

Dr. Kissinger: It is not a big problem. My understanding is that you have agreed to some of the technical people, headed by General Haig, to come after that announcement, after December 1.

PM Chou: That is so. How do you spell General Haig's name?

Dr. Kissinger: Like the general who was so bad in World War I, H-A-I-G. But he's very good, and he has my complete confidence. He's less complicated than I, but he knows everything on our work.

PM Chou: And he will bring some technical people with him?

Dr. Kissinger: Yes, and he will keep them under strict control. He's a firmer personality than I.

POWS.

I wanted to raise one other question with the Prime Minister if I could, which I also did last time, which concerns the American prisoners in China.

PM Chou: Do you mean the two special agents?

Dr. Kissinger: Those two and then the two pilots. But they are two separate cases.

When I was here last time, Mr. Prime Minister, I knew only that you held these prisoners, but I did not know the facts, because I could not inquire for obvious reasons. I have now inquired, and I find that Fecteau and Downey did engage in activities that would be considered illegal by any country.

PM Chou: That's right.

Dr. Kissinger: Therefore, our plea to you has nothing to do with the justice of the case. In fact, we concede that you have a correct legal case. But if, as an act of clemency, you could consider that they have been punished sufficiently, it would make a very good impression in the United States.

OSD review(s)
completed.

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

PM Chou: According to our legal procedures, if a criminal in our prisons behaves himself well, that is if he confesses to his crime, then we can lessen the sentence.

Dr. Kissinger: I don't know whether they have confessed.

PM Chou: They have all confessed. And it is possible in about two months time we may consider lessening the sentences of some of them who have behaved themselves well. As for who that will be we will tell you later. In the early part of this year we already released an old man, Walsh.

Dr. Kissinger: I am aware of that. We would do our best to see to it that anyone you release would not engage in any propaganda against the People's Republic when he returns.

PM Chou: Well, Walsh didn't behave badly.

Dr. Kissinger: No, Walsh did not behave badly.

The two pilots, to the best of my knowledge, are victims of the war. They made an honest mistake in flying over Chinese territory, unless I am totally misinformed.

PM Chou: It is indeed true, they did fly into our air space. Otherwise, we could not have shot them down.

Dr. Kissinger: No, but to the best of my knowledge, it was unintentional and therefore is a different case from Fecteau and Downey.

PM Chou: But we have to deal with them in a different light, because the war in Vietnam has not yet ended, and if we released them before it ended, it might give some bad impressions.

So it might be possible that we could release the spies earlier, although their crimes were heavier. They have been in prison a long time. One has almost served out his sentence. Maybe first we will solve the question of one of the two.

Dr. Kissinger: It would mean a great deal to the American people. And we would treat it as an act of clemency, and not as something we have a right to request, and any public explanation we would make would be in that framework.

The only other thing. . . I have only two other things, Mr. Prime Minister. First, I wanted to thank everybody who has made this visit so memorable and so useful.

PM Chou: That's what they should do, and such work will still be done in the future.

Dr. Kissinger: Not only you, but all of your associates, interpreters, drivers, everybody behaved with extraordinary courtesy and efficiency. All of my doubting colleagues who questioned me before we came now know that they are dealing with men of principle. (Chou nods)

Now, I have only one other personal thing to say to you, Mr. Prime Minister. A friend of mine, who is a collector of Chinese art, before I left sent me something which he wanted me, as a token of the pleasure Chinese art has given him, to bring back something from America to China. It is something in the form of a lotus flower, which he tells me means peace and serenity in traditional China. And so I have taken the liberty of bringing this with me. It is a totally unofficial gift which indicates the feeling of the American people for what China has meant to so many of them. It is not worth a great deal, but it is a symbol of the attitude with which all of us will come on our jounies next year to improve relations between our peoples and to move from hostility to friendship.

PM Chou: You friend's name? You?

Dr. Kissinger: No. I can tell you his name. It's Governor Rockefeller of New York, But he did not particularly want it to be from him personally.

PM Chou: Please convey our thanks to Mr. Rockefeller. It's not possible for us to give him a return gift this time, but when General Haig comes we will ask him to take back a return gift, and since Governor Rockefeller likes Chinese art, we will select a piece of Chinese art and ask General Haig to take it back to him.

American Prisoners in China

As in July, I waited until the final meeting to raise this subject and did so as asking the PRC a favor, not making a formal proposal. You will recall that the PRC holds four men: Downey (life) and Fecteau (20 years) downed on a CIA-sponsored flight in 1952; and Smith and Flynn (no charges), pilots in Vietnam who went over the border in 1965 and 1967 respectively.

Since July, I had checked into the actual circumstances concerning Downey and Fecteau whom the Chinese had claimed were CIA agents. They indeed were, and CIA, for its part, would be willing for us to admit their activities if this were required to get the men released. In my talks with Chou, I confined myself to saying that I had found that these men had engaged in activities that would be considered illegal by my country. I thus 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.

Chou responded as follows:

- As he had said in July, the Chinese legal process permitted a shortening of sentences if the prisoners behaved well, which he further defined as confessing to crimes. In response to my question, he said that they had all confessed.
- In about two months time the PRC might consider lessening the sentence of some of the men who had behaved well and they would let us know later what they had in mind.
- They had released early this year the old man, Mr. Walsh. I said that we would do our best to see that anyone released would not engage in propaganda against the PRC, and Chou admitted that Walsh had behaved well since his release.

I then inquired about the two pilots; to my knowledge theirs were unintended intrusions into Chinese territory and they were victims of the war. Chou replied that Peking had to deal with these men "in a different light." If the pilots were released before the Vietnam war were concluded, this "might give a bad impression" (i. e., Peking believes it has enough trouble already with Hanoi).

Chou concluded by suggesting that they could move on the two agents first, pointing out that they had already served long sentences and that Fecteau's term was almost completed. I said this would mean a great deal to the American people and we would treat any release as an act of clemency.

Thus in the near future we might expect a release of Fecteau and perhaps the shortening of Downey's life sentence. If we can reach a settlement on the Indochina war, we could get the two pilots back as well. All of this may be possible without our having to make any public statements about the activities of our men. However, it is absolutely essential to keep this information secret, for any public disclosure of Chinese intentions would almost certainly wreck our chances for early releases.

0