TLC:JMK:tmm
146-7-51-1708

URGENT

June 27, 1947

Clyde Goouch
C/o United States Attorney,
Boston, Massachusetts.

gillars, Mildred E.

JOHN M. KELLEY, JUNIOR, ~~XXXXX~~ STOPPING OVER NEW YORK CITY

MONDAY MORNING WILL ARRIVE BOSTON EARLY EVENING.

THERON L. CAUDLE,
ASSISTANT ATTORNEY GENERAL.

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

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TVQ:JMK:tms

146-7-51-1708

September 26, 1947

Vocal-Letter Music Publishing
and Recording Company,
Hartford 3, Connecticut.

Gentlemen:

Reference is made to your catalogue entitled, "Shall They Rise Again," from which it appears that you are in possession of certain phonographic recordings of radio programs emanating from short-wave radio stations operated by the German Government throughout the war.

This Department is particularly desirous of obtaining phonographic transcriptions of the following programs beamed from Berlin to the USA, which programs were conducted by a woman calling herself "Midge," viz.:

Date	Time of Broadcast	Nature of Broadcast
Jan. 23, 1944	21:30 E.W.T.	Introduction followed by spoken messages from American prisoners of war.
Jan. 25, 1944	19:15 " " "	"
Jan. 27, 1944	23:30 " " "	"
Jan. 30, 1944	21:30 " " "	"
Feb. 1, 1944	19:15 " " "	"

These programs were phonographically recorded by the FCC but, due to jamming of the frequencies to which the FCC Listening Post was tuned at the time, the recorded dialogue is unintelligible.

Mr.W.M.Kelley,Jr.--Rm.2315
Records
Chrono.
Miss Hamlin
Int. Security

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In the event that your Company was recording during the times mentioned above it is considered possible that you were tuned to frequencies which were not affected by the jamming experienced at FCC and it will be appreciated if you will inform this Department whether or not you possess intelligible phonographic recordings of any or all of the programs noted.

Respectfully,

For the Attorney General,

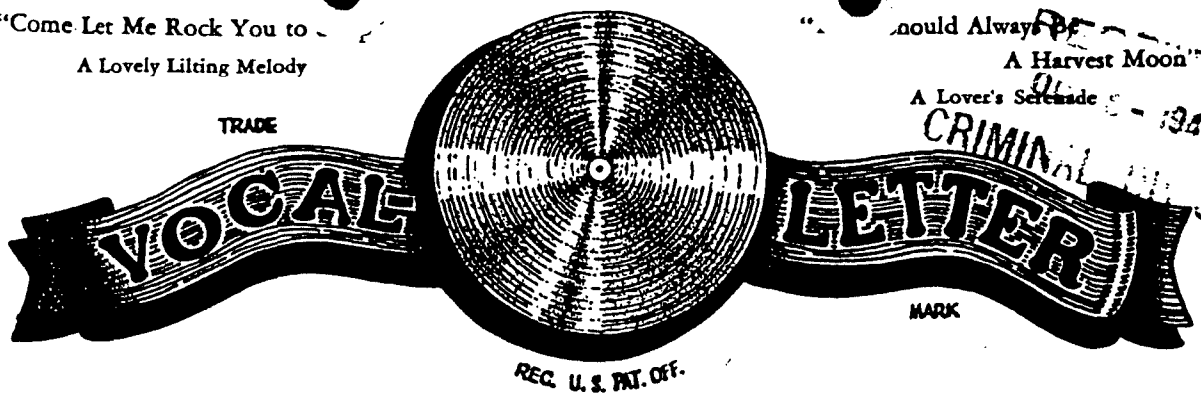
T. VINCENT QUINN,
Assistant Attorney General.

146-7-51-1708

"SORRY"
"The Pin-Up Song of the Year"

"Come Let Me Rock You to ..."
A Lovely Lilting Melody

"... nould Always Be ..."
A Harvest Moon"
A Lover's Serenade



Music Publishing and Recording Company

~~1210 Main Street~~ Telephone 6-1707

32 Allyn St. Hartford 3, Conn.

Oct. 6-47

RECEIVED
OCT 8 1947
CRIMINAL DIVISION

T. Vincent Quinn,
Assistant Attorney General.
Department of Justice
Washington D.C.

Dear Sir:

In response to your letter re."Midge" recordings of radio broadcasts emanating from Germany,etc.

Please be advised that we do have many clear intelligible recordings beginning in June -44 and ending with Germany's surrender.

All these recordings are at your disposal at anytime.

Yours,very truly

VOCAL LETTER MUSIC PUBLISHING AND RECORDING CO.

George F. Borger
George F. Borger
Pres.

GFB/b

146-7-51-1708

OCT 3 1947

Owned and Operated by "VOCAL-LETTER" COMMUNICATION SYSTEM, INCORPORATED

Director, Federal Bureau of Investigation

April 9, 1948

T. Vincent Quinn, Assistant Attorney General
Criminal Division

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

Mildred Elizabeth Gillars
Treason

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.

cc: Mr. John M. Kelly

cc: Records
Chrono
Mr. Foley

DEPARTMENT OF JUSTICE
Interrogation Center
Hoechst, Germany

8 June 1948

PERSONAL

Mr. John M. Kelley, Esquire
Criminal Division
Department of Justice
Washington 25, D.C.

Re: Mildred Elizabeth Gillars

Dear Mr. Kelley:

Mr. Donald Day has written the attached statement concerning Sally and requested that it be sent to the Department. He seems to think it will cause you to drop your case on Sally.

Respectfully yours,

NOEL E. STORY
Attorney
Department of Justice

Encl.

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Paisley DATE: July 19, 1948

FROM : Raymond P. Whearty RPW:DJ

SUBJECT: Mildred Elizabeth Gillars - Treason

John Kelley will send in a list of German witnesses he thinks should be brought here in this case. When you get it, wire Story checking first with McCauley on necessary arrangements.

86

CHC 01

WAR DEPT. SIGNAL CENTER

AA

1948 AUG 03 22 53 Z

RR UEPC

FM UFPR 099A/ HQ EUCOM 031900Z

TO C/S US ARMY
WD GRNC

Justice 55487 (13 July)

SC-12737 PASS TO US DEPARTMENT OF JUSTICE FOR JOHN KELLEY FROM STORY FROM EUCOM ECGID SGD HUEBNER

Justice 60349 (23 July)

REFERENCE OUR SC-10580 OF 13 JULY AND SC-11697 OF 23 JULY PD

REQUEST INSTRUCTIOVS WITH LEAST POSSIBLE DELAY FOR DISPOSITION OF GILLARS CMA NAMES OF NEEDED WITNESSES CMAIDATES WHEN THEY ARE WANTED IN THE STATES CMA AND APPROXIMATE LENGHT OF STAY THERE PD

03/1905Z AUG

146-5-2-1-3

CRIM.-INTERNAL SECURITY SEC.

SLB

017
EUCOM
SC-12737
D. T. G. 031900Z
JUSTICE
50956

X

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Official Initials	check marks
The Attorney General	
The Solicitor General	
The Assistant to the Attorney General	X
Assistant Attorney General (Antitrust)	
Assistant Attorney General (Claims)	
Assistant Attorney General (Lands)	
Assistant Attorney General (Tax)	
Assistant Solicitor General	
Director, FBI	
Director of Prisons	
Commissioner, Immigration & Naturalization	
Pardon Attorney	
The Administrative Assistant to the Atty. Gen.	
The Executive Assistant to the Atty. Gen.	
Director of Public Information	
1. BROCK, Mr.	
2. BROOKLEY, Miss	
3. COOK, Mr.	
4. ERDAHL, Mr.	
5. FISHER, Mr.	
6. FOLEY, Mr.	
7. FRANKE, Mr.	
8. GOTTSHALL, Mr.	
9. HAMLIN, Miss	
10. HELTER, Mr.	
11. KIERER, Mr.	
12. KLEINFELD, Mr.	
13. KNEIP, Mr.	
14. MELTZER, Mr.	
15. O'BRIEN, Mr. James	
16. PAISLEY, Mr.	
17. PATTAVINA, Mr.	
18. RENO, Mr.	
19. ROSEN, Mr.	
20. WALKER, Mr.	
21. WHEARTY, Mr.	
22.	
23.	

MEMORAN

[redacted]

This is to respectfully remind
you to take the appropriate steps
today with respect to John Kelley's
international witness. I concur
with him 100% and will appreciate
very much your follow-up through
on it today.

Copy to John Kelley

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Misc.

S.A. Andretta, Administrative Assistant to the Attorney General — September 3, 1948

Alexander M. Campbell, Assistant Attorney General — AMC:ABC:IFP

Payment of additional fees to GI Veteran witnesses in United States v. Mildred E. Gillars (Axis Sally treason case). — 146-7-51-1708

Reference is made to the attached memorandum from Mr. John M. Kelly who is presently engaged in presenting to the District of Columbia grand jury the evidence in the above-named treason case. You will recall that subject is charged with treason in that she while a native American citizen, during the war assisted the Nazi Government, through radio broadcasts from Germany to American soldiers, and by other means, attempted to affect the morale of our armed forces. It is perhaps needless to add that this is one of the most important cases concerning the war effort and one in which the Attorney General is much interested in successfully prosecuting. Mr. Kelly is faced with a serious problem in the recalcitrant attitude of a number of the witnesses who are former GI's and who are absolutely essential to the successful prosecution of the charge of treason against Miss Gillars.

It appears that most of these former soldiers are now employed in private industry, on a per diem basis, earning daily pay far in excess of the modest allowance made by the law for witness fees. The problem is not altogether new but in this setting has assumed much more importance than heretofore apparent. These men have responded to the first subpoena for appearance before the grand jury, but at the same time have exhibited an ugly mood, stating in no uncertain terms that the financial hardship imposed upon them in view of the small witness fee available is such that they will not reappear at a later date for trial purposes unless more adequate compensation is offered to them. The usual argument based on the citizen's duty under the law is ineffective. These men respond that they have sacrificed much more than others, because of their suffering and hardship while imprisoned in German prisoner of war camps. They are completely aware of their unique position, both as an indispensable government witness and of the public's attitude toward them as heroes or individuals who stand in a preferred status by virtue of their war record and imprisonment by the Germans. As a result they can neither be persuaded to make further sacrifices nor threatened by the possible consequences of refusing to obey future court subpoenas.

Information has come to the Division that some, if not most, of these men have conferred with local newspaper men explaining their plight and threatened to refuse to answer future summons, even if it means contempt of court, which of course will make good news stories

cc: Records
Chron
Bailey
Caldwell Knein Kelly

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for the local papers. Similarly, it appears that some of them have gone to one or more members of Congress, who have by telephone interceded in behalf of the veterans, requesting that special consideration be given these men.

The Division is aware that Title 28, U.S.C., 600c, provides the usual total $5.00 day witness fee, and that it has been the practice of the Depar t to apply that fee in all instances excep of course, where exper witnesses are called upon to testify. However, in view of the special circumstances involved in the problem that Mr. Kelley is now faced with, and particularly the fact that these GI witnesses are in a sense unique because of their war service and imprisonment by a foreign country, we believe that special consideration should be given to their request for addition compensation in excess of the usual $5.00 a day amount. The alternative to allowing this extra compensation is running the risk of losing the case against Miss Gillars because of the recalcitrant attitude of the government's most important witnesses which would be clearly evident if the government is forced to arres these witnesses under a bench warrant and forcibly detain them. Such a failure to convict could only then be explained by the hard facts that these GI witnesses felt they were being further imposed upon by an ungrateful government which required additional sacrific to that which they had already given during their war time services. Or stated more simply, if insistence is made upon compliance wit the usual $5.00 fee in all these cases, it must be because the Department is more willing to lose the Axis Sally case than it is t approve additional compensation to these witnesses in this instance

For the above reasons, the Criminal Division recommends that the request of Mr. Kelley that these men be paid additional compensation be approved. Whether this extra compensation comes ou of the special allotment of $50,000 in appropriation "Fees of Witnes (Public Law 597, 80th Congress, page 15 of the slip law) and which may be used for expenses of witnesses or informants "as may be authorized or approved by the Attorney General or his Administrativ Assistant", and which was used to pay additional fees for foreign witnesses in the treason trials last year, or whether the extra compensation comes from money appropriated in 5 U.S.C. 55a and auth in the Miscellaneous Salary and Expenses, Field, of the same appropriation act is a matter which the Administrative Division may decide. It is the opinion of the Criminal Division that these witn might be paid from either of these two sources. In addition, it is the opinion of the Criminal Division that in view of the unique position of these former prisoners of war and the experience gained during their internment a plausible argument might be made to classi them as expert witnesses and thus pay them the fee provided for such testimony or, "to assist in the preparation of the case."

I am advised that Mr. Peyton Ford, in view of the importa of the case and the need for a cooperative attitude on the par

these 68 witnesses, indicated approval of the idea that these witnesses should be paid fees which are more nearly representative of their actual expenses involved in attending the District Court of the District of Columbia. I am further advised that his approval of their request has been conveyed to the local United States Attorney who has assured these men that such compensation would be forthcoming, and it is with that understanding that they have agreed to return when summoned again for the trial of the case.

UNITED STATES
DEPARTMENT OF JUSTICE
1401 Fairfax Traffic Way, Rm. 305, Kansas City, Ks.

December 14, 1948.

Mr. John M. Kelley, Jr.
Criminal Division
Department of Justice
Washington 25, D. C.

Dear Mr. Kelley:

My new residence address in Kansas City is as follows:

3 East 54th Terrace
Kansas City, Missouri.

Please notify the Chief of the Administrative Section of the Antitrust Division, Mr. Leroy C. McCauley when you desire to have me return to Washington, D. C. Clearance from McCauley is necessary before I leave this office.

I hope all is well with you in Washington and that no new unfavorable developments come into your case.

With kind regards, I remain

Yours very truly,

Noel E. Story.

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JMK:tms

146-7-51-1708 December 23, 1948

Mr. Noel E. Story,
% Drake Hotel,
1016 Locust Street,
Kansas City, Missouri.

Dear Mr. Story:

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

The trial date in the Gillars case has once more been adjourned to January 24, 1949. The primary reason for the adjournment was the difficulty in finding hotel accommodations for our witnesses throughout the week of the inauguration. I do not believe that any further adjournment will be asked for or granted.

I suggest that you plan to arrive in Washington on or about Wednesday, January 19. I assume that you have arranged matters in your present office to permit your coming on for the trial and that your present assignments will not interfere with your doing so, notwithstanding the new date of trial. I would appreciate your dropping me a line and letting me know your situation in this respect. I will of course arrange through Mr. McCauley for travel authority, etc., as suggested in your earlier letter.

With best wishes for a merry Christmas, I remain

Sincerely,

JOHN M. KELLEY, JR.,
Special Assistant to the Attorney General

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JMK:tms

146-7-51-1708

December 31, 1948

James J. Laughlin, Esquire,
National Press Building,
14th and F Street, N.W.,
Washington, D. C.

Dear Mr. Laughlin:

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

In accord with our telephone conversation yesterday I am enclosing herewith a proposed Stipulation with respect to the written transcriptions of the phonographic recordings which I understand you are willing to execute and which will relieve me of the necessity of calling additional witnesses.

A self-addressed envelope is also enclosed and it will be appreciated if you will execute and return an original and one copy.

Yours very truly,

JOHN M. KELLEY, JR.,
Special Assistant to the Attorney General.

Enclosure No. 419859

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DEPARTMENT OF JUSTICE
1401 Fairfax Traffic Way, Rm. 305
Kansas City 15, Kansas

January 6, 1949

Mr. John M. Kelley, Jr.
Criminal Division
Department of Justice
Washington 25, D. C.

Dear Mr. Kelley:

I received your letter of December 23 today concerning the trial date of Mildred Elizabeth Gillars.

I have discussed the matter with the Chief of my office and it is agreeable with him for me to make the trip to Washington so as to arrive there on the 19 of January.

Travel authority from Mr. McCauley has not been received but it should arrive in plenty of time for my trip.

Kindest regards.

Sincerely yours,

NOEL E. STORY

AIR MAIL

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JMK:tms

146-7-51-1708 January 6, 1949

James J. Laughlin, Esquire,
National Press Building,
14th and F Street, N.W.,
Washington, D. C.

Dear Mr. Laughlin:

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

There is enclosed herewith a copy of the lists of jurors selected to serve during the current term. A similar list will be served upon Miss Gillars some time on Friday, January 7, 1949.

In accordance with our discussion at the Court House, last Wednesday, I presume that arrangements should be made whereby we can meet with Judge Curran, on a date and time suitable to himself and to you, for the purpose of submitting for general consideration questions to be put to the panel during the voir dire examination. If you will be kind enough to determine a date that will be suitable to the Judge and to yourself and notify me of the same, I am sure that nothing will interfere with my being on hand anytime throughout next week.

Yours very truly,

JOHN M. KELLEY, JR.,
Special Assistant to the Attorney General

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JAMES J. LAUGHLIN
ATTORNEY AND COUNSELLOR AT LAW
NATIONAL PRESS BUILDING
WASHINGTON, D. C.
NATIONAL 2001

November 10, 1948

John M. Kelley, Esq.
Attorney, Criminal Division
Department of Justice
Washington, D. C.

Dear Mr. Kelley:

In connection with the trial date for Miss Gillars it has just occurred to me that Section 562, Title 18, provides that not only the list of witnesses, but a list of jurors must be supplied the defendant three days before the trial. There is no question as to the list of witnesses. As I understand it, you intend to furnish this list within the next 10 or 15 days.

However, the jurors will not be selected until Tuesday, January 4. Therefore it will be impossible to make the service within the time contemplated by the statute. While this requirement may, under certain circumstances, be waived, I do not believe there should be any waiver in this case. I tried to reach you on the phone today to suggest that you go with me to Judge Curran. I did talk with Judge Curran and he suggested a trial date of January 10 if this is agreeable to you.

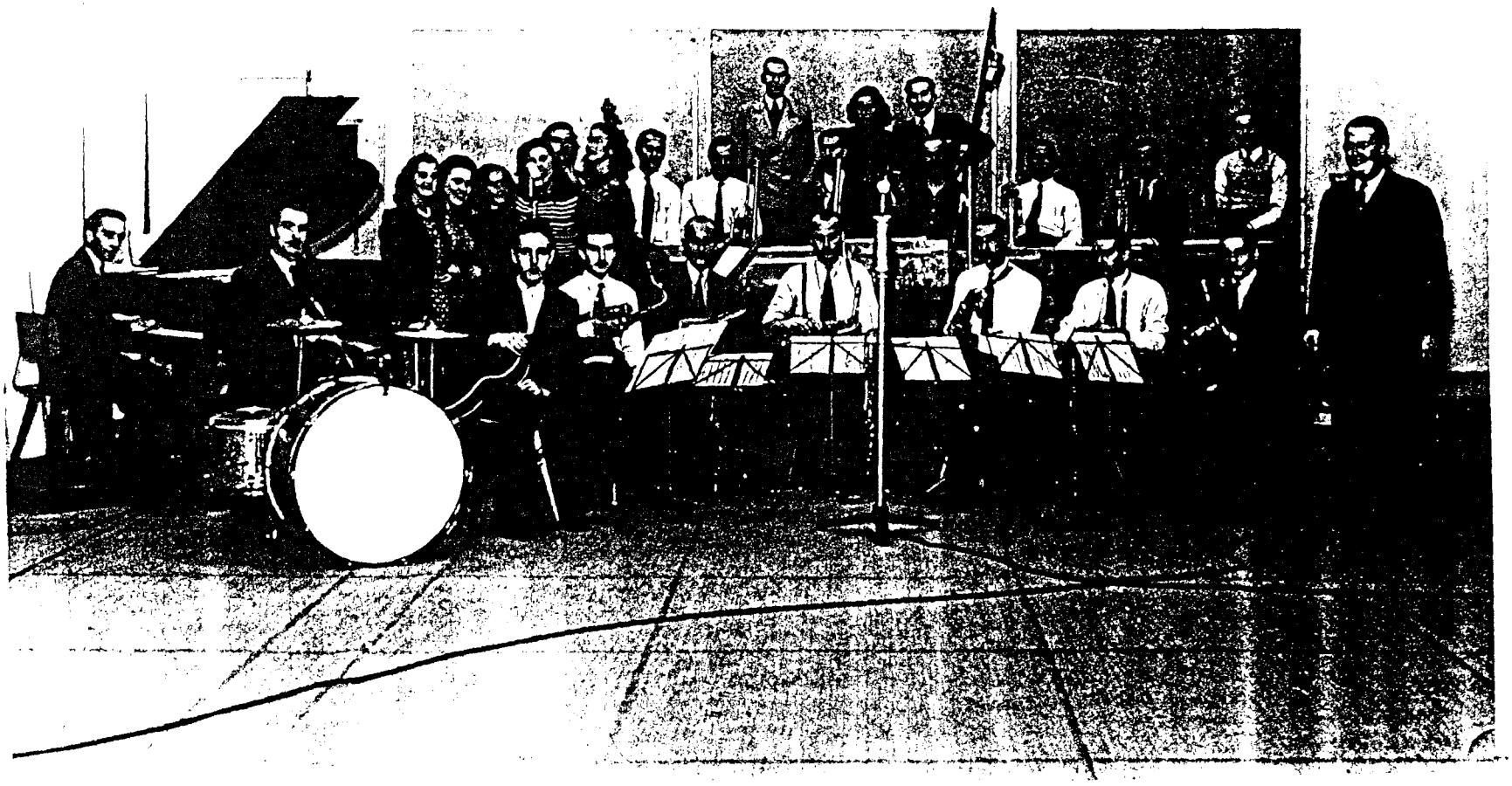
Please let me have your wishes in the matter.

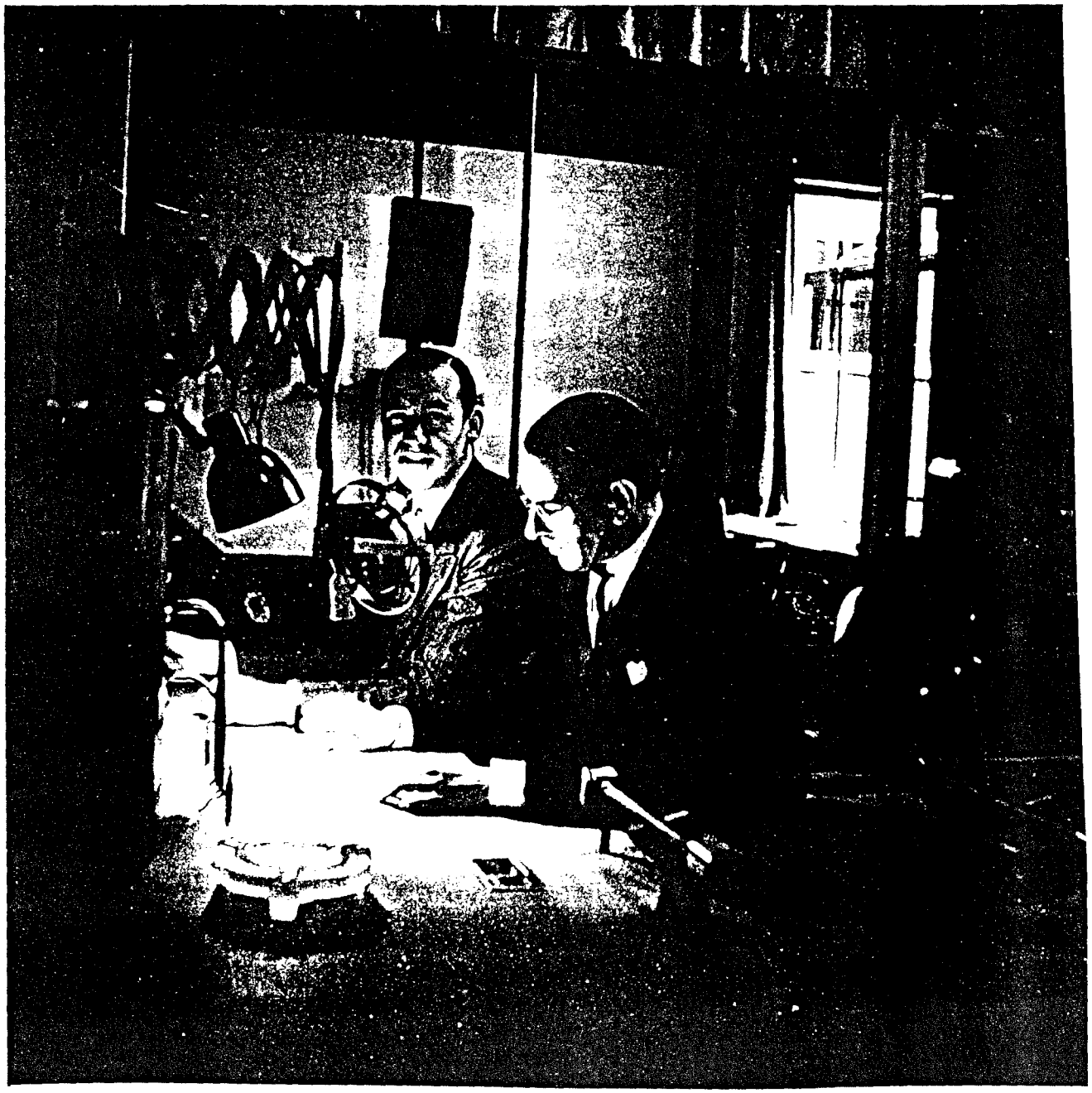
With kindest regards, I am

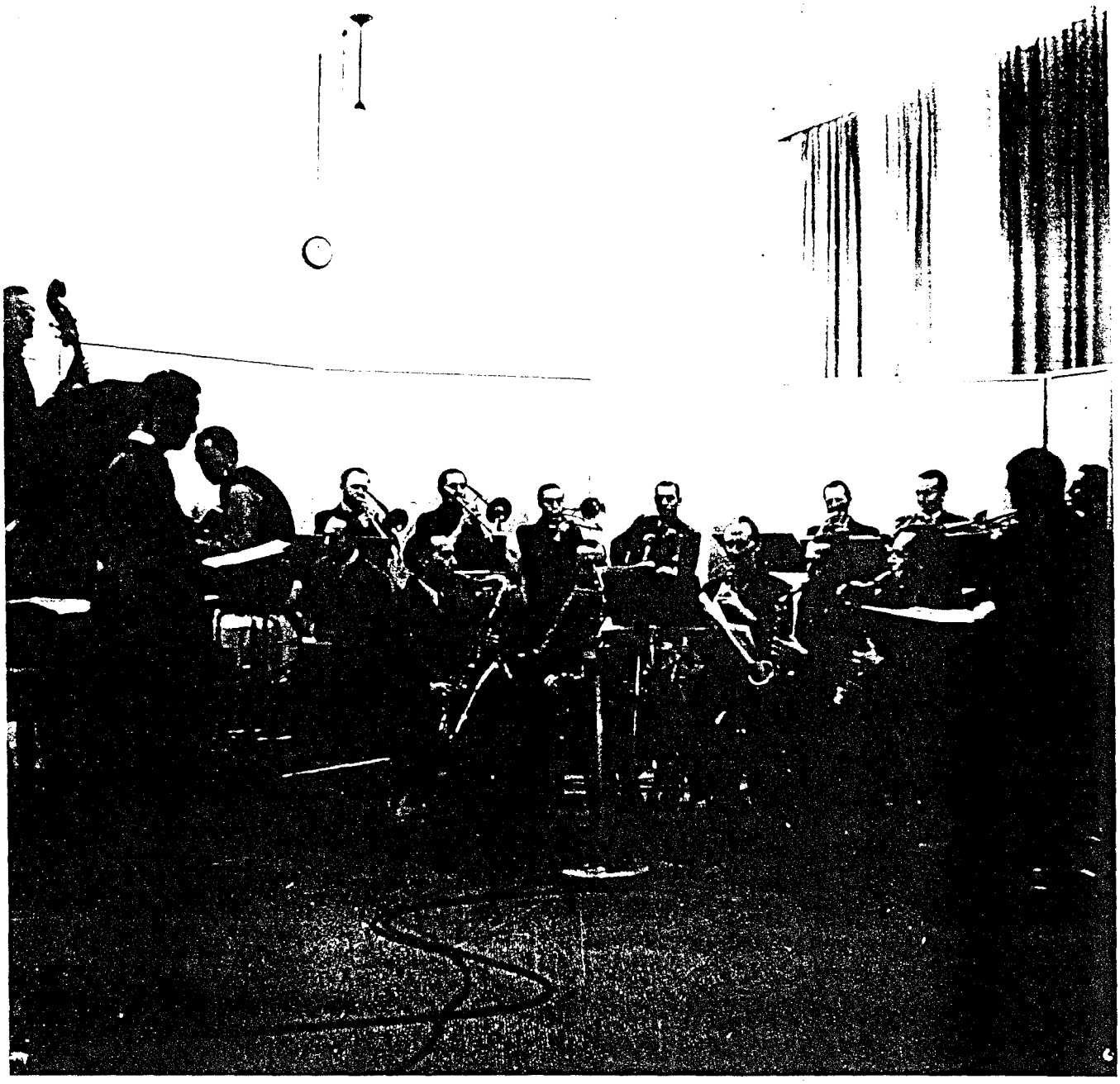
Very truly yours,

James J. Laughlin

JJL:ecb







Mr. Broome from Tim for you.

COM. v. CLARK, 123 Pa. Super. 277, 187 Atl. 237 (1936).

The accused was charged with bribery and attempted extortion. A conversation with the Attorney General was material. In his office had been installed a form of phonograph (called speak-a-phone by the makers), the microphone being in his room, and the amplifier and recorder equipped with earphones being in an adjoining room. The listeners in that room were not acquainted with accused's voice. The proof was made by operating the recording discs at the trial so as to preproduce the words of the conversation and by the Attorney General testifying to each speaker's voice as the reproduction proceeded: Meanwhile the jury were furnished with previously prepared typed transcripts of the conversation as recorded, so as to follow the oral reproduction and the Attorney General's testimony.

PERTINENT

IF A PHONOGRAPHIC RECORDING CONTAINS SPEECH *NOT READILY INT.* ~~OR CONVERSATIONS ADMISSIBLE IN EVIDENCE~~, AN ACCURATE WRITTEN TRANSCRIPT OF SUCH LANGUAGE ~~USED~~ MAY BE ADMITTED IN EVIDENCE ~~OR FURNISHED TO THE JURY~~ AS AN AID TO IDENTIFYING THE VARIOUS VOICES RECORDED, ~~and~~ TO ASSIST AN UNDERSTANDING OF THE WORDS SPOKEN, *OR AS A SUBSTITUTE EVID. IN LIEU OF ~~FULL~~ PLAYING THE RECORDINGS.*

In the subject case there are in the government's possession ~~some~~ *22* ~~fifteen~~ phonographic recordings of German *Short-wave* ~~government propaganda~~ radio programs in *each of* which the defendant *was an oral participant* [illegible] t. These recordings *are made up* ~~contain impressions~~ of music, ~~renditions~~, program announcements, ~~the~~ speech by *divers persons* other than the defendant as well as extensive comments by *the defendant* ~~her~~ and conversations between her and other persons. *The Seven* ~~Each recording is of full program length and requires a playing time of approximately thirty minutes.~~ *recording are of separate program vary in length from 15 minutes to half an hour* [illegible] *Are Programs, Consisting* of *Seven plastic* recordings *was recorded in Germany* [illegible], while *the* others *consist of* recordings made in the United States of ~~the~~ programs ~~as~~ received by *short-wave* radio in this country.

In a treason case involving *parallel* ~~[illegible]~~ facts, Chandler v. United States, ~~[illegible]~~ (Case No. 4296, decided December 3, 1948 by the First Circuit Court of Appeals) the admissibility of *similar* recordings to prove the traitorous intent of the defendant was approved, the Court saying:

> On the issue of intent, the prosecution was entitled to have the jury consider all the evidence admissible under the ordinary sanctions of verity having a rational bearing on what was in Chandler's mind--which necessarily is a matter of inference. This includes what he did, and also what he said. The evidence was clearly admissible for the purpose stated. Haupt v. United States, ~~****~~ [330 U.S. ~~[illegible]~~ 631, 642.] We cannot say that the district court committed an abuse of discretion in admitting the evidence.

Consonant with ~~[illegible]~~ the requirement of protecting "the ordinary sanctions of verity" mentioned in the Chandler case, there have ~~xxx~~ been prepared in the subject case by a qualified expert ~~xx~~ accurate written transcripts of the language contained in the ~~se~~ phonographic recordings with an appropriate designation of each speaker, and, for the following reasons, it is believed such transcripts are admissible in evidence to aid the jury *while listening to the recordings* in identifying each speak~~xx~~ in more readily understanding the words spoken, and *as substantive evidence of the contents of some of* ~~for their consideration in lieu of playing all~~ the recordings.

Voice Identification

In all of the recordings there are extensive remarks and conversations by or among thirty or forty different individuals , including the defendant. If it should be required to stop the audition of each recording and place a qualified witness on the stand to identify the voice of each different speak the processes of trial would be unduly delayed and the continuity of the evidence completely disrupted. Such a procedure would necessitate repeated stoppages of the audition and liftings of the phonographic pick-up head. The grooves on the recordings are so fine and close together that it is practically impossible to replace the needle at the precise point where it is lifted, and a slight variation in distance might alone necessitate a repetition of many minutes playing time of the program already heard.

The use of an accurate written transcript of conversations phonographically recorded to aid voice identification and speed trial processes has received judicial approval.

In Commonwealth v. Clark, 133 Pa. Super. 277, 187 A. 237 (Superior Court of Penna.) defendant was convicted of attempted bribery and extortion. On the trial it was proved that defendant Clark, an executive in a local insurance agency as well as a member of the state senate, had some to the office of the Attorney General of the state and proposed to the Attorney General and the Governor's secretary that certain insurance contracts be awarded his company in return for which he would support certain legislation in which the state administration was interested. The Attorney General anticipating the corrupt proposal had a "speak-o-phone" installed in his office so that any conversations uttered therein would be transmitted by wire to another room and there recorded on metal discs. The conversation was recorded on discs which constituted a primary basis for the conviction.

At the trial difficulty was experienced in differentiating between the voices of the Attorney General, the governor's secretary and the defendant as recorded on the speak-o-phone discs. Therefore, in the interest of saving time and without objection on the part of defendant, written transcripts of the conversation which correctly transcribed the conversations on the discs and which identified each speaker The members of the jury read this transcript while listening to the recordings in order to be able to distinguish the voices of the speakers. The sole purpose of using the transcripts was to facilitate voice identification

Although the defendant made no objection at the trial to the use of the transcript, he did raise the question on appeal, concerning which the Superior Court said:

Quote continued on page 241

~~The identical problem encountered in the foregoing case will be met~~ in the case at bar. The recordings involved reflect numerous interviews and conversations between defendant and various persons. It would be most impractical to attempt to stop the recordings and establish by competent witnesses the identity of the speakers' voices. An accurate written transcript of the recorded words, with appropriate designation of each speaker, would enable the jury immediately to determine the identity of each speaker and facilitate an understanding of the words spoken by him.

It is evident from the court's opinion in the Clark case that, ~~xxxxxxxx~~ in order to circumvent the effect of his consent to the use of the transcript the trial, the defendant claimed on appeal that such use violated certain fun mental constitutional rights which could not be waived. The rights asserted not identified, and the appellate court summarily disposed of the objection b concluding that no rights were involved ~~which could not have been waived~~. It not known whether the rights claimed were based on the federal or the state Constitution, but in any event it is not clear how the use of the transcript could have impinged upon any constitutional right. Conceding the materiality contents of the of the recording and the accuracy of the transcript, it would seem that the Court could properly authorize its use, or any other method of communicating the evidence to the jury which would not detract from its verity and still promote orderly trial processes.

Substitute for Audition of Recording

There are some fifteen recordings involved, some of which may be cumulative in nature. While the evidence is considered pertinent and necessary to be introduced for the jury's consideration, it is believed the time of trial could be expedited without detracting from any of defendant's rights by communicating the contents of these recordings to the jury through the admission of accurate transcripts of the records rather than an audition of the recordings.

The admissibility of a transcript of a pertinent recording, in lieu of playing the record, has been approved by our courts.

IF A PHONOGRAPH RECORDING OF A RADIO BROADCAST OF MUSIC AND SPEECH IS ADMISSIBLE IN EVIDENCE, AN ACCURATE WRITTEN TRANSCRIPT OF PERTINENT LANGUAGE SO RECORDED IS ADMISSIBLE AND MAY BE CONSIDERED BY THE JURY IN LIEU OF PLAYING THE RECORDING OR MAY BE READ BY THE JURY CONTEMPORANEOUSLY WITH THE PLAYING OF THE RECORD (1) TO FACILITATE AN UNDERSTANDING OF THE SPEECH RECORDED, (2) TO AID IN VOICE IDENTIFICATION OF THE DIFFERENT SPEAKERS, (3) TO EXPEDITE THE TRIAL, AS WELL AS TO PROVIDE IN WRITING A READY REFERENCE OF THE RECORDED SPEECH FOR USE BY COUNSEL DURING EXAMINATION OF WITNESSES AND FINAL ARGUMENT AND AS AN EXHIBIT WHICH MIGHT BE TAKEN INTO THE JURY ROOM FOR CONSIDERATION BY THE JURY DURING DELIBERATIONS.

In Kilpatrick v. Kilpatrick, 123 Conn. 213, 193 A. 765 (Supreme Court of Errors) defendant in a divorce prosecution was permitted to introduce in evidence transcript of recordings of prior conversations between him and one of plaintiff's witnesses which tended to discredit the witness' credibility. The recordings were made by means of a "speak-o-phone" installed in defendant's library which was wired to a machine in an adjoining room and which recorded on metal discs the words spoken by the parties in the library. A technician listened in with ear-phones during the conversation and simultaneously heard and made notes of the conversation as it was reproduced on the metal discs. A stenographer, Fishkind, transcribed the audible portions of the conversation recorded, all of which could not be understood, and his transcript, supplemented by the notes of the technician, provided a complete written record of the conversation.

The case was tried before the court without a jury. In sustaining the trial court's action in overruling plaintiff's objection to the admission in evidence of the transcript of the recordings made by the stenographer, Fishkind, the appellate court said:

Quote a to b on p. 68

stenographer's

The analogy drawn in the foregoing opinion between the transcript of the recording and an expert's abstract of voluminous documents seems to be sound. The admissibility of such abstracts, of course, is generally accepted.

In Burton v. Driggs, 27 U.S. 125, 136, the Court said:

F C

> When it is necessary to prove the results of voluminous facts or of the examination of many books and papers, and the examination cannot be conveniently made in court, the results may be proved by the person who made the examination.

The general rule with respect to the admissibility of such summary testimony is stated as follows in Wigmore on Evidence, vol. IV, Sec. 1230:

> Where a fact could be ascertained only by the inspection of a large number of documents made up of very numerous detailed statements ~~xxxxxxxxxxxxxx~~ ****** it is obvious that it would often be practically out of the question to apply the present principle by requiring the production of the entire mass of documents and entries to be perused by the jury or read aloud to them. The convenience of trials demands that other evidence be allowed to be offered, in the shape of ~~xxxxxxxxx~~ the testimony of a competent witness who has perused the entire mass and will state summarily the net result. Such a practice is well established to be proper.

The courts unanimously approve such a general rule, including the District of Columbia Court of Appeals, in McNeil v. United States, 85 F.2 698, 703 (D.C.Appeals, 1936.)

~~In the case at bar there are some fifteen~~ each of the recordings ~~to be offered in evidence, each xxxxxxxx containing~~ contains musical renditions, broadcast announcements, conversations, comments by the defendant, etc., ~~and each requiring a playing time of some thirty minutes. While the language on the recordings is intelligible, it may be necessary to play some of the records numerous times in order for all the members of the jury to comprehend the material spoken words. Such a procedure would be impractical and would unduly delay the trial.~~ An accurate transcript of the spoken words made by a competent ~~xxxxxx~~ stenographer, identifying the various speakers, ~~xxx~~ would greatly facilitate an understanding of the recordings and could ~~xx~~ eliminate the necessity of playing all the records. Such a transcript, gleaning from the voluminous recorded material all pertinent speech, ~~xx~~ in principle would seem to be the same as an account or abstract of pertinent items from voluminous documents.

In the Kilpatrick case the court further draws the analogy between the use of a transcript of a recording and an interpreter's testimony as to the meaning of words spoken in a foreign tongue. This appears to be an apt ~~xxxxxx~~ comparison. The use of an interpreter, both as to oral testimony and written documents in a foreign language, is so common to all courts in the United States that no citation of authority on the subject is considered necessary. In the case at bar the transcripts of the recordings are nothing more in principle than an interpreter's explanation of the words spoken, presented in written rather than oral form for the greater convenience of the Court and jury. The interpretation is more accurate, however, since it records the identical words spoken and not a paraphrase of such words in a different language. This is cogent argument for the admissibility of the transcripts since they serve to

(over)

afford the jury a more accurate understanding of the exact recorded language than could be achieved without their use, while they in no way detracting from the verity of the language and serve at the same time to speed and simplify the processes of trial.

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28

Aid to Hearing

Many of the recordings involved contain loud static noises which prevent one, unaccustomed to listening to recordings of transoceanic broadcasts, from readily understanding the spoken words. This difficulty, eliminated by supplying the listener with an accurate written transcription. The situation presented appears to be perfectly analagous to one involving barely legible handwritten documents. In this latter case evidence of is competent persons uniformly admitted to prove the writing on the questioned document.

This rule is of ancient origin and is expressed in ____ Corpus Juris _____, as follows:

> Where a writing is illegible, parol evidence is as to the matter evidenced thereby is necessarily admissible, and, if the writing is obscure and difficult to read, the evidence of persons skilled in deciphering writing is admissible to show what it is.

The rule has found acceptance in many states by force of statute. California at an early date incorporated into its criminal code the following provision:

> When the characters in which an instrument is written are difficult to be deciphered, or the language of the instrument is not understood by the court, the evidence of persons skilled in deciphering the characters or who understand the language, is admissible to declare the characters or the meaning of the language. (Calif. C.C.P. 1872, Sec. 1863.)

Similar provisions in the criminal codes of other jurisdictions are the following: Canal Zone C.C.P., 1934, Sec. 1881; Phillipine Islands, C.C.P. 1901, Sec. 292; Oregon Code, 1930, Sec. 9-219; Montana Rev. Code, 1921, Sec. 10524.

Continuing the analogy between phonographic recordings and written documents, however, the law seems to be well settled that where a writing is difficult to decifer because of old age, poor penmanship, defective paper, or other reasons, a transcript of their contents prepared by a qualified expert may be introduced.

31 Corpus Jur. Sec. Sec. , states the rule as follows:

> Where a writing is illegible, parol evidence as to the matter evidenced thereby is necessarily admissible, and, if the writing is obscure and difficult to read, the evidence of persons skilled in deciphering writing is admissible to show what it is.

This rule seems to have been consistently followed by the courts of England as well as the United States.

For instance, in Masters v. Masters, 1 P.Wms. 425 (1718,) a suit involving the construction of a handwritten will, the reporter records the following action taken by the court:

> Where the will was writ blindly, and hardly legible, and as to the money-legacies writ in figures, it was ordered to be referred to the Master to examine, and see what those legacies were, and to be assisted by such as were skilled in the art of writing.

In Stone v. Hubbard, 7 Cush. Mass. 597 (1851) the trial court admitted the testimony of handwriting experts on the issue of whether a figure was a "2" or a "4." In holding this ruling proper, the appellate court said:

> The testimony of witnesses, offered as experts in handwriting, was rightly admitted. The rule is well settled, that when the characters in which a paper is written are obscure and difficult to be deciphered, the evidence of persons, whom practice and experience in examining writing have made skillful, is competent for the purpose of aiding the court or jury in arriving at a true reading of the document. Wigam on Wills (3d Ed.) 12, 188, 196; Masters v. Masters, 1 P.Wms. 425; Norman v. Morell, 4 Ves. 769; Sheldon v. Benham, 4 Hill 129; and see Armstrong v. Burrows, 6 Watts. 268.

In State v. Wetherell, 70 Vt. 270, the defendant appealed from a conviction for rape on the ground that the trial court erroneously admitted a handwriting expert to decipher a document sent by him to the prosecutrix. It appeared that this document was a copy of "The Black Cat," a magazine, in which the defendant hand dotted or marked certain words which, read in proper sequence, conveyed a message. The appellate court said:

> If the prisoner marked and dotted those words and letters, the communication was as much a letter from him as though he had written the same thing in his own hand: and it was competent to call anyone to make the decipherment, whether expert or not, as much as it would be to read a letter so illegibly written as to be difficult to make out. If the prisoner claimed that the witness did not decipher correctly, he was at liberty to show it. We do not understand that the witness ~~would~~ did more than to read the communication as he deciphered it.
>
> It was proper for the magazine to go to the jury, that they might decipher the communication for themselves if necessary, as it was for them to show what was written there.

In State v. Sysinger, 25 S.D. 110 (1910) letters were admitted in evidence written by the defendant to his wife which in effect admitted his guilt of the offense of rape for which he was charged. With respect to his objection to the use of an expert witness to decipher the letters, the appellate court said:

> It is further contended by the defendant that the court erred in overruling the objection of the defendant to the introduction of evidence of an expert to explain to, or interpret for, the jury the letters so alleged to have been written by the defendant to his wife, but we are of the opinion that the court committed no error in permitting the expert to explain them. The letters were so poorly written and unintelligible to the ordinary juror that it would be difficult for him to read them. The expert, whowas a clerk in the post office at Chamberlain, familiar with handwriting, and competent to testify, gave what appears to have been an interpretation of the letters. Mr. Greenleaf in his work on Evidence, (volume 1, Sec. 280) says: "It is also superfluous to add that the rule does not exclude the testimony of experts to aid the court in the reading of a written instrument. If the characters are difficult to be deciphered, or the language, whether technical, or local and provincial, or altogether foreign, is not understood by the court, the evidence of persons skilled in deciphering writing or who understood the language in which the instrument is written, or the technical or local meaning of the terms employed, is admissible to declare what are the characters, or to translate the instrument or to testify to the proper meaning of the particular words."

In Dreyer v. Hard, 127 N.Y. 235, involving the [redacted] interpretation of a cash receipt in which an expert testified as to abbreviated whether a certain written/word was "July" or "January," the appellate court [redacted] said:

> The principle involved is whether it may be shown what the word in a written instrument is. To a person or a juror (if we may suppose the latter case,) who can neither read or write, it is indispensable that someone who can should be allowed to testify what the words are. This course would be necessary in such case, however plainly written or printed the words might be.
>
> Upon the same principle it is allowable for the jurymen who are perhaps only moderately skilled in letters and words, to determine what the letters and characters are and what word they make. The jurors may do this from the knowledge they already possess and such as they gain during the trial by the reading and the comparison they make with other writings already introduced in evidence. Indeed the court held in the opinion in this case at General Term that the jury might compare the receipt in question with the dates and letters in the note and the other writings to determine the date of the receipt. If such comparison may be made by unskilled [redacted] juryman, why should they not be aided and [redacted] enlightened as they may be in analogous cases by the genuiness of handwriting, alterations and assimilations by men who have made the subject of handwriting a study andhave obtained skill and proficiency in that branch of knowledge. As no objection was made that the witness was incompetent, it must be assumed that hewas qualified as an expert to give his opinion and the grounds of it in aid of the jury. (citing authorities.)
>
> If we analyze the practical processes which have to be gone through with in order to elicit and apply this kind of evidence, whether from experts or lay witnesses, we shall find that the witness is required to examine and determine what the letters and characters or even hieroglyphics are and what word they form in combination. The word thus formed may be in a native or foreign language and if it is foreign, then another process is yet to be gone through with before it can reach the apprehension of the lay mind and that is, to interpret its meaning into the native language of the juror. The testimony of expert witnesses frequently exemplify one or both of these processes and are of common use in the investigations carried on in courts of justice and in other avocations. It often becomes necessary and pertinent in judicial proceedings to introduce foreign laws and to interpret their meaning to the comprehension of the juror not familiar with the foreign languag
> (The court then cited numerous authorities in support of its vie

FD 11

In Kux v. Bank, 53 N.W. 828, 93 Mich. 511, the court admitted expert testimony as to whether or not written figures in a bank book were supposed to be "$105" or "$405."

In Sheldon v. Benham, 4 Hill N.Y. 129, the court admitted a bank employee to testify to the meaning of certain abbreviations used in connection with the administrative procedure involved in the collection of bills and notes.

California at an early date incorporated into its criminal code a provision for the receipt of testimony ~~in explain~~ interpretative of not readily understandable documents.

> "When the characters in which an instrument is written are difficult to be deciphered, or the language of the instrument is not understood by the court, the evidence of persons skilled in deciphering the characters or who understand the language, is admissible to declare the characters are the meaning of the language." Calif. C.C.P. 1872, Sec. 1863.

Similar provisions in the criminal codes of other jurisdictions are the following: Canal Zone C.C.P., 1934, Sec. 1881; Phillipine Island, C.C.P. 1901, Sec. 292; Oregon Code, 1930, Sec. 9-219; Montana Rev. Code, 1921, Sec. 10524.

Other cases supporting the general rule are Hardin v. State, 27 Miss. 568, 583; Beach v. O'Riley, 14 W.Va. 58; Rex v. Williams, 8 C.&P. 434; Walrath v. Whittekind, 26 Kans. 482; Arthur v. Roberts, 60 Barb. 580.

The only case indicating a contrary view is Hopkins v. State, 172 N.Y. 360, 65 N.E. 173, in which the court held an expert was not qualified to testify that perpindicular marks drawn through the signature on a person's will were made in the handwriting of the testator since such marks were not handwriting within the meaning of the statute permitting expert testimony on handwriting. Wigmore characterizes this decision as "unsound," although it is clearly distinguishable from the cases cited above and departs from the holdings of other New York decisions involving expert testimony on handwriting.

Best Evidence Rule -

Where it appears that what is called secondary evidence is clearly equal in probative value to what is called the primary proof and that fraud or imposition reasonably is not to be feared, the reason on which the best evidence rule rests ceases, and the rule itself ceases to be applicable. U.S. -v- Manton 107 F2 834; + Spector -v- U.S. 309 US 664.

Stipulations

It is stipulated by and between Counsel for the defendant and Counsel for the Govt that the written transcriptions designated Govt Ex ___, for ident, accurately set forth in writing the spoken words reproduced by the several phonographic recordings received in evidence.

Expert testimony to be admissable must refer to matters involving special learning and skill not possessed by average jurors and is to be considered merely in connection with all the evidence.

US -v- Porte 9 F2 153

Acceptance or rejection of opinions of expert witness was matter within province of jury
96 72 796.

Weight to be given opinion evidence is matter for jury
68 72 592

Whether a witness called as an expert has the requisite qualifications as such is largely a question for the trial court.

One skilled in writings may be called to assist in deciphering a writing illegible or uncertain by the ordinary observation — Wigmore 3rd Ed. Vol VII
P 2025 - F

Citing cases where expert testimony was permitted on whether a bankbook figure was a 4 or a 1; whether a word read "JANY" or "JULY".

[illegible] recordings with musical records were made from the Rundfunkhaus. As the blending of music and voice could not be effected as smoothly where the musical playback was not controlled by the technician who was supervising the recording.

Welter — It was then preferred that such recordings be handled in the Banach Studios and with few exceptions they were made there.

Re: Records stained by Woerheide in Berlin.

In Welter's opinion the name (written in German script) on the paper disc appearing on one of these records is "Stemmer". He remembers a girl in her late 20's or early 30's by the name of Stemmer who worked as a technician for the European and Berlin local stations.

[The head of the technical Dept of the European Station was Dr. HECK who he states was living in COEPENICK a Berlin suburb (Russian Sector) as late as early 1947. Employed by a firm which manufactures electrical appliances & radio parts]

Welter.

Chief Engineer for German Short Wave System 1936 to end of war. [illegible] until Aug '43 [illegible] KW.

First met Gillars near end of [illegible] '42 — Would often see her in Recording Studios in the Banach, as he was making rounds of inspection or as his business took him there.

He does NOT recall any of the content of the recordings she made on these occasions as he paid no particular attention to what she was saying. His impression is that she was recording alone — and that the substance of her program was [illegible] or conversational in nature (i.e. of [illegible] & political). He recalls that she repeatedly referred to Roosevelt's phrase — "I have told you again and again etc." — and was [illegible] British and [illegible]. Cannot remember [illegible] which [illegible] but does recall the program for KW —

He remembers having been [illegible] (2 or 3 times) to assign a technician to visit POW camps with technical equipment for recording messages. Cannot remember precisely who he assigned but states he may have been Kosel or Kroschel (22 [illegible]). The band used in portable equipment was not the same as that used in station and it was necessary for technician to re-record from the portable band to the conventional band. He remembers [illegible]

definitely that certain POW recordings were in fact re-recorded on a conventional Band by OSWALD Scharfenberg — Scharfenberg [illegible] accompanying C. Gillars to POW camps.

Re: Possible Overt Act of Sept./Oct. '44.

Miss Annelies [illegible] - [illegible] - [illegible] War - (Apr. 12) Don't know where she is now; Her father lives in Hamburg.

Miss Lehmann - [illegible] - [illegible] end of war - Understand she is now working at the American Radio Station in [illegible] Winterfeldtstrasse

Also understand that former technicians now employed at American Station are:

1. Annelise Frolich
2. Ursela Lechleitner

Paid no particular attention to what Gillars was saying but he does recall definitely that she was recording greetings from prisoners of war.

Jan. 3

MR. KELLEY - Will you please return Mr. Ward's (US Marshal - Dial 1228, Ext: 2854) call around 2 o'clock today; he called you at 12:10.

Mrs. Shepherd, Ext: 733, left following messages:

She said when she talked with you earlier this morning she mentioned that attendants fees for Hansford & Lynskey should come out of appropriation "Miscellaneous Salaries and Expenses." However she checked and they would rather have the money taken out of appropriation "Fees of Witnesses", so you can ask the Marshal at the same time you request he issue TR's for Hansford & Lynskey, also request he issue TR's for their attendants and advise him ~~it wi~~ expenses will be made out to Appropriation, "Fees of Witnesses."

She dictated following sentence to be incorporated in letters to Marshals requesting they advance fees of $10, or more:

(It is understood, of course, that the procedure set out on page 503, Point 23 of the United States Marshals' Manual will be followed with respect to requesting reimbursement from the Marshal in the District of Columbia.)

How about Soldier? OM

MR. KELLEY:

TR'S for following:

1.	Plack	1 T.R. #J 722,752 - Coach
2.	Doman	2 TR's First Class Ticket #J722,746 Lower Berth #J722,747
3.	Houben	1 TR J722, 748 - Coach.
4.	von Richter	2 TR's First Class Ticket J722,749 Lower Berth J722 750
5.	Haupt	1 TR J722,752 coach rail fare.

* * * * * * * * * * * * * * * * *

Mrs. Wilkins suggests in the letter that they be advised to complete the TR by filling in the Railroad Company, signing, etc.

tms

How about Crosthwaite? TR - four. TR - Tull

JFC:tms

146-7-51-1708 April 11, 1949

James J. Laughlin, Esquire,
National Press Building,
14th and F Street, N. W.,
Washington, D. C.

My dear Mr. Laughlin:

Re: United States of America v. Mildred E. Sisk, also known as Mildred Elizabeth Gillars; Criminal No. 1111-48.

I am enclosing a copy of appellee's Counter-designation of Record filed this day in the subject case. I am also enclosing copy of Order Designating Original Government Exhibits to be Included in the Record on Appeal, signed this day, about which I spoke to you and to which you said you had no objection.

Yours very truly,

J. FRANK CUNNINGHAM,
Attorney, Criminal Division.

Enclosure
No. 419999.

AMC:JMK:JFC:ejw

116-7-51-1708

April 28, 1949

James J. Laughlin, Esquire
National Press Building
Washington, D. C.

Dear Mr. Laughlin:

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

Inclosed herewith are executed copies of the following documents relating to the appeal in the above-styled case:

1. Stipulation that defendant's Prayer No. 7, annexed thereto, is a true and accurate copy of defendant's Prayer No. 7 presented to the Court in the trial of the subject case and that such Prayer was denied.

2. Supplemental designation of record including the foregoing stipulation.

Very truly yours,

JOHN M. KELLEY, JR.
Special Assistant to the Attorney General

cc John M. Kelley, Jr.
J. F. Cunningham
Extra

98

May 6, 1949

Joseph W. Stewart, Clerk
United States Court of Appeals
for the District of Columbia Circuit
Washington, D.C.

Dear Mr. Stewart:

In connection with my letter of May 4 with regard to the appeal of Mildred E. Gillars, I failed to furnish a copy of this letter to Mr. John M. Kelley, Jr., of the Department of Justice, who had the handling of this case in the court below.

In order that the Court may know that this has been done I am enclosing a copy of a letter addressed this day to Mr. Kelley.

Very truly yours,

James J. Laughlin

James J. Laughlin

Enclosure

JJL:ecb

-19-

John

Rhead talked to Stewart (CCA) the other day he said would not be necessary print joint appendix if Laughlin moved make motion for Court to accept typewritten transcript in lieu of printed appendix.

If this is done will be necessary for appellant file 3 complete sets of transcript with Court

Have call in for Laughlin now as this.

(over)

Unless you think otherwise, I have decided not to file any answer to Laughlin forma pauperis petition. Monday is last day for filing.

Frank

6/10

JWC:eld

146-7-51-1708

August 12, 1949

James J. Laughlin, Esquire
National Press Building
14th and F Street, N. W.
Washington, D. C.

Dear Mr. Laughlin:

Re: Mildred M. Gillars (Sisk) vs.
United States

There are enclosed a copy of Motion to Strike Appellant's Amended Petition for Release on Bail, and Memorandum in Opposition to Amended Petition for Release on Bail, filed this date by the appellee in the subject case.

Yours truly,

J. F. Cunningham
Attorney

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AMC:JFC:mp

146-7-51-1708

December 20, 1949

James J. Laughlin, Esquire,
National Press Building,
Washington, D. C.

Dear Mr. Laughlin:

Enclosed are two copies of Appellee's brief and joint appendix filed this day in the subject cause.

Yours very truly,

J. Frank Cunningham

records
chron
Cunningham

AMC&JFC:mp

146-7-51-1708

December 21, 1949

James J. Laughlin, Esquire,
National Press Building,
Washington, D. C.

Dear Mr. Laughlin:

Enclosed herewith is another copy of Appellee's brief and joint appendix.

Yours very truly,

J. Frank Cunningham

CHRONOLOGY OF SIGNIFICANT FACTS AND EVENTS

1900

NOVEMBER 29.....Date of Defendant's birth at Portland, Maine.

1933

JANUARY.....Defendant departed from the United States and arrived in Algiers, North Africa.

1934

JULY.....Defendant departed Algiers and traveled through Austria and Hungary.

SEPTEMBER 4.....Defendant entered Germany where she continued to reside until 1948 (save for various trips of short duration to divers cities in Europe).

1935

JANUARY.....Defendant became employed by the BSL--Berlitz School of Languages and continued in such employment until 1938.

1939

SEPTEMBER 1.....German Army invades Poland.

SEPTEMBER 3.....England and France declare war on Germany.

1940

APRIL.....Defendant became employed by the German European Radio Station (senderBremen), as a free-lance announcer.

MAY 6.....Defendant made her first broadcast to England and continued daily to perform the duties of a program announcer up to the Spring of 1943. Throughout said period defendant also participated in the recording of musical (cabaret) programs and radio plays. Prior to the entry of the United States in the war, defendant became a regular participant in a series of recorded short-wave programs entitled "Club of Notions," which program was systematically broadcast to the United States.

MAY 10.....Germany invaded Western Europe.

JUNE 10.....Italy invaded southern France.

JUNE 22.....France surrendered.

DECEMBER 15.....British forces invaded Libya.

1941

APRIL 6.....Germany invaded Greece and Yugoslavia.

JUNE 22.....Germany and Rumania invaded Russia.

DECEMBER 8.....United States declared war on Japan.

DECEMBER 11.....Germany and Italy declared war on the United States.

DECEMBER 11.....The United States declared war on Germany and Italy (the action of the United States followed the declarations of Germany and Italy).

1942

NOVEMBER 7.....The United States Army, Navy and Air Force commenced landing operations in North Africa.

DECEMBER 25.....Defendant inaugurated her weekly "Home Sweet Home" programs, beamed from Berlin to United States troops in North Africa.

1943

JANUARY.....Defendant inaugurated her daily "Morocco sendung" program, beamed to the United States troops in North Africa.

JANUARY 27.....United States Army Air Force carried out its first attack on enemy objectives in Germany.

MAY 1.....Approximate date of the inauguration of defendant's "Midge at the Mike" program, beamed weekly from Berlin to Women of the United States.

JULY 10.....The Allies invaded Sicily.

AUGUST 1.....The German Overseas Radio Station moved its headquarters and facilities from Berlin to Koenigswusterhausen.

SEPTEMBER 3.....The Allies invaded Italy.

OCTOBER 13.....Italy joined the Allies and declared war on Germany.

NOVEMBER.....Defendant inaugurated her visits to German camps for American prisoners of war, for the purpose of recording messages for broadcasts to the United States.

1944

June 6.....The Allied invasion of Europe began with landings on the Northern Coast of France.

1944 (cont'd)

AUGUST 17.....Allied forces captured Chartres, in central France.

AUGUST 25.....The City of Paris was liberated.

1945

APRIL 19.....Defendant broadcast her last "Morocco sendung" program to the United States troops.

APRIL 21.....The Russian Army entered Berlin.

MAY 1.....The German Radio reported the death of Hitler.

MAY 7.....Germany surrendered unconditionally to the Allies.

1946

MARCH 15.....Defendant was arrested, in Berlin, Germany, by Agents of the Counter Intelligence Corps, United States Forces, European Theatre.

DECEMBER 12.....Defendant was released from custody under provisions whereby she was required to report bi-monthly to the United States military authorities.

1947

JANUARY 22.....Defendant was rearrested by United States Military Authorities in Germany.

1948

AUGUST 21.....The defendant was returned from Frankfurt, Germany, to Washington, D. C., in the custody of military authorities and immediately following her landing at Bolling Field, she was arrested upon a warrant by Special Agents of the Federal Bureau of Investigation.

AUGUST 21.....Defendant was arraigned before the United States Commissioner.

SEPTEMBER 10.....Indictment was returned in the District of Columbia charging the defendant with the commission of treason.

SEPTEMBER 24.....Defendant was arraigned before Judge McGuire; bail was denied.