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Just months after Pearl Harbor the Third Reich secretly sent two small teams of would-be saboteurs to the United States. Their mission: cripple U.S. industry. But things went badly wrong. What happened is a story of confusion, low comedy, and betrayal—and the creation of a precedent for the military tribunals being proposed by the Bush Administration today.

By Gary Cohen

FEBRUARY 2002 ISSUE

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The four men arrived by U-boat and landed on a deserted beach near Amagansett, Long Island, in the midnight darkness on Saturday, June 13, 1942, a mere six months after Japan's attack on Pearl Harbor. They had close to $80,000 (equivalent to nearly a million dollars today) in cash, four boxes of explosives, and a mission that had been planned at the highest levels of the Third Reich—namely, to halt production at key American manufacturing plants, create railroad bottlenecks, disrupt communication lines, and cripple New York City's water-supply system. The mission, audacious in means and scope, had the potential to seriously impede America's military buildup, and perhaps even to affect the outcome of the war.

It was a spectacular failure. Within the month the operatives were arrested, along with the members of another team of four, who had landed in Florida four days later, under similar circumstances. Neither team had managed even to attempt an act of sabotage.

President Franklin Roosevelt, newly engaged in the war against Germany and eager to demonstrate successes, demanded that justice be swift and severe. To that end he ordered the creation of a military tribunal, using as precedents obscure cases from the Civil and Revolutionary Wars. Within a month all eight men had been sentenced to death and six had been executed. The other two, who had turned in their colleagues and cooperated with the U.S. government, had their sentences reduced—one to life in prison, the other to thirty years. Transcripts of the tribunal's proceedings, on which this article is based, ran to some 3,000 pages and were kept secret for eighteen years after the trial; a copy sits in the "Map Room files" at the Roosevelt Presidential Library, in Hyde Park, New York. Prior to the tribunal the FBI interviewed all eight of the would-be saboteurs, who provided details about their training in Germany, their arrival in the United States, and their capture. Transcripts of those interviews, on which this article also relies, can be found in Justice Department files at the National Archives.

This episode, though minor in the overall context of the war, is nevertheless of renewed interest today. The military tribunals proposed by the Bush Administration in the wake of the September 11 attacks rely on the case of the captured Germans for precedent.

The Recruits

The idea of sending saboteurs to the United States was the brainchild of Walter Kappe, a high-ranking Nazi official who had immigrated to America from Germany in 1925. Kappe took a job at a farm-implement factory in Kankakee, Illinois; he later moved to Chicago, to write for a German-language newspaper, and by 1933 he had moved to New York and become a leader in the Friends of Hitler movement there. In 1937 he returned to Germany to serve in the Third Reich's propaganda office, where he spent the next four years giving pep talks to repatriated Germans like himself. By late 1941 Kappe had been transferred to German military intelligence, known as the Abwehr, where he was assigned to identify and train men for a sabotage campaign in America.

The Abwehr had studied U.S. military production and key transportation lines in great detail, and Kappe made use of this intelligence in his planning. To cripple the light-metals industry, critical in airplane manufacturing, he and the Abwehr targeted plants operated by the Aluminum Company of America in Alcoa, Tennessee; Massena, New York; and East St. Louis, Illinois. To disrupt the supply of important raw materials for aluminum production, they targeted the Philadelphia Salt Company's cryolite plant. They developed plans to sabotage certain U.S. waterways—focusing particularly on the Ohio River locks between Cincinnati and St. Louis—and the hydro-electric power plants at Niagara Falls and in the Tennessee Valley. They also wanted to mangle the Horseshoe Curve, an important railroad site in Altoona, Pennsylvania, and the Hell Gate Bridge, which connected the rail lines of New England with New York City. They had designs on the Chesapeake and Ohio Railway, one of America's major coal carriers. They planned to bomb Jewish-owned department stores for general terror-inducing effect.

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ANNE APPLEBAUM

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AATISH TASEER

Kappe code-named his mission Operation Pastorius, after Franz Daniel Pastorius, the leader of the first group of Germans to settle in Colonial America, in Germantown, Pennsylvania, in 1683. Kappe imagined that he would ultimately return to Chicago as the mastermind of the operation. He had plans that a U-boat with German saboteurs would arrive in the United States every six weeks until the war was won.

There was no shortage of candidates for Kappe's initial crew of operatives. The Nazis had recently repatriated thousands of Germans living in the United States by offering them one-way tickets home. But his requirements were exacting: he wanted men who spoke English, were familiar with the United States, and were skilled in a trade that could provide them with cover while they lived in America. That proved difficult.

George John Dasch was Kappe's first recruit. He had gone to America in October of 1922, as a stowaway on the S.S. *Schoharie*, and had been a dishwasher and a waiter in Manhattan and on Long Island. In August of 1926 he was arrested twice, for operating a brothel and for violating Prohibition laws. While working in a hotel he met and married an American. Later he spent time in Chicago selling sanctuary supplies for the Mission of Our Lady of Mercy before returning to waiting tables. Although he completed the requirements for U.S. citizenship in 1939, he never showed up in court to be sworn in.

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In 1941 Dasch returned to Berlin, where the Nazi bureaucracy required that he fill out forms explaining the reason for his return to Germany. Dasch wrote that he intended "to partake in political life." This led to his being questioned further by a Gestapo agent, to whom he said, "Even if I have to work as a street cleaner and do my job cleaning streets right, I want to participate politically." His motives may have been more complicated, however: he was not, one of his fellows later observed, "the absolute Nazi he pretended to be." After his capture by the FBI, Dasch claimed that he had joined the sabotage mission in order to learn secrets that he could later use in the United States to fight against the Nazis.

On June 3, 1941, Dasch met Kappe, who cross-examined him about his life in the United States. When Dasch said he wanted to join the German army, Kappe said he believed that Dasch might serve the Third Reich to far better advantage in another, unspecified capacity. Kappe subsequently hired Dasch to monitor U.S. radio broadcasts in a listening station where fifty-three languages were spoken and where the news that was gathered was teletyped to all the members of the German cabinet.

In November, Kappe called on Dasch again and asked him if he would like to return to America, to help realize "the plan on which my office has been working for a long time." Dasch demurred, saying, "But that's a peaceful country, isn't it?" Kappe admitted that the United States was indeed neutral, but he characterized it as an indirect enemy, because it was a supplier and a supporter of Germany's enemies. "Therefore," he said, "it is time to attack them. We wish to attack the American industries by industrial sabotage." By mid-January of 1942 Dasch had been assigned permanently to the planning of the U.S. mission.

On March 1 Dasch reported to a secret office of the Abwehr to review the personal histories of several other men whom Kappe had tentatively selected to make up two teams of saboteurs, one of which Dasch would lead. In a series of interviews Dasch identified and eliminated a number of what he called "nitwits," along with others who seemed interested simply in escaping Germany at any cost. In the end he selected the following men, who, if not "nitwits," were also not exactly the Nazi elite.

- Ernest Peter Burger, born in 1906, joined the Nazi Party at the age of seventeen. He immigrated to America in 1927 to work as a machinist in Milwaukee and Detroit. He became a U.S. citizen in February of 1933, but when he couldn't find work during the Depression, he returned to Germany. There he rejoined the Nazi Party and became an aide-de-camp to Ernest Roehm, the chief of the Nazi storm troopers. He went on to study at the University of Berlin, and he later wrote a paper critical of the Gestapo—a move that earned him seventeen months in a concentration camp. Upon his release from the camp, in July of 1941, Burger served as a private in the German army, guarding Yugoslav and British prisoners of war. The following February he appeared on a list of Germans who had lived in America, and soon after he was interviewed and—somewhat oddly, given his history—selected to attend sabotage school.

- Herbert Haupt, born in 1919, was the youngest of the recruits. He had also spent the most time in America, having moved to Chicago with his family when he was six years old. Haupt attended Chicago's Lane Technical High School and served in the German-American Bund's Junior League, but he fled to Mexico in June of 1941. The German consul in Mexico City gave him money and arranged for his passage to Japan; Haupt took a Japanese freighter to Yokohama, where he later boarded a German steamer that broke through the British naval blockade of Germany and landed him in Bordeaux 107 days later. He received the Iron Cross, second class, for sighting an enemy steamer while on lookout.

- Heinrich Heinck, born in 1907, entered the United States illegally in 1926. After working in New York City as a busboy, a handyman, an elevator operator, and a machinist, he leaped at the German government's return offer in 1939. He had a limited command of English and spoke with a thick German accent. The other recruits considered Heinck phlegmatic and unsure of himself.

- Edward Kerling, born in 1909, was among the first 80,000 men to join the Nazi Party. He joined at the age of nineteen and maintained his membership after moving

to America, in 1928. After a stint smoking hams for a Brooklyn meat-packing company, Kerling found work as a chauffeur and handyman in Mount Kisco, New York, and Greenwich, Connecticut. In 1940 he returned to Germany, where he ran the propaganda shows in movie theaters. With his puffy cheeks, heavy jaw, and dimpled chin, Kerling was, Burger thought, a "decidedly Irish type." He was chosen to lead the second team.

- Herman Neubauer, born in 1910, went to America in 1931; he worked as a cook in restaurants, on ships, and at the Chicago World's Fair, in 1933. In 1939 he moved to Miami, but in 1940, while visiting his family in Germany, he was drafted into the German army and sent to the Russian front, where he was wounded in the face and the leg by shrapnel. While recovering in an army medical center in Vienna, he received a note from Kappe inquiring whether he would "like to go on a special assignment to a country where you have been before."

- Richard Quirin, born in 1908, moved to the United States in 1927. He worked in maintenance at a General Electric plant in Schenectady, New York, but was laid off during the Depression. He then moved to New York City, where he joined the Friends of the New Germany and found work as a housepainter. He, too, returned to Germany in the repatriation program.

- Werner Thiel, born in 1907, traveled to America in 1927 to work as a machinist at a Ford plant in Detroit. He later moved to New York, where he took a job as a porter in a senior citizens' home. He subsequently moved to Hammond, Indiana, before taking various jobs in Illinois, California, and Florida. In 1939 Thiel returned to Germany in the repatriation program.

Life on the Farm

In April, Kappe and his recruits were dispatched to a farm in Brandenburg, forty miles west of Berlin. From the road all that was visible of the farm, formerly the home of a wealthy Jewish shoe manufacturer, was a large stone farmhouse and a few pigs and cows roaming the grounds. But back behind a stone wall armed guards and German shepherds were on patrol twenty-four hours a day. In the fields behind the farmhouse members of the Abwehr constructed sections of railroad track and bridges of various kinds and lengths. They also set up pistol and rifle ranges, a field for hand-grenade practice, and a gymnasium for boxing and judo training. Classrooms and laboratories were situated above the garage, and a nearby greenhouse supplied fresh fruit, vegetables, and—incongruously, given the circumstances—flowers.

On their first day at the farm Kappe told the men that they were about to begin training for an important battle against U.S. production and manufacturing. Their training, he said, would include courses in the construction and use of explosives, primers, fuses, and timers, and in the workings and vulnerabilities of industrial plants, railroads, bridges, and canal locks. The men would also be given plausible new identities for use in the United States.

The recruits settled into a routine of classroom time, private study, practical training, and exercise. They began each day with calisthenics, attended lectures in the morning and the afternoon, and had regular breaks from the classroom for sports. They took walks in the countryside, during which they sang "The Star Spangled Banner" and "Oh, Susanna!" At meals and after hours they were required to read recently published American newspapers and magazines. In pairs they practiced blowing up the railroad tracks laid around the estate, determining by trial and error the exact amount of explosives required in a given situation. Occasionally their instructors tested their vigilance and their reactions by launching surprise attacks on them.

In the classroom the men were forbidden to take notes and were required instead to commit everything to memory. Using detailed photographs, plans, and drawings, their instructors discussed the major terminals of the U.S. railroad system, the various engines used, and average freight-train speeds. The men were briefed on railroad bottlenecks where sabotage would inflict the greatest disruption.

The primary objective of the missions, Kappe told his men, was simply to do enough harm to impede production. He warned them not to try to blow up large dams or iron bridges or bridges with girders—such jobs were too difficult for a small team to carry out. They should also avoid targeting passenger trains. The Abwehr wanted to minimize civilian casualties.

Kappe told his men that when they arrived in the United States, their first task would be to create suitable cover for themselves. He provided them with forged Social Security and Selective Service registration cards. Dasch and Kerling became George John Davis and Edward Kelly, respectively—both born in San Francisco before the 1906 earthquake and fire, which meant that no one could demand records to corroborate their papers. Thiel became John Thomas, and was identified as a Polish immigrant in order to explain his accent, which was heavy. Heinck became Henry Kayner, of Wilkes-Barre, Pennsylvania (a town name he was consistently unable to spell). Richard Quirin became Richard Quintas; Herman Neubauer became Henry Nicholas. Haupt kept his own identity, as did Burger. (Both had American citizenship.) Because Burger had worked as a commercial artist, Kappe developed the idea that Burger should move to Chicago, set up an art studio, and insert an ad for his services in the *Chicago Tribune* on the first and the fifteenth of each month—a plan that would give Burger visibility and credibility and would also provide all the men involved in the mission with an easy way to find him.

Kappe also made the men sign contracts obliging them to remain silent about their mission throughout their lives, on penalty of death, and stating that if they died during the mission, their wives would receive lump sums determined by the German government. Should their efforts prove successful, they would be given good jobs following the war. Kappe told them that they would be under constant observation in the United States by German intelligence—which, he claimed, had infiltrated the FBI.

On April 30, the last day of class, Kappe gave special instructions to Dasch and Kerling. Each was to lead three other men. The teams were to travel across the Atlantic by U-boat and land secretly in separate locations, carrying with them crates

of explosives and other tools for sabotage. Dasch and Kerling would each be given $50,000 in cash for bribes and expenses, and their men would be given $9,000 apiece. Dasch and Kerling received white handkerchiefs that, when permeated with fumes from a bottle of ammonia, would reveal a message stating how to reach Kappe and several U.S.-based contacts. Kappe emphasized that the two men were to focus initially on establishing cover and to refrain from any sabotage activities whatsoever. Detailed instructions would come at noon on July 4, at the Hotel Gibson in Cincinnati.

Almost a month later, after his men had had a few weeks of leave, Kappe gathered them together in Lorient, France, where the Germans based some of their U-boats, and gave them their final orders. Kerling, Neubauer, Haupt, and Thiel would depart for Florida on May 26; Dasch, Burger, Heinck, and Quirin would depart for New York on May 28.

First Contact

On May 28 Dasch and his team boarded submarine U-202. Captain Hans-Heinz Lindner announced over the loudspeaker that the four men were on special assignment to America, and called on every crew member to treat them well and ask no questions. The sub carried forty men, fourteen torpedoes, a cannon, and an anti-aircraft gun. As the vessel approached the Long Island coast, on June 12, the captain switched from diesel to silent electric motors. Just before midnight the men heard a scraping sound: the sub had touched the ocean floor some fifty yards from shore.

Dasch and his team, accompanied by members of the U-boat's crew, were loaded into an inflatable rowboat along with four wooden crates full of explosives and supplies, and a giant canvas seabag containing civilian clothes and other gear. The men were dressed in German military uniforms; if they were apprehended immediately, they would become prisoners of war. Lindner ordered Dasch to subdue by violence any civilian or soldier who challenged his team, and to send the person back in the rowboat so that the sub's crew could "take care of him."

"It was a pitch-dark, foggy night, made to order for landing," Dasch later recalled. The fog was so thick that the men could see barely fifty feet ahead. After rowing in circles for a time, the group finally made a landing, and Dasch quickly sought higher ground to survey his surroundings. To his horror, he saw beacons both left and right. Running back to the boat, he ordered his men to put on their civilian clothes. As soon as they had changed, Quirin and Heinck began burying the explosives in some high dunes. Burger, however, seemed already to be entertaining thoughts of betraying the mission. Out of sight of the others he placed an empty German cigarette tin in the sand, where it could later be easily discovered by a passing patrol. Farther up the beach he left a small schnapps bottle, some socks, a vest, and a bathing suit for good measure.

Also on the beach that night, on a six-mile foot patrol, was Coast Guardsman John Cullen, of Bayside, Queens, a twenty-one-year-old former Macy's deliveryman who enlisted in the Coast Guard in 1940 and later became a "sand pounder," to keep watch at night for suspicious activity close to shore. For weeks on end Cullen had patrolled, unarmed, without ever encountering another person. But at about 12:30 that morning, through the fog, he saw a dark object in the water some twenty feet away, and three men standing nearby. "I thought they were fishermen, local residents," he recollected recently, at his home in Chesapeake, Virginia, "until I saw one of the guys dragging a seabag into the dunes and then speaking in German."

"What are you doing down here?" Cullen asked. "Who are you?"

"We're a couple of fishermen from Southampton who have run ashore," Dasch answered. "We will stay here until sunrise and we will be all right."

Cullen told them that sunrise was hours away and said that there was no reason Dasch couldn't come with him to the Coast Guard station until then. Dasch, concerned that the seabag might raise Cullen's suspicions, decided to pretend to go along with him. In the meantime, one of the Germans came running down the beach with the seabag and addressed Dasch in German. Dasch hollered, "You damn fool, why don't you go back to the other guys?" He then took Cullen's arm and asked menacingly how old he was, and if he had a father and a mother. Cullen said he did.

"Well," Dasch said, "I wouldn't want to have to kill you. Forget about this and I will give you some money and you can have a good time." He offered Cullen $100, which Cullen refused. Dasch then offered $300, and Cullen accepted. "I was afraid they were going to knock me off right there," Cullen later said. "But when he offered me the money, I knew that was a little encouragement."

Dasch took off his hat and shined a flashlight into his own face. "Take a good look at me," he said to Cullen. "Look in my eyes. You will hear from me in Washington." Dasch then turned around and joined his colleagues, and Cullen began walking cautiously backward before turning and racing toward the station, in the town of Amagansett.

Burger told the others that Dasch had been talking to an American sailor. The men were concerned, but Dasch said to them, "Now, boys, this is the time to be quiet and hold your nerves. Each of you get a box and follow me." Burger dragged the seabag, deliberately leaving a track that could be identified later, and then helped the others bury it, along with their army uniforms.

The team proceeded inland, almost crawling, for half a mile. They lay still in the dunes for an hour and then began walking until they found a road. Whenever a car passed, they dove into nearby bushes. Heinck, shivering like a dog, said over and over, "We're surrounded, boys!" Eventually, at just after five in the morning, they stumbled into the tiny train station in Amagansett. They were wet, grass-stained, and generally filthy.

When the station opened for business, at six-thirty, Dasch bought four tickets to Manhattan. "Fishing in this neighborhood has been pretty bad lately," he observed at the ticket window, in a feeble attempt at nonchalance. Not long after, he and his men boarded their train.

Doubts and Betrayal

After moving out of sight of Dasch and his men, Cullen raced to the Coast Guard station and sounded the alarm. He and other officers quickly formed a search party and returned to the site of the encounter. "While I was standing there," Cullen recollected recently, "I saw the light from the sub. I could also smell diesel oil. I knew it had to be a sub, so we notified the main Coast Guard station at Napeague. The sub was stuck on a sandbar, and when they revved the engines, the ground where I was standing shook. We didn't know at the time whether the Germans were coming in or leaving."

At daybreak they found the cigarette tin and the bathing suit. After following the trail left by the seabag, a member of the search party poked a stick in the sand and struck something hard. The men dug the four crates of explosives out of the sand. Other members of the party followed footprints and soon found the buried German clothing, including a cap with a swastika sewn on it.

Sensing the gravity of what had been found, Coast Guard intelligence officers came and immediately took it all to Governor's Island, near Manhattan and the Statue of Liberty, where, at the area Coast Guard headquarters, they opened three of the crates. The fourth, hissing because the TNT inside had been exposed to salt water, was moved to the end of a dock and carefully opened there. At 11:00 A.M. the FBI was notified of the find, and by noon everything the Germans had brought with them, with the exception of their money and the clothes on their backs, had been impounded by the Bureau. Tension remained high, however: no one knew how many men had landed or what their plans were.

In Washington, J. Edgar Hoover, the director of the FBI, breathlessly informed Attorney General Francis Biddle of the news of the moment. Biddle later wrote, "All of Edgar Hoover's imaginative and restless energy was stirred into prompt and effective action. His eyes were bright, his jaw set, excitement flickering around the edge of his nostrils. He was determined to catch them all before any sabotage took place." The FBI worked with the Coast Guard to set up continuous surveillance of the area where the materials had been buried, hoping to apprehend the men when they returned for their stash. The Bureau commandeered a private bungalow on the beach

and began interviewing local residents who fit the descriptions given by Cullen. Hoover also imposed a news blackout on the story.

Meanwhile, Dasch and his team had arrived at Jamaica Station in New York, at about 9:30 A.M., and had immediately bought themselves new sets of clothes. After changing in the men's room at a restaurant, they threw their old clothes in a trash can and split into two groups, agreeing to meet later. Dasch and Burger registered at the Hotel Governor Clinton—Dasch as George John Davis, and Burger as himself. Heinck and Quirin registered at the Hotel Martinique under their respective aliases. They all ate, washed, and rested.

The men found themselves completely on their own in the city. Free and loaded with money, they took full advantage of their situation by shopping, carousing in clubs, and seeking out prostitutes. Dasch later wrote, "There was nothing in the way of Nazi surveillance to prevent me from taking [all of the money] I'd been provided with and fading into a happy and luxurious obscurity."

But he didn't. Dasch and Burger began to have frank discussions about their mission and their motivations. Dasch admitted to Burger that he felt he didn't belong in Germany, and that he had in fact begun planning an escape back to America even as he had worked for Germany's propaganda division. Burger, for his part, talked of his troubles with the Gestapo. Dasch then told Burger that he "was not George John Davis, the group leader of a gang of saboteurs, but George John Dasch, the man who came here into this country for the opportunity to fight Hitler and his gang in my own fashion." Upon hearing this, Burger, according to Dasch, "broke out in a crying spell" and confessed to having left a trail of evidence on the beach, adding that he believed the crates of explosives must have been discovered by that time. The mission seemed botched before it had even begun.

Dasch told Burger it was critical that Dasch contact the FBI, because, he said, should any of the seven men—or even Dasch himself—fall into police hands, "it would be very difficult for me to prove the real reason I came here." First, however, Dasch and Burger needed to reassure Heinck and Quirin that all was proceeding according to plan. Burger met Heinck and Quirin several times during the next few days and

persuaded the two to remain quiet in New York while Dasch supposedly pursued covert contacts for the team.

On Sunday, June 14, Dasch called the FBI. Agent Dean McWhorter answered, and Dasch introduced himself as Franz Daniel Pastorius, "a German citizen who has arrived in this country only yesterday morning." Dasch told McWhorter that he had information so important to report that "the only person who should hear it is J. Edgar Hoover." McWhorter suggested that Dasch come to his office, but Dasch mildly replied, "I, Franz Daniel Pastorius, shall try to get in contact with your Washington office either Thursday or Friday, and you should notify them of this fact." McWhorter indeed made note of the call, but rather than sending a message to Washington, merely wrote, "This memo is being prepared only for the purpose of recording the call made by [Pastorius]."

On the morning of June 18 Dasch packed for Washington. He divided the money Kappe had given him into several envelopes bound together with a rubber band and attached a note that said, in part, "Money from German [government] for their purpose, but to be used to fight the Nazis. George J. Dasch, alias George J. Davis, alias Franz Pastorius." He paid his and Burger's hotel bills and left Burger a note.

> Dear Pete:

Sorry for not have been able to see you before I left. I came to the realization to go to Washington and finish that which we have started so far.

I'm leaving you, believing that you take good care of yourself and also of the other boys. You may rest assured, that I shall try to straighten everything out to the very best possibility. My bag and clothes I'll put in your room. Your hotel bill is paid by me, including this day. If anything extraordinary should happen, I'll get in touch with you directly.

Until later,

I'm your sincere friend,

> George.

Dasch arrived in Washington late Thursday and checked into the Mayflower Hotel. After breakfast the following morning he phoned the Information Service of the U.S. government and asked the young woman who answered to explain the difference between the FBI and the Secret Service. "She asked me what the purpose of my visit was," he later recalled, "and I told her that I had to make a statement of military as well as of political value." Directed to phone the FBI, Dasch ended up speaking to Agent Duane Traynor, who listened politely as Dasch identified himself as George John Dasch, the leader of a team of eight saboteurs who had just arrived from Germany. Traynor told him to remain in his room so that FBI agents could escort him to the Justice Department.

Dasch spoke with FBI special agents over the next five days. He told them he wanted to lead them to each of the seven other men and expressed an interest in "having the opportunity to meet your superior, and Mr. Hoover perhaps?" He told the agents all he knew about Kappe. He discussed his experiences after his return to Germany, his dissatisfaction with the Third Reich, and the circumstances of his amphibious return to the United States, including his encounter with John Cullen. He insisted that he had planned his betrayal long before. "This is an idea," he said, "that is eight months old."

Dasch also insisted that Burger was as staunchly anti-Nazi as he, having joined the mission "as a way to get even." Quirin and Heinck he dismissed as "a couple of Nazis who have only one duty to perform and that is to listen to the command." He said, "They have not to question the sincerity, truthfulness and correctness. Their duty is to follow it, otherwise to die." By the end of the second day of interrogation, working with information provided by Dasch, the FBI had located and apprehended all three members of Dasch's team.

Rounding up the second team, which had landed near Jacksonville, Florida, during the night of June 16, was somewhat more difficult. All Dasch knew was that the two teams were to meet in Cincinnati on July 4, but he offered up the white handkerchief as a potential lead. At first he could not remember how to handle the invisible ink, but the FBI lab "broke the hankie," and agents were dispatched to shadow the contacts named on it. Within days the FBI had found all four members of Kerling's team, in New York and Chicago, and had them in custody.

Only after all the other men had been jailed, in New York, did the FBI officially arrest Dasch, on July 3. During his interrogation, Dasch later said, the FBI had told him to plead guilty and not to mention his betrayal—just to put on "the biggest act in the world" and "take the punishment," for which, after a few months in prison, he would receive a presidential pardon. After his arrest Dasch begged to be jailed with his colleagues, so that they would not suspect he had turned them in. The FBI obliged. Dasch was walked past the cells of his colleagues and then placed in his own cell. He was under the impression that his new friends at the FBI would soon come to release him. But not long after he arrived, he looked out the peephole of his cell and saw a guard reading the New York *Daily News*: Dasch's picture was on the front page, accompanied by the headline "CAPTURED NAZI SPY."

So it was that two weeks after the Long Island landing, all eight Germans found themselves in custody without having even tried to commit a single act of sabotage. Dasch consoled himself by remembering the FBI's promise of a presidential pardon.

Homeland Defense

When the men had all been apprehended, Attorney General Biddle telephoned President Roosevelt with the good news. Roosevelt was determined that punishment be harsh, to discourage future infiltrations. In a memorandum to Biddle, Roosevelt wrote that the two American citizens among the eight were guilty of high treason and the other six were spies. All, he felt, deserved the death penalty. "I want one thing clearly understood, Francis," he told Biddle. "I won't hand them over to any United States Marshal armed with a writ of habeas corpus."

Meanwhile, Hoover and his aides at the FBI had decided that when the story was made public, Dasch's surrender and his and Burger's cooperation would go unmentioned, so as to give the German government the impression that the U.S. authorities were so efficient and so well informed that additional landings would be a waste of time and manpower.

With the approval of the President and the Attorney General, Hoover broke the story at a press conference on June 27, making headlines nationwide the following day. "FBI CAPTURES 8 SABOTEURS" read the front page of *The New York Times*. The story itself, however, was remarkably light on the details of the men's capture. When pressed on how the FBI had broken the case, Hoover was quick and succinct. "That," he said, "will have to wait until after the war." Hoover did, however, reveal exactly which aluminum plants and railway bridges had been targeted, how much explosive material had been found on the beaches, and the fact that two of the men were American citizens.

Immediately after the arrests the FBI swung into action. Agents swarmed over the Swedish liner *Drottningholm*, for example, in search of German spies masquerading as refugees. They subjected the baggage and the mail of all 868 *Drottningholm* passengers to two days of intensive investigation—the most rigorous examination ever of a vessel docked in the Port of New York up to then. They questioned some 250 "enemy" aliens in Altoona, and seized many "powerful short-wave radio transmitters." When asked if these efforts were in any way connected to the eight Germans, the head of the FBI's Philadelphia field office responded, "Draw your own conclusions."

The public vilified the would-be saboteurs. *Life* magazine published FBI mug shots of the men, photographs of some of their equipment, and display type reading "THE EIGHT NAZI SABOTEURS SHOULD BE PUT TO DEATH." When the *South Bend* (Indiana) *Tribune* polled its readers on July 2, only one respondent wanted them set free. An overwhelming majority—1,097 people—were in favor of immediate execution. One reader went so far as to suggest that the men be fed to Gargantua, a giant circus gorilla—and enclosed money for Gargantua's funeral, writing that the gorilla would "surely ... die of such poisonous eating."

On June 30 Biddle informed the President that a military tribunal would be preferable to a civil trial for handling the case, because it would be quick and secret and because the death penalty could be imposed with only a two-thirds majority among the judges. Biddle also feared that if the eight defendants were tried in a civil court, the jury might find that no sabotage had been committed, and the men might therefore receive sentences of only two or three years. He dredged up a seventy-six-year-old precedent, dating from the Civil War and involving Lambdin Milligan, a resident of Indiana and an outspoken opponent of Abraham Lincoln's. Milligan had been charged with giving aid to and communicating with the enemy and violating the laws of war. He had been tried by a military commission and sentenced to death. The Supreme Court heard the case and unanimously granted him a writ of habeas corpus, citing a citizen's right to a trial in civil court unless "ordinary law no longer adequately secures public safety and private rights."

On July 2, less than a week after the men had been captured, Roosevelt issued a proclamation to the nation.

> Whereas the safety of the United States demands that all enemies who have entered upon the territory of the United States as part of an invasion or predatory incursion ... should be promptly tried in accordance with the Law of War; now, therefore, I, Franklin D. Roosevelt, ... do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States.

The wording of the proclamation was broad enough to cover almost any remotely similar future offense.

Major General Frank R. McCoy was chosen to preside over the tribunal (it was never to be called a court) that was hastily convened to handle the case. Three other major generals and three brigadier generals completed the commission. Attorney General Biddle was assigned to lead the prosecution, assisted by Major General Myron Cramer, the Army's judge advocate general. Brigadier General Albert L. Cox was the tribunal's provost marshal. Among the many lawyers working for Biddle was Lloyd Cutler, who went on to become the White House counsel to Presidents Jimmy Carter and Bill Clinton—and who has now been consulted by the Bush Administration as it attempts to set up military tribunals.

Colonel Cassius M. Dowell and Colonel Kenneth C. Royall were ordered to serve as defense lawyers. Dowell, a forty-year Army veteran who had been wounded in World War I, handled a number of legal issues for the Army. Royall, a trial lawyer from North Carolina with a degree from Harvard Law School, had recently been appointed by Army Secretary Henry L. Stimson to head the Army's legal division in charge of military contracts. The two men came to the conclusion that it was best for their case if Dasch was defended separately, so Colonel Carl Ristine, of the Army Inspector General's Office, was appointed counsel for Dasch.

The votes of five of the commission's seven members were required for conviction and sentencing. As Commander in Chief, the President would be the final arbiter of all commission recommendations. There would be no appeal.

A Military Tribunal

On July 4 the eight Germans were moved in secret from New York to Washington, where they were incarcerated in the District of Columbia Jail. Each man was isolated in a tiled cell, with an empty cell on either side of him, and was under surveillance around the clock. Clad only in pajamas and paper slippers, the prisoners were denied writing materials. They were allowed to read old magazines and newspapers and to

smoke cigarettes lit for them by their guards. Current newspapers were forbidden, so that the prisoners could not learn of their fate. No man was allowed to talk to any other. They were given only paper spoons and paper plates with which to eat their meals—there was to be no opportunity for suicide. The men never asked to see clergymen or relatives.

Room 5235 of the main Department of Justice building was ordinarily used by the FBI for lectures and films. On July 8, however, it became a military courtroom, its windows covered with heavy black curtains that blocked all daylight. At the front of the room that day, as the tribunal began, long tables were placed end to end to serve as the bench for the seven judges. To the left of the bench stood a witness chair, a small table for the court reporter, and tables for the prosecution and the defense. Behind the table for the defense sat all eight defendants, in alphabetical order, dressed in the clothing—suits and two-toned shoes—that they had bought during their brief time at large in the United States. Each man was flanked by guards. At the rear of the room were the buried clothing, the explosives, and the crates, all of which were to be entered as evidence.

Each day of the trial the prisoners were transported from the jail to the Justice Department and back, in two armored black vans. FBI agents led the procession, and nine police officers on motorcycles followed alongside. Behind the prisoners' vans were three Army scout cars with soldiers and machine guns at the ready. Each of the nineteen days that the men were summoned before the tribunal, the motorcade took a different, circuitous route to the Justice Department, where fifty soldiers stood guard outside the entrance. Hot-dog and ice-cream vendors set up stands to feed the curious.

Colonel Royall opened his defense with a statement to the tribunal. "In deference to the commission," he said, "and in order that we may not waive for our clients any rights which may belong to them, we desire to state that, in our opinion, the order of the President of the United States creating this court is invalid and unconstitutional ... Our view is based first on the fact that the civil courts are open in the territory in

which we are now located and that, in our opinion, there are civil statutes governing the matters to be investigated."

Biddle was no less tough in his response: "This is not a trial of offenses of law of the civil courts, but is a trial of the offenses of the law of war, which is not cognizable by the civil courts. It is the trial, as alleged in the charges, of certain enemies who crossed our borders ... and who crossed in disguise and landed here ... They are exactly and precisely in the same position as armed forces invading this country."

Royall argued that the articles of war cited in the charges applied solely to U.S. citizens caught aiding an enemy, and not to enemies themselves. He further contended that no evidence suggested that the men would have followed through with their plans for sabotage. They had not been trained for espionage, had only vague contacts through which to communicate with Germany, and had no plans to return home until after the war. In response Biddle cited the case of Major John André, the British officer executed during the Revolutionary War for passing through American lines with the intention of bribing an American officer.

Lloyd Cutler remembers the opening arguments as a harbinger of what was to come. "Royall stood up and made an objection—a perfectly good one. The president of the court banged his gavel and said, 'The court will rise.' Forty-five minutes later the court came back and said 'Objection overruled.' Then Biddle asked a second question, and the same thing happened. The court took another forty-five-minute break and overruled the objection. Royall got the message."

Coast Guardsman John Cullen was the first witness. After recalling the events of his encounter with the Germans, Cullen said he could identify Dasch only if allowed to hear his voice. When Dasch said, "What is your name?" Cullen positively identified him. In his cross-examination of Cullen, Colonel Ristine noted that Dasch had never attempted any violence against Cullen. After Cullen left the stand, Warren Barnes, the chief of the Amagansett Coast Guard station, identified all the objects found on the beach, including the clothes Dasch's men had buried. Next an FBI munitions expert testified as to the type of the explosives.

The next two FBI agents to testify seemed to strengthen Dasch's case. Special Agent Charles Lanham stated that Burger had confessed that he and Dasch had never planned to follow through on the sabotage but instead had wanted to fight Hitler. Special Agent Norval Wills testified to the promise of a presidential pardon for Dasch in return for pleading guilty.

Royall later called each of the Germans to testify in his own defense. Haupt testified that he had planned all along not to go through with the sabotage and to turn the others in on July 6, when he would know where they all were. Neubauer swore that he and Kerling had almost immediately come "to the conclusion that we would not have a chance to go through with our orders." Quirin claimed to have developed doubts about the mission "on the submarine." Thiel claimed that he would never have carried out acts of sabotage. During the trial, under interrogation by Biddle, Thiel and Neubauer claimed that they hadn't turned themselves in to the FBI for fear of the alleged Gestapo infiltration, which would have resulted in dire harm to their families in Germany. Heinck admitted that even before going to the training farm he had understood that the work he was about to do in America was definitely sabotage.

Meanwhile, the question of Dasch's and Burger's special status as collaborators with the U.S. government was also being discussed outside the tribunal. On July 16 Biddle wrote in a memorandum to Roosevelt,

> Dasch and Burger were helpful in apprehending the others and in making out the proof. However, up to now, they have refused to testify. The Judge Advocate General and I intend to ask the Commission to impose the death penalty on them because we think they had some intention to go through with their plans when they landed and are therefore legally guilty. If the Commission sentences all eight to death, we will probably be prepared to recommend that you grant some clemency to Dasch and Burger. At the very least, however, they should be detained à la Rudolph Hess until after the war. Burger wants no publicity if he receives clemency. He prefers death to endangering his family. Dasch, however, seems to prefer the publicity, and it might be useful to make him somewhat of a hero, thus encouraging other German agents to turn in their fellows.

Dasch and Burger finally did testify. Dasch claimed that the sole reason he had entered sabotage school was to escape Germany, and Ristine again pointed out Dasch's failure to harm Cullen, despite the orders he was under to subdue and take back to the submarine anybody he encountered. Burger was the last to testify; he said that he was an American citizen who had served in two National Guard units, earning two honorable discharges. After his return to Germany, he said, he quickly became disillusioned with the Nazi Party and began to plot a return to the United States. The lawyers defending him pointed out that he had cooperated with the FBI agents when they came to his hotel room, and that his interrogation had actually been more useful than Dasch's, with far more detailed descriptions of the school for saboteurs and of his colleagues.

After sixteen days in session the defense rested on July 27, and the six men other than Dasch and Burger signed a statement expressing appreciation for having been given a fair trial. In it they wrote, "Before all we want to state that defense counsel has represented our case unbiased, better than we could expect and probably risking the indignation of public opinion. We thank our defense counsel."

But Royall wasn't finished. Determined to challenge the President's proclamation that the men should face a military tribunal, he sought to win his clients' freedom by demanding a writ of habeas corpus. Though the Supreme Court had been adjourned for the summer, it convened in a special session on July 29 to consider the matter.

Royall argued that Long Island and Florida beaches could not be characterized as "zones of military operation." There had been no combat there, and no plausible threat of invasion. Royall argued that the civil courts were functioning, and under the circumstances they were the appropriate venue for the case to be heard. Biddle argued that the United States and Germany were at war, and cited a law passed by Congress in 1798 that stated, "Whenever there is a declared war, and the President makes public proclamation of the event, all native citizens, denizens or subjects of the hostile nation shall be liable to be apprehended ... as alien enemies."

On July 31 the Supreme Court unanimously denied Royall's appeal, writing, "The military commission was lawfully constituted ... petitioners are held in lawful custody

for trial before the military commission and have not shown cause for being discharged by writ of habeas corpus."

The members of the tribunal then deliberated for two days before reaching a verdict. Finally, on August 3, in accordance with instructions, the tribunal's verdict was delivered—by Army plane—directly to Roosevelt, at Hyde Park, in four thick manila envelopes. It found all eight men guilty and recommended death by electrocution, but added, "In view of the apparent assistance given to the prosecution by defendants Ernest Peter Burger and George John Dasch, the commission unanimously recommends that the sentence of each of these two defendants ... be commuted from death to life imprisonment."

On August 7 General Cox, the tribunal's provost marshal, received instructions from President Roosevelt: all but Dasch and Burger were to be electrocuted at noon the following day.

The End of the Affair

Early in the morning of August 8, after the Germans had been fed a breakfast of scrambled eggs, bacon, and toast at the District of Columbia Jail, General Cox and an Army chaplain entered the cells of the condemned men and informed them of their fate. Each man turned pale and seemed stunned. None said a word. Burger was reading a copy of *The Saturday Evening Post* when Cox and the chaplain entered and told him he had been spared. Burger responded simply "Yes, sir," and returned to his reading.

As the morning progressed, military officers, Army doctors, the city coroner, and Army ambulances arrived at the jail. People moved quickly and said little. The mood was somber. Final adjustments were made to the electric chair—a red-oak device situated in a twelve-by-eighteen-foot execution chamber located on the top floor of the jail. Each condemned man would face a glass panel that appeared to him to be opaque, behind which would sit representatives of the tribunal and other officials. The

witnesses were to include Major General McCoy, Hoover, and representatives of the War and Justice Departments. In alphabetical order, beginning with Haupt, the condemned men would be walked into the chamber and executed with 4,500 volts of electricity.

The process began at noon. Each execution took no longer than fourteen minutes—the time required to administer the sentence, establish a time of death, remove the corpse, and ventilate the room for the arrival of the next man.

After the final execution the tribunal reported to President Roosevelt that his orders had been carried out. Just before 1:30 P.M. an announcement was made by the White House press secretary, Steve Early, who reported that six executions had taken place. The six bodies were buried in a pauper's cemetery at Blue Plains, in the District of Columbia, a site adjacent to the Home for the Aged and Infirm and the Industrial Home School for Colored Children. Six wooden headboards—marked simply 276, 277, 278, 279, 280, and 281—identified the graves.

Early also announced that by "unanimous recommendation by the commission concurred in by the Attorney General and the Judge Advocate General of the Army," the President had commuted the sentences of Dasch and Burger. "The commutation directed by the President in the case of Burger," Early said, "was to confinement to hard labor for life. In the case of Dasch, the sentence was commuted by the President to the confinement at hard labor for thirty years. The records in all eight cases will be sealed until the end of the war."

Dasch and Burger spent some six years in U.S. prisons and then were deported to Germany in April of 1948. Burger subsequently disappeared and is rumored to have fled to Spain. In 1959 Dasch published *Eight Spies Against America*, a self-promotional and little-noticed account of the whole affair. He spent his final years working as a travel agent and a tour guide in Germany and enduring regular harassment in the places he lived, because of his role in the betrayal of his colleagues. In 1983 he was tracked down by an American college student named Jonathan Mann, who reported that Dasch "got all teary-eyed talking about how he facilitated the deaths of 'those boys.'" Late in his life Dasch befriended Charlie Chaplin, who was

living in exile in nearby Switzerland, and the two often compared notes on how J. Edgar Hoover had ruined their lives.

Until his death, in 1992, in Germany, Dasch remained hopeful that he would receive the presidential pardon promised to him decades before. It never came.