

~~TOP SECRET~~/SENSITIVE/EXCLUSIVELY EYES ONLY

State Dept. review completed

Presidential Library Review  
of NSC Equities is Required

AMERICANS IMPRISONED IN CHINA

*ARL* 7/15/2011

I. The Chinese Perception of the Problem

The attitude of the PRC toward Americans imprisoned in China over the years has been governed by an amalgam of complex factors; Chinese nationalism and chauvinism, the characteristic Chinese scrupulousness in adhering to "principle," the equally characteristic Chinese emphasis on equality and reciprocity in dealing with foreign nations, and finally, the climate of the relationship between Washington and Peking.

Thus, the PRC has felt obliged to react vigorously to alleged "criminal acts" performed by Americans in China to show that China cannot be pushed around. At the same time, the Chinese have been willing to bend "principle" a little if it had appeared to them that the U.S. was prepared to treat them reasonably and as equals. It was in this light that at the ambassadorial-level talks in Geneva in the fall of 1955, Wang Ping-nan nodded his head affirmatively (but did not reply orally) when Ambassador U. Alexis Johnson asked him if all detained Americans, including those under sentence as "criminals," would be released by the PRC under the terms of the Agreed Announcement of September 1955.\*

For a brief period of time following the Agreed Announcement quite a few detained Americans were released by the PRC, including the crew of a B-29 that had intruded and been shot down over Chinese territory. But from the Chinese standpoint, the U.S. soon began to act unreasonably in the ambassadorial-level talks and to refuse to deal with the PRC as an equal. US-Peking relations also deteriorated badly over the years. Accordingly, from the end of 1955 until mid-1970 with one exception, no American prisoner was released by the PRC until the expiration of the sentence under which he was being held. The exception was an American businessman held under espionage charges, who was released in the terminal stages of cancer. The only leniency the PRC showed was to permit the families of some of the detained Americans to visit them in prison.

---

\* Which called for the "expeditious" return to their own countries of all nationals of one country being held by the other.

~~TOP SECRET~~/SENSITIVE/EXCLUSIVELY EYES ONLY

~~TOP SECRET~~/SENSITIVE/EXCLUSIVELY EYES ONLY

2

As of the beginning of your Administration, there were four Americans known to be held in China following trial and sentencing under espionage charges: John Downey and Richard Fecteau, two CIA employees shot down over northeast China in 1952 and sentenced to life and 20 years, respectively; Hugh Redmond, an American businessman sentenced to life; and Bishop John Walsh of the Maryknoll Order, sentenced in 1960 to 20 years. In addition, we know of two U.S. airmen being held who had strayed over China during missions over North Vietnam and whose aircraft had been downed: USAF Major Philip Smith (held since 1965) and Navy Lieutenant Robert Flynn (held since 1967). These two had been accused of "criminal acts" in intruding over China, but had not been brought to trial.

A possible shift in Peking's attitude on prisoners occurred in June 1970, when the PRC released Bishop Walsh well before the expiry of his sentence. This act could have been a response to your initiatives toward Peking, which by then were well underway. It also could have been an act of Chinese caution--Bishop Walsh was elderly and infirm, and the Chinese do not like to be embarrassed by the death of Americans held in their hands. However, at the time of Bishop Walsh's release, Peking made public the fact that Hugh Redmond had committed suicide. The weight of the evidence, therefore, suggests that Bishop Walsh's release was a reflection of an improved atmosphere in U.S.-PRC relations brought about by your initiatives. Chou En-lai indicated as much to me last October.

As you know, I raised the prisoner issue with Chou En-lai on both of my visits to Peking last year. I did so in very low key after all other issues had been discussed, and told Chou that we would be willing to admit the activities of Downey and Fecteau if this would get them released; they had committed acts which would be considered illegal in my country. I said that our plea had nothing to do with the justice of the case, on which we conceded that the Chinese had a correct legal position. However, if, as an act of clemency, the PRC would consider that they had been sufficiently punished, this would make a very good impression in the U.S. Regarding the pilots, their violation of Chinese territory was unintentional, and they were victims of the Vietnam War.

~~TOP SECRET~~/SENSITIVE/EXCLUSIVELY EYES ONLY

~~TOP SECRET~~/SENSITIVE/EXCLUSIVELY EYES ONLY

3

Chou's response was positive. He noted both times that Chinese legal procedures permitted a shortening of sentences if the prisoners behaved well, included a confession of the crimes; both, it seems, had confessed. He observed in October that in about two months time they would consider reducing the sentence of some who had behaved well and would tell us later what they had in mind. I said that we would do our best to see that anyone released would not engage in anti-PRC propaganda and pointed out that Bishop Walsh had not done so. Chou agreed. He apparently was thinking mainly about Downey and Fecteau, though, because on the subject of the two pilots he said that Peking had to deal with these "in a different light." In effect he indicated that they could not be released before the end of the Vietnam War to avoid offending Hanoi.

The Chinese have followed through. You will recall that in December they released Fecteau and commuted Downey's sentence to five more years. They also released an American we did not know they held: Mary Ann Harbert, who had been aboard an American yacht which strayed into Chinese waters near Hong Kong in 1969, and which we had thought was lost at sea. Her companion on the yacht, Robert McLaughlin, was said by the Chinese to have committed suicide.

There is a chance that the Chinese may go further, particularly if the atmosphere between us continues to be good. Downey's sentence could be reduced by a further act of clemency, and while the two pilots will evidently be detained until the return of our Vietnam POWs, it is possible that the Chinese may ease the conditions of their imprisonment. (Already their families are receiving letters from them more frequently.) Their families are anxious to visit them, but I am doubtful that the Chinese will go this far--they are careful to take their cue from Hanoi in the treatment of the pilots.

Your visit will provide an opportunity to explore this matter under very favorable circumstances, and your treating the Chinese as equals and removing the atmosphere of hostility which has endured between us for so long may induce an extra degree of generosity.

~~TOP SECRET~~/SENSITIVE/EXCLUSIVELY EYES ONLY