

Mr. Nathan H. Franke

4
April 2, 1948

John M. Kelley, Jr. *crim*

JMK:tms

APPLICATION FOR TRAVEL ADVANCE.

~~HOUSTON~~

~~146-38-51-558-Kullack~~
~~146-7-51-1708-Gillars~~

M.O.B.
The writer has been assigned to try the case of United States v. Kullack, et al. (146-38-51-558) at Brooklyn, New York. It is expected that this assignment will consume two weeks' absence from Washington. At the conclusion of the Kullack case, it will be necessary for me to go to Boston in order to interrogate certain witnesses now associated with the Best case. The purpose of the interviews being to develop evidence in relation to the case of Mildred E. Gillars. Immediately thereafter, and prior to returning to Washington, I shall be obliged to remain in New York City for the purpose of interviewing prospective witnesses in the Gillars case for an approximate period of five days.

Accordingly, I request a travel advance covering the period of thirty days, totaling the sum of \$180.

I am obliged to leave for New York on the evening of Monday April 5. It will be greatly appreciated if the processing of the instant request for advance can be expedited to the fullest extent possible.

Director, Federal Bureau of Investigation

April 9, 1948

T. Vincent Quinn, Assistant Attorney General
Criminal Division

TVQ:WEP:MMcK
146-7-51-1708

Mildred Elizabeth Gillars
Treason

RECORD
M.I.R.

~~SECRET~~

S L

As you know, it is contemplated that within the near future, Mildred Elizabeth Gillars, now in Army custody in Germany, will be brought to the United States for purposes of presenting her case to a grand jury. It is desired to bring these proceedings in the District of Columbia and it, therefore, becomes material to determine which airfields in the Washington area are within the territorial bounds of the District of Columbia.

I am informed that probably Bolling Field is the only airport that may lie entirely within the District of Columbia. I would appreciate it therefore if you would verify this fact and also obtain information indicating whether any portion of Bolling Field may lie without the District of Columbia, so that care may be taken to prevent any jurisdictional questions arising in regard to the point of entry of this defendant into the United States.

27

TVQ
MM

cc: Records ✓
Chrono
Mr. Foley

RECEIVED BY MESSAGE
COMMUNICATIONS SECTION
APR 9 1948 DM

38

AMC:JMK:tms

146-7-51-1708

August 10, 1948

3

Frank

Colonel Rex V. D. Corput,
Chief, Signal Plans and Operations Division,
Office of the Chief Signal Officer,
Room 3 E 263, Pentagon Building,
Department of the Army,
Washington, D. C.

~~HOPLIE~~

Dear Colonel Corput:

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

In connection with the forthcoming criminal prosecution of the above named subject, it will be necessary to introduce in evidence phonographic recordings of certain short-wave broadcasts beamed from Berlin to the USA during the war. In order to present this evidence to a grand jury and, subsequently, to a petit jury, it will be necessary to install in the court room certain phonographic machinery and a series of earphone connections therewith. For this purpose the Department of Justice will require the following equipment:

30 sets of Brush, crystal headsets--# 2B932

30 jack boxes--# BC606

1 Presto amplifier, Model 85K--# 6C9-2

1 Presto turn-table, Model 6N--# 6C263-6N

*mmc
RAH*

Mr. Frank E. Green, Radio Engineer, is presently employed by this Department for the purpose of installing and operating the equipment referred to above and it is understood that Mr. Green has recently conferred with you and a number of your assistants in respect to the acquisition of such equipment. This letter is, therefore, being written to confirm the oral understanding had between your office and Mr. Green to the effect that equipment as specified above will be made available to this Department, upon a loan basis, for a period of 60 days.

Mr. John M. Kelley, Jr., -Rm. 2724

Mr. Nathan Franke --Rm. 2213

Records ✓

Chrono.

Int. Security

RECORDS

39

In accordance with arrangements made by Mr. Green with Mr. Charles K. Budd and Mr. E. P. Fromer, of your office, it is understood that under your requisition # 49-151-40-49 the amplifier and turn-table are being shipped directly to the Department of Justice (Addressed to: John S. Kelley, Jr., Special Assistant to the Attorney General, Room 272A, Department of Justice), and that the headsets and jack boxes will be made available to a representative of this Department at one of your depots located in Baltimore, Maryland. It is requested that at your earliest convenience this Department be notified, through Mr. Green or Mr. Kelley, with respect to the date and place that the materials located in Baltimore may be obtained.

Your assistance and cooperation in this matter are appreciated indeed.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Acting Assistant Attorney General.

ANC:JMK:tas

146-7-51-1708 *F.H.*

August 16, 1948

BY:
SPECIAL MESSENGER.

Frank
Office of the Provost Marshal General,
Department of the Army
Pentagon Building,
Washington, D. C.

~~SECRET~~

Dear Sir:

Attention: Major Boas, Provost Division, Room 4 C 663.

Re: Mildred E. Gillars, was "Axis Sally,"
Mildred Elisabeth Siski Treason.

Your attention is directed to the recent correspondence between the Attorney General and the Secretary of the Army in relation to the return of the above named subject to this country via military aircraft. It is anticipated that the subject will be landed at Bolling Field and that she will thereupon be taken into the custody of civil authorities.

On August 12, 1948, the Department of State informed this office that it had waived issuance of a visa in the case of the subject. This Department has notified the Immigration and Naturalization Service accordingly and it is, therefore, anticipated that no difficulty will be experienced on the part of the Military Airtransport Service in transporting the subject direct to Bolling Field.

AMK
It is necessary that the navigator of the aircraft, as well as the subject's military guards, be held in Washington for the purpose of testifying before the grand jury to the route by which the subject was flown into the United States and to the fact that Bolling Field was the first point of landing within the United States. It is understood that your office will make the necessary arrangements with the proper Army and Airforce personnel authorities to insure this end.

Respectfully,

For the Attorney General,

CC: Mr. Kelley--Rm. 2724
Mr. Franke--Rm. 2213
Records ✓
Chrono.
Int. Security
Extra Copy for Army.

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

40

DEPARTMENT OF JUSTICE
Interrogation Center
Hoechst, Germany

22 August 1948

Honorable T. Vincent Quinn
Assistant Attorney General
Criminal Division
Department of Justice
Washington 25, D.C.

Attention: John W. Kelley, Jr., Esquire

Re: Mildred E. Gillars

Dear Mr. Quinn:

Transmitted herewith is the 201 file pertaining to Mildred E. Gillars, turned over to me by Army authorities when I finally boarded the plane on August 20, 1948 for Washington. This file pertains to correspondence relative to the confinement of Gillars and will be of little or no value to you, but is transmitted to Washington because Army officials seem to think the 201 file must accompany a detainee wherever she goes.

Respectfully yours,


NOEL E. STORY
Attorney
Department of Justice

*File
Quinn*

Encl.



1-5-7-21-1702

41

Kelly,

3

AMC:JMK:tas

146-7-51-1708

August 30, 1948

By Special Messenger

*File
Am N.P.*

Mr. Cyril S. Lawrence,
United States Commissioner,
District of Columbia,
631 E Street, N.W.,
Washington, D. C.

Dear Mr. Lawrence:

Re: United States of America v. Mildred E. Sisk,
alias Mildred Elizabeth Gillars.

The above entitled matter is presently the subject of inquiry by the regular Grand Jury now impaneled within the District of Columbia. Evidence in the case has been presented to the Grand Jury on Friday, August 27, on Monday, August 30, and will continue to be presented throughout the balance of this week and probably on Tuesday and Wednesday of next week.

In view of this fact, you are hereby requested to continue the preliminary hearing in this matter for a period of two weeks, that is to say, to Monday, September 13, 1948.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

cc: Mr. Kelley, Rm. 2724
Records ✓
Chrono.
Int. Security

FILED
BY
O. SEP 1 1948

42

File
144

September 18, 1948

My dear Judge:

This letter is to advise you that today an indictment was returned in the case of United States of America v. Mildred E. Sisk, also known as Mildred Elizabeth Gillars, against the subject, a copy of which is enclosed.

It is therefore respectfully recommended, that in view of the return of the indictment by the Federal Grand Jury, no further action be taken by Your Honor with respect to hearings which have been continued in your Court.

With kindest personal regards,

Respectfully,

Honorable Cyril S. Lawrence
United States Commissioner
729 - 15th Street, Northwest
Washington, D. C.

cc:
Chron
Records ✓
G.M.Fay
John M. Kelley

146-2-57-1748

all: ans

Director, Federal Bureau of Investigation.

August 9, 1948

Alexander M. Campbell, Acting Assistant
Attorney General, Criminal Division.
MILDRED E. GILLARS, was "AXIS SALLY,"
MILDRED ELIZABETH SISK; TREASON.

AMC:JMK:tms

146-7-51-1708

RT. CO. 11
W.B.

~~CONFIDENTIAL~~

File
Print

[Handwritten signature]

Investigation in the above styled matter having been substantially concluded, the Department of the Army has been requested to effect the immediate return of the subject to the USA. A copy of the letter, from the Department of Justice to the Department of the Army, embodying such request is attached hereto. As appears by said letter, it is desired that the subject be first landed in this country at Bolling Field in order that jurisdiction will lie in the District of Columbia.

Captain Thomas R. Smith, Jr., Office of the Provost Marshal General, Room 4 C 663, Pentagon Building, Telephone - Government 131, Extension 5621, is presently in charge of the instant matter and has forwarded to Headquarters, European Command, a detailed request concerning the return of the subject to this country in military custody via military airplane.

Due to the disturbed conditions now obtaining in Germany some difficulty may be experienced in securing the necessary aircraft and personnel required for transportation of the subject and, consequently, the date of her arrival at Bolling Field cannot be predicted with any degree of accuracy. It has, nevertheless, been requested that she be landed at Bolling Field on or before August 13, 1948, if possible.

As was recently the case in connection with the arrest of Martin James Monti in New York City, it is desired that custody of the subject be surrendered by the military to Special Agents of the Bureau. This will involve the execution and filing of a criminal complaint by an Agent of the Bureau and the issuance of a warrant of arrest thereon.

It is understood that the military authorities, lacking suitable facilities for housing a female prisoner, desire that the subject be taken into custody by Agents of the Bureau at the earliest possible moment following her arrival at Bolling Field. Since jurisdiction will not be acquired until the subject has actually been landed within the District, the filing of the complaint will have to be held up pending arrival of the plane. It is deemed advisable, however, that the complaint and warrant be drafted in advance so that issuance of the warrant may be accomplished with a minimum of delay following the subject's

Mr. J.M. Kelley, Jr. -- Rm. 2724

- Records ✓
- Chrono.
- Miss Hamlin
- Internal Security

arrival at Bolling Field. It is also considered advisable to make preliminary arrangements with the United States Commissioner in relation to the conduct of a hearing following the subject's arrest, particularly, since it is possible that the plane may arrive during the night or on a Sunday. In this connection it is requested that the Special Agents who will be assigned to this matter get in touch with Mr. John M. Kelley, Jr., of my staff, (Room 2724) to discuss the contents of the complaint, etc.

Captain Smith has agreed to inform the Bureau of the probable date and hour of subject's arrival as far in advance as possible and has suggested in this connection a preliminary conference between himself and the Special Agents who will be assigned to this matter, to the end that suitable arrangements may be made in advance with the Commanding Officer at Bolling Field and--in the event that the subject should arrive at night or on a Sunday--with the Night and Sunday Duty Officer attached to the Office of the Provost Marshal General.

It will be essential to establish jurisdiction as a matter of record before the grand jury. It is, therefore, desired that Agents of the Bureau be on hand at the time that the aircraft transporting the subject lands at Bolling Field for the purpose of interviewing and obtaining a signed statement from the navigator of the plane and from the military guards in charge of the subject during the flight. It will be necessary to establish through said witnesses that the subject was landed within the USA for the first time at Bolling Field. It is desirable that the navigator chart the course of the flight on a suitable map, showing the approximate point on the United States border over which the plane entered this country and showing the course of flight thereafter up to the point of landing at Bolling Field, and that such map be preserved as an exhibit in the case. It is further desired that the navigator and military guards be advised that their presence and testimony will be required before the grand jury on a date approximately one week to ten days subsequent to the subject's arrival at Bolling Field, and that the Bureau determine where said witness can be reached through the intervening period. The Provost Marshal General has been requested to secure the issuance of such military orders as will insure the presence of said witnesses before the grand jury at the time above indicated.

As in the case of Chandler, Best and Monti the Government will urge and it is presumed that the subject herein be committed without bail. Many of the witnesses who will be called before the grand jury are former American soldiers who were taken prisoner by the Germans during the Normandy Invasion and who were interviewed by the subject in transient camps in France, at which time she persuaded said prisoners to record

messages to members of their families. All of such witnesses have been heretofore interviewed by Agents of the Bureau and, with few exceptions, have positively identified photographs of the subject. These photographs, however, were taken several years ago. Since said witnesses viewed the subject on but one occasion and since it is understood that the subject's physical appearance has altered considerably during the period of her incarceration, it is deemed essential that each of said witnesses be afforded an opportunity to view the subject at whatever place she may be confined in the District. It is desirable that said witnesses view the subject as soon as possible following their arrival in Washington since, should some of them wholly fail to identify her, they can be dismissed forthwith, with resulting economy in time and expense. It is felt that said witnesses in some instances may have to hear the subject speak before they can be certain one way or another in their identification.

Said witnesses reside in widely separated places as a result of which each was interrogated separately by Agents of the Bureau. Their encounter with the subject was brief and occurred more than four years ago. Moreover, at the time they were approached by the subject they were undrained and physically exhausted from the ordeal of their capture and the enforced marches which ensued. In view of these factors it is not surprising that the recollection of said witnesses is spotty and as a consequence several of the reports of investigation submitted by the Bureau following interrogation of these witnesses reflect many omissions and discrepancies. A number of these witnesses were unable to recall either the names or faces of their fellow prisoners who recorded messages at the same time, but express the belief that recognition would probably occur if they could meet face to face. Once these witnesses are brought together for common discussion and reminiscence it is accordingly anticipated that many of said omissions and discrepancies will disappear.

At such time as the subject is landed within the District of Columbia a date will be fixed for the convening of the grand jury. It is anticipated that grand jury proceedings can begin a week or ten days following the arrival of the subject. It is desired that when said witnesses (former prisoners of war) arrive in Washington in response to grand jury subpoena such agents of the Bureau as shall be assigned to the case reinterview said witnesses in appropriate groups prior to their appearance before the grand jury to the end that discrepancies may be resolved and the recollection of said witnesses further stimulated as to details. In order to successfully reinterview said witnesses it will be necessary for the agents to study the various reports of investigation in detail. It is, accordingly, desired that as soon as Special Agents from the Washington Field Office shall be assigned to this matter they confer with Mr. Kelley and fully acquaint themselves with the details of the case in advance of the arrival of the witnesses to the end that the reinterviews may be conducted promptly thus facilitating the expeditious presentation of the evidence to the grand jury.

Attachment.

Director, Federal Bureau of Investigation.

October 8, 1948

Alexander M. Campbell, Assistant Attorney
General, Criminal Division.

AMC:JMK:tms

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

146-7-51-1708

HOLLIE S. L.

file K

Earlier reports from the Bureau in the above entitled matter reflect that the subject was born on November 29, 1900, at Portland, Maine, under the name Mildred E. Sisk. Subject's mother, Mary Hewitson Sisk, divorced subject's father, Vincent Sisk, in 1907, at Portland, Maine. Within a year or two following the divorce subject's mother married one Robert Bruce Gillars. The date and place of the Gillars' marriage are not known. Following her mother's re-marriage, subject made her home with her mother and stepfather and thenceforth adopted the name of her stepfather being thereafter known as Mildred Elizabeth Gillars.

It has been learned that subject's stepfather Robert Bruce Gillars died at Mansfield, Ohio, in 1927.

*AMC
PW*

The Bureau is requested to examine the records of the Probate Court at Mansfield, Ohio, to determine whether or not there are any records of the probate of Robert Bruce Gillars' estate. In the event such probate records do exist, they should be examined to determine whether or not the files contain any "Proof of Heirs" or similar document or affidavit which would disclose the fact that the subject (born Mildred E. Sisk) was listed as the stepdaughter of Robert Bruce Gillars. It should also be ascertained from such records the date and place of the marriage between Mary Hewitson (Sisk) Gillars and Robert Bruce Gillars.

It has earlier been ascertained that the subject's mother, Mary Hewitson (Sisk) Gillars died on March 13, 1947 at Toronto, Canada. It is understood that her estate under the name Mrs. M. H. Gillars was probated in Toronto, Canada. It is, therefore, similarly requested that the probate records in Toronto, Canada, be examined in search of information indicating the date and place of the marriage between subject's mother and her stepfather Gillars and any "Proof of Heirs" or other affidavit or official document shedding light on the connection between the subject's real name "Sisk" and her acquired name "Gillars."

Mr. J. Kelley, Jr. - Rm. 2724
Records, ✓
Chrono.
Int. Security

SENT BY MESSENGER
COMMUNICATIONS DIV.
OCT 8 1948 AJ

44

S. A. Andretta, Administrative Assistant to
the Attorney General
Alexander M. Campbell, Assistant Attorney General
Criminal Division

October 18, 1948

AMC:NHF:fjw

146-7-51-1708

MILDRED E. GILLARS, was "AXIS SALLY",
MILDRED ELIZABETH SISK: Treason
RE: CARPENTER

COLLIER

*File
146-7-51-1708*

The equipment on loan to the Department from the Signal Corps of the Army has been returned from Brooklyn, New York where it was used in connection with the Martin James Monti grand jury. In playing back certain records to be used during the trial of Mildred Sisk Gillars, it will be necessary to set up this equipment so that it can be operated in Mr. John M. Kelley's office, Room 2724. It is requested that a carpenter be sent to Mr. Kelley's office to determine what carpentry work will be required. It will be necessary to fasten certain wooden strips along the wall to accommodate the headsets that are to be used by the witnesses. It would be appreciated if this request could be expedited.

Since it will be necessary to have Mr. Frank Green, the radio engineer, present in Mr. Kelley's office at the time the carpenter is there, it will be appreciated if you would advise Mr. Nathan H. Franke, Br. 358, when the carpenter will be available for this purpose.

CC: ✓ Records
Mr. Andretta
Mr. Franke
Chrono

AJC:JMK:tms

146-7-51-1708

*File
1/11/48*

October 22, 1948

By Messenger

Smith

Mr. Dallas D. Irvine,
Director, Phonographic Records Division
Room 28-F,
The National Archives,
Washington 25, D. C.

Dear Mr. Irvine:

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

In connection with the trial of the above styled case certain additional ~~Memorex~~ recordings now in the custody of The National Archives will be required as evidence for the Government. Every precaution will be taken to preserve these recordings and the same will be returned immediately after they have served the purpose above set forth. A list of the recordings, by number, is as follows:

02239	00524	39754	38963	37977
02198	00483	39701	38926	37942
02091	00407	39522	38899	37899
01364	00373	39453	38861	37849
01189	00337	39274	38831	5759
01033	00218	39238	38603	5517
00860	00181	39202	38259	5521
00825	00144	39167	38167	5447
00683	00003	39103	38126	5451
00641	39930	39028	38011	5303
				4204

*Amc
M*

It will, accordingly, be appreciated if you will deliver said recordings to Mr. John M. Kelley, Jr., of my staff, who will execute a receipt for the same.

Respectfully,

For the Attorney General,

Mr. Kelley, Rm. 2724
Records ✓
Chrono.
Int. Security

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

AMC:JMK:tas

146-7-51-1708

November 19, 1948

Colonel Rex V. D. Corput,
Chief, Signal Plans and Operations Division,
Office of the Chief Signal Officer,
Room 3 E 263, Pentagon Building,
Department of the Army,
Washington, D. C.

Dear Colonel Corput:

Re: United States v. Mildred E. Siak, also
known as Mildred Elisabeth Gillars.

In accordance with a request contained in our letter of August 10, 1948, the Department of the Army made available to the Department of Justice, upon a 60-day-loan basis the following equipments:

30 sets of Brush, crystal headsets—# 2B932

30 jack boxes—# BC606

1 Presto amplifier, Model 85E—# 609-2

1 Presto turn-table, Model 6E—# 60263-6E

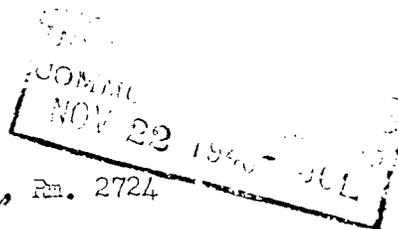
At the time the above equipment was obtained, it was anticipated that the case would go to trial during the current month. The court recently adjourns the trial, however, to January 10, 1949. Without the equipment in question it will be impossible for the Government to present its evidence and request is hereby made therefor to extend the period of the loan for an additional period of 90 days. Your cooperation in the premises will be greatly appreciated.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Mr. Kelley, Rm. 2724
Records
Chrono.
Int. Security



ANC:JMK:mas

146-7-51-1708

W.J.P.

November 22, 1948

Frank
W.P.

Donald W. McAvoy, Esquire,
110 West 4th Street,
Plainfield, New Jersey.

Dear Mr. McAvoy:

Re: United States v. Mildred E. Sisk, also
known as Mildred Elizabeth Gillars.

The Department of Justice has been informed that during December 1946 at which time, in your official capacity, as American Vice Consul at Frankfurt-on-Main, Germany, you were visited by the defendant in the above styled case, the details of the incident being set forth in a memorandum prepared by you on January 22, 1947, a copy of which is herewith enclosed.

It is considered possible that the defendant may seek to plead a defense upon claim of expatriation and, in such event, your testimony concerning the incident outlined in your memorandum would be desired on behalf of the Government.

It will be appreciated if you will write to Mr. John M. Kelley, Jr., of my staff, Room 2724, Department of Justice, Washington 25, D. C., stating whether or not you have an independent recollection of the event in question, particularly, as respects Miss Gillars' claim to United States citizenship as of December 1946.

It is also requested that you furnish Mr. Kelley with your exact residence address.

Respectfully,

For the Attorney General,

Mr. Kelley, Rm. 2724
Records ✓
Chrono.
Int. Security

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure No. 419866

AMC:JMK:mas

2

146-7-51-1708

December 13, 1948

JMK

~~SECRET~~

William T. McCarthy, Esquire,
United States Attorney,
Boston 9, Massachusetts.

Dear Mr. McCarthy:

Attention: W. Arthur Garrity, Jr., Esquire,
Assistant United States Attorney.

Re: United States v. Mildred E. Sisk, also
known as Mildred Elizabeth Gillars.

*AMR by
WAP*

We are sending by separate cover Volumes 5, 6 and 7 of the Stenographic Record of Testimony in the case of United States v. Best, which you forwarded to this office on December 2, 1948, in order to permit copies thereof to be made.

It is understood that Volumes 2, 11 and 12 of the Transcript were returned to you some time last week.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure #419849
(under separate cover)

RECEIVED AND MAILED
DECEMBER 15 1948

Records ✓
Mr. Welley--Rm. 2724
Chrono.
Int. Security

49

AMC:JMK:mas

146-7-51-1708

December 31, 1948

via AIR MAIL

Alfred E. Modarelli, Esquire,
United States Attorney,
Newark, New Jersey.

HOLLIE

Dear Mr. Modarelli:

Re: United States v. Mildred E. Sisk, also
known as Mildred Elisabeth Gillars.

In 1945 the Third Circuit decided the case of United States v. Schanerman, which is reported in 150 F. (2d) 941. It appears from the report that Mr. Vincent E. Hall, of Newark, New Jersey, argued the case for the Government, and that Mr. Thorn Lord, United States Attorney, Newark, New Jersey, was on the brief. One aspect of this decision is of particular interest to the Criminal Division in connection with the forthcoming trial of the case entitled in the caption hereof, that being the decision set forth at Point No. 6 to the effect that:

Transcribed notes, made by a stenotype operator from hearing the records repeatedly "played", were properly excluded; but the mere fact that certain portions of the mechanically recorded conversations were less audible than others did not call for exclusion of what the jurors personally heard from the "playing" of the records. There would be no more valid reason for exclusion of the mechanically recorded conversations than there would be for excluding competent conversations, overheard in part, by human witnesses.

In the case of United States v. Gillars, the Government proposes to introduce in evidence written transcriptions of certain phonographic recordings. On the surface, at least, the decision in the Schanerman case would appear to be a barrier to the introduction

Mr. Kelley
Records ✓
Chrono.
Int. Security

*A.C. Pitt
JMK
JMK
File
72H*

50

of such evidence. It may be, however, that the basis of the objection raised in the Schanerman case and the existence of facts peculiar to that case which will not be disclosed by the opinion may serve to distinguish the facts upon which we propose to offer similar evidence in the Gillars matter.

It will be very much appreciated, therefore, if the files of your office may be searched to determine whether or not you possess a copy of the record of the testimony in the Schanerman case. In the event that you have the record, it will be helpful if we might have a copy of an extract thereof covering the testimony incident to the identification and offer in evidence of the "transcribed notes" made by the stenotype operator, any objections appearing in the record to the admission of such notes and any bench conferences that would reflect the basis of the objection and the Court's reasons for excluding the evidence. It would also be of assistance if you could furnish us with a copy of the briefs submitted by both sides, both in the District Court, if any, and in connection with the appeal to the Circuit Court.

If you are able to locate the materials desired, will you please forward the same to John M. Kelley, Jr., Special Assistant to the Attorney General, Room 2724, Department of Justice, Washington 25, D. C., and they will be promptly returned to your office after they have served their purpose here.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Director, Federal Bureau of Investigation

January 10, 1949

Alexander M. Campbell, Assistant Attorney
General, Criminal Division.

AFC:JMK:tms

United States v. Mildred E. Sisk, also
known as Mildred Elizabeth Gillars; Treason.

146-7-51-1708

File

Jan 12
AMC
by WAP

HOLLIE

The trial of the above styled matter is scheduled to commence on Monday, January 24, 1949. The jury lists drawn to serve during the ensuing term in the various Divisions of the District Court are attached hereto. The instant case will be tried by Judge Edward M. Curran, who is sitting in Criminal Court No. 2. Thus, the jury list for Criminal Court No. 2 will constitute the first panel to be called into the box in connection with this case. It is understood that once said list of jurors has been exhausted that the balance of the panel will be drawn from the various jury lists accredited to other Divisions of the Court and it is impossible to say in what order such lists will be called up.

Evidence to be introduced in the forthcoming trial will include many phonographic recordings of broadcasts made by the defendant while employed by the German Shortwave Radio. In all of these broadcasts, the defendant stresses the anti-Semitic aspect of German propaganda. In addition thereto, from time to time, the defendant gave voice to various statements in harmony with the Nazi ideologies.

In the event that there should be called into the jury box some individual who was formerly a member of the German-American Bund, or any similar Fascist organization, trial counsel would be wholly uninformed unless it can be arranged that the Bureau check the within lists of jurors against its indices of persons who were formerly associated with Fascist organizations, or suspected of such connections. It is realized that the within lists include a large number of prospective jurors and, thus, the task of checking said lists against the Bureau's indices may involve a considerable amount of work.

Since most of the prospective jurors may be presumed to have resided in the District of Columbia for a period of several years, it is suggested that indices maintained by the Washington Field be first scanned. Likewise, the first list of jurors to be checked should be those listed on the panel drawn for Criminal Court No. 2. It will be appreciated, therefore, if the Bureau will undertake the search hereinbefore outlined and complete the same insofar as may be possible in view of the limited time available between now and the date of trial.

CC: Records ✓
Mr. Kelley
Chrono.
Int. Security

In addition to the search hereinbefore requested, it is desired that as respects those prospective jurors listed on the panel

drawn for Criminal Court No. 2, the customary investigation concerning the reputation and integrity as revealed by Credit Bureaus and other readily available sources of information known to the Bureau be undertaken, and that any information of significance disclosed in the course of such check be conveyed to Mr. John M. Kelley, Jr., of my staff, who will conduct the trial of the instant case.

HOLLIE

DEPARTMENT OF JUSTICE

The Justice Department announced today that prosecution of American citizens for broadcasting activities over the German short-wave radio during the war is continuing with two treason trials and one grand jury proceeding scheduled to begin this month.

Trial of Mildred E. Sisk, alias Gillars, who identified herself in her broadcasts as Axis Sally, will begin in the United States District Court for the District of Columbia on January 24, 1949.

Martin James Monti, who is charged with having flown an Army Air Force plane across the German lines, joining the SS, and broadcasting over the German radio, will be brought to trial in the Eastern District of New York at Brooklyn on January 17, although actual proceedings are expected to be delayed for approximately two weeks awaiting the arrival of witnesses from Germany.

In accordance with the constitutional requirement of two witnesses to each overt act of treason, the Justice Department is following the procedure established in the cases of Douglas Chandler and Robert Henry Best, both convicted of treason for their broadcasts over the Nazi radio, of bringing to the United States as witnesses the German superiors of these broadcasters who are essential witnesses in the proceedings.

Hans von Richter, a high official of the German radio, was brought to the United States to testify in the cases of Chandler and Best and will be a witness in the Gillars and Monti cases.

File

100-7-51-1708

JAN 13 1949

SLB

58

Prominent SS officials likewise are necessary witnesses to the allegations in the Monti indictment which charge that Monti sought membership in Hitler's Elite Guard and was actually issued the uniform and equipment of an SS officer.

In this connection Gunther D'Alquen and Herman Rockmann were brought to the United States in September 1948 to testify before the grand jury which indicted Monti and will again be brought to the United States to testify at the time of the trial.

The cases of several other Americans charged with broadcasting over the Nazi radio have been under investigation by the Justice Department and it is expected that during the coming year several indictments will be sought.

Grand jury proceedings are expected to commence in the near future against Herbert John Burgman, an American citizen, who has been apprehended in Germany and is expected to be brought to the United States later this month to face treason charges.

The first of the treason cases against broadcasters over the Japanese radio is the case of Iva Toguri D'Aquino who was indicted in San Francisco in October and whose trial is expected to commence in the near future.

AMC:JMK:ms

146-7-51-1708

January 14, 1949

Handwritten: J. Yoha
Handwritten: frank

Carl J. Yoha, Jr.,
Major, Signal Corps,
Director, Stock Control Division,
Baltimore Signal Depot,
Middle River,
Baltimore 20, Maryland.

Dear Major Yoha:

Re: United States v. Mildred E. Sisk, also
known as Mildred Elizabeth Gillars.
Your reference - Lamb/adl/250; Acct. #7;
CV-B-44033; SIGES-7-a.

As requested in your letter of January 12, 1949,
there is enclosed one copy of Army Shipping Document CV-B-
44033 properly executed by an officer of this Department.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure
No. 375415.

cc: Records ✓
Chrono.
Int. Security
Mr. Kelley

Department of Justice

Washington District of Columbia

January 18, 1949
(Place and date)

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Authority to incur the following-described expense is hereby respectfully requested:

Nature of expense: (Describe fully, explaining the necessity—if for personal services giving proposed rate of pay, probable duration of employment etc.)

**United States v. Mildred E. Sisk, aka Mildred Elizabeth Gillers
D.J. File #146-7-51-1708**

**Purchase of one daily copy of transcript of testimony
in the trial of the subject case from Ernest Markwalter,
Official Court Reporter, Washington, D. C., at 60¢ per page,
such copy being necessary to proper trial process.**

SEE INSTRUCTIONS ON REVERSE SIDE

HOLLI

Estimated total expense: **\$350.00**

- (a) Personal compensation..... \$..... **JOHN M. KELLEY, JR.**
- (b) Personal expenses.....
- (c) Other items..... **Special Assistant to the Attorney General**
(Official title of officer)

EJM:MES:jac

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

January 25, 1949

Approved: SAA

OK MKZ

You are authorized to incur the above expense.

RECEIVED
JAN 27 1949
DIVISION OF ACCOUNTS

RECEIVED
JAN 24 10 44 AM '49
DIVISION OF ACCOUNTS

The United States Marshal for the said District of Columbia is hereby directed to make payment under the above authorization upon the presentation of accounts in duplicate properly prepared. Payment to be made from the appropriation

"Miscellaneous Salaries and Expenses, Field, Department of Justice, 1949."

For the Attorney General:

S. A. Andretta

S. A. Andretta, Administrative Assistant

to the *Assistant* Attorney General

Department of Justice

AMC:JMK:tms
146-7-51-1708

Washington, District of Columbia

February 16, 1949

THE ATTORNEY GENERAL,
Washington, D. C.

SIR: Authority to incur the following-described expense is hereby respectfully requested—
In re:

UNITED STATES v. MILDRED E. SISK, also known as
MILDRED ELIZABETH GILLARS; TREASON.

To pay to Mr. Ernest Markwalter, Official Court Reporter, 311 Columbian Building, Washington 1, D. C., for his services in connection with the above case an estimated amount covering approximately 3 weeks of Daily Transcripts furnished to the Government.

(This request is supplemental to an earlier request in relation to the same expenditure.)

Estimated total expense, \$
Contract No. 1494.00

JOHN M. KELLEY, JR.

~~U. S. Attorney (Scratch one) U. S. Marshal~~
~~SPECIAL ASSISTANT TO THE ATTORNEY GENERAL~~

NOTE: Unless the instructions on the reverse hereof are fully complied with, this request will be returned without action.
(Do not use this form for authority to incur expense of printing. Use letter.)

EJM:MES:ac

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

~~27858512219.000~~

Approved: SAA

ak. nk. 7.

You are authorized to incur the above expense.

February 25, 1949

146-7-51-1708
RECEIVED
FEB 17 1949
INTERNAL SECURITY SEC.
DIV. OF ACCOUNTS

INSTRUCTIONS

Use this form exclusively in making applications for authority to incur expenses. Nature of expense: Describe fully; justify necessity. For personal services give name of payee; if known proposed rate of pay, dates of employment, etc. Payment by the United States Marshal for your district is authorized from the appropriation returned for appropriate disposition. Miscellaneous Salaries and Expenses, Fiscal Department for the year 1949. For the Attorney General. The estimated total expense, as indicated by the forms, MUST BE GIVEN in each instance. If more than one item of expense is included, the cost of each item must be shown.

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

Office Memorandum • UNITED STATES GOVERNMENT
RECEIVED
DEPT. OF JUSTICE

AN 18 TO 9 15 AM 1949 S. A. Andretta, Administrative Assistant
to the Attorney General.
FROM: Alexander M. Campbell, Assistant Attorney
TO THE General, Criminal Division.
ATTORNEY GENERAL
SUBJECT: UNITED STATES v. MILDRED E. SISK, also known
as MILDRED ELIZABETH GILLARS; TREASON.

DATE: January 14, 1949

AMC:JMK:tms

146-7-51-1708

HOLLIE

3.7 B

In connection with the trial of the above styled case, it is deemed essential that a daily transcript of the testimony be obtained, for the use of Government trial counsel.

The defendant's counsel has filed a motion in forma pauperis requesting that the defendant be provided with a daily transcript of the proceedings. While the court has not yet acted on this motion, he has made it clear that he intends to grant the same some time prior to the trial date. It is my understanding that the cost of supplying an indigent defendant with a transcript of testimony is properly chargeable to the Administrative Division of the United States Courts.

Counsel

The standard charge for daily transcript is as follows: Original copy 90 cents per page; carbon copy 30 cents per page. Mr. Ernest Markwalter advises that by rule adopted at the Judicial Conference, under circumstances such as exist in the present case, the cost of one original and one carbon is combined at \$1.20 per page and each side pays 1/2 thereof, or 60 cents per page.

It is requested, therefore, that you authorize Mr. John M. Kelley, Jr., of my staff, to order one copy of the daily transcript of proceedings in the above styled case. It is impossible to estimate the length that this trial will run with any degree of accuracy. It is the opinion of Government trial counsel that the case will not run more than twenty trial days. Defense counsel, however, has indicated that in his opinion the trial will last a considerably longer period of time.

*/ Official Court Reporter

File

258 with. 1-25-49

EJM

RECEIVED
DIVISION OF ACCOUNTS
JAN 18 11 43 AM '49

Mr. Andretta	.....
Mr. Butts	.....
Acc. Div.	.....
Ch. Clk.	.....
Personnel Off.	.....
Supply Div.	.....
Records Div.	.....
Mr. Corthell	.....
Mr. Loven	.....
Stat. Div.	.....

55

WBO41 PD

RB WASHINGTON DC JAN 27 812P

THE PRESIDENT OF THE UNITED STATES

THE WHITE HOUSE

WE, THE AMERICAN GOLD STAR MOTHERS, INC., AT THE NATIONAL EXECUTIVE BOARD MEETING ASSEMBLED 26 JANUARY 1949,

RESPECTFULLY REQUEST THAT AXIS SALLY, NOW ON TRIAL IN

WASHINGTON, D.C. BE ACCORDED THE SAME PUNISHMENT METED TO

ALL TRAITORS GUILTY OF TREASON IN WAR TIME

AMERICAN GOLD STAR MOTHERS INC BY ORDER OF

NATIONAL EXECUTIVE BOARD..

The White House
Washington

JAN 27 9 44 AM 1949

Justice ✓

RECEIVED
FEB 4 1949
CRIMINAL DIVISION

HOLLIE

746-7-57-1708
DEPARTMENT OF JUSTICE
FEB 4 1949
DIVISION OF
CRIM.-INTERNAL SECURITY SEC. 1-4418.5

✓ 56

SLE

5116

AMC:JMK:JFC:tms

116-751-1708

March 29, 1949

SPECIAL DELIVERY

Albert E. Modarelli, Esquire,
United States Attorney,
Newark, 1, New Jersey.

Dear Mr. Modarelli:

Re: United States v. Mildred E. Sisk, also
known as Mildred Elizabeth Gillars;
Your reference CJT:HMS:rlf - 2494c.

Reference is made to your letter to Mr. John M. Kelley,
Jr., of my staff, dated January 3, 1949 with which you enclosed
the brief, appendix and reply brief of the appellant and brief
and appendix of the appellee in the case of United States v.
Nathan A. Schanerman.

These documents are being returned to you herewith.
Thank you very much for your courtesy in furnishing these docu-
ments which were very helpful in connection with the trial of the
subject case.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure
No. 419938

Records
Mr. Cunningham ✓
Mr. Kelley

S. A. Andretta, Administrative Assistant to
the Attorney General
Alexander M. Campbell, Assistant Attorney General
Criminal Division
WILLIAM J. GILLARS - Treason
Use of Department truck

March 11, 1949

146-7-51-1708

146-7-51-1708

It is requested that the Department truck be authorized to pick up on Monday, March 14th, between the hours of 12:30 and 1:30 pm (or after 4:30 pm) certain radio equipment which has been dismantled from the GILLARS treason trial in the District Court Building. This material can be picked up from the CLERK'S OFFICE adjoining Court Room No. 2, and it is important that it be picked up at the above hours so as not to disturb other court proceedings.

HOLLIE

ALL THE RADIO EQUIPMENT MENTIONED ABOVE including one filing cabinet will be tagged and is to be brought back to the Main Justice Building to go to the various rooms as indicated.

IT IS OF THE UTMOST IMPORTANCE THAT MR. JOHN CLARK INSTRUCT THE TRUCK DRIVERS THAT "anything in the suitcases should be handled in the same position in which it is found at the time of the pickup" - these contain delicate radio machines and instruments and are NOT TO BE handled carelessly, turned up on side, tilted, etc.

APPROVED:

CC: Records
Mr. Andretta
Mr. Clark
Mr. Green - Room 2119
Mr. Kelley - Room 2732
Mr. Franke
Clerks

58

AMC:JMK:mas

146-7-51-1708

April 6, 1949

File

Justy

Brigadier General E. M. Brannon,
Assistant Judge Advocate General,
Office of The Assistant Secretary,
Department of the Army,
Washington, D. C.

HOLLIE

Dear General Brannon:

Re: United States v. Mildred E. Sisk, also
known as Mildred Elizabeth Gillars.

Reference is made to your letter of January 18, 1949 wherein, in response to telephonic request of Mr. Tom Pace of this Department to Lt. Colonel John H. Awtry of your Department, you furnished to Mr. John M. Kelley, Jr., of my staff, the following:

a. Information & Education Division Report No. B-167, Copy No. 12 entitled "Summary of Miscellaneous Materials on Troop Reactions to Enemy Radio Propaganda."

b. Copy of monthly Digest of War Department Studies on the Attitudes of American Troops entitled "What the Soldier Thinks", No. 8.

We wish to thank you for the above mentioned material which is enclosed herewith since it has served our purpose.

Respectfully,

For the Attorney General,

CC: Records ✓
Mr. Kelley-Rm.2724
Chrono.
Int. Security

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure No. 375419

AME:JMK:mas

146-7-51-1708

April 6, 1949

fact

Brigadier General E. M. Brannon,
Assistant Judge Advocate General,
Office of The Assistant Secretary,
Department of the Army,
Washington, D. C.

HOLLIE

Dear General Brannon:

Re: United States v. Mildred E. Sisk, also
known as Mildred Elisabeth Gillars.

Reference is made to your letter of January 12, 1949 wherein, in response to telephonic request of Mr. Tom Pace of this Department to Lt. Colonel John H. Awtry of your Department, you furnished to Mr. John N. Kelley, Jr., of my staff, Draft manual (Army Manual FM 30-60) for use in the above styled case.

We wish to thank you for the Manual which is enclosed herewith since it has served our purpose.

Respectfully,

For the Attorney General,

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure
No. 375418.

CC: Records ✓
Mr. Kelley
Chrono.
Int. Security

AMC:JMK:mas

146-7-51-1708

April 19, 1949

JMK's
Mr. Luther Harris Evans,
Librarian of Congress,
Library of Congress,
Washington, D. C.

Dear Mr. Evans:

HOLLIE

Attention: Mr. George Steels, Recording Laboratory.

Re: United States v. Mildred E. Sisk, aka
Mildred Elisabeth Gillars; Treason.

Confirming the oral understanding had between Mr. Frank X. Green, Radio Engineer, on behalf of the Department of Justice, and Mr. Steels, Mr. Green will make available to the Recording Laboratories of the Library of Congress a plastic recording (7 discs) of a program entitled: "Midge at the Mike" produced by the Reichsrundfunk and broadcast to the United States on July 19, 1943. This program consists of a monologue by Mildred E. Gillars, popularly known as "Axis Sally," who was recently convicted of treason in the District of Columbia. This is the sole original (German) recording in the possession of the Department and we know of no other existing similar recording.

The record in question is being furnished to you in order to permit the Library of Congress to duplicate the same so that it will have a copy for its files. It is understood, however, that the copy so obtained will not be released or made available to anyone whatsoever outside of the Library of Congress until the case of United States v. Gillars has been finally concluded, that is to say, until all appeals have been decided.

Respectfully,

For the Attorney General,

CC: Records ✓
Chrono.
Int. Security
Mr. Kelley--Rm. 2724

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure #419872

(Under separate cover; to be delivered
and returned by Mr. Green.)

Office Memorandum • UNITED STATES GOVERNMENT

TO : Memorandum to the Files

DATE: July 20, 1950

JFC
FROM : J. Frank Cunningham

JMM:JFC:cd
146-7-51-1708

SUBJECT: Gillars v. United States

L.J.B.

File

JMM

On May 19, 1950, the Court of Appeals of the District of Columbia affirmed the conviction of the appellant in the subject case. No motion for rehearing was made by the appellant to the Court of Appeals. Under Rule 37(b)(2) of the Rules of Criminal Procedure a "petition for writ of certiorari may be made within thirty days after entry of the judgment in a criminal case or within such further time, not exceeding thirty days, as the Supreme Court or a justice thereof, for cause shown, may fix within the thirty day period following judgment."

Following the affirmance of this case the appellant notified her attorney, James J. Laughlin, Esquire, that she no longer wanted him to represent her or to take any further steps in her behalf. Mr. Laughlin then applied to the Court of Appeals and was granted permission to withdraw from the case. On June 10, 1950, the appellant personally filed an application with the Supreme Court for an extension of time within which to apply for a writ of certiorari. On June 17, 1950, Justice Jackson entered an order extending the time for filing this petition to and including July 17, 1950. Under the Rules it appears that this is the only extension which the Court would have jurisdiction to grant.

After filing her application for the extension of time referred to, appellant communicated with the Supreme Court stating that her incarceration and her lack of legal knowledge made it difficult for her to prepare proper pleadings, and requested permission to confer about the case with members of the Court. This request, of course, was denied.

The time for applying for writ of certiorari has now expired and it appears that the affirmance of the conviction by the Court of Appeals is final.

FILED
BY HH
AUG 1 1950

146-7-51-1708
DEPARTMENT OF JUSTICE
JUL 24 1950
DIVISION OF RECORDS

L.J.B.

ORIM - INTERNAL SECURITY - SEC

NOTE TO PRINTER

The following described documents are contained in the record on appeal sent up by the District Court to the Circuit Court of Appeals. The record will be furnished you by the Circuit Court. Each page of this record has been numbered by the District Court. Please select the following documents, described by the District Court page number and the title of the instrument, and print them seriatim herein as a Joint Appendix forming a part of and to be physically included in the bound volume of this brief. Please insert a heavy black line between each printed document.

<u>District Court Page number</u>	<u>Title of Document</u>
3607-17	Indictment, U.S. v. Mildred E. Gillars (Sisk)
3618	Minute entry of plea of not guilty on arraignment
3619	Motion to dismiss
3660	Affidavit in support of application for leave to proceed without prepayment of costs
3661-63	Motion to subpoena witnesses at the expense of the United States
3664-66	Amended motion to subpoena witnesses at the expense of the United States
3705	Verdict of the Jury
3706	Motion for New Trial
3716-18	Amendment to Motion for New Trial
3732	Judgment of Guilty and Sentence
3733	Notice of Appeal
3734	Order designating stenographic transcript as record on appeal
3735-36	Designation of Record
3737	Order designating original government exhibits to be included in record on appeal
3738	Counter-designation of record
3739	Certificate of birth
3740-41	Application for revalidation of passport
3742	Clerk

58A450
Box 691

Typed 5/25/66

JWY:JDM:rmr

MAY 26 1966

106-7-51-170

Joseph P. Kinneary, Esquire
United States Attorney
Southern District of Ohio
Columbus, Ohio 43216

Attention: Robert A. Bell, Esquire
Assistant United States Attorney

Re: United States v. Mildred E. Sisk
Criminal No. 1111-48

Dear Mr. Kinneary:

Jim
Jh

Your letter dated February 4, 1966, addressed to Assistant Attorney General Fred M. Vinson, Jr., has been referred to this Division for reply.

It is noted that the debtor is employed as a teacher in St. Mary's Assumpta School on a salary of \$67.00 per month a school year; that her clothing is donated; that she is closely supervised by the Mother Superior of that school, who informs the probation officer of debtor's activities; and that in your opinion the fine of \$10,000 is uncollectible.

However, before a decision as to the uncollectibility of the fine is made, the procedure set forth in the United States Attorneys' Manual must be followed, and adequate financial data obtained, particularly as to the debtor's future financial prospects.

It is requested, therefore, that the debtor execute a personal financial statement on Form DJ-35 and produce such further data, including copies of tax returns, if any, as may be helpful in reaching a decision in this matter.

Sincerely,

J. WALTER YEAGLEY
Assistant Attorney General
Internal Security Division

Records
Mr. Moore
Mr. Worthington
Hold

RECEIVED
COMMUNICATIONS SECTION
MAY 26 1966

By: FRANCIS X. WORTHINGTON
Chief, Civil Section

69

Typed 12/15/66

DEC 19 1966

JWY:JDM:EMR
146-7-51-1708

58A 450
100X 691

Joseph P. Kinneary, Esquire
United States Attorney
Southern District of Ohio
Columbus, Ohio 43216

Attention: Robert A. Bell, Esquire
Assistant United States Attorney

Re: U.S. v. Mildred E. Sisk
Criminal No. 1111-48

JAM

Dear Mr. Kinneary:

This will acknowledge the receipt of your letter dated June 14, 1966, together with Form DJ-35 executed by the debtor.

We cannot agree with your conclusion that because of the information submitted on Form DJ-35, the unpaid fine of \$10,000 is uncollectible. Perhaps the full amount may never be collected, but your attention is directed to the statement of the debtor that she has a savings account in the Ohio National Bank, Beechwood Branch, Columbus, Ohio, in the sum of \$1,170.93 as of June 10, 1966. Therefore, you are requested to take such measures as are necessary to obtain payment of that sum from the debtor to be applied to the fine owed to the Government.

Sincerely,

J. WALTER YEAGLEY
Assistant Attorney General
Internal Security Division

Records ✓
Mr. Worthington
Mr. Moore
Hold

By: FRANCIS X. WORTHINGTON
Chief, Civil Section

RECEIVED AND FILED
INVESTIGATIONS SEC.
DEC 19 1966

65

F.R.C.
584 050
Box 631

JAN 30 1967

Typed 1/19/67
JWY:JDM:bjr
146-7-51-1708

Robert M. Draper, Esquire
United States Attorney
Southern District of Ohio
Columbus, Ohio 43216

Re: U.S. v. Mildred E. Sisk
Criminal No. 1111-48

Dear Mr. Draper:

This will acknowledge the receipt of your letter dated January 13, 1967, with respect to the collection of the sum of \$1,170.93 representing the savings account of the above-named debtor.

You have indicated that because of the debtor's advanced age and financial circumstances, the result of taking over her bank account may cause undue hardship to be suffered by her. Your statements have been given full consideration, but, without discussing their merits or demerits, it is suffice to say that neither this Division nor the Department of Justice has the authority to compromise fines of this nature - that is the prerogative of the President. (United States Attorneys' Manual, Tit. 2, pg. 23).

As there is nothing that can be done to alleviate debtor's situation, except a Petition for Executive Clemency, we again request that you proceed with the collection of the fine.

Sincerely,

J. WALTER YEAGLEY
Assistant Attorney General
Internal Security Division

cc: Records
Mr. Worthington
Mr. Moore
Hold Cy.

By:

FRANCIS X. WORTHINGTON
Chief, Civil Section

JAN 31 1967 W.D.B.

66

F.R.C
58AUS
Box 691

'Axis Sally' Goes Free, Will Take Convent Job

Mildred Elizabeth Gillars, the "Axis Sally" of World War II, today was granted parole and will go to a job in a convent.

The American-born woman who became the belle of the Berlin airwaves was found guilty in 1949 of broadcasting propaganda to American troops for wartime German radio.

Her treason conviction carried a sentence of from 10 to 30 years.

She has been in the Federal Reformatory at Alderson, W. Va. since August 10, 1950.

Now 60 years old, she first became eligible for parole in March, 1959, but did not apply at that time. When she did apply in February, 1960, the Parole Board denied her request.



MILDRED E. GILLARS

Improvement Cited

Arthur Chappell, chairman of the United States Board of Pardons, said that the board had voted to grant the parole during an annual review of cases.

He said the action was based on an institutional progress report saying that Miss Gillars had maintained a good conduct record at Alderson and had improved herself, especially in the areas of music and religion.

The parole becomes effective July 11, 1961. Chappell said that Miss Gillars will be supervised by a Federal officer until she is able to find a suitable job.

her 30-year term expires in 1979.

In granting parole, Mr. Chappell said, the board took into consideration her age and the fact that she had been in custody since her arrest in 1946.

Born in Portland, Me., she went to Algeria in 1933 and from there to Germany, where she was living when World War II broke out. In 1940, she got a job with the Reich Radio Broadcasting Corp., an official agency of the Hitler government.

After the United States entered the war, her broadcasts were directed to American forces stationed in North Africa and Italy.

AXIS SALLY

Continued From First Page
tered the war, her programs were directed to American forces stationed in North Africa and Italy.

She broadcast a series of "home sweet home" programs beamed at American troops. The programs were designed to make soldiers homesick, and to weaken their morale. She was also accused of persuading captured Americans to record messages to their families and relatives. Instead of sending the prisoners' messages to their loved ones, according to the indictment against her, she wove them into Nazi propaganda broadcasts.

She was reputed to be Berlin's highest paid radio performer. At the time of her arrest, she said she did not regard her broadcasts as treason but "an outlet for dramatic expression I had always felt."

Caught in Berlin Cellar

After the war she was arrested, cowering in the rubble of a bombed-out Berlin cellar when American troops entered the city.

By then her sirupy voice had turned strident and her black hair had silvered so that in photographs she looked like a platinum blond.

She was tried here because the law provides that a person charged with treason must be tried where he first sets foot on American soil. She had landed at Bolling Air Force Base in August, 1948. Her treason trial ran from January 24, 1949, through March 11, 1949.

Her counterpart in the Pacific, Mrs. Iva D'Aquino, better known as "Tokyo Rose," was convicted of treason after a trial in San Francisco. She also served at Alderson but had a shorter sentence. After serving 6 1/2 years of a 10-year sentence, Tokyo Rose was released in January, 1956.

FRIDAY, APRIL 7, 1961

146-7-51-1701
DEPARTMENT OF JUSTICE
APR 11 1961

FILE NO. 67,
146-7-51-1708

F. R. C.
57A-5-3
Bjx 691

Axis Sally of World War II Leaves Prison With Flourish of Actress

ALDERSON, W. Va., July 10 (AP).—Mildred Gillars, the Axis Sally of World War II, strode out of prison today with the flourish of an actress. She had spent 11 years in the Federal Reformatory for Women here on a treason conviction.

Her face showed every one of her 60 years. But she was nattily dressed and she gestured and ranged through changes of facial expression as if the reformatory gate were stage center.

She had always wanted to be a dramatic actress. It showed.

Miss Gillars was the starring voice of Nazi propaganda broadcasts aimed at American troops overseas and American workers at home to try to discourage their efforts.

She was indicted in 1948 and convicted in March, 1949, after a three-month trial in Washington, D. C. She was sentenced to 10 to 30 years. Her release today was on parole.

She denied vehemently during her trial that she wanted to hurt America—she said she loved it. But, she said, she fell

See SALLY, Page A-6



MILDRED GILLARS

—AP Wirephoto

she went to work for Berlin radio and played the propaganda role for which she became known as Axis Sally.

Today she kept the score of reporters and her brother-in-law and sister, Mr. and Mrs. E. E. Nieminen of Ashtabula, Ohio, waiting a half hour before being driven to the main gate by Lt. Helen English.

And she prolonged the suspense for a long minute or two—in view of the waiting assemblage—while she talked and gestured with Miss English in a car.

Finally, Mrs. Nieminen broke through the half-moon of newsmen and threw open the car door. Miss Gillars hugged her sister in a vigorous embrace.

Did she have anything to say with her first breath of free air?

"Well, after some 15 years in prison, what am I supposed to say?" she answered. Actually, she was here 11 years. She spent one year in jail in Washington during her appeal, which was finally turned down in May, 1950. She then was brought to Alderson.

Miss Gillars said she did not know whether she would enter a convent. It had been reported that she would. She said she was going to Ashtabula.

SALLY

Continued From First Page
in love with the late Max Otto Kolschitz, a naturalized American who had returned to Germany.

She said it was for Kolschitz, a one-time Hunter College (N. Y.) professor, that

The Evening Star
July 10, 1961

146-7-51-1768

JUL 11 1961

146-7-51-1768

U.S. to Give Parole To 'Axis Sally'

WASHINGTON (AP) — Prison gates will open soon for "Axis Sally," the American girl who broadcast Nazi Germany's propaganda to U.S. troops during World War II.

Chairman Richard A. Chappell of the U.S. Parole Board announced today the board has granted parole to Mildred Elizabeth Gillars effective July 10. She has served 12 years of a 10-to-30-year sentence for treason in the Federal Women's Reformatory at Alderson, W. Va.

Now 60 and white-haired, Miss Gillars will find seclusion in a convent, where she has arranged to work after her release from prison.

EVENING NEWS

APRIL - 7
1961

F.R.C.
58A 450
Box 691

The Evening Star
March 29, 1960

Parole Denied To 'Axis Sally'

By the Associated Press

The United States Parole Board yesterday turned down a bid for parole by Mildred E. Sisk, known as "Axis Sally" in World War II days.

Miss Sisk, 46, charged with making radio broadcasts and phonograph records for the Nazi government during the war was brought back to this country in 1949 and convicted of treason.

She was sentenced to serve from 10 to 30 years. She became eligible for parole in March, 1959, but did not file an application until February 2, 1960.

The board gave no reason for rejecting her application. She is serving her time in the Women's Federal Reformatory at Alderson, W. Va.

Miss Sisk, born in Portland, Maine, and educated in Ameri-

... moved to Hungary and Germany, beginning about 1934. During the war she used the name Mildred Gillars.

FILED
MAR 29 1960

on 3/10/49

146-7-51-1708	
DEPARTMENT OF JUSTICE	
3	MAR 18 1960
RECORDS BRANCH	
RECORDS	

146-7-51-1708

FILED

ICM; Johnny Clark - Rm. 3-725

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

August 21, 1947

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

TYU:JMK:ms

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

144-7-21-1708

S.S.

It will be appreciated if arrangements can be made today to
have material at Archives mentioned above (24 boxes, approximately
8" 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.

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

*File
JK*

68

AMC:JMK:mas

APR 20 1949

146-7-51-1708

April 19, 1949

I. J. B.

Mr. Luther Harris Evans,
Librarian of Congress,
Library of Congress,
Washington, D. C.

Dear Mr. Evans:

Attention: Mr. George Steele, Recording Laboratory.

Re: United States v. Mildred E. Sisk, aka
Mildred Elizabeth Gillars; Treason.

Confirming the oral understanding had between Mr. Frank X. Green, Radio Engineer, on behalf of the Department of Justice, and Mr. Steele, Mr. Green will make available to the Recording Laboratories of the Library of Congress a plastic recording (7 discs) of a program entitled: "Edge at the Mike" produced by the Reichsrundfunk and broadcast to the United States on July 19, 1943. This program consists of a monologue by Mildred E. Gillars, popularly known as "Axis Sally," who was recently convicted of treason in the District of Columbia. This is the sole original (German) recording in the possession of the Department and we know of no other existing similar recording.

The record in question is being furnished to you in order to permit the Library of Congress to duplicate the same so that it will have a copy for its files. It is understood, however, that the copy so obtained will not be released or made available to anyone whatsoever outside of the Library of Congress until the case of United States v. Gillars has been finally concluded, that is to say, until all appeals have been decided.

Respectfully,

For the Attorney General,

CC: Records
Chrono.
Int. Security
Mr. Kelley—Rm. 2724 ✓

ALEXANDER M. CAMPBELL,
Assistant Attorney General.

Enclosure #419872
(Under separate cover; to be delivered
and returned by Mr. Green.)

File
JAC 69

the German medical care was excellent and that the German nurses were swell. And you know as well as I do that one day these American boys will be back in their sweet little old hometowns of theirs. They'll be sitting around the dining room table again with Mom and Dad. The little chair will not be empty anymore, which has been empty for so long now and they'll tell you all about their blood-curdling experiences over here in the Invasion Front where they were sacrificed for Jewish interests by Franklin D. Roosevelt. And they'll tell you about meeting me in the various hospitals and if you ask them if what I said was true about the excellent German medical care and the sweetness and the lovin'ness of the German nurses they'll say to you, "Yes, Mom, it was absolutely true." Everything that I tell you one thing I pride myself on is to tell you American folks the truth and hope one day that you'll wake up to the fact that you're being duped; that the lives of the men you love are being sacrificed for Jewish and British interests! American Public, for God's sake wake-up while there's time! Or do hundreds of thousands of you women still want to be in the same boat and sacrifice hundreds of thousands more of your husbands, your brothers, your fathers, your sweethearts * * * * Jewish America of the future and not a Gentile America! And, now, don't forget "Survivors of the Invasion Front" will be repeated again at the same time Friday evening. I am trusting you to drop cards to the mothers and fathers of the three boys who spoke tonight. I know you'll cooperate with me and I thank you for it. This is "Midge" signing off. Goodnight, America!

Station
Announcer:

You have just heard a repetition of another broadcast in our series "Survivors of the Invasion Front." The recordings were made several weeks ago in transit camps in France by our girl reporter "Midge". So tune in again for another broadcast in this series on Friday night at the same time. This is Sylvia * * * * signing off for tonight and here's Marjorie Allen all ready to take over.

Issue page
of radio
transcript

Property of V. C. Worheer

eps

MINAT. DIVISION

AUG 2 1946

RECEIVED

MEMORANDUM

Re: Expatriation

The Act of March 2, 1907, Chapter 2534, Section 2, 34 Stat. 1228, provides:

"That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state."

There are two possibilities under this Statute: namely, (1) that the statute is exclusive and that an American citizen can only expatriate himself by naturalization in a foreign state or by taking an oath of allegiance to a foreign state; or, (2) that the statute is not exclusive and that an American citizen may divest himself of his citizenship by performing acts other than the acts described in the Statute.

An opinion of the Attorney General rendered to the Secretary of State supports the view that the 1907 Statute is not exclusive. This opinion reads in part as follows (39 Op. A. G. 474 et seq.):

"Expatriation, or the voluntary renunciation or abandonment of nationality and allegiance, is a 'natural and inherent right of all people.' Perkins v. Elg 307 U.S. 325, 334; R.S. Sec. 1999. This right may be exercised by any citizen. It must be, however, an intent on the part of the person to renounce citizenship, or the performance of some act which shows presumptive intent. 30 (Op. A.G. 412, 421.) The statutes provide several different ways in which expatriation may be effected, but it does not necessarily follow that the methods

71

thus prescribed are exclusive (United States The Marshal 34 Fed. Second 219) although (a) the contrary view is expressed in Leong Kwai Yin v. United States 31 Fed. Second 738."

For the purpose of determining what types of conduct other than that prescribed the Statute of 1907 would result in the expatriation of a United States citizen, a review has been made of the cases, Statutes and textual material relating to the subject of expatriation. A report submitted by the Secretary of State to the House of Representatives on the subject of citizenship, expatriation, and protection abroad, dated 1906, summarizes in accurate detail the status of the law on the subject of expatriation as of the date of the report. The following statement of the status of the law of expatriation, is extracted from this report (p. 160 et seq.): as of the time of passage of the 1907 statute.

Section 1.--Right of expatriation.

"The question of the right of a citizen to expatriate himself from the American Union has been the subject of considerable discussion by the courts. One of the earliest expressions on the question is to be found in Jansen v. Brigantine, 1794, Bee, 11, 23, where the court, commenting upon the alleged expatriation of one of the parties to the action said:

I have perused, with attention, the cases cited on both sides as to the right of expatriation and emigration, in the general manner there laid down, where no legal prohibition exists and no prejudice is done thereby. The act of naturalisation of Congress and the constitution of this State concur to sanction this doctrine, and we should with an ill grace refuse to our own citizens what we thus hold out to others.

One year later the question presented itself before the Supreme Court in Talbot v. Jansen, 1795, 3 Dall., 133, 162, and the court discussed the matter at considerable length. In the course of his opinion he said:

That a man ought not to be a slave; that he should not be confined against his will to a particular spot because he happened to draw his first breath upon it; that he should not be compelled to continue in a society to which he

is accidentally attached when he can better his situation elsewhere, much less when he must starve in one country and may live comfortably in another, are positions which I hold as strongly as any man, and they are such as most nations in the world appear clearly to recognize.

The only difference of opinion is as to the proper manner of executing this right. Some hold that it is a natural, inalienable right in each individual; that it is a right upon which no act of legislation can lawfully be exercised, inasmuch as a legislature might impose dangerous restraints upon it, and, of course, it must be left to every man's will and pleasure to go off when and in what manner he pleases. This opinion is deserving of more deference, because it appears to have the sanction of the constitution of this state, if not of some other States in the Union. I must, however, presume to differ from it, for the following reasons:

1. It is not the exercise of a natural right, in which the individual is to be considered as a lone concern. As every man is entitled to claim rights in society, which it is the duty of the society to protect, he, in his turn, is under a solemn obligation to discharge all those duties faithfully which he owes, as a citizen, to the society of which he is a member, and as a man to the several members of the society individually with whom he is associated.

The view here expressed seems to have been assumed by the court in Santissima Trinidad, 1822, 7 Wheat., 347, where the court declined to give any opinion as to whether or not "an American citizen may, independent of any legislation to this effect, throw off his own allegiance to his native country." In the earlier case of the United States v. Giles, 1815, 1 Pet. C.C., 159, 161, Washington, J., declared:

That I must be more enlightened upon this subject than I have yet been before I can admit that a citizen of the United States can throw off his allegiance to his country without some law authorizing him to do so.