

APPENDIX A

CASES WHICH MIGHT BE USED TO ESTABLISH CRIMINAL RESPONSIBILITY  
IN CONNECTION WITH THE PURGE

I. THE DEATH OF CATHOLIC LEADERS. The death of Catholic leaders provides the best occasion for establishing criminal responsibility in connection with the purge. In comparison with most other victims of the purge, these people were relatively little compromised by previous association with the Nazi regime and were less likely to have been engaged in treasonable activities. Their offense consisted in their attempt to defend religious liberties, in which they had been confirmed by the Nazi regime itself in the Concordat of 1933, against illegal infringements. Their vindication would be a popular move both inside and outside of Germany. The most promising cases for investigation are given below, in the approximate order of their promise.

1. MINISTERIALDIREKTOR DR. ERICH KLAUSENER.

PROBABLE FACTS. On the morning of June 30, 1934, Dr. Klausener was seated at his desk in the Reichsverkehrsministerium. Two SS men entered, said "You are under arrest." Dr. Klausener arranged the papers on his desk, said "Just a minute" and turned to the wardrobe to get his hat. As he did so he was shot and seriously wounded. He survived the attack by one hour, during which time the SS prevented anyone from entering the room to give him medical or spiritual aid. The Minister, Freiherr Eltz von Rübenach, was in the building at the time, but did not intervene. Klausener's body was not returned to his family until after cremation, a serious matter in the case of practicing Catholics. (Source: Jean François, pp. 174-5; Strasser, pp. 124-5)

PROBABLE MOTIVE. As a prominent Catholic layman, and leader of the German Catholic Action, he had been closely associated with Catholic resistance to Nazi interference in religious affairs. On June 24 he had presided at a public meeting near Berlin in behalf of religious freedom. As head of the Prussian police under the Severing ministry he may also have incurred special Nazi enmity.

THE PROBLEM OF PROOF. In this case the official explanation of death is particularly weak. Suicide is unlikely in the case of so devout a Catholic, and even

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if he did attempt suicide or resistance, the subsequent denial of medical aid clearly lies beyond the scope of legitimate arrest. Since that death took place in a public building, over a considerable period of time, it should be relatively easy to establish the facts through the evidence of surviving ministry employees and others. On July 2 the Osservatore Romano published a semi-official Vatican statement that the Holy See had absolute proof that Klausener did not commit suicide, but was killed. These Catholic sources also might provide evidence for the prosecution.

2. DR. FRITZ BECK

PROBABLE FACTS. On the morning of June 30, 1934, Dr. Beck was called by telephone and asked to make an appointment for that evening at his home in Munich, to give spiritual advice to an unnamed person. At 10 P.M. two SS men appeared and took him off in an auto. His corpse, recognizable only by a Papal decoration he had been wearing, was found the following Monday in a wood near Pasing. (Source: Heiden, p. 454; Weissbuch, pp 126-7)

PROBABLE MOTIVE. As a leading member of the Katholischen Aktion, and as the founder and director of the Munich Studentenhaus, which had given aid to many poor students, including Jews, Beck was particularly obnoxious to the Nazi authorities.

THE PROBLEM OF PROOF. The facts of Beck's death were announced by the Vatican, which might be able to provide leads for the collection of evidence.

3. ADALBERT PROBST, LEADER OF RHEINLAND CATHOLIC JUGENDBEWEGUNG

PROBABLE FACTS. On June 29 Probst was summoned from Düsseldorf to Berlin to take part in discussions with reference to the Concordat, and disappeared. When Pfarrer Wolker, head of the Catholic Jugend inquired at the Gestapo Headquarters in Berlin, he was informed that Probst had been arrested and shot in the interests of the state. Later his wife received official word that he had been "auf der Flucht erschossen." His ashes were returned to her by the police. (Source: Weissbuch, p. 127)

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PROBABLE MOTIVE. The Catholic youth movement, supposedly protected by the terms of the Concordat, had become a principal center of Catholic resistance to Nazi pressure, and Probst had become known as one of its most vigorous leaders.

THE PROBLEM OF PROOF. No special leads available.

II. THE DEATH OF LEADERS ASSOCIATED WITH VON PAPEN. As associates of a member of the Hitler cabinet, these people were more seriously compromised than the preceding group with the guilt of the Nazi regime. The suspicion that they may actually have been engaged in treasonable intrigues is also somewhat greater. The Nazi government never saw fit, however, to accuse von Papen himself of any improper behavior during this period and there is every indication that his associates were actually murdered because of their attempt, in connection with the Marburg speech, to mobilize conservative and Catholic opposition to the excesses of the Nazi regime. Their death may therefore be properly considered as a crime. The principal cases to be investigated in this connection are the following.

1. OBERREGIERUNGSRAT VON BOSE, <sup>II</sup>BÜROCHEF DES VIZEKANZLERS

PROBABLE FACTS. While von Bose was interviewing two unnamed industrialists at his office in the Vizekanzlei, Ecke Wilhelmplatz-Vossstrasse, three SS men pushed in unannounced and called him into the next room, where they shot him dead. (Source: Heiden, p. 453)

PROBABLE MOTIVES. As one of Papen's most trusted assistants and advisers, he had much to do with persuading him to give the Marburg speech (Jean François, p. 103). His death was a necessary part of the Nazi plan to isolate von Papen.

THE PROBLEM OF PROOF. Since von Bose's death, like that of Dr. Klausener, took place in a public building during office hours, the chance of finding witnesses among surviving employees of the Vizekanzlei would seem particularly good. If the industrialist being interviewed at the time could be identified, this also might provide a useful lead. Von Papen might also be useful.

2. DR. EDGAR JUNG

PROBABLE FACTS. On the night of June 27, before the purge itself had begun, Jung was seized at his home, leaving

behind him the word "Gestapo" written in pencil on the wall of his bathroom. During the succeeding days he is supposed to have been questioned regarding the supposed plot. His disappearance was reported to von Papen by Jung's housekeeper. The precise circumstances of his death are not known. (Source: Jean Francois, p. 126)

PROBABLE MOTIVES. Jung was the reputed author of the Marburg speech, and one of Papen's principal advisers in the affair. His death was a necessary part of the Nazi plan to isolate and neutralize von Papen.

THE PROBLEM OF PROOF. No special leads available, unless through von Papen.

III. THE DEATH OF MISCELLANEOUS ENEMIES OF THE REGIME. Although many of these people were compromised by previous association with the Nazi regime, and were in some cases minor members of the Party itself, the fact that they were killed as an obvious act of Party or private revenge, rather than as incidents in the liquidation of the SA, may make these cases interesting as a basis for criminal prosecution. The principal cases to be investigated in this connection are the following:

I. GENERAL VON SCHLEICHER, FORMER CHANCELLOR OF THE REICH

PROBABLE FACTS. At 9 A.M., 30 June 1934, a carriage from Berlin stopped at the Schleicher villa at New-Babelsberg, near Potsdam. Six plainclothes members of the Prussian state police pushed their way into the dining room, where the General, his wife and his wife's 14 year old daughter were breakfasting. They asked, "Are you General von Schleicher?" When he said yes, all six simultaneously fired, killing him instantly. His wife, who sprang to his defense, was also killed. The men then left, after threatening the daughter not to reveal what had happened. (Source: Jean Francois, p. 174; Strasser, pp. 119-20)

PROBABLE MOTIVE. As Hitler's predecessor in the Chancellorship, Schleicher had long resisted Nazi aspirations, and was still feared as an able intriguer with useful connections. It is also said that, in the days of his Chancellorship, he had aroused the personal enmity of Göring by informing him to his face that Göring would never be considered fit for a ministerial post. (See Strasser, pp 118-9) Although the official story at the time of the purge was that he was involved in a plot both with Nazi dissidents and with foreign powers (Hitler's Reichstag speech of July 13), this position seems later to have been

abandoned. In subsequent attacks on Schleicher published in the Volkische Beobachter he was denounced for his efforts to keep Hitler out of power in January 1933, but no reference was made to his role in 1934. At a meeting of high Reichswehr and party leaders, held at the Linden-Oper, Berlin, 3 January 1935, it is said that Schleicher and Bredow, as a result of Reichswehr pressure led by von Frisch and supported by von Blomberg, were officially though not publicly vindicated (London Star, 5 January 1935, as quoted in the New York Times). It is also said that on February 28 of that year, at a meeting in honor of the anniversary of the birth of von Schlieffen, Field Marshal August von Mackensen, on authority of the Defense Minister von Blomberg, read a list of Reichswehr deaths during the year, including Schleicher and Bredow, and announced that these last "died in honor" as victims of "accidents in the course of the National Socialist Revolution" (New York Times, March 10, 1935).

THE PROBLEM OF PROOF. Surviving servants and other members of Schleicher's household might be able to testify as to the circumstances of his death. Since the case aroused so much indignant attention in Reichswehr circles, inquiry in that direction might also be profitable.

## 2. GENERAL VON BREDOW

PROBABLE FACTS. At 5 P.M., June 30, von Bredow, then in the tea room of the Adlon Hotel, was informed of Schleicher's death and advised to flee. After leaving the Adlon he was never seen alive again. Responsibility for his death was officially admitted in Hitler's Reichstag speech and elsewhere. He was probably shot on July 2. (Source: Jean Francois, pp. 179-80)

PROBABLE MOTIVE. Bredow was known as Schleicher's right hand man. See above.

THE PROBLEM OF PROOF. No special leads.

## 3. GREGOR STRASSER.

PROBABLE FACTS. At 1:30 P.M., June 30, five plain-clothes members of the Gestapo entered Strasser's private dwelling, where he was eating dinner with his family, and took him to his office at the Werke Schering-Kahlbaum, ostensibly for a search of the premises. At the door of his office he was handed over to a waiting SS squad, which



drove him to the Grunewald and there beat him to death. On July 7 his family received an urn bearing his ashes, signed by the Geheime Staatspolizei, Berlin. (Source: Strasser, 34-46)

PROBABLE MOTIVE. Strasser had once been the second most influential man in the National Socialist Party. Because of his negotiations to enter the Schleicher party in December 1932, he had recently occupied no party or public office, although apparently remaining a member of the Party itself. He was feared by the Nazi leaders, particularly Gßring, as an able and potentially dangerous rival, with useful conservative and other connections.

THE PROBLEM OF PROOF. His brother Otto Strasser has devoted much energy to solving the problem of his death. He might be able to supply useful leads.

4. GUSTAV VON KAHR, FORMER MINISTERPRÄSIDENT OF BAVARIA

PROBABLE FACTS. At the time of the purge, Kahr was dragged from his bed and killed on a moor near Dachau. (Source: Strasser, p. 134)

PROBABLE MOTIVE. At the time of his death, Kahr was 73 years old, and long had been politically inactive. His death was clearly an act of revenge for his part, as Ministerpräsident of Bavaria, in thwarting the Beer Hall Putsch of 1923.

THE PROBLEM OF PROOF. No special leads.

5. DR. VOSS, FÜHRER DER NSJURISTEN

PROBABLE FACTS. On June 30, a squad of Gßring's Police appeared at Dr. Voss's law office and demanded that he turn over the papers which he, as Gregor Strasser's attorney, had in his possession. Upon refusal he was shot down and the documents taken. (Source: Strasser, p. 41)

PROBABLE MOTIVE. Desire to prevent the publication of facts damaging to the regime.

THE PROBLEM OF PROOF. No special leads.

6. DR. ALEXANDER GLASER, RECHTSANWALT

PROBABLE FACTS. On the evening of June 30, Dr. Glaser was shot by three SS men at the door of his home in Amalienstrasse, Munich. Severely wounded, he died at the Schwabinger Krankenhaus, and was buried by his family. Some time later an urn purporting to contain his ashes was delivered by the police. (Source: Heiden, p. 459)

PROBABLE MOTIVE. Dr. Glaser had represented Josef Huber of Diessen am Ammersee in a copyright suit against Amann. Glaser had earlier been tried, but freed on the intervention of Frick. His death would therefore seem to be a case of party revenge. It is also said that in 1933 he served, as Syndikus of the München-Augsburger Maschinenfabrik, as the go-between through whom money went from heavy industrial interests to Hitler (Weissbuch, p. 124). A desire to prevent the publication of damaging information may thus also have had a part in the affair.

THE PROBLEM OF PROOF. The circumstances of Dr. Glaser's death were relatively public, and therefore might be comparatively easy to establish.

7. WALTER FÖRSTER, RECHTSANWALT IN HIRSCHBERG

PROBABLE FACTS. On June 30, together with a number of other Jewish citizens, Förster was taken by automobile some four kilometers from Hirschberg, and there shot "while attempting to escape." (Strasser, pp. 126-8)

PROBABLE MOTIVE. Apparently an instance of otherwise unmotivated action taken against Jews under cover of the purge.

THE PROBLEM OF PROOF. The facts of Förster's death, ostensibly as related by an eye-witness, were fully set forth in Nr. 21 (September 30) issue of Deutschen Revolution, cited in Strasser. Through Strasser it might be possible to trace that witness.