

1

RLI

Director, Federal Bureau of Investigation
Tom C. Clark, Assistant Attorney General,
Criminal Division
Eldred Elizabeth Gillars,
Treason.

June 4, 1945

WCC:SCE:lr
146-7-51-1708

It would appear that further information might now be obtained relative to the reported broadcasting activities by this subject for the German government. Complete evidence should be developed relative to any acts by the subject of a treasonable nature and particular attention should also be given to facts indicating the retention or loss of her American citizenship.

It is requested that you ascertain, if possible, the nature of the subject's broadcasts and in this regard it is suggested that inquiry should again be made of the Federal Communications Commission to ascertain whether any of her broadcasts have been monitored by it. It is noted that your memorandum of December 23, 1943, indicates that the Federal Communications Commission received no broadcasts by this subject prior to September 27, 1943.

Handwritten initials

An effort should be made to locate the subject and interview her relative to her activities of a treasonable nature. It does not appear advisable, however, that she be taken into custody at this time.

It is desired that information relative to this subject be developed as soon as possible.

~~SECRET~~

cc: Records
Mr. Elliff
Mr. Ely
Miss Healy

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

FROM : Donald Anderson

SUBJECT: Treason Cases.

DATE: March 25, 1946

TLC:DA:AK
 146-7-51-1708
~~146-28-237-1~~

file
aa

On the afternoon of March 21, 1946, Mr. Nathan Elliff and the writer unsuccessfully endeavored to contact Colonel Timothy McInerney relative to a message received from the War Department dated 16 March 1946 from Mr. Clyde Gooch. This message, a copy of which is hereto attached, pertains to our obtaining fifteen German technicians for witnesses in treason cases.

At 9:50 A.M. on Friday, March 22, 1946, Colonel McInerney was contacted relative to the above mentioned matter and he advised Mr. Elliff and the writer that he had just returned from Europe and had discussed this matter with the Department attorneys now in Europe investigating the treason cases. He stated that the fifteen German radio technicians were working in the Berlin radio station under the control and supervision of the Russians who have possession of the radio station although it is located in the British zone of occupation. He stated that he would arrange to contact the Russian Ambassador in Washington and endeavor to secure his consent and cooperation in bringing these technicians to Washington as witnesses.

He also stated that in his opinion we should not have the treason subjects in Europe examined by Army psychiatrists for several reasons, one being that it is very difficult due to the demobilization program to have such an examination made.

Colonel McInerney advised that he would reply to the above mentioned message and the original was left with him after a copy of it had been made.

146-7-51-1708

U. S. DEPARTMENT OF JUSTICE
MAR 26 1946
DIVISION OF RECORDS

L. M. D.

1

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files
FROM : Donald Anderson
SUBJECT: Mildred Elizabeth Gillars
Treason

DATE: June 10, 1946

TLC:DA:DTJ
146-7-51-1708

file
DA
S. L. B.

Mr. Clyde Gooch's letter addressed to the Attorney General dated March 21, 1946, contains the following information pertaining to the above-entitled subject.

We have now interviewed over 30 persons who were employed as technicians or broadcasters for the Berlin Shortwave Radio during the war and we have been able to verify the extent of the activities of the subjects in which we are interested. You will recall that at the time Federal Bureau of Investigation agents left the European Theater investigation was pending against a number of American citizens in Germany, particularly broadcasters, against whom very little information had been developed. We believe that we now have sufficient facts upon which to base a determination as to whether further investigation is warranted. I am, therefore, summarizing below the various cases and our recommendation as to each.

Gillars is presently in the custody of the CIC in Berlin and a statement of her activities is being obtained from her.

Ten technicians presently employed at the Rundfunk Haus recall having seen Gillars make transcriptions and remember that one or more persons in the same group were present during these times. They are not able to recall any specific dates except that they are certain they were after our entry into the war.

The File

July 16, 1946

Samuel C. Sly

SCS:DTJ

146-237-1

Treason Cases in Europe

Handwritten initials

Mr. Theron L. Caudle, Mr. James M. McInerney, Mr. Nathan Cliff, Mr. Clyde Booth, Mr. Donald Anderson and the writer conferred with the Attorney General this afternoon relative to the possible prosecution for treason of Robert H. Best, Douglas Chandler, Herbert John Burgman, Donald Satterlee Day and Mildred Elizabeth Hillars, American citizens who broadcast propaganda from Berlin during the war.

It was decided that the cases against all of these persons would be prepared but that steps would be taken only in the cases of Best and Chandler for their return to the United States for trial as soon as possible. It was also decided that a request would be made to the military authorities for a psychiatric examination of Best and Chandler before their return to the United States. Determinations as to the prosecution of the other three subjects were postponed to a later date.

cc: Records
Chron.
Mr. Sly

Handwritten: 146-237-1702
Jill
1946

Director, Federal Bureau of Investigation

August 2, 1946

Theron L. Caudle, Assistant Attorney General
Criminal Division

TLC:BHO:EJR

Mildred Elizabeth Gillers
Treason

146-7-51-1708

*File
146-7-51-1708*

It is requested that you make duplicates of the records listed on the attached sheet.

These recordings are to be used in connection with the preparation of the trial of the above-named subject. It is desired that not only the records but also the envelopes and the identification sheets be returned to us.

Enc. 132511

~~HOLIDE~~

cc Records
Chrono
Olsen

Director, Federal Bureau of Investigation

August 15, 1945

Theron L. Caudle, Assistant Attorney
General, Criminal Division

TLC:EMO:aa

Robert Henry East, File No. 146-28-248

John Herbert Burgmann, File No. 146-28-1915

Douglas Chandler, File No. 146-28-232

Mildred Elizabeth Gillars, File No. 146-7-51-1708 ✓

TRASSER

~~CONFIDENTIAL~~

In compliance with a telephonic conversation between Mr. Mumford of the Bureau and Mr. Elliff of the Criminal Division, the records listed below are being forwarded to you for the purpose of having duplicates made.

These recordings are to be used in connection with the preparation of the trials of the above-named subjects. It is desired that not only the records but also the envelopes and the identification sheets be returned to us.

	<u>Date</u>	<u>Title</u>	
1. East	Sept. 8, 1942	S.S.B. Program - K5548 -	Record No. 1 Record No. 2 Record No. 3 Record No. 4
(Identification Sheet and envelope)			
2. Burgmann	August 29, 1942	F. A. Sendung - K5508 -	Record No. 1 Record No. 2 Record No. 3 Record No. 4 Record No. 5 Record No. 6 Record No. 7 Record No. 8 Record No. 9
(Identification Sheet and 2 envelopes)			
3. Chandler	October 31, 1942	Paul Revere - K5978 -	Record No. 1 and 3 Record No. 2 and 4 Record No. 5
(No identification sheet, but an envelope)			
4. Gillars	July 19, 1943	English Talk - K5914 -	Record No. 1 Record No. 2 Record No. 3 Record No. 4 Record No. 5 Record No. 6 Record No. 7

(Neither identification sheet nor envelope)

Records Chrono. Olsen

6

TLC:SGS:DTJ

146-7-51-1708

October 10, 1946

R.J.R.

Mr. William W. Corbitt
City Editor
The News-Herald
Cameaut, Ohio

Dear Mr. Corbitt:

LOLLIE

Re: Mildred Elizabeth Gillars

Your letter of September 23, 1946, addressed to J. Howard McGrath, Solicitor General, requesting information concerning the above-named subject, has been referred to me for reply.

In view of the fact that the case against Miss Gillars is still under investigation and as no decision has yet been made relative to her prosecution, it is not possible for me to give you all of the information for which you asked. I can advise you, however, that so far as is known by this Department, Miss Gillars is presently in the custody of our military authorities in Germany.

In the event it is determined to proceed against her for violation of the Treason statute, she will be returned to the United States for prosecution. The trial would occur in the Federal judicial district to which she is first brought. You will recall in this respect that Ezra Pound, who was indicted for treason because of his broadcasting activities in Italy, was returned to the District of Columbia for trial.

So far as is known, Miss Gillars has not made any statements concerning her relatives in the United States or her former places of residence here.

Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General

cc: Records
Chron.
Mr. Ely

7

The Conneaut News-Herald

DAILY EXCEPT SUNDAY

182-184 Broad Street

Conneaut, Ohio

COMMERCIAL PRINTING



MEMBER
OHIO SELECT LIST
UNITED PRESS
BUREAU OF ADVERTISING

Sept. 23, 1946

J. Howard McGrath
Solicitor-General
Department of Justice
Washington, D. C.

Dear Sir:

There is in custody of the Department of Justice in Germany one Mildred E. Gillars (better known as "Axis Sally").

The first announcement concerning her apprehension and detention in that country came late last March, at which time there was considerable conjecture over the possibility of her being charged with treason or an allied crime. But--up until last week--there was never a single other announcement forthcoming from any source, including the Department of Justice, concerning her whereabouts or fate.

The announcement last week revealed that she still was being detained in Germany, that she had been adjudged sane and able to stand trial should the U. S. seek her indictment on one charge or another.

Miss Gillars is a former well-known resident of Conneaut. Her father was a "quack" dentist here and, when he left, the mother took over the practice. She was graduated from Conneaut High School and her sister (or half-sister) resides here today.

For these reasons we on The News-Herald are most anxious to ascertain what might be her future. Many, many people here who knew her during her residence here have been inquiring as to her "fate." Her sister, for one, has expressed the feeling that Mildred is "innocent" of any charge. This is as any sister (or any mother) would feel.

However, I am writing--after patiently waiting these past six months--to ask several questions. If it may be

The Conneaut News-Herald

DAILY EXCEPT SUNDAY

182-184 Broad Street

Conneaut, Ohio

COMMERCIAL PRINTING



MEMBER
OHIO SELECT LIST
UNITED PRESS
BUREAU OF ADVERTISING

-2-

within your jurisdiction to answer, we would appreciate any light you can shed on this particular case. Every single resident of this community is vitally interested. Many people knew Mildred or her parents; others at least know her sister.

The questions: (1) Has she been held in confinement since her apprehension?

(2) Has she been charged with any crime, major or minor?

(3) If not, why is she being held?

(4) If charged, will she be returned to the United States for prosecution?

(5) If so, where would the trial occur?

(6) Has she ever admitted any relationships in the United States outside of her alleged former home in Portland, Me.?

(7) If so, has she ever referred to her former home in Conneaut?

(8) Or to her mother residing in Toronto, Canada?

(9) What crime could she be charged with, should the Department decide not to press treason charges?

If, at this time, you are unable to answer any or all of these questions, could you possibly tell us when that time might come?

It is not that anyone here feels Miss Gillars is being held unjustly nor that she is not guilty of any act against the United States, but just that, fundamentally, persons are not held for so long a time in custody before going to trial or at least being arraigned. No doubt the investigation has been continuing these many months--and perhaps will continue for many more. You may know the answer better than anyone, so that is why we have turned to you to help us out.

Very truly yours,

WILLIAM W. CORBITT
City Editor
The News-Herald
Conneaut, Ohio

The Attorney General

December 6, 1946

Theron L. Caudle, Assistant Attorney General,
Criminal Division
Robert Henry Best, Herbert J. Burgmann,
Douglas Chandler, Donald Day and
Mildred Gillars
Treason

TLC:SCE:lr

146-28-237-1

146-28-248

146-28-232

146-7-51-1708

146-28-1328

146-28-1915

The Secretary of War, by letter dated December 2, 1946, has requested that the War Department be advised as to the disposition of the above-named subjects, who are presently being held in the custody of the United States Army in Germany. **HOLLIE**

RR

The War Department has been notified that we desire that Best and Chandler be brought to the United States and that they arrive here on or before December 13, 1946. The War Department has also been notified that the detention of Burgmann is no longer desired in view of the finding by United States Army psychiatrists that he is mentally incompetent to stand trial. It was requested further, in his case, that the Army keep in sufficient contact with him so that he can be returned to the United States to stand trial at a later date in the event his mental condition sufficiently improves.

At a conference in your office on July 17, 1946, the cases of the above individuals were discussed and it was decided at that time that immediate steps should be taken toward the prosecution of Best and Chandler for treason, but that decision in the other cases should be deferred. It is expected that new indictments for treason will be returned against Best and Chandler in about ten days.

Donald Day was a broadcaster for the Germans during the last eight or nine months of the war and his commentaries consisted primarily of extremely anti-Russian statements. He made broadcasts both to the United States and to American combat troops. Mildred Gillars' activity consisted for the most part of participating in radio plays and also reading prisoner of war messages, and announcing

CC: Records
Chrono.
Mr. Ely
Miss Healy

R.I.R.

146-7-51-1708
Hollie
SCE

8

musical programs, which programs would be interspersed with comments by her intended to weaken the morale of our fighting forces and to depict the horrors of war to her listeners in the United States. Both of these persons have been adjudged sane by United States Army psychiatrists.

It is my opinion that it would be inexpedient to make a decision as to the prosecution of Day and Gillars at this time. In view of the expense involved in the preparation of these cases for trial and the uncertainty of the difficulties which may be encountered, since they are a new type of treason, I believe that a decision as to the prosecution of Day and Gillars should be deferred until after the trials of Best and Chandler are completed.

It is my recommendation, in view of my belief that a decision should be deferred, that the War Department be notified to release Day and Gillars from custody but to require them to report at least twice each month in order that their whereabouts can at all times be known and that they may be taken into custody at any time in the future if this Department so desires.

There is attached a suggested letter to the Secretary of War along these lines.

Attachment

DIVISION OF
PRESS INTELLIGENCE
GOVERNMENT
INFORMATION SERVICE
BUREAU OF THE BUDGET
Tempo V Bldg.

SYM. *J V*

News
Washington, D. C.

144

DATE
MAR 21 1946

Saucy Axis Sally Confesses She's Up a Blind Alley

By United Press

BERLIN, March 21 — The original "Axis Sally" of radio propaganda notoriety peered toward the end of the road today in the spirit of brassy bravado with which she belabored the air waves for the Nazis during the war. Prematurely gray-haired Mildred E. Gillars was asked whether she knew the charge on which she was held.

"I don't know for sure," she said, "but I understand it is high treason. I have always liked to travel, seeking new adventures, and I think death might be the most exciting adventure of all."

Justice Department officials yesterday announced the arrest of Miss Gillars, 36, a native of Portland, Me., who came to Germany in 1934 on an American passport and stayed to dish out drooly propaganda to any United States soldiers who might be within reach of her radio voice.

She said she came to Germany to pursue her piano studies, accompanied by her mother. Now, she said, she doesn't know where her mother or any other members of her family are, "and I don't want to know."

Sally was found thru an artist friend who drew sketches of her and her furniture. Copies were circulated thruout the Kurfuerstendamm "Artists Colony". Finally a check of antique dealers uncovered the sale of a coffee table which fit the description of hers. From there on the trail was clear to the investiga-

DIVISION OF
PRESS INTELLIGENCE
GOVERNMENT
INFORMATION SERVICE
BUREAU OF THE BUDGET
Tempo V Bldg.

SYM. *J X*

Times
New York, N. Y.

100

DATE
MAR 22 1946

'AXIS SALLY' TO FACE TREASON TRIAL IN U. S.

BERLIN, March 21 (AP)—A 37-year-old American-born woman, under arrest as "Axis Sally," expressed ~~indifference~~ today when Department of Justice representatives informed her that she was to be taken to the United States and charged with treason.

Identified by American Military Government officials as Mildred E. Gillars, a native of Portland, Me., she told reporters that she assumed a treason conviction would mean death or life imprisonment and then added:

"But it doesn't matter. I have lost everything anyhow."

Fairly well dressed and with her silvery hair neatly coiffured, she did not show the effects of living from cellar to cellar in Berlin since last May, but she said she had "walked thousands of miles" in that time.

"My conscience is clear," she said, "and I don't have anything to hide."

She said she was "paid well" for her broadcasts to United States troops in North Africa and France, urging them to lay down their arms, but that her chief motive was to "stop the war."

"Everything I did was of my own free will," she asserted.

She said she came to Germany in 1934 to marry a German citizen, whom she declined to identify, but that he died.

"Had that not happened," she said, "I would have been a German citizen and expected to be loyal to Germany."

Since her arrest she has spent most of her time playing casino with one of the four military police guards assigned to her.

146-7-51-1708
file *da*

146-7-51-1708
U. S. DEPARTMENT OF JUSTICE
MAR 27 1946

M. D.

146-7-57-1708 file 8A

DIVISION OF
PRESS INTELLIGENCE
GOVERNMENT
INFORMATION SERVICE
BUREAU OF THE BUDGET
TERENCE V. Bldg.

SDA. JY

Press Herald
Portland, Me.
393

DATE MAR 21 1946

Axis Sally
Born Here,
Says FBI

Nov. 29, 1909
Was Birth Date

The Justice Department said Wednesday night it had received no official notification of the arrest in Berlin of Axis Sally, who, Department records indicate, is really Mildred Elizabeth Gillars, born in Portland, Nov. 29, 1909, according to the United Press.

The personality girl of Radio Berlin who used her sexy voice on U. S. troops during the war was reported captured by American counterintelligence agents. A check on local records here failed to disclose that the woman was born or had resided in Portland. Her father was said to be Dr. Robert B. Gillars, a native of Pottsville, Penna.

Best known to Americans at home as she was portrayed in the Ernie Pyle movie, "GI Joe," the throaty voiced broadcaster amazed intelligence officers by identifying U. S. Army units as she pleaded with American troops in honeyed tones to quit fighting and "go back to your wives and sweethearts."

Justice Department officials, said a UP dispatch from Berlin, reported Sally was captured last week-end and jailed immediately pending her return to the United States to face indictment for treasonable broadcasts. Since the war she had been living in obscure Berlin apartments under false names.

She was alleged to have admitted readily she was "the original Axis Sally" and described her career in detail.

A chronology of travels by the 36-year-old "personality girl" of the German radio shows that she was employed in New York as an actress in 1929. She went to France the same year — to study, she said. She told authorities she was a professional model.

Four years later she turned up in Algeiras where she reported that her father had died. She went with her mother to Germany in 1934, and apparently has been there ever since.

She taught English in the Berlitz School of Languages in Berlin in 1936 and 1938 was a secretary and teacher. At the time she said she was employed by a German film star.

'Axis Sally'
Is Captured;
Maine Native

Berlin, March 20 (NS)—United States authorities disclosed today that after months of diligent search they had captured the original "Axis Sally," whose persuasive voice over the Berlin radio so intrigued American troops during the war.

She was identified as Mildred E. Gillars, attractive 36-year-old native of Portland, Me., who went to Germany in 1934.

She will be returned to the United States, where she faces treason charges and a possible death sentence.

Her counterpart in Italy, Rita Louisa Zucca, daughter of a New York restaurant owner, was sentenced last September to four years and five months imprisonment.

Axis Sally finally was trapped because of her distinctive appearance, topped by jet-black hair. A young German girl gave American investigators their first break in the hunt when she told of seeing "Fraulein Gillars" riding the subway several times. She had been living in Berlin all the time under various names, buying food in the black market.

Miss Gillars, who readily admitted being the original Axis Sally, began broadcasting for the Germans in 1943. Nightly she asked American troops, "Why not go back to your wives and sweethearts?"

TLC:mcm

January 21, 1947

146-7-51-1708

File

The Honorable
The Under Secretary of War
War Department
Washington, D. C.

My dear General Royall:

This will confirm my conversation with you asking that Mildred Elizabeth Gillars, alias Axis Sally, be rearrested and returned to the custody of the Army, to be held by it until further instructions by the Department of Justice.

Respectfully yours,

THEODORE L. CAUDLE.

CC: Records ✓

Chron.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Caudle

FROM : N. T. Elliff *pa*

SUBJECT: Herbert John Burgman;
Donald S. Day;
Mildred Elizabeth Gillars;
Treason

TLC

DATE: January 22, 1947

NTE:SCE:DTJ

146-28-1915 *file pa*
146-28-1328
146-7-51-1708
146-28-237-1

see

The above-named American citizens broadcast over the German Shortwave Radio to the United States and to our troops during the recent war. Their activities, as well as the activities of a number of other Americans employed by the German radio, have been investigated. However, final decision as to their prosecution has been deferred because of the combined weight of a number of factors which enter into the making of such a decision. These factors are discussed below.

It was not until July 1943, when Treason indictments were returned against eight American citizens by a Federal grand jury in Washington, D. C., that the dissemination of enemy propaganda by radio from an enemy country to the United States was labelled as treasonable activity. Indeed it was not until the recent world conflict that such a method of psychological warfare was put into effect. Those indictments charged Ezra Pound with broadcasting enemy propaganda from Rome, Italy, and similarly charged Jane Anderson, Robert H. Best, Douglas Chandler, Edward Delaney, Constance Drexel, Frederick W. Kaltenbach and Max Oscar Otto Koischwitz with acting as propaganda broadcasters from Germany.

At the time these indictments were returned, it was realized that a considerable amount of further investigation would be necessary before any of these individuals could be brought to trial, which investigation would of necessity have to be postponed until after the cessation of hostilities, and, of course, it would not be until that time that an opportunity would be had to apprehend the persons indicted. It was realized further that subsequent investigation might reveal either that the giving of aid and comfort to the enemy or adhering to the enemy, essentials to a successful prosecution for treason, might be lacking or that two witnesses to overt acts of treason on the part of the defendants, as required by the Constitution, could not be located.

146-7-51-1708

DEPARTMENT OF JUSTICE
JAN 24 1947
DIVISION OF READING ROOM
CRIM.-INTERNAL SECURITY SEC.

When hostilities ceased, new facts came to light. Pound was apprehended in Italy and returned to the United States in October 1945 to face the charges against him and was subsequently found to be mentally incompetent to stand trial. He was remanded to St. Elizabeth's Hospital in the District of Columbia because of his mental condition.

SLB

RECORDED

11

Best and Chandler were taken into custody in Austria and Germany, respectively, and, after having been returned to the United States and re-indicted by a Federal grand jury in the District of Massachusetts on December 30, 1946, are now awaiting trial in Boston.

As for the other Americans against whom indictments were returned in 1943, it has been reliably reported that Kaltenbach and Koischwitz are dead; Anderson has never been located; Drexel returned to the United States, and Delaney is still living in Germany so far as is known. No further action has been taken against the two latter persons because investigation in Germany disclosed that the very few wartime broadcasts made by Miss Drexel pertained to musical events and social life in Germany and that Delaney discontinued his broadcasting activities upon the entry of the United States into the war, with the possible exception of one or two innocuous broadcasts made in January and February of 1942.

In addition to the persons mentioned above, there have been some thirty American citizens whose employment as broadcasters or in other capacities with the German Shortwave Radio has been investigated. In almost every instance it has been determined that the type of employment was not such as to warrant prosecution for treason, as, for example, the person was no more than a station announcer, a news translator or reader, or a dramatic actor or actress, and that both the intent to give and the actual giving of aid and comfort was lacking. The cases of Burgman, Day and Gillars, however, present much more of a problem.

Herbert John Burgman

Burgman, a former clerk in our Embassy in Berlin, wrote the script for a program broadcast daily throughout the war as "Station Debunk." He spoke the one principal part, which was extremely pro-German in substance. He criticized the United States and its Allies and questioned the necessity of our entry into the war and the possibility of an Allied victory.

Burgman was recently examined by United States Army psychiatrists in Germany and adjudged to be mentally incompetent to stand trial in the event he were charged with treason. Therefore, his release from custody was ordered. This does not mean that action will not be taken against him in the future should his mental condition improve sufficiently and should such procedure then be deemed warranted. Our Army authorities in Germany have been instructed that he should report periodically to them.

Donald S. Day

Day is a former reporter for the Chicago-Tribune who

remained in Finland during the greater part of the war. He went to Berlin in August 1944 and began broadcasting over the shortwave radio to the United States. His broadcasts consisted primarily of anti-Russian and anti-Communist statements, although he sometimes suggested that the United States should not have entered the war and that Germany's cause against Russia was just.

Day likewise has been conditionally released from custody pending further consideration of the facts of his case and the evidence against him.

Mildred Elizabeth Gillars

Miss Gillars began her activities with the German Shortwave Radio before the war. Her broadcasts were primarily of three types:

- a. As an actress in dramatic plays of an entertainment nature, although not entirely without propaganda value.
- b. As a broadcaster of prisoner of war messages to the United States. She would also comment during these programs as to the horrors of war and the human suffering caused by it.
- c. As an announcer of musical programs to our troops. In these programs, too, she would comment upon the war, suggesting it had been caused by the Jews, that Germany's cause was a righteous one and that the United States was fighting on the wrong side.

It should be noted here that many statements attributed to Miss Gillars may have, in fact, been broadcast by one Rita Louise Zucca from a German station in Italy. She, also, was known to her listeners as "Axis Sally." (Zucca was an Italian subject and was convicted in an Italian court for her collaboration with the Germans. She has since been paroled.)

Miss Gillars is a highly emotional and somewhat hysterical woman, and while she is undoubtedly legally sane (and she was so adjudged by United States Army psychiatrists in Germany) there is a serious question as to the advisability of making an effort to bring such a person to trial for treason. She was also conditionally released by our military authorities in Germany, but a request has been made to the War Department that she again be placed in custody.

It has been the policy of this Government, from the time of its inception, to prosecute only the most flagrant violations of the Treason statute. As the court stated in Cramer v. United States, 325

U.S. 1, "The basic law of treason in this country was framed by men who *** were taught by experience and by history to fear abuse of the treason charge almost as much as they feared treason itself" and that this country has "managed to do without treason prosecutions to a degree that probably would be impossible except while a people was singularly confident of external security and internal stability." Just as every apparent violation of a Federal criminal statute is carefully scrutinized before prosecution is instituted, so, too, are seeming violations of the Treason statute but even to a greater degree.

As has been mentioned above, overt acts of treason must be established by two witnesses. This puts a great burden upon the prosecution and it is entirely possible that clear cases of treason may fail because this Constitutional requirement cannot be fulfilled. Considerable investigation has been conducted in the cases of Burgman, Day and Gillars. In spite of this, witnesses would have to be brought to the United States and questioned even further to definitely establish that overt acts can be proved as charged and, in addition, that they can be proved by two witnesses. The expense involved in such proceedings is great. However, the present plan of deferring decision as to prosecution will afford us the opportunity of intensive interrogation of selected witnesses relative to these cases at a minimum of expense when those witnesses are brought to the United States to testify in the Best and Chandler cases, which are expected to take place within the next two or three months.

There are presently certain elements of the law of treason that are as yet unsettled. It is expected that within a few months the Supreme Court of the United States will hand down its decision in the case of Hans Max Haupt and that many uncertainties will then be clarified. In view of this fact, it does not seem advisable to presently institute new cases of treason wherein such questions may be involved.

It is known that Best and Chandler were employed as political commentators by the German Shortwave Radio throughout the war. They appear to be of sound mind. For this reason, in combination with the others advanced herein, it has been deemed proper from a moral point of view, advisable from a legal point of view, and economical from a financial point of view to proceed only against them and to withhold decision as to prosecution in other cases until a future date when decisions in pending Treason cases will give us an opportunity to see more clearly and to better evaluate the seriousness of the difficulties with which we would be confronted in similar prosecutions.

2

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Candle
FROM : Donald Anderson *DA*
SUBJECT: Mildred Elizabeth Gillars
Treason

DATE: February 10, 1947

DA:DTJ

~~146-230-100~~ *file*

Attached hereto is a memorandum prepared by Mr. Woerheide relative to Mildred Gillars. This memorandum is the one that I mentioned was in the process of preparation at the time we submitted to you the last memorandum pertaining to Gillars.

It is noted on the last page of Mr. Woerheide's memorandum that he recommends the case be closed without prosecutive action. I believe a case can be developed against Gillars and that perhaps prosecutive action should be taken against her. I am requesting Mr. Woerheide to prepare a list of exhibits which will be furnished to you as soon as possible. I believe we have a few of the original records made by her. These will be checked and we will ascertain if it will be possible to sufficiently prove them to make them admissible in evidence.

37

FILED
FEB 11 1947

146-7-51-1708
FEB 4 1947

CRIM. - INTERNAL SECURITY SEC.
SLB

13

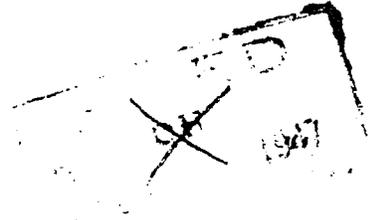
TLC:VCH:mab

146-7-51-1708

February 10, 1947

RECORDED

E. V. L.



Honorable Leverett Saltonstall
United States Senate
Washington, D. C.

My dear Senator Saltonstall:

Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, has referred to me your letter concerning Miss Mildred E. Gillars, sometimes referred to as "Axis Sally". I am pleased to reply to your inquiry.

[Representatives of the Criminal Division last year conducted an extensive investigation into the activities of a number of American nationals who were connected in various capacities with the German radio during the war years. Miss ^{Mildred E.} Gillars was one of these persons, and her case, like a number of others, is now in a pending status within the Criminal Division, receiving active consideration. She has not been indicted in the United States, but is at the moment being held in custody in Germany by the military authorities.]

As you know, Douglas Chandler and Robert H. Best, two of the principal political commentators of American nationality who worked for the German radio during the war, have been returned to the United States for trial. Although they had previously been indicted for treason in 1943, new indictments (based on the recently obtained evidence) were returned by a federal grand jury in Boston, Massachusetts, on December 30, 1946. (These cases will be brought to trial at the earliest possible date.)

[The United States treason statutes, Constitution, Article III, Section 3 and 18 U.S.C. Section 1, are unique among criminal statutes as regards the stringent requirements of proof which it places upon the prosecution in such cases. The government is required to allege specific overt acts upon the part of the accused and to prove each of these acts by the testimony of two witnesses to the particular act. Recent decisions, (as you are aware) have placed a narrow and restrictive interpretation upon

VCW
aa
JTB

cc: Records

Chrono

Woorheids

INSPECTION AND MAIL
COMMUNICATIONS SECTION
FEB 11 1947

13

the statute. *Cramer v. United States, 325 U.S. 1.*]

[The alleged offenses involved in the cases pending in the United States District Court in Boston are, of course, without precedent in the history of the law. No similar case has proceeded to trial, and it is to be expected that the rulings by the court in these cases and the general course that the proceedings take will be of great assistance to the government in properly disposing of the other pending cases.]

So return
Our investigation in Europe has revealed facts which indicate that there may be some confusion on the part of many people of Miss Gillars with Miss Rita Louise Zucco, an Italian national who broadcast from a German operated station in the Italian Alps. Miss Zucco had the microphone name of "Sally". Many of the broadcasts which since have been attributed to Miss Gillars apparently were actually made by Miss Zucco. Incidentally, Miss Zucco is reported to have been convicted by an Italian tribunal on the charge of "collaboration" with the Germans, receiving a sentence of several years imprisonment. We have also been informed unofficially that after having served a portion of this sentence she has been released on parole.

[Since the Criminal Division still has Miss Gillars' case under active consideration I cannot, of course, advise you of what future action it may take with regard to her. As I have stated previously, she is now in military custody, being held for the disposition of the Department of Justice. She could not, of course, travel voluntarily to the United States from Germany as an American citizen without previously having obtained a passport from the State Department. The Department of Justice has received no information either from the Department of State or from the United States military authorities in Germany indicating that Miss Gillars has attempted to effectuate her return to this country.]

Respectfully,

For the Attorney General

THORON L. CAUDLE
Assistant Attorney General

Office Memorandum • UNITED STATES GOVERNMENT

TO : The File

DATE: February 27, 1947

FROM : Victor C. Woerheide

VCW:DTJ

SUBJECT: Mildred Elizabeth Gillars
Treason

VCW

146-7-51-1708

file
DTJ

Reference is made to FBI memorandum dated February 21, 1947.

Inasmuch as the "Axis Sally" referred to in the reference memorandum was making her broadcasts in Italy, she is probably Miss Rita Louise Zucca and is undoubtedly not Mildred Elizabeth Gillars. Accordingly, I do not think that further investigation of the report made to the FBI is worth while.

OK

14

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

DATE: April 14, 1947

FROM : Donald Anderson

DA:lr

SUBJECT: MILDRED ELIZABETH GILLARS
TREASON

146-7-51-1708

TRC

~~SECRET~~

S. L. E.

file
by

On April 11, 1947, Mr. J. S. Egge of the War Crimes Branch, Civil Affairs Division, War Department, contacted the writer and stated that he had received a telegram from Europe asking for disposition of Mildred Gillars, who is being held at the request of the Department of Justice.

The writer stated that Major Speed of the War Department had contacted Fred Folsom and the writer on the morning of April 11, 1947, relative to the same matter. Major Speed was advised that we are actively investigating the case and that we desired that Mildred Gillars be held until a decision is reached relative to prosecution.

Mr. Egge stated that he understood Major Speed had conferred with us. Mr. Egge asked that we send him a letter pertaining to this matter. He and the writer talked to Mr. Caudle and it was agreed that a letter would be sent to the War Department advising them that the case is being actively investigated and that we desire Mildred Gillars to be held until a decision is reached. Such a letter has been prepared.

15

TLC:DA:lr

146-7-51-1708

*File
with
1.2*

April 15, 1947

Director, Civil Affairs Division
War Department Special Staff
War Department
Washington, D. C.

Dear Sir:

Mr. J. S. Egre of your Department contacted us on April 11, 1947, relative to the disposition of Mildred Gillars who is being held at our request by the War Department in Europe.

dd

This is to confirm that we verbally requested Mr. Egre to advise the War Department we desire that you continue to hold Mildred Gillars until further notice. We informed Mr. Egre that several new leads have been developed and that investigation of these is being conducted at the present time. We anticipate that a decision will be reached shortly after the conclusion of this investigation. We will, of course, promptly notify you as soon as our decision in this case has been made.

Respectfully,

For the Attorney General

THERON L. CAUDLE
Assistant Attorney General

cc: Records ✓
Chron.
Mr. Anderson

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Caudle

DATE: April 24, 1947

FROM : J. M. McInerney

JMMcI:rh

146-7-51-1708

SUBJECT: Mildred E. Gillars - Treason

I am familiar with the considerations which impelled the reexamination of the Gillars case. Yet, because of the difficulties which still present themselves even at this late date, I am withholding my approval of the conclusion that this case merits prosecution, at least until the action recommended in Section III is completed and until the Best and Chandler witnesses are completely reinterviewed as to Gillars when they come to the United States for the Chandler trial.

S. L. B.

File
Account

17

TLC:TD:la

146-7-51-1708

May 7, 1947

RECORDED

Honorable Kenneth C. Royall
Under Secretary of War
War Department
Washington, D. C.

Dear Mr. Secretary:

Re: Mildred Elizabeth Gillars

Reference is made to previous conferences between lawyers attached to this Division and officials of the War Crimes Branch, Civil Affairs Division, of your Department concerning subject. Subject allegedly broadcast over the German radio during the late war. Her broadcasts were allegedly beamed to American civilians and troops in an endeavor to impede and hinder the allied war effort. Subject is now being considered by this Department for possible prosecution under the Treason Statute.

She was apprehended in Germany sometime ago by the War Department at the request of this Department and is presently in military custody in Germany. Further investigational activity on the part of this Department becomes vitally necessary before we will be in a position to finally and conclusively determine whether or not a treason indictment against her should be sought and can be successfully prosecuted to a final and complete termination.

Trials of the sort herein under discussion are quite expensive inasmuch as a successful prosecution entails the personal attendance in this country as witnesses before the appropriate United States Court of many foreign nationals presently resident in Europe.

In view of the vast expenditure of time and money that would devolve upon this Department in undertaking a prospective treason prosecution against Miss Gillars, the Department feels constrained to take steps to definitely presently ascertain her physical and mental ability to proceed to trial in a United States Court should a treason indictment be returned against her by a federal grand jury. There have been brought to my attention some contentions on the part of others that subject has to some extent in the past evinced some tendencies toward emotional in-

TED
CCH
DOR
Jm D.
JRL

cc: Records
Chrono
DeWolfe

SENT BY MESSENGER
COMMUNICATIONS SEC.
MAY 8 1947 AJ

stability. It is therefore thought that her present mental competency should be investigated.

It is therefore requested if at all possible that your Department take steps looking toward the convention of an Army Neuro-Psychiatric Board comprised of not less than three able and experienced army officer neuro-psychiatrists each with rank commensurate with the ability aforesaid for the purpose of inquiring into subject's present mental condition.

The legal test of a defendant's ability to stand trial in a United States Civil Court can briefly be defined by answers from mental experts to the following questions:

- (1) Is subject able to comprehend her present condition and peril with reference to the prospective treason charge that is facing her.
- (2) Would she if indicted be mentally and rationally capable of understanding the nature of the treason indictment which would be returned against her.
- (3) Is she presently sufficiently rational to consult with counsel, prepare and assist in the preparation of her defense, and take the witness stand in her own behalf if indicted.

It should be emphasized that the conclusions desired from the army experts above mentioned deal with subject's present mental condition and ability to stand trial and not with the question of whether or not she was sufficiently sane at the time of the commission of the alleged wrongful acts to distinguish between wrong and right. It is suggested likewise that it would be well undoubtedly from a psychiatric standpoint to have subject hospitalized in some military or other institution in Europe for a sufficient length of time for observational purposes so that the army psychiatrists examining will have ample opportunity to view and confer with her over the period of time that becomes necessary in order for the experts to arrive at a proper conclusion on the questions herein discussed.

After the mental examination of subject herein requested is undertaken and completed it would be appreciated if the War Department would furnish a complete report of the results of the same in writing signed by the members of the board above suggested for purposes of perusal and study by this Department.

It is believed that the course of procedure above outlined becomes necessary in order finally to determine whether subject should be indicted and prosecuted for treason. Please rest assured that both this Department and myself personally are keenly appreciative of the kind cooperation which you have displayed herein. With kind personal regards, I remain

Sincerely,

THELON L. CAUDLE
Assistant Attorney General

TLC:HRP:Fee

146-7-51-1708

S.L.

May 28, 1947

19

740037

Honorable Kenneth C. Royall
Under Secretary of War
War Department
Washington, D. C.

Dear Mr. Royall:

Reference is made to your letter dated May 19, 1947, in which you state that you will arrange to have Mildred Elizabeth Gillars, who is now being held by the United States military authorities in Germany for the disposition of the Department of Justice, examined by a board of psychiatrists to determine her mental condition, provided the psychiatrists are selected by the Department of Justice.

I would like to point out that several of the Americans who formerly worked for enemy radio stations have previously been examined by Army psychiatrists pursuant to a general request from the Department of Justice without making specific psychiatrists. I refer specifically to Douglas Chandler, Robert Henry Best, Herbert John Burmann and Ezra Pound. As stated in my previous request, I would prefer that a similar procedure be followed in this case to expedite our consideration of the matter.

If this procedure is not possible at this time, and if you will send me the name of medical officers of the highest rank stationed in Germany who are qualified as psychiatrists, I will designate the names of three to make the requested examination of Miss Gillars.

Sincerely yours,

Tharon L. Caudle
Assistant Attorney General.

RECEIVED
COMMUNICATIONS SECTION
JUN 1 1947

CC: Records
Chron.

19

Office Memorandum • UNITED STATES GOVERNMENT

TO : The File

FROM : Donald Anderson, Acting Chief, Internal Security Section

SUBJECT: Mildred Elizabeth Gillars

DATE: June 3, 1947

DA:DTJ
146-7-51-1708 -
~~146-28-1222~~

*file
DA*

TLC

On June 3, 1947, Mr. Robert V. Haig of the State Department telephonically contacted the writer and advised that Walter Winchell had stated on his Sunday night broadcast that "Axis Sally" was intending to return to the United States.

The writer advised Mr. Haig that he heard Mr. Winchell's broadcast last Sunday evening and that it is probable the person referred to is Rita Louise Zucca as she did some broadcasting from Italy and was sometimes known as "Axis Sally." The writer stated that she became an Italian citizen in June 1941, according to our information, and her broadcasting activities thereafter in Italy did not constitute treason. She was prosecuted by the Italians because of her activities during the war but it is believed that she has recently been released. The writer further stated that Mildred Gillars is in custody of the Army in Germany as far as is known and it is, therefore, doubtful that she is the person Mr. Winchell referred to.

Mr. Haig advised that he knew of no passport having been issued to Mildred Gillars and that he would check their file to see if any has been issued to Rita Zucca.

10

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

FROM : Donald Anderson

SUBJECT: Mildred Elizabeth Gillars
Treason

DATE: June 10, 1947

DA:lr

146-7-51-1708

*file
pa*

Late Friday evening, June 6, 1947, Mr. Robert Haig of the State Department telephonically contacted the writer and asked if Mildred Gillars had been released from custody in Europe. The writer stated that he did not believe she had but that he would check to be sure.

Mr. Haig stated that they had received many letters protesting her proposed return to this country since Walter Winchell's broadcast of the previous Sunday. Mr. Haig stated he needed this information in order to reply to some of the letters. He also stated he found nothing in the State Department records disclosing that Mildred Gillars had been issued a passport.

On Monday, June 9, 1947, the writer contacted Mr. J. S. Egre relative to this matter and was advised that Mildred Gillars is still in military custody awaiting a decision from us as to whether or not we desire to take prosecutive action against her. Mr. Haig was advised of this fact.

146-7-51-1708

DEPARTMENT OF STATE
JUN 17 1947
DIVISION OF RECORDS
OLIM: INTERNATIONAL

SLB

Oscar R. Ewing, Special Assistant to the
Attorney General
Theron L. Caudle, Assistant Attorney General
Criminal Division

June 13, 1947

Psychiatric examination of Gillars

col
HRS

Attention: Victor C. Woerheide

144-7-51-1708 H.S.F.

Subsequent to conversations and correspondence regarding a psychiatric examination of Mildred Elizabeth Gillars, this Department requested the War Department to supply the names of qualified psychiatrists in the ETO.

A copy of that letter dated May 28, 1947, and the reply thereto from the War Department are attached for your information and prompt comment.

22

Handwritten scribble

23

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, [illegible]

DATE: July 24, 1947

FROM : JOHN M. KELLEY, JR., Special Assistant to the Attorney General, Criminal Division

SUBJECT: MILDRED ELIZABETH GILLARS, was. AXIS SALLY; TREASON

106-7-3-108

S.L.P.

On Thursday, July 24, 1947, the writer was notified by [illegible] Secretary that a Mr. Kinsey, representing the Veterans of Foreign Wars, desired to discuss the matter of Mildred Gillars. The writer thereupon conferred with Mr. Kinsey and informed him Miss Gillars was currently in custody of the military authorities in Germany and that she was receiving active investigative attention.

RECEIVED
[illegible]

23

ATTENTION: Johnny Clark - Rm. B-725

Mr. S. A. Andretta, Administrative Assistant
to the Attorney General.

August 21, 1947

T. Vincent Quinn, Assistant Attorney General,
Criminal Division.

TVQ:JHK:tms

REMOVAL OF BOXES CONTAINING MATERIAL IN THE
MILDRED E. GILLARS CASE FROM ARCHIVES BUILDING
TO DEPARTMENT OF JUSTICE, ROOM 2315, ATTENTION OF
JOHN M. KELLEY, JR.

44-7-51-1708

File 72.H.

John K. Jr.

It will be appreciated if arrangements can be made today to
have material at Archives mentioned above (24 boxes, approximately
5" x 10" x 10") delivered to Room 2315, Department of Justice
Building, attention of Mr. Kelley, the attorney in charge of the
above matter, which material is urgently needed in connection with
proceeding with the development of this case.

~~SECRET~~

Mr. J.M. Kelley, Jr. - Rm. 2315
Records ✓
Chrono.
Miss Hamlin
Internal Security

Director, Federal Bureau of Investigation.

September 9, 1947

T. Vincent Quinn, Assistant Attorney General,
Criminal Division.

TVQ:JMK:tms

MILDRED ELIZABETH GILLARS, was.,
"Axis Sally", Mildred Elizabeth Sisk;
TREASON.

146-7-51-1708

51 B

Quinn

In the further search for evidence of subject's activities on behalf of the German Short-Wave Radio it is considered necessary to playback certain recordings of programs broadcast from Berlin and monitored by the F.C.C. during the war years. The records are presently on file at The National Archives. It is understood that the Bureau is able to provide a play-back machine adapted to the Removox type of record and that the same will be made available for the purposes recited.

The following records (others will be later requested from time to time) are desired:

Date:	Time:
March 15, 1944	19:15
March 16, 1944	21:15
March 18, 1944	21:15
March 20, 1944	21:15
March 22, 1944	21:30
March 23, 1944	21:30
March 24, 1944	21:30
March 25, 1944	20:30
April 3, 1944	20:30
April 8, 1944	21:15
April 10, 1944	21:15
April 11, 1944	21:15
April 13, 1944	21:15
April 14, 1944	21:15
April 15, 1944	21:15
April 16, 1944	21:15
April 17, 1944	22:15
June 12, 1944	23:15
June 14, 1944	23:15
June 19, 1944	23:10
June 27, 1944	23:10
July 27, 1944	15:00
Sept. 25, 1944	15:00
Sept. 25, 1944	21:30
Sept. 28, 1944	15:00
Nov. 28, 1944	20:12

~~SECRET~~

MMW
OS

INT BY MESSENGER
COMMUNICATIONS SECTION
SEP 12 1947

Mr. J.M. Kelley, Jr. - Rm. 2315

Records V
Chrono.
Miss Hamlin
Internal Security

25

26

Office Memorandum • UNITED STATES GOVERNMENT

TO: FILES
FROM: JAMES D. SAVER
SUBJECT: AXIS SALLY

DATE: September 23, 1947

JDS:lb

146-7-51-1708

File

Mr. John M. Kelley, Jr., of the Internal Security Section, came to my office today and expressed the opinion that "Axis Sally" should be prosecuted although the case would be difficult and expensive to try. Subject has been confined in a concentration camp since 1946 and action should be taken on the case immediately. A memorandum will be submitted by Mr. Kelley concerning the pitfalls in the case.

~~SECRET~~

146-7-51-1708

DEPARTMENT OF JUSTICE
SEP 24 1947
DIVISION OF RECORDS

INTERNAL SECURITY SEC
SLB

Director, Federal Bureau of Investigation.

September 26, 1947

T. V. Quinn, Assistant Attorney General,
Criminal Division.

TVQ:JMK:tas

MILDRED ELIZABETH GILLARS, was.,
"Axis Sally," Mildred Elizabeth Sisk;
TREASON.

146-7-51-1708

File
F.L.H.

Smith

As observed in earlier memoranda herein the phonographic recordings of German Short-Wave Radio Programs monitored during the war by the Federal Communications Commission are so affected by static, interference, etc., that the dialogue is frequently unintelligible. Of particular interest to the instant investigation is a series of daily broadcasts conducted by the subject, beamed to the American Expeditionary Forces in North Africa and, following invasion, into Normandy. These broadcasts were normally made at 15:00 hours (USA-E.W.T.). On each Thursday, said programs were repeated in a broadcast to the United States at 21:30 hours. Of equal interest is a series of programs broadcast to the USA on January 23, 1944 at 21:30; January 25, 1944 at 19:15; January 27, 1944 at 23:30; January 30, 1944 at 21:30 and on February 1, 1944 at 19:15 (all times given are USA-Eastern War Time), each of which programs included spoken messages of greeting by American prisoners of war shot down over Berlin on January 11, 1944.

It is believed possible that some department of the United States Army (Signal Corps, G-2, etc.) may have installed a monitoring service either in England, Africa or, following the invasion, in France, and that phonographic recordings of the above mentioned programs may have been made. In the instant case, seeking to determine whether or not there is a basis for prosecuting the subject herein for treason, the government is almost wholly confined, from an evidentiary standpoint, to the phonographic recordings of the programs in which she participated. For this reason it is of the utmost importance that all sources from which such phonographic recordings might be obtained, be determined.

It is, therefore, requested that the several branches of the United States Armed Forces indicated above be contacted for the purpose of ascertaining whether or not phonographic recordings of this character were made and, if so, whether or not the same can be made available for study in connection with the instant investigation.

[Handwritten initials]

Mr. J.M. Kelley, Jr. - Rm. 2315

Records ✓
Chrono.
Miss Hamlin
Int. Security

FBI
BY ~~E. M. R.~~
On OCT 18 1947

27

OCT 8 1947

Director, Federal Bureau of Investigation.

September 26, 1947

T. Vincent Quinn, Assistant Attorney General,
Criminal Division.

TVQ:JFK:tms

HILDRED ELIZABETH GILLARS, was.,
"Axis Sally," Hildred Elizabeth Sisk;
TREASON.

146-7-51-1708

*file
fact.*

Reference is made to our memorandum herein dated September 24, 1947, wherein the Bureau was requested to ascertain whether or not the British Broadcasting Company has in its possession phonographic recordings of certain short-wave radio programs broadcast from Berlin to the USA, in which memorandum we stated in part:

"In the latter part of January 1944, the subject visited a prisoner-of-war camp and recorded a series of messages spoken by certain American fliers who were shot down over Berlin on January 11, 1944. These recorded messages were utilized by the subject in a series of programs entitled "The Battle of Brunswick," which were beamed to the USA on January 23, 1944 at 21:30; January 25, 1944 at 19:15; January 27, 1944 at 23:30; January 30, 1944 at 21:30, and on February 1, 1944 at 19:15 (all times given are USA-EWT). The subject's comments made during the course of these programs are insidiously keyed to the German propaganda line and it is believed that her activities in this particular connection may be made the basis of charging a specific overt act of treason, provided, that an audible phonographic recording of any of said programs can be obtained. While the FCC made phonographic recordings of these programs they are of such poor audible quality as to be useless for evidentiary purposes."

It is considered possible that one of the monitoring stations maintained throughout the war by the Canadian Government may have phonographic recordings of some or all of these broadcasts. It is, accordingly, requested that the proper department of the Canadian Government be contacted in this regard and, if it appears that such recordings exist and that the same are reasonably intelligible, that every effort be made to obtain a duplicate phonographic recording thereof (transcriptions to be made at the standard USA speed of 33 1/2 RPM, or in the alternative, but second in preference--at 78 RPM), and that such duplicate recordings be forwarded to the Criminal Division at the earliest date and by the speediest means possible.

Mr. J.M. Kelley—Rm. 2315

Records

Chrono.

Miss Hamlin

Internal Security

28

In the event that the subject's utterances in any of the above recordings are deemed suitable for use as evidence, it will be necessary to obtain a written transcription thereof and to determine whether or not the recording can be technically improved from the standpoint of eliminating static, echo, etc., and increasing the audibility of dialogue.

It is understood that continued use of the Memovox type of record tends to destroy the quality of voice reproduction. For this reason, where it initially appears likely that a record may be useful as evidence, it will be desirable to re-record the same to the end that the original may be preserved and the copy used for subsequent playbacks in the course of further study.

Transmittals

146-7-51-1708

*File
F.H.
14.*

S.L.B.

November 7, 1947

HOLLER

Honorable William H. Draper, Jr.,
Under Secretary of the Army,
Department of the Army,
Washington, D. C.

My dear Mr. Draper:

Re: Mildred Elizabeth Gillars, was., "Axis
Sally," Mildred Elizabeth Sisk; Treason.

This will acknowledge your letter of October 24, 1947,
referring to earlier correspondence herein in relation to
Mildred Gillars who is being held in the European Command Intel-
ligence Center at the request of the Department of Justice.

It is realized that the subject has been detained since
July, 1946. Delay in the premises has been wholly occasioned by
the fact that investigation of the subject's treasonable activi-
ties has been unusually complicated and laborious. Every facility
of this Department is being extended in an effort to complete that
investigation as rapidly as possible. It was necessary to assemble
diverse German witnesses from various parts of Europe and to bring
them to this country in order that they might be interrogated to-
gether concerning their knowledge of subject's activities as well
as the activities of Douglas Chandler, Robert H. Best, and others
who were active throughout the war on behalf of the German
Short-Wave Radio. Several of said witnesses have furnished infor-
mation concerning the general nature and extent of the subject's
activities in this connection but, by virtue of the two-witness
requirement pertaining to proof of overt acts of treason, their
testimony is not such as would alone support an indictment for
treason.

Apart from the two-witness requirement the investigation
has developed a preponderance of evidence establishing that the
subject's activities on behalf of the enemy were treasonable in
nature. The continued search for additional witnesses and addi-

Mr. J.M. Kelley, Jr. — Rm. 2315

Records

Chrono.

Int. Security

*Smith
JMS
11/2
by
JMS*

tional physical evidence upon which overt acts of treason can be predicated in keeping with the two-witness rule has served to delay a request by this Department that Miss Gillars be returned to this country to face specific charges in the premises. It is expected that the investigation will be concluded in this respect by the end of this year.

That expectation can be rendered more likely provided that it is possible to obtain certain additional investigation in Germany by the Counter-Intelligence Corps. To this end it is accordingly requested that every effort be made to obtain the expeditious cooperation of the military investigative agencies now operating in Berlin. The nature and details of the additional investigation desired have been set forth in a separate document attached hereto. For the reasons stated, it is requested that the Department of the Army continue to hold Miss Gillars in military custody, as heretofore, pending completion of the investigation.

Respectfully,

For the Attorney General,

T. VINCENT QUINN,
Assistant Attorney General.

Enclosure
No. 419945.

2

Honorable William H. Draper, Jr.,
Under Secretary of the Army.
T. Vincent Quinn, Assistant Attorney General,
Criminal Division.
Mildred Elizabeth Gillars, was., "Axis Sally,"
Mildred Elizabeth Sisk; Treason.

November 7, 1947

TVC:JMK:tas

146-7-51-1708

S. L. B.

REQUEST FOR INVESTIGATION BY
EUROPEAN COMMAND, COUNTER-INTEL-
LIGENCE CORPS.

1. Background of the Case.

JMK
JDS
JPA
JW

Mildred E. Gillars, a native-born citizen of the United States residing in Germany at the outbreak of the war, secured employment with the Rundfunk, German Government broadcasting agency. Prior to the entry of the United States into the war, her activity was confined primarily to announcing and performing in English language broadcasts beamed to the British Isles. With the entry of the United States, Gillars was periodically used in short-wave programs transmitted to the United States proper and to the armed forces in North Africa. Late in August or early September, 1943, Gillars was transferred from the Berlin European stations to the U.S.A. Zone of the Rundfunk where she broadcast exclusively, in person and by recordings, in English to the United States and to the armed forces. Except for a break in the latter part of 1944, she was continuously employed in the U.S.A. Zone as program announcer and radio performer.

Throughout the war Miss Gillars participated in a series of broadcasts entitled "Home, Sweet Home," which were beamed to the United States every Thursday. These programs were recorded in Berlin several days in advance of transmission and from January, 1943, until sometime in the early fall of that year each of these programs included several musical selections played by a jazz band known as "Fritz Stammer and His Merry-Makers." (This name may be spelled "Stahmer.") This band was evidently composed of five or six musicians, and led by Stammer, a pianist. Many of these programs were monitored in the United States by the Federal Communications Commission and contain utterances by Miss Gillars of a treasonable nature obviously made in the presence of Stammer and his musicians.

It is also evident from the F. C. C. recordings that commencing sometime in the early fall of 1943 and extending well through 1944 Miss Gillars was accompanied on her "Home, Sweet Home" programs by a group of musicians known as, "Ernst and His Merry-Makers." It is obvious that the name "Ernst" is the given name of this individual. His surname is unknown. The band designated "Ernst and His Merry-Makers" included a vocalist referred to as "Lanney," and a vocalist referred to as "Harry." It is understood that "Fritz Stammer and His Merry-Makers" made "Home, Sweet Home" recordings with Miss Gillars at the Berlin Studios of the German Short-Wave Radio Station. We have received some information to the effect that "Ernst and His

"Merry Makers" lent musical accompaniment to certain of Miss Gillars' programs which she recorded in the Berlin Studios of the German Short-Wave Radio Station and subsequently in studios maintained in Hilversum, Holland. Other names (phonetic) heard on recordings of these broadcasts, and obviously referring to musicians or vocalists, are: Hawkins; Hubb; Dick and His Foot Warmers; Jack; Jack and Jill. In addition to the aforesaid musicians, others who may possess information of value are: Mr. Fannewitz (sound-effects man); Eva Leschetitzke (vocalist); and Ulrich Haupt and Richard Ludwig (speakers and dramatic performers). On infrequent occasions the following bands apparently accompanied Miss Gillars: Smitty and His Merry-Makers; Rudy and His Ragamuffins.

It is believed, therefore, that if Fritz Stammer, "Ernst" and one or more of the members of their respective bands can be located, they should be able to identify various programs (of which the Government possesses recordings) and furnish testimony which would meet the requirements of the two-witness rule relating to treason prosecutions. Unfortunately, other than has been earlier stated herein, nothing is known concerning the background or present whereabouts of any of the musicians or vocalists named. From programs recorded by the F.C.C. it is evident, however, that all of said persons possess an excellent command of the English language, including the idiom, and that all speak without appreciable accent. The character of their music is typically American. It is believed not improbable that some of said persons may presently be leading or associated with some American-type orchestra operating in Berlin or environs, or that they may have resumed their connection with some radio station in Germany. The subject Mildred Elizabeth Gillars has been held in custody by the European Command Intelligence Center since July, 1946, at the request of the Department of Justice pending completion of an investigation of her activities in behalf of the German Short-Wave Radio.

2. Investigation desired.

Request is accordingly made that the Counter-Intelligence Corps make extended effort to locate any or all of the persons named above who were employed as musicians or vocalists by the German Radio during the war. Since it is understood that many non-musicians formerly employed by the German Radio have become re-employed by certain radio stations in Germany since the war, enquiry at such sources may lead to former acquaintances of Stammer, "Ernst" et al., who are aware of the present whereabouts of some or all of the persons sought.

Should any of said persons be located it is requested that complete information respecting their whereabouts, present occupation and general knowledge of and acquaintanceship with Gillars be cabled for the information of the Department of Justice whereupon phonographic recordings of various programs will be immediately forwarded to the Counter-Intelligence Corps for the use of its agents in determining whether or not any of the prospective witnesses located are in a position to identify themselves as participants in such programs, etc. It is requested that the investigation outlined herein be expedited to the fullest extent possible.

Director, Federal Bureau of Investigation

December 23, 1947

T. Vincent Quinn, Assistant Attorney General,
Criminal Division
MILDRED ELIZABETH GILLARS, was MILDRED E. SISK,
"AXIS SALLY;" - TREASON

TVQ:JMK:tms

146-7-51-1708

~~CONFIDENTIAL~~ P.

Reference is made to our memorandum dated September 24, 1947, wherein the Bureau was requested to contact the British Broadcasting Company in London for the purpose of securing copies of phonographic recordings of certain German short-wave Radio broadcasts made by the above named subject. Further reference is made to your responding memorandum dated November 15, 1947, wherein you advised that (save for one record of which a duplicate was obtained) B.B.C. had destroyed all recordings of broadcasts by the subject since the British authorities had no interest in the subject from a prosecutive standpoint and since the American authorities had not evidenced any particular interest in the preservation of such recordings.

Some time late in April or early in May, 1944, the German Short-wave Radio produced and recorded in its Berlin Studios a radio drama entitled, "Vision of Invasion." While the subject played a prominent role in this radio play, neither she nor any of the other actors were openly identified by name or alias in connection therewith at the time the same was broadcast. It is understood that this program was broadcast (and frequently repeated) direct to the British Isles by the German European Radio commencing some time in May, and that repeat broadcasts continued throughout and for some time following the actual invasion. This radio drama was broadcast by short-wave to the United States of America on May 11, 1944, at 21:30 o'clock A.W.T., taking the place of the regular "Home, Sweet Home" broadcast which would normally have been broadcast at that date and time.

Since the radio drama in question, as an item of psychological warfare, was intended for British as well as U.S.A. consumption, it is considered possible that a phonograph recording of such broadcast has been preserved by B.B.C., notwithstanding the fact that B.B.C. recordings of programs by the above named subject have been destroyed. The Federal Communications Commission recording of this program (as broadcast by short-wave to the U.S.A. on May 11, 1944) is of extremely poor audible quality. If, however, a reasonably clear phonograph recording of such program has been preserved by and can be obtained from B.B.C. the same will constitute an important item of evidence in the prosecution contemplated herein and would serve as a basis upon which to predicate an overt act of treason.

As an aid toward identification, the nature of the radio drama referred to may be summarized as follows:

- (a) A male voice dramatically opens the play with the announcement:
"D-Day - D-Day - D-Day; 'D' stands for doom; 'D' stands for Dunkirk;
'D' stands for Dieppe; 'D' stands for death. Do you remember Dieppe?"

M. Kelley, Jr. - Rm. 2315

COMMUNICATIONS SEC.
DEC 24 1947 JGL

31

(Second Voice)—"I remember seeing fifty dead men in a landing boat; hay wagons were shuttling from the beach to the cemetery carrying the dead. Their pale heads looked like cabbages on the way to the market."

(b) The scene then shifts to the deck of a ship ready to sail from an English harbor; dialogue follows between two male voices, one of whom appears to be the captain of the vessel, vis.: "When are you going to sail?" - "I don't know, it is a military secret. We're carrying 1000 boxes of provisions; oil from the United States, tanks from the U.S., canned food from the U.S." "And the boys?" "And the boys are from the U.S., etc." The captain thereupon remarks that he is carrying sealed orders to be opened at sea, and he has the premonition that it is the last time he'll take the vessel out.

(c) The scene then shifts to a group of soldiers on board—mixed voices—one of the soldiers remarks, "What time is it?—it must be about 10 P.M. in Ohio—I was just wondering what mother will be doing—listening to the radio probably or reading the Saturday Evening Post, etc., etc."

(d) The scene then shifts and the voice of an announcer on an American radio station is heard to the effect that "this is the Columbia Broadcasting System—Halova Watch Time, etc.—we interrupt our program to bring you news of the invasion, etc., etc."

(e) The scene thereupon shifts to the living room in an American home. The dialogue is between a father and mother concerning the safety of their son whom the other suspects is about to take part in the invasion. The mother expresses great fear for her son's safety and comments on the futility and needlessness of the war. She is emotionally upset and retires to rest during the course of which she has a dream or vision and feels herself in communication with her son who is on board an invasion barge. Following the flashback to the invasion barge, the striking of a mine and the sinking of the ship, the mother converses with her son in her dream, ultimately becoming hysterical. The play concludes with the playing of church bells accompanied by a dramatic recitation to the effect that the bells constitute the death knell for millions of American boys, etc.

Request is accordingly made that officials of the E.B.C. be reinterviewed to determine whether or not a phonograph recording of the program hereinbefore described has been preserved by the E.B.C. and, if such should prove to be the case, a duplicate recording thereof be obtained for use in the instant investigation.

TVS:JME:tas

146-7-51-1708 S. L. B.

*File
1/11*

*R.I.R.
Board*

February 9, 1948

Frank

Brigadier General Hubert B. Hoover,
The Acting Judge Advocate General,
Department of the Army,
The Pentagon,
Washington, D. C.

~~SECRET~~

Dear General Hoover:

Attention: Nicholas H. Voorhis, Lt. Col. (JAG),
Room 33422, The Pentagon.

Re: Mildred Elizabeth Gillars, was Mildred
E. Sisk, "Axis Sally;" Treason.

On November 7, 1947, by letter to Honorable William H. Draper, Jr., Under Secretary of the Army, the Department of Justice forwarded a memorandum requesting that the European Command, Counter Intelligence Corps, conduct certain investigation in Germany in connection with the above styled case. The subject has been in military custody in Germany since July 1946. An early completion of the investigation which will permit the return of the subject to this country for prosecution is urgently desired by the Department of the Army and by the Department of Justice. Before prosecution can be undertaken, however, it is essential that additional evidence be obtained from witnesses in Germany who were associated with the subject during her employment by the German Short-wave Radio and who are believed to possess information which would constitute proof of one or more overt acts of treason on the part of the subject.

We enclose an original and one copy of a supplemental memorandum requesting additional investigation. In view of the urgency of the instant case, it is believed desirable that the European Command of the Counter Intelligence Corps be requested to deal with the instant matter on a priority basis and it will be appreciated if the enclosed memorandum be immediately forwarded to that Agency with a request that the matter be expedited as fully as its facilities will permit.

*TMR
RR*

Respectfully,

For the Attorney General,

Mr. J.M. Kelley, Jr. — Rm. 2315

Records ✓
Chrono.
Miss Hamlin
Int. Security

T. Vincent Quinn,
Assistant Attorney General.

Enclosure No. 419947

32

Director, Federal Bureau of Investigation.

March 18, 1948

T. Vincent Quinn, Assistant Attorney General,
Criminal Division.

TVq:JMK:ms

MILDRED ELIZABETH GILLARS, was "AXIS SALLY,"
MILDRED ELIZABETH GILLARS; TREASON.

146-7-51-1708

File
1/4
SLB

It is desired in connection with the investigation in the above styled matter presently being conducted in Europe that investigators of the Counter Intelligence Corps be furnished with a duplicate phonograph recording of a certain Federal Communications Commission's recording of a program broadcast by Mildred Elizabeth Gillars, subject herein.

QMK
It is necessary that such duplicate be available immediately and it is understood that the Bureau's facilities will permit the fulfillment of this request.

The record in question is designated as follows: Record No. 06141, consisting of two sides of one 16-inch Red Label acetate record.

In addition to one duplicate of said recording, we will likewise desire that the same be transferred to Ediphone cylinders, to the end that a written transcription can be obtained in the Stenographic Department of the Criminal Division.

The phonograph record in question is forwarded together with this memorandum.

TVQ
RM
~~SECRET~~
Attachment: Phonograph record No. 06141.

Mr. John M. Kelley, Jr.--Rm. 2315
Records ✓
Chrono.

Director, Federal Bureau of Investigation .

March 22, '48

T. Vincent Quinn, Assistant Attorney General,
Criminal Division.

TVQ:JMK:iza

MILDRED ELIZABETH GILLARS, was "AKIS SALLY,"
MILDRED ELIZABETH SISK; TREASON.

146-7-51-1708

V.M.P.

File
S-11

June 22

Reference is made to our memorandum, in the above styled matter, dated March 18, 1948, wherein we requested that a duplicate phonograph recording of one of the subject's broadcasts be prepared by the Bureau's technicians for use in interrogating certain prospective witnesses now in Germany.

A representative of the Criminal Division plans to leave for Germany on Tuesday, March 23, and it is considered advisable to furnish him with three additional copies of phonograph recordings which are deemed to be of particular interest to the European investigation.

It will, accordingly, be appreciated if the Bureau can dubb-off one copy each of the following phonograph recordings, viz:

- (1) Acetate Record No. 09090, consisting of two sides of one 16 inch disc. This record is a reproduction of subject's "Home Sweet Home" program of July 6, 1944.
 - (2) Acetate Record No. 39953, consisting of two sides of one 16 inch disc. This record is a reproduction of subject's "Home Sweet Home" program of April 29, 1943.
 - (3) Acetate Record No. 09315, consisting of one side of one 16 inch disc. This record is a reproduction of subject's "Home Sweet Home" program of July 27, 1944.
- [NOTE--to the F.B.I. technicians: Do not record the reverse of this disc.]

~~SECRET~~

TVQ
PH

Mr. J.M.Kelley, Jr.--Rm.2315
Records ✓
Chrono.

Director, Federal Bureau of Investigation.

March 23, 1948

T. Vincent Quinn, Assistant Attorney General,
Criminal Division.

TVQ:JMK:tms

MILLED ELIZABETH GILLARS, was "AXIS SALLY,"
MILLED ELIZABETH SINK; TREASON.

JW N46-7-51-1708

File
164 S. L. B.

Quinn

Reference is made to our previous memoranda in the above styled matter dated March 18 and 22, 1948, requesting duplicate phonograph recordings of the subject's broadcasts be prepared by the Bureau's technicians for use in interrogating certain prospective witnesses now in Germany.

A representative of the Criminal Division plans to leave for Germany on Tuesday, March 23, and it is considered advisable to furnish him with a copy of another phonograph recording which is deemed to be of particular interest to the European investigation.

It will, accordingly, be appreciated if the Bureau can dubb-off the following phonograph recording, viz:

Acetate Record No. 09166, consisting of two sides of one 16 inch disc. This record is a reproduction of subject's "Home Sweet Home" program of July 13, 1944.

~~WOLIE~~

*TVQ
MM*

Mr. J.H. Kelley, Jr.--Rm. 2315

Chrono.

Records ✓

Director, Federal Bureau of Investigation.

March 26, 1948

T. Vincent Quinn, Assistant Attorney General,
Criminal Division.

TVQ:JMK:mas

MILDRED ELIZABETH GILLARS, was "AXIS SALLY,"
MILDRED ELIZABETH SISK; TREASON.

146-7-51-1708

Imp
1/2
file
by
TV

Reference is made to our previous memoranda in the above styled matter dated March 18, 22 and 23, 1948, wherein we requested that duplicate phonograph recordings of certain of the subject's broadcasts be prepared by the Bureau's technicians for use in connection with the instant investigation.

It will, accordingly, be appreciated if the Bureau can dubb off phonographic duplicates of the following:

- (a) 5 copies of F.C.C. recording #09594
- (b) 4 copies of F.C.C. recording 09829
09831
- (c) 6 copies of F.C.C. recording #09869
- (d) 4 copies of F.C.C. recording #09910
- (e) 3 copies of F.C.C. recording #10067.

~~FOIA~~

The above request covers in the aggregate the making of 22 discs of one side each.

Mr. John H. Kelley, Jr. --Rm. 2315

Chrono.

Records ✓