

SZCZĘSNY WACHHOLZ

Day two of the trial

Presiding Judge: I call Professor Wachholtz.

Professor at the Jagiellonian University, Szczęśny Wachholtz, 49 years old. The professor has been appointed by the Tribunal as an expert in the field of German administrative law. Please present an expert evaluation and give your opinion on the German administrative law in the General Government.

Expert Witness Wachholtz: The Decree on the Administration of the Occupied Polish Territories of 12 October 1939 (Reichsgesetzblatt [Reich Law Gazette] Part I, p. 2077) initiated a five-year period of German police rule over the lands of the Republic of Poland. In terms of significant provisions, the decree:

1. Subordinated the lands of the Republic of Poland occupied by the German military to the so-called governor-general for the occupied Polish territories, who oversaw the entire administration;
2. Upheld the existing Polish law, as long as the latter did not contradict the taking over by the German Reich, of administrative power on the territory specified;
3. Authorized the German Council of Ministers for the Defense of the Reich, the German plenipotentiary for the Four-Year Plan, and the governor-general to establish a new law for the mentioned territory by way of ordinances;
4. Placed the costs of the new administration upon the population of the occupied lands;
5. Established the Reich Minister of the Interior as the central authority for the Polish territories;
6. Appointed Dr. Hans Frank as governor-general.

The above decree came into force on 26 October 1939, and as of that moment the bizarre creation which in subsequent provisions, in particular in the first ordinance concerning the

organization of the administration of the occupied Polish territories, was called the General Government for the occupied Polish territories; in short: the General Government (in the decree of 31 July 1940, not announced in the Gazette of Legal Regulations) came into being.

What was this General Government? Not even its creators could answer this question. It did not establish an autonomous state organization, as both its administrative and legislative functions were exercised by foreign, external factors which were at the same time organs of another state. It was not a province of the German Reich either, because it was administered separately from the Reich administration, while the territory of the General Government was separated from the territory of the Reich by a quadruple barrier, that is: customs, currency, foreign exchange, and policing.

So what was it? I shall leave it to the competent professionals to give a more precise definition, namely to the experts in state law and the rights of nations, and I'll simply answer: based on the factual circumstances established by the five years of German rule over the lands of the Republic of Poland, it was an area where German thought, seemingly dressed up in legal form, ruled over everything that was called Polish in a manner that aimed to annihilate Polishness.

It was a reserve of brutal violence, executed by a group of rulers over groups of people whose position bordered on the ancient-world concept of slavery.

Far be it from me to say these words lightly, I am not making claims just for the sake of evoking emotions. I will try to prove [my words] by citing the ordinances and regulations issued by the German authorities, as well as some notorious facts.

First: over the course of the five-year existence of the General Government, the entire Polish administration, as found upon arrival by the invader, was mauled, abolishing not just the organization of the state administrative authorities on all levels but also the territorial, economic, and vocational self-government.

Second: in place of the Polish authorities, even the most inconspicuous ones, German institutions and offices were established everywhere and generally staffed with Germans, at least the managerial and significant judiciary positions.

Third: severe and deeply humiliating administrative restrictions were imposed on Polish nationals.

Fourth: irrespective of the actions of the administrative apparatus as a whole, which was anti-Polish by assumption, special orders were issued not only to the detriment of the Polish nation as such, but also its individual members, up to and including extermination.

Fifth: attempts were made to give the territory of the General Government the character of a German state.

The system of the political administration, as it was called.

The head of the General Government was the governor-general, who was given a General Government administration which was to ensure, on the one hand, the uniform direction of all branches of the administration, and on the other hand, to act as a consultative body to the governor-general. The task of overseeing the administration and coordinating the activities of the individual departments into which the GG administration was divided was in the hands of the secretary of the administration, later called the head of the administration, who was directly subordinated to the governor-general. In the event of temporary obstacles, the secretary of state was also a permanent and advisory deputy to the governor-general. Hitler's decree of 7 May 1942 also made him the deputy governor but, above all, in the field of security, the said decree established the secretary of state for security.

The territory of the General Government was divided into four districts: Kraków, Radom, Lublin, and Warsaw, however, their boundaries were not consistent with those of the [pre-war] Polish voivodeships. Each district was headed by an appointed official, whose title was initially district chief and later district governor with a district office added to his side.

The district was divided into sub-districts – *Kreise*, municipal sub-districts headed by a *Stadthauptmann* [town chief], and rural sub-districts headed by a *Kreishauptmann* [rural chiefs] in command. The General Government administration was reorganized several times, as a result of a campaign to unify the administration in the hands of the GG authorities, and then, in the districts, in the hands of the governors, and in the hands of the *Stadt-* and *Kreishauptmann* in the sub-districts, in line with the principles of the second ordinance on the organization and administration of the General Government of 1 December 1940. For this reason, the said ordinance was referred to as the ordinance on the unification of the administration, *Ordnung über die Einheit der Administration*.

In accordance with these regulations, the governor became the only representative of the General Government administration in the district, just as the *Stadt-* and *Kreishauptmann* became the only government representatives in the sub-district.

The German courts and then the so-called Eastern Railway, *Ostbahn* and the German Post in the East, *Deutsche Post Osten* were beyond this organized structure of the government apparatus. All other institutions or offices were either included, *eingegliedert*, or adjoined, *angegliedert*, or subordinated, *unterstellt*, to district governors, to *Stadt-* or *Kreishauptmann*.

The type of these authorities that were included, adjoined, or subordinated were the so-called Polish courts, that is courts which in the criminal scope ruled only in cases that were referred to them by the prosecution of the German courts (par. 1 sec. 2 of the ordinance of 19 February 1940 VBl.GG.I [Verordnungsblatt des Generalgouverneurs – Gazette of Legal Regulations], p. 64) and in the civilian scope in so far as the German provisions did not justify the jurisdiction of the German courts (par. 1 sec. 1 of the ordinance of 19 February 1940). Polish courts in the form of local courts, district courts, and courts of appeal (the judicial functions of the Supreme Court were suspended by the provision of par. 5 sec. 2 of the ordinance of 19 February 1940) were subject to the direct supervision of the competent district prosecutor (par. 8 sec. 1 of the ordinance of 19 February 1940).

The type of these authorities were the special administrative offices, with which the Polish administration was familiar. And so, the tax administration, which by the ordinances of 7 November 1939 (VBl.GG. p. 60), of 20 November 1939, of 7 December 1939, 13 December 1939, and 20 January 1940, was transformed into the German model, abolishing tax chambers and surrendering tax offices to the supervision of financial inspectors, of course, meaning the Germans.

The mining administration...it was limited to only two offices in Kraków and Jasło.

Presiding Judge: I call for a recess until tomorrow, nine o'clock.

Day three of the trial

19 December 1946

Presiding Judge: I hereby resume the court proceedings for considering the case against Ludwik Fischer and others accused from the decree of 31 August 1944. I call Professor Wachholtz. The professor began his disquisition yesterday, please continue the report.

Expert Witness Wachholtz: Now I will start with state-owned enterprises and monopolies, and I will be brief, as my disquisition is extensive. I said yesterday that the German courts, Eastern Railway, *Ostbahn*, and *Deutsche Post Osten* were separate from the district administration. The head of the department of railways in the GG administration, with the title of president of the General Directorate of the Eastern Railway [Ostbahn – GEDOB], became the chief of the so-called Eastern Railway, organized by the ordinance of 9 November 1939. It is significant that the Eastern Railway took over the entire property of the Polish State Railways as a special estate, *Sondervermögen*; however, it was decided that the Polish railway regulations shall apply only as long as the German regulations expressly keep them in force.

The German Post in the East, *Deutsche Post Osten*, was similarly dealt with, organized by the ordinance of 31 October 1939, with the difference that the property of the Polish post became not only the *Sondervermögen* of the German Post in the East, but also a special estate of the German Reich Post – *Deutsche Reichspost*.

The Polish monopoly organization was changed to form a so-called directorate of monopoly in the GG. By virtue of the ordinance of 1 October 1939, and a number of ordinances from 1939, 1940, 1941, etc., the monopolies were organized to add to the existing Polish monopolies: tobacco, matches, salt, brandy, and the lottery, [and] two new ones: petroleum and artificial sweeteners, while the lottery monopoly was transformed by turning the class lottery into a numerical one.

Then there's the organization of the police. At the head of the security organization in the GG, in accordance with the ordinance of 26 October 1939, was the so-called superior SS and police chief who was directly subordinated to the governor-general and he was responsible for maintaining security and order throughout the entire GG. On 7 May 1942, Hitler's decree was issued, which gave the superior SS and police chief the title of undersecretary of state

for security and this decree redefined the post of that undersecretary of state, that is, although the secretary of state for security was still subordinated to the governor-general, this decree nonetheless authorized the SS and Reich police chief to issue direct orders to the secretary of state for security in the GG. These orders had to be agreed on by the secretary of state with the governor-general prior to execution, just like analogously the SS and Reich police chief approved the governor-general's decisions regarding the general interests of the Reich. The very characteristic guiding principle for the national-socialist system is the one which decrees that the undersecretary of state, that is, the superior SS police chief in the GG, is also the chief of the campaign which aims to strengthen German nationality in the GG. The above decree was made by the governor-general by his decree of 3 June 1942, handing over the agenda of the Security and Order Police, which were listed in detail in this ordinance, to the undersecretary of state for security.

And now the organization of the field police. The police administration in the district was commanded by the SS and police chief who was directly subordinated to the district governor, in accordance with the provisions of par. 5 section 2 of the first ordinance on the organization of administration in the GG of 26 October 1939. The organization of the police was regulated in detail by the ordinance of 8 July 1943 on police authorities. According to the provisions of this ordinance, the district governor was the police authority in the district. The SS and police chief was subordinated to him, while the leaders of the security and order police were subordinated to the SS and police chief. In municipal and rural sub-districts, the police authority was the *Stadt- or Kreishauptmann*, respectively, except that police matters were dealt with by special police offices whose managers were appointed, transferred, and dismissed by the undersecretary of state for security.

So-called police directorates were formed in Kraków, Lublin, Radom, Kielce, and Częstochowa. In the capital city of Warsaw, there was the Chief Office of the Police Force, headed by the SS chief and the police chief of the Warsaw District.

The institution of so-called court zones was a special police organization, however, as this is not the subject of this trial, I will not talk about it further.

Furthermore, there were police forces, namely the Special Services, *Sonderdienst*, which according to the regulations was appointed for administrative tasks; in practice, however, it was mainly a police force and a very nasty one at that. Finally, there was the Blue Police.

There are no provisions on the organization of the Blue Police in the Gazette of Legal Regulations. The only trace is an ordinance that is very characteristic of the occupation methods, namely the proclamation of the superior SS and police chief of 30 October 1939, which called upon all Polish officials and police officers who were in the Polish force on 1 September 1939, to report to the former police offices until 10 November 1939 at the latest, under the threat of high and severe punishment.

Dr. [Albert] Weh, the interpreter of the law of the General Government, in his commentary *Das Recht de General Guvernement*, third edition, item a315, note 2, states something very significant, namely that it was in this case, I quote word for word: "about taking records of the officials and officers of the Polish police force in order to use them in the police force of the General Government."

Aside from the so-organized police force of the General Government, obviously the *Geheime Staatspolizei* existed – the Gestapo.

The entire system of territorial self-government, which existed in Poland on the basis of the Act of 23 March 1933, was reorganized. In particular, by the ordinance of 28 November 1939, on the administration of Polish communes, so-called Polish mayors were instituted. What were their competences? The mayor was responsible for everything – yes, but the supervisory authority, meaning the governor, or the *Kreishauptmann*, had the right to annul, amend, or suspend any of the mayor's decisions. This would not be of any surprise, except that at the same time it was decided that in place of an annulled decision the governor, or the *Kreishauptmann*, may issue his own decision. Besides this, it was decided that the governor, or the *Kreishauptmann*, could make decisions on other matters without so much as considering the mayor.

The city of Kraków was in a unique position because it did not even have a Polish mayor based on a proclamation which wasn't printed anywhere. The *Stadthauptmann* of Kraków mentions this governor-general post in a report which I have here in the original.

It was decided similarly in terms of the sub-district self-government. The self-government that existed according to Polish regulations had disappeared, and in its place, a sub-district department was instituted, the so-called department of the association of communes composed of five to twenty people. But, in terms of appointment, the sub-district department was dependent on the recognition of the *Kreishauptmann*, who had the

authority to appoint it, but did not have to. It was also up to the *Kreishauptmann* whether he wanted to hear the department's opinion and follow it or not. Everything was left to the *Kreishauptmann's* discretion.

Similarly, the system of economic self-government was scrambled. The chambers of commerce and industry, chambers of agriculture and handicrafts were incorporated, by the ordinance of 3 March 1941, into the Central Chamber of Industry and Commerce of the General Government, including, of course, the estates.

A new institution was also introduced, the Chamber of Health, which brought together doctors, dentists, dental technicians, feldshers [medical assistants], and midwives, while it was not forgotten to separate the German citizens and persons who declared their belonging to the German nation. These people, Germans in short, were included in a separate group so that they would not come into contact with Poles.

Control of the administration. By the ordinance of 28 July 1940, the Supreme Administrative Court was abolished. The Supreme Chamber of Control was also abolished and the General Government Accounting Chamber – the *Rechnungshof des Generalgouvernement* – was instituted in its place. As for staffing posts in the administration with Poles, only subordinate, let's say manipulative, posts were filled with them; managerial and significant justiciary posts, as I mentioned yesterday, belonged exclusively to the Germans.

These are notorious facts. There are no provisions for this; the only, let's say, trace of this kind of treatment of people of Polish nationality is the provision of par. 1 item 2 of the ordinance of 6 December 1939, which said (and I quote word for word, as this is supremely significant): "Those former Polish state and self-government officials, who will continue to be employed in public service, will not be considered as officials until their legal relationship is finally regulated." This status lasted until the end of the existence of the General Government.

Then there is the chapter on the Germanization of the country and population. By virtue of the ordinance of 8 December 1940, it was prohibited to use the state emblem in the territory of the General Government. But the authority of the occupation went even further. It made the coats-of-arms of self-governments dependent on the approval of the head of the interior in the administration of the General Government. As a result of this, the eagle disappeared from the coat-of-arms of Kraków, it was erased.

The issue of language. According to the provision of the first executive order relating to the organization of administration on the occupied Polish territories of 26 October 1939, it was decided that German will be the official language, whilst Polish will be admissible (*zugelassen*). But what did this admissibility for using Polish look like in practice? I have a copy of the official regulations in the City Board of the city of Kraków issued by the aforementioned *Stadthauptmann* Pavlu. The entire par. 4 is devoted to the matter of language, which basically communicates immense objections to a practically non-existent language, as it commands to always write in German and attach Polish text only if can be assumed that the party does not speak German and that there is Polish personnel in the Kraków institution, etc. It also prohibits the use of "halo" or "proszę" [Polish for "hello" and "yes"] when answering the phone. I stress that these were the regulations that were issued for the organization of communes, so for local administration.

Along with the imposition of the German language on the Polish population, the campaign of Germanizing placenames was developed. The ordinance of 20 February 1941 dealt with this, which determines in par. 1 the assignment of German names to places and changing the placenames of the entire General Government. A variety of "Wartenburgs" and the likes were created through the implementation of this ordinance.

I also point out that as of 15 October 1941, number 44 of the Gazette of Legal Regulations, the placename of Kraków had disappeared from the header and the signatures of the ordinances, which was hitherto written in brackets next to the German name Krakau. This is in reference to the fact that by Germanizing placenames, it was at the same time forbidden to use the Polish names of former Polish cities.

All Polish press that was printed until the war broke out was immobilized. German and Polish daily newspapers were introduced, the Polish being a partial reprint of the German dailies. By virtue of the ordinance of 15 November 1939, a [press publishing] company was established under the name *Zeitungsverlag Krakau-Warschau*.

But this Germanization campaign was by no means limited to the activities presented thus far. They resorted to undoubtedly the most deplorable measures, namely the buying of souls. And so, by virtue of the ordinances of 21 January 1940, 2 February 1940, 16 March 1940, 27 March 1940, 14 August 1941, 15 July 1942, the concept and powers of the so-called *Volksdeutsche*, *deutsche Volkshahgehörige* [ethnic Germans] were instituted. They were

those who, without German citizenship, recognized themselves as belonging to the German people, provided they could prove their affiliation by origin, language, attitude, upbringing, or other circumstances. The campaign did not give the German authorities the results they expected. I have proof of this in the previously cited *Stadthauptmann* Pavlu's report, issued in lithography. This report states on page 42 *in fine*, as follows: "The police directorate in Kraków has so far handled 1,350 applications for issuing identity cards [called *Kennkarte* in the Reich and occupied territories] for *Volksdeutsche*. This is the fall of 1941. At the same time, it was begun to issue identity cards to Poles in the total amount of probably 270,000 people. At the end of 1941, the ratio of the so-called *Volksdeutsche* to Poles in Kraków was represented by the number of 270,000 Poles and 1,350 *Volksdeutsche*." I have the right to say that this trade in souls failed.

That is why they resorted to persuasion, not only psychological, also rape, as was the case, for instance, in Tarnów, where the local *Stadthauptmann* specifically referred to the Polish population.

Subsequently, a new category was created, the so-called Polish *Stammdeutsche* [a person of German descent]. This was an ordinance from 1941, two ordinances from 1942, and one from 1943. Here, the new thing about the ordinance on *Volksdeutsche* was that an application for recognizing someone as *Stammdeutsche* could have been submitted by the German authorities without asking that person's permission. By the ordinance of 19 April 1940, the Eastern Institute, as I'll name in short, *Institut für Ostarbeit* [Institut für Deutsche Ostarbeit – Institute for German Work in the East] became the backbone of the warring Germans. According to the text of the regulation, it was formed to continue and strengthen Germany's existing research work in the East. But this is not the actual face of this institute. The actual face revealed itself first in an interview, which governor Frank gave to the representative of "Krakauer Zeitung", W. Zarske, whose name was Żarski, but he changed his name. In issue number 70 of 1940, page 1, he stated: "The tasks of the Institute will be to research (...) the content and methods of German action in the East in order to make the territories of the GG accessible to the interests of the German Reich." I emphasize this because this subject was touched upon yesterday at the trial. Finally, in Frank's speech during the opening of the institute ("Krakauer Zeitung" No. 93 of April 21, 1940, page 2) he expressed himself as follows: "The Institute will renew the historical mission that the German nation is to fulfill in the area of the GG and provide reparation to what Poles took

away from the German spirit and German activities." At the same time, he stressed that all the manifestations of German nationality, which were artificially or violently distorted, will return to proper life.

Chapter on administrative restrictions imposed on Poles. There were very many of these restrictions. They related to both physical freedom, personal freedom, as well as spiritual and economic freedom. These restrictions in the field of education were the subject of Ms. Krassowska's expert evaluation. Therefore, I shall omit the matter of schooling.

Associations. By the ordinance of 23 July 1940, Polish associations existing under the provisions of Polish law, namely ordinary associations, registered and public service associations, were dissolved. Even the Society for Supporting the Construction of Public Schools was dissolved, only two public service associations were maintained – the Air Defense League, and the Fire Brigade Association. In addition, the Polish Red Cross was maintained, which was based on separate provisions of the President of the Republic of Poland of 1 September 1927. The estate of the dissolved associations became the property of the GG, with the exception of the estate of the union of the post and railway workers, which was incorporated into the estate of the German Post in the East and railway. It was forbidden to form new associations, with the proviso that if they were justified by public interest and the head of the Security Police agreed, Polish registered associations could be established, but I do not know of such a case. Religious unions and associations were dissolved. Only the Old Catholic Church of the Utrecht Union and Methodists church were retained.

Holidays were abolished, all Polish national holidays, or public holidays, were abolished, and from 1941 holidays were moved (except Christmas, Easter and New Year) to the nearest Sunday.

Foundations. The ordinance of 1 August 1940 dealt with this. It dictated that a foundation must be reported, including that, was it not reported, it would be dissolved *a limine* [at the start]. The lion's share of the foundations was dissolved, a few were approved, but they were inactive until the end of the GG's existence. The aforementioned Dr. Weh, in his commentary *Das Recht des GG ...* note 1, states that in this case, the point was to somewhat merge the foundations that were incapable of operating into one that was viable. I do not think that this is true, as I do not know of any case of creating a new, merged foundation in place of the

abolished one by the German authorities during the existence of GG. Later, the ordinance of 29 April 1941 on creating new foundations in the GG was issued. No such foundation was established on the basis of these provisions.

Residential restrictions on the non-German population within cities or territories and housing restrictions. The ordinance on residence is of 13 September 1940, amended by the ordinance of 29 April 1941. The administrative authorities, starting with the *Kreishauptmann*, were authorized to issue orders prohibiting the stay of the population on a given spatial segment of the city or country in general.

The provision of par. 3 allowed the displacement authority to issue a ban prohibiting the removal of household appliances and other items by the displaced persons, par. 4 excluded compensation for the taken items. The ordinance of 24 September 1940 introduced the forced management of GG municipal premises with the law later determined by the ordinance that entered into force in place of the one from 1940, namely the ordinance of 3 March 1941 for *Kreis-* and *Stadthauptmann* for resolving the terms of leases, tenancies, evictions, etc., and commencing the formation of German and non-German districts. The issue of the Jewish quarter [ghetto] is the subject of a separate expert evaluation. Here, I want to refer again to the report of the aforementioned *Stadthauptmann* Pavlu. I will cite a few sentences from his report on the quarter campaign because these sentences are very distinctive. Pavlu says: "A major chapter in new Kraków's history is the fundamental division of the city into the residential and settlement area of the Germans and the territory that has been allocated to the non-German population. The different periods of German settlement on Polish soil invariably show that the most precious German blood is doomed to destruction amongst the foreigners unless an absolute border line is drawn between own (that is German) and foreign national good. The campaign, initiated in the GG, is an operation that consciously strives for one goal, to keep the German population in an unpolluted condition at any cost. The city of Kraków has separated a dense part of the territory intended for housing needs and for occupational workshops for the Germans." And finally the last sentence: "German children should develop their minds in bright classrooms, in spacious gyms, on sunny sports pitches, and the upcoming generation of German eastern pioneers must understand now what separates them from the foreign nation among which they are raised. The city of Krakow wishes to take up everything that is necessary to educate a consciously strong and proud German offspring."

Now, curfew. Since this will be the subject of a separate expert evaluation, I would like to point out that such a curfew existed and perhaps it was not as much a burden for Poles in terms of limiting their movements as much as the unheard-of changeability of this curfew, often ordered at the last minute, an hour prior to it, which caused an outright frenzy of running home when it comes to the Polish population.

Communication restrictions related to the railway, trams and motor vehicles alike. The most severe railway restrictions were in force in the period from 18 October 1943 to the spring of 1944. A special police permit was required at the time for the passage of trains, buses, and inland waterway vessels. Special restrictions were in force in the capital city of Warsaw for passenger cars and motorcycles. The ordinances of 2 and 15 February 1944 were issued, on the basis of which a Pole could not drive a car or a motorcycle registered in Warsaw on the territory of this city.

Restrictions on the use of other public utilities other than transport. I will limit myself to only mentioning them. Restricting access to parks and public gardens. Indeed, we know that there were parks and gardens *Nur für Deutsche* – only for Germans. This was the case with grocery stores, gastronomic establishments, cafés, patisseries, even with the benches in public gardens. They had white *Nur für Deutsche* signs posted on them. After this partial implementation of the ordinance of 20 February 1941, severe restrictions were imposed as regards the supply of electricity to Poles.

Prosecutor Sawicki: In connection with the Professor's expert evaluation, I would like to make a formal motion. Since some of the norms regarding the General Government complied with international law, and some were incompatible with this law, I would ask you to be so kind, if the High Court approves, to orally show only those parts that were incompatible with international law. As to the rest, we would like to motion, if the defense agrees to this, to attach to the files and acknowledge as read.

Presiding Judge: Professor, for how long would you estimate your presentation?

Expert Witness Wachholtz: Half an hour at most. If the High Court allows, then I would like to carry on the expert evaluation to the end.

Attorney Chmurski: It is my honor to ask you, Professor, to continue until the end.

Expert Witness Wachholtz: I shall be as brief as possible. Prohibition of wearing uniforms and decorations. By the ordinances of 1939 and 1941, Poles were prohibited from wearing uniforms and clothing resembling uniforms. I say this because it was even forbidden for female pupils to wear school uniforms, that is, girls attending high school. Pupils' caps were even prohibited. By virtue of the ordinance of 20 December 1940, wearing Polish honorable orders and distinctions were banned. It had also been forbidden to wear German and Austrian medals, which were possibly owned by Poles who, in 1914-1918, served in former armies of the partitions. I am commenting on this because it is proof of the extent to which the Pole was treated as unworthy, that he was forbidden to wear decorations, which Poles did not wear anyway, but which they gained for courage during the First World War.

Hunting law. It is very characteristic as perhaps it emphasizes most blatantly of all the GG administrative legislation to what degree the Pole was in actual fact the object of the law, not the subject. A Pole could not be entitled to exercise the right of hunting, he could not even be a so-called hunting guest, in German *Jagdgast*.

Private property infringements and conflicts. They have partly been and will be the subject of a separate expert evaluation, which is why I will provide [only] the most important things, and thus the confiscation of works of art. By virtue of the ordinance of 16 December 1939 and the executive order of 15 January 1940, it was ordered to report even private collections of works of art holding artistic, cultural-historical or historical value, which originated from before the year 1850. This concerned painting artworks, artistic industry works, even book covers, etc. It was required that they be reported and then they could be recognized as non-private collections.

The ordinance of 15 December 1939 announced the confiscation of radio equipment.

Petroleum rights were not confiscated, but they were subject to seizure, whilst what is significant is that any compensation was at the discretion of the head of the economic department in the GG administration. The same was done with all devices and instruments needed to trade crude oil, in the same way with the plants and equipment needed for processing of crude oil and natural gas.

The ordinance of 24 January 1940, the so-called confiscation ordinance, was distinctive. Here I note that this ordinance using the word *Beschlagnahme*, variably translated, was in

Polish the word "konfiskata" [confiscation], which is not accurate because when it comes to this ordinance, it spoke not of confiscation but of seizure.

Virtually everything was subject to seizure, with the exception of what was provided in provision 96 of this ordinance; namely, movable items, which were only for domestic use at the time of this ordinance's entry into force, were subject to seizure. And again with stipulation – insofar as they were not an item of luxury or did not exceed the framework of leading a humble life.

The seizure was followed by statutory protection. After having seized the item, all legal acts concerning it were invalid without the consent of the head of the trustee department of the General Government. The rights of third parties were subject to protection.

The confiscation of ski equipment was based on the ordinance concerning the confiscation of skis and ski boots, which ordered their confiscation under certain conditions: from size 170 of skis and boots from size 41.

The activity against Polish culture has also [already] been the subject of evaluation, which is why I will omit this issue, I will just list it. The view of Dr. Wechter, who was the governor of the Kraków district, is very illustrious. He published in 1940 a report entitled "One year of organizational construction in the Kraków district". There, among other things, he stated the following: "Kraków's history is German history. Poles are cooperating only in its creation, only coexisting in it. The tragic nature of German settlement history consisting in the fact that the Germans always took on the burden of paving the way for culture, has also manifested here in the eastern territories. The Germans were the creators, while the Poles were only the users. The Germans built them the Kraków castle, the university in Kraków – the work of the Germans is, following Prague, the second oldest German university." Such scientific revelations.

The destruction of monuments and the removal of commemorative plaques was mentioned yesterday, the same about the destruction of Polish literature.

In relation to the extermination of Polish science, as a representative of Wszechnica Jagiellońska [extension of the Jagiellonian University], I would like to express that, as far as Polish scientists are concerned, methods were applied to them, which I prefer not to describe using the words concentration camps and executions. We do not exactly know

the losses of Polish university extensions, but they definitely amounted to well over a hundred people.

The pauperization of Polish mentality was the consequence of restricting education only to the general and secondary level as well as lower vocational level. This was mentioned yesterday in Ms. Krassowska's expert evaluation.

Engaging the Polish population in indirect warfare. I see this in the export of the Polish population to work in the Reich, which began as soon as the winter of 1940, because in number 38 of the "Krakauer Zeitung" of 15 February 1940, on page 5, it was reported with a great deal of distinct joy that ten trains leave the territory of the General Government daily with so-called volunteers. What these "volunteers" looked like, is clear from governor-general Frank's ordinance, which is not printed in the Gazette of Legal Regulations, but which I have nonetheless. The ordinance of 25 January 1940 says that people who use social welfare or the labor office when it comes to collecting benefits are required to register for works in the Reich. This is why the trip was "voluntary". The ordinance of 24 April 1940, obligatorily called upon men and unmarried women aged from 15 to 24 years old. That is why this service was "voluntary".

The delivery of these "volunteers" is illustrated by the note in issue number 24 of the "Krakauer Zeitung", where it talks about delivering participants of the transport under supervision to the nearest railway station. You can see what kind of "volunteers" they were.

When it comes to deporting the Polish population, the most difficult period begins in the years 1943-1944. Never before was there this kind of camp, or rather a transition station, which existed in Kraków at Wąska Street, and for centuries onwards it will be the expression of the most terrible degradation of man, and that of a man who even the German authorities did not accuse of any crime, except that he was able to work.

A very broad swathe of the Polish population – from 15 to 60 years of age – was subject to trench-digging duty.

The obligation to provide wartime in-kind contributions included the conscription of cart owners, peasants. At one time I came upon an ordinance of the German military authorities from late 1941 or early 1942, but unfortunately I've misplaced it. In this ordinance, the German military authorities defined the nature and scope of the benefits that Polish

coachmen who had suffered some damage during service were entitled to. It follows from this that they were conscripted into this service.

The so-called Construction Service, *Baudienst*, was only partly used for works which had the Reich's interest at heart. Namely, when it comes to building the so-called peripheral railroad and highway in Kraków. It was a communication artery built solely for military reasons.

Finally, perhaps the biggest slap-in-the-face that the Germans wanted to mete out to the Polish nation, that is, the so-called voluntary enlistment of Poles in the German army, first announced in 1944. But what did this voluntary enlistment really look like? Each detainee was offered a choice between deportation to a concentration camp and voluntary military conscription. The issue was similarly raised in the concentration camps.

Finally, acts of police terror. As far as I know, they will be the subject of a separate expert evaluation. In that case, I will end here.

Prosecutor Siewierski: You spoke here about the general authority of the governor. Perhaps, Professor, you can succinctly present the consequences of the principle of *Einheit der Verwaltung* [single administration] at the level of the governor's post?

Expert Witness Wachholtz: The head, or the governor, oversaw the district. As for the chief of police and of the SS, the provisions subordinated him to the governor; on the other hand, he was subordinated to a higher official, namely the undersecretary of state for security in the General Government administration. What Dr. Wechter writes about the chief of police in Kraków is very significant, and was true elsewhere – that he was an adviser and co-worker of the district governor.

Prosecutor Siewierski: Professor, you have not yet mentioned party organizations. At the rank of governor, did...

Expert Witness Wachholtz: I cannot say.

Prosecutor Siewierski: Perhaps you could kindly explain how the *Führerprinzip* affected the work of the governor?

Expert Witness Wachholtz: This issue will be the subject of a separate expert evaluation.

Prosecutor Sawicki: I have a motion for evidence.

Presiding Judge: After the expert evaluation. Does the defense have any questions?

Attorney Chmurski: The Professor was kind to say that as far as the police agenda is concerned, there was a dualism.

Expert Witness Wachholtz: Yes.

Attorney Chmurski: On the one hand, the *SS- und Polizeiführer* [SS and police chief] was subordinated to the district governor, and on the other hand, he was subordinated to the undersecretary of state.

Expert Witness Wachholtz: On the one hand, he answered to the district governor, and additionally, he was subordinated to the SS and police chief, that is the undersecretary of state for security.

Attorney Chmurski: From whom did he receive orders and directives? From the *Stadt- und Kreishauptmann*?

Expert Witness Wachholtz: Neither from the first or the second.

Attorney Chmurski: When it comes to specific cases, Professor, can you say what the practice was?

Expert Witness Wachholtz: This goes beyond the expert evaluation.

Attorney Chmurski: Are there any circulars of the governor-general known to you, Professor?

Expert Witness Wachholtz: There are none of these circulars. They were destroyed.

Attorney Chmurski: What was the actual situation in other governments if there is no information concerning Warsaw?

Expert Witness Wachholtz: In relation to this I can only say that in the materials and printed matter I have not found anything on this subject. I am settling only the actual state.

Presiding Judge: Are you familiar with Governor Frank's lecture in Radom?

Expert Witness Wachholtz: No.

Attorney Śliwowski: On the basis of the arrangements of the administrative system, was the General Government a centralist or decentralist system?

Expert Witness Wachholtz: A centralist system.

Attorney Śliwowski: To what extent was there some autonomy and self-governing left to the lowest administrative authorities, the *Kreisleiters* and *Stadthauptmanns*?

Expert Witness Wachholtz: There was no Polish self-government. The German system was defined by general provisions.

Attorney Śliwowski: In matters of general state importance, in light of earlier regulations, did the *Kreisleiter* or the *Stadthauptmann* decide?

Expert Witness Wachholtz: Neither the *Kreisleiter* nor the *Stadthauptmann* could decide.

Attorney Śliwowski: Did they receive clear instructions from the top on all these matters?

Expert Witness Wachholtz: I cannot answer. I cannot make any binding statements here.

Attorney Śliwowski: In your expert evaluation, you say that the police authority was the *Stadthauptmann* or *Kreisleiter*, but there was also a police office, so there was dualism.

Expert Witness Wachholtz: This was not dualism. There were police chiefs, and only in Warsaw was there a Chief Office of the Police Force beyond the district office.

Attorney Wagner: What is the date of forming the Warsaw police chief department, according to this *Einheitsverwaltung*? Was it like this from the beginning?

Expert Witness Wachholtz: It was not like that from the beginning. The police organization was envisaged by the ordinance of 8 July 1943 on sub-district police. This ordinance formed police offices, police directorates and the Chief Office of the Police Force in Warsaw.

Attorney Wagner: Professor, are you familiar with the changes that occurred in the Reich after Hitler came to power?

Expert Witness Wachholtz: I even lectured about it, but as an expert in administrative law, I would rather you did not ask me about this. An expert will be heard, a colleague from Kraków, Prof. Grzybowski, an expert in political law, and he shall explain it better.

Attorney Wagner: Did you say that the practical implementation of the ordinances is not known to you?

Expert Witness Wachholtz: No, I did not serve any German authority.

Attorney Wagner: Are you aware of what the SD chief's dependency to the chief of police was?

Expert Witness Wachholtz: I don't know. The *Staatspolizei* organization was beyond the laws of the GG and my impression is that it was beyond the laws announced in the Reich Law Gazette.

Attorney Węgliński: Yesterday you kindly said that such an important order – it would seem – as a change in the name of the GG, was not printed in the Gazette of Legal Regulations, that the initial name..." [the typescript does not finish the question]

Expert Witness Wachholtz: I know what you mean. Initially, the name was the GG for Occupied Polish Territories, and then by an unpublished ordinance, the addition was removed. This will be emphasized by Dr. Wey in his commentary, that this ordinance was not printed.

Attorney Węgliński: Do you know of any cases that an important regulation would not be printed?

Expert Witness Wachholtz: I mentioned one today.

Attorney Węgliński: You said that it was very difficult today to determine the creation of GG today in legal and administrative terms?

Expert Witness Wachholtz: This is a matter of political law, and according to the attempts of our lawyers, it seems the case is hopeless.

Attorney Węgliński: Was this problem of the preservation of forms completed throughout the German occupation?

Expert Witness Wachholtz: Forms underwent constant changes and evolution. The mining law, which reappointed higher mining offices, was issued in April-May 1944.

Attorney Węgliński: So, there was no state in which one could say that the administrative organization was completed?

Expert Witness Grabowski: No, no organization had a fixed form.

Attorney Śliwowski: One more question. By competence, to whom, what administrative power in the territory of the GG was the conscription for forced labor to the Reich subject to?

Expert Witness Grabowski: These things were not announced in the Gazette of Legal Regulations but in the proclamations.

Attorney Śliwowski: Who were the labor offices subject to?

Expert Witness Wachholtz: Either the *Kreishauptmann* or the district chief. Sometimes here, sometimes there. I do not know if initially to the *Kreishauptmann*, and then to the district chief or vice versa. In Kraków [the office] he was subordinated to the *Stadthauptmann*, and for some time to the district chief.

Attorney Śliwowski: I do not know if this could have also changed.

Defendant Fischer: How many superiors did the governor have?

Expert Wachholtz: One, the governor-general.

Defendant Fischer: And his deputies?

Expert Wachholtz: Governor-General Frank or his deputy, Bühler.

Defendant Fischer: What was his attitude towards the administration?

Expert Wachholtz: The GG administration, as I have said, was on the one hand a kind of government, and on the other hand it was only an advisory organization alongside the GG.

Defendant Fischer: Did the main departments in the government have the right to issue direct instructions to the departments with the districts and Starost offices that were subject to them in terms of expertise?

Expert Witness Wachholtz: So long as there is a principle of unity in administration, the instruction goes either through the *Stadthauptmann* or through the *Kreishauptmann*. Departments with sub-district Starost offices were sometimes bound by the regulations of the administration, but I must stress that sometimes they were bound and other times they were not.

Defendant Fischer: Could the governor stand against the orders of the governor-general or the administration?

Expert Witness Wachholtz: According to the rules, no. But in reality, I cannot say.

Defendant Fischer: Does the Expert Witness know that the SS *Führer* in the district received from his superiors the provisions that regulated their dependency to the governor in every issue?

Expert Witness Wachholtz: I have already said, and the defense attorneys here have talked about this dualism, that on the one hand one was subordinated to the district governor and, on the other hand, the secretary of state for security.

Defendant Fischer: Could the governor, since the district police chief received an order from the governor-general, or from Himmler, the supreme police authority in the Reich, forbid this SS and *Polizeiführer* to carry out this order?

Expert Witness Wachholtz: I will answer this question in two parts. First of all, as to the point. In terms of the first part of the question, I said in my expert evaluation that if there were orders given by the chief of the SS Reich police, then the superior SS and police chief, or the undersecretary of state for security, had to coordinate these things with the governor-general. And vice versa, if the governor-general issued any instructions regarding the general interests of the Reich, then they had to be coordinated by the undersecretary of state for GG security with the chief of the SS Reich police. These are the legal provisions. As far as the latter part of the question is concerned, since I am asked what the German administration looked like from the inside, not according to the regulations, I am asked about things that do not concern legal provisions but the actual execution of certain internal matters, and since I had nothing to do with the German administration during my stay in the territory of German occupation, I cannot answer this question.

Defendant Fischer: Does the Expert Witness know that the police ordinances of 1942 or 1943 mention other police authorities, for example, the security police, within the issues of police administration?

Expert Witness Wachholtz: I've already talked about this, too.

Defendant Fischer: And that, above all, the governor's jurisdiction for this division varied?

Expert Witness Wachholtz: Your Honor, I will read what Dr. Wächter wrote about the relation of the chief of the SS police to the governor. It is a lithographic typed report, entitled "One year of construction in the Kraków District", with a facsimile of Wächter's signature. Here it says on p. 11 (the expert witness reads in Polish and translates for the accused into German): "The SS and police unions in the GG are subordinated to the superior SS and police chief, in the district to the SS and police chief. He (that is the district police chief) is a deputy of the superior SS and police chief and fulfills the latter's orders, he is also a co-worker and expert adviser to the chief of the district." I have nothing more to say.

Presiding Judge: Can you leave this on file, Professor?

Expert Witness Wachholtz: Unfortunately, no, it does not belong to me.

Defendant Fischer: I would like to ask the Judge to hear a German expert on this matter, namely on the relationship between the governor, the SS and *Polizeiführer* and generally on matters of civil administration and police. This matter is essential for my trial and the explanation of the whole material truth depends on it.

Presiding Judge: Does the accused Leist have any questions?

Defendant Leist: I would only like to say – regarding the "Labor office" chapter – that the head of the labor office was a regency director who worked independently in the field of deporting workers to the Reich. I had neither the influence nor the right to issue directives.

Expert Witness Wachholtz: I did not mention the labor offices because I suppose they will be the subject of a separate expert evaluation on the labor law. I just mentioned assignment to labor in the trenches, but who did this – that, I did not say.