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The Quiet War: Nazi Agents in America

Abstract

In the summer of 1942, the East Coast bore witness to an aberration when a German submarine appeared in the waters off Long Island, seemingly countless miles from the bitter fighting and utter carnage engulfing Europe.¹ Only four days later, *another* submarine unexpectedly surfaced, this time near Ponte Vedra Beach off the coast of Florida.² The United States, historically protected from its enemies abroad by the vast stretches of the mighty Atlantic, now found itself exposed to the *Unterseeboote* that had once provoked the superpower into world war.³ The submarines harbored agents of the notorious German spy organization known as the *Abwehr*; and while these agents' ultimate capture epitomized the failure of many German intelligence operations in the United States, their activity reaffirmed American fears of Nazi spies and American subversives *within*. Beyond its immediate impact, Operation PASTORIUS inadvertently led the United States government to reflect on the legal treatment of its enemies—an issue that, more than sixty years later, remains to be resolved.

Keywords

Abwehr, Germany spies, Nazi agents, World War II, fear

The Quiet War: Nazi Agents in America
By Robert Kellert

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¹ Albert L. Cox, "The Saboteur Story," *Records of the Columbia Historical Society, Washington, D.C.* 57/59, 16.

² Leon O. Prior, "Nazi Invasion of Florida!," *The Florida Historical Quarterly* 49 no. 2 (Oct., 1970): 129.

superpower into world war.³ The submarines harbored agents of the notorious German spy organization known as the *Abwehr*; and while these agents' ultimate capture epitomized the failure of many German intelligence operations in the United States, their activity reaffirmed American fears of Nazi spies and American subversives *within*. Beyond its immediate impact, Operation PASTORIUS inadvertently led the United States government to reflect on the legal treatment of its enemies—an issue that, more than sixty years later, remains to be resolved.

The *Abwehr*, whose name is derived from the German word for “defense,” was hardly a defensive organization. A military intelligence

³ Millett, Allan, and Peter Maslowski. *For the Common Defense: A Military History of the United States of America*, (New York: The Free Press, 1994), 347.

agency spearheaded by the “almost legendary” Admiral Wilhelm Canaris, the *Abwehr* flourished under the leadership of Canaris, who made it immediately clear—as early as 1935—that the United States would be “one of the [*Abwehr*’s] key targets.”⁴

The United States, adhering to its isolationist doctrine and in the midst of an economic depression, still seemed to threaten Germany’s interests in the near future. Nazi Germany appeared both aware of, and concerned with, America’s ability to exert its diplomatic and military influence on the world stage *six years* before its entrance into World War II. Canaris, for one, recognized the “capacity of its [America’s] industrial power” to

⁴ Canaris, as quoted in Ladislav Farago, *The Game of the Foxes: The Untold Story of German Espionage in the United States and Great Britain During World War II* (New York: David McKay Company, 1971), 27.

“assure victory.”⁵ Thus, responding to the earliest portents of global conflict, Germany was preparing its spy war—its *quiet* war—against the United States.

Ironically, Admiral Canaris personally opposed Adolf Hitler’s regime.⁶ Brutal mass executions following the Nazis’ *Blitzkrieg* against Poland in 1938 had prompted Canaris to question Hitler’s intentions in occupying Poland. He demanded an explanation for the “outrages” committed there by the Nazis, fearing that the world would “eventually blame the Wehrmacht” for merely carrying out “these unheard-of atrocities”

⁵ Canaris, as quoted in *Ibid.*

⁶ Hans L. Trefousse, "Failure of German Intelligence in the United States, 1935-1945," *The Mississippi Valley Historical Review* 42 no. 1 (June, 1955): 85.

of Hitler's personal ambitions.⁷ The prevalent German "monstrosity" in Poland, coupled with Hitler's willingness to go to war against England—whose potential future support from the United States "frightened" Canaris—cemented tensions between the admiral and his *Führer*.⁸ Nevertheless, Canaris had to perform his duty—if not for the *Führer*, then for Germany.

Canaris and the *Abwehr* were far from alone in Germany's intelligence services, however. The *Sicherheitdeinst* ("security service") and *Reichsicherheitshauptamt* ("main security agency of the [German] empire," also known as the R.S.H.A.) supplemented one another while the *Luftwaffe* even maintained its own research office, specializing in

⁷ Canaris, as quoted in Farago, *The Game of the Foxes*, 170.

⁸ *Ibid.*, 171.

“signal intelligence.”⁹ Despite this extensive intelligence bureaucracy, whose very intricacy likely hampered the efficiency of gathering and transmitting reliable intelligence, the *Abwehr* took the lead in initiating espionage in the United States.¹⁰ The United States also had secret designs, however, and stood as ready to infiltrate Germany with its own spies as it was to intercept Nazi saboteurs in American territory.

Admiral Canaris had an equally shrewd American counterpart in William Donovan, head of the Office of Strategic Services (O.S.S.). The precursor to the C.I.A., the O.S.S. emerged from a primitive intelligence agency, the Office of the

⁹ Trefousse, "Failure of German Intelligence in the United States, 1935-1945," 85.

¹⁰ Thomas H. Etzold, "The (F)utility Factor: German Information Gathering in the United States, 1933-1941," *Military Affairs* 39 no. 2 (Apr., 1975): 77.

Coordinator of Information (C.O.I.), which Donovan had also directed.¹¹ Following America's entry into World War II, the propaganda wing of the C.O.I. separated from the organization and the C.O.I. thereafter became the Office of War Information; it was soon renamed the Office of Strategic Services and placed under the watchful eye of William Donovan.¹²

William Donovan hardly qualified as a mainstream intelligence director. A wealthy corporate lawyer of Republican persuasion, Donovan nonetheless had President Franklin Roosevelt's support in creating an "international secret service" for the United States "equal to the

¹¹ R. Harris Smith, *OSS: The Secret History of America's First Central Intelligence Agency* (University of California Press, 1972), 1.

¹² *Ibid.*, 2.

Nazi challenge.”¹³ Even Roosevelt, who “saved Donovan’s bureaucratic life” on more than one occasion, purportedly warned, “We must find a way to harness this guy, because if we don’t he will be doing a lot of things other than what we want him to do.”¹⁴ The Joint Chiefs concurred with Roosevelt, reluctant to bring Donovan’s “propaganda machinery” into the military realm; they did, however, agree to absorb the O.S.S. *without* its propaganda wing.¹⁵

The Joint Chiefs relegated Donovan’s new organization to two primary functions: to “collect and analyze such strategic information as may be required by the Joint Chiefs of Staff” and to “plan

¹³ *Ibid.*, 1.

¹⁴ Roosevelt, as quoted in David C. Martin, “OSS into CIA,” *Grand Street* 2 no. 2 (Winter, 1983): 181.

¹⁵ Joseph E. Persico, *Roosevelt’s Secret War: FDR and World War II Espionage*, (New York: Random House, 2001), 187.

and operate such special services as may be directed.”¹⁶ On June 13, 1942, President Roosevelt issued an executive order authorizing the creation of the O.S.S. Though empowered by this move, the savvy Donovan knew not to overstep his bounds: “[T]hese admirals and generals might be willing to sit down with citizen Donovan, but not with General Donovan.”¹⁷ Colleague Allen Dulles sensed an “indefatigable energy” and “great resourcefulness” in the former World War I war hero, foreshadowing the remarkable creativity with which the O.S.S. would operate under Donovan’s leadership.¹⁸

¹⁶ Joint Chiefs directive, as quoted in Martin, “OSS into CIA,” 181.

¹⁷ Donovan, as quoted in Joseph E. Persico, *Roosevelt’s Secret War: FDR and World War II Espionage*, 187.

¹⁸ Dulles, as quoted in Smith, *OSS*, 2.

O.S.S. planning chief James Grafton Rogers reflected on the new agency with amusement, intrigue, and in a sense, fascination:

The Office is the most interesting collection of people and their doings I have ever served in or known. Yale, the State Department, the old “Sun,” the Cactus Club, the university at Boulder—all were less colorful. It may expire any minute. I feel every day is the last. The Joint Staff is trying to understand it and knows the ability collected and needed for some organization of organized and secret subversion. It recognizes R. and A. is a wonderful information service. But it may lose patience.¹⁹

Rogers’s pithy description encapsulates the character of the O.S.S. Here was a body of incomparably diverse individuals working— independently *and* in tandem—toward the same goal: a war of subversion. William Donovan had

¹⁹ James Grafton Rogers, in *Wartime Washington: The Secret OSS Journal of James Grafton Rogers 1942-1943*, ed. Thomas F. Troy (Frederick, MD: University Publications of America, 1987), 8.

every right to be cautious as the Joint Chiefs struggled to grasp the nature of this mysterious new intelligence agency, its capacity and its limitations. Donovan seemed to understand the fragility of the O.S.S. as well as anyone could have: until the agency could prove its worth, it had to tread cautiously.

Of O.S.S. “planning,” James Rogers noted:

The work is like watching a kaleidoscope. The pattern is changed every morning. Bill Donovan dreams up something overnight perhaps. A mission to Brazil—need for an overall psychological warfare plan, a venture in North Africa, a revision of the whole O.S.S. show. I never wake up to see what I went to bed with.²⁰

The O.S.S. operated extemporaneously; yet, this appeared to be one of its greatest assets. For William Donovan, rigidity inhibited innovation; and so the men of the O.S.S were encouraged to work as

²⁰ James Grafton Rogers, in *Wartime Washington*, 8.

pioneers, not as order-takers. As O.S.S. Colonel David Bruce remarked, ““Woe to the officer who turned down a project because, on its face, it seemed ridiculous, or at least unusual.””²¹

William Donovan infused his independence of mind into the O.S.S. Appreciated and respected *within* the O.S.S., Donovan sometimes met bitter resistance *outside* the organization. One of his most contentious relationships was with J. Edgar Hoover, of whom Donovan became a nominal boss following his appointment as Assistant Attorney General in 1924.²² By 1942, tensions between the two men had mounted, not dissipated. Concerned over whether Spain would remain neutral as the Allies prepared their invasion of North Africa, the O.S.S. authorized a mission to photograph “cipher

²¹ Bruce, as quoted in Smith, *OSS*, 3.

²² Persico, *Roosevelt's Secret War*, 94.

pads to [of?] the Spanish diplomatic code.”²³ As O.S.S. agents were opening the safe, FBI agents stormed the location, arrested the O.S.S. men and confiscated their stolen material, prompting Donovan to state, ““The *Abwehr* gets better treatment from the FBI than we do.””²⁴ The silent war between the *Abwehr* and the O.S.S. had begun; but in the meantime, the FBI was fighting its own war—not on the European mainland, but on the American home front.

With a significant population of German-Americans, the United States faced dissent from within. Unlike prior waves of immigrants, German immigrants in the twentieth century came to America driven more by “material incentives” than

²³ Martin, "OSS into CIA," 180.

²⁴ Donovan, as quoted in *Ibid.*

“democratic conviction.”²⁵ Still harboring pro-German sentiments, millions of German-Americans resided in the land of one of Nazi Germany’s most formidable foes.²⁶ Organizations like the German-American Bund, under the leadership of the National Socialists Bund’s Fritz Gissibl and Sepp Schuster, sparked suspicion and concern over domestic subversion. Gissibl also helped found the ominously-named organization, “Friends of New Germany.”²⁷

Even more ominous was the prospect of radicals like Gissibl and Schuster returning to Nazi Germany. Both men, in fact, returned and founded

²⁵ Christof Mauch. *The Shadow War Against Hitler: The Covert Operations of America's Wartime Secret Intelligence Service*, trans. Jeremiah Riemer (New York: Columbia University Press, 2003), 45.

²⁶ Ibid.

²⁷ Arthur L. Smith, Jr., "The Kameradschaft USA," *The Journal of Modern History* 34 no. 4 (Dec., 1962): 398-399.

the Kameradschaft U.S.A.²⁸ German intelligence organizations like the *Abwehr* thus had an accessible pool of disloyal Americans to facilitate, and participate in, their espionage operations in the United States.

The arrest of Carl Herman Schroetter on September 2, 1941, in Miami reinforced fears over a German “fifth column” in America. Schroetter, born in Switzerland and educated in Germany, immigrated to the United States in 1913. He settled into an unsuspecting identity and operated the charter boat, *Echo of the Past*.²⁹ Schroetter allegedly garnered and dispatched information “concerning the national defense” to Kurt Frederick Ludwig, a German agent operating out of New

²⁸ *Ibid.*, 398.

²⁹ Leon O. Prior, "German Espionage in Florida during World War II," *The Florida Historical Quarterly* 39 no. 4 (Apr., 1961): 374.

York City.³⁰ Schroetter's arrest proved even more symbolic than efficacious in the U.S.-Germany intelligence war: "Schroetter's arrest emphasizes the alertness with which the FBI is maintaining its vigil against possible spies."³¹

This deliberate statement, unlike others in the article, suggests that Americans became concerned about internal dangers and needed assurance that authorities like the FBI were doing all in their power to protect the American homeland. Federal Judge Henry W. Goddard sentenced Carl Schroetter to ten years in prison, half of Ludwig's sentence.³²

³⁰ Prior, "German Espionage in Florida during World War II," 374.

³¹ "Over the Desk," *Miami Daily News*, September 7, 1941.

³² "Spying Fun to Girl; Given Five Year Sentence," *Sarasota Herald-Tribune*, March 20, 1942.

Curiously, Goddard also sentenced Lucy Boehmler, a high school student, to five years in “women’s reformatory” at the Alderson Federal Prison in West Virginia for exclaiming that she “found espionage lots of fun.”³³ Boehmler had, in fact, accompanied Kurt Ludwig on his missions and assisted him in establishing contact with American military personnel, typically in army camps and nearby taverns.³⁴ Upon further examination, it seems that Boehmler—hardly an innocent, “misguided” bystander—had actually facilitated Nazi intelligence operations in the U.S. that led to the sinking of “allied ships sailing from New

³³ Boehmler, as quoted in “Spying Fun to Girl; Given Five Year Sentence.”

³⁴ Trefousse, "Failure of German Intelligence in the United States, 1935-1945," 90.

York.”³⁵ According to a government witness, the spy ring with which Boehmler associated herself relayed vital information that reached as high in the German hierarchy as SS chief and Gestapo overseer, Heinrich Himmler.³⁶

In light of these unfortunate details, especially, Judge Goddard’s punishment seems not only appropriate, but also lenient, for the damage Boehmler helped inflict—without remorse—all in the spirit of “fun.” Boehmler’s actions underscore the tense wartime environment in 1940s America. Citizens who facilitated German espionage were feared and perhaps looked upon with even more contempt than German spies. For beyond being enemies of the state, American subversives had

³⁵ “Allied Vessel Sinkings Laid to Nazi Spies,” *Sarasota Herald-Tribune*, February 5, 1942.

³⁶ *Ibid.*

betrayed their home, the beacon of opposition to Fascism and Communism alike, and defected to the nefarious interests of the fascist Nazi regime.

Boehmler's anti-American activities establish the context so critical to evaluating both the real and perceived Nazi threats to the nation. For many American citizens, the threat of Nazi espionage was real; on several occasions, they were correct. Three unanticipated events in the coming two years were about to confirm their anxiety.

German espionage had yielded only modest gains since the arrest and detainment of thirty-three Nazi agents following an FBI raid in July 1941.³⁷ The raid, declared "the nation's biggest spy suspect roundup," hindered, but did not incapacitate, Nazi

³⁷ Persico, *Roosevelt's Secret War*, 184.

intelligence-gathering in the United States.³⁸ Arraigned on charges of “acting as agents for a foreign government without so registering” and “conspiracy to transmit vital information to a foreign government,” twenty-three of the thirty-three suspects pleaded not guilty.³⁹ On January 2, 1941, the suspects received an aggregate two hundred sixty-eight years of imprisonment, with the “heaviest” sentences of eighteen years given to Herman Lang, Edmund Carl Heine, and Frederick Joubert Duquesne—all native citizens—for relaying “details of the Norden bombsight to Germany.”⁴⁰

Ironically, Germany’s most threatening intelligence presence in America may have been its

³⁸ “Seven Nazi Spies Admit Their Guilt,” *The Evening Independent*, July 18, 1941.

³⁹ “Eight Admit Guilt In U.S. Spy Trial; Others Remanded,” *Ottawa Citizen*, July 19, 1941.

⁴⁰ “33 Nazi Spies Sent to Prison,” *Pittsburgh Post-Gazette*, January 3, 1942.

most visible. German diplomatic officials alone offered German intelligence services unique vehicles for acquiring and delivering information—a less suspicious method of gathering intelligence prevalent throughout history since the time of the Byzantine Empire.⁴¹ In many cases, clandestine intelligence agents merely confirmed information already acquired from German diplomats.⁴²

Overseeing clandestine operations, the *Abwehr* had, in fact, been “up to its neck in sabotage operations in the United States” for quite some time.⁴³ Despite setbacks such as the FBI raid in the summer of 1944, the *Abwehr* persisted with its operations in the “lion’s den.” Under pressure from Hitler to “disrupt American armaments

⁴¹ Etzold, “The (F)utility Factor: German Information Gathering in the United States, 1933-1941,” 77.

⁴² Ibid.

⁴³ Farago, *The Game of the Foxes*, 432.

production,” Canaris authorized Operation PASTORIUS, named after one of Germany’s first settlers in America, Franz Pastorius.⁴⁴ In what Colonel Lahousen, the head of *Abwehr*’s successor agency, *Abwehr II*, called “the biggest blunder that ever occurred in *Abwehr II*,” eight German agents set out on a futile mission aimed at aluminum production sites—critical to the supply of American aircraft—in Philadelphia, Massena, New York, East St. Louis, Illinois and Alcoa, Tennessee.⁴⁵

Intriguingly, their more general mission was to incite American furor through acts of sabotage. Americans would consequently direct their outrage and suspicions toward German-Americans living in the United States, thus prompting them to form a

⁴⁴ Persico, *Roosevelt's Secret War*, 198.

⁴⁵ Lahousen, as quoted in *Ibid.*, 433.

“fifth column” movement within America.⁴⁶ All eight agents had lived in the United States at one time; two were American citizens, reaffirming public concerns over subversive pro-German sympathizers residing in America.⁴⁷

Georg Dasch, Ernest Burger, Herbert Haupt, Edward Kerling, Richard Quirin, Hermann Neubauer, and Werner Thiel—all had left for Germany on their own volition, “inspired by the glowing promise of the Third Reich.”⁴⁸ Nazi intelligence missions in the United States seemed to revolve around a few common objectives covering a gamut of vital American targets:

- Track American advances in science and technology.
- Assess American political trends and their impact on foreign policy.

⁴⁶ Leon O. Prior, "Nazi Invasion of Florida!," 130.

⁴⁷ Persico, *Roosevelt's Secret War*, 199.

⁴⁸ Persico, *Roosevelt's Secret War*, 199.

- Obtain information on tensions between Roosevelt, Stalin and Churchill (for exploitation).
- Keep abreast of potential invasion plans.
- Accurately estimate America's production figures and judge its fighting and logistics potentials accordingly.
- Conduct sabotage, primarily for "creating bottlenecks in the American economy."⁴⁹

Operation PASTORIUS agents focused more on active sabotage than passive espionage, destruction more than observation. This correlated with a shift in German intelligence efforts after America's declaration of war; for Germany's most noteworthy and therefore likely *more successful* intelligence operations were primarily those of sabotage, not espionage.⁵⁰ Aware of America's potential strength, Hitler sought to weaken America's production

⁴⁹ Trefousse, "Failure of German Intelligence in the United States, 1935-1945," 84-85.

⁵⁰ *Ibid.*, 85.

capacity; and so the agents prepared to oblige their *Führer*—for the time being.⁵¹

The eight operatives were divided into two U-boats—one team led by Georg Dasch, the other by Edward Kerling.⁵² With \$174,588 in American bills, the teams mobilized for their high-risk mission approved by Admiral Canaris, who immediately thereafter offered a foreboding caveat: “This will cost these poor men their lives.”⁵³ Canaris, an apparent pragmatist often left at the whim of his impractical *Führer*, had few illusions regarding the mission’s success; he could only oblige.

Departing Continental Europe, eight agents of the fatherland set out on their task to breed chaos on the American mainland and sabotage “aluminum

⁵¹ Persico, *Roosevelt's Secret War*, 199.

⁵² Farago, *The Game of the Foxes*, 433.

⁵³ Canaris, as quoted in Persico, *Roosevelt's Secret War*, 200.

and power plants, railroad right of ways and Ohio River locks.”⁵⁴ The agents had studied drawings of New York City’s water supply system and even the hydroelectric plant at Niagara Falls.⁵⁵ In their “spare time,” they were to incite fear among the American population with explosives disguised as innocuous objects like “fountain pens, and pencils, others briquettes of coal.”⁵⁶

On June 13, under cover of darkness, *U-202* (the *Innsbruck*), carrying Georg Dasch and his team, came to a stop within 500 miles of the Long Island shore.⁵⁷ The team was then paddled to the shore by some of the *Innsbruck*’s crew, and set foot on a beach not far from Amagansett. As they buried gear they no longer needed, Dasch’s team heard a

⁵⁴ Cox, "The Saboteur Story," 16.

⁵⁵ Persico, *Roosevelt's Secret War*, 200.

⁵⁶ Cox, "The Saboteur Story," 16.

⁵⁷ *Ibid.*, 18.

discomfiting shout of “Who are you?” from John Cullen, a rookie Coast Guardsman.⁵⁸ The foolhardy Dasch gave Cullen \$260, and simply replied, “Forget about this.”⁵⁹ Cullen relayed his encounter to the Coast Guard, who reported the incident to the FBI.⁶⁰ (“Greedy and unscrupulous,” Dasch may have plotted to keep the money used to finance the operation after betraying his fellow agents to the FBI.)⁶¹

Upon reaching New York, about 105 miles away, Dasch and his three fellow operatives checked into the Martinique and Governor Clinton Hotels—Heinck and Quirin into the Martinique, Dasch and Berger into the Governor Clinton. Dasch

⁵⁸ Cullen, as quoted in Persico, *Roosevelt's Secret War*, 200.

⁵⁹ Dasch, as quoted in *Ibid.*

⁶⁰ Persico, *Roosevelt's Secret War*, 200.

⁶¹ Farago, *The Game of the Foxes*, 433.

and his partners made the most of their excursion to America, “investing” their money in luxury and pleasure, “expensive clothes and fancy restaurants.”⁶² Among these indulgences was a supposed 36-hour pinochle game.⁶³

According to Albert Cox, jailer and custodian of the agents following their apprehension, Dasch and Ernst Burger had already agreed to betray their mission to the FBI after their shore landing.⁶⁴ Joseph Persico, in *Roosevelt’s Secret War*, claims the agreement was made later, in a “cautious conversation” at the Governor Clinton, during which Dasch convinced Burger of their mission’s futility. Dasch, according to Persico, allegedly suggested that, if the men turned

⁶² Persico, *Roosevelt’s Secret War*, 200.

⁶³ Cox, “The Saboteur Story,” 19.

⁶⁴ *Ibid.*, 18.

themselves in, they would not only be treated with leniency, but even esteem.⁶⁵ Burger, who had once endured torture and his pregnant wife's miscarriage during a 17-month internment in a concentration camp at the hands of the Gestapo, probably had few qualms about turning himself in.⁶⁶

As Dasch immersed himself in the high life, he was merely buying time for their eventual betrayal of the saboteurs' mission. He told Burger to keep the “two Dutchmen”—what Dasch and Burger called their “less Americanized German colleagues”—at bay as he established contact with the FBI.⁶⁷ After attempting to call J. Edgar Hoover, Dasch eventually made contact with an FBI agent and soon exposed his entire operation to the FBI in

⁶⁵ Persico, *Roosevelt's Secret War*, 201.

⁶⁶ *Ibid.*

⁶⁷ Dasch, as quoted in Cox, "The Saboteur Story," 19.

full detail at FBI headquarters in Washington, D.C.⁶⁸ His three partners waited in New York—only Burger knew their future. They were subsequently apprehended with ease.⁶⁹

Meanwhile, four days after Dasch and his partners had landed on the Long Island shore, the second PASTORIUS team—Edward Kerling, Herbert Haupt, Hermann Neubauer and Werner Thiel—made landfall on Ponte Vedra Beach. Albert Cox suggests that, had Dasch not so luxuriated in New York, the FBI could have apprehended the Florida spy team sooner.⁷⁰ Dasch did divulge the Florida team's operation to the FBI, but the delay proved inconvenient.⁷¹

⁶⁸ Persico, *Roosevelt's Secret War*, 201.

⁶⁹ Cox, "The Saboteur Story," 19.

⁷⁰ Cox, "The Saboteur Story," 19.

⁷¹ Persico, *Roosevelt's Secret War*, 201.

Dasch's and Burger's partners showed no more devotion to their mission. Herbert Haupt traveled to Chicago, where he was to acquire an automobile and an employment position at the Simpson Optical Company, where he had once worked. (Haupt even found time to visit his parents, who lived in the city; his parents, uncle and aunt were later convicted of treason for providing him aid and comfort.⁷²) There, he would evaluate the plant's vulnerabilities and relay his findings to his partners, who would sabotage the plant accordingly. Observing Haupt since he entered Chicago, federal agents apprehended him on June 27, 1942, before sabotage plans could be executed. Following his

⁷² Cox, "The Saboteur Story," 21.

arraignment on July 21, Haupt “volunteered considerable information” to two FBI agents.⁷³

By June 27, seven of the eight agents had been apprehended, the last soon to be arrested.⁷⁴ Nearly all the agents’ American bills were recovered as well. Franklin D. Roosevelt needed little time to assess the spies’ punishment, writing in a memo to Attorney General Francis Biddle, ““The two Americans are guilty of treason.””⁷⁵ Of the other six, Roosevelt incorporated a historical analogy favorable to his view: ““They were apprehended in civilian clothes. This is an absolute parallel of the Case of Major [John] Andre in the Revolution and of Nathan Hale. Both of these men

⁷³ Haupt v. United States, 330 U.S. 631 (1947)

⁷⁴ Persico, *Roosevelt's Secret War*, 201.

⁷⁵ Roosevelt in his memo to Biddle, as quoted in *Ibid.*, 202.

were hanged.”⁷⁶ Roosevelt concluded with an unambiguous decision: ““The death penalty is called for by usage and by the extreme gravity of the war aim and the very existence of our American government.”⁷⁷

Roosevelt personally desired strict legal measures against the enemy spies and, through forcefulness, was determined to get his way: ““I want one thing clearly understood, Francis: I won’t give them up...I won’t hand them over to any United States Marshall armed with a writ of habeas corpus. Understand!”⁷⁸ Biddle, who found himself “trapped between the President’s questionable pressure and his own reverence for the law,” abided

⁷⁶ Ibid.

⁷⁷ Roosevelt in his memo to Biddle, as quoted in Persico, *Roosevelt's Secret War*, 202.

⁷⁸ Roosevelt, as quoted in Ibid., 203.

and the agents were ultimately tried by military tribunal.⁷⁹

Besides its wartime significance, the saboteurs' trial set several important precedents. For the first time in the history of the Supreme Court, its justices were called from their vacations to convene "midway through the trial." Not only did this assembly alone make history; the trial itself did, as well. This was one of the few times that a special military commission was ever called upon in the nation's history. Furthermore, while all Supreme Court Justices returned from their vacations, one of the nine, Frank Murphy, did not partake in "that strange two-day mid-July sitting."⁸⁰ Albert Cox, the agents' custodian and thus, acting defendant during this brief span, later recalled:

⁷⁹ Persico, *Roosevelt's Secret War*, 202.

⁸⁰ Cox, "The Saboteur Story," 17.

Justice Frank Murphy, was then a Lieutenant-Colonel in the Army, stationed at Fort Benning. During the proceedings he remained in uniform, within earshot but out of sight of counsels and spectators, sitting behind the curtain which shields the goings and comings of the robed Justices between their bench and the robing room. This, too, must have been unprecedented in the Supreme Court's annals.⁸¹

The trial concluded on August 3, 1942, and the PASTORIUS agents were convicted.⁸²

The agents' convictions brought more scrutiny of the legal status of spies than was present before the trial began, for it opened a debate that resounds today as the United States weighs similar issues with a different enemy:

Some laymen have expressed the opinion that the saboteurs should not have been given any sort of trial, that they should have been summarily shot just as American

⁸¹ Ibid.

⁸² John Claggett Proctor, "Chronicler's Report for 1942," *Records of the Columbia Historical Society* no. 44/45, 354.

agents in Germany would have been. But the greatest tests of the principles for which we are fighting comes when we must apply them to those who would destroy them. Justice must be done—but not by illegal, or even questionable means.⁸³

William P. Armstrong, in his Presidential Address to the American Bar Association, expressed similar sentiments, with accolades for the manner in which justice was carried out without partiality, obstruction, or exploitation:

The recent trial and proceedings in connection with the trial of the Nazi saboteurs reflected great credit upon the nation. It was a practical demonstration that we actually believe in the things for which we are fighting. The accused were accorded the benefit of counsel who were not only sworn to defend them, but who, as I can testify from personal observation, performed that duty in a way that measured up to the

⁸³ Roosevelt and M.L.C., Jr., "The Military Commission in 1942," 317.

finest traditions of the American Bar and reflected great credit upon our profession.⁸⁴

Evocative of John Adams's defense of a Redcoat charged for his participation in the Boston Massacre (though under different circumstances), Armstrong's argument advocates America's adherence to an ideal legal standard—one whose application, particularly in wartime, might be called into question; it was in 1942, and remains controversial today. Arguing that the nation should bestow certain rights shared by its own citizens to its enemies, Armstrong raises concerns equally relevant in the modern world. Armstrong's interpretation of the legal proceedings corresponds with that of Franklin Roosevelt Administration's *public* opinion, but Roosevelt's *personal will* lurked

⁸⁴ "Mr. Walter P. Armstrong on the Trial of the Nazi Saboteurs." *Journal of Criminal Law and Criminology* (1931-1950) 33 no. 4 (Nov.-Dec., 1942): 326.

in the background. Roosevelt, in fact, ordered the military trial proceedings to be kept secret.⁸⁵

Probing further into the evaluation of the military commission itself, one comes upon another familiar argument—in this particular case, the implications of the Supreme Court’s decision to uphold the agents’ plea for a writ of *habeas corpus* and a public trial by “civil authorities.”⁸⁶

When read as a whole, the preliminary decision indicates that the court is not going to hold that alien enemies have no rights, but that modern military developments have made it necessary to redefine and even to expand the jurisdiction of the military.⁸⁷

Sounding more like excerpts from a philosophical treatise, these evaluations of the Nazi saboteurs’ treatment and trial nonetheless capture the

⁸⁵ Cox, "The Saboteur Story," 17.

⁸⁶ Ibid.

⁸⁷ Roosevelt and M.L.C., Jr., "The Military Commission in 1942," 337.

complexity and controversy of how to punish threats to America's national security, particularly in wartime.

Reading carefully, it would be difficult not to notice a parallel between this rhetoric of more than six decades past and rhetoric Americans might hear today in an age of pronounced terrorism. Thus, stepping back from the microscopic view of the trial, one discovers its more overarching significance. The Nazi saboteur trial not only reasserted America's legal stance against malicious enemy agents; it also laid a foundation for contemporary political, judicial and international discourse on an issue that has seemingly found little resolution since the 1940s: how to legally define enemies and try them according to increasingly complex—and yet, ambiguous—legal guidelines.

On August 8, 1942, saboteurs Edward John Kerling, Herbert Hans Haupt, Richard Quirlin, Warren Thiel, Hermann Otto Neubauer, and Heinrich Harm Hencke were executed by electrocution. (Georg Dasch and Ernest Berger were found guilty and eventually deported.) Of the aftermath, *The Chronicler's Report for 1942* tersely noted: "The bodies were interred at Blue Plains."⁸⁸

On a casual glance, this brief statement would be the only legacy left by the agents and the trial by which they were convicted. However, delving into the fascinating account of their adventures in America—for a mission whose failure seemed all too clear from the start—one discovers a remarkable storyline fit for a novel, but with the reality of wartime fear, suspicion, and danger. One

⁸⁸ Proctor, "Chronicler's Report for 1942," 354.

discovers how an unarmed nineteen-year-old high school student can hamper a nation's war effort; how eight men in a war fought by millions fomented anxieties shared by numerous American citizens during wartime; and how these men inspired legal precedents and bred controversy that remains to this day. These are the stories hidden behind the popular images and memories of World War II, but they are no less important. For behind the thundering of artillery fire, the masses of opposing armies in relentless struggle, and the horrors left in the aftermath of battle lies a war in the shadows—the *quiet war*.