

E 2001 (D) 2/252

*La Légation de Suisse à Washington
au Département politique*

T Nr. 99

Washington, 14. Juni 1941

Durch heutige Exekutivorder¹ hat Präsident Roosevelt Guthaben sämtlicher Länder des europäischen Kontinents blockiert, jedoch sollen Schweiz und andere neutrale Länder sofort Generallizenzen für sämtliche eigene Guthaben

1. *En voici le texte, partiellement résumé, transmis le 27 juin par la Légation de Suisse à Washington:*

Section 1. All the following transactions are prohibited except as specifically authorized by Treasury by means of regulations, licenses or otherwise, if

i. such transactions are by or on behalf of or pursuant to the direction of any foreign country designated in this order or any national thereof, or



ii. involve property in which any foreign country designated in this order or any national thereof has at any time on or since the effective date of this order had any interest direct or indirect.

A. All transfers of credit between any banking institution within the United States and between any banking institution outside of the United States including any principal agent, home office branch or correspondent outside of the United States, or a banking institution within the United States.

B. All payments by or to any banking institution within the United States.

C. All transactions in foreign exchange by any person within the United States.

D. The export or withdrawal from the United States or the earmarking of gold or silver coin or bullion or currency by any person within the United States.

E. All transfer withdrawals or exportations of or dealings in any evidences of indebtedness or evidences of ownership of property by any person within the United States and

F. any transaction for the purpose of evading the foregoing prohibitions.

Section 2. A. All the following transactions are prohibited except as specifically authorized by Treasury by means of regulations, licenses or otherwise.

i. The acquisition, disposition or transfer of any security or evidence thereof a tax stamp or other stamp of a foreign country designated in this order or a notarial or similar seal, which by its contents indicates that it was stamped, imprinted, affixed or attached within such foreign country or where the attendant circumstances disclose or indicate that such stamp or seal may at any time have been stamped, imprinted, affixed or attached thereto and

ii. The acquisition by or transfer to any person within the United States of any interest in any security or evidence thereof, if the attendant circumstances disclose or indicate that the security or evidence thereof is not physically situated within the United States.

B. The Secretary of the Treasury may investigate, regulate or prohibit under such regulations, rulings or instructions as he may prescribe by means of licenses or otherwise the sending, mailing, importing or otherwise bringing directly or indirectly into the United States from any foreign country of any securities or evidences thereof or the receiving or holding in the United States of any securities or evidences thereof so brought into the United States.

Section 3. Nennt alle Länder des blockierten europäischen Kontinents, Türkei ausgenommen. USSR wurde bei Eintritt in den Krieg inzwischen wieder deblockiert.

Section 4. A. The Treasury or the Attorney General may require any person to keep a full record of and to furnish under oath from time to time and at any time or times complete information relative to any transaction referred to in act of October 6, 1917, 40 stat 415 as amended or relative to any property in which any foreign country or any national thereof has any interest of any nature whatsoever direct or indirect including the production of any books of account, contracts, letters or other papers in connection therewith in the custody or control of such person either before or after such transaction is completed and the Secretary of the Treasury and or the Attorney General may through any agency investigate any such transactions or act or any violation of the provisions of this order.

B. Every person engaging in any of the transactions referred to in sections 1 and 2 of this order shall keep a full record of each such transaction engaged in by him regardless of whether such transaction is effected pursuant to license or otherwise and such record shall be available for examination for at least one year after the date of such transaction.

Section 5. Enthält Definitionen der Begriffe von Transaktionen USA, person, foreign country, national banking institution.

Section 6. Einordnung der Executive Order in frühere Erlasse.

Section 7. Vollmacht für Treasury und Attorney General für definitive Entscheidung betreffend Lizenzen.

Section 8. Strafbestimmungen Maximum Dollars 10000.- allein oder verbunden mit Gefängnis bis zu 10 Jahren.

Section 9. Stellt fest, dass Executive Order jederzeit abgeändert oder aufgehoben werden kann (E 2001 (D) 2/252).

und eigene Staatsangehörige bekommen, sobald offizielle Zusicherungen vorliegen, dass Generallizenzen nicht zu Gunsten Deutschlands, Italiens und deren Staatsangehörigen verwendet werden. Statedepartment und Treasury versichern schweizerischen Interessen werde im Sinne Ihrer Kabel 43² bis 45 volle Rechnung getragen³.

ANNEXE

E 2001 (D) 2/252

Le Département politique à la Légation de Suisse à Washington

T Nr. 111

Bern, 16. Juni 1941

Richtet wenn möglich noch vor Empfang der angekündigten Note⁴ Eurerseits Note an Staatsdepartement⁵ worin im Auftrage der schweizerischen Regierung der Überraschung Ausdruck gegeben wird über den Einbezug der Schweiz in freezing order. Erinnert daran, dass im

2. Cf. N° 13.

3. *Pour la réponse du DPF, cf. annexe au présent document.*

4. *Il s'agit de l'aide-mémoire du Département d'Etat, daté du 16 juin, dont voici le texte: At the time of the issuance of Executive Order No. 8785 of June 14, 1941 [cf. note 1 du document principal], it was announced that freezing control would be lifted with respect to certain countries, including Switzerland, by the issuance of general licenses, provided that certain assurances were received from the Governments of such countries within a reasonable time. Such Governments and their respective central banks will be required to assure this Government that they will engage in no transaction under such general license in which any foreign country designated in Section 3 of the Executive Order or nationals thereof, other than Switzerland and nationals thereof who are not also nationals of countries so designated, have an interest, direct or indirect. In addition such Governments and central banks will be required to assure this Government that they are taking appropriate and reasonable steps to prevent their residents and their other nationals from undertaking transactions under such general licenses in which any foreign countries designated in Section 3 of the Executive Order or nationals thereof, other than Switzerland and nationals thereof who are not also nationals of countries so designated, have an interest, direct or indirect. Thus, such governments and their respective central banks will be required to assure this Government that they will engage in no transaction under such general license which will violate the terms thereof and such governments and central banks will be required to give assurances that they are taking appropriate and reasonable steps to prevent the residents and other nationals of that country from undertaking transactions under such general licenses in violation of the terms thereof.*

It is expected that the general licenses to be issued will, among other things, require advance reporting of certain classes of transactions, daily reporting of all other transactions, and certifications with respect to all transactions engaged in under the general license that such transactions do not involve an interest, direct or indirect, of any foreign country designated in the Order or nationals thereof, other than Switzerland and its nationals who are not also nationals of other countries designated in the Order.

If in the actual operation of such a general licensing system it develops that the assurances and certifications do not have the effect of preventing evasion of the purposes of the Order, or if, for any other reason, the general licensing system proves to be inappropriate or unsatisfactory, it is understood that such system may be modified or rescinded at any time (E 2200 Washington 16/5).

14 JUIN 1941

181

Le 20 juin, le Ministère du Trésor publie le texte de la general License N° 50 qui vise explicitement les relations financières avec la Suisse:

GENERAL LICENSE NO. 50
 UNDER EXECUTIVE ORDER NO. 8389, APRIL
 10, 1940, AS AMENDED, AND REGULATIONS
 ISSUED PURSUANT THERETO, RELATING TO
 TRANSACTIONS IN FOREIGN EXCHANGE, ECT.*

(1) A general license is hereby granted licensing any transaction referred to in Section 1 of the Order, if such transaction is by, or on behalf of, or pursuant to the direction of the Government of Switzerland or the Banque Nationale Suisse, *provided, that:*

a) Such transaction is not by, or on behalf of, or pursuant to the direction of any blocked country or any national thereof, other than Switzerland or a national of Switzerland; and

b) Such transaction does not involve property in which any blocked country or national thereof, other than Switzerland or any national of Switzerland, has at any time on or since the effective date of the Order had any interest.

Any transaction engaged in by the Government of Switzerland or the Banque Nationale Suisse pursuant to the order or for the account of any other national of Switzerland is also hereby authorized to the same extent, and under the same circumstances, as though such transaction were solely for the account of the Government of Switzerland or the Banque Nationale Suisse.

(2) This general license shall not be deemed to permit any payment, transfer or withdrawal from any blocked account, other than blocked accounts in the name of the Government of Switzerland or the Banque Nationale Suisse, except as provided in paragraph 3 of this general license.

(3) This general license also authorizes any payment or transfer of credit or transfer of securities from a blocked account in which any national of Switzerland has an interest to a blocked account in a domestic bank in the name of the Banque Nationale Suisse, if, prior to any such payment or transfer, the instructions to effect such payment or transfer are confirmed by the Banque Nationale Suisse; provided, however, that this authorization shall not be deemed to authorize any payment or transfer of credit or transfer of securities from a blocked account in which any national of a blocked country, other than Switzerland, has an interest, or has had an interest at any time on or since the effective date of the Order.

(4) This general license shall not apply with respect to any national of Switzerland who is also a national of any other blocked country.

(5) Banking institutions within the United States engaging in any transactions authorized by this general license shall file promptly with the appropriate Federal Reserve Bank weekly reports setting forth the details of transactions effected by them under this license.

(6) As used in this general license, the "Government of Switzerland" shall include the government of any political subdivision (territories, dependencies, possessions, states, departments, provinces, counties, municipalities, districts or other places subject to the jurisdiction thereof), or any political agency or instrumentality of the government (E 2200 Washington 16/5).

5. *Cf. la note du Ministre K. Bruggmann, datée du 17 juin, adressée au Secrétaire d'Etat C. Hull:* The Swiss Government, having been informed of the Executive Order of June 14, 1941 regulating transactions in foreign exchange, requests me to express to the American Government its concern and surprise over the fact that Switzerland has been included in the freezing regulations.

In many representations, and especially in my note of February 27, 1941, the reasons were urgently set forth which, in the belief of the Swiss Government, would have justified consideration for the particular situation of Switzerland. It had been expected that Switzerland would not be placed in less favorable a position than other neutral states.

In view of the present situation I am instructed to express to you the hope that, in the application of the said Executive Order, the American Government will proceed with all the regard to which Switzerland as a neutral country is entitled (E 2200 Washington 16/5).

Sinne unserer Kabel 43 bis 45⁶ alle die Gründe eindringlich dargelegt worden sind, die eine Ausnahmebehandlung der Schweiz sehr wohl zu rechtfertigen vermocht hätten zumal auch südamerikanische Staaten ausgenommen scheinen. Sprechet Erwartung aus, dass wenigstens in der Ausführung diejenigen Rücksichten genommen werden, die Schweiz als neutraler Staat erwarten darf. Das Folgende nur zu Eurer internen Information. Bevor Nationalbankdirektorium und wir zu der Frage der Generallizenz Stellung nehmen können müssen Bedingungen bekannt sein die daran geknüpft werden. Haben vorläufig mit Befriedigung von Versicherung Staatsdepartement und Treasury Kenntnis genommen dass schweizerischen Interessen volle Rechnung getragen wird. Es wäre wenn immer möglich darauf hinzuwirken, dass die Zusicherungen die zu geben sein werden im positiven Sinne formuliert werden können d. h. dass es sich ausschliesslich um schweizerische Interessen handelt. Es muss vermieden werden, dass man uns Zumutungen stellt die auf aktive Teilnahme an Durchführung der gegen Drittländer gerichteten Massnahmen hinauslaufen. Wir könnten also wohl jeweils schweizerisches Interesse nachweisen aber nicht darüber hinaus bei Massnahmen gegen nichtschweizerische Interessen Handreichungen bieten. Diese Formulierungsfrage keineswegs nebensächlich. Drahtet Wortlaut Note sobald erhalten.

6. Cf. N^o 13.