

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).



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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.



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