

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

STAFF EVIDENCE ANALYSIS

By: Dorit Margen

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.): [7771] Document Center, Berlin Folder M12, SS 2399

PERSONS, FILMS OR ORGANIZATIONS INVOLVED: Dr. Mildner, Staatspolizeileitstelle Kattowitz

TO BE FILED UNDER THESE REFERENCE HEADINGS: NO-Atrocities against Civilians, NO-GESTAPO, NO-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 (Duetschtum) 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 (Volkszugehoerigkeit) has been established, appeared at the recruiting offices, making statements to cause doubt about their race in order to have to undergo another racialexamination 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 (Deuschtum).

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 (Kreispolizeibehoerden)

All branch offices (Aussendienststellen) of the STAPO Kattowitz, Commander (Kommandeur) of the replacement inspection office (Wehrersatzinspektion) in Kattowitz

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

Copy (handwritten)
Weber has... 13 May 1942
7/5/42

Secret State Police
State Police, Operations Office (Leitstelle), Kattowitz

IV D 2 a – 1263/42.
Kattowitz, 21 April 1943
St. 0372/St I-610 (Se/Ke)

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. Kattowitz:

- 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) MILDNER DR.

Certified:

(Signed) signature

Clerical assistant

Distribution:

All district police offices

All out-of-town offices of Kattowitz State Police

To be informed:

- a) The inspector of the Security Police and the SD in [Breslau]
- b) Gauleiter and Oberpräsident of Kattowitz
- c) Regierungspraesident at Kattowitz
- 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 Mattowitz (2x)

By carbon copy (with distribution)

To RSHA – IV D 2-Berlin

With the request to take notice

Certifying the correctness: initial (illegible)

CERTIFICATE OF TRANSLATION

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] – 046 355