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# Belated pardon

*Finally, after half a century, persons who were sentenced by Swiss courts as a consequence of helping victims of National Socialism and Fascism to escape have been exonerated.*

**THE DRAFT LAW APPROVED** by both chambers of parliament at the close of the summer session on 20 June was prompted by a parliamentary initiative launched by Social Democrat National Councillor Paul Rechsteiner. In addition to persons who helped refugees flee from National Socialism and Fascism, Rechsteiner had originally called for the rehabilitation of those who had actively fought against these regimes in the Spanish civil war and in the French Resistance. Opinions in Switzerland have been divided on this issue ever since the 1930s.

Until now, the federal councils have continually refused to reverse sentences imposed on returning freedom fighters. Parliament therefore restricted their approval of the draft law to the rehabilitation of persons who, in the words of Aargau Radical Free Democrat State Councillor Thomas Pfisterer, rescued refugees from certain death, "often at great personal risk." In Pfisterer's opinion, "this reversal does not constitute a criticism of the justice system at that time, since these judgements were then in compliance with the applicable law." But Pfisterer believes it is important to bear in mind that these judgements, made against the backdrop of the special political situation at the end of the 1930s and 1940s, would nowadays be regarded as unjust in view of the altruistic behaviour of the affected persons.

The best-known case of persons who were accused of crimes after saving the lives of thousands of Jews in 1939 was St. Gallen policeman Paul Grüninger, who was pardoned only in 1996 by the St. Gallen district court. In 1939 Grüninger was summarily dismissed and in 1940 was found guilty of derel-



Paul Grüninger, the St. Gallen police chief who in 1938/39 allowed Jewish refugees to enter Switzerland in defiance of the regulations.

liction of duty and document forgery. He lost his right to a pension and lived in poverty until his death in 1972. The law on pardoning persons who helped refugees does not contain any provision whereby the wrongly accused can claim for damages and moral compensation.

### Against tax concessions

For the first time in the history of direct Swiss democracy there is the possibility of a cantonal referendum: against the tax package passed by parliament in June. While practically no-one opposes tax concessions for families with children or the abolition of

stamp duty, another element of the law has been severely criticised by leftist parties, some centre-right groups and a number of cantonal governments: the abolition of property tax. The SP condemns this measure as "another tax gift to the rich," while Minister of Finance Kaspar Villiger calls it "excessive". The tax package for home-owners is certainly favourable: while taxation on the rental value is to be abolished from 2008, home-owners will still be permitted to claim the same deductions. Some political groups – namely the Swiss People's Party (SVP), the Radical Free Democratic Party (FDP) and the Christian Democratic People's Party (CVP) – accused supporters of this solution (not without some justification) of wanting to "butter up" voters a few months ahead of the general election. Not only does this measure imply a strong preference in favour of homeowners and against tenants, but it also entails massive reductions in income for the cantons and communities which are already reeling from the economic crisis. According to the calculations of Grisons State Councillor Evelyne Widmer-Schlumpf, these losses could be as much as CHF 2.5 billion. As expected, the cantons have found a number of supporters in the Council of States. In turn, the objects of criticism defend their position by arguing that the middle classes already suffer under a heavy tax burden and must be supported in difficult times. They claim that the abolition of tax on rental value could inject new life into the property

market, and have a positive effect on the economy. In addition, supporters of the measure point out that the financial situation of the cantons could have radically changed by the time the controversial measure comes into force in 2008. Nevertheless, the cantons will decide by mid-September whether to launch a cantonal referendum. The Social Democrats are also toying with the idea of a national survey on the tax package and claim that the tax concessions for families favour income groups who earn more than CHF 100,000 and therefore have no need of tax concessions. The criticism voiced by the Left and the cantons is more understandable in light of the drastic cutbacks planned by Kasper Villiger, who is aiming to save up to CHF 3.5 billion over the next few years.

### Liberalisation of the agricultural sector

During the summer session MPs approved the new 2007 agricultural policy. The most important changes include an abolition of milk quotas in 2009 and the auctioning of meat import quotas at preferential import duty rates from 2007 as a way of encouraging competition. This latter measure signals an end to the automatic "quota yields" enjoyed by market-dominant meat importers. The Swiss agricultural sector can reckon on subsidies of some CHF 14 billion between 2004 and 2007.

Pablo Crivelli 

Translated from German

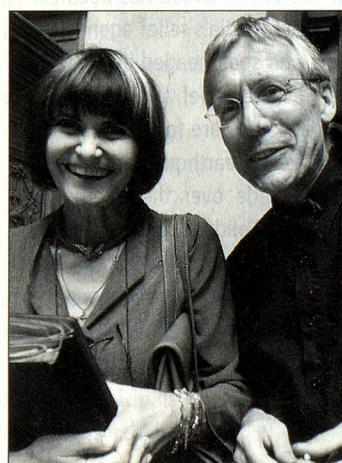
## Initiative launched for new constitution

The federal people's initiative "For a complete renewal of the federal constitution by the new parliament (frühling ja initiative)" was launched by an initiative committee consisting of left-green-ecological non-parliamentarians and calls for a complete overhaul of the Swiss constitution.

"frühling ja" ("spring yes") calls for transparent spending on electoral campaigns, a level playing field in terms of campaign funds for all groups, and free Swiss Federal Railways general passes for all young people up to the age of 25.

If voters come out in favour of a total revision of the federal constitution, both chambers of parliament will need to be elected anew. The newly elected parliament must not only draft a new constitution but also perform all its other parliamentary tasks. The new election would also mean a re-election of the Federal Council.

BDK



Nationalratswahlen 2003  
Kanton Bern:

**Peter Vollmer** kennt als ehemaliges Vorstandsmitglied der Auslandschweizer-Organisation die Anliegen der Auslandschweizerinnen und Auslandschweizer.

Auf jede Liste zweimal  
**Peter Vollmer**  
(SP-Liste/Männer)

Der öffentliche Verkehr und der Tourismus gehören heute zu seinen Kerngeschäften. Er sorgt dafür, dass die hohe Qualität und die Attraktivität unseres öffentlichen Verkehrsnetzes nicht kurzfristigem Spardenken und unüberlegtem Privatisieren geopfert wird.