

# Trial in Rome

The first Nazi general to face a U. S. Military Commission gets death sentence. Photos by Sgt. Charles James.

**R**ome—Late at night, on 22 March 1944, the "Ginny Mission" stole out of Bastia, Corsica, on PT boats. Lieutenants-Vincent Russo and Paul Traficante commanded 13 enlisted men on this OSS operation. Close to shore near La Spezia, the commandos set off in rubber rafts—their purpose, to blow a railroad tunnel on the main supply line to the German front 400 miles south at Cassino and Anzio.

The mission was not accomplished. The men did not return. Nothing was heard of them until after VE-Day, when OSS found all 15 bodies in a seaside grave. With their hands bound behind them, the Americans had been put to death by a German firing squad, in violation of the Geneva Convention forbidding execution of uniformed enemy soldiers taken prisoner.

Five months later, Anton Dostler, commanding general of the German LXXV Corps, was tried by an American Military Commission in the Palace of Justice at Rome as the officer chiefly responsible for the executions. Dostler pleaded not guilty, but was sentenced to die.



From Oct. 8 to 12, a parade of witnesses, mostly German officers, told the commission of the circumstances under which the OSS men were condemned. The execution, without trial, was ordered on the basis of a *Fuehrerbefehl* (command of Adolf Hitler) which demanded the "extermination . . . without mercy . . . on general principles" of all commandos found behind German lines.



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Dostler spent a whole day on the witness stand testifying through a GI interpreter in an effort to save his life. Sweating and nervous, the chunky, florid defendant admitted he ordered the Americans shot, but said he had no choice.

"An order was given by me that the men were to be shot," the accused conceded on the stand. "Then I meditated further and decided to talk with Col. Almers, commander of the 135th Fortress Brigade, where the prisoners were held."

Dostler said he ordered Almers to hold up the execution while he consulted next higher headquarters, that of the army group commanded by General Gustav von Zangen. When von Zangen's headquarters demanded the firing squad for the Americans, Dostler ordered the prisoners shot by 7 A.M. the following morning, he said. Von Zangen, however, testified for the prosecution that he did not give the order.

Col. Almers and three German naval officers, who were interrogating the prisoners, appealed by telephone and telegram to Dostler and Marshal Kesselring to spare the OSS party or, at least, postpone the execution. Kesselring never replied, the appeal to Dostler failed and the 15 Americans were shot on March 26. Later, all records of the case were destroyed.

The trial was carefully watched by virtually the entire world press, since the issue—whether all Nazi war crimes may be attributed to Hitler alone and whether "obeying orders from above" is a valid defense for illegal acts of war—was tested here for the first time.



On the stand Dostler tells the commission he was acting under orders from Hitler and Field Marshal Kesselring when he ordered execution of the OSS Commandos.



THE EXECUTION OF GENERAL ANTON DOSTLER  
(IMAGE ADDED)

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