claims for support to relief agencies or welfare authorities. In June 1944, a sum of 329 francs was credited to her account with the Volksbank.<sup>307</sup> She tried to have these funds released to pay her rent and to purchase medicine that she urgently needed, as she had had no cash at her disposal since March.<sup>308</sup> The Police Division demanded that she hand over her documents and that she name the bank from which she had been receiving monthly transfers from the United States.<sup>309</sup> Sybille F. handed in all her documents and receipts: room and board payments of 160 francs per month, physician's bills, receipts for medication, a receipt for a pair of shoes costing 25 francs, an invoice for orthopedic inserts, and the monthly notification from the *Schwerische Bankgesellschaft* about the monthly transfers that Sybille F. had received from her brother-in-law in the United States.<sup>310</sup> The Police Division informed her that she had repeatedly violated the Federal Council decree of March 12, 1943, which could result in disciplinary measures. They claimed that she had accepted currency and spent cash without the Police Division's permission. The Police Division paid 25 francs to the shoe company for inserts, and warned her not to spend any money in the future without their permission. They did not transfer the money that she needed urgently for medicine.<sup>311</sup> Then her landlord in Zurich also turned to the authorities, requesting that the Police Division make money available from Sybille F.'s bank account since she had not paid rent for three months.<sup>312</sup> Only on September 14, 1944 did the Police Division finally approve payment of 150 francs per month to Sybille F. to cover her living expenses.<sup>313</sup> However, this did not go very far since the cost of the apartment alone was 160 francs per month. An attorney attempted to obtain a one-time payment of 58 dollars to cover costs.<sup>314</sup> The Political Department, which decided matters relating to the conversion of dollars, rejected the request claiming that Sybille F. could pay her rent in installments. Furthermore, it confidentially informed the Police Division that «we have heard that Frau F. has said she

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deportation. Anonymous letter to the ZL (headquarters) of the work camps, October 4, 1943; Orders to Fehlmann, October 7, 1943; Police Division to director of work camp for internees in Bonstetten, October 12, 1943, FA E 4264 (-) 1985/196, vol. 220.

<sup>306</sup> EJPD to SZF, March 31, 1943, FA E 4264 (-) 1985/196, vol. 331.

<sup>307</sup> VSJF to Sybille F., July 14, 1944, FA E 4264 (-) 1985/196, vol. 331.

<sup>308</sup> Sybille F. to the EJPD, July 2, 1944, FA E 4264 (-) 1985/196, vol. 331.

<sup>309</sup> EJPD to Sybille F., July 6 and 17, 1944, FA E 4264 (-) 1985/196, vol. 331. Simultaneously, the Police Division ordered that she reimburse the VSJF with 100 francs that they had advanced from her account at the SVB. EJPD to VSJF, July 22, 1944, FA E 4264 (-) 1985/196, vol. 331.

<sup>310</sup> Attached to Sybille F.'s letter to the EJPD, July 19, 1944, FA E 4264 (-) 1985/196, vol. 331.

<sup>311</sup> Police Division to Sybille F., July 26, 1944, FA E 4264 (-) 1985/196, vol. 331.

<sup>312</sup> Mrs. K. to the VSJF, July 27, 1944; VSJF to the Police Division, July 31, 1944, FA E 4264 (-) 1985/196, vol. 331. On the «free place» program, see chap. 2.3.

<sup>313</sup> EJPD to Sybille F., September 14, 1944, FA E 4264 (-) 1985/196, vol. 331.

<sup>314</sup> Max Indermaur to the EJPD, October 3, 1944, FA E 4264 (-) 1985/196, vol. 331.

intends to use her financial means for speculative purchases of foreign banknotes». <sup>315</sup> Nevertheless, the Police Division decided to raise the monthly installments to 300 francs for a three month period, but at the same time emphasized that because of the EPD's suspicions, it would exercise a «certain caution» towards her in the future. <sup>316</sup> Finally, at the beginning of November 1945, Sybille F. departed for France. <sup>317</sup> The Police Division wrote to her in Paris in August 1946, that it had the dollar balance remaining in her Volksbank account transferred to the sender in the United States. <sup>318</sup>

This example shows how strictly the Police Division controlled refugee assets. For the most part, it made available only those funds that were absolutely necessary. Apparently, in the case of Sybille F., this did not include medicine. There was no parity between the extended administrative efforts and the disbursements: The list of letters, telephone conversations, and meetings that Frau F.'s attorney had with the Police Division alone fills four pages. <sup>319</sup> Sybille F., who had neither sought public welfare nor the assistance of relief agencies, feared the she would be threatened with expulsion because she had received money from her brother-in-law in the United States without informing the officials.

In addition to sums of money, valuables were also deposited with the Volksbank, which the Police Division could sell as it deemed necessary. The refugees were permitted to keep cameras, wool blankets, shoes, clothing, bicycles, mattresses, razors, and canned goods. <sup>320</sup> All other valuables had to be handed over. This was problematical since among these valuable objects were heirlooms such as family jewelry, which held great symbolic value to the refugees. For this reason, Ester M. deposited jewelry for her daughter with the Volksbank. The child was separated from her mother and placed in the care of a foster family. The bank turned over a pair of earrings to the foster family without the mother's permission. In her complaint to the Volksbank, Ester M. wrote:

«I cannot understand that you have handed out my property without my personal authorization. After all, I am the mother of a minor child and thus have guardianship. You are surely aware of the situation I am in as a refugee. My husband along with the rest of my family has, unfortunately, been deported, and I alone together with my two children am alive; I have lost everything else that I owned. The one thing that I was able to save is a bit of jewelry that I deposited with you in my NAME. These items are mementos of my dear husband. Beyond this, I have no other earthly possessions.» <sup>321</sup>

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<sup>315</sup> EPD to the Police Division, October 5, 1944, FA E 4264 (-) 1985/196, vol. 331 (orig. German).

<sup>316</sup> Police Division to Sybille F., October 7, 1944; Police Division to Foreign Affairs Division, November 24, 1944, FA E 4264 (-) 1985/196, vol. 331. Sybille F. had already been denounced earlier. This gave the Zurich Police for Foreigners grounds to question her landlady. Frau K. promised the police to keep an eye on Sybille F. and to tell them immediately should Sybille F. attempt to marry a Swiss man in order to obtain Swiss citizenship. Protocol of interrogation by cantonal Police for Foreigners, November 15, 1943, FA E 4264 (-) 1985/196, vol. 331.

<sup>317</sup> Zurich police station to Zurich cantonal Police for Foreigners, May 26, 1946, FA E 4264 (-) 1985/196, vol. 331.

<sup>318</sup> Police Division to Sybille F., August 8, 1946, FA E 4264 (-) 1985/196, vol. 331.

<sup>319</sup> Account of Dr. Max Indermaur, September 1, 1945, FA E 4264 (-) 1985/196, vol. 331.

<sup>320</sup> Police Division to the Central Customs Administration, January 21, 1944, FA E 7160-08 (-) 1968/28, vol. 5.

<sup>321</sup> Esther M. to the SVB, March 18, 1945, Zentrales Firmenarchiv CSG, Refugee correspondence packet 25. See also Esther M., FA E 4264 (-) 1985/196, vol. 1110.

In a few cases, valuables disappeared from reception camps run by the military. Those who had things taken from them were compensated only in exceptional cases and received less than the value of the missing items.<sup>322</sup> Based on a list of the territorial command in Geneva, it can be proven that in at least ten instances, refugees who had had their money taken from them in the reception camps like everyone else, were moved out without getting their money back; the total of 203 francs was then transferred to the Volksbank.<sup>323</sup> Towards the end of the war, many refugees left Switzerland without demanding the return of their assets from the EJPD. In each instance, the EJPD instructed the Volksbank to close the accounts and to transfer the amounts to the Federal Treasury and Accounting Office.<sup>324</sup>

In the case of the refugee Reinhold B., who had fled to Switzerland in July 1943, the correspondence about the return of his modest deposits in Volksbank accounts lasted nearly 10 years after his return to Germany.<sup>325</sup> In December 1945, Reinhold B. was promised that when he left Switzerland, his jewelry – three wristwatches and a silver ring – would be returned to him at the border.<sup>326</sup> Because the exchange didn't take place, he later contacted the Police Division from Berlin.<sup>327</sup> In the meantime, the deposit fell under the regulations which had frozen German assets in Switzerland, and thus his assets could only be returned with permission of the Swiss Clearing Office.<sup>328</sup> The SVB informed him that «certain details lead us to believe that your jewelry, in our possession, is of French origin, and we request that you prove to us that you are the legal owner of this jewelry».<sup>329</sup> The next letter in this refugee's file is not until August 1953 when the Police Division informed Mr. B that the valuables could now be released and that meanwhile they had accrued deposit fees of 35 francs; the Police Division, of course, wanted to receive these fees directly.<sup>330</sup> Reinhold B. requested that the Police Division sell his jewelry and deliver the proceeds to him. He had meanwhile many expenses related to this deposit and even paid 30 francs in customs fees.<sup>331</sup> The Volksbank, however, decided that the jewelry was only worth about a hundred francs – because the pieces were

<sup>322</sup> Isaak C., FA E 4260 (C) 1974/34 vol. 85; FA E 4264 (-) 1985/196, vol. 1892.

<sup>323</sup> «Etat des dépôts de réfugiés restés en souffrance à l'Ar.Ter.GE» (State of Refugee Deposits being held up at the Geneva Military Territorial Command), undated, FA 4264 (-) 1985/196, vol. 349; see chapter 4.3.

<sup>324</sup> For example, Bernhard A., FA E 4264 (-) 1985/196, vol. 308; Paolo B., FA E 4264 (-) 1985/196, vol. 1574; Siegbert D., FA E 4264 (C) 1985/196, vol. 376.

<sup>325</sup> Reinhold B. had deserted the auxiliary German customs service. Interrogation protocol of Reinhold B. by Ar.Ter.GE, August 9, 1943, FA E 4264 (-) 1985/196, vol. 1056.

<sup>326</sup> Reinhold B. to W. Schönemann, June 26, 1946, FA E 4264 (-) 1985/196, vol. 1056.

<sup>327</sup> The Police Division promised to forward the request for return of the valuables to the Federal Commissioner on Internment, under whose authority he had been as a former military internee. Police Division to Reinhold B., May 22, 1946; Reinhold B. to the Police Division, August 23, 1946, FA E 4264 (-) 1985/196, vol. 1056.

<sup>328</sup> SVB to Reinhold B., June 14, 1946; Police Division to Reinhold B., September 21, 1946, FA E 4264 (-) 1985/196, vol. 1056. On the freezing of German assets, see chapter 5.5.4.

<sup>329</sup> SVB to Reinhold B., June 14, 1946, FA E 4264 (-) 1985/196, vol. 1056.

<sup>330</sup> Police Division to Reinhold B., August 12, 1953, FA E 4264 (-) 1985/196, vol. 1056. The letter was, of course, returned. The Police Division then located Reinhold B. through the Swiss delegation in Berlin. Police Division to Swiss delegation Berlin, September 8, 1953, FA E 4264 (-) 1985/196, vol. 1056.

<sup>331</sup> Swiss delegation Berlin to the Police Division, March 30, 1954, FA E 4264 (-) 1985/196, vol. 1056.

meanwhile considered «old-fashioned» and hardly saleable.<sup>332</sup> Reinhold B. then donated the jewelry to the Caritas Association.<sup>333</sup> Thus after ten years, this correspondence about some jewelry worth about 100 francs was closed; the deposit fees totalled approximately one-third of the jewelry's value.

But safety deposit boxes generated more than high administrative costs. In the case of Gerda Sigall,<sup>334</sup> the embargo on her assets had grave consequences. After the incorporation of Austria in 1938, the Jewish woman fled to France. In September 1942, she fled to Switzerland. At that time, her father was interned in the French camp Rivesaltes. In the reception camp Aeugstertal, territorial command 4 took Mrs. Sigall's jewelry.<sup>335</sup> Her lawyer tried to get an entry permit for her father. Because he was told that an entry permit could only be obtained against collateral, he turned to the territorial command and requested that the depository containing Gerde Sigall's jewelry be released, so that collateral could be posted. The military police inspector (*Kriegskommissär*) for refugee affairs attached to the 4<sup>th</sup> army corps, Major Baumgartner, based his rejection of this request on December 12, 1942, as follows:

«We must remain by our decision that it out of the question at this time to release the jewelry deposited in Gerda Sigall's name. On the one hand, because we have not reached a definitive decision about the use of jewelry taken from the refugee,... on the other, because jewelry is rarely accepted as collateral. We request that you reexamine Dr. Sigall's request for entry and we would be grateful if you would communicate your decision to us.»<sup>336</sup>

The confiscation of refugee valuables had, at that time, no legal basis. This occurred only with the Federal Council decree of March 12, 1943. The Police Division communicated with the territorial commando on March 10, 1943 that the jewelry could not be used as collateral for tolerance, because it was set aside to pay for Mrs. Sigall's support and her later departure.<sup>337</sup> Mrs. Sigall was informed of the decision on March 12, 1943, the same day the Federal Council mandated the obligation to deposit valuables. Her father was denied entrance to Switzerland; he was deported from France to Auschwitz, where he was killed.<sup>338</sup>

### *Rescission of mandatory deposit of assets (1947)*

With the decree of March 7, 1947, the Federal Council rescinded the management of refugee property. Of the 1,650 accounts that still existed at the SVB on March 1, 1947, 1,000 accounts with small deposits were dormant and/or heirless.<sup>339</sup> These accounts were liquidated and the total sum deposited into the «deposit account for internees» at the Swiss Treasury and

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<sup>332</sup> Police Division to Swiss delegation in Berlin, April 9, 1954, FA E 4264 (-) 1985/196, vol. 1056.

<sup>333</sup> Swiss delegation Berlin to Police Division, April 27, 1954, FA E 4264 (-) 1985/196, vol. 1056.

<sup>334</sup> Her name is known through the publication by Brusto, *Rettingsboot*, 1967. Motek Brustowiecki, alias Max Brusto, was Gerda Sigall's husband.

<sup>335</sup> From Ter(ritorial) Insp(ection) 4. Army corps to EJPD, December 12, 1942, FA E 4264 (-) 1985/196, vol. 354.

<sup>336</sup> Ter. Insp. 4 A.K. to EJPD, December 12, 1942, FA E 4264 (-) 1985/196, vol. 354.

<sup>337</sup> Police Division to Ter. Insp. 4A.K., March 10, 1943, FA E 4264 (-) 1985/196, vol. 354.

<sup>338</sup> Brusto, *Rettingsboot*, 1967, p. 133.

<sup>339</sup> Compilation of accounts and deposits in the Swiss Volksbank, FA E 4800.1 (-) 1967/111, Akz. 1.013.4, file 34.

Accounting Office.<sup>340</sup> Three hundred and forty (340) accounts were released and 175 remained as interest-bearing accounts.<sup>341</sup> These accounts involved the deposit of valuables in one hundred cases.<sup>342</sup>

If refugees were still in Switzerland in 1947, their deposits were returned to them in principle after the deduction of their internment costs.<sup>343</sup> Of course, many accounts were maintained to protect any legal claims and received the normal rate of interest. These blocked accounts served as a condition for work permits and were to be fed with direct deposits. There was, however, no legal basis for this, as is confirmed by an EJPD internal report.<sup>344</sup> It is not known whether individual refugees contested these deductions from their wages. The Police Division, however, was convinced that it needed to incorporate the measure even without a basis in law and saw no difficulty:

«If a refugee does not protest immediately against our order on deductions from wages, and permits the employer to make these deductions, thus implicitly concurring, he can only have access to these sums at the bank with the permission of the Police Division.»<sup>345</sup>

The SVB had no interest in continuing to administer small accounts and pressed for a solution. The Police Division, however, was unable to arrive at a decision on releasing these monies. Therefore, toward the end of the 1940s various cantons suggested that the accounts of former refugees, who had since received standard residency permits, be taken over by the SVB, converted into collateral, and built up with wage deductions.<sup>346</sup>

If refugees had already left Switzerland by 1947, public legal claims were deducted from their accounts and the remainder was transferred to the Swiss Treasury and Accounting Office.<sup>347</sup> In

<sup>340</sup> Federal Archives, Guido Koller, «Nachrichtenlose Konten und Depots von Flüchtlinge» (Refugees' dormant accounts and deposits), November 10, 1998, 452-09.13, p. 4.

<sup>341</sup> The SVB managed a few refugee accounts in cooperation with the police until 1961. Zentrales Firmenarchiv CSG, Report on Refugee holdings, draft on August 7, 1997, p. 8.

<sup>342</sup> Compilation of the accounts and deposits in the Swiss Volksbank, FA E 4800.1 (-) 1967/111, Akz. 1.013.4, file 34.

<sup>343</sup> Accounts that did not contain more than 300 SFr. were released to the refugees if they were housed privately or in homes at the Confederation's expense. Refugees who were housed privately at their own expense and whose accounts contained higher sums were charged for internment. Guidelines for the liquidation of refugee assets in the SVB in Bern, March 7, 1947, FA E 4800.1 (-) 1967/111, Akz. 1.013.4, file 34.

<sup>344</sup> The Federal Council Decree of March 7, 1947, Art. 9, claimed that «wealthy refugees could be assessed the costs of their internment» (orig. German). A similarly formulated clause is also found in the revised ANAG, Art. 14, para. 3. Salary withholdings were to cover legal claims; these sums would also balance outstanding taxes, fees, fines, and travel costs as well as finance the refugee's exit. There was no legal foundation for this utilization. See «Bericht zur Frage der Heranziehung kantonaler Kauttionen für Unterhaltskosten ... sowie zur Frage der auf der Schweizerischen Volksbank liegenden Konti im Verhältnis zu öffentlich-rechtlichen Forderungen der Kantone» (Report about the question of using cantonal collateral for living costs ... as well as the question of dormant accounts in the Swiss Volksbank in relationship to legal claims made by the cantons), May 24, 1949, FA E 4260 (C) 1974/34, vol. 118.

<sup>345</sup> «Bericht zur Frage der Heranziehung kantonaler Kauttionen für Unterhaltskosten ... sowie zur Frage der auf der Schweizerischen Volksbank liegenden Konti im Verhältnis zu öffentlich-rechtlich Forderungen der Kantone», May 24, 1949, FA E 4260 (C) 1974/34, vol. 118 (orig. German).

<sup>346</sup> In the case of the canton of Zurich, the EJPD sent the cantonal Police for Foreigners a list of 89 accounts that were still being managed by the SVB, but were supposed to be taken over by the canton and transferred into collateral. The collateral could then be used to cover legal claims of the town, canton, and Confederation. Police Division, EJPD to Zurich cantonal Police for Foreigners, June 20, 1949, FA E 4260 (C) 1974/34, vol. 118.

<sup>347</sup> Savings from work performed were to be transferred via the Federal Finance Administration (EFV), treasury and accounting office, to internee deposit accounts; other accounts were, if legal claims still existed, to be transferred to a

the following years, according to their own statements, the Police Division intensively searched for the owners of liquidated accounts and was able to return numerous assets. By the end of 1955, the amount in the «deposit account for internees» stood at 26,537.84 francs.<sup>348</sup> In July 1956, the SVB liquidated the remaining dormant and heirless refugee accounts and placed the sum of 10,038.65 francs also in the «deposit account for internees».<sup>349</sup> Because very few funds were being returned to former refugees by 1960, the Police Division wanted to liquidate the «deposit account for internees» and transfer the funds to relief agencies.<sup>350</sup> The account now amounted to 51,241.86 francs.<sup>351</sup> At first the Police Division transferred 5,500 francs to the Central Agency for Remigration Aid, in favor of Swiss citizens returning from abroad.<sup>352</sup> The Swiss Agency for Refugee Aid received the balance, but it pledged to set aside 5,000 francs to cover all later claims made by former refugees.<sup>353</sup>

Depositories containing valuables were first left with the SVB according to the guidelines set on March 7, 1947. The bank was only to hand over deposits to refugees who had left Switzerland with the approval of the Police Division. Deposits belonging to refugees still residing in Switzerland were held back to cover the cost of possible legal claims, if they were valued at more than 1,000 francs.<sup>354</sup> Following the Federal Law of December 20, 1962 on registering assets in Switzerland belonging to racially, religiously, or politically persecuted refugees or the stateless, the Police Division reported the existence of 50 depository accounts of former refugees totaling 18,524 francs.<sup>355</sup> In 1965, the Police Division placed 38 of these files under the administration of the registration office;<sup>356</sup> however, the registration office declined responsibility for the files because it did not consider the owners of the accounts to be victims as defined in the Federal Law of 1962.<sup>357</sup> An interest-bearing account, «Depository for

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beneficiary account with the EFV as partial repayment for internment costs. Guidelines for the liquidation of refugee assets in the SVB in Bern, March 7, 1947, FA E 4800.1 (-) 1967/111, Akz. 1.013.4, file 34.

<sup>348</sup> Memorandum Kunz for Tschäppät, December 23, 1955, FA E 4260 (C) 1974/34, vol. 86.

<sup>349</sup> Swiss Police Division to the SVB, August 8, 1956, FA E 4260 (C) 1974/34, vol. 86.

<sup>350</sup> Reference from the Federal Archives, Guido Koller: «Nachrichtenlose Konten und Depots von Flüchtlingen», November 10, 1998, 452-09.13. p. 4. Police Division, memorandum for Dr. Tschäppät, Hornung, January 5, 1959, FA E 4260 (D) 1974/34 (not yet accessioned), vol. 322; Memorandum for the files for Director Schürch, Mumenthaler, June 23, 1950, *ibid.*

<sup>351</sup> Individual accounts consisting of small deposits amounted to 42,580 francs. These were the refugee accounts dissolved by the SVB after 1947. The remaining 10,500 francs originated from the so-called kiosk and welfare accounts of the ZL and the territorial service. Police Division, memorandum for Dr. Tschäppät, Hornung, January 5, 1959. FA E 4260 (D) (not yet accessioned), vol. 322.

<sup>352</sup> Police Division, director Schürch, to central office for aid to returning emigrants, July 16, 1960, FA E 4260 (D) (not yet accessioned), vol. 322.

<sup>353</sup> Police Division, director Schürch, to the SZF, July 8, 1960; SZF to Police Division, July 16, 1960; Police Division to SZF, July 21, 1960, FA E 4260 (D) (not yet accessioned), vol. 322.

<sup>354</sup> Guidelines for the liquidation of refugee assets in the SVB in Bern, March 7, 1947. FA E 4800.1 (-) 1967/111, Akz. 1.013.4, file 34. In 1952, there were still 143 refugee deposit accounts at the SVB. Tschäppät (Federal Police Division), to SVB, list of deposit holders, October 11, 1955, FA E 4260 (C) 1974/34, vol. 86. By 1955, the SVB liquidated all but 37 accounts which were estimated to be worth approximately 20,000 francs. They were deposited into the safe of the Federal Treasury. Memorandum by Kunz for Tschäppät, December 23, 1955, FA E 4260 (C) 1974/34, vol. 86.

<sup>355</sup> On the 1952 Registration Decree, see Hug/Perrenoud, *Schweiz*, 1997, pp. 66ff.

<sup>356</sup> See FA, G. Koller, «Meldebeschluss 1962 – Nachrichtenlose Depots von Flüchtlingen», November 5, 1998, 452-09.13

<sup>357</sup> See Meldestelle (registration office), Dr. Weber, to the Federal Police Division, May 11, 1966, FA E 4111 (A) 1980/13, vol. 27.

former refugee property», was established with the Swiss Finance Administration, and 392 gold pieces that were still in the various depositories were placed with the SNB for safekeeping. The account was closed in 1978 and transferred to the Swiss Central Office for Refugee Relief (SZF): 42,820 francs were credited to the special assistance fund.<sup>358</sup>

There is only one case recorded in May 1969, in which the SZF by order of the Police Division returned the balance of an account (with 15 francs) to a former refugee. This account had been liquidated by the SVB on April 19, 1947.<sup>359</sup> In 1998, following another reimbursement request, federal authorities ruled that accounts and depositories that had not yet been claimed would be returned with accrued interest upon submission of a legitimate request.<sup>360</sup>

The Federal Council decree of March 12, 1943 created the obligation to deposit currencies and valuables to secure public legal claims. In 1950, Oskar Schürch explained that the measure was necessary to limit theft and the loss of valuables in group housing as well as to circumvent wartime economic regulations, especially the development of a black market.<sup>361</sup> This assault on refugees' property rights was fundamentally not against the law, particularly because it was not covert expropriation, was limited primarily to the period of internment, and the assets were to be returned after all expenses had been deducted.<sup>362</sup> However, the confiscation of valuables prior to the issuance of the Federal Law of March 12, 1943, the continuation of accounts after 1947, and deductions from former refugees' wages, raise a number of legal questions. Moreover, it is doubtful whether these measures, founded on emergency principles, corresponded to the law of proportionality. It would have been possible to secure public legal claims without limiting the right to one's property to the extent that had taken place.<sup>363</sup> It seems that an additional motive can be added to the reasons explicitly given by the authorities for their actions: The refugees were to remain under complete control and be legally incapacitated.

### 5.5.3 «Solidarity tax»

The Federal Council decree of October 17, 1939 provided that a canton's issuing tolerance permits to wealthier refugees was dependent on approval by the Federal Police for Foreigners. It added «that these refugees were to make appropriate contributions to private relief agencies to cover the costs of the room, board, and transit of indigent refugees».<sup>364</sup> Since contributions

<sup>358</sup> Circular decision in minutes of SZF (Schweizerische Zentralstelle für Flüchtlingshilfe) board meeting, May 17, 1978. AfZ, record group SFH, 2.5.2. Research by the FA could not determine how the sum was put together. See FA, G. Koller, «Nachrichtenlose Konten und Depots von Flüchtlingen», November 10, 1998, 452–09.13, p. 6, note 25.

<sup>359</sup> FA, G. Koller, «Nachrichtenlose Konten und Depots von Flüchtlingen», November 10, 1998, 452–09.13, p. 5.

<sup>360</sup> «Guthaben von ehemaligen Flüchtlingen: Gesuche». Press release by the information office of the Federal Department of Finance, April 14, 1999, www.bk.admin.ch. Our thanks to H. Spira for this information.

<sup>361</sup> Schürch, Flüchtlingswesen, 1951, p. 142.

<sup>362</sup> Kälin, Gutachten, 1999, part 2, B III, 2bb.

<sup>363</sup> Kälin, Gutachten, 1999, part 2, B III, 2bb.

<sup>364</sup> The Federal Council Decree (BRB) revised the police statute of October 17, 1939, Art. 12, para. 2. The BRB was authorized as an emergency measure. See Kälin, Gutachten, 1999, part 2, B III, 3a.

of this type remained relatively small in the opinion of the authorities, the Federal Council decree of March 18, 1941 levied a special property tax on refugee assets, internally known as a «solidarity tax». The Confederation collected this special tax<sup>365</sup> and distributed it to the relief agencies.<sup>366</sup>

All emigrants with assets valued at a minimum of 20,000 francs were subject to this tax. All assets in Switzerland and abroad were included in the tax base. The tax consisted of a basic tax of 200 francs as well as a progressive rate where 20,000 francs were taxed at one percent and one million francs at 12 percent. The EJPD could levy a supplementary tax on refugees who had been allowed to work that could not exceed 10 percent of their average annual income. Whoever did not pay the «solidarity tax» could count on the revocation of his temporary residence permit by the Police for Foreigners.<sup>367</sup>

Originally, only emigrants (as defined by the BRB of October 17, 1939) were required to pay this tax. In November 1943, however, these regulations were extended to those refugees who had entered Switzerland after August 1, 1942 and were interned.<sup>368</sup> In May 1945, the authorities included Italian refugees who had previously not been required to pay the tax,<sup>369</sup> whereas American, Dutch, and British refugees were not held liable for this special tax as long as they were in possession of valid identity papers.<sup>370</sup> This unequal treatment of refugees can be attributed to the fact that the special tax was problematic from both legal and foreign policy standpoints. Moreover, it threatened to violate arrangements for equal treatment of foreigners and Swiss citizens set down in numerous residency agreements.<sup>371</sup> The EJPD was aware of this already in 1941; however, Max Ruth, first deputy in the Police Division, argued that the majority of those who were liable for this tax possessed no valid identity papers and had no chance of returning to their home country. Therefore, there should be no reason to fear that some country would stand up for persons whom it deemed «undesirable». «Furthermore, we have proof of this: Germany has not intervened and will not intervene.»<sup>372</sup>

Prior to the introduction of the «solidarity tax», the Police Division had counted on collecting 2.5 million francs.<sup>373</sup> It recommended implementing the tax quickly, to secure «that those

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<sup>365</sup> BRB on the contribution by foreign refugees to relief agencies for emigrants of March 18, 1941, AS 1941, p. 273.

<sup>366</sup> «Die Solidaritätsabgabe» (The solidarity tax), internal administrative report, no date, FA E 4260 (C) 1974/34, vol. 87. The «Solidarity tax bureau» of the EJPD was charged with levying the tax. See also Schürch, Flüchtlingswesen, 1951, pp. 159–161.

<sup>367</sup> BRB on the contribution of foreign refugees to relief agencies for emigrants of March 18, 1941, AS 1941, p. 273.

<sup>368</sup> Federal Councillor von Steiger to Jezler, April 19, 1945; Internal memorandum from Gilomen, Solidarity tax bureau, to Hohl, Federal tax agency, April 27, 1945, FA E 4260 (C) 1974/34, vol. 87.

<sup>369</sup> Internal memorandum from Hohl to Ruth, May 1, 1945, FA E 4260 (C) 1974/34, vol. 87.

<sup>370</sup> Memorandum re: levying a solidarity tax on Nazis and Fascists expelled from Switzerland, signed Meyer, September 10, 1945, FA E 4260 (C) 1974/34, vol. 87.

<sup>371</sup> See Kälin, Gutachten, 1999, part 2, B III, 3bb. The infringement of a legal right applied only to those persons who legally resided in Switzerland and who were under the protection of a residency agreement providing for the equal treatment of citizens of the signatory states, i.e., emigrants. Kälin explains that the «solidarity tax», with respect to the guarantee of property, did not transgress constitutional law because it was not a confiscatory tax.

<sup>372</sup> Max Ruth to Federal Councillor von Steiger, April 23, 1941, FA E 4260 (C) 1974/34, vol. 87.

<sup>373</sup> Memorandum to Dr. Rothmund, February 3, 1941, FA E 4260 (C) 1974/34, vol. 87.

required to pay this tax did not secure themselves or their assets elsewhere prior to collection. Attempts at tax evasion are present».<sup>374</sup> The cantons also shared this opinion. Thus, the Police for Foreigners in St. Gallen had to move quickly «after a growing number of wealthy Jews are making every attempt to travel to safety abroad, as soon as possible».<sup>375</sup>

To be sure, as early as June 1939, SIG had already discussed the possibility of trying to convince well-to-do emigrants to make greater donations, especially because Jewish relief agencies were in precarious financial shape and were urgently in need of support from members of their own community.<sup>376</sup> Because many refugees did not become members of a Swiss Jewish community, membership contributions lost an important source of revenue.<sup>377</sup> For this reason, Jewish communities tried to gain access to data about the financial circumstances of those refugees who did not become members of the community from tax officials and Police for Foreigners.<sup>378</sup> At a meeting of SIG in June 1940, Alfred Goetschel, president of the Jewish community in Basel, drew attention to the fact that many refugees supported relatives in France with their assets and, bearing in mind the official requirement to «move on», they had good reason to hold on to their resources.<sup>379</sup>

At least two-thirds of those affected submitted an appeal against the tax assessment which was calculated on the basis of reports by refugees at their entry and their estimates for other taxes imposed on them. In processing appeals, federal tax officials concluded:

«A great deal is no longer available, but has been spent to cover the living costs for refugees who are not permitted to work, as well as being used for preparing emigration, sacrificed for family members, taxes, etc.».<sup>380</sup>

A few of those who had stipulated that they had assets, had none, since refugees had to present themselves as well-to-do to obtain permission to enter Switzerland. Federal Councillor von Steiger recommended that the proposed estimates not be «written in stone». He considered it appropriate to apply pressure, only when «inappropriate behavior (for example, when someone tried to cut and run) or where readiness to comply was absent».<sup>381</sup>

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<sup>374</sup> This document stated that almost all taxpayers were Jews, but that «this tax cannot be considered as persecution of the Jews. It is more support for the Jews». EJPD to the Federal Council, March 13, 1941, FA E 4260 (C) 1974/34, vol. 87 (orig. German).

<sup>375</sup> Cantonal Police for Foreigners and St. Gallen passport bureau to the Federal Police Division, March 5, 1941. FA E 4260 (C) 1974/34, vol. 87 (orig. German).

<sup>376</sup> Minutes of the meeting of the Central Committee of SIG, June 15, 1939, AfZ: SIG Archive, CC-Protokolle. For the financial situation of relief agencies, see chapter 5.3.

<sup>377</sup> See *Jüdische Rundschau Inside*, March 18, 1999; also Sibold, *Flüchtlingshilfe*, 1998.

<sup>378</sup> Protocol of the meeting of Central Committee of SIG, June 15, 1939, AfZ: SIG Archive, CC-Protokolle.

<sup>379</sup> Protocol of the meeting of Central Committee of SIG, June 25, 1939, AfZ: SIG Archive, CC-Protokolle.

<sup>380</sup> Report on the implementation of the BRB from March 18, 1941 to the present, no date, FA E 4260 (C) 1974/34, vol. 87 (orig. German).

<sup>381</sup> Federal Councillor von Steiger to F. Hahn, Solidarity tax commissioner, April 7, 1941, FA E 4260 (C) 1974/34, vol. 87 (orig. German).

Many refugees opposed the inclusion of their foreign securities and bank accounts in the calculation of their «solidarity tax», because they had no access to them.<sup>382</sup> For this reason, Federal Councillor von Steiger asked the general director of the Swiss National Bank, Ernst Wetter, in February 1942 if it would not be possible for the refugees to transfer money from the United States to cover their living costs and pay their «solidarity tax» in Switzerland.<sup>383</sup> The SNB replied that the transfer of dollars for refugees could only be considered in hardship cases. Furthermore, the transfer of a credit in dollars was not possible through a Swiss bank if it involved family members from third countries or stateless persons.<sup>384</sup> Finally, Max Ruth proposed that a progressive tax rate be based on the total amount of assets in Switzerland and abroad; however, the tax would be collected only on those assets located in Switzerland if the rest were blocked.<sup>385</sup>

Until the repeal of the Federal Council decree on March 7, 1947, approximately 500 persons had been required to pay taxes of 2.4 million francs.<sup>386</sup> Together with the SZF, the Police Division distributed the money in five partial payments to the relief agencies until 1948. Of these funds, the VSJF received 1.6 million francs.<sup>387</sup> Shortly after the «solidarity tax» had been introduced in 1941, Antoine Vodoz, a government councillor in Vaud, asked if the revenue would be used exclusively for Jewish relief agencies because «some non-Jewish foreigners declared that they did not want to give money to Jews». Max Ruth confirmed that non-Jewish organizations were also to receive aid. Monies collected prior to 1941 were «consciously not made fully available to Jews». However, the distribution of the «solidarity tax», will have «to make some changes in favor of the Jews».<sup>388</sup> Subsequently, the SZF required that its affiliated relief agencies periodically submit a breakdown of expenses. On the basis of these lists, the Police Division established a distribution plan, which none of the relief agencies contested during any of the five installment payments. The income from the «solidarity tax» was, therefore, not distributed according to who paid it, since the largest portion of revenue came from Jewish refugees,<sup>389</sup> but rather according to the expenses that the relief agencies declared officially. The VSJF, which supported two-thirds of the relief agencies' total expenses,<sup>390</sup>

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<sup>382</sup> Report by J. Ruof on «solidarity tax», December 29, 1941; «Solidaritätsabgabe, BRB 18. März 1941, ungelöste Fälle», January 28, 1946, FA E 4260 (C) 1974/34, vol. 87. See also chapter 5.4.

<sup>383</sup> Federal Councillor von Steiger, EJPD, to E. Weber, SNB, February 4, 1942, FA E 4260 (C) 1974/34, vol. 87.

<sup>384</sup> SNB to EJPD, February 11, 1942, FA E 4260 (C) 1974/34, vol. 87. Two days earlier, E. Weber promised his willingness to make exceptions if no other means to support the refugees were available. E. Weber, SNB, to Federal Councillor von Steiger, EJPD, February 9, 1942, FA E 4260 (C) 1974/34, vol. 87.

<sup>385</sup> Max Ruth to Federal Councillor von Steiger, February 16, 1942, FA E 4260 (C) 1974/34, vol. 87.

<sup>386</sup> The Federal Council Decree on changes in the Police for Foreigners statute (*fremdenpolizeiliche Regelung*) of March 7, 1947 stipulated that refugees who had already received the order to pay, still had to pay the contribution.

<sup>387</sup> Tabulation of solidarity tax, distribution to individual relief organizations, April 24/December 31, 1954, FA E 4260 (C) 1974/34, vol. 87.

<sup>388</sup> Protocol of the canton police directors' conference, May 19, 1941, FA E 4260 (C) 1969/1946, vol. 7 (orig. German; Vodoz' quote: orig. French).

<sup>389</sup> The solidarity tax was paid largely by Jewish refugees. The solidarity tax office prepared lists of those on the tax rolls, separated into «non-Aryans» and «Aryans». It is clear from these lists that contributions from «Aryans» were substantially less.

<sup>390</sup> See table 4, p. 195.

showed the utmost solidarity: during the fourth disbursement of the «solidarity tax», they waived all but 7 percent of their allotted sum in favor of the other relief agencies.<sup>391</sup>

#### 5.5.4 Freezing German assets

On February 16, 1945 the Federal Council froze all German assets in Switzerland and those administered abroad.<sup>392</sup> Switzerland wanted to secure a pledge for its financial claims against the Reich, whereas the Allies were interested in registering Nazi loot and plunder that wound up in Switzerland.<sup>393</sup> Especially the Swiss Bankers Association, which had vehemently opposed freezing foreign accounts since the 1930s, now supported such measures with the Federal Council.<sup>394</sup> This freezing of assets affected all persons living in Germany in February 1945, as well as all German citizens living in Switzerland and abroad. Swiss officials thus made no distinction between victims and perpetrators of National Socialism when implementing the strict freeze.<sup>395</sup> As a result, neither victims of the Nazi regime still living in Germany, nor Germans who had fled to Switzerland or elsewhere, nor German Jews who had been living in Switzerland for decades were able to have access to their assets in Switzerland. The persecuted living in Germany could not unfreeze their assets until 1952, but Jews and political refugees living in Switzerland after 1946 could have their accounts disbursed to them, provided they could prove the loss of their German citizenship.

Most of the Germans who had been denaturalized by the Nazi regime would not, as stateless persons, have had their assets frozen. However, the Swiss Clearing Office (SVSt) which supervised frozen assets, and the Office of Citizens' Rights in the EJPD, viewed all Germans living in Switzerland after February 1945, who could not provide written proof that they had been denaturalized before this date, as subject to the freeze.<sup>396</sup> This practice especially affected German Jews, since they had been denaturalized collectively under the 11th Decree to the Reich Citizenship Law of 1941 and thus could not prove that they had been denaturalized by an individual decision of a German authority. The Office of Citizens' Rights and the SVSt declared the 11th Decree non-applicable,<sup>397</sup> although the Swiss Police for Foreigners had conformed with this collective denaturalization during the war.<sup>398</sup> In the summer of 1945 when

<sup>391</sup> Fourth distribution of solidarity tax, June 6, 1946, FA E 4260 (C) 1974/34, vol. 87.

<sup>392</sup> Federal Council Decree on the temporary regulation of currency exchange between Switzerland and Germany, February 16, 1945, AS 1945, pp. 85–90. The expanded text from April 27, 1945, in AS 1945, pp. 267–271.

<sup>393</sup> ICE, Switzerland, 1998, pp. 111f.

<sup>394</sup> DDS, vol. 15, no. 367, p. 911, note 2. About the resistance of the SBVg to the freezing of French accounts in July 1940, see Perrenoud, *Diplomatie*, 1999, pp. 397f.

<sup>395</sup> See Hug/Perrenoud, *Schweiz*, 1997, pp. 45–47.

<sup>396</sup> SVSt to the Police Division's office of citizens rights, August 3, 1945, FA E 7160-07 (-) 1968/54, vol. 95. Minutes of the sixth meeting of the commission on returnees and transit, August 28, 1945, AfZ: record group SFH 5.2.1.2.

<sup>397</sup> SVSt, information sent to Dr. Matter, August 8, 1945, FA E 7160-07 (-) 1968/54, vol. 95. During the war, the SVSt supported the application of the law with respect to clearing transactions; see chapter 5.2.1.

<sup>398</sup> Based on the 11th decree to the *Reichsbürgergesetz* (Reich citizenship law) of November 25, 1941, they withdrew residency permits from German Jews living in Switzerland. See chapter 5.3.

German refugees were supposed to register their assets,<sup>399</sup> a diverse group of relief agencies spoke up in Switzerland. They complained that Swiss officials no longer wanted to view the collectively denaturalized German Jews as stateless.<sup>400</sup> Moreover, Switzerland had always declared itself to be a transit country for refugees; however, it was only possible for those who had access to their assets to continue their journey. A letter that appeared in the NZZ in the summer of 1945 stated that it would be «completely unjust» to inflict further damage on the victims of the Nazi regime who had been able to rescue a last remnant of their belongings. Switzerland had during the war let the refugees, emigrants, and settlers «enjoy» all the disadvantages of emigration and statelessness. However, when they might benefit from their statelessness, they were considered as Germans, and their assets frozen:

«Once again, the driving force seemed to be certain public offices that for years have been characterized by a spirit of xenophobia and narrow-minded bureaucracy, an attitude that one thought had been overcome at last after discussions in the press and parliament. That this is not the case will certainly do nothing to advance the standing of our country.»<sup>401</sup>

This criticism in the NZZ appeared justified to the head of division in the SVSt.<sup>402</sup> Following a petition by the Swiss Central Office for Refugee Relief (SZF) in September 1945, the EPD, EJPD, EVD, and the SVSt decided to proceed less rigorously in the future with blocked refugee assets.<sup>403</sup> The Clearing Office, however, worked out guidelines that did not provide for the general release of German refugee assets, but still continued to shift the burden of proof on the refugees and upheld the registration requirement.<sup>404</sup> The refugee section of the Police Division strongly objected to the SVSt's rigid proposal.<sup>405</sup> It was less a financial matter than a political and moral issue. The assets of German refugees and emigrants would only constitute a small part of the frozen assets, because only very few refugees possessed more than 20,000 francs. Oskar Schürch, head of the refugee section, surmised that other departments were rigid in their resolve to implement the embargo out of consideration for the Allies. He added that it

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<sup>399</sup> Federal Council Decree on the requirement to register German assets in Switzerland of May 29, 1945, AS 1945, pp. 331–334. Expanded version of July 3, 1945, AS 1945, pp. 440–444.

<sup>400</sup> The «Freies Deutschland» movement in Switzerland to the EVD, July 27, 1945, FA E 7160-07 (-) 1968/54, vol. 95. SIG to the Division of Justice and private asset interests abroad (EPD), August 20, 1945, FA E 7160-07 (-) 1968/54, vol. 95.

<sup>401</sup> W B., «Zur Sperre der deutschen Guthaben», (On freezing German Assets), NZZ no. 1213 (August 10, 1945), in FA E 4300 (B) 3, vol. 11 (orig. German). Two days earlier, the business section of the NZZ had asked the SVSt whether the «offensive» freeze on Jews was still in place. SVSt, information sent to Dr. Matter, August 8, 1945, FA E 7160-07 (-) 1968/54, vol. 95. See also the severe criticism in the *National-Zeitung* on September 7, 1945.

<sup>402</sup> Eric Mehnert (Transfer division), «Notiz wegen der Behandlung von <Staatenlosen> bezüglich der Bestandesaufnahme deutscher Vermögenswerte» (Memorandum about the treatment of «stateless persons» with respect to the inventory of German assets), August 10, 1945, FA E 7160-07 (-) 1968/54, vol. 95.

<sup>403</sup> EPD (Hans Lacher), Memorandum «Besprechung betreffend die Behandlung von Staatenlosen, Emigranten und Flüchtlingen im Sperre- und Enqueterrecht vom 10. September 1945» (Discussion on the treatment of stateless persons, emigrants and refugees in distraint and inquiry law from September 10, 1945), FA E 2001 (E) 2, vol. 566. Robert Meyer (SFZ) to the EVD, September 8, 1945, FA E 7160-07 (-) 1968/54, vol. 95. The SZF commissioned two expert legal opinions by August Egger, professor at the University of Zurich, and Adolf F. Schmitzer. Both experts concluded that Jewish refugees had lost their citizenship and that they were not compelled to accept it again. FA E 7160-07 (-) 1968/54, vol. 95.

<sup>404</sup> SVSt to the EPD (Division of justice and private asset interests abroad), September 17, 1945, copy, FA E 4300 (B) 3, vol. 11.

<sup>405</sup> Schürch, memorandum to the files, September 25, 1945, FA E 4300 (B) 3, vol. 11. Jezler (head of the Police Division) to the director of SVSt, October 12, 1945, FA E 4300 (B) 3, vol. 11.

would be a great injustice to hold the victims of the National Socialists to the same regulations as their persecutors, who had robbed them of their assets. According to Schürch, the SVSt's proposal would cause «political-psychological disadvantages» that should not be underestimated. It should, therefore, again reconsider a general release. The Police Division's attempt on behalf of the refugees was poorly received by the EPD. There could be no deviation from the standpoint of the SVSt because a general release would mean an uncontrollable subversion of the freeze.<sup>406</sup> Federal Councillor Max Petitpierre (EPD) also stated in the «plenary commission», (*Vollmachtenkommission*) that one could not put the emotional moment aside and release all Jews from the freeze.<sup>407</sup> The position of the EPD and the SVSt finally prevailed at the end of 1945: German refugees and (former) German Jews, who had lost their Swiss residence permits with the disenfranchisement of 1941, remained subject to the freeze so long as the SVSt did not explicitly release them from it by identifying them as stateless. To that end, individuals who had been denaturalized (mostly political refugees) had to come up with corresponding proof, for example, the notice of denaturalization published in the *Reichsanzeiger*. The SVSt applied a stricter standard to German Jews who had been collectively denaturalized: Germans who claimed that they fell under the 11th decree and who had attempted to prove this «solely through certain types of evidence», such as the letter «J» stamped in their passport, could, after thorough examination of the individual case, be released from the freeze. Prior to that, of course, they were required to give a detailed inventory of their assets.<sup>408</sup> Requests for release made by Germans who had opposed the Nazi regime but who had not been denaturalized were to be handled in an accommodating manner. However, at the beginning of 1946, the SBVg instructed the banks to exercise «utmost caution» with persons who claimed that they had lost their German citizenship.<sup>409</sup>

After the conflicts over the assets of Jewish refugees in Switzerland had been halfway resolved, the problem shifted after 1946 to the victims of National Socialism who had remained inside the territory of the German Reich during the war. They, too, had discovered that their assets were frozen in Switzerland. In the Washington Agreement of May 25, 1946, Switzerland agreed to track down and to liquidate assets in Switzerland belonging to German citizens in Germany.<sup>410</sup> In this instance, too, no distinction was made between victim and perpetrator: the

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<sup>406</sup> Lacher (EPD), «Notiz für Herrn Legationsrat Hohl: Persönlicher Geltungsbereich der Vorschriften über Sperre und Anmeldung deutscher Vermögenswerte in der Schweiz» (Note for Legation Councillor Hohl: Personal Scope of Applicability concerning Regulations on Blocking and Registering German Assets in Switzerland), October 19, 1945, FA E 2001 (E) 2, vol. 566.

<sup>407</sup> Max Petitpierre's response to Duttweiler's inquiry, copy, [1945], FA E 2001 (E) 2, vol. 566.

<sup>408</sup> KS/Ha (SVSt), Memorandum about «Behandlung der unter die 11. Verordnung fallenden deutschen Staatsangehörigen» (Treatment of German Citizens coming under the 11th Decree), December 22, 1945, FA E 7160-07 (-) 1968/54, vol. 95.

<sup>409</sup> SBVg (La Roche and Roesle) to the Swiss banks, February 18, 1946, FA E 7160-07 (-) 1968/54, vol. 95. The exact amount released cannot be determined. In the period from 1953 to 1958, assets belonging to stateless person totaling close to 1.032 million francs were released. Report by the Federal Council to the Federal Assembly on German assets in Switzerland, 1945–1958, BBI 1958 II, p. 639.

<sup>410</sup> On the Washington Agreement, see von Castelmur, *Finanzbeziehungen*, 1992 and Durrer, *Finanzbeziehungen*, 1984.

liquidation had to be implemented without taking into account whether the victim was persecuted for «political, religious, or racial reasons».<sup>411</sup> This position met a cool reception internationally. It was repeatedly pointed out that victims' assets in the United States had been released upon request and that Switzerland should do the same.<sup>412</sup> Swiss officials defended their contrary position claiming that, in the framework of the Washington Agreement, the owners of assets had received compensation. Because «all Germans» would receive appropriate compensation for their assets that are to be liquidated in Switzerland, no exceptions to this rule are planned for «German citizens who had been persecuted by the Nazi regime».<sup>413</sup>

This rigid position meant additional hardship for many victims of Nazi persecution. In March 1950, for example, Walter G. reported to the Legal Division of the EPD, claiming: «Because I am a German and a Jew, I have lost all my assets and my existence in Berlin under National Socialism; this has left me with a serious nervous condition.» Walter G. was critical of Switzerland for holding back assets belonging to victims of National Socialism:

«Jews, who could no longer flee to safety because the so-called German State had removed their passports in 1938 and, from then on, viewed them as prisoners and treated them as such, ought never to pay reparations for damages which were caused by German aggressions.»

He requested that Swiss officials permit him to sell a house in Zurich that he had inherited from his father in 1923 in order to finance his emigration to Israel. In his reply, Walter Stucki contrasted the suffering of a victim of National Socialism with the difficulties Switzerland faced:

«You probably know from the press about the incredible difficulties Switzerland had to contend with at the beginning of 1946 in concluding the Washington Agreement. At that time we also tried, without success, to point to the special position of Nazi victims and, finally, had to resign ourselves to the fact that in every case, and even for this category, we were only able to implement the principle of adequate compensation in German currency.»<sup>414</sup>

Stucki's reply would lead one to expect that in 1946 the Swiss delegation in Washington had done their utmost to free Nazi victims from having their assets frozen. This was not the case. It was already clear in the preparatory meetings of the Swiss delegation that the Swiss negotiators in Washington would only employ this argument as a tactical manoeuvre at best. Only if the discussions should continue, in spite of the Swiss delegation's opposition in principle, was there to be, according to Stucki, «a move to exclude additional categories».

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<sup>411</sup> Supervisory Commission (*Aufsichtskommission*) for the implementation of the Washington Agreement to the Swiss Consulate in Baden-Baden, May 25, 1948, FA E 2801 (-) 1968/84, vol. 116 (orig. German).

<sup>412</sup> See for example, the submissions of the Baden regional office for the care of the victims of National Socialism, of the World Jewish Congress, and of the Bavarian office for restitution, FA E 2801 (-) 1968/84, vol. 116.

<sup>413</sup> Supervisory Commission for the implementation of the Washington Agreement to the Swiss Consulate in Munich, May 4, 1949, FA E 2801 (-) 1968/84, vol. 116 (orig. German).

<sup>414</sup> The end of the story remains unknown. The entire correspondence between W.G. and Walter Stucki is documented in FA E 2801 (-) 1968/84, vol. 116 (orig. German).

With this, Stucki had in mind the assets of Nazi Victims.<sup>415</sup> Only after the Allies had asserted in the course of negotiations that they did not want to target the victims with the freeze on assets, did the Swiss delegation drop the issue.<sup>416</sup>

With the Federal Council decrees of April 1 and 29, 1947 and of February 11, 1948, citizens and inhabitants from cities and regions previously annexed by the German Reich,<sup>417</sup> people living in Germany without German citizenship, as well as Germans living in Switzerland and outside Germany were released from having their assets frozen.<sup>418</sup>

For the Jewish victims of the Nazis still living in Germany, indeed, nothing had changed. In the course of the follow-up meetings to the Washington Agreement in the early summer of 1949, this problem could have been defused. A short time earlier the International Refugee Organization (IRO) had asked Swiss officials to become active in this matter. The IRO felt that if the assets of Nazi victims were to be liquidated (along with those of Nazi perpetrators): «one would arrive at a rather curious arrangement».<sup>419</sup> Despite this warning, the Swiss delegation limited itself in the discussions to the demand that a general solution for hardship cases be found, under which they understood the total release of assets under 10,000 or, as the case may be, 5,000 francs. Under these conditions, the Allies saw no possibility for a solution.

Only in the framework of the agreement between Switzerland and the Federal Republic of Germany on August 26, 1952, was a solution to the problem of German assets in Switzerland found. In this agreement, all assets were unfrozen for persons «who had lost their lives or, to a considerable degree, their freedom, or their full German citizenship rights» for racial, political or religious reasons.<sup>420</sup> On the basis of this agreement, 16.5 million francs were released by the end of 1957.<sup>421</sup> However, new problems arose: The department for the liquidation of German assets in the Swiss Clearing Office had already determined that there were problems with the releases of 1947 and 1948 because those administering the assets could not get in touch with their clients.<sup>422</sup> This problem became still more acute with the release of 1952 because, in the meantime, still more people had changed their address or had died. The long duration of the freeze is one of the factors for the emergence of «dormant» assets.<sup>423</sup>

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<sup>415</sup> Protocols of the conferences of the Federal Council's finance and business delegations from February 7 and 14, 1946, FA E 2801 (-) 1968/84, vol. 29.

<sup>416</sup> Memorandum by the U.S. delegation, March 21, 1946, FA E 2801 (-) 1968/84, vol. 31.

<sup>417</sup> Austrian citizens and residents, inhabitants of the city of Danzig, of the annexed eastern territories, and Czechoslovakia.

<sup>418</sup> AS 1947, I, pp. 243–245 and pp. 399–401 and AS 1948, pp. 71–72. See also report of the Federal Council to the Federal Assembly on German assets in Switzerland, 1945–1958, BB1 1958 II, p. 637

<sup>419</sup> IRO to International Organizations Division of the EPD (Philippe Zutter), May 20, 1949, (orig. French), FA E 2801 (-) 1968/84, vol. 95 (orig. French).

<sup>420</sup> BB1 1952 III, pp. 19–30.

<sup>421</sup> Report by Federal Council to the Federal Assembly on German assets in Switzerland, 1945–1958, BB1 1958 II, p. 639.

<sup>422</sup> Report on the activity of the department for the liquidation of the German assets in the Swiss clearing office in 1952, FA E 7160-07 (-) 1968/54, vol. 83.

<sup>423</sup> On the problem of «dormant» assets in Switzerland, see Hug and Perrenoud, Schweiz, 1997.

## 6 The Federal Authorities' Humanitarian Policy

As we mentioned earlier, the Swiss «humanitarian tradition» was tied to national interests.<sup>1</sup> The commitment to humanitarianism was often presented as a moral duty imposed on Switzerland because of its special status as a neutral country enjoying exemplary political stability and generally spared by war. This commitment was therefore not to be neglected as an element of foreign policy. The link between neutrality and solidarity had been an important component of the Confederation's foreign relations since the nineteenth century.<sup>2</sup> It was greatly strengthened during the two world wars and in the postwar period.<sup>3</sup>

If neutrality allowed Switzerland to engage in humanitarian activity, its different aspects still need to be determined. A special position can thus be reserved for those trends in humanitarian law in which Switzerland's leadership played a major role.<sup>4</sup> In addition, operations on Swiss soil must be distinguished from those abroad, as different private and institutional agents engaged in different forms of aid. Because the motivation for organizing the different kinds of aid was so diverse, ranging from medical missions,<sup>5</sup> to aid in camps abroad, to sending packages and donations to civilians in trouble (and to which other types of aid were added in Switzerland, such as hospitalizing the wounded, interning soldiers, and taking in civilian refugees)<sup>6</sup> – it is impossible to place them all on the same level. The «good offices»,<sup>7</sup> which generally covered mediation and the protection of foreign interests, constituted one of the major expressions of active neutrality, and were even recognized by humanitarian law.<sup>8</sup> We will not address these multiple types of assistance; it should be remembered that during World War II, Switzerland accepted the commission to serve as a protective power for numerous countries.<sup>9</sup> The exchange of prisoners benefited from this, and some diplomats were able to play remarkable roles thanks to the possibilities of protective powers, such as for example Carl Lutz, who managed the foreign interests protection service in Budapest. Lutz's example is evidently not an example of the official policy of the Federal Political Department (EPD)

<sup>1</sup> See Chapter 2.2.1.

<sup>2</sup> See especially Riklin, *Neutralität*, 1992, p. 206.

<sup>3</sup> Frei, *Neutralität*, 1967; Bonjour, *Histoire*, 1970; Favez, *Guerre mondiale*, 1992; Favez, *Ferveur*, 1982; Favez, *Don suisse* 1995; Bindschedler, *Offices*, 1975; Probst, *Schweiz*, 1992; Favez, *Mission*, 1988; Van Dongen, *Suisse*, 1998; Kistler, *Konzept*, 1980; Riklin, *Neutralität*, 1992; Meurant, *Comité*, 1981; Schärer, *Activité*, 1981.

<sup>4</sup> The first Geneva Convention to improve the fate of army soldiers wounded in the field dates from 1864.

<sup>5</sup> About the four missions on the Eastern Front and the mission in Greece sponsored by a Relief Committee of the Red Cross, see DDS, vol. 14, Table no. 6.4. On the missions' rationale and the reactions they aroused, see Longchamp, *Umfeld*, 1983; Bourgeois, *Business*, 1998, pp. 109–131; Heller, *Bircher*, 1998; Gautschi, *Geschichte*, vol. 3, 1987.

<sup>6</sup> Distinction is to be made between the international duties of neutral countries and the right of sanctuary, applied by the sovereign power of the Confederation. See Chapter 1.4; also Kälin, *Gutachten*, 1999, Part I, B I.

<sup>7</sup> Bonjour, *Histoire*, VI, 1970, pp. 128–148; Schärer, *Activité*, 1981, pp. 121–128; Bindschedler, *Offices*, 1975; Probst, *Dienste*, 1992.

<sup>8</sup> See the Second Geneva Convention signed on July 27, 1929. «Abkommen über die Behandlung der Kriegsgefangenen», (Convention on the treatment of prisoners of war), BBl 1930, II, pp. 307–334; Kälin, *Gutachten*, 1999, part II, B II; DDS, vol. 13, no. 99.

<sup>9</sup> The Foreign Interest Division was created in 1939 and was incorporated into the Federal Political Department (EPD). See Bonjour, *Neutralité*, 1979, p. 190. The Confederation represented the interests of 43 countries, to wit 70 percent of all mandates at the time, according to Schärer, *Activité*, 1981, p. 25; DDS, vol. 13, appendix VII.2.

abroad. In fact, the diplomat took advantage of maneuvering room to negotiate with the German authorities and obtain emigration certificates to Palestine for some ten thousand Hungarian Jews. Informed of his activity afterward, the EPD considered that Lutz had overstepped his limits and punished him.<sup>10</sup>

As we can see, the question of humanitarian aid is multifaceted and often concerns different institutional or individual agents. Only a few aspects of the humanitarian operations undertaken by the state itself, or officially backed by the government, are examined in the following pages. The main question is to explain how and why federal authorities exercised control in this area. We will focus on the second half of the war since, beginning in 1942, in the context of ever increasing tragedy, relations between relief organizations and the federal authorities became progressively more complicated.

## **6.1 The Attitude of the Federal Authorities to the International Committee of the Red Cross (ICRC) and the Swiss Red Cross (SRC)**

The International Committee of the Red Cross (ICRC), as a neutral organization guaranteeing the Geneva conventions, engaged in humanitarian operations that were highly appreciated and recognized in times of war. For this reason, even during the Nazi period, the federal authorities were often able to rely on this institution, whose prestige and merit were a reflection, in part, on themselves. Its status as a private institution, composed of Swiss citizens recruited by cooptation from a restricted circle, guaranteed its legal independence vis-à-vis the government. Moreover, as far as the Federal Council was concerned, the Committee was the incarnation of the tradition of impartiality, neutrality, and solidarity to which it attached great value.

In a general way, the federal authorities' support<sup>11</sup> of the ICRC can be explained by the set of values shared in Geneva and Bern.<sup>12</sup> Moreover, two Federal Councillors, Giuseppe Motta and Philipp Etter, were members of the ICRC in those crucial years. Jean-Claude Favez and Geneviève Billeter's monograph is an essential study of the ICRC with regard to Nazi crimes and the Holocaust. Among other things, the authors examine its limits, its blind spots, and the question of how much leeway it had in dealing with the authorities.<sup>13</sup> Nowadays it is known, for example, that Carl Jacob Burckhardt, Vice President of the Committee and President of the

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<sup>10</sup> DDS, vol. 15, no. 311, p. 773, note 2. In 1995, Lutz was rehabilitated. For details on the efforts which made it possible to save over 100,000 Hungarian Jews, see Braham, *Politics*, 1981, especially chapters 29 and 31; see also Grossman, *Gewissen*, 1986; Tschuy, *Lutz*, 1995; Ben-Tov, *Génocide*, 1997. On maneuvering room available for Swiss diplomats, see ICE, *Switzerland and Ransom Demands*, 1999, Chapter 6.3.3.

<sup>11</sup> Financial aid, diplomatic facilities, use of premises, see ICRC, *Report*, 1948. The sum of 200,000 francs was allocated by the Confederation to the ICRC to set up an agency for prisoners of war.

<sup>12</sup> As Favez, *Mission*, 1988, p. 46 stated: «For Bern, in principle what is good for the Red Cross is good for Switzerland» (orig. French).

<sup>13</sup> Favez, *Mission*, 1988, p. 49. According to the author, whole areas of the relations between the Geneva institution and the federal authorities remain largely unknown.

Joint Commission,<sup>14</sup> had precise information on the extermination of Jews, which he had received from German sources. He confirmed this fact in November 1942 to Gerhart Riegner, head of the Geneva bureau of the World Jewish Congress.<sup>15</sup> We are also aware of the reservations expressed by certain members of the organization about expanding the conventions to certain categories of civilians, particularly Jews.<sup>16</sup> Our investigation will show to what degree the EPD's control over ICRC activities was influenced by an overlapping of interests.

The Swiss Red Cross (SRC) was the second pillar on which aid policy was built. Its quite complex status went through some modifications. In fact, since the foundation of an «Aid Association for Servicemen and their Families» from 1866 to 1942, its principal task was helping the Army's health service. This implied total submission to military authority in wartime, and a restricted freedom of initiative in times of peace.<sup>17</sup> This can clearly be seen in the case of a joint initiative of the ICRC and the SRC, dating from spring 1938 and intended to create more active neutrality by intensifying humanitarian policy. The plan delivered to the authorities provided for a series of proposals to help military victims in a future conflict, and also left some room – albeit somewhat minimal – for civilian victims.<sup>18</sup> However, for the most part, the authorities voiced reservations about the plan. Because Swiss Red Cross forces would be involved in civilian work, Army officials spoke out against the plan.<sup>19</sup> The SRC's chief physician summarized the argument nicely: «The thing to do here is to keep the powder dry in case we need it ourselves.»<sup>20</sup>

In the summer of 1941, the situation was altered by the creation of a «Relief Action Committee Under the Patronage of the Red Cross». The date is important because the creation of this committee occurred soon after the German offensive was launched against the Soviet Union. The Committee was behind the well-known Swiss health missions on the Eastern Front.<sup>21</sup> It

<sup>14</sup> The Joint Relief Commission was created in November 1940 by the ICRC and the League of Red Cross Societies; its primary task was to dispatch aid to civilian populations.

<sup>15</sup> Riegner, *Années*, 1998, pp. 73–75. See also chapter 3.2.

<sup>16</sup> Riegner, *Années*, 1998, pp. 187–214. He described that the ICRC preferred «the purely philanthropic, much more moderate, reverential and discreet attitude of the Joint (Distribution Committee)» (orig. French) to that of the World Jewish Congress (WJC), Riegner, *Années*, 1998, p. 298. On the plan proposed by the ICRC for the convention on civilian internees in enemy territory, called the Tokyo Project, see Favez, *Mission*, 1988, pp. 27–29 and appendix, 381–385; Bugnion, *Comité*, 1994, pp. 140–144, and especially Ben Tov, *Génocide*, 1997, pp. 10–15 and 203–206, in which one can read Huber's letter of October 2, 1944, to the WJC on the concept of civilian internees. In Huber's text, for the first time mention is made of internees who are citizens of the country in which they are being detained, and not only of those internees within the power sphere of the enemy. The broadening of this concept was a bit late in coming.

<sup>17</sup> For a brief historical overview and a survey of the activities of the «National Society of the Red Cross» in Switzerland, see Roger Durand, *Croix-Rouge*, 1992, esp. pp. 54–141. Also, FA E 5795 (-) -/- vol. 537.

<sup>18</sup> «Plan des activités ayant été ou pouvant être exercées par la Suisse, en cas de guerre générale dans le cadre de la neutralité active» (Plan of the Activities which were or which could have been carried out by Switzerland in the case of generalized war within the limits of active neutrality) see FA E 2001 (D) 2, vol. 179; «Notice relative à la neutralité active» (Note regarding active neutrality), DDS, vol. 12, nos. 305 and 312; DDS, vol. 13, nos. 99, 203, 248. For a historical perspective, Favez, *Ferveur*, 1982.

<sup>19</sup> It is important to remember that the SRC's statutes had not yet been amended.

<sup>20</sup> Letter from the chief physician of the Army, Paul Vollenweider, to the Federal Military Department (EMD), December 31, 1938, DDS, vol. 12, p. 1153 (orig. German).

<sup>21</sup> The Committee was formed in Zurich on August 27, 1941, see DDS, vol. 14, no. 107, p. 323, note 2. See also footnote 5 of this chapter.

was also in 1941 that the SRC formed a new association together with the «Swiss Coalition for Relief to Child War Victims»: the Swiss Red Cross – Children’s Relief (*Schweizerische Arbeitsgemeinschaft für Kriegsgeschädigte Kinder*).<sup>22</sup>

The adoption of new statutes by the Federal Council in January 1942 granted the SRC more maneuvering room and brought it under the protection of humanitarian law conventions. Let us note, however, that although it recognized the SRC as a private association, the Federal Council still kept for itself the choice of chief physician and the preliminary assessment of any operations planned by the SRC abroad. The chief physician remained the authority for anything having to do with active military service, but civilian bodies, such as the assembly of delegates, the central committee, and the managing board were given jurisdiction over relief work for civilians.<sup>23</sup>

The year 1942 was important for humanitarian policy. Debates took place in parliament, and, somewhat earlier, the government had prepared new initiatives in this area. First of all, National Councillor Ernst Reinhard, a socialist from Bern, filed a motion on March 17, 1942, inviting the Federal Council «to set up a vast relief action to help the children of Europe threatened by war, epidemics, and famine, whatever country they belonged to».<sup>24</sup> In the name of the Federal Council, Pilet-Golaz accepted the motion. We shall see how the Children’s Relief of the Swiss Red Cross became the linch-pin for relief work for children.<sup>25</sup>

The Federal Council decided in January 1942 to create a position called the «Delegate of the Federal Council to International Aid Societies». The unprecedented idea of this office was defended by Pilet-Golaz and, interestingly enough, by Max Huber, president of the ICRC.<sup>26</sup> The head of the EPD suggested nominating a high-ranking official at the League of Nations, Edouard de Haller, to this new office that would come under the direct auspices of his department.<sup>27</sup>

## 6.2 The de Haller Bureau: the Federal Council’s Delegate to International Aid Societies

Born in 1897, in the canton of Geneva as was his mother, Edouard de Haller was from a patrician, protestant, old and established bourgeois family of the city of Bern. In addition, he was Pierre Bonna’s brother-in-law, who headed the EPD’s Foreign Affairs Division, and he

<sup>22</sup> Often referred to as Children’s Relief of the SRC. See below 6.2.2.

<sup>23</sup> See SRK, Bericht 1948, pp. 66–68; Jornod, *Entraide*, 1985, p. 64; Durand, *Croix-Rouge* 1992.

<sup>24</sup> Minutes of the Federal Council’s deliberations, June 11, 1942, FA E 1301 (-) -/I, vol. 350, p. 400 (orig. French).

<sup>25</sup> See 6.2.2.

<sup>26</sup> Letter from Huber to Pilet-Golez, December 24, 1941, FA E 2803 (-) 1969/302, vol. 1. Minutes of the ICRC, January 19, 1942, Archives du Comité international de la Croix-Rouge (ACICR), B PV Comité. Jornod even wonders whether the proposal might have come from the Committee rather than from the government, *Jornod, Entraide*, 1985, p. 40.

<sup>27</sup> See Favez, *Mission*, 1988, pp. 46–49. The Foreign Affairs Division, directed by Pierre Bonna, and the Foreign Interests Division, directed since July 1940 by Arthur de Pury, also came under the direct control of the head of the EPD. A Geneva master’s thesis provides a good synthesis of the delegate’s dealings with the EPD, the ICRC, and the SRC, *Jornod, Entraide*, 1985.

also came from a family of Geneva bankers.<sup>28</sup> After studying law at the University of Geneva, de Haller quickly became accustomed to moving in international circles. In 1926, he started work at the League of Nations and beginning in 1938, he directed the mandate section. In 1940 he left this institution and offered his services to the ICRC on a volunteer basis, becoming a member in June 1941.<sup>29</sup>

One of the delegate's main tasks was coordination.<sup>30</sup> In the minutes of the Federal Council's sessions, one can read a brief assessment of Switzerland's international position, which was supposed to justify the creation of this new office. Now that the conflict had gone on for two years, becoming world-wide with the United States' entry into the war, the emphasis was once more on the intersection between neutrality and humanitarian activities.<sup>31</sup> The proliferation of Switzerland's diplomatic duties and humanitarian operations — official, private, and performed by foreign organizations in Switzerland<sup>32</sup> — necessitated a strict coordinating liaison with the government. This task was assigned to the delegate's office, a small office with a modest administrative machinery,<sup>33</sup> but with a decisive role. Studies by different authors show that one of this office's main concerns was adapting initiatives from private or semi-official associations to neutrality policy and diplomatic interests.<sup>34</sup> We will now examine in more detail several examples of de Haller's attitude toward the three major entities concerned: the ICRC, non-Swiss organizations, and the SRC-Relief for Children.

### 6.2.1 Relations with the ICRC

De Haller was a member of the ICRC when he assumed his new duties in the federal government. To dispel the impression that there was a close dependence between the federal authorities and the Geneva institution, de Haller was given the title of honorary member.<sup>35</sup> This minimal change in rank was the only guarantee of the ICRC's autonomy. For the ICRC, the fact that one of its leading members had been put in such a position clearly afforded the possibility of closer cooperation and had some real advantages. Had not de Haller and Huber in late 1941 drafted a plan promoting the connection between the ICRC and the Foreign Interest Division?<sup>36</sup> This answered the ICRC's long-standing concern about the distribution of

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<sup>28</sup> See Favez, *Mission*, 1988, p. 48. The information used by Favez and Billeter comes from Fiscalini, *Elites*, 1985.

<sup>29</sup> Jornod, *Entraide*, 1985, p. 100. De Haller entered the EPD's service on January 15, 1942, see FA E 2500 1982/120, vol. 40; see also biography in appendix 8.2 of this report.

<sup>30</sup> Minutes of the Federal Council, January 9 and 19, 1942, FA E 1004.1 (-) 1, vol. 417, p. 35 and 177. DDS, vol. 14, no. 153, p. 467.

<sup>31</sup> Favez, *Mission*, 1988, p. 48.

<sup>32</sup> The minutes mention the Young Men's Christian Association (YMCA) or the International Bureau of Education, see official minutes of the Federal Council, January 1942, FA E 1004.1 (-) 1, vol. 417, p. 117.

<sup>33</sup> De Haller had two assistants. See Favez, *Mission*, 1988, p. 49.

<sup>34</sup> Favez, *Mission*, 1988; Bourgeois, *Business*, 1998, p. 205; Jornod, *Entraide*, 1985; Kistler, *Konzept*, 1980.

<sup>35</sup> Minutes of the ICRC, Archives du Comité international de la Croix-Rouge (ACICR), A PV, Committee Session of January 19, 1942.

<sup>36</sup> Letter from de Haller to Pilet-Golaz, January 8, 1942, FA E 2803 (-) 1969/302, vol. 1.

authority.<sup>37</sup> In reality, this issue remained vague, because of the imprecision of the 1929 Geneva Convention «relative to the Treatment of Prisoners of War» in establishing of the rights and duties of protective powers.<sup>38</sup>

The delegate's double role with respect to the ICRC was complex: on the one hand, as informant and representative of the federal authorities, and on the other, as spokesman for ICRC's interests in Bern.<sup>39</sup> Nevertheless, in general, the Geneva institution's ability to function was actually subject to federal consent. The best known instance is the 1942 «non-appeal» to the belligerents. It involved a text proposed by female members which contained a reminder of the «rules» of war and, in veiled terms, a condemnation of Nazi deportations; but in the end it was not published. The women in particular realized, faced with Nazi genocidal policy, that the ICRC's muted action was no longer an adequate response. Mrs. Marguerite Frick-Cramer, deeply distressed by the intelligence reports converging on the ICRC beginning late 1942, wrote in late 1944:

«And if there is nothing to be done, then why don't we send these poor wretches something so they can put an end to their days; it might be more humane than giving them food.»<sup>40</sup>

However, in 1942, for the majority of the ICRC members, such a public appeal would be overstepping the bounds. Indeed, when the project was announced, de Haller informed Bonna that he judged it to be inopportune:

«It would be seen at this time as a condemnation of deportations which labor shortages have probably made inescapable and, for those in the Anglo-Saxon world, as a condemnation of air raids which may be the only blows they can deal their adversary.»<sup>41</sup>

Philipp Etter, the Federal Councillor in charge of the Interior and a leading member of the ICRC since 1940, expressly made it a point to participate in the meeting of October 14, 1942. The appeal was rejected by a majority of ICRC members and, at the end of the session, de Haller dictated the following memorandum to the EPD:

«The session we had this afternoon went well and the matter on the agenda was completely demolished, without any of the disadvantages we might have feared and which we discussed last Friday.»<sup>42</sup>

<sup>37</sup> The ICRC was already demanding an answer from the EPD about the «active neutrality plan» and a «memorandum of the parallel activities of the protective powers and the ICRC», see letter from Huber to Motta, November 16, 1939, DDS, vol. 13, no. 203, and appendices I and II.

<sup>38</sup> The Geneva Convention of 1929 charges the protective power with making sure the convention is applied, but article 88 recognizes a significant right of initiative for the ICRC. See «Abkommen über die Behandlung der Kriegsgefangenen», BBl 1930 II, pp. 307–334.

<sup>39</sup> Favez, Mission, 1988, p. 49.

<sup>40</sup> Favez, Mission, 1988, p. 104 (orig. French). For the position of female ICRC members, see Pavillon, Femmes, 1989, pp. 98–99 and pp. 104–107.

<sup>41</sup> Letter from Bonna to de Haller, September 2, 1942, DDS, vol. 14, no. 230, p. 751 (orig. French).

<sup>42</sup> Memorandum via telephone from de Haller to the EPD, on October 14, 1942, DDS, vol. 14, no. 230, p. 752, note 5 in appendix to document no. 230 (orig. French). The appendix contains the memorandum from de Haller to Etter and Pilet-Golaz on September 30, 1942. It is clear that the debates about the expediency of an appeal lasted from late August to mid-October 1942, see Favez, Mission, 1988, pp. 156–164. Max Huber was absent from this session because of illness, and Jacques Chenevière presided on October 14, 1942.

There were some persons in the EPD, who did not mind dismissing both Nazi Germany and Great Britain without declaring themselves in favor of either; and who saw, even in the ICRC's main activity which was to make sure that the conventions were upheld, an act that could be harmful to neutrality.

Well-informed of everything because of his privileged double position in the EPD and the ICRC, de Haller was able to supervise the ICRC's operations in significant ways. The case of the refugee camps in Switzerland exemplify how he viewed his role.

As delegate, de Haller backed the ICRC when it tried to secure the right to visit military and civilian refugee internment camps and, more generally, he supported the ICRC attempt to collect information about the number of people accepted in Switzerland.<sup>43</sup> He also went along with the Committee's position that camp visits would help to

«spare both the Committee (ICRC) and the Confederation the reproach that Switzerland is escaping, because ICRC headquarters are on its soil, from the control that the committee exerts in belligerent and neutral countries»<sup>44</sup>.

De Haller assured the EPD that the ICRC would abstain from conveying information to foreign governments that might harm the Confederation.<sup>45</sup>

In March 1943, an ICRC delegate in London was given the mission of visiting the refugee camps during his next visit to Switzerland. The idea was to inform London about the situation of Jewish refugees in Switzerland, about which negative rumors had been circulating. In the end, however, the ICRC delegate abandoned the plan after ICRC headquarters intervened via the ICRC London office. Regarding this episode, de Haller wrote that in this type of matter only members of the Swiss diplomatic corps<sup>46</sup> could provide foreign ministries with information.<sup>47</sup>

De Haller was clearly annoyed when steps were taken without his involvement; one example is the case of an October 1943 memorandum to the federal authorities concerning refugee relief in Switzerland, which was drafted by Paul-Edmond Martin, a member of the ICRC.<sup>48</sup> The memorandum proposed concrete measures to respond urgently to the accrued needs of the refugees and internees particularly from Italy.<sup>49</sup> After receiving no answer to its memorandum either from the EPD or from the EJPD, the ICRC reached an agreement with the Federal

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<sup>43</sup> Such research was an essential task of the ICRC. Starting in 1942, a special service within the Central Agency for Prisoners dealt with refugees in Switzerland, including civilian refugees, see ICRC, Rapport, 1948, vol. 2, pp. 327–230.

<sup>44</sup> De Haller's note, «Entretien avec M. Martin, membre du CICR» (Conversation with M. Martin, a member of the ICRC), March 9, 1944, FA E 2001 (D) 1968/74, vol. 13.

<sup>45</sup> In the spring of 1944, the ICRC was authorized to visit camps and homes sheltering civilians in Switzerland. Before then, it had occasionally visited military internees, see ICRC, Rapport, 1948, vol. 1, pp. 579–590.

<sup>46</sup> De Haller was thinking in particular of William Preiswerk-Tissot, head of the Foreign Interest section of the Swiss Legation in London.

<sup>47</sup> See De Haller's note after ICRC delegate Rodolphe Haccius's visit, March 18, 1943, FA E 2001 (D) 1968/74, vol. 13.

<sup>48</sup> «Mémorandum du CICR relatif aux possibilités de secours en faveur des internés, évadés et réfugiés sur le territoire de la Confédération» (ICRC Memorandum re: the Possibilities of Relief for Internees, Escapees, and Refugees on the Confederation's territory), October 14, 1943, FA E 2001 (D) 1968/74, vol. 13.

<sup>49</sup> On the EPD's problems because of the influx of refugees in mid-1943, see especially FA E 2001(D)1968/74, vol. 13.

Board for Internment and Hospitalization of the Army Command.<sup>50</sup> Behind the scenes, de Haller's close associate Henri Walther expressed his indignation at the ICRC's presumptuousness, accusing it of attempting to circumvent the EPD's authority.<sup>51</sup>

### 6.2.2 De Haller's role in the SRC and the SRC's Relief for Children

As a member of the Swiss Red Cross' managing board administration, de Haller also sat on the Executive Committee of the Swiss Red Cross – Relief for Children.<sup>52</sup> The question of his independence vis-à-vis the federal authorities was less of an issue here than for the ICRC. In Pilet-Golaz's opinion, de Haller was expected to serve as a «guide, even as a political inspiration» to the Swiss Red Cross. He was also expected to be in charge of coordination within the SRC-Relief for Children, an «off-shoot» of the SRC.<sup>53</sup> It should come as no surprise that in these functions de Haller assumed the role of advisor and coordinator with zeal, attending all sessions of both institutions, while taking care not to act as a third representative from the Federal Council.<sup>54</sup>

Once the children's relief committee started, the SRC served more than any other institution as a «display of humanitarian work»<sup>55</sup> for the Confederation's foreign policy. De Haller therefore considered it essential to supervise the personnel and operations of the SRC-Relief for Children. In this context, our study of the organization of the SRC-Relief for Children, its composition, and its operations will be somewhat more detailed.

The Swiss Red Cross-Relief for Children hosted more than 60,000 children during the war. There are innumerable photos and films that show children lined up on railway station platforms as they were being welcomed by Red Cross volunteers, and there are also a great many Swiss families who remember the «little foreigner» who had stayed with them. This huge operation and all the families who hosted children without being paid deserve high praise, as do the many others who dedicated themselves to helping children in distress.

Children were seen as «innocent victims», and at first children's relief appeared to be neither a political problem nor a problem for neutrality. As Pilet-Golaz declared in a spirited plea to allow child victims of the war to stay in Switzerland on a limited basis:<sup>56</sup>

«There is no question, it goes without saying, of national, social or religious distinctions: all those in need will be welcome as long as their health justifies it and a stay in Switzerland would be beneficial.»<sup>57</sup>

<sup>50</sup> From a note originating from de Haller's office, we learn that the Committee merely provided, at the Internment Board's request, clothing entrusted to it by foreign Red Cross committees; see also «aide aux Yougoslaves réfugiés en Suisse», unsigned note of November 17, 1943, FA E 2001 (D) 1968/74, vol. 3.

<sup>51</sup> Memorandum from Henri Walther to de Haller, October 23, 1943, FA E 2001 (D) 1968/74, vol. 11.

<sup>52</sup> See Jornod, *Entraide*, 1985, pp. 62–70.

<sup>53</sup> «Procès-verbal de la 44<sup>ème</sup> Session de la Commission des pouvoirs extraordinaires du Conseil des Etats» (Minutes of the 44th Session of the Commission of Extraordinary Powers Council of States), October 23, 1944, FA E 1050.1 (-) 1995/493, vol. 1. Quoted in Jornod, *Entraide*, 1985, p. 65 (orig. French).

<sup>54</sup> Jornod, *Entraide*, 1985, p. 65. The Federal Council had already named two members of the SRC's board.

<sup>55</sup> Jornod, *Entraide*, 1985, p. 69.

<sup>56</sup> Response to the Reinhard motion, see also Chapter 6.1.

However, despite the certitude expressed by the head of the Federal Political Department before the National Council, numerous problems arose which will be reviewed here.

### *Brief history of Children's Relief*

The SRC's Relief for Children originated in an operation to help child victims of the Spanish Civil War.<sup>58</sup> In 1937, fourteen relief agencies<sup>59</sup> joined together under the auspices of the Swiss branch of the International Civil Service<sup>60</sup> to form a «Neutral Action Committee for Spanish Children» («*Schweizerische Arbeitsgemeinschaft für Spanienkinder*»),<sup>61</sup> bringing together antifascist and pacifist groups. It handled the evacuation of children from war zones in Spain as well as the distribution of foodstuffs.

In 1940, faced with the enormous problems caused by war, a new organization was formed by the member associations of the «Neutral Action Committee for Spanish Children» and a few others groups, such as Pro Juventute.<sup>62</sup> The «Swiss Coalition for Relief to Child War Victims» (*Schweizerische Arbeitsgemeinschaft für kriegsgeschädigte Kinder*, hereafter Coalition) wished to take responsibility for organizing convoys of children for three-month stays in Switzerland. This type of aid was very popular in Switzerland, to such a degree that the Coalition had difficulty finding enough children to satisfy the great demand from Swiss families desiring to host a child in their homes. In 1940, having obtained official authorization, the Coalition welcomed the first children. In one year it hosted more than 7,000 children in Switzerland, most of them French.

At the end of 1941, the Coalition merged with the Swiss Red Cross. This decision was dictated by circumstance, because the Coalition, a completely private association, had reached the limits of its capacities. As for the SRC, this afforded it a new field of action in the civil sphere, organizing stays in Switzerland for thousands of children.<sup>63</sup>

<sup>57</sup> Minutes of the National Council's deliberations, June 11, 1942, FA E 1301 (-) -/I, vol. 350, p. 400 (orig. French).

<sup>58</sup> Schmidlin, Schweiz, 1999.

<sup>59</sup> Samariterhilfe für die Zivilbevölkerung Spaniens, Freunde des republikanischen Spaniens, Freunde Schweizerischer Volksbildungsheime Herzberg, Schweizerisches Hilfswerk für Emigrantenkinder, Schweizerisches Arbeiterhilfswerk, Schweizerischer Lehrerverein, Schweizerischer Caritasverband, Freunde Spaniens und Spanien-Amerikas, Internationale Liga für Frieden und Freiheit, Sozialistische Frauen, Service Civil International (Swiss branch), Schweizerische Quäker, and Centrale Sanitaire Internationale.

<sup>60</sup> The Service Civil International was a movement that developed from pacifism after the First World War. At Pierre Cérésole's initiative, Civil Service actions began to be deployed as early as 1920 in regions that were devastated by the war, and also in those seriously damaged by natural disasters. In 1934 a large operation was begun in India with the logistical and financial aid of the Quakers. Regina Müller, *Friedensarbeit*, 1993; Brassel/Tanner, *Geschichte*, 1986.

<sup>61</sup> The SRC refused to join, see Antonia Schmidlin, Schweiz, 1999, chapter «Die schweizerische Kinderhilfe und Spanien». Bohny-Reiter, *Journal*, 1991, see especially introduction from M. Fleury.

<sup>62</sup> The following participated: Schweizerische Gemeinnützige Gesellschaft, Bund Schweizerischer Frauenorganisationen, Pro Juventute, Schweizerischer Caritasverband, Schweizerisches Arbeiterhilfswerk, Schweizerisches Hilfswerk für Emigrantenkinder, Mouvement de la Jeunesse Romande, Schweizerischer Gemeinnütziger Frauenverein, Schweizerischer Lehrerverein, Schweizerischer Lehrerinnenverein, Société Pédagogique de la Suisse Romande, Freunde Schweizerischer Volksbildungsheime, Service civil international (Swiss branch), Verband deutschschweizerischer Jünglingsbünde vom Blauen Kreuz, Schweizer Ärzte- und Sanitätshilfe – also known as Centrale sanitaire suisse, Schweizerische Sektion des Weltbundes für Erneuerung der Erziehung, Fédération du Christianisme Social de la Suisse Romande, see Schmidlin, Schweiz, 1999, chapter «Die schweizerische Kinderhilfe zwischen 1940 und 1942».

<sup>63</sup> Minutes of the SRC Central Committee, November 7, 1941, Zentralarchiv des Schweizerischen Roten Kreuzes.

### *Creation of the Swiss Red Cross-Relief for Children*

The new organization's presidency was held by Colonel Hugo Remund, chief physician of the SRC, and Rudolfo Olgiati served as its secretary;<sup>64</sup> Olgiati had formerly been secretary general of Spanish Aid, of the Coalition, and of the International Civil Service. The Executive Committee was made up of four Coalition representatives, including Regina Kägi-Fuchsmann of the Swiss Workers' Relief Agency (*Schweizerisches Arbeiterhilfswerk*).<sup>65</sup> There were also four delegates from the SRC, and two from the federal government. Also included in the Executive Committee was Edouard de Haller, the emissary for international aid agencies.

Conflict quickly developed in the administration between Remund and Olgiati, resulting in Olgiati's resignation in October 1943. It was difficult for these two men to work together, since the Olgiati came from the pacifist movement, where he had worked with small, highly mobile teams, while Remund was a product of the Swiss army, a colonel, and chief physician of the SRC, and therefore very hierarchical and structured in his approach. In addition, Olgiati was accustomed to working with international aid organizations such as the Quakers while the SRC's activity, because of its connection to the army, remained confined to Switzerland. Other tensions between the International Civil Service and organizations such as Pro Juventute and Caritas appeared as well at the center of the Coalition, resulting in the departure of these two latter groups from the Coalition. No longer feeling bound by its 1941 agreement with the Coalition, the SRC Relief for Children adopted a new regulation stipulating that the members of the executive committee could thereafter only be nominated by the SRC central committee. This maneuver significantly increased the power of the SRC within the SRC – Relief for Children.

### *Hosting Children*

With this merger, SRC-Relief for Children took over the charitable work that the Coalition had established in the south of France: a preschool in Elne, a nursery in Banyuls, five children's homes sheltering approximately 300 children (with dining halls and bottle-feeding stations), as well as nursing stations in internment camps in Gurs, Rivesaltes, and Récébédou.<sup>66</sup>

In the eyes of the authorities, however, its most important function was taking in several thousand children per year for three-month stays in Switzerland. The goal was to allow these children who had suffered from the war to recuperate in Switzerland; for the most part they were taken in by families. In one year Switzerland hosted almost 20,000 children, 90 percent of whom were French, 10 percent Belgian, and a small number Serbian.<sup>67</sup> But this operation

<sup>64</sup> See short biography in appendix.

<sup>65</sup> See short biography in appendix.

<sup>66</sup> «Übersicht über die Tätigkeit der Schweizerischen Arbeitsgemeinschaft für kriegsgeschädigte Kinder bis zum 15. Dezember 1941» (Survey of the Activities of the Swiss Coalition for Relief to Child War Victims up to December 15, 1941), FA E 2001 (D) 2, vol. 187. Also Grynberg, *Camps*, 1999, esp. pp. 216–234.

<sup>67</sup> «Sitzung der Direktion des Schweiz. Roten Kreuzes» (Meeting of the Directors of the Swiss Red Cross), December 3, 1942, Zentralarchiv des Schweizerischen Roten Kreuzes. The statistics vary depending on the source, for example in

which had begun in January 1942 ceased with the German occupation of the southern zone of Vichy France and was discontinued until December 1944. After the childrens convoys resumed, and through the end of 1945, a total of more than 28,000 children benefitted from these temporary stays in Switzerland.

From September 1944 to December 1945, SRC-Relief for Children also dealt with another category of children: those fleeing the war and flocking to the Swiss border. More than 25,000 of them entered Switzerland in the regions of Belfort and Domodossola. They would leave Switzerland in the months after the war ended.

### *The intervention of the authorities*

The head of the Federal Political Department showed a real interest in this new organization which was, in his opinion, one of the loftier results of neutrality. He therefore defended the project by calling on the generosity of the population: «Each one of us must work to make our neutrality active, useful, and compassionate to the community of peoples torn apart by war.»<sup>68</sup>

He personally participated in the plan submitted to him in January 1942 by the SRC to host 10,000 children by balancing the national distribution according to purely political criteria: if Serb children were to be taken in, Croat children must also be considered,<sup>69</sup> and

«we must make sure that a certain number of German and Italian children are already in Switzerland before we reach the maximum levels envisioned for France, Belgium or Holland».<sup>70</sup>

Thus, the children's state of health was not the only thing that mattered, but also the attention that Germany might pay to the operation.

De Haller regularly reported to Pilet-Golaz about the decisions made by the Relief for Children's executive committee. In his many notes, there is a striking disdain in his comments about other executive committee members; for example, in September 1942, when the population was demonstrating sympathy for Jewish refugees fleeing the deportations in France, he wrote:

«The executive committee members also seem to be subject to the wave of simplistic generosity that is rampant throughout the country. More than anything, they would like to <save> the children, that is, to shield them from deportation if they are 16 or younger, or if the minimum age is lowered.»<sup>71</sup>

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one SRC report, the figure is 22,534 French children, 2,586 Belgian children, and 451 Serbian children. «Bericht über die schweizerische Hilfstätigkeit zugunsten kriegsgeschädigter Kinder 1939–1946; Stand 1. Juni 1946» (Report on Swiss Relief Activities for Child War Victims), FA J.II.15 (-) 1969/7, vol. 97.

<sup>68</sup> Minutes of the Federal Council meeting, June 11, 1942, FA E 1301 (-) -/I, vol. 350, p. 422 (orig. French).

<sup>69</sup> Serbia was occupied by Nazi Germany and under Wehrmacht military administration, whereas Croatia was an Axis state affiliated with the German *Reich*.

<sup>70</sup> Report of a conversation of Federal Councillor Pilet-Golaz with SRC President Johannes von Muralt, chief physician of the SRC Hugo Remund, and Daniel Secrétan, Legation Councillor, January 7, 1942, FA E 2001 (D) 2, vol. 187 (orig. French).

<sup>71</sup> DDS, vol. 14, no. 237, appendix, p. 777; Bourgeois, *Business*, 1998, pp. 213f (orig. French).

### *The exclusion of Jewish children*

Right from the start of the new organization's existence, the chief physician of the SRC-Relief for Children was confronted with the exclusion of Jewish children from these (humanitarian) convoys upon the order of Rothmund in May 1941, and which the Coalition had apparently not opposed.<sup>72</sup> Faced with substantial public protest and critical newspaper articles,<sup>73</sup> the Coalition requested that it be allowed to accept 200 Jewish children as well, along with every convoy arriving in Switzerland for a three-month stay. The request was granted for Jewish children of French nationality, but excluded foreign and stateless children.

A few months later, in August 1942, thousands of children whose parents had been deported were abandoned in the non-occupied zone of France. The Relief for Children's executive committee, alerted by the arrest of children from the children's homes it ran in France,<sup>74</sup> proposed that a certain number of these children be accepted into Switzerland. Informed of this by the SRC president, de Haller pointed out to him that

«it would be regrettable to create the impression, which Allied propaganda would certainly exploit to its advantage, that the Swiss people and the Swiss Red Cross were prepared to act on their feelings of compassion, but that the Federal Council got in the way.»<sup>75</sup>

It was, however, Federal Councillor Pilet-Golaz himself who, in September 1942, vetoed both plans, either to host 500 Jewish children in Switzerland or to accept several thousand in transit to the United States:

«I do not agree with either of these solutions. Any intervention or assistance must take place in France. The unrest surrounding this problem is becoming more and more dangerous. We should realize that in the past hundred years, Switzerland has twice been close to going to war because of refugees. This time there will be no England present to intervene.»<sup>76</sup>

This memorandum ended requests by the executive committee. A number of children later entered Switzerland illegally with help from members of the Red Cross-Relief for Children in France,<sup>77</sup> and other associations.<sup>78</sup>

<sup>72</sup> «Circulaire à la Légation de Suisse à Vichy et Paris, aux Consulats de Suisse en France, aux Départements de police des cantons, au Cartel suisse de secours aux enfants victimes de la guerre, à Berne» (Circular to the Swiss Legation in Vichy and Paris, to the Swiss Consulates in France, to cantonal Police Departments, to the Swiss Coalition for Relief to Child War Victims in Bern), Police Division Circular, May 23, 1941, FA E 2001 (D) 2, vol. 187 and E 4800.1 (-) 1967/111, Akz. 1.15, file 342.

<sup>73</sup> Georg Kreis, «Menschlichkeit, aber nicht in jedem Fall», *Weltwoche*, March 11, 1999.

<sup>74</sup> Schmidlin, Schweiz, 1999, see chapter «Die Verhaftung der jüdischen Kinder in La Hille».

<sup>75</sup> «Projets de la Croix-Rouge suisse-Secours aux Enfants, concernant les enfants de Juifs apatrides déportés ensuite des récentes mesures du Gouvernement de Vichy. Attitude du Comité central de la Croix-Rouge suisse. Entretien avec le Col.-Div. von Muralt, président de la Croix-Rouge suisse» (Plans of the Swiss Red Cross-Relief for Children, concerning the children of deported stateless Jews following the Vichy government's recent measures: Attitude of the Central Committee of the Swiss Red Cross, conversation with Major General von Muralt, president of the Swiss Red Cross), September 10, 1942, FA E 2001 (D) 1967/74, vol. 15.

<sup>76</sup> Handwritten remark by Pilet-Golaz on the memo from de Haller to Pilet-Golaz, September 15, 1942, DDS, vol. 14, no. 237, p. 776, note 1 (orig. French). According to Cerutti, the two affairs Pilet-Golaz is alluding to are first, the conflict with France in 1838 which demanded the deportation of the future Napoleon III, and second, the conflict with Bismarck in 1889 regarding Wohlgermuth, see Cerutti, Switzerland, 1998, p. 41, note 2.

<sup>77</sup> Picard, Schweiz, 1994, pp. 435–440; Bourgeois, Business, 1998, p. 210.

<sup>78</sup> Bohny-Reiter, Journal, 1993; Im Hof-Piguet, Fluchtweg, 1987.

There is no doubt that during the summer of 1942, the federal authorities knew about the deportations and were aware that their refusal to take in Jewish children meant that they would be arrested and sent to an internment camp, before being deported to Poland. At best, the fate awaiting these children was characterized by the necessity of living in hiding, attempting to illegally cross the border into Switzerland or Spain, and the constant fear of being discovered or turned back.<sup>79</sup>

Concurrently with events in France, the SRC-Relief for Children began performing a new service: dealing with the children of refugees who had come to Switzerland before or during the conflict; the majority of these children were Jewish. According to de Haller, Colonel Remund wanted the SRC Relief for Children to limit itself simply to financial support for these children to avoid the appearance of «being henceforth on the track of aiding Jewish children».<sup>80</sup> It was therefore decided that the SRC would share its work with the Swiss Committee for Aid to Refugee Children: this latter group would take care of the refugee children, while the SRC Relief for Children would contribute the sum of 400,000 francs for the year 1943.<sup>81</sup>

During 1943, the number of refugee children in Switzerland continued to grow. The Red Cross Relief for Children could no longer limit its activity to providing a subsidy, and thus the executive committee decided to deal directly with refugee children itself,<sup>82</sup> whose numbers had reached approximately 1,500.<sup>83</sup>

### 6.2.3 The delegate's relationship to international organizations

In the course of the war, Switzerland became a pivotal center for international aid groups, especially after the occupation of all of France in November 1942. The delegate maintained regular contact with those aid organizations that dealt with refugees in Switzerland and that were also involved in relief work abroad. We have seen how humanitarian considerations of foreign policy can intersect with the more domestic issues of asylum policy which, for the most part, was under the EJPD's jurisdiction. The delegate was, therefore, especially interested in the affairs of international aid organizations relating to refugees in Switzerland. The following examples indicate his line of conduct toward foreign contributions for refugees in Switzerland.

In September 1942, de Haller conveyed to Pilet-Golaz that the American Red Cross wanted to send supplies so that the quota of children that the Confederation was willing to accept could

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<sup>79</sup> See chapter 4.

<sup>80</sup> «Visite du Col. Remund, Médecin en Chef de la Croix-Rouge suisse, le 5 mars 1943. Arrangement avec le Comité d'assistance aux réfugiés» (Visit of Col. Remund, chief physician of the Swiss Red Cross, March 5, 1943; agreement with the Aid Committee for Refugees), Memorandum by de Haller, March 5, 1943, FA E 2001 (D) 1968/74, vol. 15.

<sup>81</sup> «Protokoll Nr. 21 der Sitzung des Arbeitsausschusses des schweiz. Roten Kreuzes, Kinderhilfe» (Protocol No 21 of the Working Committee of the Swiss Red Cross – Childrens Relief), February 11, 1943, FA E 2001 (D) 3, vol. 484.

<sup>82</sup> «Protokoll Nr. 32 der Sitzung des Arbeitsausschusses des schweiz. Roten Kreuzes, Kinderhilfe», November 30, 1943, FA E 2001 (D) 3, vol. 484.

<sup>83</sup> Heinrich Rothmund speech, «Zur Flüchtlingsfrage» (On the Refugee Issue), October 6, 1944, FA J.2.15 (-) 1969/7, vol. 63.

be increased.<sup>84</sup> During the summer of 1942, the closing of the border, which had been absolute, was relaxed in some respects, but refugee policy became more rigid with von Steiger's arguments about food supplies and national security.<sup>85</sup> From that point on, offers of material aid coming from the United States greatly annoyed de Haller. He suspected them of serving to «neutralize the argument of the Federal Council's official position, which refers to the country's food situation». As a comment to the delegate's remark, Pilet-Golaz added by hand: «The difficulties for the moment are not related to food.»<sup>86</sup>

In March 1943, de Haller furnished Pilet-Golaz with ideas about how to respond to a telegram proposing the dispatch of clothing from the United States:

«By allowing refugees onto its territory, Switzerland has taken on certain obligations. In particular, it is responsible for decently lodging, feeding, and clothing the concerned parties. If our textile stocks and the collections we take up for used clothing in this country are not sufficient, we would ask the Blockade for navigation certificates for importing cloth or clothing, which we would purchase abroad. It would, in my opinion, be regrettable if importing three tons of used clothing from America into Switzerland gave Jewish communities abroad the idea that Switzerland limits itself to granting refugees asylum and that their upkeep is paid for by their fellow Jews in the Anglo-Saxon world.»<sup>87</sup>

We can see that the refugees' fate and their living conditions played a secondary role in de Haller's remarks. The primacy of economic concerns and foreign policy was quite obvious to him. It should be added that foreign contributions were indirectly linked to negotiations concerning the blockade. This explains why the Swiss economic delegation progressively went from general requests to more insistent petitions, which were motivated by the presence of refugees in Switzerland.<sup>88</sup> De Haller rapidly perceived the weakness of such an argument which could no longer be maintained if the authorities rashly accepted foreign donations or even solicited them concurrently with the negotiations.<sup>89</sup>

In brief, foreign proposals put the EPD, in the delegate's opinion, in a quandary: it could either refuse aid, at the risk of being portrayed as an «executioner», or else it could accept it and be deprived of the «moral benefit of disinterested hospitality».<sup>90</sup> The EPD was especially concerned that the Allies might accompany aid to the victims of the conflict who had taken

<sup>84</sup> Carl Jacob Burckhardt, a member of the ICRC and the president of the Joint Aid Commission informed de Haller of the American plan.

<sup>85</sup> Von Steiger delivered a speech on August 30, 1942, to the «Young Church» of Zurich-Oerlikon, which was later summarized by the famous phrase «the boat is full». Von Steiger, in his response to Prof. Ludwig's report, quoted his speech word for word: «Whoever commands a small life boat that is already quite full, of limited capacity, and with an equally limited amount of provisions, while thousands of victims of a sunken ship scream to be saved, must appear hard when he cannot take everyone. And yet he is still humane when he warns early against false hope and tries to save at least those he had taken in». Ludwig, *Flüchtlingspolitik*, 1957, p. 394. See also chapter 3.2.

<sup>86</sup> Handwritten note by Pilet-Golaz on a Memorandum from de Haller to Pilet-Golaz, re: «Projet de contribution américaine» (American Contribution Plan), September 20, 1942, FA E 2001 (D) 1968/74, vol. 10.

<sup>87</sup> Memorandum from de Haller to Pilet-Golaz, March 12, 1943, FA E 2001 (D) 1968/74, vol. 13 (orig. French).

<sup>88</sup> In February 1944, the EPD recommended emphasizing the number of refugees in relation to the population, rather than using absolute figures, see DDS, vol. 15, nos. 38 and 90, especially pp. 242–43.

<sup>89</sup> This is, for example, the sense of one of de Haller's memos, «Conversation with Mr. Paul-Edmond Martin, ICRC member», March 8, 1944, FA E 2001 (D) 1968/74, vol. 13.

<sup>90</sup> Memorandum from de Haller after a visit from Alexandre Girardet, Councillor at the Swiss Legation in London, April 17, 1943, FA E 2001 (D) 1968/74, vol. 13 (orig. French).

refuge in Switzerland with all sorts of conditions regarding refugee policy. In principle, refusing aid would support the official argument, i.e., that Switzerland could not support any more refugees, from being undermined, and the Swiss position during economic negotiations would thus not be weakened. It is interesting to note that de Haller justified his refusal at one point by proclaiming that he was using this method

«to pressure our authorities and our great national organizations to adopt a less petty concept of hospitality than they have had up to now».<sup>91</sup>

Thereafter, he tried to achieve a balance between the categorical refusal of outside donations and some easing of that refusal; hence his attitude changed from one situation to the next, and was not always without ulterior motives. Starting in 1944 when Switzerland was trying to prepare for the postwar period, de Haller modified his policy in certain respects. The delegate was also concerned about criticisms to which Switzerland might be subjected and which were «not entirely without justification»: especially that of inflicting on refugees «the consequences of pride divested of its corrolary aspects of generosity».<sup>92</sup>

In his attitude toward foreign contributions, de Haller was also responding to another constraint. These organizations, some of which had their headquarters in Switzerland, represented access to a network which, with the developments of the war and the internationalization of relief, was becoming more and more essential. De Haller thus recognized their importance, but regretted how little influence the federal authorities had over their aid operations. Out of a desire for control, de Haller favored Swiss initiatives, although he still facilitated any convergence with large international agencies where neutrality allowed it.

In this section, we have tried to show that the EPD's role was in line with that of the EJPD and the EMD (Federal Military Department) regarding questions of direct importance to refugees. The EPD even proved to be an important institutional participant in the framework of Federal Council policies. However, its role in insuring or blocking the communication of information as well as in channeling operations to help victims of the Nazis, has heretofore been relatively unrecognized.

### 6.3 New Directions and Functions for the Postwar Period

As the tide of the war began to change, federal authorities realized that their conduct would be judged mainly during the second phase of the conflict.<sup>93</sup> De Haller confirmed such thinking explicitly in March 1945:

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<sup>91</sup> Letter from de Haller to Rezzonico, February 22, 1944, FA E 2001 (D), 1968/74, vol. 13 (orig. French). Clemente Rezzonico was a Legation Councillor, and Department Head of Press and Propaganda in the EPD.

<sup>92</sup> Memorandum from de Haller to Pilet-Golaz, April 19, 1944, FA E 2001 (D) 1968/74, vol. 13 (orig. French).

<sup>93</sup> To appreciate Switzerland's situation during the last years of the war as the conflict drew to a close, see, among others, Spahni, *Ausbruch*, 1977; Kreis, *Schweiz*, 1996. On the ambiguity of humanitarian operations, see Kistler, *Konzept*, 1980; Herren, *Internationalismus*, 1997. See also, Roulet/Surdez/Blättler, *Petitpierre*, 1980. On Swiss relations with the USSR, see Gehrig, *Zeiten*, 1997, pp. 473–513; Pavillon, *Ombre*, 1999.

«The way in which we have fulfilled our role as protective power has certainly been appreciated in the United Nations' camp. But it is clear that we have not done everything we could have during the last months of the war to protect prisoners of war, internees, and deportees from the consequences of the aerial bombardment of Germany and from the disruption that has followed; it is no longer gratitude but resentment that tomorrow's victorious nations will feel toward us. This is such an obvious psychological phenomenon that it does not need to be explained. Moreover, we have gathered accounts from fellow citizens who have recently returned from abroad which entirely corroborate our conviction that Switzerland will be judged according to what it does in the last phase of the war and not on any merit it has earned until now.»<sup>94</sup>

In the following pages, we will explore some of the principal aspects of this reorientation in humanitarian activities with a view to the postwar period.

### *Humanitarian work and the reconstruction of ravaged countries*

In mid-1941, the Allies created the foundations of an international aid organization<sup>95</sup> which would later be given concrete expression in the establishment of UNRRA<sup>96</sup> in November 1943 in Washington.<sup>97</sup> UNRRA, created to deliver emergency aid to displaced persons, postulated an Allied victory, an assumption that seemed premature to the federal authorities. Switzerland's rigidly observed neutrality kept it from participating in the new organization. Isolation was threatening Switzerland, especially since Sweden, also a neutral country and not a member of UNRRA, had put a hundred million crowns at the disposal of this reconstruction organization.<sup>98</sup> The federal authorities maintained a reserved attitude, although they still wished to be kept well-informed of Allied humanitarian projects.<sup>99</sup>

In addition, the authorities preferred to act alone in the matter, since they did not want their own contribution, the result of the Swiss people's perceived sacred humanitarian duty,<sup>100</sup> to be lost in a multinational organization.<sup>101</sup>

Toward the end of 1944, a proposal to organize aid for the postwar period received the EPD's encouragement. Two plans had been under discussion for almost a year. The first, presented in December 1943, came from those sectors of the economy that fostered a rapprochement with the Allies and whose motives were clearly self-serving; the other plan dated from February

<sup>94</sup> Note from de Haller to Max Petitpierre, head of the EPD, DDS, vol. 15, no. 395, p. 997 (orig. French). Quoted in Favez, Prochain, 1988, p. 394.

<sup>95</sup> In September 1941 the Interallied Committee of Postwar Requirements was created in London.

<sup>96</sup> United Nations Relief and Rehabilitation Administration.

<sup>97</sup> Kistler, Konzept, 1980, pp. 14–16.

<sup>98</sup> The Federal Council, informed of the Swedish move, explained it by the fact that the priority for aid would have to be small Scandinavian powers united by «very close ties of ethnographic and political kinship» (orig. French), see «Proposal by the EPD to the Federal Council», February 14, 1944, DDS, vol. 15, no. 82, p. 223.

<sup>99</sup> The federal government prepared for the postwar period by creating a section within the EPD for International Alliances and Postwar Matters, see DDS, vol. 14, appendix VII.1. See also FA E 2001 (D) 1968/74, vol. 22, quoted in Fleury, Suisse, 1996, 70; see also Fleury, Suisse, 1999 (forthcoming).

<sup>100</sup> This explains the temptation to «mythologize the humanitarian tradition» and the reminder of a «moral duty toward the suffering of others» that can be found in the propaganda for the Swiss Charitable Fund see Schweizer Spende, Volk, 1945. See also D'haemer, Nachkriegshilfe, 1997, p. 22; Hohermuth, Nachkriegshilfe, 1944, p. 315, quoted by D'haemer.

<sup>101</sup> Jornod, Entraide, 1985, p. 28.

1944, and its terms tended to reflect the Federal Council's views.<sup>102</sup> The essential principles of what would become the great national operation of the Swiss Charitable Fund: neutrality, unanimous participation by the population, and impartiality, were presented in the February 1944 text. Clearly the EPD wanted to remove all suspicion of collusion between philanthropy and political-economic calculations.<sup>103</sup> It was certainly true, however, that economic arguments did motivate the operation in large part.<sup>104</sup>

The Swiss Charitable Fund was to be non-official in nature and be placed under the patronage of a National Committee of approximately 60 people in order to insure its popular, representative base.<sup>105</sup> Nominations for the organization's leaders were based on a balance of social, political, and religious representation in proportion to their presence in Swiss society. Ernst Wetter,<sup>106</sup> a former Federal Councillor who was elected president of the Swiss Charitable Fund, was conscious of this, as we can see from a brief conversation with de Haller,<sup>107</sup> who had been asked to follow the project:

«I took the opportunity to ask Mr. Wetter once again if he didn't think that the Jewish community should be invited to be part of the Committee. Mr. Wetter answered in the negative.»<sup>108</sup>

De Haller argued for a quick deployment and, despite his personal reservations about UNRRA, did not rule out later «switching over» to the Allied organization.<sup>109</sup> In fall of 1944, the Federal Council submitted a request for an initial allocation of 100 million francs to the Parliament.<sup>110</sup> The sum was budgeted and complemented by funds from the cantons and individuals, thanks to the vast collections that had been taken up among the population.<sup>111</sup> Priority for the relief

<sup>102</sup> For this plan, see letter from the «Comité d'étude en vue de la participation suisse à la reconstruction de régions dévastées» (Study Committee for Swiss Participation in the Reconstruction of Devastated Regions) to Pilet-Golaz, November 3, 1943, DDS, vol. 15, no. 34 and also, letter from Speiser, head of the Federal War Office for Industry and Labor, to the Federal Council, December 12, 1943, DDS, vol. 15, no. 55. Also, Proposal from the EPD to the Federal Council, February 14, 1944, DDS, vol. 15, no. 82.

<sup>103</sup> The links between economic and humanitarian policy from the postwar point of view are, however, quite real. See Spahni, *Ausbruch*, 1977, p. 201; Kistler, *Konzept*, 1980, pp. 21–23; Perrenoud, *Diplomatie*, 1996, p. 133.

<sup>104</sup> Liquidating war reserves and reinspiring confidence in the economic sector, were ways of fighting the effects of a probable crisis after the conflict ended. DDS, vol. 15, no. 55, p. 142 and no. 76 (appendix), p. 215, also no. 82, p. 224 and appendix p. 227.

<sup>105</sup> Speiser emphasizes the fact that the operation's prestige was to reflect back on the Federal Council, representing the Swiss people as a whole, DDS, vol. 15, no. 55, p. 143.

<sup>106</sup> Wetter left the Department of Finance and Customs in December 1943. He was replaced by Ernst Nobs.

<sup>107</sup> De Haller's role in the preparatory phase of the Swiss Charitable Fund and his relations with the National Committee are discussed in Jornod, *Entraide*, 1985, pp. 71–86.

<sup>108</sup> De Haller's memorandum about conversation with Wetter, January 9, 1945, FA E 2001 (E) 1, vol. 147 (orig. French). The members of the National Committee numbered more than 70 individuals and came from different groups: there were leaders of aid organizations, members of parliament, and high-ranking government officials. For example, Kägi-Fuchsmann, from workers relief, was seated next to Bachmann, president of the board of directors of the Swiss National Bank. See *Don suisse, Rapport*, 1949, pp. 171–173. For Bachmann and his position toward SNB gold purchases, see ICE, *Switzerland and Gold Transactions in the Second World War*, 1998, especially pp. 93–132.

<sup>109</sup> It is therefore not surprising that the EPD accepted Royall Tyler's presence in Bern (as unofficial representative of UNRRA in Switzerland), and granted him diplomatic facilities. See report on de Haller-Tyler meeting, DDS, vol. 15, no. 55, note 2, pp. 139–140; Kistler, *Konzept*, 1980, pp. 16–20; Favez, *Don suisse*, 1995, p. 332.

<sup>110</sup> The Swiss contribution to UNRRA would also have been as high as 100 million, or 1 percent of the gross national product, see Favez, *Don suisse*, 1995, p. 329.

<sup>111</sup> The main collection in 1945 brought in more than 46 million francs. The general report on the Swiss Charitable Fund gives more precise information on the resources available for its operations. *Don Suisse, Rapport* 1949, pp. 37–48 and «Compte général du Don suisse» (table of general accounts), pp. 236–237.

operations went to neighboring countries because of their «close proximity, ethnic relationship, and long-shared traditions».<sup>112</sup>

In November, Rodolfo Olgiati was appointed to head the Central Office of the Swiss Charitable Fund, the agency which was tasked with preparing aid operations abroad. However, de Haller and Wetter retained ultimate control over strategic decisions.<sup>113</sup> An executive committee of nineteen members appointed by the Federal Council, to which it had to submit periodic reports, studied projects presented by the aid organizations and decided on how allocations would be awarded.<sup>114</sup> Finally, in December 1944, a Federal Council decree authorizing the creation of the Swiss Charitable Fund (*Don suisse*) was unanimously approved by the Parliament.<sup>115</sup>

As we can see, Swiss aid operations abroad were endowed with substantial resources and were granted even more through popular contributions, showing a real generosity by the population. The Swiss Charitable Fund represented the most typical form of humanitarian policy for the postwar period.<sup>116</sup> Moreover, it responded to specific interests<sup>117</sup>, even in the eyes of its creators, and a mythical representation of national identity developed around it.<sup>118</sup>

### *A commission of experts*

Almost simultaneously, a slow development began to take shape in Switzerland, leading to the refugees' gradual participation in questions that affected their futures.<sup>119</sup> This process was initiated especially by the creation of a Commission of Experts for the refugee problem, a consultative body for refugees and leaders of aid organizations. Indeed, von Steiger formally supported the proposal filed in December 1943 by National Councillor Jacques Schmid (from

<sup>112</sup> Proposal of the EPD to the Federal Council, October 4, 1944, DDS, vol. 15, no. 248, p. 648. In the same vein, Olgiati recalled in early 1945 that «cultural and historic ties» would be taken into account, «as well as the Swiss people's liking of certain populations or certain regions that have been ravaged by the war», Minutes of the first session of the National Committee of the Swiss Charitable Fund, January 17, 1945, FA E 2001 (E) 1, vol. 147 (orig. French).

<sup>113</sup> Olgiati, who was home after a visit with the Quakers in the United States and who had resigned from the SRC – Relief for Children, was chosen because of the breadth of his contacts with Swiss and foreign aid organizations. See FA J.II.15 (-) 1969/7, vol. 29, file 96; see also Jornod, *Entraide*, 1985.

<sup>114</sup> On the structure of the Swiss Charitable Fund, see *Don Suisse, Rapport*, 1949, pp. 21–30. The aid organizations' projects had to fall within the scope of the Swiss Charitable Fund; generally, the Swiss Charitable Fund entrusted them with mandates. See Kistler, *Konzept*, 1980; Jornod, *Entraide*, 1985, pp. 74–75; *Don Suisse, Rapport*, 1949, pp. 31–36.

<sup>115</sup> «Botschaft des Bundesrates an die Bundesversammlung über die «Schweizer Spende an die Kriegsgeschädigten vom 1. Dezember 1944», (Message of the Federal Council to the Parliament about the Swiss Charitable Fund for War Victims of December 1, 1944), in BBl 1944, I, pp. 1409–1415.

<sup>116</sup> The Swiss Charitable Fund's general report lists total operations by country (pp. 174–238). Expenses for training and equipment for the departure of refugee adults and children from Switzerland amounted to 621,000 francs. Major expenses were also allowed for the hospitalization of adults and children in Switzerland from the end of the war through 1949. See *Don Suisse, Rapport*, 1949, pp. 219–223.

<sup>117</sup> The report stated that Switzerland had an interest in alleviating the misery in neighboring countries so that it could protect itself from possible chaos at its borders. *Don Suisse, Rapport*, 1949, p. 15.

<sup>118</sup> This does not mean that opposing opinions were never heard. André Bonnard was one, a Hellenist and Professor at the University of Lausanne, who, in the journal *Traits* of February–March 1945, condemned Switzerland's «flight into neutrality», its «conceited image», and criticized what he called «charity blackmail», pp. 7 and 10 (orig. French). See Petitpierre's reaction to Bonnard's article, DDS, vol. 15, no. 414; see also, Lasserre, *Suisse*, 1989, p. 336.

<sup>119</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 303. This movement intensified and gave rise to surveys of refugees in Switzerland by the aid societies. It led to a conference held in February–March 1945 in Montreux, organized by relief agencies and supported by the federal authorities who were invited to participate. See SZF, *Flüchtlinge*, 1945 and chapter 2.3.

Solothurn), and convened the constitutive session for February 23, 1944. De Haller was invited to the session and wrote a report for Pilet-Golaz,<sup>120</sup> which enables us to see the tone of the Commission's first session. The federal authorities were finally becoming more aware of the sometimes very serious lapses in the reception and treatment of refugees. The delegate recapitulated the substance of a comment by William Rappard:

«Our refugees are too often mistaken about our attitude. We must explain it to them to ensure ourselves the moral benefit of the sacrifices we are making for them.»

And he later added:

«There are too many refugees who claim to suffer from undernourishment for these complaints to be unfounded .... The situation would be greatly improved if, along with their marching orders, the officers in charge of dealing with refugees received an <orientation> about the task that has fallen to them. Finally, an effort should be made to find <men who do not become antisemitic too quickly.>»<sup>121</sup>

Refugees were not invited to sit on the four sub-committees that formed the Commission of Experts.<sup>122</sup> Leaders of private aid organizations were recognized as specialists on these questions and sat on the sub-commissions. It should be noted here that the Swiss Red Cross was «ranked as a public authority», and as such, did not participate in the different committees. According to the memorandum, von Steiger had particularly emphasized the assistance that de Haller could provide for the Commission's sessions. In March 1944, the EJPD named 47 permanent members to the Commission of Experts on the question of refugees. One of the sub-commissions was initially called «Commission for postwar problems» and later renamed «Commission for Emigration».<sup>123</sup> There were two more plenary sessions of the Commission, in October 1944 and in November 1947. The Montreux Conference from February 25 to March 1, 1945 also constituted a very important moment in the gradual allowance of participational voice by refugees.<sup>124</sup> The delegate to aid societies only attended the conference's inaugural session, and it was Henri Walther, his closest colleague, who wrote a report about Montreux. The mood at Montreux was indicative of a certain détente after the creation of the Commission of Experts on the Question of Refugees, a change that was welcomed by the federal authorities:

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<sup>120</sup> De Haller to Pilet-Golaz, «Rapport sur la séance constitutive de la Commission consultative pour les questions concernant les réfugiés» (Report on the Constitutive Session of the Advisory Commission for Questions Concerning Refugees), February 25, 1944, FA E 2001 (D) 1968/74, vol. 13. De Haller was initially insulted that the EPD had been only belatedly brought into discussions about the creation of the Commission.

<sup>121</sup> The delegate's report was positive: the commission was responding to a need and de Haller felt that von Steiger had very ably presided over the session. «Rapport sur la séance constitutive de la Commission consultative pour les questions concernant les réfugiés» (Report on the Constitutive Session of the Advisory Commission for Questions Concerning Refugees), February 25, 1944, FA E 2001 (D) 1968/74, vol. 13. Rappard was the director of the Institute of International Studies at the University of Geneva and was elected in 1941 to the National Council on the Alliance of Independents' list.

<sup>122</sup> De Haller to Pilet-Golaz, «Rapport sur la séance constitutive de la Commission consultative pour les questions concernant les réfugiés», February 25, 1944, FA E 2001 (D) 1968/74, vol. 13. Only after the February-March 1945 Montreux conference were the refugees accepted as interlocutors. See Arnold, *Transitprinzip*, 1997, pp. 76–88.

<sup>123</sup> Ludwig, *Flüchtlingpolitik*, 1957, pp. 304–308. On the commission of experts, see also Arnold, *Transitprinzip*, 1997.

<sup>124</sup> Arnold, *Transitprinzip*, 1997, pp. 76–88. It is worth noting that the conference organized in Montreux received greater support from the federal authorities, and consequently obtained more positive publicity, in contrast to the July 1938 Evian conference on the other side of the lake.

«There were never any of the sour recriminations of which traces can so often be found in the sub-committees of the Commission of Experts for refugee questions. From occasional conversations I had with refugees, I gathered that, disregarding the actual system that was adopted with the refugees, our authorities are criticized for omnipresent and possibly irksome supervision, and especially for not explaining, and thus assisting the reasonable elements among the refugees to understand the causes and reasons behind the measures that were taken. The refugees' attitude can, I think, be adequately summed up in the closing remarks made by one of their spokesmen, who declared that they should not dwell on past hardships and lack of understanding that the refugees had suffered, but rather should thank the authorities for their acts of kindness and for the measures they had already taken ....».<sup>125</sup>

### *Enhanced cooperation with the allied aid organizations*

Despite encouraging signs of closer collaboration between authorities and refugees, the general preoccupation with the «re-emigration» of persons staying in Switzerland was more extensive than ever. We can thus understand the attention that federal authorities paid to expanding their ties with the Allies. At the Bermuda Conference of April 1943, the Allies supported the work of the Intergovernmental Committee for Refugees (ICR), founded at the Evian Conference,<sup>126</sup> but without any real consequences for Switzerland, a relatively quiet member of the ICR. However, the creation of the War Refugee Board (WRB) in January 1944 partly changed the situation. The status of refugees was a genuine Allied concern,<sup>127</sup> as was the issue of war crimes, and the Allies' pressure on Swiss asylum policy grew even stronger. Roswell Mac Clelland's appointment in April 1944 as the WRB representative to the American Legation in Switzerland multiplied the opportunities for contact between Bern and the Allies.<sup>128</sup> Nevertheless, the fact remains that the EPD viewed this belated Allied attention to the refugees with sarcasm and skepticism:

«We are hardly unaware, thanks to the documentation that you have taken pains to forward to us, that for some time now, the refugees' fate has been the object of growing concern in the United States. There is a feverish but, we fear, belated interest in the remaining members of the Jewish population of Central Europe.»<sup>129</sup>

Relief operations for refugees were also receiving new attention. Moreover, starting in July 1944, Jews threatened for «political or other» reasons were allowed temporary sanctuary in Switzerland.<sup>130</sup> It was also during 1944, especially after the summer, that the federal authorities began reacting, albeit timidly, to the persecution of Hungarian Jews. Bern did not hide from its representatives in Budapest that the EPD was skeptical about the effect of diplomatic protests which put its prestige at stake, and that it preferred «an operation, which might be modest, but

<sup>125</sup> Report by Walther, re: «Conférence des Réfugiés, Montreux, 25 février–1<sup>er</sup> mars 1945» (Refugee Conference, Montreux, February 25 – March 1, 1945), FA E 2001 (D) 3, vol. 484.

<sup>126</sup> See chapter 2.1. On the Swiss attitude toward the ICR at the beginning of the war, DDS, vol. 13, nos. 30, 72, 81, 103, 119.

<sup>127</sup> Kälin, Gutachten, 1999, Part I, A IV.

<sup>128</sup> In particular Rothmund and de Haller, met Mac Clelland several times, see DDS, vol. 15, nos. 135 and 361.

<sup>129</sup> In this letter, Pilet-Golaz showed his annoyance with the US State Department's methods, recognizing that the WRB was more «expedient» than the Intergovernmental Committee, but repeated that the Swiss position obligates it to act autonomously and unostentatiously in the matter of aid to the victims of the conflict. Letter from Pilet-Golaz to the Swiss Minister in Washington, April 21, 1944, DDS, vol. 15, no. 124 (orig. French). On the origins of the WRB and its activities, see especially Wyman, *Abandonment*, 1984.

<sup>130</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 293.

more effective» to verbal condemnation.<sup>131</sup> Humanitarian operations and rescue attempts were definitely intensifying, conjuring up what Favez has called «humanitarian catch-up».<sup>132</sup>

In this context, the federal authorities' policy toward the Intergovernmental Committee for Refugees also warrants a few remarks. Let us emphasize that one of the main interests of Swiss authorities, the refugees' emigration, coincided perfectly with the Committee's efforts. De Haller was thus able to write to Pilet-Golaz in September 1944:

«It will not cost us much to allow the Committee to share in the moral «dividend» in rescuing a few hundred or a few thousand Jews, as long as it succeeds. On the other hand, if there is one organization in the world that can help us after the war, naturally presuming that the allied nations are victorious, to get rid of the refugees to whom we have given asylum, it is certainly the Intergovernmental Committee. To a certain extent, the first steps toward solving this problem of «re-emigration» can be taken today. The compatibility of this collaboration with our neutrality does not seem to be a problem. Indeed, we are only talking about lending practical help to a humanitarian cause, a very different act from participating in meetings of representatives of a group of belligerents, leading to resolutions that are strongly tainted against the adversary. As to the *Reich's* possible objections, I imagine that we could answer that we are not responsible for measures that have led to the influx of refugees on our soil, whom we must figure out a way of getting rid of humanely.»<sup>133</sup>

De Haller thought that Suzanne Ferrière, a member of the ICRC and the secretary general of the Swiss section of the International Migration Service, would be a good choice to represent the London Committee (that is, the ICR) in Switzerland. However, Rothmund himself was interested in the position. Once his candidacy had been accepted, the EJPD granted him leave, and he began his new duties in Geneva in April 1945, despite de Haller's reservations.<sup>134</sup>

All participation has a price, and the federal authorities considered it to be too high in this case. Hence, their intention was to obtain a decrease in their contributions to large international organizations, suggesting that the sums spent for refugees during and after the war should be taken into account.<sup>135</sup> Thus, the Parliament allocated only two million francs, rather than four million, for ICR dues in July 1946.<sup>136</sup> The Confederation used the same claim during discussions about joining the International Refugee Organization (IRO).<sup>137</sup>

The assertion that Switzerland must remain a land of temporary asylum never weakened during the war. This concern remained until long-term asylum was established for certain categories

<sup>131</sup> Telegram of August 23, 1944 from the EPD to the Swiss Legation in Budapest, FA E 2001 (D) 3, vol. 172; DDS, vol. 15, nos. 200 and 208. See also, Favez, *Mission*, 1988, pp. 315–364; Ben-Tov, *Genocide*, 1997.

<sup>132</sup> Favez, *Don Suisse*, 1995, p. 335 (orig. French). He adds elsewhere that «the charitable operations of the postwar period were not really invested with new political meaning, other than that aid was accompanied by a built-up feeling of guilt .... They were an expression of wartime neutrality; they did not herald a new beginning» (orig. French). Favez, *Recherche*, 1996, p. 176. See also Favez, *Prochain*, 1988 and DDS, vol. 15, no. 357.

<sup>133</sup> Memorandum from de Haller to Pilet-Golaz, September 15, 1944, FA E 2001 (D) 1968/74, vol. 11 (orig. French).

<sup>134</sup> See the minutes of the Federal Council meeting, February 6, 1945, FA E 1004.1, vol. 454; See also, Corthay, *OIR*, 1997, pp. 4–11.

<sup>135</sup> Corthay, *OIR*, 1997; Jornod, *Entraide*, 1985; Ludwig, *Flüchtlingspolitik*, 1957.

<sup>136</sup> Ludwig, *Flüchtlingspolitik*, 1957, p. 334.

<sup>137</sup> DDS, vol. 17, especially nos. 12, 35 and 40; Ludwig, *Flüchtlingspolitik*, 1957, p. 335; Corthay, *OIR* 1997, especially pp. 31–47. The IRO succeeded the ICR. Switzerland joined in March 1949. It had been invited to participate in the IRO's work as early as the fall of 1948. Corthay, *OIR*, 1997, p. 26.

of refugees.<sup>138</sup> There were distinct continuities, albeit in circumstances that appeared quite different in May–June 1945. The attempt to take in children who had survived Nazi concentration camps was subject to the same requirement of transit. At the end of May, the Swiss Charitable Fund contacted SHAEF<sup>139</sup> and UNRRA in Paris to evaluate the possibility of taking in 1,000 to 2,000 children. Robert Jezler, who had replaced Rothmund ad interim at the Police Division, recognized the interest of the planned operation right away, although he also emphasized the inherent risks:

«Thus a truly humanitarian operation to save children is being planned. Such an operation must receive our basic support. Yet I still believe that one cannot consent to this operation without certain reservation on the Swiss side or possible restrictions.»<sup>140</sup>

Basing his analysis on a report he had received from the Swiss Charitable Fund, Jezler pointed out problematic aspects of the operation, especially those connected with the children's condition, since many of them suffered from behavioral disorders.<sup>141</sup>

From the outset, Rothmund and de Haller expended great energy and used their contacts at the ICR and UNRRA to obtain a series of guarantees. Above all, the federal authorities wanted certain conditions to be met, the most pressing of which was an assurance of the children's departure. Ideally, only pre-pubescent children would be considered. In a memorandum to Petitpierre on May 28, 1945, de Haller wrote:

«We must not lose the moral interest we have in receiving these children, even at the risk of experiencing some difficulty six months or a year from now in getting rid of some of them.»<sup>142</sup>

On June 20, 1945 he also wrote to Royall Tyler, the UNRRA representative in Switzerland, about the imminent arrival in Switzerland of 350 children from Buchenwald, at that moment already well on their way through France with a stop at Thionville. He took the opportunity to recall EJPD's reservations, Rothmund's in particular, about the arrival of these children, and added that Jezler had decided not to stand in the way of admitting the convoy. For his part, de Haller thanked Tyler in advance for anything he might be able to do to attract the Allies' attention, and noted:

«Of course we must not have people think that at the last minute we are making the children's admittance subject to a commitment or a promise that would be unobtainable at such short notice.»<sup>143</sup>

In a nota bene appended to this letter, we also learn that the affair was going to be discussed at UNRRA headquarters in London so that, in de Haller's words, the federal authorities could

<sup>138</sup> Federal Council Decree of March 7, 1947. See especially Ludwig, *Flüchtlingspolitik*, 1957, pp. 341–345; Arnold, *Transitprinzip*, 1997.

<sup>139</sup> Supreme Headquarters Allied Expeditionary Force in Europe.

<sup>140</sup> «Interne Notiz des EJPD. Aktion 2 000 Kinder», Note signed by Jezler to von Steiger, May 28, 1945, DDS, vol 16, no 5, p. 19.

<sup>141</sup> Jezler recapitulated the words of a report by Carl. A. Egger of the Swiss Charitable Fund: «Most are orphans ages three to sixteen, but only a few are under six. One-third are extremely damaged mentally and morally, and wild to such an extent that they behave like animals» (orig. German). FA E 2001 (D) 3, vol. 484 and DDS, vol. 16, no. 5.

<sup>142</sup> DDS, vol. 16, no. 5, p. 20, note 6 (orig. French).

<sup>143</sup> Letter from de Haller to Tyler, June 20, 1945, FA E 2001 (E) 1, vol. 155 (orig. French).

receive «if not an assurance of <reabsorption>, at least an effort for these adolescents to be taken off our hands». <sup>144</sup> The children from Buchenwald were finally accepted into Switzerland and hospitalized in different establishments, notably in Tiefenau near Bern.

We have seen that the EPD envisioned humanitarian policy in an almost exclusively political and diplomatic manner. The examples in this chapter establish that humanitarian angles often served a governmental strategy in which Switzerland's position on the international scene was the overriding consideration. In this respect, humanitarian policy certainly contributed to the country's recognition and to renewed confidence that the victors of 1945 bestowed on active neutrality. <sup>145</sup> To be sure, it was the growing disunity of the Allies in 1945 which, more than anything, facilitated the preservation of a special place for Switzerland in Europe. <sup>146</sup>

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<sup>144</sup> Nota bene on letter from de Haller to Tyler, June 22, 1945, FA E 2001 (E) 1, vol. 155 (orig. French).

<sup>145</sup> See DDS, vol. 16 and vol. 17. The foreign policy of Max Petitpierre is also based, in large part, on advocating neutrality and solidarity, see Roulet/Surdez/Blättler, Petitpierre, 1980.

<sup>146</sup> Favez, Prochain, 1988, p. 402. This article concluded: «This question (whether Switzerland owes its place to the outbreak of the cold war), whose answer is obvious but difficult to elaborate, deserves to be asked in any case. Even if it is just to make sure that the Swiss people, spared (from war), badly informed and tempted like all peoples to prefer myth to knowledge of the past, do not believe that their real generosity contributed to their being loved around the world» (orig. French). See also Lasserre's and Jost's comments in their more general essays about Switzerland during this period: Lasserre, Suisse, 1989, pp. 329–337 and Jost, Politik, 1998, pp. 159–166.



## Conclusion

### 1 The Problem

Information about the deportation and murder of Jews reached Switzerland during the summer of 1942. The editor-in-chief of the *Sentinelles*, Paul Graber, decided in August 1942 to publish these reports and simultaneously protest against the rejection of refugees at the Swiss border. He justified his decision to the office of the censor with the following:

«The events that have been reported are of such a nature that every journalist who works to defend humanitarian values has a solemn holy duty to condemn them. Such condemnation is a part of defending the values we hold most dear.... Beyond any national considerations, regardless of which country they affect, we must defend the humanitarian values that are in danger of being destroyed by war and by factors giving rise to war, with all our might.»<sup>1</sup>

At the same time, Swiss authorities were in possession of more extensive and precise information. Despite this, they decided to close the border, to take in only a small number of persecuted people and to reject «those who seek refuge solely on racial grounds, such as Jews». They justified this decision with the generally threatening situation – the scarcity of food, military dangers, the fear of possible social and political unrest – as well as by the fact that Switzerland was obliged to care for the emigrants and interned military personnel already in the country. The «full boat» became the symbol of this policy.

After the war, when the destruction of European Jews came to characterize this era, there were other attempts at justification. One had not known what really took place in the *Third Reich*; one did what one could under the circumstances; what, after all, could Switzerland, a small country threatened by Hitler, have done? Between these attempts at justification, which emphasize the complexity of the situation at the time and the difficulties it posed for decision-makers, and the position held by Graber, that humanitarian values must be defended at all costs, lies a vast chasm. It illustrates both the problem on which this report focuses as well as the different ways of viewing that problem.

More than half a century has passed since these events. The Independent Commission of Experts Switzerland – Second World War is examining a period that raises fundamental questions for all of humanity. The Second World War was a war like no other. It was a combination of a military confrontation of heretofore unknown dimensions and genocide, the systematic extermination of millions of men, women and children.

At times Switzerland was threatened by Nazi Germany; at the same time, it was tied to its neighboring state in myriad ways. Therefore, our task is to examine the policies of the Swiss authorities and the ways in which the population reacted. We must raise the question why

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<sup>1</sup> Appeal by Paul Graber, Editor-in-Chief of the *Sentinelles*, August 25, 1942, and September 3, 1942, in Perrenoud, *Sentinelles*, pp. 157 and 159 (orig. French).

Swiss authorities did not change their policies, despite the information they had received and why there was such a weak public response.

The report presents both known facts and new research results. It places them in a wider background without, however, making any claim to discovering a complete and definitive explanation. Rather, it offers attempts at explanations of past events, set in the context of the period and utilizing facts from sources most of which were not available at the time.

## **2 Switzerland's International Role**

Four aspects characterize Switzerland's international role: the tradition of asylum, humanitarian traditions tied to Switzerland's neutrality, international obligations, and the country's significance as a financial center.

First, Switzerland saw itself as a nation with a long-established tradition of asylum. The fact that Switzerland was also perceived this way abroad was founded in the generosity shown in its acceptance of refugees at various times in previous centuries. However, granting asylum was always accompanied by restrictions. Distinctions were made between desirable and undesirable refugees, and the latter were pressured to find permanent asylum elsewhere. Despite these restrictions, the Swiss tradition of asylum was an argument for an open refugee policy during the Nazi period; at the same time, it motivated innumerable Swiss citizens from all social, political and religious walks of life to help the refugees, sometimes, in so doing, taking the risk of committing illegal acts. Switzerland's reputation as a traditional country of asylum also lay behind the hopes of the persecuted who sought refuge there. The Swiss Confederation's responsibility became even more significant during the course of the war as Switzerland became one of the few havens for asylum not occupied by Nazi Germany and thus one accessible to refugees.

Secondly, Switzerland tied its policy of neutrality to a commitment to humanitarianism, and its situation as a neutral state during wartime offered expanded opportunities of fulfilling that commitment. As the site where the Red Cross was created, Switzerland was recognized by other countries as a nation dedicated to the welfare of war victims. The specific conditions of the Second World War opened possibilities of intervention for Switzerland but also confronted it with unexpected responsibilities. In January 1942, the Federal Council appointed a delegate to the international relief organizations who was to ensure that the relief activities of semi-private and private organizations remained consistent with Switzerland's foreign policy interests and especially its diplomatic role as a protecting power of foreign interests. The central problem for humanitarian policies lay in the fact that decisions-makers clung to a narrow understanding of neutrality despite their knowledge of the situation and concentrated on civilian and military war victims. They were not willing to recognize the difference between war and genocide. Thus, the victims of Nazi persecution were not the focus of Switzerland's humanitarian commitment, neither during the war nor after it.

Third, Swiss authorities had fought for the Confederation's entrance into the League of Nations and pushed for the establishment of the League's headquarters in Geneva. As international tensions and conflicts escalated during the 1930s and the League of Nations proved unable to alleviate them, Switzerland began a steady withdrawal from its international commitments and in 1938 declared its return to complete neutrality. Although Switzerland had become involved in the issue of Russian and Armenian refugees, its efforts on behalf of refugees from Germany were restricted to modest efforts on the diplomatic level. The signing of a provisional arrangement on July 4, 1936 regarding refugees from Germany was the last obligation Switzerland assumed in this regard on the international level.

Fourth, the period between 1914 and 1945 was a time of growth and consolidation for Switzerland as a financial center. Financial relationships became a central factor in Switzerland's international relations. While the upswing was founded on liberalism, based on the free flow of international capital, Switzerland at the same time adopted a policy regarding the flow of human beings that represented a rejection of nineteenth century liberalism. This contrast deepened during the war as Switzerland on the one hand rejected foreign currency restrictions and control of the flow of capital, in contrast to other states, while on the other hand, it erected barriers against refugees it considered elements of a supposed «excessive foreign influence (*«Überfremdung»*)».

These four characteristics gave Switzerland some maneuvering leeway both in regard to the *Third Reich* as well as to other states. For Nazi Germany, Switzerland's standing as a financial center was especially valuable, as was the import of Swiss industrial products. The *Reich* also undertook efforts to show consideration for Switzerland's activities as a protecting power of foreign interests and for the work of the International Red Cross. The Germans considered Swiss diplomatic protection for German civilians and military personnel interned in Allied nations very important. The Allies, on the other hand, vehemently criticized Switzerland for its cooperation with the Axis powers. In addition to its economic relations with the Allies and its diplomatic tasks as a protecting power, Switzerland was also able to underscore to the Allies its humanitarian commitment and asylum policy, by emphasizing the acknowledgement and gratitude it had earned from every individual it had helped or saved.

### **3 Switzerland and the Refugees**

Swiss refugee policy consisted of elements of long-term significance, such as the structural guidelines of Swiss policy regarding foreigners, and elements of short-term significance, such as Swiss policy toward Nazi Germany with its measures of persecution and the waging of war by the Axis powers, all of which were tightly interwoven.

Since the First World War, Swiss authorities had made the fight against «excessive influence by foreigners» an issue of primary importance. The role of the Federal Police for Foreigners of the EJPD, created as a central agency for the realization of this policy, was strengthened

during the 1920s through legislative regulations. Moreover, there were numerous measures in economic and cultural life aimed at repelling all that was foreign, so that there was widespread popular consensus for a population policy aimed at reducing the number of foreigners in Switzerland to a minimum.

Antisemitism was of particular significance. Nourished by older strains of Christian hostility toward Jews, it had delayed the achievement of political equality for Jews in nineteenth century Switzerland as in many other European states. This antisemitism was mostly unspoken and kept below the surface, but was deeply ingrained in the social fabric, and the cause for the social, economic, and political marginalization of the small Swiss Jewish minority. It led to underrepresentation of Jews in the administration, economic organizations, and the military, to discrimination in granting citizenship, and finally, to the fact that Jews were not accorded refugee status although they were obviously persecuted. Thus, Heinrich Rothmund, who as the head of the Police Division of the EJPD was responsible both for policy on foreigners and on refugees «for racial reasons», fought against not only «excessive influence by foreigners» but also «excessive influence by Jews (*Verjudung*)» in Switzerland.

Against this background, the negotiations between Switzerland and Germany after the incorporation of Austria in 1938 resulting in the marking of passports of German Jews with the «J»-stamp are part of a history that cannot be limited to the «dark years» of National Socialism. Although Rothmund rejected the introduction of this discriminatory measure and considered introducing a mandatory visa for all German citizens, the Federal Council's reaction to the systematic expulsion of Jews from the *Reich* was to adopt various measures to keep Jewish refugees out of the country without damaging Switzerland's relationship to the Nazi regime. Thus, the authorities based their visa practice on racial categories of «Aryan» and «non-Aryan» applicants and used them in administrative practice. The failure of the Evian Conference in the summer of 1938 and the restrictions put into effect by other states, strengthened Switzerland's determination to reject Jewish refugees, so that finally an agreement was reached that represented a moral capitulation to Nazi racial antisemitism.

Nor was Switzerland during the war an island isolated from the rest of the world. A network of relationships and mutual obligations tied it to other states, even if the war made maintaining these ties more difficult. Despite the Germans' secrecy, plausible information about the extermination of Jews reached Zurich, Basel, Bern, and Geneva. Switzerland's geographic location made it the nexus for information and it became the place, especially after the occupation of the non-occupied part of the south of France by the Germans in November 1942, where Swiss and international relief organizations concentrated their efforts. Relations between federal authorities and the relief organizations were marked by the efforts to keep refugee acceptance and their range of actions to an absolute minimum. The following example illustrates the discrepancy between knowledge and behavior, between the high level of information and political passivity that coexisted: Gerhard Riegner, the representative of the

Jewish World Congress in Geneva, informed the Allies, from Switzerland, about the Nazi policy of extermination. At the same time, plans to publicly denounce this genocide were shelved in Bern, the federal capital, as well as at International Red Cross headquarters in Geneva.

Even after they were informed about the unbelievable and unimaginable events taking place, the federal authorities – like the governments of most other states – made few changes in their policies regarding refugees. Most frequently, the neutral states demonstrated indifference and passivity or attempted to accommodate the Nazi system. Thus, in both 1938 and 1942 Switzerland was able to use the actions of other states as an argument to justify closing its borders. Caught in the complex web of German-Swiss relations and confronted with the consequences of the world war, Swiss decision-makers attempted to preserve the Swiss Confederation's independence and economic stability. They considered the fate of the refugees a secondary problem. Although Switzerland's international role gave them several trump cards, they rarely chose to play them for the defense of basic human values.

#### **4 Acceptance and Rejection of Refugees**

In the summer of 1942, Swiss authorities came to the conclusion that for military, political, and economic reasons, Switzerland, with few exceptions, could take in no additional refugees. Moreover, the military leadership recommended consistent rejection of refugees at the border as a method that would deter future refugees from even attempting to find shelter in Switzerland. For these reasons, the number of expulsions rose steeply beginning in August 1942 and remained high until the fall of 1943; more than 5,000 rejections of asylum-seeking refugees are documented in writing during this period alone, out of more than 24,000 documented rejections for the entire wartime period. Before and during the war there were cases of rejection and expulsion that border officials either did not document in writing or where the documentation was not preserved. The number of people who did not try to enter Switzerland either following the rejection of their application for a visa by a Swiss consular office, or in the wake of information about restrictive Swiss policy, is uncertain. Thus, the exact number of people Switzerland could have saved from deportation and murder remains unknown.

Despite the decision to deny asylum to all refugees except «political» ones, Switzerland took in 21,000 Jewish refugees during the war, out of a total of 51,000 civilian refugees. There were three reasons for this. First, refugees were accepted if they fell into the so-called «hardship category». Secondly, as a rule they were not expelled if they managed, after secretly crossing the border, to reach the interior of the country, although a number of cases have been documented in which they were nevertheless expelled. Third, the authorities adopted less restrictive policies beginning in the fall of 1943. Numerous refugees who fled in connection with political and military events in Italy and crossed into Switzerland through its southern

border took advantage of this opportunity. However, the persecution of Jews as Jews was not recognized as a reason for asylum until July 1944, and there were relatively few Jews among those who benefited from the relaxation of restrictions in 1943.

Due to the contradiction between regulations mandating general rejection of refugees and the actual day-to-day practice, where in individual cases there was a chance of being accepted, some officials and innumerable private citizens tried to save refugees who appeared at the border. This complex situation gives rise to the question of areas of jurisdiction and responsibility. The Federal Council, which had been granted extraordinary powers by parliament at the beginning of the war, and the army leadership, to whose goals numerous areas of political and social life had been subordinated, played central roles. The limitations on the jurisdiction of the parliament and on democratic freedoms, for example freedom of the press, also meant that officials had broad powers. Individual officials had a considerable amount of leeway and discretion in which to make decisions, both in Bern and at the border. Therefore, one should not talk about a collective responsibility on the part of the Swiss population: the stark inequality in the distribution of power and thus responsibility is much too obvious. This can be seen clearly when one retraces the paths taken by refugees that led in one case to acceptance and in another to rejection.

This report places particular significance on the reconstruction of these journeys and thus on the experiences of the refugees. Despite gaps in archival data, research was carried out about the routes refugees took in their flight, the dangers they faced, the situation at the border, the various actions taken by officials at the border and at their desks, and the help provided by the general population. This has resulted in a differentiated picture that vividly depicts the refugees' hazardous situation and the types of treatment they found in Switzerland. Using well-documented case studies, the report follows the path and the fate of a few refugees from their place of origin to the Swiss border, considering both the significance of internationally organized refugee relief operations and the conditions of individual flight. Many refugees used the services of so-called «helpers» to cross the border, some of whom acted out of financial incentive, others for political, religious or humanitarian reasons. On the Swiss side, the refugees met officials who sometimes showed understanding for their situation and helped them, and sometimes reacted with harshness, including antisemitic contempt and physical violence. The latter is documented by the example of the practice of expelling refugees in Geneva in the fall of 1942. Those responsible were later convicted in court for their actions, which shows that the measures taken in Geneva assumed extraordinary dimensions. Conditions there cannot be considered exceptional, since brutal implementation of expulsions has been documented for other stretches of the border as well, and furthermore, the decision-making authorities, who hoped that a consistent policy of rejecting refugees would have a deterrent effect on others, hesitated for a long time before intervening.

Life in the reception camps run by the military, where the refugees spent their first weeks or months in Switzerland, was marked by strict supervision and discipline as well as, in some cases, a scarcity of food and clothing. The decision makers perceived the refugees more as a security risk than as persecutees in need of protection, resulting in barely tolerable living conditions in many camps. Moreover, many military camp commanders and their staff were not qualified for their assignment. The housing available later in civilian camps and homes differed very little in a material sense from the conditions under which mobilized soldiers or the civilian population lived. Under the conditions of a wartime economy, Swiss day-to-day life was also marked by numerous restrictions, particularly in regard to the supply of rationed foodstuffs and clothing and in the labor market, where there was general obligatory work service and the entire population was involved in the «*Anbauschlacht*» (a campaign to achieve economic self-sufficiency by utilizing all available land). Refugees were thus less likely to complain about physical conditions than the lack of understanding they found among Swiss officials. Grave errors were made in the policy of separating families, isolating refugees from the local population, and in banning them from the work-force while at the same time requiring them to perform labor that was often unsuitable because of the refugees' physical condition and their training. These measures for which the political authorities were responsible, would have been easier to bear had the directors of the homes and camps been kinder to the refugees and attempted to identify with their situation. The report also shows that the central administration of the camps and homes tended to look for directors who were primarily interested in order and discipline, although there were also camps in which the refugees felt comfortable, in so far as this was possible in exile.

Although, meanwhile, there are various publications about the homes and camps, the circumstances of those refugees assigned to live in private homes is not well known. A large number of refugees, after a temporary stay in a camp, were transferred to private housing, provided either free of charge, as for example Pastor Paul Vogt's «free places» campaign in the fall of 1942, or more typically, for a rental fee.

## 5 Financial Aspects

The examination of the financial aspects of refugee policy, one of the core areas with which the Commission was charged by the Federal Council, reveals a complex situation. Swiss decision-makers were focused on the crisis at the end of the First World War, the economic crisis of the 1930s, and later, during the war, on securing an adequate supply of provisions for the country. Refugees from Germany, above all Jews, were subjected to economic discrimination and exclusion after the National Socialists had assumed power. This escalated after 1937 to a policy of seizure and confiscation of property, which extended across the entire area of German occupation during the war and ended in the killing centers with the imagination-defying theft of «gold from the dead» (*Totengold*).

The cantons were able to issue short-term residence permits for refugees entering Switzerland during the 1930s, for which they demanded collateral and pledges of payment. This might be as much as several times an annual salary in one case, while in another it was waived completely. Thus the cantons structured the acceptance of refugees according to criteria they did not need to define. Within the framework of Swiss federalism, they had far-reaching autonomous authority in refugee policy, although this was later considerably restricted during the war. Nevertheless, the cantons – through their executive authority as police forces and through the conference of canton police directors – were integrated into the policy of the EJPD. This played a role even when some cantons, as for example Basel-Stadt, adopted a more liberal refugee policy and others, such as Thurgau, a harsher one.

As a result of the economic crisis during the depression, a complicated clearing system arose in bilateral financial transactions between Switzerland and Germany that was regulated in several clearing agreements. This was significant particularly for refugees who emigrated during the 1930s as well as for those who lived in Switzerland and depended on monetary transfers from the *Reich*. While the export of capital from Germany had been prohibited since 1931, returns on capital remaining in Germany, as well as pensions, could initially be transferred to Switzerland. After 1937, Switzerland and Germany continually limited these possibilities by reciprocal agreement. The limitations affected only the emigrants at first and were later extended to include all foreigners. After 1940, with the exception of German citizens who had settled in Switzerland, no foreigners could receive monetary transfers from Germany. The Germans' interest in gaining access to refugee assets and the desire of the Swiss economy to reserve scarce clearing funds for Swiss needs complemented each other, while the needs of the refugees, just as those of other private individuals without a lobby, fell by the wayside. Moreover, clearing agreements, similar to many other treaties, were usually published incompletely. This contradicted the principle that laws became valid for the individuals concerned only after they had been published, and thus impeded the ability of the refugees to learn about transfer conditions and to include them into their plans.

When German Jews permanently residing in Switzerland were stripped of their German citizenship by the 11th Directive to the *Reich* Citizenship Law in 1941 and the National Socialists also wanted to exclude them from financial transactions as now-stateless persons, the officials and business representatives of the Swiss Clearing Commission resisted, refusing, in contrast to the Swiss Department of Justice and Police (EJPD) and the Swiss Clearing Office, to recognize this removal of citizenship. Their position was based on the one hand on the realization that the loss of citizenship was wrong and illegal and did not need to be carried out by Switzerland. On the other hand, the Clearing Commission's involvement in this case was only on behalf of those individuals already residing in Switzerland for a long time and who, after having been excluded from financial transactions, might eventually need public welfare support. With regard to emigrants and refugees, Jean Hotz, director of the Trade Division, stated in March of 1939 that the Clearing Commission too had no interest in «allowing itself to

be led by sentimental considerations thereby obstructing the work of the Federal Police for Foreigners in protecting Switzerland from emigrants»<sup>2</sup>.

Since refugees in Switzerland were subject to a general employment prohibition and transfer of funds from abroad was difficult or impossible, depending on the country of origin, they could support themselves only if they had assets in Switzerland. Under certain circumstances they were then welcome as business partners, taxpayers, or «guests» in the crisis-ridden hotel industry. For most refugees, however, this was not the case. They were dependent on foreign aid, which was extended through the great efforts of relief organizations and private individuals. The greatest burden was borne by Jews in Switzerland, who were forced to support not only the refugees but also Swiss Jews who had returned from Germany. The issue of costs became acute after the incorporation of Austria in 1938. By refusing to contribute to these costs, the EJPD succeeded in binding the relief organizations into its restrictive policy.

Between 1933 and 1947, the relief organizations linked in the Swiss Central Office for Refugee Relief (SZF) paid about 70 million Swiss francs. The share of the Swiss Jewish Association for Refugee Relief (VSJF) was 46 million Swiss francs. VSJF received a considerable amount of this money from Jews in Switzerland. Moreover, the Swiss federal government increased its subsidies after 1944, which originally had been intended only as aid for those leaving Switzerland. More than half of the VSJF's relief funds, however, came from the American Jewish Joint Distribution Committee, which transferred about 16 million francs to Switzerland between 1939 and 1945 and about the same amount again between 1945 and 1950.

After Swiss assets in the U.S. were blocked in June 1941, receiving financial support from the United States became more difficult due to measures taken by both sides. The contingent of dollar transfers (*Dollariübernahmen*) approved by Switzerland to benefit the relief organizations was not exhausted by Swiss authorities. In May 1942, the Swiss National Bank (SNB) excluded the American Jewish Joint Distribution Committee from financial transfers to Switzerland and did not allow them to resume until the end of 1943. Moreover, the SNB no longer accepted dollar transfers for refugees who had entered Switzerland after January 1, 1942. It is noticeable that during the same period in which persecution was becoming more intense in France, and the Swiss authorities were rejecting thousands of refugees, Switzerland was also making it more difficult for refugees and the relief organizations that helped them, to receive currency transfers. There is no proof that this policy was targeted and occurred as the result of coordination between police officials and economic interests. It is more likely that these simultaneous restrictions of the chances of successful flight and the available sources of financial support for the refugees had to do, among other things, with Switzerland's increasing isolation. This isolation, however, was not only a consequence of military developments, but was also consciously chosen by Switzerland itself. This can be seen, for example, in the

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<sup>2</sup> Meeting of the Clearing Commission, Germany, March 15, 1939, p. 22, FA E 7160-01, 1968/223, vol. 15.

rejection of offers of aid from the United States by the Federal Council and its delegate to the international relief organizations. Their humanitarian policy was not based on the desperate straits of the refugees but on political and strategic considerations.

As the number of refugees attempting to enter Switzerland increased in the summer of 1942, and the cantons refused to share in the costs, and as the funds of the relief organizations were exhausted, the federal government significantly increased its financial involvement. From 1939 through 1945, it had spent 83 million francs for refugee policy, an amount that includes funding for shelter and food as well as administrative costs and the costs of regulatory measures. With the decree of April 1, 1946, the Federal Council waived repayment of these expenditures by country of refugee origin, but in subsequent years demanded that refugees repay part of their maintenance costs. By 1950, the Confederation's allocations had reached 128 million francs.

In order to cover at least part of the cost of food and shelter, and in order to prevent the undermining of wartime economic regulations, the Federal Council in 1943 decided to confiscate the assets of refugees who had entered Switzerland illegally, and placed them in the trusteeship of the Swiss Volksbank. In reaching this decision, the Federal Council was motivated by organizational and legal issues in light of the considerable problems encountered in the administration of refugee assets by the army in the reception camps. The bank made every effort to maintain the accounts correctly. The archival sources also show evidence, however, of antisemitic stereotypes as well as fear of competition and harassment during the introduction of the measure for the compulsory administration of refugee accounts. This is attested to by the behavior of federal agencies, economic associations, and private individuals. To a great extent, the refugees were powerless against the decisions of the officials, which could have grave consequences in individual cases.

The so-called «solidarity tax», a special tax for wealthy emigrants, was meant as a contribution by the refugees to the costs of their maintenance. The revenues raised by this special tax, which was levied several times, were distributed to the relief organizations coordinated under the auspices of the SZF; with the agreement of VSJF, the funds were distributed in proportion to the amount of relief aid each organization provided. The tax revenues came primarily from Jewish refugees. The tax assessment led to numerous appeals, and the introduction of the tax, which the relief organizations also welcomed, was based on arguments that had little relevance to the situation of the refugees. Financial solidarity was demanded of people whose economic existence had been destroyed, who were forbidden to work, and whose residence in Switzerland was only approved for a few months. Moreover, this special tax was legally doubtful in cases where it was levied on individuals guaranteed equal treatment in various bilateral right-of-residence agreements (*Niederlassungsverträge*). It was particularly questionable that this special tax was also imposed on individuals who had acquired rights of residence after September 1, 1929, considering that they could no longer return to their native countries. This applied also to German Jews residing in Switzerland, whose denaturalization in

1941 violated the Swiss *ordre public*. The EJPD cared little about such legal matters, since it knew that Jews were unwanted in many countries and had in effect lost the protection of international treaties, even if they still retained their citizenship.

## 6 Legal Aspects

One of the central legal problems of Swiss refugee policy is Switzerland's adoption of certain clauses of German race laws. This is particularly true for the marking of the passports of German Jews with the «J»-stamp when Switzerland made antisemitic laws the basis of its own entry practices, as well as the depriving of German Jews living abroad of their citizenship through the 11th Decree to the *Reich* Citizenship Law on November 25, 1941. Since the race laws, as the Federal Court ruled during the war, were contrary to the Swiss *ordre public*, the Swiss legal and administrative measures that followed from them were also illegal. The report shows that Swiss authorities were aware of this to varying degrees and shows that there were considerable differences in carrying out the process of deprivation of citizenship. In this context, it is most disturbing that the EJPD on the one hand supported depriving German Jews of their citizenship in November 1941 by withdrawing their right of residence, but less than four years later, in February 1945 when federal authorities froze German assets in Switzerland or administered from Switzerland, treated these same, now-stateless German Jews, as German citizens and blocked the assets of refugees along with all other German assets.

On the level of international accords, few laws regulated acceptance or rejection of refugees. According to the terms of the provisional arrangement of July 4, 1936 concerning the legal status of refugees from Germany, to which Switzerland acceded from 1937 on, neither legal nor illegal refugees who were already inside the country could be sent back to Germany as long as they were making efforts to leave Switzerland for another country. Expulsion directly at the border, however, was not covered in this agreement, and individual nations decided on their own how they were to act in such cases. When Switzerland at its western and southern borders sent refugees back to the arms of their persecutors, this did not actually violate the letter of the 1936 agreement. It did, however, violate the intention of the agreement, which was to prevent the returning of refugees to the country where they had been persecuted, and thus was in contradiction to the understanding of international law that developed during the 1930s and came to prevail in the postwar period.

International law barely mentioned the treatment of refugees who had been accepted. The so-called «Martens clause» of the Hague Land War Regulation of 1907 stated generally that all persons were to be treated according to basic humanitarian principle during war. Thus, Switzerland had to meet a minimum standard in providing shelter, food, and care for interned military personnel and civilian refugees that allowed them to live like human beings.

A number of the measures adopted regarding refugees were legally problematical. This was true, as indicated above, for the solidarity tax. Until March 1943 there was no formal legal

basis for the practice, which had started in the summer of 1942, of taking refugees' assets and administering them. The same is true of wage deductions to which employed refugees were subjected after 1945. Imbued with a sense of their own power, officials took action undeterred by legal ramifications, especially when little resistance was to be expected, which was true, above all, for stateless refugees.

Overall, Swiss refugee policy was generally in conformity with the legal system of that time. The decision to formulate a narrow (political) definition of refugee, which meant that Jewish refugees were not granted asylum, but were subject to the regulations of the Police for Foreigners under the Law on Residence and Settlement of Foreigners (ANAG), and were treated as undesirable foreigners, was a political decision. It was not mandated by law, nor did it violate international or national legal standards. The internment of refugees who were in Switzerland illegally and could not be expelled, was legally permissible. And many measures based on the executive powers granted the Federal Council could be justified by the special circumstances of war. Switzerland generally acted within the framework of the law, but it interpreted those laws to benefit the authority of the state, not the refugees, the people in need of protection. Nothing would have prevented Switzerland from going beyond the minimal standards of international law, or from interpreting or changing national law in favor of the refugees.

It is important that this be stated because a new understanding of rights began to emerge during the war, the way having been paved already in the 1930s, primarily as a function of Nazi Germany's crimes. Via the Nuremberg war crimes trials, this conception evolved into the general declaration on human rights by the United Nations and to other international agreements which accorded greater weight to an individual's rights to freedom and claim for protection, at the expense of the state-wielded authority. Switzerland participated in this process only reluctantly, both after 1933 and after 1945. It kept its distance from the United Nations and clung to its special role. This wish for continuity can also be seen in its policies toward foreigners and refugees. As soon as the war had ended, it pressured the refugees to leave as soon as possible. In 1948, the year in which Switzerland granted permanent asylum to the few hundred elderly or frail refugees still remaining in the country, it revised its law on foreigners in such a way that it continued to reflect the fight against «excessive foreign influence».

## 7 Two Questions

What would have happened if Switzerland had not pushed for marking the passports of German Jews with the «J»-stamp in the summer of 1938? What would it have meant if Switzerland had not closed its borders for «racially» persecuted refugees in August 1942?

The introduction of the «J»-stamp in 1938 made it more difficult for Jews living in the *Third Reich* to emigrate. Without Swiss pressure, the passports would not have been stamped until

later, perhaps not at all. This would have made it less difficult for refugees to find a country willing to accept them. For many, Switzerland would not have been the goal of their flight. Without the «J»-stamp, however, many victims of National Socialism would have been able to escape persecution through Switzerland or another country.

In 1942, the situation was completely different. Jews had been forbidden to leave the Nazi areas of occupation since 1941 and many thousands of Jewish men, women, and children were being systematically killed daily. For persecuted people, the journey to the Swiss border was already fraught with great danger. When they reached the Swiss border, Switzerland was their last hope. By creating additional barriers for them to overcome, Swiss officials helped the Nazi regime achieve its goals, whether intentionally or not.

There is no indication that opening the border might have provoked an invasion by the Axis, or caused insurmountable economic difficulties. Nevertheless, Switzerland declined to help people in mortal danger. A more humane policy might have saved thousands of refugees from being killed by the Nazis and their accomplices.



## **Annexes, Sources, and Literature**



## Appendix 1: Chronology: Swiss Refugee Policy 1933–1948 in International Context

The following chronology describes Swiss refugee policy in the context of significant international events. It is intended as a work aid and makes no claim to comprehensiveness.

International Politics and the Course of the War	German Political Developments	Policies of Persecution and Extermination	Swiss Refugee Policy
<b>1933</b>			
	<p><i>30 January</i> Adolf Hitler is appointed Reich Chancellor</p> <p><i>28 February</i> The «Decree of the Reich President for the Protection of the People and the State»<sup>1</sup> annuls the basic rights guaranteed by the constitution and lays the foundation for the anti-democratic laws of the NS regime (virtual outlawing of the German Communist Party)</p> <p><i>24 March</i> The «Law to Remove Danger to the People and the Reich (Enabling Act)» allows the government to make laws that alter the constitution without consulting the legislature</p>	<p><i>22 March</i> First prisoners are sent to the Dachau concentration camp</p> <p><i>1 April</i> Organized boycott of businesses owned by Jews in Germany</p> <p><i>7 April</i> The «Law for Restoration of the Professional Civil Service» decrees the dismissal and forced retirement of political opponents and «non-Aryans» in public service</p>	<p><i>31 March</i> EJPD<sup>2</sup> directives state that refugees are to be granted only temporary residence</p> <p><i>7 April</i> The Swiss Federal Council orders that all foreigners claiming political asylum must register with the police within 48 hours of their arrival, otherwise they lose their chance of being recognized as political asylum-seekers</p>

<sup>1</sup> NS laws are given with the names in use at the time.

<sup>2</sup> The author of bulletins and directives was usually the Police Division of the EJPD.

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**Swiss Refugee Policy**

*3 October*

International Convention for Nansen refugees

*28 October*

The convention of the League of Nations on the international legal status of refugees stipulates a general prohibition on expulsion of refugees who have been taken in and establishes the non-expulsion (*non-refoulement*) principle in international law

*May*

The unions are destroyed

*22 June*

The SPD is outlawed, the other parties are dissolved

*22 September*

«Law on the Reich Cultural Chamber»:

Jews, Roma and those in political opposition are excluded from cultural life in Germany

*November*

Agreement between the ICRC and the German Red Cross on individual research into the fate of concentration camp inmates

**1934**

*1 January*

The Federal Law on Residence and Settlement of Foreigners (ANAG, March 26, 1931) goes into effect

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**Swiss Refugee Policy**

1935

*11–14 April*

Stresa Conference at which England, France, and Italy agree to oppose unilateral abrogation of treaties

*23 April*

In Poland, a constitution is approved which abolishes the parliamentary, democratic system

*18 June*

The Germano-British Fleet Pact transgresses the «Stresa Front»

*August*

American neutrality laws: arms embargo against the warring parties and prohibition for Americans to sail on their ships

*3 October*

Italy attacks Abyssinia

*13 January*

After a referendum, the Saarland rejoins Germany; emigration of opponents of the NS regime

*15 September*

Nuremberg Laws: The «Reich Citizenship Law» distinguishes among citizens, Germans and persons of «related kinds of blood», defines persons with at least three Jewish grandparents as «full Jews» and annuls their basic civil rights; the «Law for the Protection of German Blood and German Honor» prohibits marriage and extramarital relationships between Germans and Jews; official commentaries expand it to include Roma and Sinti

*8 September*

A popular referendum halts the attempt to introduce an authoritarian total reform of the federal constitution

*19–27 October*

ICRC delegate C. J. Burckhardt visits the Dachau concentration camp, among others

**International Politics and the Course of the War**
**German Political Developments**
**Policies of Persecution and Extermination**
**Swiss Refugee Policy**
**1936**

<p><i>3 May</i> Popular Front election victory in France</p> <p><i>26 May–7 June</i> France hit by a wave of strikes</p> <p><i>4 July</i> The provisional arrangement of the League of Nations on the legal status of refugees from Germany, also ratified by Switzerland, stipulates a limited ban on expulsion to their country of origin</p> <p><i>17–18 July</i> Rightist military putsch against the Popular Front government in Spain, Spanish Civil War breaks out</p>	<p><i>7 March</i> Annulment of the Treaty of Locarno, the German Army occupies the demilitarized Rhineland</p> <p><i>9–14 September</i> Proclamation of the Four Year Plan at the Nuremberg NSDAP party convention</p>	<p><i>July/August</i> The Sachsenhausen concentration camp is built</p> <p><i>August/September</i> Mass arrests of Jehovah's Witnesses</p>	<p><i>17 June</i> Founding of the Swiss Central Office for Refugee Relief (SZF)</p>
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1937			
		<p><i>15 July</i> First inmates are sent to the Buchenwald concentration camp</p> <p><i>Fall</i> Second wave of arrests of Jehovah's Witnesses</p>	<p><i>19 July</i> «Work Truce»: a pact between employers and employees in the machine and metallurgical industries, which was preceded by an agreement in the watch industry in May</p> <p><i>19 August</i> German-Swiss Agreement on the return of money belonging to Swiss returnees</p> <p><i>29 September</i> Provisional agreement of 4 July 1936 on the status of refugees from Germany goes into effect</p>
1938			
<p><i>10 February</i> League of Nations convention on the status of refugees from Germany (not signed by Switzerland)</p> <p><i>31 March</i> The Polish law on the renewal of stamps arouses fear that Polish Jews living in Germany could become stateless after October 1938</p>	<p><i>12 March</i> The German Army invades Austria («annexation»)</p> <p><i>30 May</i> Hitler secretly orders the German army to prepare to attack Czechoslovakia</p>	<p><i>22 April</i> «Decree Against Support for the Disguise of Jewish Commercial Operations»</p> <p><i>26 April</i> «Decree on the Registration of Jewish Assets»</p>	<p><i>28 March</i> The Swiss Federal Council approves the reintroduction of a visa requirement for holders of Austrian passports</p> <p><i>April–September</i> German-Swiss negotiations which lead to the introduction of the «J»-stamp</p> <p><i>mid-May</i> Switzerland returns to integral neutrality status</p>

## International Politics and the Course of the War

*6–15 July*

Conference in Evian on refugees from Germany (including Austria); founding of the Intergovernmental Committee on Refugees (IGCR)

*29 September*

Signing of the Munich Agreement: Annexation of the Sudeten region by Germany

## German Political Developments

*October*

Germany demands that the Free State of Danzig becomes part of the Reich

*21 October*

Hitler's secret order to «destroy the rest of Czechoslovakia»

## Policies of Persecution and Extermination

*13–18 June*

«Operation Work-Shy»: Police roundups against «asocials» (including Roma and Sinti), who are imprisoned in concentration camps

*23 July*

«3rd Proclamation of the Identity Card Requirement»

*17 August*

The «Second Decree on Carrying Out the Law on the Changing of Family Names and First Names» mandates «Israel» and «Sara» as first names for Jews

*26 August*

Establishment of the «Central Bureau for Jewish Emigration» in Vienna under Eichmann's direction

*1 September*

Introduction of race laws in Italy

*5 October*

«Decree Regarding Passports of Jews»: Introduction of the «J»-stamp

*28 October*

Polish Jews are forced to emigrate from Germany

*9/10 November*

«Reichskristallnacht»: Massive pogroms against Jews

## Swiss Refugee Policy

*18/19 August*

The Swiss Federal Council decides on the expulsion of all refugees without visas, without exception

*19 August*

ICRC delegate Favre visits the Dachau concentration camp

*29 September*

German-Swiss agreement on the stamping of passports of Jews by German officials (Berlin Protocol)

*4 October*

Introduction of a visa requirement for German «non-Aryans»

**International Politics and the Course of the War**

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**Swiss Refugee Policy**

*12 November*  
«First Decree on the Exclusion of Jews from German Economic Life»

*15 November*  
Jewish children are excluded from German schools

*8 December*  
Hitler's decree on the systematic registration and fingerprinting of «Gypsies»

*28 December*  
ICRC intervenes with the German Red Cross on behalf of persons imprisoned on political and racial grounds

**1939**

*1 April*  
End of the Spanish Civil War, victory of the Franco-led nationalists

*17 May*  
The British White Book limits the number of Jewish immigrants in Palestine to 75,000 until the end of 1944

*15 March*  
Invasion of Czechoslovakia

*16 March*  
Creation of the Protectorates of Bohemia and Moravia

*23 August*  
Signing of the German-Soviet Non-Aggression Pact

*24 January*  
Creation of «Reich Central Bureau for Jewish Emigration» in Germany, headed by Heydrich

*15 May*  
First transfer of prisoners to the Ravensbrück women's concentration camp

*26 July*  
Establishment of the «Central Bureau for Jewish Emigration» in Prague under Eichmann's direction

*20 January*  
The Swiss Federal Council approves the introduction of a visa requirement for all emigrants

*15 March*  
The Swiss Federal Council approves the introduction of a visa requirement for holders of Czechoslovakian passports

*6 May*  
Inauguration of the Swiss National Exhibition in Zurich

*30 August*  
The Federal Assembly gives the Federal Council broad legislative powers and the power to make changes in the constitution (Plenary Powers Decision)

### International Politics and the Course of the War

*3 September*

England and France declare war on Germany

### German Political Developments

*1 September*

Attack on Poland; start of World War II

*28 September*

Germany and the Soviet Union divide Poland

### Policies of Persecution and Extermination

*27 September*

Founding of the Central Office for Reich Security (RSHA) under Heydrich

*October*

Document by Hitler approving the beginning of «Euthanasia» programm (backdated to 1 September 1939); First deportations of Jews from Austria and from the Protectorate

*18 November*

Markings decreed for all Jews in the incorporated areas of Poland

*1 December*

Markings of all Jews in the General Government

### Swiss Refugee Policy

*5 September*

The Federal Council approves a general visa requirement

*September*

When the war begins, there are between 7,000 and 8,000 refugees in Switzerland; Switzerland becomes a protective power of Germany, France, and others

*17 October*

The Federal Council decides that with the exception of deserters and political refugees, all foreigners who have entered the country illegally are to be expelled to the country they came from; the decree forms the legal basis for the internment of and the obligation to pay taxes by emigrants and refugees

## 1940

*14 January*

In Poland, the first deportations organized by the SS begin

*Early spring–August*

Plan to deport Jews to Madagascar

*9 April*

Occupation of Denmark and Norway

*12 March*

The Federal Council approves the establishment of work camps for emigrants

## International Politics and the Course of the War

*10 June*  
Italy enters the war on the side of Germany

*July*  
United States enacts «Alien and Registration Act»

*10 July*  
Pétain becomes head of state of the «French state» (Vichy regime)

## German Political Developments

*10 May*  
Attack on Belgium, Luxembourg and the Netherlands

*12 May*  
Attack on France

*22 June*  
German-French ceasefire; Alsace-Lorraine, Luxembourg, and a portion of Belgium become part of Germany, the remaining part of Belgium, the north and west of France are occupied, while the unoccupied zone is created in the south

## Policies of Persecution and Extermination

*20 May*  
Arrival of an SS unit in Auschwitz to build the concentration camp

*10 June*  
In Italy, all foreign Jews are imprisoned in camps

*14 June*  
First transport to Auschwitz-Birkenau concentration camp takes place, consisting of Polish prisoners from the General Government

*Fall*  
Establishment of Jewish ghettos in the General Government

*3 October*  
First regulations on Jews by the Vichy regime (Jewish statutes)

*22–25 October*  
Systematic expulsion of Jews from Baden, Palatinate and Saarland to unoccupied France; French officials send the expelled to the Gurs camp and other camps in the unoccupied zone

## Swiss Refugee Policy

*18 June*  
Creation of the Swiss Commission for Internment and Housing (EKIH)

*19–20 June*  
After the military defeat, 28,000 soldiers of the 45th French Army Corps, including a Polish division, cross the Swiss border and are interned; within a few days, more than 40,000 members of the military and about 7,500 French civilians are taken in temporarily

<b>International Politics and the Course of the War</b>	<b>German Political Developments</b>	<b>Policies of Persecution and Extermination</b>	<b>Swiss Refugee Policy</b>
<p><i>20–25 November</i> Hungary, Romania and Slovakia form the Tripartite Pact</p>			<p><i>November</i> Founding of the United Relief Organization (CMS) by the ICRC and the League of Red Cross Societies</p> <p><i>26 November</i> The Federal Council outlaws the Communist Party and its affiliated organizations (among others, the Swiss Red Aid)</p> <p><i>13 December</i> The Federal Council approves the partial closing of the border</p>
<b>1941</b>			
<p><i>1 March</i> Bulgaria joins the Tripartite Pact</p>	<p><i>6 April</i> Attack on Yugoslavia and Greece (Serbia is placed under military administration; in Croatia a satellite state governed by the Ustascha is created on 10 April 1941)</p>	<p><i>10 January</i> Registration of all Jews in the Netherlands</p> <p><i>February</i> First deportations of Jews from the Netherlands</p> <p><i>29 March</i> Establishment of a «Commissariat» for Jewish Questions by the Vichy government</p> <p><i>May</i> In Croatia, the arrest, internment and murder of Jews begins</p>	<p><i>January</i> French interned soldiers are sent home</p> <p><i>18 March</i> The «Decree by the Federal Council on Contributions by Foreign Refugees to Relief Organizations for Emigrants» requires prosperous refugees to pay a «solidarity contribution» (tax)</p>

## International Politics and the Course of the War

*June*

The American Close Relatives Edict prohibits the immigration of persons with relatives in German-occupied Europe

*14 June*

With Executive Order 8785, the US blocks all accounts in continental Europe

*20 June*

With General License No. 50, the US government allows the transfer of capital to Switzerland via the SNB

*14 August*

Announcement of the Atlantic Charter by Churchill and Roosevelt

## German Political Developments

*22 June*

Attack on the Soviet Union

*2 October*

Offensive against Moscow begins

## Policies of Persecution and Extermination

*20 May*

Secret RSHA decree: Jews with German citizenship are forbidden to leave France and Belgium, or to leave the Reich for these countries

*22 June*

In the occupied parts of the Soviet Union, the mass murder of Jews, Communists and «Gypsies» by SS units begins

*31 July*

Göring empowers Heydrich to develop a plan for the «Final Solution of the Jewish Question»

*24 August*

«Euthanasia program» is officially broken off; however, shortly thereafter it is reinstated and decentralized

*15 September*

Marking of Jews in Germany by the «Jewish star»

*7 October–mid-1942*

Construction and first prisoner transfers to the concentration camp Lublin/Majdanek (later an extermination camp)

## Swiss Refugee Policy

**International Politics and the Course of the War**

**German Political Developments**

**Policies of Persecution and Extermination**

**Swiss Refugee Policy**

*5 December*  
The Soviet counteroffensive begins: the end of the *Blitzkrieg*

*11 December*  
Germany and Italy declare war on the United States

*October*  
Start of mass deportations of Jews and Gypsies from the Reich;  
Introduction of a certificate of «*non-appartenance à la race juive*» in France by the «Commissariat» on Jewish Questions

*October 1941–May 1942*  
Systematic murder of the Jewish population in Serbia

*23 October*  
Ban on emigration for Jews from the Reich; by February 1942, the ban is extended to all occupied areas

*November*  
Creation of a ghetto in Theresienstadt

*25. November*  
On the basis of the «11th Decree to the Reich Citizenship Law», expelled German Jews are stripped of German citizenship and lose their assets

*December*  
In Chelmno, beginning of mass murder with poison gas in the first extermination camp

*11 November*  
The Federal Council decides that dual citizenship can be annulled in the interest of the state and that all Swiss women, without exception, lose their Swiss citizenship through marriage with foreigners

*17 December*  
Creation of the Children's Relief of the Swiss Red Cross (SRC)

*December*  
Switzerland becomes a protective power for Japan, England, and the United States

**1942**

*20 January*  
Wannsee conference to coordinate the «Final Solution of the Jewish Question»

*19 January*  
De Haller is named the delegate of the Federal Council for international relief organizations

*January–November*  
The SRC's Children's Relief takes in children for three-month periods

## International Politics and the Course of the War

### *March*

General Ruling No. 11 of the US government requires official approval for every transaction with the Axis powers

### *8 August*

G. Riegner informs the Allies by telegraph about the «Final Solution»

### *August*

The US State Department prevents the publication of information on the existence of extermination camps

## German Political Developments

## Policies of Persecution and Extermination

### *Late March*

First deportations of Jews from Slovakia

### *21 March*

Fritz Sauckel is placed in charge of forced labor; by summer 1944 there are approximately 7.6 million «foreign forced laborers» in Germany

### *27 March*

First deportations of Jews from France to Auschwitz

### *March–July*

First transfers to the largest extermination camps: Belzec, Sobibor, Treblinka and Auschwitz-Birkenau

### *May–June*

Introduction of the «Jewish star» in occupied western Europe

### *2 July*

Dannecker-Bousquet agreement on the deportation of non-French Jews from France

### *16 July*

«Raid of Vel d'Hiv'»: Roundup and deportation of more than 11,000 Jews in Paris

### *Mid-July 1942–1944*

Westerbork becomes the most important transit camp for Jews deported from the Netherlands to eastern Europe

### *4 August*

First deportations of Jews from Belgium to Auschwitz-Birkenau

### *August*

First deportations of Jews from Croatia to Auschwitz-Birkenau

## Swiss Refugee Policy

### *30 July*

In his report to the Federal Council on developments regarding refugees, Jezler recommends a harsher expulsion practice, despite noting that Jews are in extreme danger

### *13 August*

An EJPD bulletin mandates the expulsion of all civilian refugees at the border, «refugees solely for reasons of race, for example Jews» are not considered political refugees

### International Politics and the Course of the War

*Early November*

Breakthrough of the British major offensive against the Germano-Italian troops in North Africa at El-Alamein

*7–8 November*

American and British troops land in Morocco and Algeria

*17 December*

Official announcement and condemnation of the mass murders of the NS regime by the Allies

### German Political Developments

*11 November*

The German Army occupies southern France

### Policies of Persecution and Extermination

*26 August*

Large-scale roundup of Jews in unoccupied France

*26 November*

First deportations of Jews from Norway to Auschwitz

*16 December*

Decree by Himmler on the deportation of Gypsies (Roma and Sinti) from the Reich

### Swiss Refugee Policy

*25 August*

A EJPD bulletin orders the temporary liberalization of the practice of expulsion

*30 August*

Federal Councillor von Steiger first uses the metaphor of the «overcrowded life boat»

*22–23 September*

Debate on refugee policy in the National Council

*October*

The Police Division and church officials agree on the periodic creation of a Non-Refoulement list (of persons who are not to be expelled)

*14 October*

The ICRC rejects the idea of a public appeal against violations of international humanitarian law

*21 October*

Rothmund visits the Sachsenhausen concentration Camp (in Oranienburg) during his October 12–November 6, 1942 stay in Berlin

*November*

A collection by the Central Office for Refugee Relief raises 1.5 million francs

*29 December*

The EJPD makes acceptance of refugees more restrictive

International Politics and the Course of the War	German Political Developments	Policies of Persecution and Extermination	Swiss Refugee Policy
			<p><i>30 December</i> The Coordinating Committee of the ICRC decides on aid measures for deported persons</p>
<b>1943</b>			
<p><i>19–30 April</i> Anglo-American Bermuda Conference on the refugee question</p>	<p><i>2 February</i> German troops capitulate at Stalingrad</p>	<p><i>9 February</i> Deportations from France to Auschwitz-Birkenau and Sobibor resume</p> <p><i>March</i> Deportations of Jews from the occupied areas of Bulgaria to Treblinka</p> <p><i>March–May</i> Deportations of Jews from Greece (above all from Saloniki) to Auschwitz-Birkenau</p> <p><i>19 April</i> Liquidation of the Warsaw ghetto with ensuing revolt</p> <p><i>25 April</i> «12th Decree to the Reich Citizenship Law»: «Jews and Gypsies cannot become citizens»</p> <p><i>30 April</i> Establishment of the Bergen-Belsen «exchange camp», later a concentration camp</p>	<p><i>12 March</i> The «Federal Council Decree on Housing for Refugees» centralizes authority with the federal government, orders the internment of all refugees accepted since 1 August 1942 and places their assets under the administration of the EJPD</p> <p><i>23 March</i> Unpublished Federal Council Decree (BRB) on taking US dollars by the Confederation</p> <p><i>18 May</i> Agreement between the Schweizerische Volksbank and the EJPD concerning the administration of refugees assets</p>

### International Politics and the Course of the War

*9/10 July*

The Allies land on Sicily

*25 July*

Fall of the Fascist regime in Italy, formation of the Badoglio government

*8 September*

Proclamation of Italy's capitulation

*9 September*

The Republic of Saló in northern Italy is proclaimed

*13 October*

Italy declares war on Germany

*9 November*

Founding of the United Nations Relief and Rehabilitation Administration (UNRRA)

*29 November*

Teheran conference with Churchill, Roosevelt and Stalin

### German Political Developments

*8 September*

Occupation of Italy

### Policies of Persecution and Extermination

*11 June*

Himmler orders the liquidation of all still existing ghettos in eastern Europe

*2 August*

Revolt of prisoners in the Treblinka extermination camp

*16 September*

Deportations of Jews from northern Italy to Auschwitz-Birkenau begin

*1–2 October*

Arrests of Jews in Denmark begin; resistance by both population and officials prevents systematic deportation

*14 October*

Revolt of prisoners in the Sobibor extermination camp

### Swiss Refugee Policy

*26 July*

EJPD directives ease conditions for entering Switzerland

*27 July*

A EJPD directive concerning the southern border orders the expulsion of all illegal refugees to Italy

*17 September*

According to EJPD directives, the flow of refugees from Italy is so large that male refugees over 16 are to be turned away

*September–December*

Switzerland takes in some 20,000 members of the military and 7,800 civilian refugees from Italy

**International Politics and the Course of the War**

**German Political Developments**

**Policies of Persecution and Extermination**

**Swiss Refugee Policy**

*December 1943–May 1944*  
The United States wants to exchange larger amounts of dollars for Swiss francs to support international relief organizations

**1944**

*22 January*  
US Executive Order 9417: Founding of the War Refugee Board (WRB)

*19 March*  
German troops occupy Hungary

*6 March*  
The Federal Council creates a Commission of Experts for Questions Regarding Refugees

*2 May*  
The War Refugee Board calls on the ICRC to demand the recognition of Jews as civilian internees in Berlin

*15 May–8 July*  
Deportations of Jews from Hungary to Auschwitz-Birkenau

*1 May*  
Out of nearly 35,000 emigrants and refugees, 22,500 are assigned mandatory work

*6 June*  
The Allies land in Normandy

*20 July*  
Failed attempt to assassinate Hitler

*23 July*  
Soviet troops liberate the Majdanek concentration and extermination camp

*5 July*  
The executive committee of the ICRC approves a demarche with the Hungarian government

*12 July*  
According to EJPD instructions, all civilian refugees in mortal danger are to be accepted (implicit recognition of Jews as refugees)

*23 July*  
An ICRC delegation visits Theresienstadt

*17 August*  
Liberation of the Drancy transit camp

*23 August*  
Liberation of Paris

<b>International Politics and the Course of the War</b>	<b>German Political Developments</b>	<b>Policies of Persecution and Extermination</b>	<b>Swiss Refugee Policy</b>
<p><i>September–October</i> Liberation of Val d'Ossola and creation of a free republic by Italian partisans</p> <p><i>27 November</i> Trial in Lublin for the crimes committed in Majdanek</p> <p><i>29 December</i> Suggestion by the United States on Allied economic policy toward neutral states</p>	<p><i>October</i> German-Italian occupation of Val d'Ossola</p>	<p><i>7 October</i> Jewish prisoners stage a revolt in the Auschwitz-Birkenau concentration and extermination camp (Sonderkommando revolt)</p> <p><i>November</i> Last deportations from Theresienstadt to Auschwitz-Birkenau</p>	<p><i>September–November</i> Acceptance of some 17,000 children and mothers from France and Italy</p> <p><i>10 October</i> Launch of the Swiss Charitable Fund (Schweizer Spende)</p> <p><i>December</i> Hungarian Jews whose liberation from Bergen-Belsen has been bought arrive in Switzerland, later to emigrate to Palestine (so-called Kasztner transport)</p>
<b>1945</b>			
<p><i>27 January</i> Soviet troops liberate Auschwitz</p> <p><i>4–12 February</i> Yalta Conference with Churchill, Roosevelt and Stalin</p>		<p><i>17–26 January</i> Thousands of Jews die on a «death march» after the Auschwitz-Birkenau concentration camp is abandoned, hundreds of thousands die by the end of the war on marches after ghettos and concentration camps are evacuated</p>	<p><i>8 February</i> Accompanied by former Federal Councillor Musy, 1,200 Jews from Theresienstadt reach Switzerland</p> <p><i>16 February</i> The Federal Council approves freezing German assets</p> <p><i>25 February–1 March</i> Swiss Refugee Conference in Montreux</p>

## International Politics and the Course of the War

*2 May*  
German capitulation in northern Italy;  
Soviet troops take Berlin

*7–9 May*  
German capitulation, end of the war in Europe

*8 May*  
Soviet troops liberate Theresienstadt

*5–6 June*  
Allied occupying powers issue Berlin declaration creating the Control Council

*26 June*  
The United Nations Charter is signed

*17 July–2 August*  
Potsdam Conference

*2 September*  
Japan signs a capitulation treaty

*15 October*  
London Agreement: Refugees under the care of the Intergovernmental Committee on Refugees (IGCR) receive passports

## German Political Developments

*30 April*  
Hitler commits suicide

*2 May*  
Dönitz, Hitler's successor as president of the Reich, orders the forming of a transitional government

## Policies of Persecution and Extermination

*3 May*  
Germany turns over the Theresienstadt ghetto to the ICRC

## Swiss Refugee Policy

*29 March*  
The EJPD issues a circular in order to prevent a mass influx of refugees from Germany

*13 April*  
The Federal Council approves the partial closing of the border

*May*  
By the end of the war, about 115,000 people in need of protection are in Switzerland, 51,100 of whom are civilian refugees taken in during the war

*22 May*  
EJPD directives prohibit crossing the border without a visa

*13 July*  
The Federal Council approves freezing the assets of persons who were expelled from Switzerland

*12 September*  
The Federal Council approves ending «clearing» limits for payments by the American government

*14 September*  
The EJPD relaxes restrictions on refugees' freedom of movement

<b>International Politics and the Course of the War</b>	<b>German Political Developments</b>	<b>Policies of Persecution and Extermination</b>	<b>Swiss Refugee Policy</b>
<p><i>18 October 1945–1 October 1946</i> Trial of major German and Austrian war criminals before the International Military Tribunal in Nuremberg</p> <p><i>22 December</i> The «Truman Directive» allows Displaced Persons (DPs), especially children, entrance to the US</p>			<p><i>28 December</i> The EJPD transfers many powers of the Police for Foreigners back to the cantons</p>
<b>1946</b>			
<p><i>15 December</i> Founding of the successor organization to the IGCR, the International Refugee Organization (IRO), which Switzerland joins in 1949</p>			<p><i>March</i> Refugee camps run by the federal government begin to close</p> <p><i>18 March</i> Diplomatic relations are established with the USSR</p> <p><i>14 June</i> The parliament approves the Federal Council decree on a federal contribution to the Intergovernmental Committee on Refugees (IGCR)</p>
<b>1947</b>			
			<p><i>January</i> Switzerland accepts East European refugees</p> <p><i>7 March</i> The Federal Council creates permanent asylum for refugees who «cannot reasonably be expected to leave»</p>

**International Politics and the Course of the War**

**German Political Developments**

**Policies of Persecution and Extermination**

**Swiss Refugee Policy**

*16 December*  
The Federal Council approves contributions to the support of needy emigrants and refugees in Switzerland

**1948**

*20 March*  
The Soviet military administration leaves the Allied Control Commission for Germany  
*14 May*  
Proclamation of the state of Israel

*8 October*  
Complete overhaul of the Federal Law on Residence and Settlement (ANAG)  
*21 December*  
Decree of the Federal Council on federal contribution to private refugee relief organizations



## Appendix 2: Short Biographies

### Johannes Baumann (1874–1953)

Born in Herisau (Canton Appenzell Ausserrhoden), Studies in Law

- 1901–1905 Member of the Appenzell cantonal parliament
- 1905–1931 Government councillor (police and military department) in the Appenzell Ausserrhoden cantonal government
- 1911–1934 Cantonal deputy to the federal parliament's Council of States\*
- 1914–1934 President of the Cantonal Bank board of directors
- 1932–1934 Member board of directors of the Swiss National Bank (SNB)
- 1934–1940 Federal Councillor; Head of the Federal Department of Justice and Police (EJPD)

Baumann was on the board of directors of various companies prior to his election to the Swiss Federal Council. He was responsible for the strengthening of national defense, as well as for the expansion of the Swiss federal prosecutor's office and, in 1935, for the creation of the federal police (Bundespolizei).

Sources: Historisches Lexikon der Schweiz (www.dhs.ch, May 4, 1998); Altermatt, Schweizer Bundesräte (1991), 384–388; Appenzellische Jahrbücher 81 (1953), 28–34; Der Bund, Sept. 9, 1953.

### Robert Briner (1885–1960)

Born in Bärenswil (Canton Zurich), Studies in Law

- 1912–1919 Secretary in the Zurich municipal guardianship department (Vormundschaftsbehörde)
- 1917–1957 Lecturer at the School of Social Work
- 1919–1935 Director of cantonal juvenile welfare office
- 1930–1958 President of the School of Social Work
- 1932–1960 President of Pro Infirmis
- 1935–1951 Government councillor of Zurich cantonal government (police and military department; after 1943, education department)
- 1938–1945 President of the Swiss Central Office for Refugee Relief (SZF)
- 1947–1959 President of the Swiss National Charity Fund
- 1951 Doctorate, *honoris causa*, from University of Zurich

Briner had a double position as director of police and president of the SZF. Although he showed understanding for the concerns of relief organizations, he ultimately represented federal refugee policies. After the Second World War, he directed the growth of the Zurich cantonal school system.

Sources: Historisches Lexikon der Schweiz (www.dhs.ch, Jan. 27, 1999); Gedenkschrift Robert Briner (1961); Neue Zürcher Zeitung, April 7, 1951.

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\* The Council of States is the upper house of the Swiss parliament representing the various cantons.

### **Paul Grüninger (1892–1972)**

Born in St. Gallen (Canton St. Gallen), Teacher

- 1919 Lieutenant in the canton St. Gallen Landjägerkorps
- 1925–1939 Captain and commander of St. Gallen cantonal police
- 1938 Facilitated and organized illegal entry into Switzerland of refugees (especially Jews) from Austria after spring 1938; in August, at a police directors' conference, recommended an open refugee policy
- March 1939 The St. Gallen cantonal government decided on an investigation of Grüninger and filed criminal charges shortly thereafter
- April 1939 Suspended from job; in May, he was removed from his position
- Dec. 1940 Sentenced for dereliction of duty and tampering with official documents
- 1962 Honorary member of the Human Rights League
- 1971 St. Gallen cantonal parliament declared Grüninger's behavior morally correct; Yad Vashem honors him as «Righteous Among the Nations»
- 1993 Political rehabilitation by the St. Gallen government council
- 1995 Legal rehabilitation by the St. Gallen district court
- 1998 Creation of Paul Grüninger Foundation, with funding provided by the St. Gallen government council in the amount of Grüninger's salary and retirement benefits after his dismissal.

Grüninger rescued between 2,000 and 3,000 refugees. Following his dismissal, he lived in precarious circumstances, earning his living doing odd jobs and worked later again as a teacher. Attempts to bring about his rehabilitation were denied by the St. Gallen cantonal government in 1968, 1969, 1970, 1984, and 1989.

Sources: Keller, Grüningers Fall (1993); Hoerschelmann, Exilland Schweiz (1997), 114–128; Die Wochenzeitung, May 28, 1998.

### **Silvain S. Guggenheim (1882–1948)**

Born in Baden (Canton Aargau), partner and member of the board of directors of a silk company

- 1933 Active in founding refugee relief
- 1936 Co-founder and vice-president of Swiss Central Office for Refugee Relief (SZF, later known as Swiss Refugee Relief, SFH)
- 1938–1944 Founder and president of Swiss Jewish Association for the Care of the Poor (VSIA, later known as Swiss Association for Jewish Relief/Aid to Refugees, VSJF)
- 1939–1946 Member of the executive board of the Federation of Jewish Communities in Switzerland (SIG)

Guggenheim was president of the welfare commission and a member of the executive board of the Zurich Jewish Community (ICZ). He started the Jewish children's home «Wartheim», and was also involved in support for Palestine and postwar Jewish relief.

Sources: Neue Zürcher Zeitung, Feb. 2, 1948.

**Edouard de Haller (1897–1982)**

Born in Cologny (Canton Geneva), Studies in Law

- 1926–1928 Member of the minorities section and administrative commissions of the League of Nations secretariat
- 1928–1936 Member of the mandate department of the League of Nations secretariat
- 1936–1938 Acting Director of the mandate department
- 1938–1940 Director of the mandate department of the League of Nations
- 1940 Ex officio member of the International Committee of the Red Cross (ICRC)
- 1941 Member of the ICRC; after 1942, honorary member ICRC
- 1942–1948 Delegate of the Federal Council for international relief agencies
- 1948 Representative for Switzerland at the XVII International Red Cross Conference
- 1948–1953 Envoy to Norway
- 1951–1953 Envoy to Iceland
- 1953–1957 Envoy to the USSR
- 1957–1962 Ambassador to the Netherlands

After 1942, de Haller played a decisive role in Swiss humanitarian policies. As Pilet-Golaz's confidant and brother-in-law of the director of the Foreign Office Department, Pierre Bonna, he had excellent relations in diplomatic circles. His coordinating activities were primarily directed to Swiss foreign policy interests.

Sources: Favez, *Une mission impossible?* (1988); *Journal de Genève*, June 5, 1962.

**Robert Jezler (1907–1956)**

Born in Oberdiessbach (Canton Bern), Studies in Law, Attorney

- 1935 Member of the legal staff of the Police Division of the Federal Department of Justice and Police (EJPD)
- 1937–1942 Civil servant – legal specialist
- 1942–1947 Senior officer in Police Division
- 1945–1947 Section head (temporary) in Police Division
- 1947–1954 Deputy director of the Police Division
- 1955–1956 Director of the Police Division

Jezler was one of Rothmund's closest colleagues; he drafted a report in July 1942 about refugee developments, resulting in harsher practices of turning refugees back, despite knowledge of the extremely threatening situation for Jews.

Sources: *Berner Tagblatt*, Sept. 28, 1956.

### **Regina Kägi-Fuchsmann (1889–1971)**

Born in Zurich (Canton Zurich), Teacher

- 1922–1925 President of the Schaffhausen Women’s Center
- 1928–1932 Director of the career advisory center for girls of the canton Schaffhausen
- 1934 Managing director of the welfare organization «Proletarian Children’s Aid»
- 1936–1952 Co-founder and general secretary of the Swiss Workers’ Relief Agency (SAH) and during the war, director of refugee assistance department
- 1936 Staff member of Swiss Association for Children of the Spanish Civil War (Schweizerische Arbeitsgemeinschaft für Spanienkinder)
- 1940 Staff member of Swiss Association for Children Threatened by War (SAK)
- 1941 Founder of «Colis Suisse» («parcels from Switzerland»)
- After 1941 Executive board member of children’s relief of the Swiss Red Cross (SRK)
- 1944 Member of the National Committee of Swiss Charity Fund for War Victims
- 1948 President of Swiss European Relief (after 1956, known as Swiss International Relief)
- After 1952 Under the auspices of the UN, worked in developing countries
- 1955 Founding member of the Swiss Relief Agency for non-European Regions (SHAG, later known as Helvetas)
- 1961 Doctorate, *honoris causa*, from the faculty of law and economics at the University of Zurich

Kägi-Fuchsmann, daughter of Jewish refugees from Lithuania and a women’s rights advocate, belonged to the social-democratic refugee relief movement.

Sources: Schweizerischer Frauenkalender (1951), 91–105; Kägi-Fuchsmann, *Das gute Herz genügt nicht* (1968); Luzerner Neueste Nachrichten, July 16, 1966; Die Tat, June 15, 1972.

### **Gertrud Kurz-Hohl (1890–1972)**

Born in Lutzenberg (Canton Appenzell Ausserrhoden)

- 1934–1972 Swiss secretary of «Teutonic» movement (later: International Christian Peace Service, CFD)
- 1936 Co-founder of the Swiss Central Office for Refugee Relief (SZF, later Swiss Refugee Relief, SFH)
- 1939 Beginning of «Teutonic» refugee relief
- 1941 Integration of Kurz’s relief work in the SZF
- 1942 Appeal on behalf of refugees to Federal Councillor Steiner (to ease entry restrictions for refugees), participation in the «free place» (Freiplatzaktion) initiative
- 1948 Swiss delegate to the first gathering of Ecumenical Council of Churches in Amsterdam
- 1956 Recipient of medal of honor from the German Red Cross
- 1958 Doctorate, *honoris causa*, from the theology faculty at the University of Zurich
- 1964 Recipient of Albert Schweitzer Prize

Kurz-Hohl belonged to the bourgeois religious refugee relief effort.

Sources: Christlicher Friedensdienst, Streitfall Friede (1988), 17–26; Christlicher Friedensdienst, special issue March 15, 1970; Schritte ins Offene 4 (1991), 28–33; Der Bund, March 14, 1990; Tagesanzeiger, Oct. 19, 1992.

### **Saly Mayer (1882–1950)**

Born in St. Gallen (Canton St. Gallen), textile businessman

1930 Became citizen of St. Gallen

Until 1933 Responsible for administration of finances in St. Gallen municipal government

Before 1936 Secretary of the Federation of Jewish Communities in Switzerland (SIG)

1936–1942 President of SIG

1938 Negotiates with the Chief of Police Division Rothmund for accepting Jewish refugees from Austria; fosters contact with American-Jewish relief agencies

After 1940 Honorary representative of the American Jewish Joint Distribution Committee (AJJDC) in Switzerland, beginning in spring of 1943, AJJDC coordinator for Europe

1944 Negotiated with Nazi Germans (under the auspices of the War Refugee Board, WRB) for the rescue of western and southern European Jews from deportation

1945 After war ended, served as contact for AJJDC for Central Europe

Mayer played a pivotal role in international relief and rescue efforts to help persecuted Jews. Object of criticism of certain Swiss Jewish segments, he resigned as chairman of SIG in 1942.

Sources: Picard, *Die Schweiz und die Juden* (1994); Bauer, Onkel Saly, in *Vierteljahrshefte für Zeitgeschichte* 25 (1977), 188–219; idem, *American Jewry* (1982); idem, *Jews for Sale?* (1994).

### **Giuseppe Motta (1871–1940)**

Born in Airolo (Canton Ticino), Studies in Law, Attorney, and Notary Public

1895–1911 Member of Ticino cantonal parliament

1899–1911 Cantonal representative in federal parliament's National Council\*

1912–1919 Head of Federal Department of Finance and Customs (EFZD)

1912–1940 Federal Councillor

1920–1940 Head of the Federal Political Department (EPD)

Motta lobbied for the Swiss entry into the League of Nations. He pursued a strict anticommunist foreign policy and demonstrated sympathy for authoritarian regimes, particularly for fascist Italy.

Sources: *Historisches Lexikon der Schweiz*, ([www.dhs.ch](http://www.dhs.ch), Oct. 15, 1998); Altermatt, *Schweizer Bundesräte* (1991), 306–311; *Gedenkschrift Giuseppe Motta* (1971); Panzera, Giuseppe Motta, in *Civitas* (Jan./Feb. 1990), 11–17; Scanziani, *Vita e opere* (1971); *Der Bund*, Jan. 23, 1940, Dec. 29, 1971.

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\* The National Council is the lower house of the Swiss parliament representing the population.

### **Rodolfo Olgiati (1905–1986)**

Born in Poschiavo (Canton Graubünden), Studies in Mathematics and Physics, Teacher

- 1934–1941 Secretary of Swiss branch of the International Civil Service
- 1937–1939 Director of Swiss Association for Children of the Spanish Civil War
- 1940–1942 Founder and directing member of Swiss Association for Children Injured by War (SAK, in 1942 united with the Swiss Red Cross, SRC)
- 1942–1943 General Secretary of «children's aid» department of the SRC
- 1944 Invited by the Quakers to travel to England and to visit the United States
- 1944–1948 General Secretary of the Swiss Charity Fund for War Victims
- 1949–1970 Member of the International Committee of the Red Cross (ICRC)
- 1959 Doctorate, *honoris causa*, from the medical faculty of the University of Basel
- 1958–1971 Director of the Protestant home Schloss Wartensee

With the growing importance and institutionalization of relief agencies, Olgiati became one of the central figures of Swiss relief activities.

Sources: Der Bund, Jan. 29, 1985, June 11, 1986; Die Ostschweiz, June 10, 1986.

### **Marcel Pilet-Golaz (1889–1958)**

Born in Cossonay (Canton Vaud), Studies in Law, Attorney

- 1921–1928 Member of the Vaud cantonal parliament
- 1925–1928 Cantonal representative in the federal parliament's National Council
- 1929 Head of the Federal Department of Home Affairs (EDI)
- 1929–1944 Federal Councillor
- 1930–1939 Head of the Federal Department of Post and Railways (EPED)
- 1940–1944 Head of the Federal Political Department (EPD)

Pilet-Golaz is regarded as an advocate of acquiescence to Nazi Germany not solely because of his controversial radio address to the nation on June 25, 1940. As a result of the failed attempt to establish diplomatic relations with the Soviet Union, he resigned in 1944.

Sources: Historisches Lexikon der Schweiz ([www.dhs.ch](http://www.dhs.ch), Jan. 13, 1999); Altermatt, Schweizer Bundesräte (1991), 366–371; Bucher, Die Schweiz im Sommer 1940, in Schweizerische Zeitschrift für Geschichte 29 (1979), 356–398; idem, Zwischen Bundesrat und General (1991).

### **Gerhart M. Riegner (1911–)**

Born in Berlin, Studies in Law

- 1934 Arrived in Switzerland
- 1936 Director of the Geneva office of the World Jewish Congress (WJC)
- Aug. 8, 1942 Author of the so-called Riegner telegram to the WJC president in the United States and to a member of the British parliament about the «final solution»
- 1944 Organized rescue operation of approx. 9,000 Hungarian Jews

Riegner was on the board and served as general secretary of the WJC. During the war, he became a leader in interfaith dialogue between Jews and Christians. In the 1950s and 1960s, he coordinated the emigration of Jews from Arab nations and in the subsequent two decades from the Soviet Union.

Sources: Laqueur and Breitmann, *Der Mann, der das Schweigen brach* (1986); Riegner, *Ne jamais désespérer* (1998); idem, *Témoignage* (1998).

### **Heinrich Rothmund (1888–1961)**

Born in Uster (Canton Zurich), Studies in Law

- 1916 Entered the federal administration
- 1919–1929 Director of the Federal Police for Foreigners
- 1929–1954 Director of Police Division in the Federal Department of Justice and Police (EJPD), which included the Police for Foreigners after 1933
- 1929–1931 Influential in the development of the federal law on residence and settlement
- 1945–1947 Representative in Switzerland for the Intergovernmental Committee on Refugees (ICGR)

Rothmund was an interim delegate in the preparatory commission of the International Refugee Organization (IRO). He was primarily responsible for Swiss refugee policies, although focusing on him personally tends to decrease attention to institutional patterns.

Sources: Gast, *Von der Kontrolle zur Abwehr* (1997); Mächler, *Kampf gegen das Chaos*, in *Antisemitismus*, ed. Mattioli (1998), 357–421; Roschewski, Heinrich Rothmund, in *Die Schweiz und die Flüchtlinge* (1996), 107–136; idem, *Rothmund und die Juden* (1997).

### **Max Ruth (1877–1967)**

Born in St. Gallen (Canton St. Gallen), Studies in Law, Attorney

- 1911–1916 Bankruptcy receiver and district judge in St. Gallen
- 1917–1920 Special representative of the St. Gallen cantonal state prosecutor's office
- 1920–1944 First deputy in Police Division of the Federal Department of Justice and Police (EJPD) (remained until 1945)
- 1943–1944 Director of the appeals department of the Police Division

Ruth was considered as an excellent attorney within the EJPD and was consulted for his expertise even after retirement. He was the theorist behind Swiss refugee policy and authored the commentary to the federal law on residence and settlement for foreigners of 1931, as well as other related publications.

Sources: Mächler, *Kampf gegen das Chaos*, in *Antisemitismus*, ed. Mattioli (1998), 357–421.

### **Oskar Schürch (1914–1992)**

Born in Bern, Studies in Law, Attorney

- 1939 Entered Police Division of the Federal Department of Justice and Police (EJPD)
- 1940–1954 Director of the refugee section
- 1945 Swiss representative at the conference of the Intergovernmental Committee on Refugees (ICGR)
- 1955 Deputy Director of Police Division
- 1957–1980 Director (after 1959) of the Police Division (after 1979, known as the Federal Office of Police)

After the war, Schürch represented Switzerland at many conferences on refugee questions.

Sources: *Der Bund*, March 1, 1980.

### **Eduard von Steiger (1881–1962)**

Born in Langnau im Emmental (Canton Bern), Studies in Law, Attorney

1914–1939 Member of Bern cantonal parliament

After 1931 Member of board of directors of the Swiss National Bank (SNB)

1939 Government councillor in Bern cantonal government (department of economic affairs)

1940–1951 Federal Councillor; Head of the Federal Department of Justice and Police (EJPD)

1944 Created experts' commission for refugee questions

Von Steiger carried political responsibility for Swiss refugee policy and coined the image of the «overcrowded life boat» in 1942.

Sources: Altermatt, Schweizer Bundesräte (1991), 415–420; Steiger, Us mym Läbe (1967).

### **Nettie Sutro-Katzenstein (1890–1967)**

Born in Munich, Studied Philosophy and Sociology, PhD in Bern

1935–1947 Director of the Swiss Relief Organization for Refugee Children (SHEK, Swiss section of a French organization), which after 1940 was active only in Switzerland

1952 Co-founder of the Swiss children's home Kirjath Jearim in Israel

Sutro served on various commissions, including the EJPD experts commission for refugee questions.

Sources: Sutro, Jugend auf der Flucht (1952); Schweizer Frauenblatt, Nov. 3, 1967.

### **Paul Vogt (1900–1984)**

Born in Stäfa (Canton Zurich), Studies in Theology, Pastor

1936–1943 Pastor in Zurich-Seebach

1936 Co-founder of the Swiss Central Office for Refugee Relief (SZF, later known as Swiss Refugee Relief, SFH)

1938 Co-founder and president of the Swiss Protestant Relief Agency for the Confessing Church in Germany

1942 Started the Protestant «free place» initiative for refugees, and co-founded as well as coordinated the «Flüchtlingsbatzen» initiative

1943–1947 Directed refugee parish created by the federation of Protestant churches, the state church relief agency of canton Zurich, and the relief agency for the Confessing Church

1947 Doctorate, *honoris causa*, from the theology faculty of the University of Zurich

1952 Co-founder of Swiss children's home Kirjath Jearim in Israel

1968 Honorary member of the Human Rights League

Vogt made a significant contribution to the consolidation and coordination of Protestant refugee relief. After leaving the refugee parish, he returned to community parish work.

Sources: Häsler, Das Boot ist voll (1992); Kocher, Rationierte Menschlichkeit (1996), 285–308; Die Ostschweiz, March 13, 1984; La Suisse, May 20, 1984.

**Ernst Wetter (1877–1963)**

Born in Töss (Canton Zurich), Studied Public Economics, Teacher

- 1920 General Secretary of the Federal Department of Home Affairs (EVD)
- 1922 Director of the Trade Division at the EVD
- 1924 Delegate to the Swiss Trade and Industry Association (Vorort)
- 1926–1934 Member of the Zurich cantonal parliament
- 1926–1938 Vice President of Vorort
- 1927–1939 President of Swiss Association for Promotion of Trade
- 1929–1938 Cantonal representative in the federal parliament's National Council
- 1937–1939 Member of board of directors of Credit Suisse
- 1939–1943 Federal Councillor; Head of the Federal Department of Finance and Customs (EFZD)
- 1944–1948 President of the Swiss Fund for War Victims
- 1944–1950 President of Federal Banking Commission

Wetter was appointed to numerous official delegations and was also a member of the Association for National Reconstruction. After his resignation, as well as before his election, he sat on numerous boards of directors.

Sources: Altermatt, *Schweizer Bundesräte* (1991), 400–404; Tanner, *Bundeshaushalt* (1986); *Zürcher Taschenbuch auf das Jahr 1965*; *Neue Zürcher Zeitung*, Nov. 10, 1963.

**Otto Zaugg (1906–1998)**

Born in Bern (Canton Bern), Mechanical Engineer, Federal Technical University (ETH)

- 1932–1940 Founded and after 1933 (after 1935 full-time) director of Swiss central office for voluntary labor service, temporarily directed compulsory federal labor service
- 1940–1950 Director of the Central Office of Work Camps for Refugees (ZLA, after 1946: Federal Central Administration of Homes and Camps, ZL)
- 1950–1971 Employed by Swiss National Insurance Company (Schweizerische National-Versicherungs-Gesellschaft) Basel, after 1964 deputy director

Sources: *Kolloquium mit Otto Zaugg, Rückblick*, AfZ (1987); *Basler Nachrichten*, April 10, 1976.



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- Ef 2 Justice et Police

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Protokolle des Direktoriums

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**Schweizerisches Sozialarchiv, Zürich**

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Nachlass Rodolfo Olgiati

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#### Accession / Entry 66A816

Box 47                      File «FFC History»

### *RG 59 General Records of the Department of State*

#### 1930–1939 Central Decimal File (250/30/09/06)

Box 6880                  Files 865.4016/104–145: racial legislation and financial / property restrictions in Italy

Box 6881                  Files 865.4016/147–167: antisemitic and property legislation in Italy

#### 1938–1941 Records relating to the Intergovernmental Committee on Refugees, Country Files

Boxes 1 and 2            American Jewish Joint Distribution Committee

Box 3                      Council on Foreign Relations

Box 6                      Jewish Refugees / Transfer of Jewish and non-Aryan property from Germany (incl. Austria)

Box 7                      Intergovernmental Committee on Refugees

#### 1940–1944 Decimal Files (Stack Area 250)

Box 5609                  Files 862.5151/1285. 2386, 2387, 2393A, 2400, 2408, 2391B, 2465A, 2481 regarding ransom traffic of Jews and Axis currency needs

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Boxes 3, 13, 31

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Box 25

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Box 72                      Proclaimed List

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## List of Abbreviations

SAK	Swiss Coalition for Relief to Child War Victims <i>Schweizerische Arbeitsgemeinschaft für Kriegsgeschädigte Kinder</i>	EDI	Federal Department of Home Affairs <i>Eidgenössisches Departement des Innern</i>
EKIH	<i>Eidgenössisches Kommissariat für die Internierung und Hospitalisierung</i>	EFV	Federal Finance Administration <i>Eidgenössische Finanzverwaltung</i>
SS	Schutzstaffel der (NSDAP)	EFZD	Federal Department of Finance and Customs <i>Eidgenössisches Finanz- und Zolldepartement</i>
Gestapo	Geheime Staatspolizei	EIBA	Federal Bank <i>Eidgenössische Bank</i>
SACRIS	<i>Service d'aide aux réfugiés civils internés en Suisse</i>	EJPD	Federal Department of Justice and Police <i>Eidgenössisches Justiz- und Polizeidepartement</i>
AfZ	Archives of Contemporary History <i>Archiv für Zeitgeschichte</i>	EKR	Federal Commission against Racism <i>Eidgenössische Kommission gegen Rassismus</i>
AG	Public limited company/Joint stock corporation <i>Aktiengesellschaft</i>	EMD	Federal Military Department <i>Eidgenössisches Militärdepartement</i>
AJJDC	American Jewish Joint Distribution Committee	EPD	Federal Political Department <i>Eidgenössisches Politisches Departement</i>
Akz.	Aktenzeichen	et al.	et alteri
ANAG	Federal Law on Residence and Settlement of Foreigners <i>Bundesgesetz über Aufenthalt und Niederlassung der Ausländer</i>	etc.	et cetera
Art.	Article	ETH	Federal Institute of Technology in Zürich and Lausanne
AS	Official Compilation of Federal Laws and Ordinances <i>Amtliche Sammlung der Bundesgesetze und Verordnungen</i>	EVD	Federal Department of Economic Affairs <i>Eidgenössisches Volkswirtschaftsdepartement</i>
BBI	Official Gazette of the Swiss Confederation <i>Bundesblatt der Schweizerischen Eidgenossenschaft</i>	FA	Swiss Federal Archives, Bern
BIGA	Federal Employment Office <i>Bundesamt für Industrie, Gewerbe und Arbeit</i>	FF	French franc
BRB	Federal Council Decree <i>Bundesratsbeschluss</i>	ICE	Independent Commission of Experts: Switzerland – Second World War
BRD	Bundesrepublik Deutschland	ICRC	International Committee of the Red Cross
CC	Central Board of the SIG	ICR	Intergovernmental Committee on Refugees
CIMADE	Joint Committee on Behalf of Evacuees <i>Comité inter-mouvements auprès des évacués</i>	IRO	International Refugee Organization
Co.	Company	KPD	German Communist Party <i>Kommunistische Partei Deutschlands</i>
CSG	Credit Suisse Group	KZ/KL	Concentration Camp
DDS	Swiss Diplomatic Documents <i>Documents diplomatiques suisses</i>	No.	Number
ed.	Editor	NSDAP	Nationalsozialistische Deutsche Arbeiterpartei
		NZZ	Neue Zürcher Zeitung
		OFIAMT	Federal Employment Office
		Orig.	Original

ORT	Organisation, Reconstruction, Work <i>Organisation, Reconstruction, Travail</i>	StABS	State Archives Canton Basel-Stadt
OSE	Childrens Relief Committee <i>Oeuvre de secours aux enfants</i>	StATG	State Archives Canton Thurgau
PA/AA	Political Archives of the Foreign Ministry <i>Politisches Archiv des Auswärtigen Amtes</i>	SVB	Swiss Volksbank
PTT	Swiss Post Office, Telephone and Telegraph Authorities	SVSt	Swiss Clearing Office <i>Schweizerische Verrechnungsstelle</i>
RGBL	Reichsgesetzblatt (Law Gazette of the Third Reich)	SZF	Swiss Central Office for Refugee Relief (later: Swiss Refugee Relief SFH)
RM	Reichsmark	SZH	Swiss Central Office for Trade Promotion <i>Schweizerische Zentralstelle für Handelsförderung</i>
SAH	Swiss Workers Relief Society <i>Schweizerisches Arbeiterhilfswerk</i>	UNO	United Nations Organization
SBG	Union Bank of Switzerland <i>Schweizerische Bankgesellschaft</i>	UNRRA	United Nations Relief and Rehabilitation Administration
SBV	Swiss Bank Cooperation <i>Schweizerischer Bankverein</i>	USA	United States of America
SBVg	Swiss Bankers Association <i>Schweizerische Bankiervereinigung</i>	USPD	Independent German Social Democratic Party <i>Unabhängige sozialdemokratische Partei Deutschlands</i>
SFH	Swiss Refugee Relief <i>Schweizerische Flüchtlingshilfe</i> (earlier: Swiss Central Office for Refugee Relief <i>Schweizerische Zentralstelle für Flüchtlingshilfe, SZF)</i>	USSR	Union of Soviet Socialist Republics
SFr.	Swiss franc	vol.	Volume
SHEF	Supreme Headquarters Allied Expeditionary Force in Europe	VSIA	Association of Swiss Jewish Relief (later: Swiss Jewish Association for Refugee Relief) <i>Verband Schweizerischer Israelitischer Armenpflegen (später Verband Schweizerischer Jüdischer Fürsorgen/Flüchtlingshilfen, VSJF)</i>
SHEK	Swiss Committe for Aid to Children of Emigrants <i>Schweizerisches Hilfswerk für Emigrantenkinder</i>	VSJF	Swiss Jewish Association for Refugee Relief (earlier: Association of Swiss Jewish Relief) <i>Verband Schweizerischer Jüdischer Fürsorgen/Flüchtlingshilfen (zuvor Verband Schweizerischer Israelitischer Armenpflegen, VSIA)</i>
SHIV	Swiss Federation of Commerce and Industry – SFCI) <i>Schweizerischer Handels- und Industrieverein (Vorort)</i>	WJC	World Jewish Congress
SIG	Federation of Jewish Communities in Switzerland <i>Schweizerischer Israelitischer Gemeindebund</i>	WoZ	WochenZeitung
SKA	Credit Suisse <i>Schweizerische Kreditanstalt</i>	WRB	War Refugee Board
SNB	Swiss National Bank	YMCA	Young Men's Christian Association
SPD	German Social Democratic Party	ZL	Central Directorate for Homes and Camps (earlier: Central Directorate for Work Camps) <i>Zentralleitung der Heime und Lager (zuvor Zentralleitung der Arbeitslager, ZLA)</i>
SPS	Swiss Social Democratic Party	ZLA	Central Directorate for Work Camps (later: Central Directorate for Homes and Camps) <i>Zentralleitung der Arbeitslager (später Zentralleitung der Heime und Lager, ZL)</i>
SR	Systematic Compilation of Federal Laws <i>Systematische Sammlung des Bundesrechts</i>		
SRK/SRC	Swiss Red Cross		

## Abstracts of Supplementary Publications

### ICE, The Transit of People by Rail through Switzerland during the Second World War

#### *Forster Summary*

This study examines, on the one hand, the question of whether or not Jewish deportees passed through Switzerland, and delves into the topic of Italian workers transiting through Switzerland on their way to Germany, on the other.

As to the first point, the study concludes that no deportation train coming from France made use of the Swiss railway network. With respect to the train convoys coming from Italy and representing a total number of 43, the itineraries taken by 40 of them have been reconstructed, and none of them pass through Switzerland. We have every reason to believe that the three remaining convoys also transited the Alps via the eastern passes which, by way of Austria, provide a more direct route between Italy and Poland. This hypothesis is based on the fact that the Brenner rail line remained in function. Indeed, during the period in which these transports took place, it suffered no damage from bombing. And furthermore, the political context of the time was far from conducive: in the critical period of late 1943–1944, the Swiss authorities were becoming more strict and as of the summer of 1943, refused to allow the transit of Italian workers. The supposition that deportees transited through Switzerland is founded on rumors which till recently have often been echoed.

As for Italian workers, more than 180,000 of them crossed Switzerland on their way to Germany between 1941 and the summer of 1943. As citizens of an Axis state, they cannot be considered as forced labor. Their status can be compared neither to that of workers from Eastern Europe, nor to that of those Frenchmen who were assumed as workers within the framework of Mandatory Work Service (STO). The Italians in question were attracted to Germany primarily because of the better salary conditions. Just the same, their situation was not to be envied as they were victims of discrimination and bad treatment.

The study examines the requests made for transit authorization. The Axis powers emphasized the political aspects of this migration. The Swiss authorities reacted with caution, fearing that these convoys might possibly be of a military nature. With the overthrow of Mussolini and the German invasion of the northern and central portions of the Italian peninsula, the situation changed in the period from July to September 1943. From then on, workers in Italy were recruited by force. Nonetheless, our research has not uncovered any transit of this kind through Switzerland following the events of the summer of 1943.

## **ICE, Switzerland and the German Ransom Demands in Occupied Holland**

*Bettina Zeugin, Thomas Sandkühler*

Between 1940 and 1945, German officials in the *Reich* Commissariat Netherlands («Reichskommissariat Niederlande») demanded foreign currency and other valuables from Jews seeking exit permits. This often took place with the involvement of Swiss individuals and banks. For reasons explained in the following, the Independent Commission decided to research this issue using the example of Holland.

With the exception of the General Government in Poland, financial compensation for exit documents was demanded and received more often in the Netherlands than in any other occupied territory. Nearly 400 individual cases of ransom demands in the Netherlands, amounting to at least 35 million Swiss francs, have been documented. In contrast to Poland, about half of these cases involve Switzerland in some way, be it through intermediaries, official Swiss agencies, or Swiss banks. The demands for money, in effect ransom, brought these deals to the attention of the Allies who felt obliged to take action against Swiss intermediaries, including banks.

This report describes the positions of the three primary figures in the German ransom demands: the German *Reich* and its occupation administration in the Netherlands, Switzerland, and the Allied powers Great Britain and the United States.

The significance of this topic within the framework of the ICE mandate can be seen through the following circumstances: blackmailing persecuted Jews who wanted to leave German occupied areas, or their relatives and acquaintances abroad, offered Nazi Germany the opportunity to acquire Jewish money both within and outside the German areas of power. The Germans were extremely interested in free currency, which is why ransom negotiations were almost always on the basis of Swiss francs. For both the persecuted and the perpetrators, it made sense to use the services offered by intermediaries in neutral Switzerland. And yet, only a few of those whose freedom was purchased actually ever reached Switzerland. In most cases, Switzerland, the financial center, was only a transfer site for the money involved.

Swiss foreign and refugee policy touched only indirectly on German ransom demands. As a protecting power for Germany, Great Britain, and the United States, Switzerland mediated between the warring powers and organized the exchange of civilian prisoners. Citizens of Allied powers who were inside the German *Reich* and inhabitants of Palestine, under British mandate, were exchanged for German citizens who had been imprisoned by the Allies. In many cases the individuals exchanged had been in the Bergen-Belsen concentration camp and were Jews who had earlier been forced to make payment to the Germans in foreign currency. There was a close relationship between the ransom demands and the involvement of Dutch Jews in the German-Allied exchange of civilian prisoners that had its roots in the Bergen-Belsen concentration camp.

Thus, the ransom issue is the place where refugee policy and currency transfers intersect. It is also an explosive topic because of the tense relationship between humanitarian goals and war-related goals in the nations involved, both in the Allied countries and in Switzerland. This could not fail to have an influence on the fate of the individuals in question.

The study first examines the background of the ransom demands, that is, the economic conditions under which Jewish forced-emigration from the German *Reich* took place and the foreign policy conditions of Switzerland's function as a protecting power. This is followed by an outline of the situation in the Netherlands, with the various phases of ransom demands, against the background of the persecution and murder of Jews. A further chapter describes what the Allies knew as well as how this policy of «black lists» functioned and what avenues stood open to them regarding possible attempts to save Jews. Finally, the activities of Swiss intermediaries – private individuals, lawyers, and banks – are examined and the position taken by Switzerland is analyzed with regard to implications for the Swiss policy of neutrality and also for the perception of these activities in the Netherlands. The conclusion provides a short overview of the postwar period.

In summary, the following results can be stated: the large number of documented cases of blackmail indicate the importance of purchased exit visas for Nazi German policy. In about half of the cases, a connection to Switzerland can be traced. However, few of those whose freedom was purchased actually reached freedom. This is primarily because the Nazi regime placed a higher priority on exterminating Jews than on «selling» them. An additional factor was the harsh wartime economic measures imposed by the Allies. Finally, the Allies often had reservations about German offers of exchange, even civilian exchanges, which led to decreased German interest in carrying out the exchanges.

Swiss officials concerned themselves only tangentially with ransom demands. As a protecting power, Switzerland in some cases made use of its freedom to act by helping individual Jews flee to third countries. As a financial center, Switzerland was used as a transfer point for ransom payments until Allied countermeasures were put into place. The motivation behind the Swiss intermediaries acting at various levels of the transactions can be determined only in individual cases. They ranged from collaboration with Nazi Germany for personal gain on the one side, to commitment to humanitarian ideals on the other.

## Refugees as Subject of Press Coverage in Switzerland 1938 to 1947

Kurt Imhof, Patrik Ettinger, Boris Boller

Systematic analysis of public communication in the political sphere in Switzerland between 1938 and 1947 based on a representative selection of newspapers<sup>1</sup> indicates that refugees were only a peripheral topic. Compared with broadly discussed domestic issues of social and economic policy, defense and the supply of goods, as well as the integration of the Swiss Social Democratic Party, the refugee issue remained marginal. Still, a comprehensive quantitative and qualitative analysis allows the identification of certain periods during which refugees received more intensive media coverage. These periods were marked by events such as the internment of French and Polish soldiers in 1940 and events at the border immediately before the end of the war. These periods of more intense coverage were also marked by a discussion of refugee issues. To a certain degree, one such period can be identified in 1938 between the Evian conference and the November pogroms in Germany; other, more intensive periods of increased media coverage, were in the fall of 1942 after the expulsion of Jewish refugees, in the fall of 1944 as a result of the prominent criticism of internees by Federal Councillor Bircher, and finally in the immediate aftermath of the war in the context of controversy surrounding irregularities and scandals in internment camps. In the quantitative comparison of these periods, one can see a trend toward more intense media coverage beginning in 1943, with a clear peak in 1945. Thus, broader media coverage and discussion of refugee issues did not take place in Switzerland until the late war years and the immediate postwar period. This intensified focus must be seen against a background of Switzerland's problematical relationship to the victorious powers.

Analysis of the content of media coverage includes how Swiss personalities and institutions on the one hand, and refugees on the other, were perceived and categorized and the amount of freedom of movement each player felt he or she possessed. The undiminished perception of Switzerland as a «transit country» dominates in all the newspapers and suggests its primacy in the Swiss national identity. Accentuated by fears of being overrun by foreigners (*Überfremdungsängste*) that had social or economic roots, this «transit doctrine» determined the degree of freedom to make decisions in refugee policy. Even occasional criticism of refugee policy, found above all in *Tagwacht*, with its Social Democratic leanings, does not question the primacy of the transit doctrine.

The Swiss sense of national identity as a transit land and a bulwark of humanitarian traditions also influenced the choice and representation of refugee groups. With refugee children, children sent to Switzerland on vacation (*Ferienkinder*), and interned soldiers, the image of

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<sup>1</sup> The newspapers analyzed in German-speaking Switzerland include NZZ (liberal), Vaterland (Catholic-conservative), Tagwacht (Social Democratic) and Tages-Anzeiger (a forum for discussion); in French-speaking Switzerland, Liberté (Catholic) and Journal de Genève (liberal-conservative), as well as the Giornale del Popolo (Catholic) and Corriere del Ticino for Tessin.

refugees presented in the media is characterized by groups whose return to their country of origin was settled or at least could be foreseen. Media coverage on generous aid to children therefore, had a key function because it resolved the latent contradiction between Swiss humanitarian traditions and the state-mandated transit doctrine. There was much less coverage of refugees who sought safety in Switzerland for political, religious, or racial reasons. Moreover, it was limited to newspapers that felt a particular affinity with the group in question because of a shared world-view. The fact that many refugees were Jewish was mentioned explicitly in newspapers in French-speaking Switzerland, but not in the German-speaking part of the country. It is just as rare, at least before 1942, to find a relationship between coverage of refugees and the continual coverage of their persecution in Nazi – dominated Europe. Thus, the reasons for flight were generally excluded from coverage of refugees. This, too, contributes to the fact that there was little discussion of refugees in Switzerland and that the discussion that did occur was consensual and non-controversial.

## Legal Aspects of Swiss Refugee Policy during the Second World War

Walter Kaelin

This expert report describes the current state and development of international and national legal norms relevant to Swiss refugee policy during the Second World War and develops legal criteria from this analysis that can be employed for a comprehensive assessment of this policy. The first part of this study is concerned with refugee law, especially the development of the legal definition of a refugee and the non-exclusion («*Non-Refoulement*») principle. The second section concerns government by executive authority (*Vollmachtenregime*) and focuses especially on prescriptive law (*Verordnungsrecht*), which was used for the implementation of Swiss refugee policy.

For refugee law, the period between the end of the First World War and the end of the Second World War was one of fundamental change. The tremendous press of refugee problems after the First World War, and especially the reaction to the terrible events before and during the Second World War, led to the development of a definition of refugees that evolved from a description of a group of people whose numbers caused difficulties in the country that accepted them to a concept increasingly characterized by the idea of human rights which focused on persecution on the basis of race, religion, nationality, political convictions or membership in a specific social group. The anchoring of the non-exclusion principle, that is, the prohibition of returning refugees to states where their lives were in danger, is closely connected with this development. These pillars of contemporary international and national refugee law, however, did not emerge until the end of what, from our view today, was a hesitant and painfully slow process. It did not become established until the Geneva Convention on Refugees in 1951.

On a national level, the laws concerning refugees in many European states before and during the Second World War were characterized by a narrow definition of refugees that had its roots in the nineteenth century. This was true of Switzerland as well, where the law granted asylum and protection from deportation only to «political refugees», that is, persons who were in danger in their country of origin because of forbidden political activities. Swiss national law offered no special status or protection to people who were persecuted for other reasons. Thus, Jews and others persecuted on racial grounds were not included in asylum law.

On the level of international law, it is possible to follow the step-by-step expansion of the concept of refugee. In a series of different agreements, the category of refugee was expanded to include separate, exactly defined groups of persons from specific states, including Germany. Being accorded the status of refugee did not necessarily bring with it special legal status or protection, however, although the non-exclusion principle did begin to take hold for these groups during this period. The relevant agreements generally did not prohibit denial of entry at the border; rather the protection they provided was limited to those refugees who were able to

flee into the interior of the country. For Switzerland there was a corresponding obligation arising from a 1936 agreement concerning the legal status of refugees from Germany.

Government by executive authority during the war years, that is, the transferal of wide-reaching legislative and constitutional powers from the Federal Assembly to the Federal Council was (and is) almost unanimously considered acceptable by legal experts. The decisive factor was, in essence, the argument that threats to the stability and integrity of the state existing at the time made such measures necessary. However, approval of emergency law did not necessarily mean that all the measures it put in place were legal. The decisive question was whether these measures went beyond what was needed to accomplish their purpose, in terms both of content and duration.

This expert report closely examines the legality of the obligation to deposit refugee assets and the «solidarity tax», the problematic nature of the «J»-stamp, and the treatment of refugees in internment and refugee camps. It was the task of this expert opinion to create general criteria according to which these measures might be judged; a final assessment of specific situations must be left to the Independent Commission of Experts Switzerland – Second World War.

Mindful of this limitation, the following picture emerges: by today's standards, several aspects of Switzerland's treatment of the refugees it took in during the Second World War would be considered unlawful. An assessment from the point of view prevailing at the time would reach a different conclusion: The obligation to deposit refugee assets and the legal treatment of refugees in the internment and refugee camps was unusual, but certainly compatible with national and international laws of the time, as long as they were not considered picayune in specific circumstances and did not violate specific obligations arising from reciprocal right-of-residence agreements (*Niederlassungsverträge*). The laws of the time accorded individuals little protection. The concept of human rights scarcely existed in international law and the perception of basic rights was not free from authoritarian tendencies.

Levying a solidarity tax was problematic to the extent that it conflicted with reciprocal right-of-residence agreements, which protected emigrants and refugees with «tolerance permits». The «J»-stamp also posed legal difficulties. Even if limitations on the rights of German Jews to enter Switzerland did not conflict with constitutional prohibitions of discrimination, such limitations still violated the reciprocal right-of-residence agreement with Germany and, considered in light of Swiss law, represented at least a legally gray area. The fact that Switzerland gave Germany the opportunity to place the same restrictions on Swiss citizens of the Jewish faith was also extremely problematic according to the legal standards of the day.

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