

14. Aus Muellers Eingabe an den High Senate of the United States of America:

«I the Undersigned, Herbert Mueller, Doctor of Law of Bonn University, Corresponding Member of the Academy of Sciences of the Republic of China (Academia Sinica at Peiping) and a journalist by profession, aged 63, was sentenced to ten years hard labour by an American Military Commission for the trial of war crimes, instituted by the Commander-in-Chief of the U.S. Forces in the China Theater, sitting in court of Shanghai (China), on January 17, 1947. The sentence was confirmed by the Chief of the Army Advisory Group, China, on May 10, 1947.

I was found guilty as charged». No reasons were given, either in writing or orally. The charge, proffered on August 28, 1946, and handed to me on September 19, of the same year at Peiping, covered besides my own person those of four other German subjects, also residents of Peiping, but unconnected with my activities, The Bill of Particulars accompanying the charge, in my case, reads as follows:

That between 8 May and 15 August 1945, Herbert Mueller, in his position as agent of the Peiping Office of a German Government news and propaganda agency, Deutsches Nachrichtenbüro, also known as DNB, did at Peping willfully and unlawfully engage in military activity against the United States and its allies, to wit, the collection, interpretation, edition, analysis and transmission to the Japanese armed forces of economic, political and military intelligence, including that which he daily intercepted from radio broadcasts by the United States and its allies.

The trial of my case was directed to be held in common with the trial against Lothar Eisenträger, alias Ludwig Ehrhardt et al. before the American Military Commission in Shanghai which had opened about a month earlier. I joined the trial on September 15, 1946. The «Büro Ehrhardt» was the legitimate Far Eastern organ of the Intelligence Department of the German High Command with the center in Shanghai. I never had any connection with this organisation as was freely admitted by the Prosecution at several occasions during court proceedings. It was likewise admitted by the Prosecution that I worked as an individual during the incriminated period, this in contradiction to the characterization of my position in the Bill of Particulars which called me «an agent of the Peiping office of a German government news and propaganda agency, Deutsches Nachrichtenbüro, also known as DNB.» My statement that this organisation had ceased to exist before May 9, 1945, and that, from that time on, I was working as an independent free-lance journalist was accepted. I acted during the incriminated period as an individual with no connection to any German Government office or agency. It has further been not contested that I was not a member of the Armed Forces of Germany or one of their allies. Nor have I ever been a member of the Nazi Party.

My incriminated action consisted in the following:

Up to Pearl Harbour, the Allied press agencies had their own agents in Japan-occupied North China and their services were available to all persons interested in them. With the outbreak of the Pacific War this possibility to become informed about the Allied view of events disappeared. Consequently I engaged, on my own responsibility, a trained staff of radio operators - using mainly old personnel of

Reuter's (the British News Agency) - in order to receive the radio messages containing news services of Allied News Agencies as Reuter's, Associated Press, United Press, International News Service, Tass, and, after its installation in June 1945, the Allied Press Service from Berlin. These services, complemented by news broadcasts from San Francisco and other Allied news centers were used by me principally for my own information and for a daily news sheet which I had started for the information of the German-reading community in North China. This news sheet was my private enterprise and unconnected with the DNB even as long as that institution existed. It was continued by me after the German as well as the Japanese surrender in an attempt to find a new base for my existence and ceased only on September 30, 1945 owing to circumstances connected with inflation. The Allied press services in the form as received and without any alteration were also at the disposal of the German authorities as long as they were in office, that means up to the German surrender, and to the Japanese occupation authorities. These facts were known to the Chinese Nationalist authorities from their first day of re-occupation of Peiping. Not only did they not object, but they sent every morning an official to get the latest information from me. In addition, my new private office which I had opened after closing down the DNB office in the beginning of May 1945 gave the re-occupying Nationalist Forces the first possibility to get into radio communication with the provisional seat of the Nationalist Government of China in Chungking. The transmitter used for this purpose was built by my personnel inside of 24 hours. No objection whatsoever has been raised to my activities in the incriminated period by any Chinese Government office or agency. On the contrary, being known as a sincere friend of the Chinese people during my residence in China since 1912, as a student of Chinese history and archaeology and as head of a Chinese family, I was asked to keep myself ready for work in the intended reorganization of the Government's news services in North China.

American Army officers first appearing in Peiping after the Japanese surrender showed no interest in my journalistic activities, but looked for and got my assistance in procuring map material including my own *Map of All Mongolia*, published by me at Peiping some years before and, because of the war, not available abroad. But on the first of August 1946 I was interrogated by a young investigator sent from Shanghai in connection with the investigation of the activities for the Büro Ehrhardt. I could not give the desired information as I knew nothing about the work of the Büro Ehrhardt and whether or not it had continued their work after the German surrender. About my own activities I had no reason not to talk freely as I felt then to be above reproach. A fortnight later I was invited to repeat and enlarge my statements in Shanghai. I accepted, but the jeep which called for me a few days later brought me not to the airfield, but to a Chinese Prison for War Criminals.

No warrant was shown, no explanation given. Chinese officials only told me that I was held at the request of the American authorities and was in American responsibility. The charge quoted about was handed to me in that Chinese jail by the Chief Prosecutor in the Ehrhardt trial personally on September 19, 1946, about four weeks after the opening of that trial. I was never interrogated again. I was flown to Shanghai and entered the trial on September 25, without further preparation. During the trial a new term was coined by the Prosecution for the material which went through my hands to Japanese military authorities in occupation of North China, namely «News Intelligence». Through this and together with the fact that my trial was combined with that of a «Military Intelligence» agency certain implications were given.

These few facts of my case will be sufficient to show that a number of very complicated legal and judicial problems are involved which need authoritative interpretation.

Most respectfully,

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Note. This letter is dictated and signed, but not read by its author as he is awaiting a star-operation in the near future. The reader is requested to excuse errors resulting therefrom.