

43.01

12 November 1945

MEMORANDUM FOR THE BOARD OF REVIEW

THRU : COLONEL HOWARD A. BRUNDAGE

SUBJECT : Trial Brief, FRANZ VON PAPEN

1. Attached are six copies of a trial brief, on Defendant Franz von Papen, prepared by me. In my judgement, based upon reasons indicated below, this brief is entirely unsatisfactory.

2. In general, aside from the mechanical difficulties of being unable to find English translations and in some cases even the original document or staff evidence analysis, the main difficulty has been the dearth of any evidence ~~only~~ related to von Papen, except with respect to his Austrian mission.

3. While certain measures taken by von Papen in 1932 undoubtedly contributed to the eventual success of the Nazi Revolution, the development of this story requires original research in German source materials. The story of this period is contained in this office only in the form of certain secondary sources. Furthermore, the significance of this point in its relation to the Indictment is obscured by the cross-currents of German political life at that time, and particularly by the controversies that developed between Papen and Hitler prior to Papen's efforts to promote Hitler into the Chancellorship.

4. The evidence in support of Papen's promotion of Hitler into the Chancellorship is spectacular but in some respects weak. In fact, the affidavit of Cecilie Müller is so spectacular that it deserves careful examination and confirmation. It should be observed that there has been no interrogation of Kurt von Schroeder concerning this phase of the case. It is my recommendation that there be further interrogation of both Müller and Schroeder, as well as Keppler.

