

Switzerland and the Refugees

Fleeing Nazism :

Documents on the German Jews Turned Back at the Basel Border in 1938-1939

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The Problem and the Documents

Traditionally considered a country of haven to the persecuted, in the 1930's and 1940's, Switzerland was confronted by an unprecedented and particularly grave problem which seriously called this humanitarian tradition into question. The establishment of the National-Socialist dictatorship in its powerful northern neighbor, Germany, and the implementation of its antisemitic ideology triggered waves of Jewish refugees desperately looking for a country that would provide them with asylum. The combination of its geographic location and its neutral and democratic nature naturally made the little Helvetic Confederation a preferred destination for these refugees.

Switzerland, like other industrialized countries at the time, was suffering from high unemployment and already had a considerable foreign population. It immediately adopted a series of measures in order to stem the flow of unfortunate people heading for its borders. In no time at all, perceived national interests nourished by xenophobic and antisemitic prejudices, would prevail over the humanitarian mission that Switzerland had taken upon itself, as one of the moral justifications for its neutrality.

Today, there is much criticism of this attitude, as well as of the various forms of economic and political collaboration that existed between Switzerland and

the Reich during the war and which are difficult to reconcile with a neutral stance.¹

The close economic collaboration with the Reich can be explained, if not justified, by the Swiss economy's dependence on the German market and the position of the small Alpine country, which, in the wake of French capitulation in June 1940, was completely surrounded by Axis forces. On the other hand, on the political level, Germany constantly brought pressure to bear on the Swiss authorities to muzzle the local press, which was considered hostile to National Socialism, and to allow free rein to the activities of the followers of National Socialism on their territory.

The fear of displeasing the Reich had already led Switzerland to ask the League of Nations Council to release it from its obligations in respect to economic sanctions. This was granted on May 14, 1938. Similarly, Switzerland continued to tolerate, to a certain extent, Nazi activities on its territory, despite the murder of *Gauleiter* Wilhelm Gustloff by David Frankfurter in Davos in 1936. And it refrained from any open criticism when its Austrian neighbor was absorbed by the Reich in the *Anschluss*, despite its fear of one day suffering a similar fate. In any case, the balance of power between the two states was completely unfavorable to Switzerland, and the latter had minimal room to maneuver, even without taking into account the cultural or ideological affinities that some sectors of the Swiss population might harbor for Nazi Germany.

However, as far as the refugees are concerned, the problem takes on a different form. There is no evidence that the Reich brought pressure to bear on Switzerland to prevent it from taking in Jews, particularly during the period which is our focus here. On the contrary, it is common knowledge that in 1938 the official antisemitic policy of the Nazi regime involved forcing the Jews living in the Reich to emigrate — after stripping them of their property. As we shall see later, it was the Swiss who then took the risk of annoying the Germans by insisting that the latter adopt measures in order to prevent a

¹ On this question, see Daniel Bourgeois, *Le Troisième Reich et la Suisse 1933-1941* (Neuchâtel: Ed. De la Baconnière, 1974), and Edgar Bonjour, *Geschichte der schweizerischen Neutralität im Zweiten Weltkrieg*, vols. III and IV (Basel: Helbig und Lichtenhahn, 1970).

massive arrival of Jewish refugees in Switzerland, in the wake of the *Anschluss*. It was they, too, who initiated the negotiations that ultimately led to stamping the infamous “J” in the passports of German Jews.

The Confederation’s highly restrictive policy toward Jewish refugees fleeing from Nazism came about as a continuation of the struggle waged by Heinrich Rothmund, who was in charge of the Federal police division. Since its foundation in 1919, Rothmund became head of the police division of the Federal Justice and Police Department, which was in charge of “foreign infiltration” (*Überfremdung*) and against the “Judaization” (*Verjüdung*) of Switzerland. A zealous functionary, full of his mission, and denying any personal antisemitism on his part, Rothmund seemed to consider it a sacred duty to defend Switzerland’s identity and independence. In his view this was threatened by uncontrollable hordes of elements that could not be assimilated.² Moreover, the 1938 negotiations would clearly prove to the Germans that the Swiss manifestly had no intention of turning their country into a sanctuary for persecuted Jews.

In connection with this question, the Yad Vashem Archives have received from Switzerland an initial series of photocopies of twenty-three files mainly originating from the Police Department (Polizeidepartement) of the canton of Basel-Stadt (Basel-City). These had been preserved in the cantonal archives (Staatsarchiv des Kantons Basel-Stadt). The material consists primarily of correspondence with the Federal Justice and Police Department, in particular with the police division under Rothmund, concerning the application of Federal policy relating to the various categories of refugees, in the 1931-1961 period. These files illustrate the chronological development of this policy, particularly toward the Jews, and its interpretation by the Basel authorities. They indicate a tendency to avoid excess rigidity when applying the Federal directives to those refugees who managed to set foot on the canton’s territory.³ Citing arguments involving upholding cantonal autonomy, the Basel government

² On Rothmund, see Heinz Roschewski, “Heinrich Rothmund in seinen persönlichen Akten. Zur Frage des Antisemitismus in der schweizerischen Flüchtlingspolitik 1933-1945,” *Studien und Quellen*, 22 (Bern: Verlag Paul Haupt, 1996), pp. 107-136.

³ Lukrezia Seiler and Jean-Claude Walker, *Fast täglich kamen Flüchtlinge* (Riehen: Verlag Z’ Rieche, 1996).

sought to maintain a certain degree of latitude in order to help the refugees, without, however, challenging the Swiss Federal government openly.⁴ It would be interesting to compare this relatively humanitarian attitude with that of other cantons concerned, where apparently a far more restrictive policy was sometimes adopted.

In Switzerland the control of the admission and residence of foreigners had, since 1919, been a Federal matter. However, as part of the autonomy guaranteed to them under the Swiss Federal system, the cantons had the responsibility of actually applying the orders of the Federal police force that dealt with aliens. Only the cantons had the requisite police forces, which were subject to the authority of the heads of the local departments of justice and police. Anxious to maintain their own authority vis-à-vis Bern and more sensitive to on-the-spot realities than Federal civil servants in the capital, cantonal officials were sometimes highly reluctant to apply the harsh Bern decrees appertaining to refugees in all their severity.

Yad Vashem continues to receive documents from Switzerland relating to its policy on refugees. These are mainly files from the archives of the canton of St-Gall. This was an important area when the *Anschluss* took place because of its position on the Austrian border, and it is well known because of its police chief, Paul Grüninger, who was dismissed because he helped Jewish refugees settle illicitly in the canton. Additional documents are expected from other Swiss cantons (e.g., Schaffhausen). Other documents were sent from the International Committee of the Red Cross (CICR) about its activities in favor of the Jews interned in Switzerland during the war. Many documents are still due to be sent from Basel, and Yad Vashem is continuing its search in other cantons, particularly in French-speaking Switzerland.

Once all these documents have been studied and analyzed, there will emerge a clearer picture of how the various cantons involved actually applied the Swiss government's directives on the treatment of refugees, as well as the individual fates of these people.

⁴ Yad Vashem Archives (YVA), M.63/2 (Staatsarchiv Basel-Stadt, PD-Reg 2,3).

In Basel, between August and December 1938, eighty refugees were sent back to Germany; to these must be added the cases that occurred between January and September 1939 (at least sixteen). At the same time, however, the Basel authorities avoided sending back over 100 “illegal” refugees who had reached the territory of the canton, despite Bern’s repeated orders.⁵

The documents presented here have been taken from a specific file entitled “Emigranten die von der Grenzpolizei zurückgewiesen wurden” (Emigrants Who Were Turned Back by the Border Police).⁶ It consists of forms, carefully filled out by the border police officers, containing the personal details of the refugees who were turned back, generally when they arrived from Germany by train at Basel train stations. The first of these forms is dated October 9, 1938; in other words several days after the Swiss and German decisions on the fourth and fifth of that month relating to the introduction of a distinctive sign in the passport of German Jews. The last form is dated August 2, 1939, barely a month before the outbreak of World War II.

The most interesting part of these forms is under the heading “Observations” (*Bemerkungen*), at the bottom of the page. This provides details and insights regarding the circumstances of the rejections at the border. These observations show in particular the extent to which Swiss officials based themselves on the racial definition of a Jew as laid down by the Nuremberg Laws. They also reflect the refugees’ attempts to escape being turned back and the activities of border smugglers or accomplices, duly kept under surveillance by the Swiss police. The procedures for sending refugees back in this fashion were based on Circulars 212 and 215 of the police division of the Federal Justice and Police Department dated September 7 and October 3, 1938, and referred to below.⁷

⁵ YVA, M.63/2 (Staatsarchiv Basel-Stadt, PD-Reg 2,3).

⁶ YVA, M.63/17 (Staatsarchiv Basel-Stadt, PD-Reg 31200).

⁷ *Ibid.*, and *La politique pratiquée par la Suisse à l’égard des réfugiés au cours des années 1933-1955 - Rapport adressé au Conseil fédéral à l’intention des conseils législatifs par le professeur Carl Ludwig. Bâle. [Bern]. [1957], p. 121.*

This file is the only one of its kind for the period concerned that exists in the Basel-Stadt archives.⁸ It provides a particularly concrete illustration of the consequences of the introduction of the “J” in German Jews’ passports and sheds light on a particularly controversial stage, which is still not always well known, in Switzerland’s policy toward Jewish refugees during the Nazi era.

Switzerland’s Attitude to the Refugees Fleeing Nazism (1933-1939)

An essential tool for analyzing Switzerland’s policy toward the refugees fleeing Nazism, and in particular the Jews, and for understanding the process of its development, is the official report that Basel professor Carl Ludwig drew up for the Federal Council (government) for the Federal Chambers (Parliament) in the mid-1950s.⁹ A renowned law professor and a right-wing Liberal politician, right-wing Carl Ludwig had himself headed the Basel-Stadt Canton Police Department from 1933 to 1935, at the time that the first wave of refugees were fleeing Germany. He was therefore the perfect person to draw up such a study.

This report, which provides a meticulous and detailed presentation of the successive stages in the Swiss authorities’ policy toward refugees in the Nazi era, bases itself primarily on the archives of the police division of the Federal Justice and Police Department. It is the outcome of the “Rothmund Affair.”

The Western Allies’ publication in 1953 of Reich Ministry of Foreign Affairs (Auswärtiges Amt) documents had indeed seemed to indicate that Heinrich Rothmund was the prime mover behind the introduction of the sign “J,” the precursor of the infamous yellow star, in German Jews’ passports.¹⁰ This affair — particularly as a result of the articles in the *Schweizerische Beobachter* — triggered a major commotion in Swiss public opinion and led the Swiss Federation of the Jewish Communities (Fédération Suisse des Communautés

⁸ Cf. Jean-Claude Wacker, *Humaner als Bern! Schweizer and Basler Asylpraxis gegenüber den jüdischen Flüchtlingen von 1933 bis 1943 im Vergleich* (Basel: Friedrich Reinhardt, 1992), p. 125.

⁹ Ludwig, *La politique pratiquée par la Suisse*.

¹⁰ *Akten zur Deutschen Auswärtigen Politik*, Serie D Band V (Baden-Baden, 1953).

Israélites - FSCI-SIG, also called “Gemeindebund”) to demand a report from the Federal Council (Government). Similarly, during a June 1954 parliamentary session National Councilor (member of parliament) Hans Oprecht demanded explanations about this matter from Federal Councilor Markus Feldman, who was responsible for the Justice and Police Department.¹¹

Carl Ludwig finished writing his report as early as 1955, but it was not published for another two years. It was presented officially to parliament by the Federal Council on September 13, 1957, as an appendix to its overall report on Swiss refugee policy.¹² Although distributed in a limited number of copies, it was subsequently used by numerous authors, in particular Alfred A. Häslar, for his famous book *Das Boot ist voll* (“The Boat Is Full”).¹³ Even though the question of Swiss refugee policy in the Nazi period has in the meanwhile been examined in more critical and in-depth studies — above all for the wartime period — and certain statistical data provided by Carl Ludwig have been revised, particularly in respect to the number of refugees turned back from Switzerland, nevertheless Ludwig’s report gives an objective presentation of the facts and still provides the most complete and best documented analysis of this policy.¹⁴ Considerable use will therefore be made

¹¹ On the “Ludwig Report” and its history, see Jacques Picard, *Die Schweiz und die Juden 1933-1945* (Zürich: Chronos, 1994), pp 145-154; Saul Friedländer, *Nazi Germany and the Jews*, vol. I: *The Years of Persecution, 1933-1939* (New York: 1997), p. 263; and Ludwig, *La politique pratiquée par la Suisse*, pp. 132-137.

¹² Cf. *Amtliches stenographisches Bulletin der Bundesversammlung - Bulletin sténographique officiel de l'Assemblée fédérale*, 1958, Spring Session, 11th Session of the 35th Legislature, Bern, 1958, pp. 52-68.

¹³ Alfred A. Häslar, *Das Boot ist voll, Die Schweiz und die Flüchtlinge 1933-1945* (Zürich: Fretz und Wasmuth, 1967).

¹⁴ On the war years and the turning back of refugees, Jewish or non-Jewish, see Guido Koller, “Entscheidung über Leben und Tod - Die behördliche Praxis in der schweizerischen Flüchtlingspolitik während des Zweiten Weltkrieges,” *Die Schweiz und die Flüchtlinge 1933-1945*, Studien und Quellen, 22 (Bern: Benteli, 1966), pp. 17-106; On the attitude of Switzerland during WWII, see the colloquium on this subject which took place in Paris at the Centre de Documentation Juive Contemporaine in December 1997, in which the main Swiss historians participated, Mario Cerutti, “La Suisse, terre d’asile?” *Revue d’histoire de la Shoah – Le Monde Juif*, May-August 1998, No. 163 (Paris:

of it in the description below, based on the official French-language version. A useful supplement to the Ludwig Report is the *Documents Diplomatiques Suisses* (Swiss Diplomatic Documents) series. The six volumes covering the 1930-1945 period were published under the auspices of the National Commission for the Publication of Swiss Diplomatic Documents between 1982 and 1997.¹⁵

Starting in 1933, in the wake of the Nazis' seizure of power, the first stream of German- Jewish refugees made for Switzerland. The Swiss authorities immediately adopted restrictive measures based on a fundamental principle, which would remain unchanged until after World War II: in all instances, for this category of foreigners, Switzerland would be a "transit country" (*Transitland*) only. Even if, in the first phase, a complete closure of the border was not envisaged, everything was to be done in order to prevent the refugees from taking up permanent residence on Swiss territory, starting with a very strict ban on any form of professional activities.¹⁶

However, this first wave of refugees, pre-dating March 1938, did not pose any insurmountable problems for the Confederation. First of all, right from the outset Switzerland's Jewish organizations had, through the intermediary of the Fédération Suisse des Communautés Israélites (Gemeindebund), undertaken to shoulder the costs incurred by the emigrants' temporary stay, with the support of foreign Jewish organizations, primarily the Joint. And secondly, most of these refugees were able, after a few months, to leave Switzerland for other destinations. Thus, Switzerland was indeed able to play the role of a transit country. On December 31, 1937, the number of refugees assisted by

Centre de Documentation Juive Contemporaine, pp. 25-49. Prof. Cerutti himself bases his article on Ludwig's report.

¹⁵ *Documents Diplomatiques Suisses*, vol. 10 (Jan.1,1930-Dec. 31.1933), Bern, 1982; vol. 11 (Jan.1,1934-Dec.31,1936), Bern, 1989; vol. 12 (Jan.1,1937-Dec. 31, 1938), Bern, 1994; vol. 13 (Jan.1,1939-Dec. 31,1940), Bern, 1991; vol. 14 (Jan.1.1941-Sept. 8, 1943), Bern, 1997; vol. 15 (Sept. 8, 1943-May 8, 1945), Bern, 1992.

¹⁶ Circulaire du Département fédéral de justice et police du 31 mars 1933 et arrêté du Conseil fédéral du 7 avril 1933. Ludwig, *La politique pratiquée par la Suisse*, pp. 39-61.

the Jewish relief organizations in Switzerland was just 103, out of the 5,916 cases that they had to handle from 1933 to the end of 1937.¹⁷

In March 1938, the *Anschluss* brought about an abrupt change in this situation. The extension of the Nazi Reich to include Austrian territory triggered a new wave of Jewish refugees, under circumstances even more dramatic and tragic than those of 1933. Once again, Switzerland appeared to be one of the main havens available to them. Thousands of Austrian refugees — primarily Jewish — entered the country in the first few weeks following the *Anschluss*. Once again, the Federal authorities reacted promptly. On March 28, 1938, they reintroduced the requirement of a consular visa for all Austrian passport holders, both Jewish and non-Jewish, in order to enter Switzerland. In justifying this draconian measure, the government based itself on a proposal submitted to it by the Justice and Police Department two days earlier. One of the arguments was:

If we do not wish to create conditions favorable to an antisemitic movement which would be unworthy of our country, we must protect ourselves with all our might and, if necessary, mercilessly, against the immigration of foreign Jews, and in particular of Jews from the East.¹⁸

The new provisions were notified to the Swiss diplomatic representations and the cantonal police forces in a circular dated March 29, 1938. A visa was not issued unless there was an assurance that the person would return to Austria

¹⁷ Ludwig, *La politique pratiquée par la Suisse*, p. 59, and Otto Heim, “Jüdische soziale Arbeit und Flüchtlingshilfe in der Schweiz,” 1904-1954, *Festschrift zum 50 jährigen Bestehen*, Schweizerischer Israelitischer Gemeindebund - Fédération Suisse des Communautés Israélites (Basel: 1954), p. 33.

¹⁸ Ludwig, *La politique pratiquée par la Suisse*, p. 64. This quotation, which totally matches Rothmond’s and the Federal authorities’ ideas on antisemitism, has been cited by various authors, in particular, Friedlaender, *Nazi Germany and the Jews*, p. 264; and H. Roschewski, “Heinrici Rothmund,” p. 118. For the source see “Procès-verbal de la séance du 28 mars 1938” [Conseil fédéral], *Documents Diplomatiques Suisses*, vol. 12 (Jan. 1, 1937-Dec. 31, 1938), Bern, 1994, p. 570, and Archives Fédérales, E 1001.1, Département fédéral de justice et police, proposal dated March 26, 1938; E 1004.1, Procès-verbaux du Conseil fédéral, vol. 371, décision du Conseil fédéral no. 514.

or leave for another destination.¹⁹ Ultimately, prior to April 1, 1938, 3-4,000 Jews with Austrian passports without visas entered Switzerland.²⁰

After a relative lull in April and May 1938, the situation once again deteriorated. The Nazis forced the Jews to leave Austria, totally ignoring Swiss protests. In its turn, Italy adopted antisemitic measures, designed in particular to expel the Jewish refugees on its territory, and this led some of them to seek a haven in Switzerland. The International Conference on German Refugees, held in Evian in July 1938, was a failure in practical terms. The Swiss had refused to allow the conference to take place in Geneva, even though it was the headquarters of the League of Nations. Subsequently, even more countries closed their borders to the refugees, despite the establishment of an intergovernmental committee in which Switzerland also took part.

Finally, on July 22, 1938, the German authorities issued orders that Austrian passports would be replaced with German ones, effective as of August 15. The passports already issued were to become invalid on January 1, 1939. This measure, which the Swiss were expecting, rendered null and void the obligation of a visa for Austrian passports, and prompted the Federal Swiss authorities to adopt draconian measures. Border checks were stepped up; the border posts had to turn back the holders of Austrian passports without a visa and hand them over to the German border police.²¹ Nevertheless, 2,300 Jewish refugees without resources still managed to slip into Switzerland in July and August.²²

After various reports and proposals, and in particular the conference of the cantonal police directors of August 17, 1938, which called for very strict controls on the entry of refugees, the Federal Council decided on August 19, 1938, to close the border with the Reich. It should be added that the Jewish refugee relief organizations had stated that they could no longer cope with the situation. This meant turning back every single Austrian passport holder who

¹⁹ Ludwig, *La politique pratiquée par la Suisse*, pp. 65-68.

²⁰ *Ibid.*, p. 70.

²¹ Circular of the police division dated August 10, 1938, to the posts on the German-Swiss border, *ibid.*, pp. 73-74.

²² Reply by Confederation President Baumann to the National Council, following questions by members Trumpy and Müller, September 7, 1938, *ibid.*, p. 138.

had no visa, and sending back across the border those who had managed to cross it between checkpoints. The same day, the Swiss Union of Jewish Assistance Committees (VSIA), based on an agreement with Rothmund, sent a telegram to the Vienna Jewish community asking them to discourage people from making any attempt at illegally entering Switzerland, given the measures adopted by that country's authorities to turn them back.²³

Next, on September 7, 1938, Rothmund sent the border posts a circular about strictly controlling the entry of "emigrants" (refugees). After a brief outline of the situation, he stated the need to make new efforts to control entry of refugees even while awaiting the outcome of the negotiations with the Germans then underway. All Austrian passport holders without visas were to be turned back. The same was to be done with other nationalities for whom a visa was required (Bulgarians, Greeks, Rumanians, Yugoslavs, Poles, Russians, Spaniards, Turks, and those with no papers). But, in addition, emigrants with German papers were also to be turned back — in other words, those with papers issued since August 15, 1938, if they were Jews or "very probably" Jews. A report on these cases was to be sent to the Federal Police for Aliens, since the information was required for the follow-up talks with Germany. The same applied to Czechoslovak and Hungarian citizens. A possibility of "transit without stopping" existed if these citizens could prove that they would be allowed to enter France.²⁴ Thus, in September 1938, a completely arbitrary situation prevailed on the German-Swiss border, with the Jewish refugees being turned back because of their appearance.

The replacement of Austrian passports with German ones and the difficulty of obtaining from the German authorities sufficient guarantees about controls on Jewish emigrants' entry into Switzerland led the Federal Council, on August 30, 1938 — acting on a proposal by the Federal Justice and Police Department — to denounce on a precautionary basis the German-Swiss Agreement of January 9, 1926, which had abolished the requirement of visas between the two countries. The Swiss authorities also hoped that Germany would waive the period of notice for terminating the agreement, which was

²³ Ibid., p. 78.

²⁴ Ibid., pp. 80-82.

one month. However, when on August 31, they asked the German Ministry for Foreign Affairs to take note of this precautionary denunciation, which was not made public, they expressed the hope that another solution could be found before the period of notice for termination expired.²⁵

In a note dated August 29, 1938, the Reich Ministry of Foreign Affairs suggested to the Swiss that passports no longer be issued to Jews who wanted to go to Switzerland. This “confidential” measure reflected the Germans’ desire to avoid the reintroduction of visas at any price. Moreover, a report by the Swiss legation in Berlin to the foreign affairs division, dated August 30, emphasized that, from January 1, 1939 onward, it would be possible to readily identify German Jews’ passports because their holders would also have Jewish forenames.

But Rothmund was in a hurry and had no faith in the German measures, which he thought had major technical flaws. In a report dated August 31, 1938, he again stressed that the only really effective measure would be the general reintroduction of the requirement for German passport holders to have visas.²⁶ At an interview with the German ambassador to Switzerland, on September 2, 1938, Rothmund outlined his criticisms of the German proposal of August 29. Ambassador Koecher then asked him whether the Swiss could not forgo visas if Jewish holders of German passports would be specifically designated as such. In response Rothmund said that this would be “technically” possible, albeit politically delicate. According to Rothmund’s notes on this conversation, Germany was trying by all means at its disposal to put Switzerland in the wrong with regard to reintroducing visas or designating the emigrants in their identity papers.²⁷

On September 7, 1938, Switzerland’s chargé d’affaires in Berlin raised the question with Geheimrat Roediger of the German foreign affairs ministry. The latter stated that, in order to take Switzerland’s wishes into account as much as possible, the German authorities were in principle prepared to place a distinctive sign in the passports of the Jews of the Old Reich, Austria, or even foreign countries. This would enable Switzerland to reintroduce the

²⁵ Ibid., p. 95.

²⁶ Ibid., pp. 96-97.

²⁷ Ibid., pp. 99-101.

requirement of visas for these passports. However, the German government could not forgo a certain reciprocity. The Swiss chargé d'affaires, Kappeler, objected, for practical and constitutional reasons, he said, it was impossible to place a distinctive sign in the passports of Swiss Jews. On the other hand, the Germans were free to impose the requirement of a visa for Jews without the Swiss authorities being called on to contribute to implementation. In practical terms, the Germans proposed placing in the passports of Jews, on the first page, in the top left-hand corner, a letter "J" surrounded by a circle of about 2 centimeters in diameter, or another type of sign if the Swiss so desired. Switzerland's chargé d'affaires thought that this sign would meet his country's needs and the German government's desire for partial reciprocity was an "acceptable thing." He was, however, concerned about the possibility that "overzealous" German bodies might, in the absence of a visa, make difficulties for Swiss nationals because of their physical appearance. His partner in the talks reassured him on this point: the Germans would base themselves solely on objective facts.²⁸

In a report sent to the Justice and Police Department on September 15, 1938, Rothmund expanded at length on the "latest German proposal." He stated that he considered "inadmissible" the conclusion with a foreign state of an arrangement under which Swiss Jews would be treated differently from other Swiss nationals. He stressed that the National-Socialist regime had adversaries other than the Jews and that these would also be impelled to emigrate. The numbers of these "political" refugees might be even larger than the Jews. In addition, discriminatory measures toward the Jews would seriously damage Switzerland's image abroad. Rothmund even wondered whether the Germans, with their recent proposals, were not trying to "maneuver" Switzerland into antisemitism or, at least, to give other countries the impression that they were lapsing into that state. The Swiss Jews, who up until then had been cooperating with the authorities, might also be pushed "off the straight and narrow," and, finally, Switzerland might run the risk of having "the entire civilized world" against it. For all these reasons, Rothmund

²⁸ Letter sent by Switzerland's legation in Berlin to the foreign affairs division, September 7, 1938, *ibid.*, pp. 101-103.

proposed rejecting the latest German proposal and reintroducing visas for all German passport holders, effective October 1, 1938, following the expiry of the period of notice of the Agreement of January 9, 1926.²⁹

Rothmund had further talks, on September 16 and 17, with Germany's ambassador, Koecher, on this matter. Koecher announced that Germany could forgo all reciprocal measures if Switzerland would accept the latest German proposal. Rothmund agreed to re-examine introducing visas if the Germans would undertake to apply the new measures being envisaged in a serious fashion. On the other hand, Switzerland's ambassador in Berlin, Froelicher, insisted to Rothmund that the German proposals must be accepted, emphasizing the drawbacks of the general reintroduction of visas, which, in his view, would constitute a serious political error.³⁰

However, in his report of September 21, 1938, Rothmund again rejected the German proposals and confined himself to the general obligation of visas for German passports. Once again he expressed his apprehension that requiring only German Jews to have visas would give the impression that Switzerland was adopting "the racial policy of the Berlin-Rome Axis."³¹ Also on September 21, 1938, Froelicher warned the Federal Political Department (Foreign Affairs) that if Switzerland reintroduced the general requirement for visas, the German authorities would require Swiss nationals applying for a visa to produce a certificate of Aryan descent, as German nationals would have to do in order to meet Swiss requirements.³²

At the request of the Germans, Rothmund was sent to Berlin to conduct the final negotiations on the matter, from September 27 to 29, 1938. It was agreed that he would demonstrate good will and would avoid any decision "which would create annoyance with Switzerland in Germany." He would act purely as a "technician," with political responsibility resting firmly with the Federal Council.³³ During the negotiations he was assisted by Kappeler, from

²⁹ Ibid., pp. 105-107.

³⁰ Ibid., pp. 107-110.

³¹ Ibid., pp. 110-111.

³² Letter from Switzerland's legation in Berlin to the foreign affairs division, September 21, 1938, *ibid.*, p. 111.

³³ *Ibid.*, p. 112; Picard, *Die Schweiz und die Juden 1933-1945*, p. 161; and Friedländer, *Nazi Germany and the Jews*, p. 264.

Switzerland's legation in Berlin. The Germans were represented by Werner Best from the Ministry of the Interior, an associate of Heydrich in the "Sicherheitspolizei" and responsible for the issuing of passports, and Roediger, from the Ministry of Foreign Affairs.

During the negotiations, the Swiss accepted the German proposals, including a certain degree of reciprocity. A clause in the protocol covering the results of the negotiations stipulated: "The German government reserves the right to oblige Jews of Swiss nationality, when it considers it necessary and has contacted the Swiss government, to produce a guarantee of permission to reside on Reich territory, or to transit through this territory."³⁴

In its report of October 3, 1938, the Federal Justice and Police Department proposed to the Federal Council that it approve the content of the protocol and that, pursuant to one of its clauses, it revoke the denunciation of the Agreement of January 9, 1926. At its meeting on October 4, 1938, the Federal Council unanimously approved all the points in the Justice and Police Department's report, ignoring the objections that Rothmund had raised. This order was made public the same day by means of a communiqué from the police division.³⁵

A circular was also immediately dispatched to Switzerland's legations and consulates in order to instruct them concerning the new provisions. It was also stated that if German Jews appeared at a Swiss consulate with a passport that did not bear the distinctive sign, before they filled out an application for entry, they had to be "invited" to present their passport at the competent German office in order to have the sign in question placed in their passport. Also, on October 4, the police division sent a circular to the Swiss border posts and the cantonal police directorates. Since it would take some time until all German Jews' passports bore the distinctive sign, it was stated that the confidential circular of September 7 remained applicable in cases where doubt existed. If it were unclear whether a traveler with a German passport was "Aryan" or "non-Aryan," he should be requested to produce a certificate proving his Aryan origin. Moreover, the Swiss consulates were requested to

³⁴ Ludwig, *La politique pratiquée par la Suisse*, p. 116; and Picard, *Die Schweiz und die Juden*, p. 159.

³⁵ Ludwig, *ibid.*, pp. 117-118.

have the decree of the Federal Council of October 4 published in a conspicuous fashion in the newspapers in their consular district.³⁶

On October 5, 1938, the Reich Ministry of the Interior enacted a new edict concerning Jews' passports. It was signed by Werner Best and revoked all German passports issued to Jews present on Reich territory. It was distributed in the form of a circular by the Ministry of Foreign Affairs.³⁷ In order to be valid, new passports for use abroad had to include the distinctive sign indicating that their bearers were Jews. The edict came into force immediately, and those who ignored it risked prison or a fine, or both.

The publication of the decree of October 4, 1938, triggered many negative reactions among Swiss public opinion. Some were indignant at this alignment with National-Socialist racial policy and the concomitant renunciation of Switzerland's humanitarian duty; others were concerned about the negative consequences for the economy, and particularly tourism. Following two questions submitted by National Councilors Müller and Trümpy, the Confederation President and head of the Justice and Police Department, Johannes Baumann, had to provide an explanation, on December 7, 1938, about Switzerland's policy toward the refugees. Referring to the introduction of the visa requirement for German Jews only, he described the placing of a distinctive sign in their passports as an internal German policy matter, without referring to September's German-Swiss talks in Berlin. He stated further that these measures were in no way racist in nature and that they did not imitate "procedures which are foreign to us." They were inspired solely by the concern to protect Switzerland against "foreign infiltration" and its labor market against "being swamped," something from which Swiss nationals would suffer.³⁸

Confederation President Baumann also pointed out that in July-August 1938, 2,300 Jewish refugees with no resources had arrived in Switzerland and that, faithful to their promises, the Swiss Federation of Jewish Communities and its

³⁶ Ibid., pp. 118-122.

³⁷ Ibid., pp. 122-123; and *Akten zur Deutschen Auswärtigen Politik 1918-1945*, Serie D (1937-1945), Bd. V, pp. 755-756.

³⁸ Ludwig, *La politique pratiquée par la Suisse*, pp. 123-128, and Picard, *Die Schweiz und die Juden*, pp. 161-162.

relief bodies had assumed responsibility for welcoming and maintaining them. Some 700 persons had been placed in camps or hostels. The total number of refugees present in Switzerland was 10-12,000.³⁹

On January 20, 1939, confronted by the flood of Jewish refugees from countries other than Germany where antisemitic measures had also been taken (Poland, Czechoslovakia, Hungary, Italy), the Federal Council decide to require visas from all foreign “emigrants.” The definition of an emigrant was “any foreigner who, under the pressure of political or economic events, has left or must leave his domicile abroad and cannot or does not wish to return there.” This measure was a provisional one while awaiting the outcome of talks with the states concerned in order to introduce the general requirement of a visa for their nationals. On March 15, 1939, in the wake of the events in Czechoslovakia, this was put into effect for all holders of Czechoslovak passports.⁴⁰

When World War II broke out, there were 7-8,000 refugees in Switzerland. Some 5,000 of them were Jews, who had not yet managed to continue on their migrations.⁴¹

After the outbreak of the war, on September 5, 1939, the Federal Council decreed a requirement for all foreigners wishing to enter Switzerland or cross its territory to be in possession of a visa; similarly, they were obliged to report to the local police within twenty-four hours of arrival.⁴² This new measure replaced the distinctive sign in the passports of German Jews. On October 17, 1939, the Council introduced new directions for the policy towards aliens. These clearly affirmed the principle that Switzerland was to be nothing more than a transit country for emigrants and ordered the cantons to immediately

³⁹ Reply to questions from Müller and Trümpy, Ludwig, *ibid.*, pp. 138-139. See also Heim, “Jüdische soziale Arbeit und Flüchtlingshilfe in der Schweiz,” pp. 34-35. It is difficult to obtain precise figures for Jewish refugees who spent time in Switzerland before the outbreak of the war. The Union des oeuvres juives de secours aux nécessiteux, later “aux réfugiés”(VSIA, then VSJF), of which Heim was the head within the Gemeindebund from 1944 onward, helped some of these people only (3,062, end 1938). During this period, many refugees managed on their own, and succeeded in re-emigrating after spending a few months in Switzerland.

⁴⁰ Ludwig, *ibid.*, pp. 140-142.

⁴¹ *Ibid.*, p. 150.

⁴² *Ibid.*, p. 155.

send back, without any formalities, those foreigners entering Switzerland illegally or who had already entered illegally since September 5, 1939.⁴³ Thus a new chapter in Switzerland's refugee policy unfolded.

Translated from French by Ruth Morris

Source: *Yad Vashem Studies*, Vol. XXVII, Jerusalem 1999, pp. 203-234.

⁴³ Ibid., p. 156 ff.