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 directly 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.
5. The evidence concerning the promotion of the preparations for war is virtually non-existent. I have found absolutely no evidence concerning Papen's activity as Reichs Commissioner of the Saar Territory. In fact, Papen did not hold this office for the two years preceding the Plebiscite. In reference to this period, it also should be observed that the real criminality of the Cabinet on this score probably actually dated from a time subsequent to Papen's resignation and dismissal therefrom.

6. I have seen no evidence that Papen participated in the "political planning" for wars of aggression. His position in the Austrian situation was essentially that of executing the development of a fifth-column in preparation for aggression against Austria. In this connection, however, I should point out that I have seen no evidence that he possessed actual knowledge of any military plans or preparations directed against Austria.

7. The above comments are subject to the caveat that time limitations have precluded as thorough a search as I should have preferred to make. I am undertaking to check further into possible sources of evidence and to promote their development.

8. I have seen no evidence of interest to us in reference to Papen's position as Ambassador in Turkey.

9. Finally, it should be pointed out that I have seen no evidence that Papen ever became a member of the Nazi Party, unless such membership necessarily can be implied from the award of the Golden Party Badge.

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Section 5