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OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES  
APO 696-A U.S. ARMY

STAFF EVIDENCE ANALYSIS

By: Dorit Morgen  
Date: 28 January 1947

Doc. No.

NO-3096

Title and/or general nature:

Memorandum on refusal of army service by persons eligible for conscription on grounds of their nationality, signed by Dr. Mildner.

Date:

21 April 1942

Source (Location of original, etc.)

777 Document Center, Berlin  
Folder M 12, SS 2399

PERSONS, FILMS OR ORGANIZATIONS INVOLVED:

Dr. Mildner,  
Staatspolizeileitstelle Kattowitz

TO BE FILED UNDER THESE REFERENCE HEADINGS:

NC-Atrocities against Civilians  
NC-GESTAPO  
NC-Same as above

SUMMARY (Indicate page nos.)

This 2 page memorandum, signed by Dr. Mildner, Staatspolizeileitstelle Kattowitz, deals with punishment of persons eligible for conscription who refuse army service on grounds of their nationality.

1.) There have been many cases in which persons eligible for conscription who acknowledged their German nationality (Deutschum) in 1939, suddenly professed to be Poles to avoid army service. These persons have to be arrested immediately and taken to the nearest GESTAPO office for transfer to a concentration camp.

2.) Further cases have come to attention in which persons eligible for conscription who have already been accepted in Abteilung 1 - 3 of the German people's list (Deutsche Volksliste) suddenly admit membership of a Polish organization to effect their classification into Group 4 of the German People's List and so avoid army service\*)

In these cases immediate arrest and transfer to a GESTAPO office will be carried out.

a.) Persons eligible for conscription whose German race (Volkszugehörigkeit) has been established, appeared at the recruiting offices, making statements to cause doubt about their race in order to have to undergo another racial examination and so delay their military service.

b.) It has also come to attention that conscripted persons who were already on the way to their units spoke Polish and sang Polish songs. They refused to take the oath saying that they will not accept German nationality (Deutschum).

It is suggested that persons mentioned in point a) and b) be sent to the nearest GESTAPO office for transfer to a concentration camp.

\*) On Group 4 of the German People's List see SEA NO-3091

Distribute to:

All Kreis police offices (Kreispolizeibehörden)  
All branch offices (Aussendienststellen) of the STAPo Kattowitz,  
Commander (Kommandeur) of the replacement inspection office (Wehrersatzinspektion)  
in Kattowitz

TRANSLATION OF DOCUMENT NO. NC-3096  
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

Copy

(handwritten)

Weber has.... 13 May 1943  
7/5/43

Secret State Police

State Police, Operations Office (Leitstelle), Katowitz

IV D 2 a - 1263/42.

Katowitz, 21 April 1943

St.0372/St I-610(Se/Kc)

Subject: Persons subject to military duty refusing to render military service.

- 1) In recent times an increase of cases was noted, where persons who are subject to military duty and who, when the census was taken in 1939, avowed affinity to Germandom, having also made application already for registration in the German People's List, - thus having expressed their will to become Germans, - suddenly claim Polish affiliation when they are to be recruited for military service or when they are to be examined incidental to being recruited for military service, thus to evade their duty to bear arms. These draft dodgers are to be arrested on the spot by police authorities and to be turned over to the nearest office of the German State Police, for transfer to a concentration camp.
- 2) Cases have also been noted where persons subject to military duty who have already been classified in groups 1 to 3 of the German People's List incriminate themselves in that they state that incidental to filing the questionnaire which serves to establish nationality affiliation they failed to admit some Polish affiliation and thereby try to obtain classification in group 4 of the German People's List and thus to evade military service. In this instance also police authorities are to proceed to immediate arrest and commitment to Secret State Police authorities.

Supplement for the Commander of the recruiting area headquarters Katowitz:

- a) There are also draftees who already were established by means of the German People's List as German and who after their service record book has been handed to them, or after they have received induction orders, by presenting threadbare arguments at the competent recruiting offices attempt to raise doubts as to their German nationality affiliation, thereby to bring about delay of their draft.
- b) It has also become known that draftees when reporting for duty and while en route to camps use the Polish language conspicuously, sing Polish songs and refuse the oath of allegiance on the grounds that they reject German nationality.

TRANSLATION OF DOCUMENT NO. NO-3096  
CONT'D.

(page 2 of original)

As a means for successfully discouraging such behavior and to avoid repetition of similar cases persons mentioned under a) and b) who, strictly speaking are already subject to military jurisdiction, should not be released but should be committed to the nearest office of the Secret State Police, for transfer to a concentration camp.

You are asked to take notice of points 1) and 2) and to let me have your comments and possible suggestions relative to paragraphs a) and b) at your earliest convenience.

(Signed) HILDELMAR DR.  
certified:

(Signed) signature  
clerical assistant

Distribution:

All district police offices

All out-of-town offices of Katowitz State Police

To be informed:

- a) the inspector of the Security Police and the SD in Breslau
- b) Gauleiter and Oberpräsident of Katowitz
- c) Regierungspräsident at Katowitz
- d) District Leaders
- e) State Police at Oppeln
- f) Reich Commissar for the Strengthening of Germanism - SS-Obersturmbannfuehrer Dr. Arlit- (or his deputy).
- g) Intelligence Service, Branch Office Katowitz (2 x)

cc: carbon copy (with distribution)

to RSHA - IV D 2-Berlin

with the request to take notice

certifying the correctness: initial (illegible)

CERTIFICATE OF AUTHENTICATION

25 July 1947

I, Hertha C. KNUTH, certify that the translation of Document NO-3096 is an English rendering of the German original made to the best of my ability.

Hertha C. KNUTH  
AGO No. X - 048 555

Abschrift

Geheime Staatspolizei  
Staatspolizeileitstelle Katowitz

handschriftliche Randbemerkung  
Wil 7./5.42

IV D 2 a - 1263/42.

Kattowitz, den 21.4.1942  
St 0372/St I-610

Betrifft: Verweigerung des Wehrdienstes durch Wehrdienstpflichtige.

1) In der letzten Zeit mehren sich die Fälle, in denen Wehrdienstpflichtige, die sich bei der Einwohnererfassung im Jahre 1939 zum Deutschtum bekannten und auch bereits ihre Anträge um Aufnahme in die Deutsche Volksliste gestellt haben - hierdurch also ihren Willen, Deutsche zu werden, ausdrücklich gegeben haben - sich bei der Wehrerfassung oder Musterung plötzlich zum Polentum bekennen, um sich so dem Wehrdienst zu entziehen. Diese Wehrdienstverweigerer sind auf der Stelle durch die Polizeibehörden festzunehmen und der nächsten Dienststelle der Geheimen Staatspolizei zwecks Ueberführung in ein Kz. Lager zu übergeben.

2) Ferner sind Fälle bekanntgeworden, in denen sich Wehrdienstpflichtige, die bereits in Abteilung 1 - 3 der Deutschen Volksliste aufgenommen worden sind, selbst belasten, indem sie angeben, dass sie bei der Abgabe des Fragebogens zur Ermittlung der Volkstumszugehörigkeit die Zugehörigkeit zu irgendeinem polnischen Verband nicht angegeben hätten, um so die Einstufung in die Abt. 4 der LVL zu erwirken und sich dadurch dem Wehrdienst zu entziehen. Auch in diesem Falle ist durch die Polizeibehörden die sofortige Festnahme und Zuführung zu

einer Dienststelle der Geheimen Staatspolizei durchzufuehren.

Zusatz fuer den Herrn Kommandeur der Wehrersatzinspektion

Kattowitz:

- a) Angleichen erschienen Wehrdienstpflichtige, deren deutsche Volkszugehoerigkeit bereits durch die Deutsche Volksliste festgestellt wurde, nach Aushaengung des Wehrpasses oder des Gestellungsbefehles bei den zustendigen Wehrmeldezentren und versuchen durch Angabe fadenscheiniger Grunden, Zweifel an ihrer deutschen Volkstumszugehoerigkeit zu erregen, um so durch eine nochmalige Untersuchung ihrer Volkstumszugehoerigkeit eine Verzoegerung ihrer Einberufung zu erwirken.
- b) Ferner wurde bekannt, dass sich Wehrdienstpflichtige bei der Gestellung und bei dem Transport zu ihren Garnisonsorten

(Seite 2 des Originals)

demonstrativ der polnischen Sprache bedienen, polnische Lieder singen und mit der Begründung den Fahneneid verweigern, dass sie sich nicht zum Leut chtum bekennen.

Es waere angebracht, in Anbetracht einer erfolgversprechenden Abschreckung und zur Vermeidung von Wiederholungsfaellen die unter a) und b) genannten Personen, die eigentlich bereits der Militargerichtsbarkeit unterstehen, nicht erst zu entlassen, sondern sie von der Stelle weg der naechsten Dienststelle der Geheimen Staatspolizei zwecks Unterbringung in einem Kz. Lager zuzufuehren.

Ich bitte, von Punkt 1) und 2) Kenntnis zu nehmen, und um baldige Stellungnahme und evtl. Vorschlaege zu Abs. a) und b).

gez. Dr. M i l d n e r .

Beclaubigt:

gez. Unterschrift

Kanzleiangestellte.

Verteiler:

Alle Kreispolizeibehoerden,  
Alle Aussendienststellen der Sipo Kattowitz,  
Herrn Kommandeur der Wehrersatzinspektion in Kattowitz,

Nachrichtlich:

- a) dem Inspektour der Sipo und d. SD. in Breslau,
- b) dem Herrn Gauleiter und Oberpraesidenten in Kattowitz,
- c) dem Herrn Regierungspraesidenten in Kattowitz,
- d) den Herren Kreisleitern,
- e) der Stapo Stelle in Oppeln,
- f) dem Reichskommissar fuer die Festigung deutschen Volkstums -

SS - Oberstabsf. Dr. Arlt - o.V.i.A.-

- g) der Abwehrabteilung in Kattowitz (2 x)

Abschriftlich (mit Verteiler)

dem RSHA - IV D 2 - Berlin

mit der Bitte um Kenntnisnahme.

F.d.R.d.A.

gez. Unterschrift  
(unleserlich)

" A CERTIFIED TRUE COPY"

- 3 -

(END)