

A. SECTION OF INDICTMENTAPPENDIX A

PAPEN:

The defendant PAPEN between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Chancellor, Vice Chancellor under Hitler, special Plenipotentiary for the Saar, negotiator of the Concordat with the Vatican, Ambassador in Vienna and Ambassador in Turkey. The defendant PAPEN used the foregoing positions, his personal influence and his close connection with the Führer in such manner that: he promoted the accession to power of the Nazi conspirators and participated in the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count one of the Indictment; and he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in violation of International Treaties, Agreements and assurances set forth in Counts One and Two of the Indictment.

B. LEGAL REFERENCES

(to be supplied)

C. STATEMENT OF EVIDENCE

I. POSITIONS HELD

A. Member of NSDAP ?

B. Member of Reichstag, 1933-1945.

\_\_\_\_\_-PS, Der Deutsche Reichstag,  
1936, p. 254

C. Reich Chancellor, 1 June 1933 to 2 Dec 1933.

Ibid.

D. Vice Chancellor, 30 Jan 1933 to Aug 1934. (?)

(Appointed by Hitler to cabinet which included,  
among others, the following co-conspirators and  
defendants: von Neurath, Frick and Goering.)

\_\_\_\_\_-PS, Voelkischer Beobachter  
(Berlin) 31 ed; 46 vol;  
dated 31 Jan 1933.

E. Special Plenipotentiary for the Saar (13 Nov 1933  
to 26 July 1934)

\_\_\_\_\_-PS, Der Ist's (Better  
evidence?)

F. Negotiator of Concordat with Vatican (con-  
cluded 20 July 1933)

\_\_\_\_\_-PS, Dokumente I, 350

G. Ambassador to Vienna (26 July 1934 ? - 4 March  
1938)

\_\_\_\_\_-PS, Dokumente II, p. 63

H. Ambassador to Turkey (29 Apr 1938 - August 1944)

Interrogation, Papen, 3 Sept 1945.

II. AS EX-REICH CHANCELLOR AND PROMINENT POLITICAL

LEADER, VON PAPAN USED HIS PERSONAL INFLUENCE TO  
PROMOTE THE CESSION OF NAZI LEADERSHIP TO POWER.  
(Count One).

A. When von Papen began these efforts he was well  
aware of the Nazi program and Nazi methods.

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1. The official NSDAP platform and program was open and notorious. Prior to 1933 it had been repeatedly published.

1708-PS, NSDAP Jahrbuch (1944)

3. Hitler and other leaders of the Party repeatedly reiterated these views before 1933. Hitler himself subsequently pointed out that it was "futile nonsense" to pretend otherwise.

      -PS, Hitler, Munich, 15  
March 1929, Voelkischer  
Beobachter, 17 Mar 1929.  
2405-PS, Hitler's Reden, p. 50  
2541-PS, Der Grossdeutsche  
Freiheitskampf.

3. Speaking in reference to their foreign program, these leaders repeatedly made clear their willingness to use force if necessary to achieve their purposes, and they glorified war.

2512-PS, Frankfurter Zeitung,  
26 Sept 1930.  
2540-PS, Adolf Hitler, National-  
sozialistische Monatshefte  
No. 3, 1930, p. 101  
      -PS, Adolf Hitler, Mein Kampf  
(excerpts)

4. As early as 4 Nov 1932, in a radio speech to the German public, von Papen plainly showed his awareness of Nazi irresponsibility. Criticizing Nazi political methods, he characterized them as constituting a crime against the nation, and he accused the Nazis of wanting complete and permanent power in Germany.

      -PS, Deutsche Reichsgeschichte  
in Dokumenten IV, p. 523  
(Rundfunkrede des  
Reichkanzlers von Papen)

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B. Von Papen nevertheless proceeded, with great force, to conduct negotiations which resulted in placing Hitler and the Nazi regime in power.

1. On 13 Nov 1932 - less than 10 days after his critical radio speech - von Papen invited Hitler to come to Berlin to discuss the formation of a new government. (Hitler refused).

\_\_\_\_\_-P1, Hans Volz. "Daten der Geschichte der NSDAP."  
(Evidence not too satisfactory. Drop point if better evidence not found?)

2. In January 1933, von Papen asked Kurt von Schroeder to arrange a meeting with Hitler at Schroeder's house. This was done.

\_\_\_\_\_Interrogation Keppler, 1 and 2  
Oct 1945.

3. At this meeting, von Papen and Hitler reached an understanding with each other, and with the financial and industrial leaders represented by Schroeder. It was at this meeting that the burning of the Reichstag was first suggested -- by Papen -- as an excuse for suppression of the Communist Party.

\_\_\_\_\_-P3, Affidavit of Cecillie Muller.

4. Von Papen then succeeded in convincing President Hindenburg to allow Hitler to form a new government -- despite Hindenburg's fears that this appointment would lead to domestic oppressions and risk of war.

\_\_\_\_\_-P3, Affidavit of Otto Meisener.

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5. Von Papen subsequently admitted the role he played in Hitler's rise to power, in the occasion of Hitler's expressing his thanks to Papen for this aid.

Interrogation Schuschnigg, p. 139

**III. AS VICE-CHANCELLOR, PAPEN PARTICIPATED IN THE CONSOLIDATION OF NAZI CONTROL OVER GERMANY. (Count One).**

- A. In the first critical year and a half of Nazi consolidation of control within Germany, von Papen, as Vice-Chancellor, was second only to Hitler in the cabinet which established the legal basis for furtherance of the Nazi program. As such he is responsible for furtherance of the conspiracy by the cabinet during this period.

(Cross-reference: to briefs on conspiracy (internal control) and on cabinet.)

- B. During this period, von Papen personally participated in effecting some of the basic legal measures on which furtherance of the Nazi conspiracy was founded,

1. By signing the amnesty decree of 21 March 1933, liberating all persons who had committed murder between 30 January and 21 March 1933 against anti-Nazi politicians, writers, and Reichstag deputies.

2039-PR, Decree concerning the granting of Immunity from Punishment, 21 March 1933.

2. By signing the decree of 21 March 1933 intro-



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ducing the "Sondergerichte" and abolishing the rules of evidence and the right of appeal.

2076-PS, Decree for the creating of special courts, 21 March 1933.

3. By signing the decree consolidating the offices of Reich President and Reich Chancellor.

2003-PS, Decree concerning the head of the German Reich, 1 August 1934.

IV. WHILE VICE-CHANCELLOR, PAPER PARTICIPATED IN THE PROMOTION OF CERTAIN PREPARATIONS FOR WAR.

- A. In his capacity as Reich Commissioner for the Saar Territory, between 14 Nov 1933 and 26 July 1944, Papen aided in the consolidation of Germany's Western frontier and the increasing of Germany's war potential.

(Proof ???)

- B. As negotiator of the Vatican Concordat, 20 July 1933, Papen effected the neutrality of the Vatican in preparation for the international political crisis his government was about to precipitate.
  1. He has admitted that the Vatican negotiations were intended as a buffer to his government's program:

"A Concordat of the Reich with the Vatican had been my first attempt to prevent religious difficulties arising from Nazism's revolutionary doctrine."

-PS, von Papen, "Austria"

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2. He has admitted that the Concordat was sabotaged. -- The facts suggest that the negotiations were never undertaken in good faith: Within less than a week of the signing of the Concordat, the Vatican complained about a false interpretation of the text, made by the Nazi government in its own favor, and there immediately followed a series of flagrant breeches of the Concordat.

-PS, von Papen, Austria

-PS, Osservaton Romano,  
26 July 1933.

(Cross-reference: to religious persecution brief.)

- C. Papen was a member of the cabinet which, as early as 1933, had created a Reich Defense Council in anticipation of the War.

2261-PS, Letter 24 June 1935,  
Blomberg to commanders,  
enclosing a copy of  
law and Reich cabinet  
decision.

- V. AS AMBASSADOR TO VIENNA, VON PAPEN USED HIS POSITION DELIBERATELY TO WEAKEN THE AUSTRIAN GOVERNMENT AND PARTICIPATED IN PREPARING THE WAY FOR MILITARY AGGRESSION AGAINST AUSTRIA. (Counts One and Two)

- A. Von Papen assumed office as Ambassador to Vienna with the intent to effect an Anschluss under cover of elaborate protestations of non-intervention in Austrian internal affairs.

1. At the time of his appointment, the murder of Dollfuss had created a serious distrust



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of Germany among the Austrians and the world at large.

-PS: Papen monograph,  
"Austria", pp. 10-12,  
22.

2. In an effort to offset this general distrust, von Papen and Hitler agreed upon the terms of a public letter of appointment which frankly acknowledged the delicacy of the situation, and which explicitly purported to preclude German intervention in Austrian politics. Papen was to report direct to Hitler.

-PS: Letter Hitler to Papen,  
26 July 1934 (Dokumente  
II, p. 83).

-PS: Papen monograph,  
"Austria", pp. 12-13.

3. This published document was clarified by instructions to the effect that "during the next two years nothing can be undertaken which will give Germany external political difficulties." The "appearance" of German interference in Austrian affairs must be avoided.

-PS: Messersmith affidavit,  
p. 22.

4. The actual mission of Papen, however, was baldly admitted by him in a private conversation with the American emissary, Mr. Messersmith, on the occasion of the latter's return call on Papen in the German Embassy. This policy was to secure control of Austria, as a step to securing German hegemony over all of southeastern Europe. He baldly stated his purpose to undermine and weaken the

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the Austrian government.

1760-PS: Messersmith affidavit,  
pp. 23-24.

B. Papen proceeded forthwith in the execution of his mission -- the undermining of the Austrian government.

1. He cultivated all respectable elements sympathetic to notions of Pan-Germanism, and endeavored to ingratiate himself -- and Germany -- in legitimate influential circles.

1760-PS, Messersmith affidavit,  
pp. 26-27.  
-PS, Papen monograph,  
"Austria", pp. 17, 24-27,  
32.

2. But he supplemented these normal ambassadorial relationships by careful nurturing of Austrian subversive elements.

- a. Following the Dollfuss assassination, the Austrian Nazis continued illegal organization in anticipation of the possibility of securing their objectives by force if necessary. In these efforts they were aided from within Germany, by permitting illegal Austrian Nazis to meet and perfect their plots within Germany, by harboring the Austrian Legion, by making funds available to National Socialists in Austria, and by establishing contact with them through the Reich Propaganda Ministry.

1760-PS, Messersmith affidavit,  
p. 22, 26  
812-PS, Report of Gauleiter  
Rainer to Reichskommissar  
Buerckel, 6 July 1939.

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- b. Von Papen was fully aware of the existence of these groups and of their potentialities in effecting an Anschluss. In reviewing their activities to Hitler, he pointed out the importance of National Socialist activity in bringing the two countries together. He has since admitted that the presence of the Austrian Legion in Germany in itself produced incidents, and that, in fact, the Austrian Nazi movement was dependent on German support.

2248-PS, Report of von Papen to Hitler, 27 July 1935.  
Interrogation Paper, 13 Oct 1945, pp. 18, 83.

- c. Von Papen in fact was in contact with subversive and potentially subversive elements, and went so far as to recommend continued German subsidy of the "Freiheitsbund".

2247-PS, Report of von Papen to Hitler, 17 May 1935.  
-PS, Papen monograph, "Austria", p. 17  
-PS, Report of von Papen to Hitler, 12 May 1936 (Br. PID Doc 91).

C. Despite this appreciation of the value of a fifth column in Austria, von Papen continued the facade of assuring non-intervention in internal Austrian affairs.

1. At Papen's suggestion that such reassurances were diplomatically expedient, Hitler made his famous Reichstag statement that "Germany neither intends nor wishes to interfere in the internal affairs of Austria, to annex Austria or to conclude an Anschluss."

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2247-PS, Letter, Papen to Hitler,  
17 May 1935.

T.C.-26, Hitler Reichstag speech,  
21 May 1935.

2. This line was subsequently continued by  
Berlin.

2367-PS, Voelkischer Beobachter,  
S Ed, 3 (?) May 1936,  
p. 2 (Hitler declaration  
of non-intervention.

L-150, Memorandum of conversation  
between Ambassador Bullitt  
and Foreign Minister von  
Neurath, 18 May 1936.

- D. The foundations of Germany's fifth column in  
Austria were further strengthened by Papen's  
negotiation of the German-Austrian agreement of  
11 July 1936.

1. The German government had enacted a series  
of decrees which put increasing economic  
pressure on Austria during the period 1933-  
1936.

Interrogation Schuschnigg, 21  
Sept 1945, pp. 4, 8, 9, 14.

2. As the result of this pressure, the Austrian  
government sought to reach an understanding  
with Germany. The result was the agreement  
of 11 July 1936, which included political  
provisions improving the Nazi position in  
Austria despite further German guarantees  
of non-intervention in Austrian internal  
affairs.

T.C.-22, Agreement of 11 July 1936  
between Germany and Austria.

1760-PS, Messersmith affidavit,  
p.29.

Interrogation Schuschnigg, 21 Sept  
1945, pp. 49-55.

*mentioned a number in*  
E. The agreement merely "legitimizing" of the German fifth column in Austria, leading to Anschluss and destruction of Austrian independence.

1. The activities of the illegal Nazis continued, under German sponsorship, and their hand was strengthened to the point of openly asking for official recognition.

812-PS, Report of Gauleiter Rainer to Reichskommissar Buerckel, 6 July 1939.

1760-PS, Messersmith affidavit, pp. 32-44.

2. Papen himself worked with the government and the illegal party with a view to giving the Nazi movement an official place in the Austrian government.

2246-PS, Report of von Papen to Hitler, 1 Sept 1938.

1760-PS, Messersmith affidavit, p. 31.

-PS, Papen monograph, "Austria", p. 44.

812-PS, Report of Gauleiter Rainer to Buerckel, 6 July 1939.

3. At the Berchtesgaden meeting, the severest pressure was exerted to extort far-reaching concessions from Austria, including re-organization of the cabinet, appointment of Seyss-Inquart (nominated by Papen) as Minister of Security and the Interior, and a general amnesty to Nazis convicted of crimes.

-PS, German communique of 16 February 1938, concerning Berchtesgaden agreement (Dokumente VI, p. 125)

1554-PS, Papen memorandum, 26 Feb 1938, on farewell visit with Schuschnigg.

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1780-PS, Jodl diary.

-PS, Schuschnigg affidavit  
(being prepared)

Interrogation Papen, 13 Oct  
1945, pp. 29-45.

-PS, Papen monograph, "Austria",  
p. 44.

5. Thoroughly entrenched in the government, the Nazis were now able to seize upon Schuschnigg's plebiscite as an excuse to seize power, and to call for military intervention by Germany.

812-PS, Report of Gauleiter Rainer  
to Buerckel, 6 July 1939.

6. Thereafter it was only a matter of hours before Austria became a province of the Reich -- by a law signed by Papen's man, Seyss-Inquart.

-PS, Federal Constitutional  
Law of 13 March 1938, for  
the German Reich (Dokumente  
VI, p. 147, 1938 RGBl I,  
p. 237).